

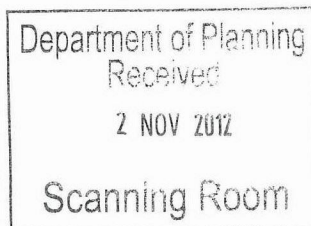


Office of
Environment
& Heritage



Your reference 12/02801-1
Our reference: Doc12/39005

Ms Lisa Mitchell
Manager – Water Projects
Infrastructure Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001



Attention: Tracy Bellamy

Dear Ms Mitchell

Epping to Thornleigh Third Track Project (SSI 5132)

I refer to your letter dated 17 September 2012 inviting the Office of Environment and Heritage (OEH) to comment on the above proposal.

OEH has reviewed the Environmental Impact Statement (EIS) and offers the following comments for your consideration.

Aboriginal Cultural Heritage

OEH reviewed the full technical report (referred to on page 253 of the EIS 13. Aboriginal Heritage) – *Northern Sydney Freight Corridor Epping to Thornleigh Third Track Project – Aboriginal Cultural Heritage Assessment – Report to Parson Brinckerhoff, September 2012. Artefact Heritage Services (AHS)* and makes the following comments in relation to the assessment of Aboriginal cultural heritage:

- The EIS satisfies the *Aboriginal community consultation requirements for proponents 2010*;
- The EIS adequately assesses the impacts of the proposed development on items of Aboriginal heritage including archaeological and cultural significance;
- The assessment undertook a comprehensive site survey of the subject area with Aboriginal stakeholder groups. No Aboriginal sites or areas of archaeological potential, or areas of cultural significance were identified within the development footprint. OEH concurs with this assessment; and
- Overall, the EIS identified that the subject area has low/no archaeological potential and that there are no Aboriginal heritage constraints associated with this project. OEH supports this assessment.

Biodiversity

OEH notes that the proposal will lead to the removal of 4 hectares of native vegetation, including 2.3 hectares of a critically endangered ecological community, Blue Gum High Forest (BGHF), as well as 5.5 hectares of fauna habitats. Further vegetation and habitats will also be lost indirectly from reductions in connectivity, edge effects, weeds, noise and light impacts, etc. Furthermore, as is noted in the EIS, the cumulative impact of this proposal along with the recent M2 Upgrade and the proposed North West Rail Link will result in the loss of 56 hectares of native vegetation including 33 hectares of endangered ecological communities. These impacts are occurring in a landscape that is already overcleared and highly fragmented. The EIS states that impacts were avoided throughout the development and design stages. OEH considers that, given the above, all efforts should also be made to reduce any impacts during the detailed design and construction phases.

OEH notes that in Tables 3.4, 3.6, 3.8 and 3.10, values are marked with an asterisk if they were <25% of the lower benchmark value for that vegetation community. However, OEH notes that in all four tables, some of the asterisked figures are actually >25% of the lower benchmark value, e.g. for site B2, 9 is >25% of 23; for site B14, 12 is >25% of 44; for site B13, 10 is >25% of 35, and so on, and therefore these figures should not have been asterisked.

OEH supports the mitigation measures in Table 6.1. However, OEH considers more mitigation measures are considered necessary for the threatened Eastern Bent-wing Bat (*Miniopterus schreibersii oceanensis*), as stated in OEH's previous correspondence on the proposal. These additional measures are:

- surveys should be undertaken in areas of suitable habitat (i.e. large culverts, and under bridge and viaducts) prior to construction at an appropriate time of year (i.e. not during summer and prior to the hibernation period), by a qualified and experienced microbat specialist;
- if microbats are found, they must be temporarily excluded from potential roost sites prior to the commencement of and during the winter hibernation periods throughout the project; and
- noise and/or vibrating intensive works must not be carried out in the vicinity of any culverts where the presence of hibernating microbats has been confirmed.

OEH notes Appendices E and G of Technical Paper 1 are labelled 'draft'.

Biodiversity Offset Strategy (section 8 of Technical Paper 1):

The EIS states that the estimations of the area to be impacted provide a worst case scenario. However, the Offset Strategy does not mention that there will be any recalculation of offsetting requirements once the final area of impact is determined. Therefore, OEH assumes that the areas to be offset will not change from those in the EIS, despite potential changes to the final impact area.

The EIS proposes (e.g. in Section 10.4.2) that rehabilitation plantings will be undertaken adjacent to the construction area. Given the Offset Strategy has not included consideration of these plantings, OEH assumes that these actions would be in addition to any offsets proposed by the Offset Strategy.

OEH notes that additionality may apply to the calculation of credits at the offset site, which may reduce the number of credits that can be generated. The applicability of additionality depends on the existing conservation requirements of the offset site. More information on additionality can be found at [http://www.environment.nsw.gov.au/resources/biobanking/2010187Biobank additionality.pdf](http://www.environment.nsw.gov.au/resources/biobanking/2010187Biobank%20additionality.pdf).

OEH's additional comments are:

- OEH is not clear on how the ratios in Table 8.2 were derived as these ratios are not in OEH's 'credit to hectare' converter.

- Table 8.1 states that the losses of Sydney Hinterland Transition Woodland are a Red Flag. However, OEH is not clear on how this community Red Flags given the Technical Paper states it is not an endangered ecological community and it is not >70% cleared in the Catchment Management Authority.

Aside from the comments above, in general OEH supports the Biodiversity Offset Strategy in regard to the principles applied, the methodology for considering and prioritising options and the proposal to use Biobanking to secure an offset site. However, OEH is concerned that the biodiversity values at the preferred offset site at Seven Hills do not match the values that will be impacted by the proposal, particularly in regard to BGHF. OEH would welcome further discussions on the Offset Strategy and the methodology for selecting potential sites, particularly those with BGHF.

Please note that the Heritage Branch of OEH may provide comments in a separate letter. If you have any queries please contact Belinda Leo on 9995 6820.

Yours sincerely

 30/10/12

LOU EWINS
Manager Planning & Aboriginal Heritage
Regional Operations, Metropolitan
Office of Environment and Heritage