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Office of
Environment
& Heritage

Your reference: 09/01422
Our reference: DOC11/23418
Contact: Stephen McClure 9995 6814

Ms Dinuka McKenzie
A/Team Leader – Roads
Infrastructure Projects
Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Dear Ms McKenzie

I refer to the Submissions Report and Preferred Project Report for M5 West Widening Project (MP10_0052) dated 16 May 2011 and provided to the Office of Environment and Heritage (OEH) on 18 May 2011 for review under section 75H of the *Environmental Planning and Assessment Act 1979*.

OEH has reviewed the Submissions Report and considers the matters raised by OEH in our letter of 3 November 2010 on the Environmental Assessment have been largely addressed. OEH provides additional comments on the key issue of biodiversity as an attachment to this letter (**Attachment 1**). As raised previously, OEH believes that this key environmental issue should be addressed prior to project commencement.

If this issue is not adequately resolved prior to project determination, OEH recommends that appropriate conditions of approval are developed to manage this issue. OEH would appreciate being consulted during the development of the conditions of approval for the project.

If you would like to discuss any of the issues raised in this letter, please contact Stephen McClure on 9995 6814.

Yours sincerely

G. Howard 3/6/11

GISELLE HOWARD
Director Metropolitan
Environment Protection and Regulation Group
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Department of Premier and Cabinet

Encl.

The Department of Environment, Climate Change and Water is now known as the Office of Environment and Heritage, Department of Premier and Cabinet.

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Attachment 1: OEH comments on the M5 West widening Submissions and Preferred Project Report

Biodiversity

OEH recommends the following conditions of approval:

The *Acacia pubescens* translocation program shall be developed prior to construction commencing. This shall include:

1. Identification of four suitable sites to which the species is to be translocated;
2. Identification of the mechanism that will be used to secure these sites from future development;
3. Identification of the translocation method(s) to be used;
4. Preparation of management plans for each of the four sites; and
5. A commitment to the management of the sites.

An offsetting strategy shall be finalised prior to construction commencing. This shall include:

1. A calculation of the size of the offset required (OEH recommends the use of the Biobanking Assessment Method for this calculation);
2. Identification of a site or sites where the offset will occur;
3. Preparation of management plans for the offset sites;
4. A commitment to manage the offset sites; and
5. Identification of the mechanism that will be used to secure the offset (OEH recommends the use of a biobanking agreement).