1 March 2021

Manly Warringah War Memorial State Park (MWWMSP) Advisory Committee Community Representatives Submission

Beaches Link and Gore Hill Freeway Connection - Environmental Impact Statement

Manly Warringah War Memorial State Park was gazetted as Reserve 68892 for public recreation and named the Manly Warringah War Memorial Park, on 8 December 1939 although its role as a War Memorial Park had been established after the First World War when it was placed under the care of a committee. It was gazetted as a State Park on 7 April 2017.

It is a significant environmental and recreation asset that is highly valued both locally and regionally as a recreation venue, conservation area, scenic asset, place of remembrance and for its water catchment roles. Establishment of the State Park reflects the significance of Manly Dam and surrounding public lands to the local community and the people of NSW. Northern Beaches Council manages the affairs of the State Park Trust and must adhere to the MWWMSP Plan of Management (PoM) 2014. The MWWMSP Advisory Committee, which is comprised of State agencies, e.g. Crown Land, NPWS and Community Representatives, also works with Council on the implementation of the current 2014 Plan of Management.

The management vision adopted for Manly Warringah War Memorial State Park is – "a large protected area of bushland and waterways, with a diversity of flora and fauna, high water quality and scenic value, that ensures protection of its natural environment and cultural values, conserves threatened species and communities, provides opportunity for a variety of recreational activities in a low-key natural setting, offers an educational asset and acknowledges its importance as a war memorial park".

The following guiding principles of management have been identified for the Park:

- Sustainable management of the Park to protect its natural areas, while providing for a variety of passive and active recreational activities
- Protect and enhance threatened flora and fauna within the Park
- Protect and enhance the water quality of the dam waterbody and Park waterway;
- Provide safe, fair and equitable access to the Park and its facilities for all user groups, and
- Protect and enhance the Park's heritage

This submission is made by the Advisory Committee's Community Representatives. These community representatives do not support the proposal in its current form due to the significance of the biodiversity and water quality impacts at, adjacent and downstream of the Wakehurst Parkway site. The significance of these impacts, at both the construction and operational phase of the proposal, have been clearly identified and quantified in the *Beaches Link and Gore Hill Freeway Connection - Environmental Impact Statement* (EIS)

While the Advisory Committee Community Representatives do not support the proposal, the comments and recommendations below are made from the viewpoint that the proposal may proceed and focus solely on the impact on terrestrial and aquatic biodiversity and water quality of Manly Warringah War Memorial State Park (MWWMSP).

The Advisory Committee Community Representatives challenge several subjective claims regarding specific biodiversity and water quality impacts. The responses below either:

- Identify alternative avoidance, mitigation and offsetting measures, or
- Request clarification to support subjective statements in the EIS

The Advisory Committee Community Representatives strongly requests that if the proposal were to proceed that TfNSW guarantees that the proposal will not impact the MWWMSP, other than the direct impact of the construction footprint, at either the construction or operational phase of the proposal.

The Advisory Committee supports the Northern Beaches Council's EIS submission, in sofar as it represents impacts to MWWMSP. Key areas of concern to be addressed through any future detailed design include:

- Bushland and biodiversity impacts and associated offsetting
- Groundwater drawdown in the local catchments
- Ecological impacts on the local creeks and waterways
- Construction impacts on local residents, e,g., noise, traffic, vibration, and how this will be managed through the Environmental License

Terrestrial Biodiversity Impacts

Impacts on terrestrial biodiversity at MWWMSP from the proposal are very significant, which is highlighted by the quantum of ecosystem and species credits required for offsetting. The impacts are 'direct', meaning complete destruction and removal of bushland, habitat and fauna residing in the construction footprint (which equates to 12ha of bushland/habitat, including 1.4ha of ECC, and large losses of fauna, including threatened species) and 'indirect', meaning the detrimental flow on effects from construction activities and the operation of the road.

It should be noted, which is done so in the EIS that under the '*Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects (Roads and Traffic Authority (RTA), 2011) the management of biodiversity should aim to:*

1. *Avoid and minimise impacts first*
2. *Mitigate impacts where avoidance is not possible*
3. *Offset where residual impacts cannot be avoided*

What is the cost of biodiversity destruction?

The BDAR states that 'five corridor alternatives' were considered. The Advisory Committee Community Representatives would like clarification as to while the EIS espouses the proposals consistency with the principles of the Biodiversity Assessment Methodology (BAM), eg, that '*avoiding or minimising impacts has been a key consideration throughout the design and development process*', why is it that offsetting plays such a significant role at the Wakehurst Parkway site.

Hence, can the Advisory Committee Community Representatives please be provided with the rationale behind the decision to dramatically impact (destroy) biodiversity rather than extend the tunnel north, where impacts would be considerably less?

Can you please identify the price point or monetary threshold whereby minimising project costs takes preference over biodiversity protection?

Has TfNSW considered alternative alignments from Seaforth which are less destructive to biodiversity in MWWMSP? For example, could the alignment be further to the west where impacts from Mountain Bikes tracks and alike are already present?

Has TfNSW considered alternative alignments at locations of high environmental sensitivity, eg, the headwaters of Curl Curl Creek?

Offsetting

Its stated that '*the impacts of a development and gains in biodiversity values at biodiversity stewardship sites are measured in biodiversity credits.*' But nowhere is there consideration given to biodiversity gains adjacent to the impact site. In fact, the EIS states that '*measures proposed to address the offset obligation would include one or more of the following:*

- *Establishment of biodiversity stewardship sites on residual TfNSW land that would generate like for- like credits for the project.*
- *Purchase and retirement of an appropriate number and class of like-for-like biodiversity credits*
- *Payment to the NSW Biodiversity Conservation Fund'.*

None of these options will benefit the site or area which is being so dramatically impacted (destroyed) by the construction activities and road operation.

The Advisory Committee Community Representatives would like to propose an alternative, in that TfNSW works with Council and relevant stakeholders to examine the options to offsetting impacts adjacent to areas of direct and indirect impact with the MWWMSP. The Advisory Committee Community Representatives see an opportunity for the MWWMSP, or parts of, to be set up as a Biodiversity Stewardship Site so that offsets can be localised and benefit the biodiversity values of the area being so dramatically impacted.

Freshwater Aquatic Biodiversity Impacts

Both Manly Creek (aka Curl Curl Cr) and Manly Dam are identified as 'sensitive environments' (eg, A-Grade Creek in Council's Creek Management Study, Type 1, Class 1 – highly sensitive fish habitat). However, while some mitigation measures are identified, several statements and responses outlined in the EIS are unacceptable in relation to protection of aquatic biodiversity and water quality.

Due to the sensitive nature of the downstream waterway, including habitat for the locally significant *Galaxias brevipinnis*, the Advisory Committee Community Representatives consider that anything less than 'Neutral or Beneficial Impact' on water quality is unacceptable, at both the construction and operational phases.
(It should be noted that the operational water quality design targets (Table 17-4, Chap 17) identify 'neutral or beneficial impact' for water quality)

Construction Phase

The EIS states that '*temporary sediment basins would be used in catchments where the erosion hazard exceeds 150 cubic metres/year (200 tonnes/year) of soil loss'*. In essence, this is saying it is permissible to pollute waterways with up to 200T/yr. While certain guidelines may identify this as an acceptable target, the Advisory Committee Community Representatives certainly do not consider it acceptable for the receiving waters of Manly Creek and Manly Dam.

The EIS also states that '*discharges from temporary sediment basins and construction wastewater treatment plants would be monitored and managed to ensure that the NSW WQOs continue to be met at waterways where WQOs are currently being achieved, or alternatively, where they are not being met that discharges work towards achievement of the WQOs over time.*' Again, the Advisory Committee Community Representatives considers this statement, e.g. achievement over time, as completely unacceptable.

The EIS states that the '*design criteria for the sizing of temporary sediment basins should satisfy the Environment Protection Licence (EPL) for the project, and should be based on the requirements of Transport for NSW QA specifications G36 (Environmental Protection) and G38 (Soil and Water Management), and Managing Urban Stormwater – Soils and Construction, Volume 1 (Landcom, 2004) and Volume 2D (DECCW, 2008). The 85th rainfall percentile should only be applied for basins upstream of sensitive receiving environments (Manly Creek and Manly Dam*). The Advisory Committee Community Representatives has significant concerns with the 85th rainfall percentile being used because in relation to hydrologic effectiveness, less than half of the average annual runoff is able to be treated, meaning a majority of runoff goes untreated.

The problem lies with traditional batch sediment basins as they are inherently unsuitable for effectively managing site run-off. The Advisory Committee Community Representatives requests that site run-off treatment achieves neutral impact or at the very least 80% treatment of the average annual runoff volume. This should be achievable through the use of high efficiency sediment (HES) basins and other complimentary erosion and sediment control measures that work on a continuous-flow basis rather than the traditional batch sediment basins process.

Operational Phase

The EIS states '*that the realigned and upgraded Wakehurst Parkway is predicted to meet or improve the existing water quality of receiving waters (Manly Dam and Manly Creek).*' However, as summarised below, this statement is contradicted throughout the EIS. Not the least the statement relating to residual impacts on water quality during operation where the EIS states '*the Wakehurst Parkway would not achieve the operational water quality design target for nitrogen*'.

While it is encouraging that the modelling indicates there will be beneficial impacts (less) on Phosphorus (P) and Suspended Solids (SS), concerningly it also identifies that there will be a considerable increase in nitrogen (N), up to 88kg more per year. Calculation would suggest that this roughly equates to the doubling of nitrogen loads in Manly Dam which would be highly detrimental to water quality. However, the EIS '*concluded that the operation of the project at the Wakehurst Parkway would not decrease the water quality of nearby ephemeral and unnamed freshwater waterways, nor Manly Dam or Manly Creek'.* The Advisory Committee Community Representatives find this statement as completely unacceptable based on the figures outlined in the EIS.

The EIS also states that *'the project operational water quality design targets would not be achieved at the Wakehurst Parkway as this would require additional land acquisition, clearing of native vegetation and fencing requirements near publicly accessible areas. It would also require higher treatment efficiency controls such as biofiltration swales which would not be possible due to topographical constraints'*. The EIS goes on to say that the '*there are many pools along the length of Manly Creek that may assist in holding some sediment (to which nutrients would be bound)'* and that *'these are unlikely to decrease the water quality of Manly Dam or Manly Creek.'* In essence this saying that Manly Creek itself should be sacrificed to ameliorate pollution emanating from the road operations.

Again, the Advisory Committee Community Representatives find this statement as completely unacceptable, especially as the EIS also states that '*where the design targets cannot be met due to site constraints water quality treatment will be provided to meet or improve existing conditions to ensure that there is no impact on surface water quality as a result of the project*'.

The Advisory Committee Community Representatives recommends investigation and implementation of the following water quality control options, at a minimum, for the operational phase of proposal to ensure 'neutral or beneficial impact':

- Adequate and proven physical water control measures to attain neutral or beneficial water outcomes, e.g., bioswales as opposed to swales, biofiltration, harvesting and reuse.
- Investigate use of Wakehurst Golf Course water storage/detention basins over and above considerations made to date (including at construction stage)
- Investigate the use of WWTPs to treat minor surface flows, in addition to Tunnel groundwater.