

Submission regarding referral Reference Number: 2015/7520

Title of Referral: Roads and Maritime Services/Transport - land/east of King Georges Road and St Peters/NSW/Construction and operation of the Westconnex New M5

Referrals Gateway
Environment Assessment Branch
Department of the Environment
GPO Box 787
Canberra 2601

By Email: epbc.referrals@environment.gov.au

[DATE]

To the Minister for the Environment

I submit that the “New M5”, being the proposed action, will have a significant impact on matters of national environmental significance protected by the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and should be rejected as unacceptable under section 74 of the EPBC Act, as detailed below.

I ask the Minister to call a public inquiry in relation to the referred action.

Missing information concerning the Referral of proposed action document

I object to the ‘parallel’ running of the construction design phase and the EIS document preparation for the proposed Westconnex New M5 project. In the absence of details regarding the final design and configuration for the works i.e. “The final configuration of the twin main alignment tunnels, surface road connections and ancillary surface facilities” (page 9), I submit that a determination of the proposed action by the Department of the Environment cannot and should not be made. The absence of a Construction Environmental Management Plan (referral page 45), and an offset package in relation to the identified Cooks River Castlereagh Ironbark Forest CEEC (referral page 22), and determination of offset areas for the Green and Golden Bell Frog (referral page 24) compounds this lack of detail.

For this reason I ask that the proposed action be rejected as unacceptable under section 74B EPBC Act.

Section 3 - Subsection 3.1 (d) Listed threatened species and ecological communities

Cooks River/Castlereagh Ironbark Forest of the Sydney Basin Bioregion

The referral document does not adequately address the impacts of destroying a remnant of the Critically Endangered Ecological Community (CEEC) *Cooks River/ Castlereagh Ironbark Forest of the Sydney Basin Bioregion*. The referral describes the permanent loss of 1.4 ha of this CEEC. Losing this bushland remnant, which is of very high conservation value, would result in decline of functionally important species for this occurrence of Cooks River Castlereagh Ironbark Forest. This bushland was protected in the original M5 motorway construction and is entitled to protection under the EPBC Act from any future works. With the final configuration of the tunnel and surface part of the M5 yet to be determined, how can the impacts of an undetermined route be adequately assessed?

For this reason I ask that the proposed action be rejected as unacceptable under section 74B EPBC Act.

Green and Golden Bell Frog (Litoria aurea)

The disturbance site (Area 3) will destroy substantial habitat of the Green and Golden Bell Frog (GGBF). The proposed management and mitigation actions are not detailed and appear insufficient to save the population from declining or perhaps becoming locally extinct. Descriptions of the habitat located on Kogarah Golf Course are missing many references to the map provided in figure 4 (attachment 1). Potential

habitat in the Marsh Street wetland cannot be judged for suitability due to little or complete lack of monitoring. Therefore the referral is inadequate and fails to fully inform about the extent of the significant impact of the referred action on the GGBF. The referral also fails to mention details of the planned F6 which is likely to cause further stresses on the GGBF population, because of the planned tunnel connection M5/F6 near Kogarah Golf Course. Proposed offset areas to accommodate the frog population are not considered in any detail and, as scientific research suggests, would most likely be insufficient in size to prevent the decline of this endangered frog population at Kogarah Golf Course.

For this reason I ask that the proposed action be rejected as unacceptable under section 74B EPBC Act.

Grey-headed Flying-fox (Pteropus poliocephalus)

The camp of the Grey-headed Flying Foxes (GHFF) at Turrella is identified as a camp of National Importance in the Draft EPBC Act Policy Statement (DotE Dec. 2014). The information provided in the referral document in relation to the GHFF lacks clarity and makes unsubstantiated and unreferenced assertions. The data quoted is quite limited and not very informative as it represents a small number of monitoring sessions over a limited period of time. That GHFF camps fluctuate in number is a well-known phenomenon: they are a highly mobile species because they are dependent on seasonal flowering and fruiting. Removal of any of the GHFF food trees in Areas 1 and 3 for the “twin main alignment tunnels, surface road connections and ancillary surface facilities” (which includes works and service compounds) would result in a reduction of foraging habitat and would greatly impact on the species. A cumulative impact on foraging habitat would be imposed by the construction works associated with the recently commenced King Georges Rd interchange upgrade, where GHFF food trees have already been removed. The proposed future monitoring of the population alone will not ensure that there are no significant impacts. The Turrella camp is also important because of dispersal activities of GHFF populations from other Sydney camps, such as the Botanic Gardens Trust Sydney. While currently there is no national recovery plan for this species, and therefore no important populations of this species have been identified, the Turrella colony should nonetheless be considered a significant population of a species listed as vulnerable under the EPBC Act.

For this reason I ask that the proposed action be rejected as unacceptable under section 74B EPBC Act.

The proposed action as a stand-alone project

The proposed action is described as a part of the 'WestConnex' plan of infrastructure works in NSW and that it does not include the other “stand-alone” components, such as M4 or the Southern Extension. We disagree with the notion that the referred action, the New M5, is a stand-alone action. The referral omits details of route and tunnel design. The referral on the other hand indicates tunnel design and tunnel stubs for future road/tunnel connections, but omits to specify location or details of other proposed roads. The “Southern Extension” mentioned in the referral (p.4) seems to refer to a well-known planned road corridor, the F6, leading south. It appears that planning for the proposed M5 includes planning and works for a F6. Therefore both projects are intertwined and their combined impacts on the environment, in particular on the Green and Golden Bell Frog population at the Kogarah Golf Course, need to be established as one whole action.

For the reasons stated above, I submit that the proposed action be rejected as unacceptable under Section 74B of the EPBC Act 1999. Alternatively, I submit that the matter be assessed by way of public inquiry.

Yours etc

[Name, address]