



Office of  
Environment  
& Heritage

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Our reference: DOC12/20666  
Contact: Liz Peterson, 9995 6841

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

Attention: Ms Belinda Scott

Dear Ms Mitchell

I refer to your letter of 22 May 2012 inviting comments from the Office of Environment and Heritage (OEH) on the exhibition of Sydney Water's proposal for modification to Water Related Services for Stage One Precincts (07\_0125 Mod 3).

**Biodiversity**

The proposed works are located with the Growth Centres, which are subject to conditions (relevant biodiversity measures, RBMs). The modification report has been assessed in accordance with the relevant biodiversity measures to ensure the proposed works do not compromise the implementation of the biodiversity certification. One of the key measures of the biodiversity certification (RBM 6) is the protection of 2,000 hectares of existing native vegetation (ENV).

Figures 4 and 5 of the *North West Growth Centre Water Related Services for first release precincts Modification Assessment Report* (Modification Assessment Report) show the locations of proposed infrastructure and the extent of the flora and fauna surveys. However, OEH notes that Figure 1 of the report shows some sections of wastewater infrastructure in addition to those shown in Figures 4 and 5, along Hobart St, and along Bandon Road and Chapman Rd. Some sections of these proposed pipelines will impact on non-certified existing native vegetation (ENV) (e.g. along Chapman Rd). The information provided suggests these additional areas were not surveyed as part of the flora and fauna surveys. If this is the case, it is recommended that additional surveys are undertaken in these areas, given the number of records of threatened species and ecological communities in the study area.

Section 3.2.2 of the Ecology report (Appendix D) states that one 20 x 20 m quadrat survey was undertaken to determine the presence of 'derived native grassland' across the study area, and that cover/abundance data was collected in the quadrat using a modified Braun-Blanquet scale as described in Table 3.1 of the report. Section 3.2.3 of the report defined a quadrat as 'derived native grassland' if it was found to contain ten or more positive diagnostic groundcover species for Cumberland Plain Woodland. It is noted that only eight positive diagnostic groundcover species were found, therefore the report concludes that there is no derived native grassland present in the field assessment area. However, OEH considers that the quadrat data suggests that derived native grassland is present. Table A.2 of the report states that two native grasses scored a cover/abundance of '4' (i.e. 50-75% cover each), and one grass and two herbs scored a '3' (i.e. 25-50% cover each), which implies that although the diversity in the quadrat was low, the cover of native species is quite

high, which suggests that the site (and perhaps other areas of the field assessment area) contain/s derived native grassland.

Under the biodiversity certification, native vegetation is classified as ENV if it has a patch size greater than 0.5 ha. Section 3.2.3 of the Modification Assessment Report states that there are a few sections on the Chain of Ponds Carrier where vegetation removal would result in patches of ENV in non-certified areas no longer meeting the minimum size criteria of 0.5 ha. The report also states that Sydney Water will restore these directly impacted areas. However, Statement of Commitment (SoC) 13 states that not all areas of ENV will be restored, but that priority will be given to those that are in moderate condition and form part of a larger patch. OEH is unclear whether these areas along the Chain of Ponds are therefore planned to be rehabilitated. Even if they are rehabilitated, SoC 14 suggests that their rehabilitation will be compromised by ongoing maintenance (i.e. "the plants used in any natural regeneration or replanting activities will need to be compatible with future maintenance requirements"). From these statements, it appears that some conservation values will be lost from these remnants.

Areas of ENV that will be fragmented so that they no longer meet the Growth Centres Biodiversity Certification definition of ENV of having an area greater than 0.5ha can no longer be classified as ENV. To ensure that the above impacts on ENV do not compromise the requirement for the 2,000 hectares of ENV to be achieved, OEH considers the areas that will be fragmented to create smaller than 0.5 ha areas of vegetation as a result of the works need to be offset. The ENV areas to be offset should be recalculated to include the areas of ENV that will be fragmented to a size smaller than 0.5 ha.

OEH notes that the proposal includes pipelines located within the conservation area adjacent to Sydney St. The conservation area that is subject to relevant biodiversity measure (RBM) 12 of the biodiversity certification of the Growth Centres SEPP contains medium and high conservation value vegetation that was identified for conservation as part of the overall certification package. Any development within these lands is restricted and native vegetation on these lands is to be retained and protected. Over time these areas will be acquired and transferred in to public ownership. These lands are intended to be wholly managed for conservation or recreation purposes. It is therefore the preference of OEH that the area not be disturbed with infrastructure that requires clearing and ongoing maintenance.

Section 2.3 of the Modification Assessment Report states that the pipelines within the conservation area will be restricted to the road verge, and/or underboring will occur, so that no vegetation classed as RBM 12 within the conservation area will be cleared. The report also states that the bored section of the pipeline will be constructed to be maintenance-free. However, OEH is concerned that the trenched section of this pipeline along Hobart St will not be maintenance free and so rehabilitation of this area will be compromised. OEH is also concerned that the proposed works may have indirect impacts on the vegetation within the conservation area (from compaction, weed invasion, erosion and sedimentation). OEH notes that the Ecology Report recommends that a Plan of Management is prepared to manage and mitigate impacts during and post-construction, but this recommendation is not included in the Modification Assessment Report.

Section 3.2.5 of the Modification Assessment Report states that 0.12 ha of non-certified ENV will need to be offset as a results of this proposal. The report also states that the offsets required for this 0.12 ha will be incorporated into other offsets, which are being developed for the second release precincts of the NWGC and which will be negotiated and secured prior to construction. OEH supports this approach and timeframe for the offsetting proposal. Please note that the quantum of area to be offset will need to be revisited given the above comments in relation to the fragmentation of ENV.

OEH notes the SoC that relates to the provision of suitable offsets does not detail the timing of the offset being secured. OEH recommends that the offset be secured prior to the commencement of construction.

The Revised Statement of Commitments 11-21 (Appendix C) includes a number of measures to avoid or mitigate impacts on terrestrial flora and fauna. OEH supports the inclusion of these statements in any approval conditions.

### **Aboriginal Cultural Heritage**

The assessment by Archaeological and Heritage Management Solutions Pty Ltd (AHMS, August 2011) has provided a description of the levels of disturbance along the proposed route of the services. The conclusion of this assessment is that there is low potential and that no further work is required. It is then unclear why the consultants suggest that some sections of the routes be relocated as there is no rationale to support such a recommendation.

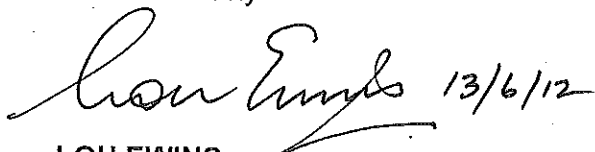
OEH endorses that no further assessments be undertaken.

The report notes that if Aboriginal objects are found then the matter should be referred to OEH. OEH does not have a role with respect to the regulation of Aboriginal objects located or harmed pursuant to Part 3A provisions of the Environmental Planning and Assessment Act. OEH does not therefore agree to be the contact in the event that Aboriginal objects are located. DoP&I should resolve the issue through appropriate conditioning of the approval. One such option could be the reburial of any objects located on site in accordance with the procedures set out in Requirement 26 of the Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW.

Please note OEH's written agreement must be obtained for all conditions of approval or statement of commitments that bind the agency.

If you have any queries regarding this matter please contact Liz Peterson on 9995 6841.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lou Ewins', followed by the date '13/6/12'.

**LOU EWINS**  
**Planning & Aboriginal Heritage**  
**Conservation & Regulation, Metropolitan**  
**Office of Environment and Heritage**

