



Office of
Environment
& Heritage

#8

Your reference
Our reference:
Contact:

10_0211
DOC11/46996
Jennifer Sage 9995 6856

Mr Kane Winwood
A/Manager Water Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Winwood,

MP10_0211 Water related services for the North West Growth Centre – second release precincts – Environmental Assessment

I refer to your letter of 10th October 2011 inviting the Environment Protection Authority (EPA), formerly part of the Office of Environment and Heritage, to make a submission on the Environmental Assessment (EA) for "Water related services for the North West Growth Centre – second release precincts" which has been on public exhibition.

The EPA has reviewed the EA and considers that the EA does not adequately address potential biodiversity and Aboriginal cultural heritage impacts. The EPA has twice previously provided advice specifically drawing attention to a number of areas where the EA is not considered adequate and these remain outstanding.

In relation to biodiversity issues, the EPA notes that the EA –

- Provides no details on the timings, type or security for any vegetation to offset unavoidable losses; and
- Does not consider any areas of Existing Native Vegetation (ENV) fragmented by the proposed activities.

In relation to Aboriginal cultural heritage issues, it is noted that 22 sites may be potentially impacted by the proposal and there are several unresolved issues arising from the approach proposed in the EA that should be resolved prior to any approval being granted.

Detailed comments on these issues are provided in **Attachment A**. The EPA strongly encourages you to ensure that the inadequacies are addressed prior to determining the development. Failure to do so may result in a weakening of both the biodiversity and Aboriginal cultural heritage outcomes for this precinct and create a precedent for inadequate assessment of these issues in future precinct servicing applications.

Should you wish to discuss any matters raised in this letter, please contact Ms Jennifer Sage on 9995 6856 or Jennifer.sage@environment.nsw.gov.au.

Yours sincerely

G Howard 24/11/11

GISELLE HOWARD
Director Metropolitan
Environment Protection Authority

Attachment A

MP10_0211 Water related services for the North West Growth Centre – second release precincts – detailed comments on the Environmental Assessment

1. Flora and Fauna

The EPA provides the following detailed comments in relation to the biodiversity aspects of the Environmental Assessment:

- 1.1. It is unclear how one quadrat can be scored as 'high condition' (see Table 4.5 of the Flora and Fauna (FF) Study) but no areas of high condition vegetation are mapped (see Table 5.3 of the FF Study).
- 1.2. Remnant vegetation within the Field Assessment area of the proposed development includes some narrow, linear strips, particularly along drainage lines. The removal of a 10m wide strip of vegetation may lead to the removal of all, or the majority, of the vegetation at particular sites. This will result in the further isolation and fragmentation of remnant vegetation.

In instances where non-certified Existing Native Vegetation (ENV) is impacted, some remnant areas may no longer be considered ENV because they will no longer meet the connectivity or the minimum size criteria. These issues have not been addressed.

- 1.3. It is noted random meanders were undertaken to survey for threatened flora species but that surveys were not conducted along the entire route. In addition, a habitat assessment, rather than targeted surveys, was undertaken for threatened fauna species. The FF Study states that habitat suitability is the best method of assessing potential impacts and that because the habitats to be removed are of low or moderate significance, then the impacts on any species not located during the surveys are also not likely to be of significance.

The EPA considers that although the impacts on species may not be significant, they should still be avoided where possible. The EPA recommends that targeted surveys be undertaken at the design stage to identify any threatened species and that impacts on these be avoided.

- 1.4. No details are provided on the timing, type or security for any vegetation to offset unavoidable losses. While draft statement of commitment (SOC) 11 recognises the need to provide suitable offsets for impacted non-certified ENV within the North West Growth Centre (NWGC) area, the EPA recommends any required offset arrangements be secured and delivered in accordance with the relevant biodiversity measures conferred on State Environmental Planning Policy (Sydney Region Growth Centres) 2006 prior to determination.
- 1.5. No information is provided on offset arrangements for biodiversity losses outside the NWGC area. While draft SOC 12 recognises the need to provide suitable offsets (in consultation with the EPA) during the pre-construction phase, it is recommended they be negotiated and secured prior to determination. It should be noted that adequate offset ratios for vegetation lost outside the Growth Centres could be as high as 20:1, but should be at least 2:1, depending on the values of the areas to be lost and the offsetting option that is applied. The EPA also suggests that it may be appropriate to use the Biobanking Assessment Methodology to determine the extent of the offset required.

2. Aboriginal Cultural heritage

When the proponent consulted with the EPA during the preparation of the EA, concern was expressed about the lack of certainty regarding the exact location of the proposed water and sewer pipelines. It is noted this issue has not been resolved in the EA and that 22 sites may

potentially be impacted. The EPA recommends the exact location of the pipelines be finalised with a view to avoiding impacts on known Aboriginal sites prior to the granting of any approval.

It is also noted that a number of Aboriginal sites identified during the assessment process do not appear to have been registered on the Aboriginal Heritage Information Management System (AHIMS) database. This matter should be rectified as soon as possible and failure to do so could result in significant penalties as a result of the 2010 amendments to the *National Parks and Wildlife Act 1974*.

In relation to mitigating impacts on Aboriginal sites (and with reference to the measures proposed in draft SOC 16), it is recommended the following matters be considered and resolved prior to any determination.

- 2.1. How the proponent will identify that a site has no sub-surface expression, given previous work in the area at sites with surface expression have an 80% likelihood of sub-surface expression.
- 2.2. What recording and long term storage and management arrangements will be in place for Aboriginal objects and cultural materials collected from sites with a surface expression or recovered from salvage excavations.
- 2.3. The circumstances envisaged in which archaeological monitoring may be appropriate and how will any objects identified as a result of monitoring be managed.
- 2.4. How an 'appropriate' level of post-excavation analysis and recording will be determined.