



Office of
Environment
& Heritage

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Ms Kate Masters
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Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Via email: Kate.masters@planning.nsw.gov.au

Dear Ms Masters

RE: Request for comments and recommended conditions of consent- Response to submissions (RTS) and modified development, including Stage 1 development Bringelly Business Hub, Leppington, Liverpool (within the Western Sydney Parklands) (SSD 6324).

I refer to your letter received on 16 July 2015 seeking comments and recommended conditions of consent from the Heritage Division. I understand that Western Sydney Parklands Trust (the applicant) has modified the development application and is now seeking approval for staged development and Stage 1 development. I note that the Stage 1 development comprises demolition of structures on site, an 8 lot subdivision, bulk earthworks, and provision of new roads accessible from a realigned Bringelly Road, utilities, services, infrastructure (include internal roads) and landscaping.

The RTS documents have been reviewed and the Heritage Division would like to reiterate our comments provided on 12 May 2015 (Enclosure A). The Heritage Division has also previously provided Director General's Requirements for this application in December 2013 (Enclosure B).

If you have any further enquiries regarding this matter, please contact Rajat Chaudhary, Heritage Officer, Heritage Division at the Office of Environment & Heritage on telephone (02) 9873 8554 or via email at Rajat.Chaudhary@environment.nsw.gov.au.

Yours sincerely

Katrina Stankowski
A/Manager Conservation
Heritage Division
Office of Environment & Heritage
03 September 2015

ENC: *Response to submissions (RTS) and modified development, including Stage 1 development- Heritage Division (OEH) comments and recommended conditions of consent – 12 May 2015.*
Heritage Division Comments provided for DGRs in December 2013.

Bringelly Road Business Hub- State Significant Development application 6324

Response to submissions (RTS) and modified development, including Stage 1 development- Heritage Division (OEH) comments and recommended conditions of consent – 12 May 2015.

Design opportunities for site heritage interpretation

The adjoining Bringelly and Cow Pasture Roads, now Camden Valley Way are both early colonial roads in the Liverpool district, dating to the era of Governors Macquarie and Darling. Bringelly Road is the earliest road west of Liverpool. It, and other roads played a role in opening up the Sydney hinterland on the Cumberland Plain for European settlement and agriculture from the first land grants in the area from 1811.

Interpretation of the history and heritage value of these roads on this site should be included in the proposal. Such interpretation might take the form of alterations in the proposed site landscaping and urban design of the Business Hub.

It is recommended that a condition should be included in any approval requiring a heritage interpretation plan and works on site to provide owners and users with some appreciation of the heritage values of these early roads in the agricultural and pastoral uses of this district early in the colony.

Archaeological Impacts

The demolition, bulk earthworks, infrastructure and services provision proposed have potential to disturb possible archaeological relics relating to both Aboriginal settlement and land use and traces of colonial settlement, road-building, pastoralism and agriculture.

The archaeological assessment of the potential of the site for relics as defined under the *Heritage Act 1977* undertaken by Dominic Steele recommends test excavation to determine if any Aboriginal archaeological potential remains on the site. A condition should be included in any approval that requires such test excavation, monitoring and salvage, should works unearth relics at any stage. The condition should include the requirement that this work should be undertaken by a suitably qualified and experienced archaeologist and in reference to requirements under sections 139-146 of the *Heritage Act 1977*.

A condition should be included in any approval advising the applicant that the results of the test excavation and sub-surface testing shall inform a future (separate) Ministerial determination (under the *National Parks & Wildlife Act 1979*) on an Aboriginal Heritage Impact Permit on management options and harm mitigation measures for the site.

A condition should be included in any approval requiring, should human skeletal material be discovered on the site at any future stage. Work must cease immediately and the proponent must contact both the NSW Police and the Coroner's Office. If the remains are of an Aboriginal person, then OEH should be contacted for advice regarding management of the discovery.

Enhancing native vegetation along the site's north-eastern edge

Much of the site was cleared for grazing early in its European development and ongoing grazing and cultivation kept it quite open. However, native vegetation, including some endangered ecological community such as Cumberland Plain Woodland and Shale Plain Woodland, lies in the gully of riparian corridor north-east of the subject site.

More land along the subject site's north-eastern edge could be planted with appropriate native vegetation at the north, rear, of Lot 6 and Lot 8 to supplement adjacent riparian corridor buffer zone. Such planting would not unduly hinder operations of either lots, both of which face south for their access and functioning.

Heritage Division Comments provided for DGRs in December 2013

It is advised that the Environmental Assessment should address the following issues:

- The heritage significance or potential of the site and any impacts the development may have upon this significance should be assessed. This assessment should include natural areas and places of Aboriginal, historic or archaeological significance. It should also include a consideration of wider heritage impacts in the area surrounding the site;
- It is noted that part of the site contains an endangered ecological community – Shale Plain Woodlands, some of good quality and high ecological value. A detailed assessment of these and any other natural heritage values should be included in the documentation;
- The Heritage Council maintains the State Heritage Inventory which lists some items protected under the *Heritage Act, 1977* and other statutory instruments. This register can be accessed through the Heritage Division home page on the internet <http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>. It should be noted that the legal standing of items listed on the State Heritage Register can also be provided by applying for a section 167 Certificate through the above home page;

You should consult lists maintained by the NSW National Parks and Wildlife Service, The National Trust of Australia (NSW), the Australian Government's *Environment Protection and Biodiversity Conservation Act 1999* and Liverpool City Council in order to identify any identified items of heritage significance in the area affected by the proposal. Please be aware, however, that these lists are constantly evolving and that items with potential heritage significance may not yet be listed;

- Non-Aboriginal heritage items within the area affected by the proposal should be identified by field survey. This should include any buildings, works, relics (including relics underwater), gardens, landscapes, views, trees or places of non-Aboriginal heritage significance. A statement of significance and an assessment of the impact of the proposal on the heritage significance of these items should be undertaken. Any policies/measures to conserve their heritage significance should be identified. This assessment should be undertaken in accordance with the guidelines in the *NSW Heritage Manual*. The field survey and assessment should be undertaken by a qualified practitioner/consultant with historic sites experience. The Division's website at <http://www.environment.nsw.gov.au/heritageapp/HeritageConsultantsDirectory.aspx> can provide a list of suitable consultants.
- It is noted that the site may have potential for Aboriginal Heritage values. A detailed assessment of this potential should be part of the documentation. The proposal should have regard to any impacts on places, items or relics of significance to Aboriginal people. Where it is likely that the project will impact on Aboriginal heritage, adequate community consultation should take place regarding the assessment of significance, likely impacts and management/mitigation measures. For guidelines regarding the assessment of Aboriginal sites, please contact the National Parks and Wildlife Division of the Office of Environment and Heritage on (02) 9585 6444;
- The relics provisions in the *Heritage Act* require an excavation permit to be obtained from the Heritage Council, or an exception to be endorsed by the Heritage Council, prior to commencement of works if disturbance to a site with known or potential archaeological relics is proposed. Where possible refer to and address any recommendations in any archaeological zoning plans or archaeological management plans held by Liverpool City Council. If any unexpected archaeological relics are uncovered during the course of work excavation should cease and an excavation permit, or an exception notification endorsement, obtained;