



Office of  
Environment  
& Heritage

Our reference: ED14/771  
Contact: Marnie Stewart, 9995 6868

Mr Paul Robilliard  
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Greenfield Housing  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Att: Brad Carmady

Dear Mr Robilliard

I refer to your letter received 14 November 2014 seeking input from the Office of Environment and Heritage (OEH) on the exhibited Precinct Plan for the Draft Leppington Precinct.

OEH has reviewed the Precinct Planning Report and supporting studies and provides comments in relation to biodiversity, Aboriginal cultural heritage issues and floodplain risk management in Attachment 1.

If you have any queries regarding this matter please contact Marnie Stewart on 9995 6868 or by email [marnie.stewart@environment.nsw.gov.au](mailto:marnie.stewart@environment.nsw.gov.au).

Yours sincerely

*S. Harrison 27/01/15*

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## Draft Leppington Precinct Plan - OEH comments

### 1. Biodiversity

OEH notes that the Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Leppington Precinct report (Consistency Report) dated June 2014 and the Precinct Planning Report (PPR) indicate the following:

- 1.8 ha of validated Existing Native Vegetation (ENV) will need to be protected within the precinct in order to maintain parity with the ENV required to be protected across the Growth Centres.
- It is proposed to protect a minimum of 1.8 ha of validated ENV (1.4 ha in non-certified lands and 0.4 ha in certified lands) which will be zoned E2 Environmental Conservation (private ownership), SP2 Infrastructure and RE1 Public Recreation. The Consistency Report also states that it is also proposed to include provisions applying to the mapped Native Vegetation Retention Area and Existing Native Vegetation Area.
- An additional 0.6 ha of Additional High Conservation Value Vegetation (AHCVV) will be protected via the E2 Environmental Conservation zone and SP2 Infrastructure zone.

The Native Vegetation Protection Map (Detailed) in Annex C of the Consistency Report depicts the majority of the ENV to be protected in the two separate areas within an E2 zone. The draft Indicative Layout Plan (ILP) in the Consistency Report, PPR and on DPE's website also depicts the majority of ENV to be protected as 'Environmental Conservation'. This outcome however is not depicted in the exhibited zoning map or the hard copy draft Leppington North, Leppington and Leppington East precincts ILP provided to OEH in the exhibition material. The zoning map and this draft ILP depict only a very small area of E2 zoned land for the northern ENV to be protected with no E2 zoned land in the southern ENV proposed to be protected. The majority of the ENV proposed to be protected is within the RE1 and SP2 zones. It is also noted that Figure 5-17 Stormwater drainage infrastructure in the PPR depicts a basin within the southern ENV proposed to be protected.

#### 1.1 Mechanisms proposed for protecting ENV

OEH's preference is for the ENV to be protected to be in public ownership, however is concerned that the objectives of the RE1 and SP2 zones do not recognise the protection of biodiversity value and the zones permit a range of uses incompatible with biodiversity protection. To assist in ensuring the long term the long term conservation of protected ENV and AHCVV within the Council owned and managed lands in the RE1 and SP2 zones, it is OEH's expectation that these lands will be categorised as 'natural area – bushland' and therefore subject to plans of management under the *Local Government Act 1993*.

It is also acknowledged that a level of protection will be afforded to the ENV to be protected by the Development Controls - existing native vegetation clause and associated Native Vegetation Protection Map when development consent is required.

OEH does not support the proposed location of a basin within ENV to be protected. OEH does not consider the construction of a basin to be compatible with the retention and protection of the ENV. It is therefore recommended the location of the basin be reviewed and removed from the ENV to be protected.

In regard to the Biodiversity and Riparian Studies report, OEH supports the recommendations in Section 5. OEH recommends that if it is intended to retain ENV on certified lands, then consideration be given to *Pimelea spicata* surveys in the areas unable to be accessed for this assessment. The retained areas could then be targeted if *P. spicata* is found.

### 2. Aboriginal Cultural Heritage

OEH has reviewed the revised final report prepared by Australian Museum Business services entitled 'Leppington Precinct Indigenous Heritage Study: Stage 2 Aboriginal Heritage Assessment' (Aboriginal Heritage Assessment) dated July 2013. Although some revisions have been undertaken to this document following OEH comments provided in a letter dated March 2013, these revisions essentially have not

addressed the main purpose of this re-assessment, which was to identify and recommend areas of sufficient archaeological and cultural significance for ongoing conservation at the strategic planning stage.

The following recommendations identify the key issues that OEH has with the adequacy of Aboriginal Heritage Assessment which should be addressed:

1) The report lacks certain key figures which show the location and extent of the known Aboriginal cultural heritage sites and areas of archaeological sensitivity which were identified in the report. These figures were excluded due to public exhibition of the documents and are key to interpreting the information against the draft ILP and land zonings for the precinct. OEH cannot assess these elements adequately until this information is supplied.

2) OEH is concerned that the draft ILP and zoning plan includes no designated areas for protection and conservation of Aboriginal cultural heritage. The Aboriginal Heritage Assessment identified five (5) areas of moderate to high archaeological significance (LP1AS; LP3AS; LP6IF; PAD 2005-6 and PAD 2056-6) in Table 6.1. However none of these areas have been specifically incorporated into the precinct planning to enable their future protection and conservation in part or in whole.

3) Half of the comments from the registered Aboriginal parties (5/10) within the Aboriginal Community Consultation raised concerns about the lack of protection of Aboriginal cultural heritage sites within this process (refer to Appendix A). OEH specifically notes that the registered Aboriginal parties were advised the following "the revised ILP has now been amended to remove residential development from the riparian corridors. The majority of these corridors are now to be zoned passive open space, infrastructure, environmental living and rural transition with an environmental protection overlay, which should improve conservation outcomes" (Appendix A, p82).

As noted above however, it appears that there are no designated protection and conservation areas within the precinct. Also, the proposed riparian corridor zones permit development incompatible with the conservation of Aboriginal cultural heritage. It is also important to note that the Aboriginal Heritage Impact Permit (AHIP) system is unlikely to provide this type of protection.

4) OEH notes that Schedule 5 of the Development Control Plan (DCP) includes Figure 2.5 which shows the location of sites of archaeological sensitivity focused along riparian corridors. However the proposed zoning map for the precinct includes only one small area zoned E2. It is not clear to OEH whether this area does or does not contain Aboriginal cultural heritage values. In addition the PPR outlines a significant number (13) of detention basins and biofilters (48) along the riparian corridors and land immediately adjacent to this within the precinct (within Figure 5-17).

OEH is concerned that the planning of stormwater infrastructure has not considered the areas of moderate and high archaeological sensitivity identified in the Aboriginal Heritage Assessment. The location and design of the precinct stormwater infrastructure should be modified to avoid impact to these areas of moderate and high Aboriginal cultural heritage.

OEH further recommends that prior to finalising these locations, test excavation under the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (2010) should be undertaken to confirm the nature, extent and significance of these areas and to guide the final extent, location and positioning of infrastructure within these specified areas.

5) OEH draws DPE's attention to the Aboriginal Heritage Assessment which has focused on presence of stone artefact assemblages rather than considering a landscape approach to the identification and assessment of sites of Aboriginal cultural heritage value within the precinct. This was raised in previous correspondence for the Leppington Precinct. The value of this approach to significance assessment has been clearly demonstrated at the East Leppington Precinct. This approach can provide a better understanding of the significance of the broader landscape and contribute to an understanding of how sites relate within local and regional research frameworks for past Aboriginal occupation in South-western Sydney. A consideration of these elements should be applied in assessing significance when determining

which areas should have higher levels of archaeological conservation values. OEH recommends that this approach is considered in future precinct planning within the remaining South-west Growth Centre precincts.

### **3. Flood Risk Management**

OEH has an integral role in the development of the Upper South Creek Floodplain Risk Management and Plan. The Plan includes a developed hydraulic model flood scenario (Cardno 2013) mainly prepared for cumulative impact assessment. The Leppington Precinct Water Cycle Management Strategy Report, July 2014 is mainly prepared based on this developed model and in consultation with Camden Council.

The 'Leppington Precinct – Flood Assessment April 2013' was prepared based on the pre-developed scenario flood model (WMAwater 2011) prior to the completion of the Flood Study for developed scenario (Cardno 2013).

The 'Leppington Precinct – Flood Assessment April 2013 and the 'Leppington Precinct – Water Cycle Management Strategy, July 2014 have a number of overlapping areas. Therefore, it is recommended that the flood Assessment is included in the main WCM report and the flood planning area, hydraulic and hazard categories maps are replaced with the latest version. Council will provide the final version of these maps to the Department of Planning and Environment.

*(END OF SUBMISSION)*