



Office of  
Environment  
& Heritage

DOC19/434683  
SSD 8903

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Dear Mr Sargent

**Notice of Exhibition for Ivanhoe Estate Redevelopment – Stage 1 (SSD 8903)**

Thank you for your letter dated 20 May 2019, inviting the Office of Environment and Heritage (OEH) to comment on Notice of Exhibition for the Ivanhoe Estate Redevelopment – Stage 1 (SSD 8903).

OEH has reviewed the relevant documents and provides comments in regard biodiversity and Aboriginal cultural heritage matters in Attachment 1. Please note that comments on flood matters will be provided separately.

Please be advised that a separate response may be provided on heritage matters by the Heritage Division of OEH as delegate of the Heritage Council of NSW.

Should you have any queries regarding this matter, please contact Marnie Stewart on 9996 6868 or [Marnie.stewart@environment.nsw.gov.au](mailto:Marnie.stewart@environment.nsw.gov.au)

Yours sincerely

*S. Harrison 25/06/19*

**SUSAN HARRISON**  
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## Attachment 1 – OEH comments

### Attachment 1 – Office of Environment and Heritage comments - Exhibition for Ivanhoe Estate Redevelopment – Stage 1 (SSD 8903)

#### Aboriginal cultural heritage

As advised in OEH's submission on SSD 8707, due diligence is not a substitute for undertaking an Aboriginal cultural heritage assessment. Due diligence is a legal defence against harm under the *National Parks and Wildlife Act 1974* and is inadequate to assess the impacts of the proposed development on the Aboriginal archaeological and cultural heritage values of the subject land. Due diligence is not to be used for major projects, including State significant developments. Therefore, in order to adequately address Aboriginal cultural heritage, it is recommended that an Aboriginal Cultural Heritage Assessment Report (ACHAR) be prepared prior to the determination of the application.

#### Biodiversity

OEH notes that staged offsets have been proposed in accordance with Table 22 and Figure 11 of the *Ivanhoe Estate Re-development SSD 17\_8707 Biodiversity Assessment Report and Offset Strategy* (Eco Logical Australia, September 2018) in a manner that is "*commensurate to the area of impacts*" (page 43 of that report). However, upon review of the 'Ivanhoe Estate Redevelopment Stage 1' Environmental Impact Statement (EIS), a staged approach to the delivery of offsets may not be appropriate because SSD 8903 seeks approval for:

- "site preparation works, including tree removal, demolition of roads and services, and earthworks across the Ivanhoe Estate
- the provision and augmentation of utilities and services infrastructure across the Ivanhoe Estate, and
- the construction of all internal roads including public domain within the road reserves, and the bridge crossing and road connection to Lyonpark Road including changes to parking, site access, landscaping and ancillary works at 2-4 Lyonpark Road; ...".

This wording suggests most or all of the vegetation on site will be removed in relation to Stage 1. If this is the case, OEH recommends all required credits are retired upfront and that the Biodiversity Management Plan (BMP), weed management plan, Construction Environment Management Plan (CEMP) and Vegetation Management Plan (VMP) are conditioned on the approval for Stage 1 (SSD 8903).

Additionally, the BMP needs to include pre-clearance surveys of hollows and if these surveys find breeding habitat for threatened species, such as the Powerful Owl, then measures need to be taken to avoid impacting this habitat type. The VMP needs to address: the long-term management of all vegetation retained on site; the rehabilitation and management of vegetation along Shrimptons Creek; the use of local provenance species appropriate for the threatened ecological communities and plant community types present on the site; and the monitoring of vegetation to ensure its long-term viability.

(END OF SUBMISSION)