



Office of  
Environment  
& Heritage

DOC17/339451  
SSD 8114

Mr David Gibson  
Team Leader Social Infrastructure Assessments  
NSW Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Gibson

**Notice of Exhibition - Lindfield Learning Village, 100 Eton Road, Lindfield (SSD 8114)**

I refer to your letter received 21 June 2017 by the Office of Environment and Heritage (OEH) requesting comments on the Environmental Impact Statement (EIS) for the Lindfield Learning Village at 100 Eton Road, Lindfield.

OEH has reviewed the relevant documentation and provides comments in relation to biodiversity, impacts on Lane Cove National Park and Aboriginal cultural heritage in the Attachment.

If you have any queries regarding this matter please contact Marnie Stewart, Senior Project Officer – Planning, on 9995 6868 or [marnie.stewart@environment.nsw.gov.au](mailto:marnie.stewart@environment.nsw.gov.au).

Yours sincerely

*S. Harrison 17/08/17*

**SUSAN HARRISON**  
**Senior Team Leader Planning**  
**Regional Operations**

## **ATTACHMENT – OEH comments on the exhibited EIS for Lindfield Learning Village at 100 Eton Road, Lindfield (SSD 8114)**

### **Biodiversity**

The site is immediately adjacent to high conservation value lands (Lane Cove National Park). These lands provide habitat for a number of threatened fauna species, including the Red-crowned Toadlet. For these reasons, OEH strongly supports the recommendation in section 5.2.2 of the Biodiversity Assessment Report (BAR) that a Construction and Environmental Management Plan should be prepared and implemented, which includes appropriate erosion and sedimentation controls, and which spans the pre, during and post-construction period, and which includes the pre-clearance and fauna management protocols as specified in section 5.2.1 of the BAR.

OEH considers that FBA assessment is adequate except in relation to the following points:

#### **1. Combination of vegetation zones:**

The BAR states that 'The total impact is smaller than the minimum vegetation zone size identified in the BioBanking Assessment Methodology and Credit Calculator Operational Manual (DECC 2008), which is 0.25 ha and has been applied to previous FBA assessments (see Ecoplanning 2016). For this reason, the impacts to both zones have been combined and assessed as one vegetation zone.' However, there is no minimum vegetation zone size in the FBA. Therefore, the assessment will need to be re-done with assessment of the two impacted vegetation zones assessed separately.

Once the vegetation zones are assessed separately, the data from plot 1 will need to be utilised in the assessment of 'PCT1782 (underscrubbed)' vegetation zone. It is noted that plot/transect 1 extends outside the site. Given the size of the impact, OEH would not require this plot to be re-done in this instance. However, some discussion should be provided that demonstrates that the type and condition of vegetation offsite, in the location of the plot/transect, is equivalent to that in the rest of the vegetation zone onsite.

Given the small scale of the proposed impact, it would be acceptable for the assessor to resubmit the calculator and an addendum to the BAR discussing the changes made, OEH does not require a full revision of the BAR in this instance.

#### **2. Biodiversity Offset Strategy:**

The Biodiversity Offset Strategy (BOS, section 7.2 of the BAR) provides three options for satisfaction of the credit requirement, i.e.:

- the purchase of credits from the Biobank market,
- the use of residual lands (either within the 100 Eton Road property or alternate locations) as an offset site under a Biobank agreement, and
- payment into the Biodiversity Conservation Fund (BCF)

The NSW Biodiversity Offsets Policy for Major Projects (Offsets Policy) states that the BOS should set out how the credit requirements will be met, it is not sufficient to simply provide a list of options. It is noted that presently, the BCF is not operational. It is also noted that the BAR states the required credits are not available on the market. If the option of credit purchase is to be pursued, the proponent should attempt to locate suitable offsets by applying the reasonable steps (in accordance with Step 2 of Appendix A of the Offsets Policy). The reasonable steps include having an expression of interest for credits on the biobank register for at least six months. If suitable credits have not been located after application of these steps, then the variation rules for locating credits may apply, as per Appendix A of the Offsets Policy.

Alternatively, where a Biobank agreement is to be set up to satisfy the credit requirement, the Offsets Policy requires that the BOS includes the details of the offset site, including its location, general description of the offset area, land use history and lot and DP numbers, in accordance with Table 22 of the FBA. It appears that no assessment of the suitability of alternate sites has been carried out.

This is likely to be a lengthy process and therefore may not be practical in the timeframe of the proposal.

It is noted that the Offsets Policy states that "Proponents will generally have to secure offsets before development commences. If they wish to secure the offset after development commences, they must enter into a voluntary planning agreement prior to the granting of project approval, requiring the offset requirement to be carried out. This will involve the proponent providing security to ensure the offset requirement is fulfilled." Unless the BCF is established soon, it is likely that it will take many months for the proponent to satisfy the credit requirement, as the remaining options (purchasing credits or setting up a Biobank site) are time consuming and involve some level of risk. Therefore, if the SSD is approved, the level of security around the offset requirement should reflect the uncertainties and delays that will likely arise during the process of locating suitable credits.

### **Impacts on Lane Cove National Park**

OEH previously requested that the EIS address the matters to be considered as outlined in the *Guidelines for developments adjoining land and water managed by DECCW (OEH, 2013)* in addition to the specific requirements:

- a. Any upgrades to the existing sewer and stormwater system (both of which run through the NP) and associated impacts.
- b. Stormwater management and treatment for the site. Proposed outdoor play areas which will have synthetic surfaces will require stormwater treatment prior to discharge into the NP.
- c. How the NP will be delineated from the site during construction and operational phases of the project, e.g. by permanent fencing.
- d. A lighting study to ensure that any light spill does not significantly impact on the natural values of the NP.
- e. The contamination assessment should outline any potential impacts on the NP during remediation.
- f. All asset protection measures are contained within the site, and there is no expectation for OEH to change its fire management regime for the land it manages, e.g. by altering or removing vegetation within the NP.

OEH notes that item (b) above has not been addressed in the EIS. It is therefore requested that this matter be addressed. As stated above, all asset protection measures must be contained within the site.

### **Aboriginal cultural heritage**

The EIS states that an Aboriginal Due Diligence Assessment was prepared by Urbis. DPE is advised that OEH does not review or comment on due diligence reports. Due diligence is a legal defence against harm under the *National Parks and Wildlife Act 1974* and is not a substitute for undertaking an Aboriginal cultural heritage assessment. OEH does not consider that a due diligence report is adequate to assess the impacts of the development on the Aboriginal archaeological and cultural heritage values of the subject land. OEH therefore recommends that an Aboriginal cultural heritage assessment be undertaken.

(END OF SUBMISSION)

