

Submission
No 32

INQUIRY INTO INTEGRITY OF THE NSW BIODIVERSITY OFFSETS SCHEME

Organisation: Ryde Hunters Hill Flora and Fauna Preservation Society Inc
Date Received: 30 August 2021



Ryde - Hunter's Hill Flora and Fauna Preservation Society

Member of Nature Conservation Council of N.S.W.

**P.O. Box 552
Gladesville 1675**

Ms Cate Faehrmann, MLC
Chair
Inquiry into the Integrity of the NSW Biodiversity Offsets Scheme
Parliament House
Sydney NSW

Please accept this submission in respect of the terms of reference 1(a) and 1(b) for the Inquiry. We are a local environment group established over 55 years ago. The aims and objectives of the Society include-

- Respect for the land and its flora and fauna and original custodians:
- The education of the membership and the community, particularly in the local area, in nature conservation and protection of the environment.
- The promotion of ecologically sustainable land use and development at the local, state, national and international levels.
- Advocating measures at the local, state, national and international level necessary to safeguard the environment from all forms of pollution to ensure, clean air, clean water and a healthy environment and address climate change.

The Society has been actively campaigning over many years on the mitigation of climate change, ceasing further exploitation of fossil fuels, supporting renewable energy, protecting native forests and wildlife, opposing destructive land clearing and preserving our precious biodiversity.

We are concerned about the integrity of the Biodiversity scheme and the example of the proposed development at Ivanhoe Estate Macquarie Park demonstrates the ineffectiveness of the scheme to halt or reverse the loss of biodiversity values, with particular reference to the use of offsets by the NSW Government for major projects and strategic approvals.

Ivanhoe Estate Macquarie Park

On 13 December 2019 the Nature Conservation Council of NSW (NCC) wrote to the NSW Premier in support of our concerns about the proposed redevelopment of the Ivanhoe Estate at Macquarie Park and the impact this will have on Sydney Turpentine and Iron Bark Forest (STIF) which is present on the site. At the time biodiversity offsets were proposed as the remedy in respect of development impacts on this critically endangered ecological community. The letter stated,

The land is state owned, and the redevelopment is a State Significant Development lodged by the NSW Land and Housing Commission (LAHC). The NSW Government is the ultimate decision-maker and has the responsibility, and the ability, to fully protect critically endangered ecological communities at this location, without recourse to biodiversity offsets

Ivanhoe Estate is located on Epping Road between Herring Road and Shrimptons Creek at Macquarie Park. At the time there were 259 social housing dwellings in the locality, comprising a mix of townhouse and four-storey apartment buildings set around a cul-de-sac street layout.

It had been that way for 25 years or more, but the new proposal (SSD 8707) provided for 3,500 dwellings, basement car parking, a high school, child care centres, community and retail uses with maximum building heights ranging from 45m to 75m (20 storeys). This was clearly over-development of the site.

Of particular concern was the proposal to remove more than 800 trees from the site including remnant Sydney Turpentine and Iron Bark Forest. The reason for this removal was the footprint for the basement parking which meant that most of the site would be excavated.

Sydney Turpentine and Iron Bark Forest is classified as an endangered ecological community under NSW State and Commonwealth legislation. Currently only 0.5 percent of the original this forest remains and every effort should be made to retain existing remnants.

The Master Plan for the site treated the loss of the STIF as unavoidable and proposed biodiversity offsets in accordance with the NSW Biodiversity Offsets Policy for Major Projects. (Eco Logical Australia February 2018. *Ivanhoe Estate Re-development SSD 17_8707 - Biodiversity Assessment Report and Offset Strategy*). Although the Master Plan relied on offsets for the loss of Sydney Turpentine and Iron Bark Forest, the Biodiversity Offset Strategy had no information about the location of an offset site, or timelines for implementing the offsets.

The City of Ryde in its response (23 May 2018) to the development application (D18/122699) stated (p20),

The large scale removal of this threatened community that exists along this corridor will significantly impact the ecological integrity within the area from its removal along Epping Road. The Master Plan's 'offset' plan as a priority will do zero to assist the local bushland lost and ecological survival of species in this area who rely upon these links to connect to the Lane Cove National Park for survival.

In the letter to the Premier the NCC stated that the proposed offsets were not acceptable,

because they do not add to the overall level of STIF. They rely on another STIF remnant being identified, that is not currently protected by zoning or legal agreement, and making that site subject to such protections.

A revised Master Plan was exhibited which showed that the impact of the STIF had been significantly reduced thereby demonstrating that the proposed loss of the STIF was not unavoidable and that the proposed remedy of biodiversity offsets is avoidable.

The NCC letter stated that the,

destruction of the remaining Sydney Turpentine and Iron Bark Forest can be avoided by further changes to the Master Plan. The Nature Conservation Council believes that this should be the number one priority for the development. There is ample opportunity to further scale back this development, protecting the endangered forest, while providing an overall increase in the number of dwellings

Following a vigorous campaign by the Society the impact on the Sydney Turpentine Ironbark Forest was reduced to 0.02 hectares from 0.45.

The concept proposal for Ivanhoe Estate, lodged by NSW Land and Housing Commission (LAHC), was approved by the Minister for Planning and Public Spaces on 30 April 2020, fast-tracked through the Planning System Acceleration Program.

<https://www.planning.nsw.gov.au/Assess-and-Regulate/State-Significant-Projects/Ivanhoe-Estate/Concept-design>

It is unfortunate that the Minister was not able to save all of the STIF at Ivanhoe Estate and the consent

conditions included the following,

'B89. In accordance with the NSW Biodiversity Offsets Policy for Major Projects and the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* Environmental Offsets Policy, a total of 16 ecosystem credits must be retired prior to the commencement of any vegetation clearing. Details confirming compliance must be provided to the Certifier and Planning Secretary. '

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-8903-MOD-1%2120201110T050102.234%20GMT>

Searching the Internet has not revealed any further information about the compensation for the loss of that part of the STIF.

Conclusion

The Ivanhoe Estate example demonstrates the ineffectiveness of the scheme to halt or reverse the loss of biodiversity values, with particular reference to the use of offsets by the NSW Government for major projects and strategic approvals,

The scheme is ineffective as it provides a relatively easy way to justify destruction of biodiversity at the development site when in fact it is possible to retain the threatened biodiversity. The scheme is also ineffective as it has not been possible to verify the ultimate outcome of the offsets included in the consent conditions for the Ivanhoe Estate project.

Francis Breen
President

30 August 2021