



**Office of
Environment
& Heritage**

Our ref: DOC16/351266
Your ref: DOC16/418385

Mr Tony McCabe
Director, Asset Management
NSW Department of Education
GPO Box 33
SYDNEY NSW 2001

Dear Mr McCabe

Re: Offset strategy for proposed Manly Vale Public School redevelopment

Thank you for your letter dated 14 July 2016 in which you request the endorsement of the Office of Environment and Heritage (OEH) on the Department of Education's (DoE's) biodiversity offset strategy for Manly Vale Public School (MVPS).

I understand that the offset strategy includes the following:

1. Hornsby Council will submit a Biobanking application for the Galston Park site.
2. DoE will enter into an agreement with Hornsby Council to purchase and retire the Biobanking credits from the site, to offset the MVPS proposal.
3. DoE will be seeking a 'negotiated outcome' with OEH in regard to offset credits, as the Galston Park site does not provide an adequate number of credits to offset the MVPS redevelopment. If this negotiated outcome is not agreed to by OEH, DoE will fulfil all offsetting requirements for the MVPS redevelopment, in accordance with the biodiversity credit report.
4. DoE will finalise the above steps prior to completion of the MVPS redevelopment works.

OEH has some concerns with the above approach, specifically:

- OEH considers that the MVPS redevelopment should meet the offsetting rules as specified in the Biobanking Assessment Methodology (BBAM). Based on the information provided, it appears that the offsetting of 'heath' for 'woodland' ecosystem credits, as proposed in the 'negotiated outcome', is not permitted under the BBAM. However, OEH will consider this in greater detail when more information is received from DoE.
- If the DoE is required to seek credits from the Biobanking Register, there is some possibility that the required credits will not be available on the Register.
- In accordance with the NSW Government's offsetting policies, offsets should be provided before construction commences.

Therefore, OEH will endorse the offset strategy, provided the following amendments are made:

- If Biobanking credits are required to be purchased to offset the MVPS redevelopment, and these credits are not available on the Biobanking Register, DoE will seek the required credits from alternative sites. To this end, OEH recommends that DoE submit an entry for the outstanding credits required on the *Credits Wanted Register* (www.environment.nsw.gov.au/)

bimsprapp/CreditsWantedRegister.aspx) at the earliest opportunity to increase the likelihood that the required credits will become available in the event that the 'negotiated outcome' is not permitted.

- The steps in the offset strategy should be completed prior to any impacts occurring. If this is unachievable, the offsets should be secured within 12 months of consent being granted.

If OEH has a concurrence role in the MVPS proposal, and OEH intends to grant concurrence, the concurrence conditions will include that the offsets must be secured prior to the issuing of the construction certificate. If OEH can be satisfied that this is legitimately unachievable, OEH will require that the offsets must be secured within 12 months of consent being granted.

Your letter states that both the Northern Beaches Council and the Joint Regional Planning Panel have requested that the DoE 'seek OEH endorsement of the biodiversity offset strategy acknowledging that the DoE are proposing to fulfil their responsibility to offset impacts, that environmental impacts are being adequately mitigated and offset, and the SIS is meeting the Director General Requirements (DGRs)'. However, OEH understands that this letter is specifically seeking endorsement of the offset strategy only, as agreed at the meeting between OEH and DoE on 4 July 2016. OEH has not reviewed any biodiversity assessments for the MVPS site and therefore has not assessed whether environmental impacts are being adequately mitigated and offset, and the SIS is meeting the DGRs. In addition, this advice should not be construed as support for or endorsement of the MVPS proposal.

The above advice is provided on the assumption that if the MVPS is approved, the consent authority will ensure the species and ecosystem credits from the impact site and the offset site/s are matched, in accordance with the BBAM, unless agreed to by OEH.

If you have any questions about this information, please contact Sarah Burke, Team Leader Compliance and Regulation, on phone 9995 6848 or sarah.burke@environment.nsw.gov.au

Yours sincerely



DAVID TREWIN
Regional Manager Greater Sydney
Regional Operations

2/08/2016

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