

Your Ref: SSD-10352-Mod-1
Our Ref: SSD-1/2025

13 February 2025

Infrastructure Assessments
Department of Planning, Housing and Infrastructure (DPHI)
Locked Bag 5022,
PARRAMATTA NSW 2124



Attention: Director – Development Assessments and Infrastructure
C/- Navdeep Shergill, A/Team Leader

Dear Director - Development Assessments and Infrastructure,

**State Significant Development Application (SSD-10352-Mod-1)
Moriah College, 101 York Road and 1-3 Queens Park Road, QUEENS PARK NSW 2022
(Waverley Council Ref.: SSD-1/2025)**

Thank you for the opportunity to make a submission following the closing date of the exhibition period of the State Significant Modification Application (the modification application) known as SSD-10352-Mod-1 relating to the approved staged redevelopment of the Moriah College at 101 York Road and 1-3 Queens Park Road, Queens Park.

This submission seeks to convey Council's review of and comment on the application.

This submission is organised based on the following issues and matters arising from Council's review of the proposal and incorporates referral comments from technical officers in various departments of Council.

The contents of this submission follow this cover letter.

Should the DPHI resolve to support the application, Officers have prepared draft modified and additional conditions of consent that are recommended to be imposed on the modified SSD consent. These conditions are available upon request.

If you have any questions, require assistance or further information about the matter, please contact Ben Magistrale, Manager, Development Assessment, during business hours on 02 9083 8042 or by email ben.magistrale@waverley.nsw.gov.au.

Yours faithfully

Fletcher Rayner
Director Planning, Sustainability and Compliance

SUMMARY OF ISSUES

1. Biodiversity and Landscaping

Concern is raised in relation to the proposed modifications to the landscape plans. Specifically, the revised selection of plant species has unacceptable impacts on the biodiversity qualities of the adjoining critically endangered Eastern Suburbs Banksia Scrub (ESBS) reservation.

The particulars of the concern are set out as follows:

- a. Several species have been incorrectly listed in the landscape plan as ESBS species. For the approved assemblage of ESBS species, please refer to NSW Scientific Committee - final determination for Eastern Suburbs banksia scrub in the Sydney Basin Bioregion, or the ESBS best practise guidelines, or the endorsed Vegetation Management Plan for the site.
- b. The following species have been listed in the landscape plan as ESBS species but are not listed in the assemblage of ESBS species according to the NSW Scientific Committee - final determination, nor are these species listed in Council's Annexure B3-1 plant list and therefore do not count towards the 90% requirement. These include:
 - *Corymbia maculata*,
 - *Eucalyptus saligna*,
 - *Eucalyptus sideroxylon*,
 - *Isopogon anemonifolius*,
 - *Philotheca buxifolia*.
- c. All ESBS species proposed for planting must be of local provenance to maintain the ecological integrity of the adjacent remnant. Appropriate lead times for propagation time will need to be factored in, particularly for supply of plants in very large pot sizes (e.g., 100 & 200 L). Suppliers of ESBS provenance plants such as IndigiGrow Nursery and Randwick Nursery have very limited availability of large pot sizes.
- d. The proposed *Phoenix canariensis* (Phoenix Palm) is not supported due to their invasive nature, ability to displace native species, safety hazards and potential threat to local fauna, particularly the Grey-headed flying-fox (*Pteropus poliocephalus*), a vulnerable species under state and federal laws. This concern is heightened by the proximity of the Centennial Park flying-fox camp, located less than a kilometre from Moriah College. The spines at the base of the leaves can cause injury to flying-foxes fragile wing membranes. The sharp leaf spikes can also cause serious injuries and infections to humans and are not recommended for school grounds. Council does not support the planting of Phoenix palms and alternative species, such as *Livistona australis* (Cabbage Palm) and *Archontophoenix cunninghamiana* (Bangalow Palm) should be considered.

Please note that 7 X Phoenix Palms are shown in landscape drawings L-DA-25 but have not been included in plant schedules. In two plant schedules Phoenix dactylifera (Date Palm) is included but has not been shown in L-DA-25. See L-DA-27 (3 X *Phoenix dactylifera*), L-DA-28 (1 X *Phoenix dactylifera*). If Phoenix Palms have been named instead of Phoenix dactylifera, drawing L-DA-25 needs to be amended to update the correct palm name and relevant plant schedules need to be amended to account for the other 3 Palms.

- e. The proposed *Olea europaea* (Olives) is not supported due to its potential to spread invasively. Olives are prolific seeders. Birds and animals, including foxes, eat the fruit and disperse the seeds through droppings, contributing to the spread. Common olive (*Olea europaea*) is regarded as an environmental weed in NSW.

It is requested that Council Officers are afforded an opportunity to review and ultimately approve the final revision of the landscape plans prior to the issue of the relevant construction certificate to ensure that the landscape plans are compatible with the endorsed Vegetation Management Plan and biodiversity protection goals.

Otherwise, Council requests that the DPHI require amended landscape plans prior to the determination of the modification application in accordance with the following:

- i. Rename “Banksia Reserve” to: York Rd (Lot 23) Eastern Suburbs Banksia Scrub Remnant (Critically Endangered).
- ii. Ensure 90% of the proposed trees, 90% of the proposed shrubs and 90% of the proposed grasses and groundcovers are to be native plants that are listed in Annexure B3-1 of the Waverley Development Control Plan 2022 (Part B). Cultivars / hybrids are excluded.
- iii. Correct ESBS species to align with the NSW Scientific Committee Update all listed ESBS plants according to assemblage of species.
- iv. Replace *Phoenix canariensis* (Phoenix Palm) with indigenous or locally native species from Annexure B3-1 or with *Phoenix dactylifera*. This replacement is supported with acknowledgement of Date Palm’s Jewish cultural significance.
- v. Replace *Olea europaea* (Olives) with Australian Olive (*O. paniculata*) or Mock Olives (*Notelaea spp*). This substitution is supported with acknowledgement of Olive Trees Jewish cultural significance.
- vi. Include weed exclusion on the Moriah College side (east side) of the boundary fence with the ESBS remnant site.

Council’s Urban Ecology Coordinator emphasises their willingness to continue to collaborate with the DPHI and Centennial Parklands to ensure the successful safeguarding of ESBS vegetation, which is a critical natural asset for Waverley and the Eastern Suburbs.

2. Tree Management

While the modification application does not appear to remove additional existing trees on the site beyond that already approved under SSD-10352, clarification is requested on trees that are proposed to be removed, replaced and retained on the overall site. A clear tree schedule should be prepared that differentiates all removed, proposed, replaced and retained trees, including their genus, species, dimensions and specifications and canopy spread. The schedule should also correspond with modifications sought to trees and landscaping aspects of the approval as shown on the architectural and landscape plans.

While separate approval was granted for the removal of several trees subject to TPO-58/2023, it is strongly recommended that the modification application seeks to increase the tree canopy spread in relation to the tree canopy provisions under section 3.2.4 of Part B3 of Waverley Development Control Plan 2022, particularly to compensate for the loss of those trees that were subject to TPO-58/2023. This is why a tree schedule should be included in an amended Arboricultural Assessment to clearly demonstrate all trees that are to be retained, replaced and removed as part of the approved SSD, as proposed to be modified.

It is also recommended that additional conditions are imposed to the SSD consent to ensure that all street trees adjacent to the site are appropriately retained and protected during the construction stage of the development, including the requirement for tree bonds to be imposed as follows:

- a. As three x mature *Melaleuca quinquenervia* (Broad-Leafed Paperbark) adjacent to 20 Queens Park Road, the intersection with O'Sullivan Street and 14 Queens Park Road are in good health and fair structure, a \$5,000 bond should apply to each tree.
- b. Waverley Council's standard street tree protection conditions, which can be made available upon request.

Further, as already specified in Items 1 d. and e. of this letter, *Phoenix canariensis* (Phoenix Palm) and *Olea europaea* (Olive Tree). *O. europaea* are on Waverley Council's Exempt species list. These are also classified as a 'Priority Weed' under the *Biosecurity Act 2015*, and specifically, *P. canariensis* is classified as an environmental weed under the *Biosecurity Act 2015*.

These species are also inconsistent with the 'Protected Slopes' planting zone in which the site is located, as per Waverley Council's Street Tree Masterplan 2008.

This species selection is not supported and request an alternate endemic species consistent with the local vegetation community be considered as a replacement, such as *Archontophoenix cunninghamiana* (Bangalow Palm) or *Livistona australis* (Cabbage Palm).

3. Streetscape impacts of new booster assemblies and substation kiosk

Concern is raised about the streetscape appearance of the proposed additional dual fire brigade hydrant and booster assemblies at Queens Park Road and substation kiosk on York Road. While Council acknowledges the necessity of these facilities, the architectural plans do not indicate the type of construction or materiality, profile and overall design of these to understand the impacts on the streetscape, the adjacent Queens Park Heritage Conservation Area and Remnant Bushland Landscape Conservation Area and scenic qualities of the Centennial and Queens Park.

Council requests that the DPHI seek additional information, in the form elevation and section drawings showcasing the design of these services being integrated into the overall design and satisfy streetscape and heritage conservations concerns.

4. Built Form Changes

Council acknowledges that the application of the height of buildings development standard under Waverley Local Environmental Plan 2012 to the SSD is suspended by State Environmental Planning Policy (Infrastructure) 2021. The increase of the overall building height of the approved development, as proposed to be modified, is generally satisfactory by virtue of the building not significantly extending above the predominant tree canopy line when the development is viewed from inside and the eastern portions of Queens Park. However, careful consideration should be given to the design quality of the additional open air plant enclosure and flues in terms of the visual impact of these on the architecture of the building and how these are perceived upon the surrounding parklands. Exploration of material and colour palettes could be one option to ensure these elements are as inconspicuous as possible from the surrounding public domain.

5. Stormwater and Traffic

- a. Council's Stormwater Infrastructure Engineer raised concern about the limited information to support calculation of permissible site discharge in the Civil Design Statement prepared by Northrop and dated 14 October 2024 to verify the adequacy of the on-site detention (OSD) system in accordance with Council's Water Management Technical Manual and current standards.

Council's Stormwater Infrastructure Engineer raised the following other matters:

- i. To be consistent with the other recent development applications in the Waverley LGA and to ensure the stormwater management system is adequately designed, it is recommended that the additional conditions be added to the SSD consent, including the submission of detailed stormwater plans for approval by the Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

- ii. The approved SSD includes a direct stormwater connection to the kerb inlet pit on Baronga Avenue from the development site. However, this modification proposes a larger scope of work by extending the drainage network (including the construction of four new kerb inlet pits) from York Road, and a connection at the existing kerb inlet pit on Baronga Avenue.

Given the significant changes to the works, approval must be sought from Council for the work on Council's assets. Hence, a condition of consent to this effect is recommended to be added to the SSD consent. This will allow Council to request the pre-construction and post construction CCTV to confirm the condition of the Council's stormwater pipes and pits servicing the site and to ensure the stormwater infrastructure was adequately protected and there is no damage due to the construction activities or the connection to the private property connection.

- iii. Additional conditions of consent requiring the creation of positive covenant and restriction on title for the effective management of stormwater for the life of the development is recommended to ensure consistency with Council's Water Management Technical Manual.
- iv. Baronga Avenue to the east of the site (where the stormwater discharge point is proposed) is identified as flood affected under the Council endorsed Waverley LGA Flood Study 2021 (as shown in **Figure 1** below). No flood planning controls are applicable to the development, however, hydraulic calculations for the OSD tank outlet with appropriate tailwater conditions shall be submitted to Council for approval prior to the issue of the relevant construction certificate to show adequate capacity for the connection into the Council pipe network downstream. A condition to this effect is recommended to be added to any SSD consent.

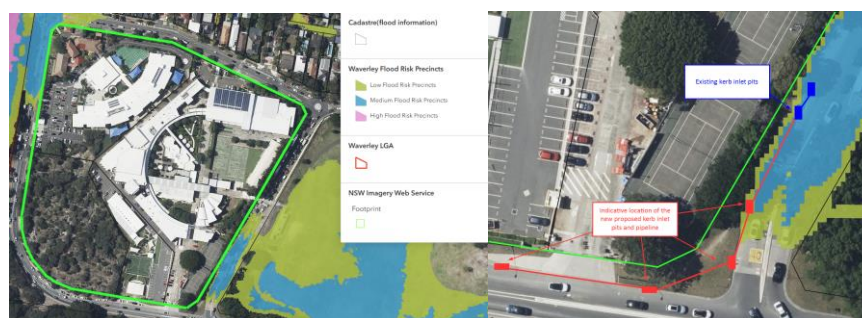


Figure 1 – Extract of the Map in Waverley LGA Flood Study, showing the Waverley Flood Risk Precincts with annotations of indicative location of new proposed kerb inlet pits and pipelines

- v. Please note that all conditions suggested above are standard Waverley Council stormwater conditions and are available upon request.

- b. Council's Transport Operations Coordinator deemed the changes to external and internal vehicular access and parking arrangements minor and raised no objection, provided that all relevant existing conditions of consent are met and satisfied during the construction and the on-going occupation stages of the development.

- END OF SUBMISSION -