

Referral Form

Important Note:

Please read the Referral Guide that accompanies this form carefully. The guide will help you to complete the form correctly and ensure that your referral is valid. The completed form, together with the required maps and any other information you may wish to submit, should be sent to the Referrals Section of Environment Australia, as per the guide.

1. Contacts and proponent

1.1 Person making the referral

(Note: The term "person" can refer to an individual or a corporation)

Moriah War Memorial College

C/o

Colin Ging & Partners

L5, 97 Pacific Highway

North Sydney NSW 2059

Ph. 02 9955 3988

Fx. 02 9955 0772

Attn : John Craven – johnc@cgp.com.au

1.2 Person(s) proposing to take the action.

As above.

1.3 Person(s) who will be the proponent for the action

As above.

2. Description of the proposal

2.1 Provide a *summary description* of the action (two or three sentences)

Action Description

The removal of existing degraded bushland containing a portion of Eastern Suburbs Banksia Scrub on Lot 22 of the York Road Bushland to facilitate the expansion of the Moriah War Memorial College .

The rehabilitation by Moriah College of the degraded bushland on Lot 23 containing in the majority Eastern Suburbs Banksia Scrub.

Background

Moriah College intends to expand the operations of the existing campus to meet an increase in student numbers for 2002 and beyond. To accommodate this growth, a Masterplan for the staged expansion of the College has been developed. Additional to general facilities planning, this Masterplan will address key issues associated with the adjacent residential area, traffic management and the York Road bushland.

To effect the expansion, the Masterplan requires the acquisition of land adjacent the existing school site. Initially this includes for the TAFE site (Lot 22), and at a later date, the DOCS site (Lot 1).

A bushland survey of these sites has been completed, including the CPMPT site (Lot 23), and native bushland has been identified, in part, on all sites. This bushland conforms to the description of Eastern Suburbs Banksia Scrub (ESBS) which is listed under the Threatened Species Act 1995.

The Centennial Park & Moore Park Trust (CPMPT) own the portion of the York Road land block known as Lot 23. The land was transferred by the State Government from the Minister of Education to the CPMPT in 1996. This land transfer was for the express purpose of creating a land reserve for the Eastern Suburbs Banksia Scrub.

Although the land forms part of CPMPT operations, the site is unlikely to be allocated funding for improvements within the next ten years.

The bushland survey of the sites identifies that the remnant ESBS is fully mature and, given a lack of natural growth regeneration opportunities, the scrub is senescent and is clearly receding in area. Additionally, this example of the ESBS bushland is judged to be of low quality due to the limited diversity of plant species present and the poor health of the remnant plant stock.

Bushland Regeneration Proposal

In consideration of the Moriah College project objectives, the responsibility for the York Road Bushland inherited by CPMPT and the overall community interest, Moriah College have proposed to consolidate the ESBS bushland from Lot 22 onto the CPMPT land Lot 23.

The College understands that the Lot 23 bush is suitable for regeneration and that the quality and area of the bush may be substantially improved. The vegetation consolidation is proposed to be implemented under a plan of management between Moriah College and CPMPT.

The recent flora survey has noted that the bushland is adversely impacted by competing plant species, such as, Radiata Pine trees and Lantana. The removal of these plants would be fundamental to any bush regeneration plan.

The objectives of the bush regeneration plan are :

- remove all weeds and exotic species from the site, including significant nos. of Radiata Pine trees.
- fence and protect all site boundaries.
- Manage and control all stormwater runoff from adjacent sites.
- rehabilitate existing ESBS bushland with approved bush management techniques.
- regenerate the areas of the site not covered with ESBS.
- improve the species diversity of the site

2.2 Details of the location of the project area

The subject site is located on a land block known as the York Road Land Block bounded by York Road, Queens Park Road and Baronga Avenue, Queens Park NSW.

The York Road Land Block is divided into 4 land lots.

- * Lot 1 Eastern Suburbs Hospital (owned by DOCS)
- * Lot 3 Moriah War Memorial College (leased by Moriah College)
- * Lot 22 Vacant land (proposed to be leased by Moriah College)
- * Lot 23 Vacant land (owned by Centennial Park & Moore park Trust)

The subject sites are as follows :

- * Lot 22 proposed for clearing.
- * Lot 23 – proposed for rehabilitation

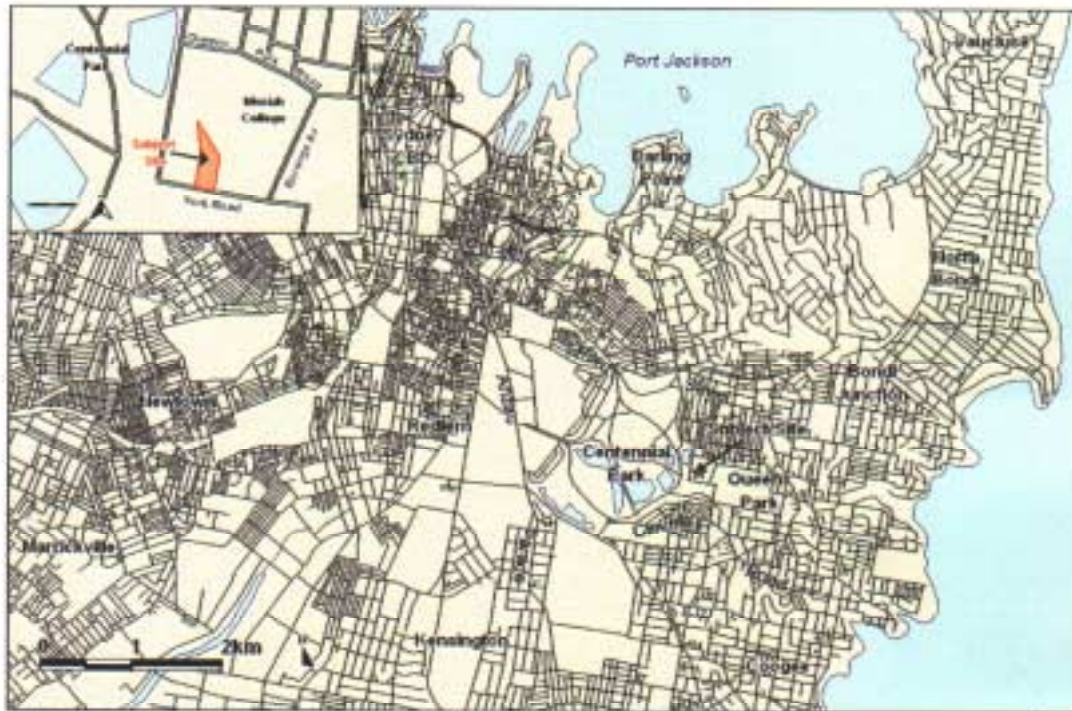


Figure 1
Location of Subject Site



2.3 Provide the *timeframe* in which the action is proposed to occur. Include start and finish dates where applicable.

The proposed clearing of Lot 22 by Moriah College is scheduled to be completed mid to late 2002.

The proposed rehabilitation of Lot 23 by Moriah College is scheduled to commence at the time of the clearing of Lot 22 and continue to a programme agreed with CPMPT for a period of five (5) years.

2.4 Provide a *description* of the action, including *all* activities proposed to be carried out as part of the proposed action.

The clearing of Lot 22 and the rehabilitation of Lot 23 are both subject to a Vegetation Management Plan (VMP) being developed between Moriah College and CPMPT.

The principles of the have been agreed and form part of a Memorandum of Understanding (MOU) proposed to be executed between the parties upon the receipt of a response to this referral.

Please refer to the draft MOU and VMP as attached for information.

The clearing of Lot 22 is subject to lease conditions imposed by the land owner. The Minister of Education. These conditions address issues relating to boundary security, stormwater run-off and the long term management of Lot 23 with CPMPT.

Upon the execution of the MOU, the VMP will be developed in detail between Moriah College and CPMPT. The process for VMP development, as outlined in the MOU, necessitates the participation and concurrence of Waverley Council and the National Parks and Wildlife Service.

The VMP is being prepared on behalf of Moriah College by Urban Bushland Management Consultants, Ms Judie Rawlings ph. 02 9894 2255.

2.5 Provide an *explanation of the context* in which the action is proposed to take place, including any relevant planning framework, in which the action is proposed (for example, relevant management plans or State or Local Government approvals).

The proposed action has been subject to approval by the State Government of NSW though the Development Application approved by Waverley Council and has included consideration under the following statutory legislation :

- The Environmental Planning & Assessment Act 1995.
- The Threatened Species Conservation Act 1999.

2.6 Indicate whether, and in what way, the action is *related to other actions or proposals* in the region.

No.

3. Description of the project area and the affected area

Note: You must include a *map(s)* clearly showing the location of the action, and any relevant features referred to in 3.1

(A general location map (eg, 1:250 000 scale) and a more detailed map showing the elements of the proposal may be appropriate. If available, an aerial photograph or other photograph of the site can be included.)

3.1 Describe the affected area, referring, as appropriate, to attached maps. In particular, indicate on the map the location of any of the following features: World Heritage properties, Ramsar wetlands, listed threatened species or communities and/or known habitat for these species or communities, listed migratory species and/or known habitat for these species, Commonwealth marine areas and Commonwealth land.

The bushland survey study area comprises Lots 1, 22 and 23 at York Road, Queens Park. The subject sites are Lot 22 and 23 for the proposed action.

The study area is located approximately 1 kilometre south-west of Bondi Junction Railway Station and approximately 1.5 kilometres north of the Randwick Business District. It is located on a major traffic thoroughfare that provides access between Randwick and Bondi Junction. The Sydney Central Business District is located approximately 5 kilometres to the northwest.

To the north the study area is bounded by Queens Park Road, to the east by Baronga Road, and to the south and west by York Road. The configuration of the site is irregular. The total study area is approximately 3.009 ha.

From its highest point at RL 53.42 along the northern boundary of Queens Park Road, the site falls 3.8 metres to its lowest point at the southern boundary of RL 49.62. The fall along the Queens Park Road is about 0.8 metres down to the east. The fall along the Baronga Road frontage is about 1.6 metres down to the south. The fall along the York Road frontage is about 0.95 metres down to the east (Douglas Partners June 2000).

Vehicular access to the College Campus is currently available from Queens Park Road and York Road. At present there is no access from Baronga Road.

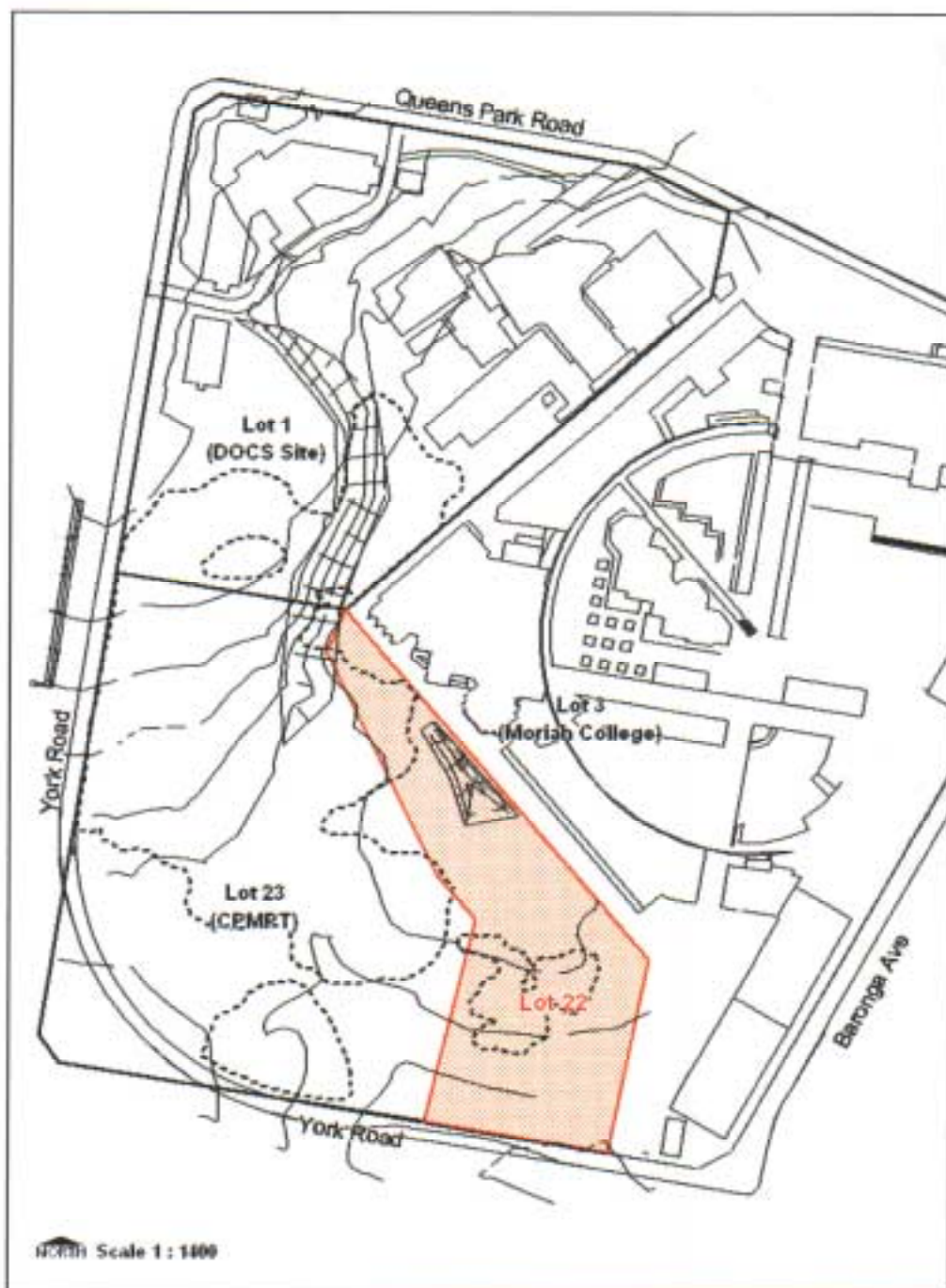


Figure 2
Details of Study Area

URBAN BUSHLAND
MANAGEMENT CONSULTANTS PTY LTD



3.2 Provide a description of important features of the project area and the affected area and show these on the attached map, including (if relevant to the project area or affected area) information about:

- (a) soil and vegetation characteristics;
- (b) water flows, including rivers, creeks and impoundments;
- (c) the presence of outstanding natural features, including caves;
- (d) gradient;
- (e) any buildings or other infrastructure;
- (f) any marine areas;
- (g) kinds of fauna in the area; and
- (h) the current state of the environment in the area, including information about the extent of erosion, whether the area is infested with weeds or feral animals and whether the area is covered by native vegetation or crops.

Subject Site Vegetation Outline

For vegetation survey purposes, bushland is defined to be those areas where more than one (1) stratum was represented (ie. canopy trees, shrub layer, herb layer), which follows State Environmental Planning Policy No 19 – Bushland in Urban Areas (SEPP-19)

This definition of bushland is present in Lots 1 and 23. Isolates and small groups of native shrubs occur in Lot 22. The native vegetation in Lots 1 and 23 conforms to the community described by Benson and Howell's (1994) as "Open-scrub: *Monotoca elliptica* - *Banksia integrifolia* - *Leptospermum laevigatum*". This appears to be a variant within Eastern Suburbs Banksia Scrub descriptive. Eastern Suburbs Banksia Scrub is of State conservation significance and is listed on Part 3 of Schedule 1 of the *TSC Act*.

The dominant plant form within the study area is *Leptospermum laevigatum*. In the Final Determination for Eastern Suburbs Banksia Scrub, *L. laevigatum* is stated to be one species that may dominate a site after disturbance (*Kunzea ambigua* is the other species identified). The floristics and structure of the plant community in the study area are generally very simplified compared to the description given in the Final Determination (NSW Scientific Committee 1998). Refer to Appendix 1.

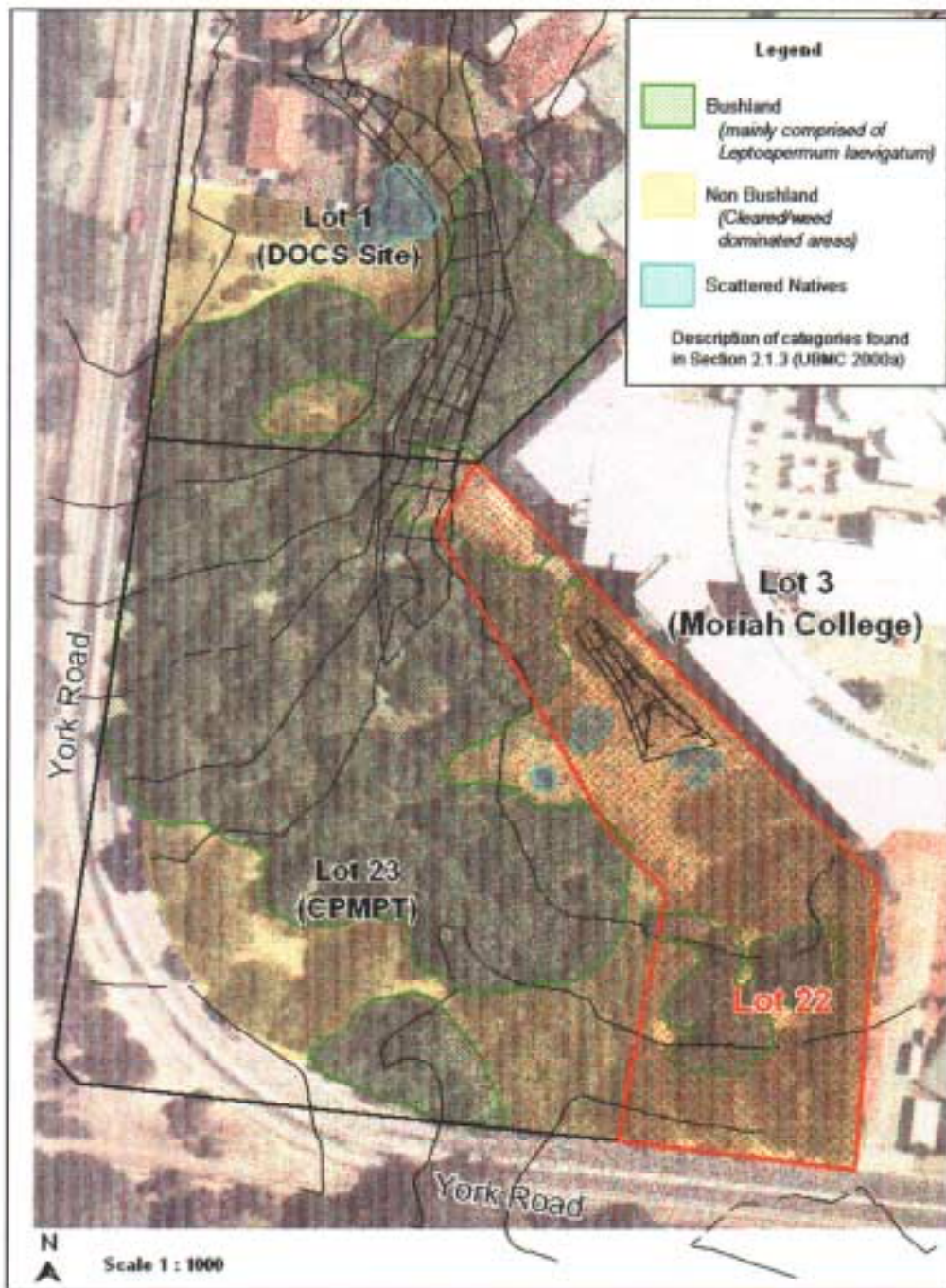


Figure 4
Bushland Boundaries, York Road Bushland

URBAN BUSHLAND
MANAGEMENT CONSULTANTS PTY LTD



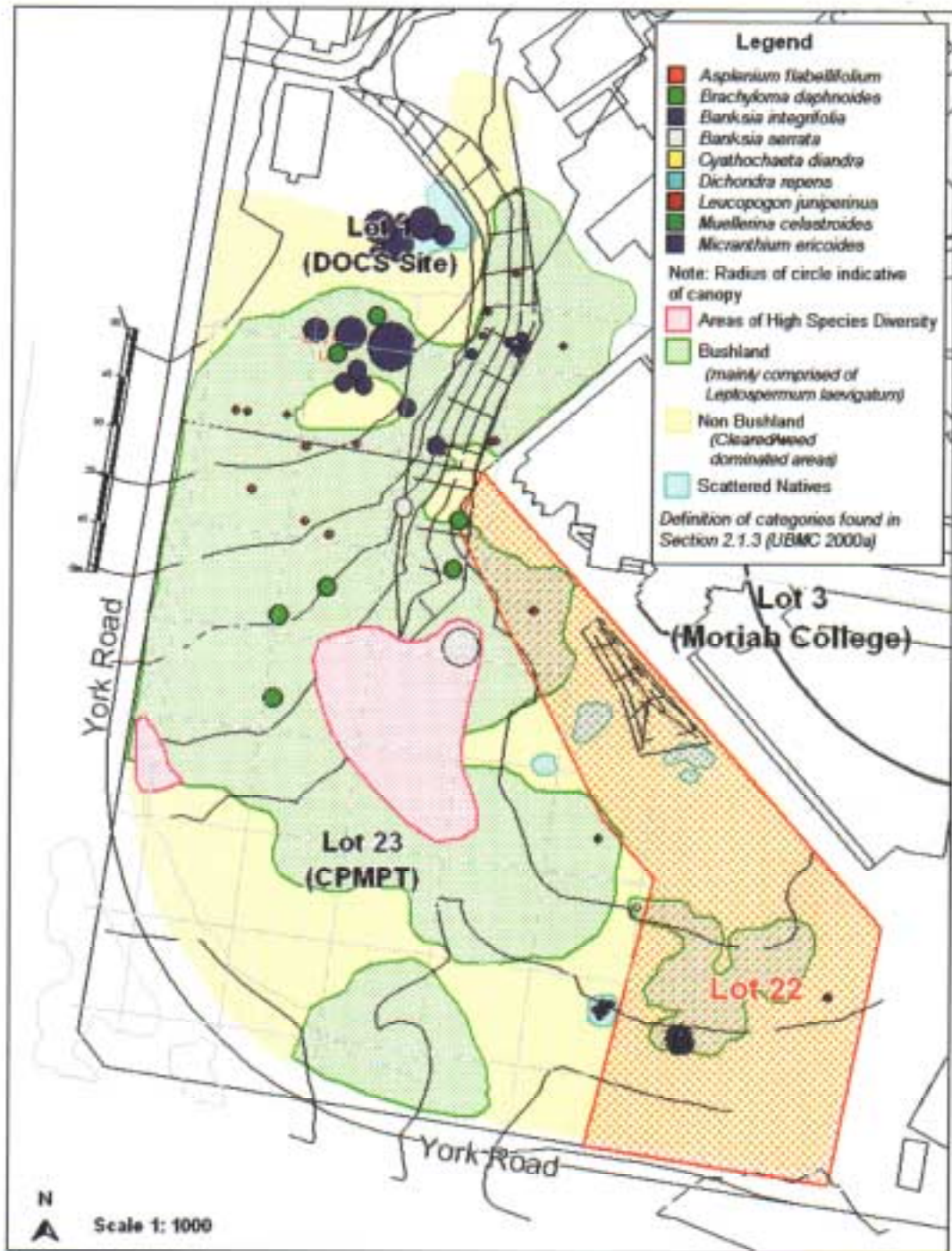


Figure 5
Approximate Location of Selected Native Species,
York Road Bushland



Bushland covers just over half of the mapped area (the study area). Approximately two thirds of this bushland is located within Lot 23. The native plant community occurs in part, in all three (3) land lots, and was estimated (UBMC 2000a) to cover 16.3% of Lot 1, 20.7% of Lot 22 and 68.0% of Lot 23 (see Table 1).

Table 1: Distribution of bushland between the subject site and study area (UBMC 2000a)

Category	Subject Site	Subject Area		Total
	Lot 22	Lot 1	Lot 23	
Bushland	1 007 m ²	2 351 m ²	7 333 m ²	10 691 m ²
Non-Bushland	3 614 m ²	1 673 m ²	3 139 m ²	8 426 m ²
Scattered Natives	84 m ²	164 m ²	48 m ²	296 m ²
Not Mapped / Developed Areas	152 m ²	10 262 m ²	260 m ²	10 674 m ²
Totals	4 857 m ²	14 450 m ²	10 780 m ²	30 087 m ²

In Lot 1, bushland occurs in the north-eastern sector and extends along its southern boundary, concurrent with bushland in Lot 23. In the subject site (Lot 22), there are some islands of native vegetation (represented by *L. laevigatum*). One (1) island is an extension of a larger area of *L. laevigatum* occurring in Lot 23. Bushland (albeit simplified) covers most of Lot 23, except for clearings and gaps which occur near the eastern and southern boundaries. Over a quarter of the study area (~ 28.0%) comprising Lots 1, 22 and 23, has been cleared or is vegetated with introduced species. This area is described "Non-bushland".

3.3 What is the *tenure* of the project area (for example is it freehold, leasehold or some other tenure)? If practicable, show on the attached map.

The York Road Land Block is divided into 4 land lots.

- The subject site, Lot 22 DP 879582 (former TAFE site) is owned by the Department of Education and is leased to Moriah War Memorial College on a long-term lease
- Lot 1 DP 701512, which is owned by the Department of Community Services (DOCS) who are finalising negotiations with Moriah War Memorial College on the terms of an agreement for the acquisition of the land.
- Lot 3 DP 701512 (the existing College site), which is owned by the Minister of Public Works but is subject to a long term lease to Moriah War Memorial College.
- Lot 23 DP 879582, which formed the western portion of the TAFE land before subdivision into two (2) separate land parcels (Lots 22 and 23). The ownership of Lot 23 has been transferred to Centennial Park and Moore Park Trust.

3.4 What are the current and/or proposed *land uses* for the project area?

The land lots within the study area have different land uses and proposed land uses. Current and proposed land uses for the four (4) land lots within the study area are detailed in Table 2.

Table 2: Summary of Current and Proposed Land Uses

Land Lot	Size (m ²)	Tenure	Current Uses	Proposed Uses
Subject Site Lot 22 DP 879582	4,857	Department of Education (lease under negotiation)	Vacant land allocated for development by the Minister for Education	Expanded education facility
Lot 1 DP 701512	14,450	Department of Community Services	Health facility operated by DOCS	Health facilities to cease operations. Available for development (Expansion of educational facility)
Lot 3 DP 701512	40,000	Department of Public Works (99 year lease to MWMC)	Educational facility operated by MWMC	Continued education uses
Lot 23 DP 879582	30,087	CPMPT	Flora reserve	Flora reserve

Site Tenure History

The area known as the York Road Bushland is a small (1.069 ha) bushland remnant which is located immediately adjacent to Centennial and Queens Parks, in the Waverley Local Government Area. The York Road Bushland will henceforth be described as the 'study area' (as per Section 2.1).

The site originally formed part of the original Macquarie (Sydney) Common, dedicated in 1811 to provide grazing for local settlers, and was incorporated into Centennial Park in 1887. In 1929 York Road was extended through the eastern portions of the Park providing a link to Victoria Road. The construction of this road isolated the subject site, severing its connectivity with the Park.

Ownership of the 5.7 ha parcel of land on the eastern side of York Road (which contains the present-day bushland) was transferred to the Department of Health in 1930, and the Eastern Suburbs Hospital was built on part of the site in 1935 (Lot 1).

The land was then subdivided into three (3) land lots, of which Lots 2 and 3 were transferred to the TAFE Commission in the 1980s. Subsequent to this, Moriah War Memorial College leased Lot 3 from the NSW Department of Public Works for the development of the current College campus.

In 1996, the remaining vacant land lot (Lot 2) was declared surplus to TAFE needs and Urban Bushland Management Consultants (UBMC) was commissioned by NSW State Property, on behalf of the TAFE Commission, to prepare a habitat assessment of the bushland on the site with a view to its correct disposal for other uses.

The document - *Habitat Assessment Lot 2 York Road, Bondi Junction* (UBMC September 1996) - identified the bushland on the larger site as a (simplified) regrowth form of Eastern Suburbs Banksia Scrub, a plant community which has been determined as an 'Endangered Ecological Community' in the Schedules of the *TSC Act*. As less than 1% of this plant community type remains in the Sydney Region, and as a number of native fauna of local conservation concern are known, or thought to utilise the site, the York Road Bushland was considered to be of 'high' local and regional conservation significance.

As the result of the UBMC Report (1996) and in view of intensive community interest in the future use of the site, and representations made by Waverley Council, Centennial and Moore Park Trust, the Nature Conservation Council, and the NPWS, State Property determined that Lot 2 should be subdivided in order to allow the preservation of the identified bushland and to allow development of the balance of the land.

To this end, Lot 23 DP 879582 (1.07ha) and Lot 22 DP 879582 (0.485 ha) were created, with the boundary line between the two (2) sectors of the site determined by the presence of (remnant) native vegetation, and by geophysical factors (see Figure 2).

As a result of this subdivision, Lot 23 was transferred to the ownership of Centennial Park and Moore Park Trust on 20 August 1998 by the Minister of Education and Training. It was intended that Lot 23 form a component of the Centennial Parklands and that it be managed by the CPMPT as a flora reserve.

Refer to the Species Impact Statement prepared by Urban Bushland Management Consultants dated August 2000, as attached.

4. Nature and extent of the likely impacts of the action

4.1 Describe, as relevant to your project, the nature and extent of likely impacts on the following matters protected by the EPBC Act:

- the world heritage values of a declared World Heritage property; or
- the ecological character of a declared Ramsar wetland; or
- the members of a listed threatened species (except a conservation-dependent species) or any threatened ecological community, or their habitat, or
- the members of a listed migratory species or their habitat; or
- the environment in part of the Commonwealth marine area; or
- the environment on Commonwealth land.

Outline of Threatened Ecological Community

One (1) Endangered Ecological Community was recorded in and adjacent to Lot 22 – that is a regrowth form of Eastern Suburbs Banksia Scrub. Owing to the highly specialised habitat type, the substrate, and its physiographic location, no other threatened plant communities were considered likely to occur on the site.

Leptospermum laevigatum dominated the 20.7% of the subject site. Eleven other indigenous species were recorded in the lot, however these occurred only in very small numbers and are considered to be widespread species in their natural range.

It is considered that the Eastern Suburbs Banksia Scrub is a variant of Benson and Howell's (1994) "Open-scrub: *Monotoca elliptica*-*Banksia integrifolia*-*Leptospermum laevigatum*". This community is widespread in coastal eastern Australia and is not especially representative of Eastern Suburbs Banksia Scrub.

The Determination for Eastern Suburbs Banksia Scrub states that *Leptospermum laevigatum* may be temporarily dominant in regrowth vegetation. This is the situation within the subject site, except that it is doubtful that the community will develop further into a more diverse mature stage. This conclusion has been determined for the following reasons.

- The presence of large numbers of aggressive environmental weeds throughout the subject site (eg. *Lantana camara*, *Tradescantia fluminensis*, *Ipomoea indica*, *Pennisetum clandestinum*, *Protasparagus aethiopicus*, *Olea europaea* ssp. *africana*, *Ehrharta erecta*, *Acetosa sagittata*, *Nephrolepis cordifolia* and *Pinus radiata*), and their potential to threaten any areas of regenerating bushland;
- The alteration of the community's 'natural' fire regime that has allowed the existing monoculture of *Leptospermum laevigatum* to persist in its present form and density, and which has most probably inhibited the germination and establishment of other indigenous species in the scrub / woodland.
- The presence of extensive highly disturbed sites with nutrient enriched soils (eg. spoil and rubbish heaps) that would favour both introduced species and *Leptospermum laevigatum* (Burrell 1968) over the establishment and persistence of other indigenous species.
- The lack of natural species diversity, particularly as compared with other sites in the study area / locality which support related plant communities.
- Given the probability that the soil seed bank has been exhausted or significantly depleted (as evidenced by the present low species diversity, despite adequate opportunity for regeneration over a period of 50 or more years).

- The lack of connectivity with larger and/or significantly more diverse similar vegetation which would facilitate importation of new indigenous species and genetic material.

Based the above, it is considered that the conservation value of the existing area of Eastern Suburbs Banksia Scrub within the subject site is 'low'.

Owing to the above it is considered that the cleared area is unlikely to be potential habitat for Eastern Suburbs Banksia Scrub despite the presence of the occasional scattered generalist native species. Most of the present low-growing native species will probably be lost due to replacement by introduced species. Taller species may be threatened by the aggressive introduced vine *Ipomoea indica* in the long-term, as this vine has been recorded at a number of locations within the subject site.

Assessment of Habitat

The subject site is a tapered, bent wedge of land located between the existing Moriah College campus to the north-east, and degraded bushland to the south and west (Lot 23) (see Figure 2). The total area of the subject site (Lot 22) is 4,857 square metres.

Approximately 1,091 square metres of degraded bushland and scattered native species occurred on the subject site, comprising an edge of bushland extending from Lot 23 (two locations) and an island of bushland in the south-eastern section (see Figure 4). This represented approximately 22.5% of the land area on the subject site. Approximately 84 square metres contained scattered individuals and small groups of native species in weed-dominated areas. The remainder (3,766 square metres) was dominated by (introduced) weed species (see Table 1).

The vegetation in the subject site (Lot 22) is a mixture of native and introduced plant communities. Native plants covers only just over 20% of the lot and the habitat is chronically degraded by noxious and environmental weeds that threaten its long-term viability.

The current (July 2000) survey recorded 12 indigenous species for the subject site. A previous survey (February 2000) recorded 13 species. The extra species (*Eragrostis brownii*) occurred in a location that contained vigorous growth of *Pennisetum clandestinum*, which may have caused the demise of this small area of native grass.

The UBMC (February 2000) survey for Lots 1, 22 and 23 recorded 25 species, 8 species fewer than recorded during the 1996 survey (allowing for one additional species recorded in Lot 1). It is possible that some of these species were lost during the interim period due to excessive shading and encroachment by weeds.

Environmental weeds dominated the non-bushland section of the subject site. It additionally contained other features that would make the (natural) regeneration of a viable natural plant community unlikely. These include large areas of 'native' soil covered with overburden, including a section of bitumen car park area, a concrete building foundation, and numerous spoil and rubbish heaps. As Lot 22 was used as a builder's compound during the construction of Moriah College (c 1984), is likely that some nutrient enrichment of the soil occurs adjacent to the College, originating from the spoil and dumped rubbish. The organic soil profile of a stable natural dune community is generally absent or has been replaced by decomposing pine needles and grass thatch.

Description of Disturbance History

The study area (including the subject site) was previously part of the Macquarie Common, dedicated in 1811 to provide grazing land for settlers in the local area. The study area was re-established as part of Centennial Park in 1887, but it is not known if the York Road Bushland was subject to the same major landscaping work which characterised the establishment of Centennial Park. Such works involved the importation of many tonnes of coastal sand, reshaping and reforming the site's natural dune formation, and replanting the whole areas with a wide range of (generally) native and introduced (exotic) ornamental trees and shrubs (Ashton and Blackmore 1988).

The history of land tenure for the land lots within the study area has been discussed in Section 2.5 of this report. Major incursions into the original bushland areas have included the construction of a hospital facility on Lot 1 (1935) and the construction of Moriah War Memorial College on Lot 3 in the early 1980s. Both developments resulted in the construction of access roads and car parking areas and in the reshaping of the original dunes (eg. levelling of existing dunes and build-up of soils to support building platforms). It is possible that the roadway, building foundations, and mullock heaps existing on Lot 22 date from one or both periods of construction (see Plates). Information received from the former Chief Technical Officer at the Eastern Suburbs Hospital in the 1950s, Mr Noel Slarke indicates that excavated fill from Queens and Centennial Parks was also placed on the subject site (UBMC 1996). As a result, the level of Lot 22 has been raised considerably above the 'natural' soil levels (as evident on the southern part of the lot, and in the area adjoining Lot 23).

Known as Sawyers Paddocks prior to the 1950s, anecdotal and photographic evidence would seem to indicate that the whole site (the study area excluding the land occupied by the Eastern Suburbs Hospital on Lot 1) had been substantially cleared by the 1950s (UBMC 1996). In the 1950s the NSW Department of Public Works spread clinker ash followed by a bitumen spray over most of the site to prevent sand drift onto York Road. Evidence of this may be easily viewed by excavating, particularly on Lot 23, as well as on the surface in some areas in the same Lot (see Plates). It has also been indicated (N. Slarke / Dept of Health, pers comm) that the Radiata Pine, Indian Coral Tree and Queensland Brush Box were planted by Public Works sometime in the 1950s.

In recent years the whole of the study area has been subject to numerous human-induced disturbances. Horse riding and trail bikes have created a network of tracks, some of which have eroded below the original ground surface and removed the surface organic layer. The eastern third of the site (eg. north and north-eastern sections of Lot 22) have been subjected to the dumping of builder's rubble, household rubbish and other debris (see Plates). Some parts of the study area have been occupied in the recent past by vagrants, and incidents of vandalism (e.g. small fires, damage to vegetation, fences destroyed) are frequent occurrences.

Extent of Habitat Removal

The proposed extension of the college facilities would result in the removal of all the native and introduced vegetation in the subject site, and its replacement by structures and an internal roadway. A small area is proposed to be excised from development and landscaped using locally indigenous plants to provide a 'buffer zone' between the development and bushland in Lot 23.

Approximately 1,007 square metres of predominantly native vegetation would be removed from the subject site as a result of the proposed development (UBMC 2000b). An additional 84 square metres of scattered native plants would be removed from the weed-dominated area on the subject site.

Discussion of Conservation Status

Owing to the fragmented nature and small size of the remnant and regrowth community, and the small total amount of community remaining, its nominal conservation value is very high.

Based on the following:

- Very small size (1,007 square metres);
- Low native species diversity (12 species)(including *Pittosporum undulatum* and *Ficus rubiginosa* which may not be natural components and which could cause the further loss of species diversity);
- Lack of threatened species;
- Composition of widespread generalist native species only (except for one *Leucopogon juniperinus*);
- Threatened viability owing to environmental weeds (including the potential loss of nine (9) species since 1996);
- Poor condition due to weeds, rubbish and bitumen road surface;
- Long history of disturbance;
- Unlikely presence of significant soil seedbank; and
- Potentially changed soil conditions;

it is considered that the actual conservation significance of the existing vegetation community contained in the subject site is 'very low'.

Given the depth of overburden in the non-bushland area of the subject site it is considered unlikely to provide 'potential habitat' in any meaningful way.

The proposed development of all of the subject site would have no significant impact on Eastern Suburbs Banksia Scrub, provided that no impacts occurred to affect bushland in the adjoining Lot 23.

4.2 Indicate if your action is:

- (a) a nuclear action; or
- (b) will be taken by the Commonwealth or by a Commonwealth agency; or
- (c) will be taken in a Commonwealth marine area; or
- (d) will be taken on Commonwealth land.

No.

5. Information sources

For information given in sections 3 and 4 of this referral, please indicate:

- (a) the source of the information; and
- (b) how recent the information is; and
- (c) how the reliability of the information was tested; and
- (d) any uncertainties in the information.

The information sources for sections 3 and 4 are quoted in each relevant section. Each source forms part of the Development Application submission to Waverley Council for the project. The information has been subjected to test and assessment under the NSW EP&A Act, including review by NSW National Parks & Wildlife Service.

All information is less than 2 years old and remains current to the status of the subject site. None of the information is uncertain in any way.

6. Signatures and Declarations

6.1. Signature of person making the referral

I,(*full name*), declare that the information contained in this form is, to my knowledge, true and not misleading.

Signature

Date

6.2. Declaration of person nominated as proponent in Section 1.3, if different from person proposing to take the action

I,(*full name*), being (or agent acting on behalf of) the person nominated in Section 1.3 of this referral form as the nominated proponent agree to be designated as the proponent for the action described above if it is decided that the action requires approval under Part 9 of the EPBC Act.

Signature

Date

Signature of person proposing to take the action

Date

6.3. Statement by person making this referral on whether or not they believe the referred action to be a controlled action and identification of relevant controlling provisions

(Note: This Section must be completed in *all cases* except where the referral is made by a State or Territory or a Commonwealth agency in relation to an action to be taken by another person.)

*If you think your proposed action is **not likely to have a significant impact** on any of the matters listed in the table below, then you should select and complete the following statement and you should **not** mark any of the boxes in the table below.*

I(full name), being the person making this referral and the person proposing to take the action (or agent acting on behalf of the person) believe that the action described in this referral **is not a controlled action**

OR

*If you think that your proposed action is **likely to have a significant impact** on any of the matters listed in the table below, then you should select and complete the following statement. You must then mark 'Yes' against those matters on which you think it will have a significant impact, in the table below.*

I(full name), being the person making this referral and the person proposing to take the action (or agent acting on behalf of the person) believe that the action described in this referral **is a controlled action because of the following provisions of the Act:**

Significant Impact Likely	Controlling Provision
	World Heritage property (Sections 12 and 15A - significant impacts on the values of a World Heritage property)
	Ramsar Wetland (Sections 16 and 17B - significant impacts on the ecological character of a Ramsar wetland)
	Threatened species or ecological communities (Section 18 and Section 18A - significant impacts on a listed threatened species or a listed threatened ecological community)
	Migratory species (Sections 20 and 20A - significant impacts on a listed migratory species)
	Nuclear action (Sections 21 and 22A - nuclear actions)
	Commonwealth marine area (Sections 23, 24 and 24A - actions relating to the Commonwealth marine area and fishing in coastal waters)

	managed by the Commonwealth)
	Commonwealth land (Sections 26 and 27A - actions relating to Commonwealth land)
	Commonwealth action (Section 28 - actions by the Commonwealth having a significant impact on the environment)

Briefly provide reasons why you believe your proposed action is or is not a controlled action:

(Note: For an explanation of the term "controlled action", see the Referral Guide that accompanies this form.)

The proposal has been subjected to the "8 Part Test" as outlined by the requirements of the NSW EP&A Act.

The results of this test have been included in the Species Impact Statement and conclude that the proposed action will not have a significant impact on the threatened ecological community.

Arising from this assessment, we conclude that the proposed action is not a controlled action.

Signature

Date

If the person making this referral is, or is representing, a *small business* (a business having fewer than 20 employees), please provide an estimate of the time taken to complete this form

Please Include

- The time spent reading the instructions, working on the questions and obtaining the information; and
- The time spent by all employees in collecting and providing this information.

hours minutes

END OF FORM

COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

DECISION ON CONTROLLED ACTION, CONTROLLING PROVISIONS AND DESIGNATION OF
PROPONENT

Pursuant to section 75 of the *Environment Protection and Biodiversity Conservation Act 1999*, I, GERARD PATRICK EARLY, First Assistant Secretary, Approvals and Legislation Division, Environment Australia, decide that the proposed action, set out in the Schedule, is a controlled action; that the controlling provisions for the action are those set out in the Schedule; and designate Moriah War Memorial College as proponent of the action.

SCHEDULE

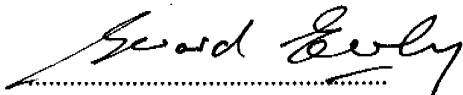
The proposed action by Moriah War Memorial College to remove vegetation and undertake associated works on Lot 22 of the York Road Bushland, Sydney, to facilitate the expansion of the Moriah War Memorial College, and to rehabilitate bushland on Lot 23 (EPBC 2002/575).

Provisions of Part 3

The relevant provisions of Part 3 are:

- sections 18 and 18A (Listed threatened species and communities).

Dated this 19th day of March 2002



FIRST ASSISTANT SECRETARY
APPROVALS AND LEGISLATION DIVISION
ENVIRONMENT AUSTRALIA

25. OCT. 2002 15:14

COLIN-GING AUSTRALIA 0262741620
ENVIRONMENT

NO. 6962 P. 3



Department of the Environment and Heritage

Mr John Craven
Colin Ging and Partners
15, 97 Pacific Highway
NORTH SYDNEY NSW 2059

Moriah War Memorial College Expansion - Stage 1
(EPBC Reference: 2002/575)

Dear Mr Craven

On 19 March 2002 I made a decision, acting as the delegate of the Minister for the Environment and Heritage, that approval for the above action was required under Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The assessment report on the relevant impacts of the action was received on 5 August 2002.

As a delegate for the purposes of section 133 of the EPBC Act, I have considered the action in accordance with Part 9 of the EPBC Act and decided to grant an approval to the Moriah War Memorial College to take the action. A copy of the approval is attached for your information.

It should be noted that although an approval has been granted under Part 9 of the EPBC Act, this approval does not relieve the person to whom it has been granted from an obligation to comply with any other law of the Commonwealth, State or Territory that is applicable to the action, and to have any right, title or interest that is required to access land or waters and to do the action.

If you require any further information please contact Matt Johnston on (02) 6274 2879 or email Matthew.Johnston@ea.gov.au.

Yours sincerely

Gerard Early
First Assistant Secretary
Approvals and Legislation Division
25 October 2002



ENVIRONMENT AUSTRALIA

GPO Box 787 Canberra ACT 2601 Telephone 02 6274 1111 Facsimile 02 6274 1666
Internet: www.ea.gov.au



COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

DECISION TO APPROVE THE TAKING OF AN ACTION

Pursuant to section 133 of the *Environment Protection and Biodiversity Conservation Act 1999*, I, GERARD PATRICK EARLY, First Assistant Secretary, Approvals and Legislation Division, approve the taking of the following action:

To remove vegetation and undertake associated works on Lot 22 of the York Road bushland, Sydney, to facilitate the expansion of the Moriah War Memorial College, and to rehabilitate bushland on Lot 23 (EPBC 2002/575)

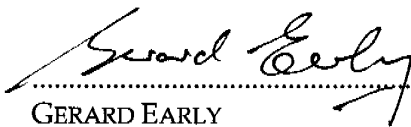
by Moriah War Memorial College subject to the conditions set out in annexure 1.

This approval has effect for:

sections 18 and 18A of the *Environment Protection and Biodiversity Conservation Act 1999*.

This approval has effect until 28 October 2052.

Dated this 25th day of October 2002


GERARD EARLY

ANNEXURE 1

1. Moriah War Memorial College must rehabilitate the Eastern Suburbs Banksia Scrub community on Lot 23, or, if this is not possible, an area of equivalent size and condition of Eastern Suburbs Banksia Scrub.
2. Moriah War Memorial College must prepare and submit to the Minister for approval a vegetation management plan prior to undertaking any construction or clearance. The plan must address compensatory rehabilitation works on Lot 23, or, if this is not possible, an area of equivalent size and condition as required by Condition 1. The plan must include site preparation, removal of exotic species, fencing, weeding and regeneration. The approved plan must be implemented and the implementation of the plan must commence before the clearing of any Eastern Suburbs Banksia Scrub species on Lot 22.
3. A buffer zone must be maintained on Lot 22 along the shared boundary with Lot 23 as shown at Annexure 2. No portion of the buffer zone can be less than 3 metres in width.
4. Any component plant species of the Eastern Suburbs Banksia Scrub community to be used in the buffer zone must be sourced from the local area.
5. Any grassed areas on Lot 22 must be planted with a non-seeding hybrid grass species. A deep root barrier not less than 300mm must be established between the buffer zone and adjoining grassed areas on Lot 22. No grass from Lot 22 is to be allowed to intrude into the buffer zone.
6. No structures are to be erected on Lot 22 that will cast shadow onto Lot 23 and fencing of Lot 23 must be of at least 2100mm in height.
7. During construction of the boundary fence between Lot 22 and Lot 23, no mature shrubs or trees of species characteristic of the Eastern Suburbs Banksia Scrub community are to be removed from Lot 23, with the exception of *Leptospermum laevigatum*, which may be removed if necessary.
8. Where mature shrubs or trees of the Eastern Suburbs Banksia Scrub community are located on the boundary between Lot 22 and Lot 23, sufficient to impact on the boundary fence alignment, the boundary fence is to be diverted into the Lot 22 buffer zone to avoid any impact on the identified shrubs or trees.
9. Where mature shrubs or trees of the Eastern Suburbs Banksia Scrub community are located within the Lot 22 buffer zone but do not impact on the boundary fence alignment, the boundary fence is to remain on the boundary between Lot 22 and Lot 23.

Definitions

Lot 22 is the area of land as described in the Preliminary Documentation.

Lot 23 is the area of land as described in the Preliminary Documentation.

Mature shrubs or trees are those which have reached the stage of development at which they have flowered or are flowering.

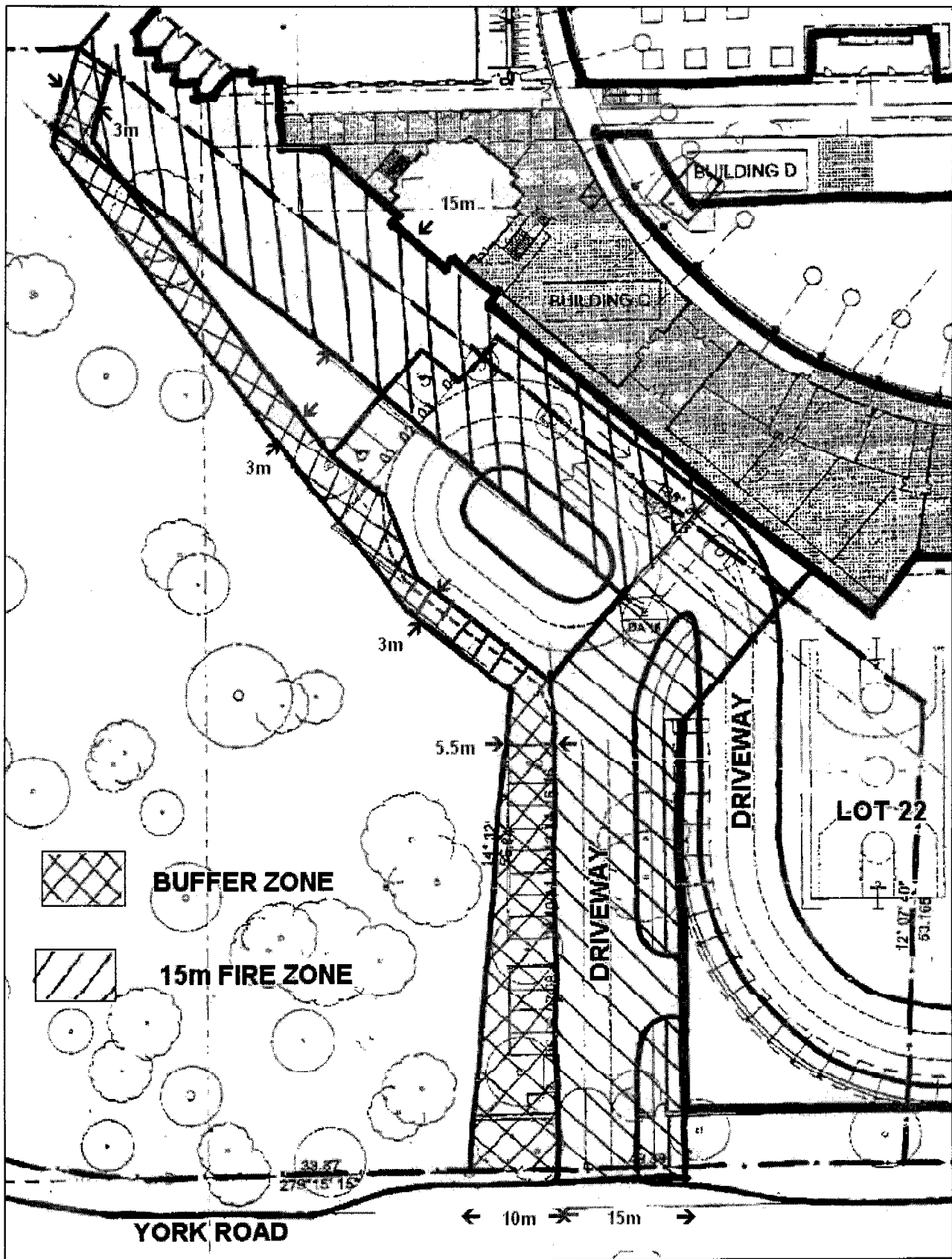


Figure 8. Location of Fire Management and Buffer Zones





Mr John Craven
Colin Ging and Partners
Level 5, 97 Pacific Hwy
NORTH SYDNEY NSW 2059

Dear Mr Craven

**Moriah War Memorial College expansion
Vegetation Management Plan
(Our Reference: 2002/575)**

Colin Ging & Partners	
115 NOV 2002	
Project ID:	
Distribution:	
Action	Number
S	
DI	
IP/NG/DM	
Monitored	
RPI	
Variation	
Payment	
Approved	
File	
Signature: <i>[Signature]</i>	

I am writing regarding the approval conditions of the above action. The approval granted for this action requires the Moriah War Memorial College to submit a vegetation management plan for the rehabilitation of the endangered Eastern Suburbs Banksia Scrub community; to take place on Lot 23, owned by the Centennial Park and Moore Park Trust (CPMPT).

Paragraph 2 of Annexure 1 of the approval provides:

Moriah War Memorial College must prepare and submit to the Minister for approval a vegetation management plan prior to undertaking any construction or clearance. The plan must address compensatory rehabilitation works on Lot 23, or, if this is not possible, an area of equivalent size and condition as required by Condition 1. The plan must include site preparation, removal of exotic species, fencing, weeding and regeneration. The approved plan must be implemented and the implementation of the plan must commence before the clearing of any Eastern Suburbs Banksia Scrub species on Lot 22.

The following documents have been received by the Department:

- Vegetation Management Plan for the York Road Bushland, October 2002, received 30 October 2002; and
- Amended timetable of works, with work to commence on Lot 23 prior to Lot 22, received 6 November 2002.

I have considered these documents for the purposes of paragraph 2 of Annexure 1 of the approval and consider that it ensures adequate protection of the ESBS community on Lot 23. I have therefore decided to give approval of the plan with the amended timetable.



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Internet: www.environment.gov.au



I note that the revised timetable of works now provides for works to commence on Lot 23 prior to Lot 22, as required by paragraph 1 of Annexure 1 of the approval. I would expect that the signing of the Memorandum of Understanding (MoU) between the College and CPMFT to be finalised to allow the Lot 23 work to proceed.

I should also point out that changes to the approved plan will need to be approved by our Minister or his delegate/s.

If you require any further information please contact Matt Johnston on 02 6274 2879 or email Matthew.Johnston@ea.gov.au.

Yours sincerely



Malcolm Forbes
Assistant Secretary
Environment Assessment &
Approvals Branch

11 November 2002

VARIATION OF CONDITIONS OF APPROVAL

COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

Pursuant to section 143 of the *Environment Protection and Biodiversity Conservation Act 1999*, I, GERARD PATRICK EARLY, First Assistant Secretary of the Approvals and Wildlife Division, a delegate of the Minister for the Environment and Heritage, hereby vary the conditions attached to the approval granted on 25 October 2002 for the taking of the following action by the Moriah War Memorial College:

To remove vegetation and undertake associated works on Lot 22 of the York Road bushland, Sydney, to facilitate the expansion of the Moriah War Memorial College, and to rehabilitate bushland on Lot 23 (EPBC 2002/575).

The variation is:


Delete paragraph 6 of Annexure 1 to the approval and substitute the following:

6. No structures are to be erected on Lot 22 that will cast shadow onto Lot 23 and fencing of Lot 23 must be of at least 1800mm in height.

Add paragraph 10 to Annexure 1:

10. Within one month of receipt from the Centennial Park Moore Park Trust, Moriah War Memorial College must provide to Environment Australia an annual report, as described in the vegetation management plan, on works completed during the previous year on Lot 23.

Dated this *first* day of *August* 2003


GERARD EARLY