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Dept of Infrastructure Planning and Natural Resources
20 Lee Street
SYDNEY 2000

Our ref:cppd/mhb/00/1

**NSW
NATIONAL
PARKS AND
WILDLIFE
SERVICE**

ABN 30 841 387 271

Dear Ms Hendieh

Moriah Primary School, Lot 1 DP 701512, Queens Park

I refer to the above proposed development ('the proposal') and its potential impact on the Eastern Suburbs Banksia Scrub endangered ecological community. It is understood that the Department of Infrastructure Planning and Natural Resources (DIPNR) is currently considering a development application (DA 446-10-2003) for the site.

The Department of Environment and Conservation (DEC) issued the Director-General's requirements for a species impact statement (SIS) for the proposal on 9 January 2004 following a determination by the DIPNR that, in its original form, the proposal was likely to have a significant effect on ESBS. The DEC has subsequently met with representatives of the proponent on site to discuss various means of modifying the development footprint to avoid or minimise impacts on ESBS.

Following this meeting and subsequent discussions with the proponent's representatives, and after consideration of the socio-economic benefits of the proposal, the DEC advises that it will not recommend against development consent being granted, provided that the original proposal is modified according to the following conditions. These conditions have been discussed with and accepted by the proponent.

- (a) A strip of ESBS between 12 and 12.5 metres will be retained along the southern boundary of Lot 1 (Area X in Attachment A). This strip of ESBS will be protected from impacts from the development (direct and indirect) both by fencing and by the avoidance of stormwater discharges, increased surface water run-off, weed invasion, overshadowing¹ and other impacts.
- (b) An area of ESBS (Area Y in Attachment A) will be retained on the embankment near the south-eastern boundary of Lot 1. Area Y will also include a minimum one metre strip along the top of the embankment.

¹ The DEC understands that shadow diagrams prepared for the proponent indicate that, at worst, the shadows created by the southern building will extend to 12 metres from the Lot 1 - Lot 23 boundary. The extent of potential overshadowing in Area X that this represents is considered by the DEC to be acceptable.

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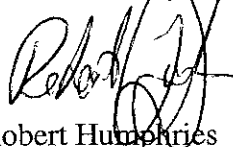
- (c) Appropriate permanent fencing for the protection of bushland will be constructed by the proponent outside the boundary of the vegetation that is to be retained under conditions (a) and (b) prior to any construction or demolition work being undertaken at the site. The fence that is to be constructed along the Lot 1 – Lot 23 boundary will be a security fence of similar design to the permanent Lot 23 perimeter fence. The internal fence will be of a design that permits access for conservation and educational purposes, while preventing vehicle access, rubbish dumping and the encroachment of adjacent landuses.
- (d) PVC pipe will be used to encase the footings of the fences that are to be constructed under condition (c) where necessary to prevent nutrients from leaching into the retained bushland areas.
- (e) The stormwater irrigation pipes that are to be installed on the Area Y embankment will be designed in a manner which ensures that the discharged water does not create erosion problems. The pipes will also be designed in a manner that ensures that no discharged water enters Area X. The pipes will be constructed from materials that will not modify the nutrient or pH level of the embankment and will be installed in a manner that is sympathetic to the conservation value of the retained bushland and the erosion prone nature of the site.
- (f) All native vegetation, including ESBS, that is retained on Lot 1 (Area X and Area Y) will be actively managed by the proponent for conservation purposes for the period that the proponent occupies the site. A vegetation management plan for this area, which addresses management issues (including weed control, access, fire management, herbivory, rubbish dumping, and soil erosion), will be prepared by the proponent to the satisfaction of the DEC within six months of any development consent being granted. An opportunity exists for students to be involved in the implementation of conservation works in this area, if appropriately supervised.
- (g) ESBS plant material and intact sand in the area identified for development will be salvaged, where appropriate, prior to clearing. The salvaged material will be used in the restoration of the retained Lot 1 bushland where required. Any surplus salvaged material will be made available for use in the landscaping of Lot 1 or in the restoration of the Lot 23 bushland.
- (h) Wherever possible, locally indigenous species will be used in the landscaping of areas along or near the bushland interface to assist in maintaining ecological processes such as pollination in the remnant ESBS. To protect the genetic integrity of the remnant however, these species will only be used where propagules can be sourced from the York Road remnant. It is envisaged that such seed collection will be limited to a few of the relatively abundant ESBS species within the remnant (including *Leptospermum laevigatum*, *Acacia longifolia* and *Monotoca elliptica*).
- (i) No landscaping will occur in areas, or of species, that have the potential to overshadow the retained bushland areas.

- (h) Exotic or non-locally indigenous species that are likely to exhibit invasive characteristics at the site will not to be used in the landscaping of Lot 1.

Whilst in this instance the DEC is not a concurrence authority, had a modified proposal consistent with the conditions detailed above been referred to the DEC, I advise that the DEC's concurrence could have been assumed pursuant to Section 64 of the *Environment Planning and Assessment Regulation 2000*. The DEC understands that the Minister for Infrastructure Planning and Natural Resources is the consent authority in this matter. Accordingly, should the Minister decide that a modified proposal consistent with the conditions above is no longer likely to have a significant effect on ESBS, the DEC will not object to any consent being granted.

Should you require any additional information please contact Martin Bremner, Threatened Species Officer, Metropolitan Region on 02 9585 6826 or martin.bremner@npws.nsw.gov.au.

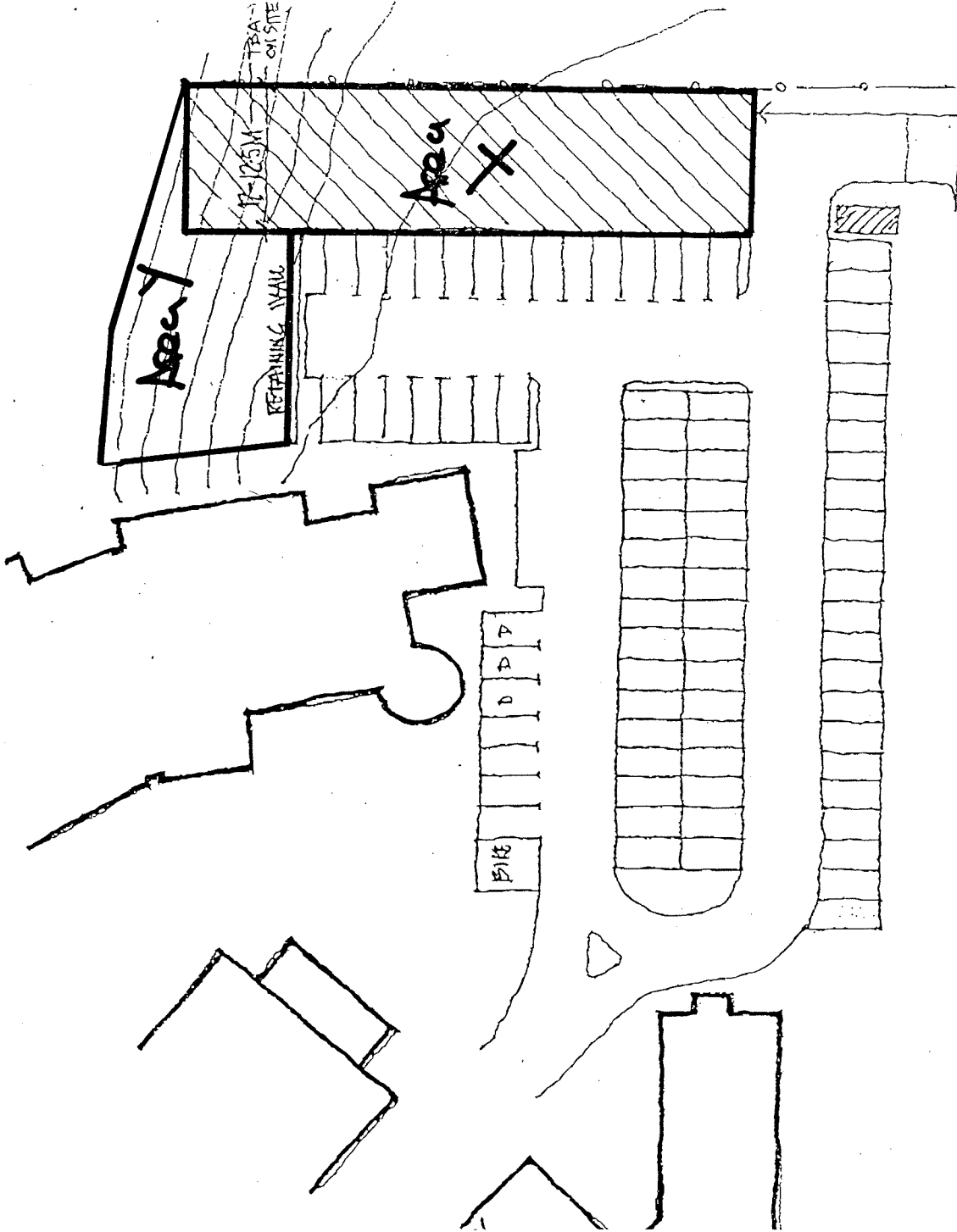
Yours sincerely

 20/5/04

Robert Humphries

Manager Threatened Species Unit
Environment Protection and Regulation Division

cc Martin Moore, Morgan Moore & Associates
Dr Joe Johnson, Department of Environment and Heritage
Marlene Krasovitsky, Centennial Park & Moore Park Trust



MORIAH K-2 PARKING
OPTION SK 04
1:500 SCALE DW.