

Environment Protection and Biodiversity Conservation Act 1999

Referral Form

Please complete this form then print it out, get any signatures required, attach the necessary map/s or other information and send the completed referral to Environment Australia. Please read the guide accompanying this form carefully and ensure that the completed referral meets the requirements of the Regulations, as outlined in the guide, in terms of length, format and content.

1.1 Person making the referral

Note: This must be either the person proposing to take the action, their agent (e.g. a consultant), or a State, Territory or Commonwealth agency making the referral in relation to an action to be taken by another person. *(Include name, postal address, telephone, fax, email)*

Francis Dominic Fanning
Gunninah Environmental Consultants
PO Box 513 Crows Nest NSW 1585
Ph: 02 - 9906 5436 Fax: 02 - 9906 7770
email: gecon@gunninah.com.au

1.2 Corporation or individual(s) proposing to take an action.

Note: If the person proposing to take the action is the same as the person making the referral, write "as above".
(Include name of corporation or individual(s) proposing to take the action, postal address, telephone, fax, email).

Moriah War Memorial College Association
Queens Park Road
Queens Park NSW 2022

If a corporation is proposing to take the action, please also provide the name of a contact officer for this matter.

Contact: Denis Collister
Ph: 9387 3555
Fax: 9387 3490
Email: dcollister@moriah.nsw.edu.au

1.3 Corporation or individual(s) proposed as proponent for the action

Note: If the person proposed as proponent is the same as the person proposing to take the action, write "as above".
If the proponent is different from the person proposing to take the action, the signature of both is required (at Section 4). *(Include name(s) of corporation or individual(s) proposed as proponent for the action, postal address, telephone, fax, email.)*

As above

If a corporation is the proponent for the action, please also provide the name of a contact officer for this matter.

As above

2 Description of the proposal

2.1 Provide a summary description of the action

The development proposed at Queens Park is for the expansion of the existing Moriah College secondary school. The action proposed is the re-development of a site which is currently occupied substantially by existing buildings and infrastructure on land currently owned by the NSW Department of Community Services (DoCS). There are also small areas of highly disturbed and modified vegetation on parts of the DoCS site.

The proposed development involves:

- the demolition of existing buildings and infrastructure elements which currently occupy the DoCS site;
- the removal of areas of mostly highly degraded, weed-infested and modified regrowth vegetation from small portions of the DoCS site; and
- the retention of an area of highly modified vegetation on the site which has been identified as Eastern Suburbs Banksia Scrub (ESBS) and its subsequent rehabilitation. That area of vegetation is located adjacent to an existing larger stand (of approximately 1.1ha) of ESBS on the adjoining land, which is the subject of a rehabilitation program supported *inter alia* by a financial donation provided by Moriah College.

2.2 Details of the location of the project area

The "*project area*" (otherwise referred to in this *Report* as the "*subject site*") is one of four lots at Centennial Park which include:

- the existing Moriah College site (Lot 3), which has been fully developed for the secondary school in its current format;
- a narrow adjoining allotment (Lot 22), which has recently been developed for access and car-parking purposes, and which was the subject of detailed consideration with respect to the ESBS community on Lot 23;
- a 1.1ha site (Lot 23), on which is located a modified and, in places, highly degraded stand of vegetation which has been identified as the ESBS community. That allotment is the subject of a rehabilitation program and bush regeneration plan which is being implemented by the Centennial Park & Moore Park Trust (CPMPT), with input from the NSW Department of Environment & Conservation¹ (DEC) and Environment Australia; and
- the subject site (Lot 1) which is characterised mostly by existing buildings and infrastructure, as well as by a small area of disturbed vegetation some of which has been identified as ESBS.

Please provide a brief physical description of the location (details should be provided at section 3 of this form).

The site which is the subject of this *Referral* is known as Lot 1 DP 701512 at Queens Park, and is occupied by the Department of Community Services (DoCS). The site is occupied by existing buildings (including the Eastern Suburbs Hospital) as well as small areas of degraded vegetation, gardens and infrastructure.

The adjoining allotments are occupied by:

- the existing Moriah College School and facilities;
- surrounding residential streets; and
- a large stand of degraded shrubland and bush on Lot 23, which is being rehabilitated. The vegetation on that land has been identified as Eastern Suburbs Banksia Shrub (ESBS), which is listed as an "*endangered ecological community*" on the EPBC Act.

¹ The DEC includes the former NSW National Parks & Wildlife Service.

A more detailed description of the subject site and of the proposed development is contained in the extracts from the *Statement of Environmental Effects* (SEE) prepared by Colston Budd Hunt & Kafes Pty Ltd (CBHK) in October 2003 (Appendix A).

Attach an A4 size map showing the location and approximate boundaries of the area in which the project is to occur (This map, or a second attached map, should also show features mentioned in responses to questions in part 3 of this referral).

The features of the subject site and adjacent lands, including the location, boundaries and existing structures, are identified in Figures 1 and 2 in Appendix A.

2.3 The timeframe in which the action is proposed to occur. (Include start and finish dates where applicable)

The proposed development is to be undertaken over an 18 month period, and is to be completed by the end of 2005.

2.4 Provide details of the action including all activities proposed to be carried out as part of the proposed action.

The proposed "action" on the DoCS site at Queens Park will involve:

- the demolition of some existing buildings and infrastructure, with associated earthworks;
- the construction of new school buildings, classrooms, staff rooms and a central assembly hall;
- retention of the existing hospital building in the northwestern corner of the subject site;
- construction of a carpark and driveway to facilitate the delivery and collection of school children in a safe manner;
- the creation of landscaping and play areas;
- establishment of a stormwater absorption area on the sandy slope in the southeastern corner of the DoCS site; and
- the retention of a portion of degraded native vegetation on the site and its rehabilitation, as agreed in consultation with the DEC. That area of the land supports a highly degraded patch of ESBS, which is to be protected and rehabilitated to complement the ESBS on the adjoining Lot 23 (to the south).

As indicated above, the proposed development has been modified in consultation with the DEC, and as a result of discussions with members of Environment Australia, particularly in respect of the retention and protection of an area of ESBS in the south of Lot 1. The *Development Application*, as currently designed, has been approved by the DEC (see Appendix B).

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

2.5.1 Physical Context

The subject site is located at Queens Park in eastern Sydney, and the development is to occur on a site owned by the NSW Department of Community Services (DoCS). The site (Lot 1) is part of a complex of four allotments on a portion of land surrounded by residential streets, with the majority of the land occupied by the existing Moriah College and a group of buildings owned by DoCS. The southwestern part of the group of allotments (Lot 23) supports an area of highly degraded Eastern Suburbs Banksia Scrub (ESBS), which is currently being rehabilitated for conservation purposes.

The proposed development essentially involves the removal of existing buildings and infrastructure from a currently developed site, and their replacement by new buildings. The proposal will extend Moriah College and will provide a safe delivery and collection system for school children.

The proposal also includes the rehabilitation of a small portion of ESBS on the subject site (Lot 1) immediately adjacent to a larger area of ESBS which is being rehabilitated on the adjoining allotment to the south (Lot 23). Rehabilitation of vegetation on Lot 23 is being undertaken by the Centennial

Park & Moore Park Trust (CPMPT), under direction from an advisory group involving representatives from both the DEC and Environment Australia.

2.5.2 Statutory Context

NSW EP&A Act and TSC Act

Section 79C (s.79C) of the *NSW Environmental Planning & Assessment Act 1979* (EP&A Act) sets out the factors that must be considered by a consent authority when assessing a *Development Application* (DA). In addition, the *NSW Threatened Species Conservation Act 1995* (TSC Act) has modified the EP&A Act by, *inter alia*, including a requirement to determine "*whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats*", pursuant to Section 5A (s.5A) of the EP&A Act.

It is not considered "*likely*" that the proposed extension of Moriah College at Queens Park will impose a "*significant effect on threatened species, populations or ecological communities, or their habitats*" pursuant to s.5A of the EP&A Act. In particular, following discussions with Mr Robert Humphries² of the NSW Department of Environment & Conservation (DEC), it is concluded that there will not be a "*significant effect*" imposed on the area of ESBS which has been identified as present on the subject site and (more extensively) on the adjoining land. This conclusion is based on a negotiated development and rehabilitation plan for the land (see attached letter from the DEC - Appendix B). Consequently, a *Species Impact Statement* is not required for the proposed development.

The proposed development is not regarded as likely to impose a significant or unacceptable adverse impact upon the natural environment in general, pursuant to s.79C of the EP&A Act, given the existing levels of disturbance and modification of the site. Whilst requiring the removal of some disturbed regrowth vegetation, the proposed development includes measures to protect and rehabilitate the most relevant portion of the ESBS on Lot 1, as agreed with the DEC.

Local Planning Instruments

The planning context for the proposed activity at Queens Park is documented in Chapter 2 of the SEE prepared by CBHK in 2003 (Appendix A). The subject site has been zoned *5(a) - Special Uses (Educational Establishment)* under the provisions of the *Waverley Local Environmental Plan 1996*. The *Development Application* has also been assessed in respect of a number of other statutory and non-statutory planning controls (Appendix A).

As noted above, the potential impacts of the proposed development have been considered with respect both to Section 5A and Section 79C of the EP&A Act. An agreed outcome in terms of retention and rehabilitation has been established between the Applicant and the DEC with respect to the stand of degraded ESBS in the southern part of Lot 1.

Commonwealth EPBC Act

The EPBC Act requires the approval of the Commonwealth Minister for the Environment for any "*action*" that "*has, will have, or is likely to have a significant impact*" on "*matters of national environmental significance*".

The only "*matter of national environmental significance*" of relevance to the proposed works at Queens Park is the ESBS community, which is listed on the EPBC Act as an "*endangered ecological community*". There are no relevant World Heritage properties, Ramsar wetlands, Commonwealth marine areas or Commonwealth lands, and the proposal does not involve any nuclear activities.

Given the considerations detailed below (Section 4), it is my opinion that there will not be a "*significant impact*" on any "*matters of national environmental significance*" as a consequence of the proposed development at Queens Park. In particular, consultation with the DEC has established a mutually acceptable development footprint, and Environment Australia has been party to discussions in that regard.

² Mr Robert Humphries is the Senior Threatened Species Officer in the Sydney Directorate of the DEC.

On the basis of those considerations, the proposed activity at Queens Park is not considered to be a "controlled action" pursuant to the EPBC Act.

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

The proposed development is for the extension of the existing Moriah College within the subject lands at Queens Park. Most of the subject site (Lot 1) has long been developed and supports buildings, infrastructure and landscaping with a small area of degraded woodland in the southern parts of the lot. The proposed development, therefore, is an extension of an existing activity within the subject portions of land at Queens Park, and is mostly to be located within existing modified and disturbed land.

The southwestern allotment on the subject lands (Lot 23) contains a large area of degraded woodland which has been defined as Eastern Suburbs Banksia Scrub (ESBS). That portion of land is being rehabilitated and managed by the Centennial Park & Moore Park Trust (CPMPT). The small area of highly degraded vegetation in the southern part of Lot 1 is proposed to be protected and rehabilitated, to complement the vegetation being rehabilitated on Lot 23.

Development Consent

The proposed development of Lot 1 at Queens Park has been considered by officers of the NSW Department of Infrastructure Planning & Natural Resources (DIPNR), and is currently recommended for approval by the NSW Minister for Infrastructure & Planning. Draft Conditions of Consent have been attached to the Draft Approval (Appendix E), and these have been indicated as acceptable by the Applicant. The approval for development by the Minister for Infrastructure & Planning is anticipated by the end of July 2004.

The Conditions of Consent (contained in Schedule 2 of the Consent) include a requirement for the protection of flora and native vegetation (Conditions B9-B17) and a requirement for the preparation and implementation of a *Vegetation Management Plan* (Condition F1).

3 Description of the project area

3.1 Describe the affected area, referring as appropriate to attached maps. In particular indicate 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.
(Note - show relevant features on an attached map).

The "affected area" is Lot 1 DP 701512 at Queens Park. The subject site contains:

- existing buildings used by the Department of Community Services (DoCS) and associated landscaping and infrastructure;
- areas of degraded or disturbed grasslands and gardens; and
- a small area of degraded bushland, parts of which have been identified as Eastern Suburbs Banksia Scrub (ESBS).

The physical features of the subject site are described in relevant Chapters of the SEE (CBHK 2003), as indicated in Figure 2 (Appendix A).

Vegetation on the subject site was described in a *Flora & Fauna Assessment Report* prepared by Urban Bushland Management Consultants (UBMC 2003). A copy of the *Flora & Fauna Assessment Report* is attached to this *Referral* as Appendix C. It is to be noted that the extent of ESBS indicated in the UBMC *Report* is considered excessive, and that some of the vegetation identified as ESBS is in fact degraded garden plantings or other disturbed vegetation.

The only relevant "matter of national environmental significance" is the area of degraded ESBS in the southern part of the subject site. Negotiations between the DEC and the Applicant, and consultation with Environment Australia, have resulted in the identification of an area of vegetation in the southern part of Lot 1 which is to be retained, protected and rehabilitated. That outcome is regarded as an appropriate response to the nature and condition of vegetation both on the subject site and on the adjoining Lot 23 to the immediate south. The protection and management of vegetation on Lot 1 will complement the rehabilitation of ESBS on the adjoining land to the south.

There is no World Heritage Area, RAMSAR Wetland, Commonwealth marine area or Commonwealth land on, adjacent to or in the vicinity of the proposed development. In addition, the subject site does not constitute habitat of relevance for any listed migratory species. There are no other known or likely threatened species or communities listed on the EPBC Act, either on the subject site or which are likely to be affected by the proposed development.

3.2 Provide a description of important features of the project area and the affected area, 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.

(Note - show relevant features on an attached map)

(a) Soil and Vegetation Characteristics

A detailed soils survey of relevant portions of the DoCS at Queens Park has been undertaken (Appendix D). Whilst the soils present on the site are sandy and likely of marine origin, there is evidence of substantial disturbance to the soils with building materials and other foreign materials present in several locations. In addition, the mixing of soil layers and organic material indicates that disturbance has occurred over parts of the site, probably by the removal of topsoil layers and/or its burial during various earthworks on the site.

There is no natural remnant vegetation on the subject site, with the majority of the site having been developed over a long period or containing gardens and other landscaped areas. A small portion of vegetation along the southern boundary and along a sandy slope within the DoCS site constitutes a degraded and depauperate version of the ESBS community. In addition, individual trees (such as the Coast Banksia *Banksia integrifolia*) are present at scattered locations on the site.

As identified during a site inspection with representatives of the DEC and Environment Australia, the vegetation present on the site (which may constitute ESBS) is highly modified, and will require substantial rehabilitation. Consultation with the DEC and Environment Australia has resulted in an agreement between the Applicant and the DEC for the retention, protection and rehabilitation of a portion of the vegetation on the site (Appendix B).

(b) Water flows, including rivers, creeks and impoundments

There is no watercourse, river or impoundment on the DoCS site at Queens Park. Stormwater flows from developed portions of the site are generally directed to Council drains, and the gardens and undeveloped portions of the site generally would absorb water by direct infiltration into the substrate.

(c) The presence of outstanding natural features, including caves

There are no "outstanding natural features" within the subject site.

(d) Gradient

The subject site slopes generally from the eastern side down to the west, with an elevation difference of approximately 6.5 metres in total. Slopes in the northern part of the DoCS site are gradual, whilst there is a steep embankment in the southeastern part of the site supporting regrowth generation (mostly of Coastal Tea-tree).

(e) Any buildings or other infrastructure

The only buildings or other infrastructure located on the subject site are single storey brick buildings, paths, gardens and driveways.

(f) Any marine areas

There are no marine areas within the project area or in the vicinity.

(g) Kinds of fauna in the area

Because of its highly modified condition, the subject site supports only urban-tolerant and adaptable native fauna species. No terrestrial mammals are likely to occur on the site (other than introduced species) and only common urban reptiles (such as the Blue-tongued Lizard and Garden Sunskink) have been recorded or are likely to occur. Whilst a range of native bird species have been recorded on the site (Appendix D), no significant avifauna are likely to present.

Whilst occasional individuals of the Grey-headed Flying Fox and of some microchiropteran bats may occur on the site, there are no resources present which are of particular significance or value for any such species. No threatened fauna listed on the EPBC Act are likely to occur on the site, and there are no resources of relevance or significance for any listed migratory bird species.

(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.

Several of the weed species recorded on the subject site are listed as "*noxious weeds*" on the *NSW Noxious Weeds Act 1993* for the LGA, and require specific actions to be undertaken by the landowner.

The site is highly degraded, and contains only a highly disturbed and modified regrowth stand of vegetation near the southern boundary and along the southern edge. The levels of weed infestation are high, and in some areas the vegetation is entirely composed of introduced weeds and noxious species.

Erosion and sediment discharges are generally low on the subject site because of the soils present and because most of the site has been developed and is covered by hard surfaces. The undeveloped portions of the site are on a sandy substrate, and rainfall and stormwater consequently infiltrate into the soil rather than running across the surface and causing erosion.

Introduced fauna are likely to be significant feature of the site, particularly including domestic cats and dogs, as well as introduced bird species such as the Indian Mynah, Feral Pigeon and House Sparrow.

3.3 Whether the project area is held under freehold, leasehold or any other tenure.

The subject site (Lot 1 DP 701512 at Queens Park) is owned by the NSW State Government, and is currently in the control of the Department of Community Services (DoCS). It is proposed that the land remain in DoCS ownership and be provided to Moriah College on a 99-year leasehold basis.

3.4 Current or proposed land uses for the project area

As noted above, the subject site is currently being used in part by DoCS for intellectually disabled people, but is generally surplus to public needs. The site currently contains a number of buildings and infrastructure features, some of which are currently being used and others of which are no longer in use.

Future use of the site, as currently proposed, involves the extension to the Moriah College school, and the provision of a safe delivery and collection point for the school children. A small portion of vegetation on the site is to be retained, protected and rehabilitated to contribute to the stand of ESBS on the adjoining site to the immediate south (Lot 23).

4 Nature and extent of the likely impacts of the action

- 4.1 Describe the nature and extent of likely impacts on the following matters protected by the EPBC Act (to the extent that each is relevant to the action and the affected area):
- 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;
 - the members of a listed migratory species or their habitat, or
 - part of the Commonwealth marine area
 - Commonwealth land

(a) The world heritage values of a declared World Heritage property

There are no World Heritage properties within the project area or locality.

(b) the ecological character of a declared RAMSAR wetland

The subject site is not of relevance for any RAMSAR wetland.

(c) The members of a listed threatened species (except a conservation dependent species) or any threatened ecological community, or their habitat

Whilst the majority of the subject site at Queens Park contains no native vegetation, there is a small stand of disturbed and degraded vegetation along the southern boundary and in the southeastern corner. This vegetation, in parts at least, has been identified as Eastern Suburbs Banksia Scrub (ESBS) which is listed as an "*endangered ecological community*" on both the Commonwealth EPBC Act and the NSW TSC Act.

The proposed development has been modified following discussions with representatives of Environment Australia and the NSW Department of Environment & Conservation (DEC). The agreed outcome of those deliberations has been the retention of an area of the ESBS vegetation in the southern part of the site (adjacent to Lot 23 to the immediate south) and along an embankment within the site. These areas of vegetation are to be protected and rehabilitated, to complement the larger area of ESBS being rehabilitated on Lot 23.

The significance of impacts to be imposed as a result of the proposed development with respect to ESBS have been assessed according to s.5A of the EP&A Act. This assessment has concluded that the proposed works will not impose a "*significant effect*" on that community given that:

- most of the vegetation to be removed consists of gardens and/or small, highly modified and degraded stands of ESBS;
- the most important area of ESBS on the site, adjoining that on land to the immediate south, will be retained and rehabilitated, thus not further isolating or fragmenting any of this "*endangered ecological community*" within the subject site; and
- the areas of degraded ESBS to be removed do not constitute a "*significant area of known habitat*" for this community.

Specific consideration of the *criteria* provided in the *Administrative Guidelines* for implementation of the EPBC Act indicate that:

- the proposed development will not "*lead to a long-term adverse effect on an ecological community*" in terms of the distribution of the ESBS community.

The small areas of degraded ESBS to be removed are mostly regrowth vegetation, with a depauperate understorey. Their removal will not fragment or isolate any other stands of this community within the project area or locality. The proposed development also involves the retention and rehabilitation of ESBS on the site, contiguous with the larger patch of ESBS to the south, thus contributing to the long-term survival of the community;

- the proposed development will not significantly "*reduce the extent*" of the ESBS community. Only small patches of highly degraded and modified ESBS (consisting essentially of canopy over a largely introduced understorey) will be removed for the proposed development;

- the proposed works will not "*fragment an occurrence*" of the ESBS community. The stands of vegetation to be removed are already isolated or at the edge of the vegetation, and the areas of degraded ESBS to be removed will not result in further fragmentation;
- the proposed works will not "*modify or destroy abiotic (non-living) factors (such as water, nutrients, or soil) necessary for the community survival*" to any significant extent. In this regard, the detailed analysis of soils (Appendix D) demonstrates the highly modified and degraded nature of the site;
- the proposed works will not "*result in invasive species that are harmful to the critically endangered or endangered community becoming established in an occurrence of the community*". Vegetation on the site already contains a high number and intensity of weed species, and the proposed works will not exacerbate the current situation. Conversely, the proposed rehabilitation of retained ESBS and future management of the site will reduce the extent of "*invasive species*"; and
- the proposed works will not "*interfere with the recovery of an ecological community*". Whilst the development will remove some native vegetation from the site, the areas to be affected are small, highly disturbed and degraded. Rehabilitation of retained vegetation on the subject site will enhance the "*recovery*" of the ESBS community.

Application of the above *criteria* to the proposed RHRC development at Queens Park (including the requirement for the removal of native vegetation) yields the conclusion that "*a significant impact*" is not "*likely*" to be imposed on the ESBS community.

No nationally threatened plant species were recorded on the subject site. Furthermore, no threatened plant species are anticipated given the high levels of disturbance to and modification of the site.

No nationally threatened fauna species listed on the EPBC Act have been recorded on the subject site, and none would be residents of or dependent on the area, given the nature of the habitats present. No threatened fauna or their habitats will be affected by the proposed development, even if individuals are present on occasions. There is no likelihood of "*a significant impact*" being imposed on any "*listed threatened species or their habitat*" as a result of the proposed "*action*" at Queens Park.

(d) the members of a listed migratory species or their habitat

Whilst a number of "*migratory*" species listed on the EPBC Act have been recorded in the locality, the site does not support relevant or significant resources for any such species. Furthermore, most of these species are, in fact, sedentary rather than "*migratory*".

The subject site is of essentially no relevance to international migratory bird species given the nature and condition of the resources present. There is no likelihood of "*a significant impact*" being imposed on any "*listed migratory species or their habitat*" as a result of the proposed "*action*".

(e) part of the Commonwealth marine area

The subject site does not constitute part of any Commonwealth marine area, and the proposed "*action*" will have no impact on any such area.

(f) Commonwealth land

The subject site is not Commonwealth land, and the proposed "*action*" will have no impact on any areas of Commonwealth land.

4.2	Indicate whether the action:
(a)	is 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.

The "*action*":

- (a) is not a "*nuclear action*";
- (b) will not be taken by the Commonwealth or by a Commonwealth agency;
- (c) will not be undertaken in a Commonwealth marine area; and
- (d) will not be undertaken on Commonwealth land.

5 Information sources

For information given in this referral

- (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) what uncertainties (if any) are in the information.

(a) the source of the information

Information regarding the potential impacts of the proposed "action" within the project area has been obtained from:

- the *Statement of Environmental Effects* for Lot 1 (CBHK October 2003);
- a *Species Impact Statement* regarding the adjoining Lot 22 (UBMC 2000);
- a *Vegetation Management Plan* for the York Road bushland (UBMC 2002);
- a *Flora & Fauna Assessment Report* for Lot 1 (the DoCS site) (UBMC 2003);
- other assessments of the Eastern Suburbs Banksia Scrub community by Mr F Dominic Fanning of Gunninah Environmental Consultants; and
- the *Soil Survey at the Moriah College and DoCS Site, Queens Park NSW* prepared by Dr M Battan in 2004.

Further information was obtained from the Environment Australia EPBC Act website regarding "threatened species and populations", "migratory species" and RAMSAR wetlands.

(b) how recent the information is

The information upon which the *Referral* is based has been obtained over several years through detailed investigations by Gunninah Environmental Consultants (Gunninah) and Urban Bushland Management Consultants (UBMC), and as a result of previous investigations. The information contained in this *Referral* is up-to-date and current, and other information (*ie* from the EPBC Act website and the DEC Wildlife Atlas) is current at the time of this *Referral*.

(c) how the reliability of the information was tested

The investigations on which this *Referral* has been based were conducted by Gunninah and UBMC, recognised environmental specialists with substantial experience in the identification of plants, animals and plant communities within the locality of the subject site and in the wider Sydney Basin region.

Records of threatened species obtained from DEC Wildlife Atlas database have an associated reliability code that was considered during the collation of data for the project area.

(d) what uncertainties (if any) are in the information

In all biological investigations there are inherent uncertainties and assumptions. However, possible "uncertainties" in the information provided in this *Referral* are minor, given:

- the detailed flora and fauna assessments which have been undertaken on the site and on adjacent lands (UBMC 2000, 2002, 2003; Gunninah *pers obs*);
- reference to other information regarding the general environment and native biota in the locality, and particularly the ESBS community (*eg* the DEC Wildlife Atlas, Environment Australia website, and other environmental studies conducted within the locality and region); and
- the modified and degraded nature of most of the project area.

References

- Battam M. 2004. *Soil Survey at the Moriah College and DOCS Site, Queens Park NSW.*
- CBHK. 2003. *Moriah Primary School K-5. Queens Park. Statement of Effects to Accompany Development Application.* Colston Budd Hunt & Kafes, Chatswood.
- UBMC. 2000. *Species Impact Statement. York Road Bushland. Lot 22 (DP 879582).* Urban Bushland Management Consultants, Castle Hill.
- UBMC. 2002. *Vegetation Management Plan for the York Road Bushland.* Urban Bushland Management Consultants, Castle Hill.
- UBMC. 2003. *Flora & Fauna Assessment for Lot 1 □ DOCS Site DP 701512. York Road Bushland, Queens Park.* Urban Bushland Management Consultants, Castle Hill.

6 Signatures and Declarations

6.1 Signature of person making the referral

I, F Dominic Fanning, declare that the information contained in this form is, to my knowledge, true and not misleading.

Signature

Date

20.07.04

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

I, Denis Collister, being the delegate acting on behalf of the Corporation nominated in Section 1.2 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

20/07/04

Signature of person proposing to take the action

6.3 Statement by person making this referral on whether or not they believe the referred action to be a controlled action and nomination 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.)

I, F Dominic Fanning, being the person making this *Referral* (on behalf of the person proposing to take the action), believe that the action described in this *Referral* is **not** a controlled action.

Signature

Date

20.07.04

Briefly provide reasons why you believe the action to be controlled or not controlled:

Having considered the relevant criteria contained in the *Administrative Guidelines* for implementation of the EPBC Act (provided by Environment Australia), I am of the opinion that the development of the Moriah College does not constitute a "*controlled action*" pursuant to the EPBC Act.

In that regard:

- those small areas of regrowth vegetation which are or may be Eastern Suburbs Banksia Scrub (ESBS) which are to be removed for the proposed development are fragmented, small and highly degraded;
- the proposed retention, protection and rehabilitation of vegetation on the site will complement other ESBS rehabilitation works in the immediate vicinity, and will provide a net environmental benefit;
- no threatened flora species listed on the EPBC Act have been recorded on the subject site, and no such species are likely given the nature and condition of the site;
- no threatened fauna species listed on the EPBC Act are likely to occur on or be affected by the proposed activity;
- no relevant resources for any migratory species listed on the EPBC Act are present or will be affected; and
- no other "*matters of national environmental significance*" will be adversely affected by the proposed development at Queens Park.

Whilst small areas of vegetation apparently characteristic of the ESBS community will be cleared or modified by the proposal, a "*significant impact*" is not likely to be imposed upon any "*matters of national environmental significance*", including the Eastern Suburbs Banksia Scrub community. Consequently, the proposed development does not constitute a "*controlled action*", as defined in the EPBC Act.

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

Please include

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





Fourteen hours were spent in preparation of this *Referral*. This does not include time spent on the project prior to this *Referral* (ie field investigations, previous reports or relevant desktop studies) or time spent by others.

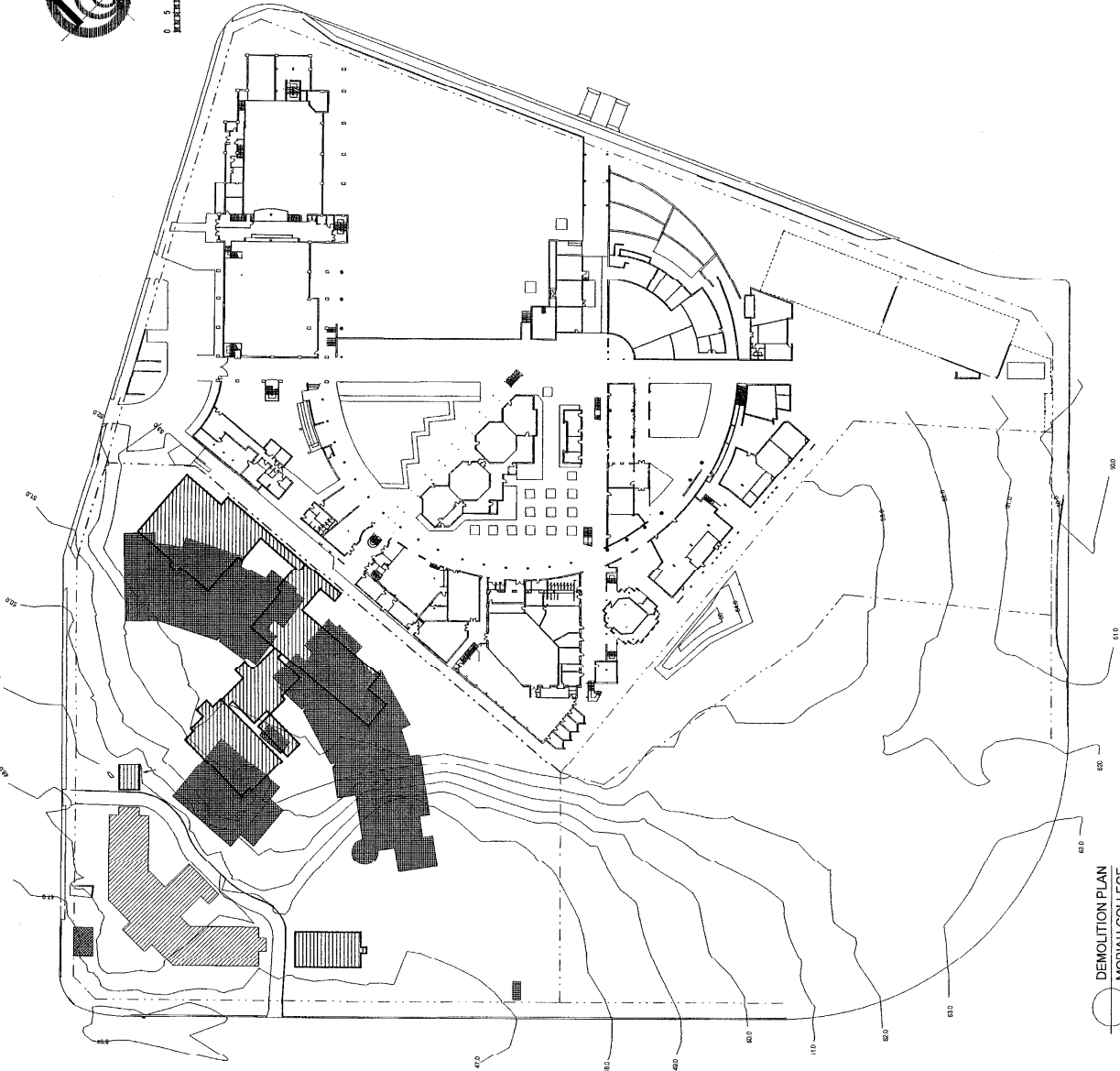
END OF FORM

FOR DEVELOPMENT APPLICATION



0 5 10 15 20M
METERS

- LEGEND**
-  Existing DOCS Building to be retained
 -  Existing Bus shelter to be retained
 -  Proposed new buildings
 -  Buildings to be demolished



DEMOLITION PLAN
MORIAH COLLEGE

ABBREVIATIONS

AC	Asphalt Concrete
AD	Asphalt Driveway
AE	Asphalt Entrance
AF	Asphalt Footpath
AG	Asphalt Gravel
AH	Asphalt Hardscape
AI	Asphalt Interlock
AJ	Asphalt Joint
AK	Asphalt Kerb
AL	Asphalt Lanes
AM	Asphalt Mastic
AN	Asphalt Non-slip
AO	Asphalt Oil
AP	Asphalt Paving
AQ	Asphalt Pavement
AR	Asphalt Road
AS	Asphalt Seal
AT	Asphalt Surface
AV	Asphalt Tarmac
AW	Asphalt Top
AX	Asphalt Underlay
AY	Asphalt Wearing
AZ	Asphalt Work
BA	Brick
BB	Brickwork
BC	Brickwork
BD	Brickwork
BE	Brickwork
BF	Brickwork
BG	Brickwork
BH	Brickwork
BI	Brickwork
BJ	Brickwork
BK	Brickwork
BL	Brickwork
BM	Brickwork
BN	Brickwork
BO	Brickwork
BP	Brickwork
BQ	Brickwork
BR	Brickwork
BS	Brickwork
BT	Brickwork
BU	Brickwork
BV	Brickwork
BW	Brickwork
BX	Brickwork
BY	Brickwork
BZ	Brickwork
CA	Concrete
CB	Concrete
CC	Concrete
CD	Concrete
CE	Concrete
CF	Concrete
CG	Concrete
CH	Concrete
CI	Concrete
CJ	Concrete
CK	Concrete
CL	Concrete
CM	Concrete
CN	Concrete
CO	Concrete
CP	Concrete
CQ	Concrete
CR	Concrete
CS	Concrete
CT	Concrete
CU	Concrete
CV	Concrete
CW	Concrete
CX	Concrete
CY	Concrete
CZ	Concrete
DA	Decorative
DB	Decorative
DC	Decorative
DD	Decorative
DE	Decorative
DF	Decorative
DG	Decorative
DH	Decorative
DI	Decorative
DJ	Decorative
DK	Decorative
DL	Decorative
DM	Decorative
DN	Decorative
DO	Decorative
DP	Decorative
DQ	Decorative
DR	Decorative
DS	Decorative
DT	Decorative
DU	Decorative
DV	Decorative
DW	Decorative
DX	Decorative
DY	Decorative
DZ	Decorative
EA	Earth
EB	Earth
EC	Earth
ED	Earth
EE	Earth
EF	Earth
EG	Earth
EH	Earth
EI	Earth
EJ	Earth
EK	Earth
EL	Earth
EM	Earth
EN	Earth
EO	Earth
EP	Earth
EQ	Earth
ER	Earth
ES	Earth
ET	Earth
EU	Earth
EV	Earth
EW	Earth
EX	Earth
EY	Earth
EZ	Earth
FA	Fabric
FB	Fabric
FC	Fabric
FD	Fabric
FE	Fabric
FF	Fabric
FG	Fabric
FH	Fabric
FI	Fabric
FJ	Fabric
FK	Fabric
FL	Fabric
FM	Fabric
FN	Fabric
FO	Fabric
FP	Fabric
FQ	Fabric
FR	Fabric
FS	Fabric
FT	Fabric
FU	Fabric
FV	Fabric
FW	Fabric
FX	Fabric
FY	Fabric
FZ	Fabric
GA	Gravel
GB	Gravel
GC	Gravel
GD	Gravel
GE	Gravel
GF	Gravel
GG	Gravel
GH	Gravel
GI	Gravel
GJ	Gravel
GK	Gravel
GL	Gravel
GM	Gravel
GN	Gravel
GO	Gravel
GP	Gravel
GQ	Gravel
GR	Gravel
GS	Gravel
GT	Gravel
GU	Gravel
GV	Gravel
GW	Gravel
GX	Gravel
GY	Gravel
GZ	Gravel
HA	Hardwood
HB	Hardwood
HC	Hardwood
HD	Hardwood
HE	Hardwood
HF	Hardwood
HG	Hardwood
HH	Hardwood
HI	Hardwood
HJ	Hardwood
HK	Hardwood
HL	Hardwood
HM	Hardwood
HN	Hardwood
HO	Hardwood
HP	Hardwood
HQ	Hardwood
HR	Hardwood
HS	Hardwood
HT	Hardwood
HU	Hardwood
HV	Hardwood
HW	Hardwood
HX	Hardwood
HY	Hardwood
HZ	Hardwood
IA	Iron
IB	Iron
IC	Iron
ID	Iron
IE	Iron
IF	Iron
IG	Iron
IH	Iron
II	Iron
IJ	Iron
IK	Iron
IL	Iron
IM	Iron
IN	Iron
IO	Iron
IP	Iron
IQ	Iron
IR	Iron
IS	Iron
IT	Iron
IU	Iron
IV	Iron
IW	Iron
IX	Iron
IY	Iron
IZ	Iron
JA	Joinery
JB	Joinery
JC	Joinery
JD	Joinery
JE	Joinery
JF	Joinery
JG	Joinery
JH	Joinery
JI	Joinery
JJ	Joinery
JK	Joinery
JL	Joinery
JM	Joinery
JN	Joinery
JO	Joinery
JP	Joinery
JQ	Joinery
JR	Joinery
JS	Joinery
JT	Joinery
JU	Joinery
JV	Joinery
JW	Joinery
JX	Joinery
JY	Joinery
JZ	Joinery
KA	Kerbs
KB	Kerbs
KC	Kerbs
KD	Kerbs
KE	Kerbs
KF	Kerbs
KG	Kerbs
KH	Kerbs
KI	Kerbs
KJ	Kerbs
KK	Kerbs
KL	Kerbs
KM	Kerbs
KN	Kerbs
KO	Kerbs
KP	Kerbs
KQ	Kerbs
KR	Kerbs
KS	Kerbs
KT	Kerbs
KU	Kerbs
KV	Kerbs
KW	Kerbs
KX	Kerbs
KY	Kerbs
KZ	Kerbs
LA	Landscape
LB	Landscape
LC	Landscape
LD	Landscape
LE	Landscape
LF	Landscape
LG	Landscape
LH	Landscape
LI	Landscape
LJ	Landscape
LK	Landscape
LL	Landscape
LM	Landscape
LN	Landscape
LO	Landscape
LP	Landscape
LQ	Landscape
LR	Landscape
LS	Landscape
LT	Landscape
LU	Landscape
LV	Landscape
LW	Landscape
LX	Landscape
LY	Landscape
LZ	Landscape
MA	Masonry
MB	Masonry
MC	Masonry
MD	Masonry
ME	Masonry
MF	Masonry
MG	Masonry
MH	Masonry
MI	Masonry
MJ	Masonry
MK	Masonry
ML	Masonry
MM	Masonry
MN	Masonry
MO	Masonry
MP	Masonry
MQ	Masonry
MR	Masonry
MS	Masonry
MT	Masonry
MU	Masonry
MV	Masonry
MW	Masonry
MX	Masonry
MY	Masonry
MZ	Masonry
NA	Natural
NB	Natural
NC	Natural
ND	Natural
NE	Natural
NF	Natural
NG	Natural
NH	Natural
NI	Natural
NJ	Natural
NK	Natural
NL	Natural
NM	Natural
NO	Natural
NP	Natural
NQ	Natural
NR	Natural
NS	Natural
NT	Natural
NU	Natural
NV	Natural
NW	Natural
NX	Natural
NY	Natural
NZ	Natural
OA	Other
OB	Other
OC	Other
OD	Other
OE	Other
OF	Other
OG	Other
OH	Other
OI	Other
OJ	Other
OK	Other
OL	Other
OM	Other
ON	Other
OO	Other
OP	Other
OQ	Other
OR	Other
OS	Other
OT	Other
OU	Other
OV	Other
OW	Other
OX	Other
OY	Other
OZ	Other
PA	Paving
PB	Paving
PC	Paving
PD	Paving
PE	Paving
PF	Paving
PG	Paving
PH	Paving
PI	Paving
PJ	Paving
PK	Paving
PL	Paving
PM	Paving
PN	Paving
PO	Paving
PP	Paving
PQ	Paving
PR	Paving
PS	Paving
PT	Paving
PU	Paving
PV	Paving
PW	Paving
PX	Paving
PY	Paving
PZ	Paving
QA	Quarry
QB	Quarry
QC	Quarry
QD	Quarry
QE	Quarry
QF	Quarry
QG	Quarry
QH	Quarry
QI	Quarry
QJ	Quarry
QK	Quarry
QL	Quarry
QM	Quarry
QN	Quarry
QO	Quarry
QP	Quarry
QQ	Quarry
QR	Quarry
QS	Quarry
QT	Quarry
QU	Quarry
QV	Quarry
QW	Quarry
QX	Quarry
QY	Quarry
QZ	Quarry
RA	Road
RB	Road
RC	Road
RD	Road
RE	Road
RF	Road
RG	Road
RH	Road
RI	Road
RJ	Road
RK	Road
RL	Road
RM	Road
RO	Road
RP	Road
RQ	Road
RR	Road
RS	Road
RT	Road
RU	Road
RV	Road
RW	Road
RX	Road
RY	Road
RZ	Road
SA	Site
SB	Site
SC	Site
SD	Site
SE	Site
SF	Site
SG	Site
SH	Site
SI	Site
SJ	Site
SK	Site
SL	Site
SM	Site
SN	Site
SO	Site
SP	Site
SQ	Site
SR	Site
SS	Site
ST	Site
SU	Site
SV	Site
SW	Site
SX	Site
SY	Site
SZ	Site
TA	Tarmac
TB	Tarmac
TC	Tarmac
TD	Tarmac
TE	Tarmac
TF	Tarmac
TG	Tarmac
TH	Tarmac
TI	Tarmac
TJ	Tarmac
TK	Tarmac
TL	Tarmac
TM	Tarmac
TN	Tarmac
TO	Tarmac
TP	Tarmac
TQ	Tarmac
TR	Tarmac
TS	Tarmac
TT	Tarmac
TU	Tarmac
TV	Tarmac
TW	Tarmac
TX	Tarmac
TY	Tarmac
TZ	Tarmac
UA	Utility
UB	Utility
UC	Utility
UD	Utility
UE	Utility
UF	Utility
UG	Utility
UH	Utility
UI	Utility
UJ	Utility
UK	Utility
UL	Utility
UM	Utility
UN	Utility
UO	Utility
UP	Utility
UQ	Utility
UR	Utility
US	Utility
UT	Utility
UU	Utility
UV	Utility
UW	Utility
UX	Utility
UY	Utility
UZ	Utility
VA	Verandah
VB	Verandah
VC	Verandah
VD	Verandah
VE	Verandah
VF	Verandah
VG	Verandah
VH	Verandah
VI	Verandah
VJ	Verandah
VK	Verandah
VL	Verandah
VM	Verandah
VN	Verandah
VO	Verandah
VP	Verandah
VQ	Verandah
VR	Verandah
VS	Verandah
VT	Verandah
VU	Verandah
VV	Verandah
VW	Verandah
VX	Verandah
VY	Verandah
VZ	Verandah
WA	Water
WB	Water
WC	Water
WD	Water
WE	Water
WF	Water
WG	Water
WH	Water
WI	Water
WJ	Water
WK	Water
WL	Water
WM	Water
WN	Water
WO	Water
WP	Water
WQ	Water
WR	Water
WS	Water
WT	Water
WU	Water
WV	Water
WW	Water
WX	Water
WY	Water
WZ	Water
XA	Other
XB	Other
XC	Other
XD	Other
XE	Other
XF	Other
XG	Other
XH	Other
XI	Other
XJ	Other
XK	Other
XL	Other
XM	Other
XN	Other
XO	Other
XP	Other
XQ	Other
XR	Other
XS	Other
XT	Other
XU	Other
XV	Other
XW	Other
XX	Other
XY	Other
XZ	Other
YA	Other
YB	Other
YC	Other
YD	Other
YE	Other
YF	Other
YG	Other
YH	Other
YI	Other
YJ	Other
YK	Other
YL	Other
YM	Other
YN	Other
YO	Other
YP	Other
YQ	Other
YR	Other
YS	Other
YT	Other
YU	Other
YV	Other
YW	Other
YX	Other
YY	Other
YZ	Other
ZA	Other
ZB	Other
ZC	Other
ZD	Other
ZE	Other
ZF	Other
ZG	Other
ZH	Other
ZI	Other
ZJ	Other
ZK	Other
ZL	Other
ZM	Other
ZN	Other
ZO	Other
ZP	Other
ZQ	Other
ZR	Other
ZS	Other
ZT	Other
ZU	Other
ZV	Other
ZW	Other
ZX	Other
ZY	Other
ZZ	Other

COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

DECISION THAT ACTION IS NOT A CONTROLLED ACTION

I, MARK FLANIGAN, Assistant Secretary, Policy and Compliance Branch, Department of the Environment and Heritage, a delegate of the Minister for the Environment and Heritage for the purposes of section 75 of the *Environment Protection and Biodiversity Conservation Act 1999*, decide that the proposed action, set out in the Schedule, is not a controlled action. Provided that the proposed action is taken in the manner described in the Schedule, the provisions of Part 3 of the EPBC Act set out in the Schedule are not controlling provisions.

SCHEDULE

The proposed action by the Moriah War Memorial College Association to develop the Moriah Primary School on Lot 1 DP 701512, Queens Park, New South Wales and as described in the referral received under the Act on 23 July 2004 (EPBC 2004/1676).

Provisions of Part 3

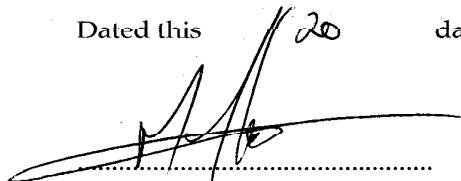
The relevant provisions of Part 3 are:

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

Manner in which the proposed action is to be taken:

- The proposal will be implemented in accordance with the conditions specified in the letter of 20 May 2004 from Mr Robert Humphries, NSW Department of Environment and Conservation to Ms Evelyn Hendieh, NSW Department of Infrastructure Planning and Natural Resources, for the protection and rehabilitation of Eastern Suburbs Banksia Scrub endangered ecological community.

Dated this 20 day of August 2004



ASSISTANT SECRETARY
POLICY AND COMPLIANCE BRANCH
DEPARTMENT OF THE ENVIRONMENT AND HERITAGE