

Title of Proposal - 11 Jennifer Street, Little Bay, NSW 2036

### Section 1 - Summary of your proposed action

Provide a summary of your proposed action, including any consultations undertaken.

#### 1.1 Project Industry Type

**Residential Development** 

# **1.2 Provide a detailed description of the proposed action, including all proposed activities.**

The proposed action is fully contained within land owned by the proponent (the 'subject land'). The development footprint for the project is provided in attached Figure 1. The proposed action includes the construction of a multi-storey residential development that includes a basement for car parking. Additional development activities include the installation of associated infrastructure and/or amenities. All infrastructure/amenities associated with the proposed action will be installed (where required) in accordance with any relevant requirements.

The proposed action includes a 15 m Asset Protection Zone (APZ) located along the entire southern boundary of the proposed development (Figure 1). The 15 m APZ will be entirely cleared of vegetation as recommended in the Bushfire Assessment Report undertaken for the proposed action.

The proposed action will include the implementation of a vegetation management plan (VMP) that will be applied to all retained vegetation within the subject land. The VMP will require management of retained vegetation in perpetuity and will be funded by the tenants of the development under an ownership agreement.

### **1.3 What is the extent and location of your proposed action? Use the polygon tool on the map below to mark the location of your proposed action.**

| Area                                                 | Point | Latitude         | Longitude       |
|------------------------------------------------------|-------|------------------|-----------------|
| Referral Area (11<br>Jennifer Street, Little<br>Bay) | 1     | -33.983981587322 | 151.24177486624 |
| Referral Area (11<br>Jennifer Street, Little<br>Bay) | 2     | -33.983981587322 | 151.24177218403 |
| Referral Area (11<br>Jennifer Street, Little<br>Bay) | 3     | -33.983981587322 | 151.24176950182 |

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| Aroa                                                 | Point | Latitudo         | Longitudo       |
|------------------------------------------------------|-------|------------------|-----------------|
|                                                      | FOIL  |                  |                 |
| Referral Area (11<br>Jennifer Street, Little<br>Bay) | 4     | -33.984110583359 | 151.24252588476 |
| Referral Area (11<br>Jennifer Street, Little<br>Bay) | 5     | -33.985336035945 | 151.24229521478 |
| Referral Area (11<br>Jennifer Street, Little<br>Bay) | 6     | -33.984924588318 | 151.24118209804 |
| Referral Area (11<br>Jennifer Street, Little<br>Bay) | 7     | -33.983981587322 | 151.24177486624 |

# 1.5 Provide a brief physical description of the property on which the proposed action will take place and the location of the proposed action (e.g. proximity to major towns, or for off-shore actions, shortest distance to mainland).

The Referral Area (see attached Figure 2) is located in the predominately residential suburb of Little Bay within the Randwick Council Local Government Area (LGA), approximately 13 km south-east of Sydney Central Business District (CBD) and approximately 7.5 km south of the Randwick Town Centre. It is bounded by Jennifer Street to the west, an entrance road to St. Michael's Golf Club to the north, Cullen's Driving range to the east and areas of bushland to the south that has connectivity to Kamay Botany Bay National Park located further to the south (see **Figure 2**).

The surrounding land use is largely made up of residential development to the west and north, a golf course comprised of previously cleared areas to the east and bushland that has connectivity to Kamay Botany Bay National Park located to the south (see **Figure 2**).

The Referral Area is zoned as R3 - Medium Density Residential under the Randwick Local Environmental Plan 2012 and is vegetated throughout.

# **1.6 What is the size of the proposed action area development footprint (or work area) including disturbance footprint and avoidance footprint (if relevant)?**

The development footprint is 0.566 ha. This is includes a 15 wide APZ. The total area of avoidance is 0.591 ha.

#### 1.7 Is the proposed action a street address or lot?





Street Address

**11 Jennifer Street** Little Bay NSW 2036 Australia

#### **1.8 Primary Jurisdiction.**

New South Wales

1.9 Has the person proposing to take the action received any Australian Government grant funding to undertake this project?

No

1.10 Is the proposed action subject to local government planning approval?

Yes

1.10.1 Is there a local government area and council contact for the proposal?

Yes

1.10.1.0 Council contact officer details

1.10.1.1 Name of relevant council contact officer.

Mr Roger Quinton

#### 1.10.1.2 E-mail

roger.quinton@randwick.nsw.gov.au

#### 1.10.1.3 Telephone Number

02 9093 6795

#### 1.11 Provide an estimated start and estimated end date for the proposed action.

Start date 06/2018

End date 12/2019

#### 1.12 Provide details of the context, planning framework and State and/or Local government requirements.



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Development consent is being sought from Randwick City Council under Part 4 of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act). Under the EP&A Act, ecological impacts from the proposed action will require approval under the NSW *Threatened Species Conservation Act 1995* (TSC Act).

The Referral Area contains land subject to the Randwick City Council Development Control Plan (DCP) 2013, Part B, Section 5 - development in or near areas of biodiversity significance, as areas to the south of the subject site have been identified as 'Biodiversity' in the Randwick LEP 2012 Biodiversity Map (Bio\_010).

The Referral Area is subject to State Environmental Planning Policy (SEPP) 19 - Bushland in Urban Areas (listed in Schedule 1 as Rockdale).

The Referral Area is also subject to the Office of Environment and Heritage (OEH) *Guidelines for development adjoining land managed by the Office of Environment and Heritage* (OEH 2013) as the Referral Area includes bushland that adjoins Kamay Botany Bay National Park which is managed by OEH.

### 1.13 Describe any public consultation that has been, is being or will be undertaken, including with Indigenous stakeholders.

Discussions with St Michaels Goldf Course Management and La Perouse Local Land Council.

# 1.14 Describe any environmental impact assessments that have been or will be carried out under Commonwealth, State or Territory legislation including relevant impacts of the project.

A Species Impact Statement (SIS) has been prepared by Cumberland Ecology to address state assessment requirements under the TSC Act. The SIS was submitted to Randwick City Council as part of a Development Application in August 2017. After a peer review of the SIS, Cumberland Ecology submitted an SIS Addendum report in January 2018 to address concerns raised in the peer review. As part of the SIS approval process, Council will seek concurrence from OEH.

The local occurrence (i.e. all areas of the community connected to Eastern Suburbs Banksia Scrub (ESBS) within the referral area) of ESBS (4.727 ha) was mapped and ground truthed by Cumberland Ecology in 2017. This occurrence spans most of the subject site and extends into the adjacent National Park.

The SIS determined that the project will result in the removal of 0.241 ha of Eastern Suburbs Banksia Scrub (ESBS) or approximately 5% of the local occurrence. The ESBS to be removed



occurs at the northern extent of the local occurrence and will not result in fragmentation or isolation of existing/remaining patches of the community. It will result in the minor reduction of the community's extent.

The occurrence on the subject site is currently unmanaged and subjected to a range of degrading edge effects as it easily accessed by the public. Consequently, the majority of ESBS (0.157 ha) to be removed comprises of low condition ESBS that is highly degraded from weeds and the presence of rubbish as a result of illegal dumping.

#### 1.15 Is this action part of a staged development (or a component of a larger project)?

No

#### 1.16 Is the proposed action related to other actions or proposals in the region?

No



### Section 2 - Matters of National Environmental Significance

Describe the affected area and the likely impacts of the proposal, emphasising the relevant matters protected by the EPBC Act. Refer to relevant maps as appropriate. The <u>interactive map</u> tool can help determine whether matters of national environmental significance or other matters protected by the EPBC Act are likely to occur in your area of interest. Consideration of likely impacts should include both direct and indirect impacts.

Your assessment of likely impacts should consider whether a bioregional plan is relevant to your proposal. The following resources can assist you in your assessment of likely impacts:

• <u>Profiles of relevant species/communities</u> (where available), that will assist in the identification of whether there is likely to be a significant impact on them if the proposal proceeds;

• <u>Significant Impact Guidelines 1.1 – Matters of National Environmental Significance;</u>

• <u>Significant Impact Guideline 1.2 – Actions on, or impacting upon, Commonwealth land and</u> <u>Actions by Commonwealth Agencies</u>.

2.1 Is the proposed action likely to have ANY direct or indirect impact on the values of any World Heritage properties?

No

2.2 Is the proposed action likely to have ANY direct or indirect impact on the values of any National Heritage places?

No

2.3 Is the proposed action likely to have ANY direct or indirect impact on the ecological character of a Ramsar wetland?

No

2.4 Is the proposed action likely to have ANY direct or indirect impact on the members of any listed species or any threatened ecological community, or their habitat?

Yes

#### 2.4.1 Impact table

Species Eastern Suburbs Banksia Scrub (ESBS) Impact Clearing the Referral Area will result in the Australian Government

Grey-headed Flying-fox (Pteropus

poliocephalus)



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#### Species

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#### Impact

removal of 0.241 ha of EPBC listed ESBS. The likelihood that there is a chance or a real possibility that the proposed action would have a significant impact on the ESBS has been considered in accordance with the Significant Impact Criteria for a CEEC, as outlined in the Department's Significant Impact Guidelines (DoE 2013). Clearing of 0.241 ha of ESBS triggers one of the seven impact criteria listed in the guidelines: 'reduce the extent of an ecological community'. Although the proposed action will 'technically' have a significant impact on the community according to the impact criteria listed in the guidelines (by reducing the area of occupancy of the community), the proposed action will only result in a minor reduction of the community's extent as 0.241 ha of ESBS or approximately 5% of the local occurrence will be removed. The ESBS to be removed occurs at the northern extremity of the local occurrence and will not result in fragmentation or isolation of existing patches of the community. Furthermore, the majority of ESBS (0.157 ha) to be removed comprises of low condition ESBS that is highly degraded from weeds and the presence of rubbish as a result of illegal dumping as it easily accessed by the public.

Clearing the Referral Area will result in the removal of approximately 0.241 ha of potential foraging habitat for the Grey-headed Flying-fox. The species is highly mobile and would likely only utilise the Referral Area as part of a much wider foraging range. No Flying-fox camps or roosts are present in or adjacent to the Referral Area. The significance of the impact on the species is considered to be minimal as the Referral Area provides minimal foraging opportunities. Subsequent to careful consideration of the Significant Impact Guidelines (DoE, 2013), the proposed action is considered unlikely to significantly impact on the Grey-headed Flying-fox. Further details are provided in Table 3.2.



#### 2.4.2 Do you consider this impact to be significant?

Yes

# 2.5 Is the proposed action likely to have ANY direct or indirect impact on the members of any listed migratory species, or their habitat?

Yes

#### 2.5.1 Impact table

| Species                              | Impact                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rufous Fantail (Rhipidura rufifrons) | The Rufous Fantail (Rhipidura rufifrons) was<br>recorded within the subject land, just outside of<br>the Referral Area to the south. The species is<br>listed as migratory under the EPBC Act. The<br>proposed action may remove a small area of<br>potential foraging habitat for this species, but no<br>breeding habitat will be impacted. The habitat to<br>be removed is unlikely to be important to this<br>species as the area to be removed is small and<br>is likely only utilised periodically as part of a<br>much broader foraging range. |

#### 2.5.2 Do you consider this impact to be significant?

No

2.6 Is the proposed action to be undertaken in a marine environment (outside Commonwealth marine areas)?

No

2.7 Is the proposed action to be taken on or near Commonwealth land?

No

2.8 Is the proposed action taking place in the Great Barrier Reef Marine Park?

No

2.9 Is the proposed action likely to have ANY direct or indirect impact on a water resource related to coal/gas/mining?



No

#### 2.10 Is the proposed action a nuclear action?

No

#### 2.11 Is the proposed action to be taken by the Commonwealth agency?

No

2.12 Is the proposed action to be undertaken in a Commonwealth Heritage Place Overseas?

No

2.13 Is the proposed action likely to have ANY direct or indirect impact on a water resource related to coal/gas/mining?

No



### Section 3 - Description of the project area

Provide a description of the project area and the affected area, including information about the following features (where relevant to the project area and/or affected area, and to the extent not otherwise addressed in Section 2).

#### 3.1 Describe the flora and fauna relevant to the project area.

#### Flora

A total of 152 flora species were recorded during flora field surveys undertaken by Cumberland Ecology in March 2017. Of these 152 species, 79 species are native to the locality, two species are non-endemic natives, and 84 are exotic weeds.

No threatened flora species were recorded within the Referral Area.

An assessment of the likelihood of occurrence for EPBC listed threatened flora species is provided in **Attachment 1**. No threatened flora species listed under the EPBC Act are considered likely to occur.

The Referral Area is approximately 0.566 ha in area, which includes 0.299 ha of native vegetation, approximately 0.003ha of planted vegetation and 0.264 ha of weeds and exotic vegetation. The extent of native vegetation within the Referral Area is shown in **Figure 1**, whilst further description of the vegetation on site is provided in **Section 3.3**. All areas of Eastern Suburbs Banksia Scrub to be impacted by the proposed action conform to the definition of the EPBC listed Endangered Community are shown in **Figure 1**.

#### Fauna

The dominant fauna habitat in the Referral Area is comprised of low-lying scrub which occurs along the southern boundary and centre of the Referral Area. This habitat lacks a canopy and consists of dense shrubs and open areas on exposed sandstone. This habitat provides potential foraging and breeding habitat for woodland birds and reptiles. The habitat present is considered to be sub-optimal for native species due to its degraded nature. As such, the habitat present most likely provides potential foraging resources for birds that may use the Referral Area from time to time as part of a larger foraging range.

Exotic vegetation is present along the western, northern and eastern borders of the Referral Area. No native canopy is present; however, exotic canopy trees are present within the north-west corner of the Referral Area. Two hollows are present within the canopy trees, but these are considered unlikely to be utilised by microchripteran bats or birds as they are unlikely to be deep enough to provide adequate refuge. This habitat provides potential foraging and breeding habitat for woodland birds and reptiles.



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Planted vegetation provides some potential, albeit sub-optimal habitat for fauna. Although there are many exotic flora species, these can provide potential foraging resources for birds that may use the Referral Area from time to time as part of a larger foraging range.

A small ephemeral drainage line in the north of the Referral Area provides potential habitat for amphibians, albeit sub-optimal. Common native frog species such as the Striped Marsh Frog (*Limnodynastes peronii*), would likely inhabit this area after periods of heavy rain which was recorded during the Cumberland Ecology field surveys in 2017.

Thirty-one fauna species were detected during field surveys undertaken by Cumberland Ecology from March to May 2017. The Rufous Fantail (*Rhipidura rufifrons*), listed as migratory was the only species recorded listed under the EPBC Act. No species listed under the NSW TSC Act were recorded.

The Grey-headed Flying-fox (*Pteropus poliocephalus*) is the only species listed as threatened under the EPBC Act that has been determined to have the potential to occur in the Referral Area as a result of an analysis of the likelihood of occurrence of species within the Referral Area (see **Attachment 1**). Subsequent to careful consideration of the Significant Impact Guidelines (DoE, 2013), the proposed action is considered unlikely to significantly impact on the Greyheaded Flying-fox. Consideration of each of the significant impact criteria for the mentioned species is provided in **Table 3.1** attached.

#### 3.2 Describe the hydrology relevant to the project area (including water flows).

The Referral Area occurs within the Georges Catchment. No major rivers or streams are present within the Referral Area.

#### 3.3 Describe the soil and vegetation characteristics relevant to the project area.

#### **Geology and Soils**

The underlying lithology of the study area comprises medium to coarse-grained quartz sandstone, very minor shale and laminate lenses. This material overlies the bedrock belonging to Hawkesbury Sandstone formation a member of the Wianamatta group of sedimentary rocks (Herbert 1983).

According to the Soil Landscapes of the Sydney 1: 100 000 Sheet (Chapman and Murphy1989)



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the Referral Area is underlain by soils of the North Head and/or Tuggerah landscape groups. The North Head landscape group includes deep podzols overlying bedrock, buried podzols, buried sandstone soils, occasional shallow Siliceous Sands and Yellow Podzolic soils. The soils usually occur on gently undulated elevated dune fields formed by windblown sands on coastal headlands. The Tuggerah landscape group includes deep Podzols on dunes and Podzol/Humus Podzol intergrades on swales. The soils usually occur on gently undulating to rolling coastal dune fields.

#### Vegetation

The following vegetation communities have been recorded within the Referral Area: Coastal Sand Mantle Heath (high condition) ;Coastal Sand Mantle Heath (low condition);Coastal Headland Banksia Heath;Urban Exotic/Native; andWeeds and Exotics.

#### **Coastal Sand Mantle Heath (high condition)**

Coastal Sand Mantle Heath in high condition occurs on areas of deep sand within the Referral Area and is restricted to the southern border of the Referral Area. The total area of the community in the Referral Area is 0.084 ha.

The community in the Referral area has a native small tree layer dominated by *Leptospermum laevigatum* (Coast Tea Tree) and *Kunzea ambigua* (Tick Bush), with less abundant *Monotoca elliptica* (Tree Broom Heath), *Allocasuarina distyla* (Scrub She-oak), and *Banksia integrifolia* (Coast Banksia).

The shrub layer consists of a diverse array of native species including juveniles of the canopy species. Other species common in the layer include *Acacia longifolia* subsp. *sophorae* (Coastal Wattle), *Banksia ericifolia* (Heath-leaved Banksia), *Acacia suaveolens* (Sweet Wattle), and *Melaleuca nodosa* (Prickly-leaved Paperbark). A number of other species have a less abundant and scattered occurrence in the layer and include *Astroloma pinifolium*, *Bossiaea heterophylla*, *Eriostemon austra/asius* (Pink Wax Flower), and the Rare or Threatened Australian Plant (ROTAP) species *Platysace stephensonii*. Core areas of the community contain scattered occurrences of the exotic weed species *Chrysanthemoides monilifera* subsp. *rotundifolia* (Bitou Bush), with this species along with *Lantana camara* (Lantana) occurring more frequently in the fringes of the community.

The ground layer is relatively sparse and dominated generally by native sedges with species including *Lepidosperma laterale* and *Cyathochaeta diandra*. Other species common in the ground layer include *Diane/la caerulea* var. *producta* (Blue Flax-lily), *Lomandra glauca* (Pale Mat-rush), *Xanthosia pilosa* (Woolly Xanthosia), *Pomax umbellata*, and *Xanthorrhoea resinosa*. Species occurring less commonly in the layer include the grass *Eragrostis brownii* (Brown's Lovegrass), *Haemodorum planifolium*, and *Schoenus brevifolius*. The core area of the community contains very few occurrences of exotic weed species, with some species such as *Asparagus aethiopicus* (Ground Asparagus) having a scattered distribution. Fringing areas contains higher abundances of exotic species such as the forb *Hydrocotyle bonariensis* (Pennywort), and the grass *Eragrostis curvula* (African Lovegrass).



Native climbers such as *Hibbertia scandens* (Climbing Guinea Flower) and *Cassytha pubescens* are also present, and scattered throughout the community's occurrence.

This community conforms to the definition for the EPBC listed Eastern Suburbs Banksia Scrub, which is listed as an Endangered Ecological Community (CEEC).

#### Coastal Sand Mantle Heath (low condition)

Coastal Sand Mantle Heath in low condition occurs on areas of deep sand within the Referral Area within the centre of the Referral Area. The total area of the community in the Referral Area is 0.157 ha.

Coastal Sand Mantle Heath in low condition is a degraded form of the community which is dominated by exotic species in the shrub and ground layer. Dumped rubbish is common in the community and includes household items such as old prams and waste discarded by patrons of the adjacent golf course including golf bags.

A sparse native small tree layer is present. The layer is dominated by the native species *Pittosporum undulatum* (Sweet Pittosporum), a rainforest species which colonises disturbed areas of low-nutrient soil, coastal communities, and areas in which fire has been excluded for an extended period. Other native species include *Banksia integrifolia, Banksia ericifolia,* and *Kunzea ambigua.* The exotic species *Olea europaea* subsp. *cuspidata* (African Olive) and *Cotoneaster glaucophyllus* (Bright Bead Cotoneaster) are also present in the layer with a scattered distribution.

The shrub layer is dominated by the exotic weed species *Lantana camara*, with *Chrysanthemoides monilifera* subsp. *rotundifolia* and *Ochna serrulata* (Mickey Mouse Plant) also occurring with a more scattered distribution. The most common native species in the layer are *Mela/euca nodosa*, *Kunzea ambigua*, and *Pittosporum undulatum*. Other natives in the layer include *Philotheca buxifolia* subsp. *buxifolia* (Box-leaf Waxflower), *Hakea teretifolia* (Dagger Hakea), and *Acacia suaveolens* (Sweet Wattle).

The ground layer is dominated by the exotic species *Asparagus aethiopicus*, with other exotic species such as the grasses *Ehrharta erecta* (Panic Veldtgrass) and *Cynodon dactylon* (Couch Grass), and the forb *Acetosa sagittata* (Turkey Rhubarb) covering significant areas of the layer. Other exotic species in the layer with lesser abundances include the forbs *Conyza sumatrensis* (Tall Fleabane), *Ageratina adenophora* (Crofton Weed), and *Bidens pilosa* (Cobbler's Pegs), and the grasses *Andropogon virginicus* (Whiskey Grass) and *Cenchrus clandestinum* (Kikuyu). The most common native species in the ground layer are sedges such as *Lepidosperma forsythii* and *Cyathochaeta diandra*, and the forb *Commelina cyanea* (Scurvy Weed). Other species present include *Opercularia aspera* (Coarse Stinkweed), *Gonocarpus micranthus* subsp. *micranthus* (Creeping Raspwort), and *Xanthorrhoea resinosa*.

The native climbers *Hibbertia scandens* and *Cassytha glabella* are scattered within the community but are not common.

This community conforms to the definition for the EPBC listed Eastern Suburbs Banksia Scrub,



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which is listed as an Endangered Ecological Community (CEEC).

Both the high and low conditoin ESBS within the Referral Area are listed as an EEC under the EPBC Act. Subsequent to careful consideration of the Significant Impact Guidelines (DoE, 2013), the proposed action is considered unlikely to significantly impact on ESBS. Consideration of each of the significant impact criteria for the mentioned species is provided in **Table 3.2** attached.

#### **Coastal Headland Banksia Heath**

This community is located in the central-west of the Referral Area and is associated with outcrops of sandstone bedrock and adjacent, shallow sandy soils underlain by sandstone close to the surface. Approximately 0.058 ha of the community is present in the Referral Area. The species composition is similar to the Coastal Sand Mantle Heath described above, however the community does not occur on the deeper Aeolian sand deposits described as the habitat for that community (OEH 2016).

A sparse tall shrub to small tree layer is present and is dominated by *Kunzea ambigua* with scattered occurrences of *Banksia integrifolia* and the exotic *Cotoneaster g/aucophyllus*. The community has a dense shrub layer which is likewise dominated by *Kunzea ambigua* (Tick Bush), along with *Melaleuca nodosa*, and to a lesser extent *Acacia longifolia* subsp. *sophorae*. Other less abundant native shrub species include *Banksia ericifolia*, *Persoonia lanceo/ata* (Lance-leaved Geebung), and *Hakea teretifolia*. The exotic species *Lantana camara*, *Psoralea pinnata* (African Scurf-pea), and *Olea europaea* subsp. *cuspidata* are also present in the shrub layer, though not dominant.

The ground layer in more intact areas is sparse with leaf litter covering nonvegetated areas, and includes native species such as the grasses *Micro/aena stipoides* (Weeping Grass), *Eragrostis brownii* (Brown's Lovegrass), and *Ento/asia stricta* (Wiry Panic). Forbs include *Xanthosia pilosa* and *Pomax umbellata*, and sedges present include *Baumea acuta, Lepyrodia scariosa,* and *Schoenus brevifolius* (Zig-zag Bog Rush). Native species are also scattered through the northern extent of the community however the ground layer is dense and dominated by exotic species. Exotic species include grasses such as *Melinis repens* (Red Natal Grass), *Andropogon virginicus,* and *Eragrostis curvula.* Exotic forbs are also present and common and include *Bidens pi/osa, Sida rhombifolia* (Paddy's Lucerne), and *Plantago /anceo/ata* (Lamb's Tongues).

This community does not conform to any EPBC listed Threatened Ecological Community (TECs).

#### Urban Exotic/ Native

This community consists of several planted *Melaleuca armillaris* (Bracelet Honey-myrtle) individuals in the north-east planted on the periphery of the Coastal Sand Mantle Heath (Low Condition) in the north-east of the Referral Area. Approximately 0.003 ha of the community is present in the Referral Area.



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The community has a ground layer comprised of exotic weed species such as the grasses *Cenchrus clandestinum* and *Ehrharta erecta*, and other exotic herbs including *Conyza bonariensis* (Flax-leaf Fleabane) and *Asparagus aethiopicus*.

This community does not conform to any EPBC listed TECs.

#### Weeds and Exotics

This community occurs along the western, northern and eastern borders of the Referral Area and is 0.264 ha in area. The structure of the community varies across the study area, however in all areas is nearly exclusively comprised of exotic weed species.

The community in the north-west of the Referral Area has a tree layer and small tree layer comprised only of the exotic *Erythrina x sykesii* (Coral Tree). The shrub layer is somewhat sparse with the exception of large patches of *Lantana camara*, with other species present including *Ochna serrulata*, *Ligustrum sinense* (Small-leaved Privet), *Rhaphiolepis indica* (Indian Hawthorn), and *Cestrum parqui* (Green Cestrum). An individual of a single native shrub species is present in this area, *Syzygium australe* (Brush Cherry). With the exception of the cosmopolitan species *Portulaca oleracea* (Pig Root), the ground layer is comprised entirely of exotic species. The layer is dominated by *Tradescantia fluminensis* (Wandering Trad) and *Asparagus aethiopicus*. Other common species present include *Chlorophytum comosum* (Spider Plant), *Ehrharta erecta, Tropaeolum majus* (Nasturtium), and *Parietaria judaica* (Asthma Weed). The exotic climber *Anredera cordifolia* (Madeira Vine) is also abundant in this area.

The western extent of the community consists of a mown lawn dominated by the exotic grass *Cynodon dactylon,* with scattered lawn weeds including *Gazania rigens* (Treasure Flower), *Hypochaeris radicata* (Cats Ear), and *Plantago lanceolata.* To the east of the mown lawn running north to south along the west of the site is an artificially heaped mound of sand. This area within the community is dominated by exotic shrubs including *Chrysanthemoides monilifera* subsp. *rotundifolia* and *Senna pendula,* and the exotic climber *Senecio angulatus* (Creeping Groundsel). A number of other exotic species are present in this area including *Watsonia meriana* (Bulbil Bugle-lily), *Foeniculum vulgare* (Fennel), and *Asparagus aethiopicus.* A small number of the native shrubs *Kunzea ambigua* and *Acacia longifolia* subsp. *sophorae* are also scattered in this area of the community.

The eastern occurrence of the community consists of a mown lawn area used by the adjacent golf course as part of a driving range, and to the west of the open lawn area an unmaintained area dominated by tall exotic grasses and forbs, and shrubs. The mown lawn area is dominated by the exotic grasses *Cenchrus c/andestinum* and *Cynodon dactylon*, with exotics forbs such as *Hydrocotyle bonariensis*, *Conyza sumatrensis*, and *Lactuca serriola* (Prickly Lettuce) scattered throughout. The unmaintained area adjoins the Coastal Sand Mantle Heath community and has a ground layer dominated by tall, unmown exotic grasses, including *Paspalum dilatatum*, *Stenotaphrum secundatum* (Buffalo Grass), and *Andropogon virginicus* (Whiskey Grass), and the exotic vine *Lonicera* 

*japonica* (Japanese Honeysuckle). Other species common in the ground layer include *Asparagus aethiopicus* and *Hydrocotyle bonariensis*. Scattered natives are present and include



the forb *Commelina cyanea* and the sedge *Ficinia nodosa*. A sparse to dense shrub layer is present, dominated by the exotic *Chrysanthemoides monilifera* subsp. *rotundifolia* and *Lantana camara*. There are several scattered occurrences of native species including *Acacia longifolia* subsp. *sophorae* and *Banksia ericifolia*.

This community does not conform to any EPBC listed TECs.

### 3.4 Describe any outstanding natural features and/or any other important or unique values relevant to the project area.

There are no outstanding natural features or unique values relevant to the Referral Area.

#### 3.5 Describe the status of native vegetation relevant to the project area.

The native vegetation within the Referral Area is in mostly low condition due to past disturbances, illegal dumping and exotic weed invasion. A small area of good condition native vegetation is present along the southern border of the Referral Area, which has connectivity to adjacent areas of good condition native vegetation. The native vegetation in high condition are Coastal Sand Mantle Heath and Coastal Headland Banksia Heath.

The native vegetation within the Referral Area conforms to two Plant Community Types, as described in the NSW Vegetation Information System Classification Database. These are:

-ME022 Banksia heath on aeolian sands of eastern Sydney suburbs, Sydney Basin Bioregion; andME101 Heath-leaved Banksia - Scrub She-oak heath on sandstone headlands in the Sydney basin; and

-ME022 occurs in two condition states within the Referral Area, as described in **Section 3.3**, and conforms to the definition of the TSC Act listed EEC *Eastern Suburbs Banksia Scrub in the Sydney Basin Bioregion and the EPBC Act listed EEC* Eastern Suburbs Banksia Scrub.

ME101 occurs in the Referral Area as described in **Section 3.3**. This community does not conform to any TSC Act or EPBC Act listed TECs.

No other EPBC listed TECs were recorded within the Referral Area and none are considered likely to occur.

Remnant vegetation is restricted to the central and southern areas of the Referral Area and have connectivity to adjacent habitat to the south of the Referral Area. The remnant vegetation within the Referral is the northern extent of habitat and does not have connectivity to areas of habitat to the west, north or east.

# 3.6 Describe the gradient (or depth range if action is to be taken in a marine area) relevant to the project area.



The Referral Area occurs on coastal areas and has a relatively uniform topography that is flat. Its elevation is between approximately 40 - 50 m above sea level.

#### 3.7 Describe the current condition of the environment relevant to the project area.

With the exception of the southern boundary of the Referral Area, all areas have been exposed to a high degree of disturbance as a result of previous clearing and associated development in adjacent areas, illegal dumping of rubbish and the invasion of exotic weeds. The southern boundary of the Referral Area is less degraded likely as a result of being less exposed to the disturbances mentioned above as it occurs further from previously cleared areas and is more difficult to access.

### 3.8 Describe any Commonwealth Heritage Places or other places recognised as having heritage values relevant to the project area.

No Commonwealth Heritage Places or other places recognised as having heritage values occur within the Referral Area.

#### 3.9 Describe any Indigenous heritage values relevant to the project area.

There are no registered indigenous heritage values identified within the Referral Area.

### 3.10 Describe the tenure of the action area (e.g. freehold, leasehold) relevant to the project area.

The Referral Area is owned by Auspat International No. 2 Pty Ltd (Urban Apartments).

#### 3.11 Describe any existing or any proposed uses relevant to the project area.

The existing land use is zoned as Medium Density Residential. Currently, the land is not being used.



### Section 4 - Measures to avoid or reduce impacts

Provide a description of measures that will be implemented to avoid, reduce, manage or offset any relevant impacts of the action. Include, if appropriate, any relevant reports or technical advice relating to the feasibility and effectiveness of the proposed measures.

Examples of relevant measures to avoid or reduce impacts may include the timing of works, avoidance of important habitat, specific design measures, or adoption of specific work practices.

### 4.1 Describe the measures you will undertake to avoid or reduce impact from your proposed action.

The Developer will implement environmental management strategies to avoid and reduce any environmental impacts associated with clearing activities. The environmental management strategies identified in the SIS include the following:

-The clearing footprint will be clearly delineated and fenced prior to any clearing activity;

-A fauna relocation plan will be prepared and implemented prior to clearing; and

-Clearing will be suspended if threatened species are observed and will not recommence until they have moved on.

In order to compensate for the proposed impacts on native vegetation, a vegetation management plan (VMP) has been developed that will apply to all retained vegetation within the lot. The implementation of the VMP will result in a net increase of ESBS within lot that will be managed in perpituity. The VMP includes the following itemes:

-Costing of the VMP for the first six years;

-Detailed schedule of works that outlines when actions will occur, who is responsible for undertaking the action, reporting requirements; and

-Detailed description of key performance indicators that will be utilised to address the success of the VMP.

# 4.2 For matters protected by the EPBC Act that may be affected by the proposed action, describe the proposed environmental outcomes to be achieved.

The proposed action will result in the clearing of 0.241 ha of EPBC listed Eastern Suburbs Banksia Scrub. The proponent of the project proposes to offset this impact through an onsite offset. The onsite offset will include the implementation of a vegetation management plan



(VMP) for all retained vegetation within the subject land. The VMP will be funded in perpetuity through a positive covenant and will have the following overall objectives:

-Limit access to retained vegetation through exclusion fencing;-Improve/maintain all areas of high condition ESBS;

-Improve/maintain all area mapped as Coastal Headland Banksia Heath; and

-Rehabilitate all areas mapped as the Weeds and Exotics community to ESBS high condition.

The implementation of the VMP will result in retention and management of more than two times the amount of ESBS cleared as a result of the proposed action – such land is currently unmanged and subject to edge effects. Retained areas subject to the VMP will maintain connectivity to areas of ESBS located within Kamay Botany Bay National Park and provide a managed buffer between public lands and the national park. Additionally, the implementation of the VMP will result improve the condition of ESBS within the lot over time. **Table 4.1** attached contains a breakdown of the vegetation communities present, retained after development and eventually extant after implementation of the VMP within the lot.

A detailed VMP has been submitted with the SIS, as part of the state assessment process.



### Section 5 – Conclusion on the likelihood of significant impacts

A checkbox tick identifies each of the matters of National Environmental Significance you identified in section 2 of this application as likely to be a significant impact.

Review the matters you have identified below. If a matter ticked below has been incorrectly identified you will need to return to Section 2 to edit.

#### 5.1.1 World Heritage Properties

No

#### 5.1.2 National Heritage Places

No

#### 5.1.3 Wetlands of International Importance (declared Ramsar Wetlands)

No

#### 5.1.4 Listed threatened species or any threatened ecological community

Listed threatened species and communities - Yes

#### 5.1.5 Listed migratory species

No

#### 5.1.6 Commonwealth marine environment

No

#### 5.1.7 Protection of the environment from actions involving Commonwealth land

No

#### 5.1.8 Great Barrier Reef Marine Park

No

#### 5.1.9 A water resource, in relation to coal/gas/mining

No



#### 5.1.10 Protection of the environment from nuclear actions

No

#### 5.1.11 Protection of the environment from Commonwealth actions

No

#### 5.1.12 Commonwealth Heritage places overseas

No

5.2 If no significant matters are identified, provide the key reasons why you think the proposed action is not likely to have a significant impact on a matter protected under the EPBC Act and therefore not a controlled action.

Eastern Suburbs Banksia Scrub



# Section 6 – Environmental record of the person proposing to take the action

Provide details of any proceedings under Commonwealth, State or Territory law against the person proposing to take the action that pertain to the protection of the environment or the conservation and sustainable use of natural resources.

### 6.1 Does the person taking the action have a satisfactory record of responsible environmental management? Please explain in further detail.

Previous applications to Council have all had significant public involvement in the environmental management of the site with clearing of dumped materials and rehabilitation programs in pace along with development of the site.

6.2 Provide details of any past or present proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against either (a) the person proposing to take the action or, (b) if a permit has been applied for in relation to the action – the person making the application.

Nil

6.3 If it is a corporation undertaking the action will the action be taken in accordance with the corporation's environmental policy and framework?

Yes

# 6.3.1 If the person taking the action is a corporation, please provide details of the corporation's environmental policy and planning framework.

Autpat International No 2 P/L the owners & developer of the property have worked with neighbours & local stakeholders in developments over a long period of time with many suscessful results.

# 6.4 Has the person taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?

No



### **Section 7 – Information sources**

You are required to provide the references used in preparing the referral including the reliability of the source.

# 7.1 List references used in preparing the referral (please provide the reference source reliability and any uncertainties of source).

| Reference Source                 | Reliability | Uncertainties |  |  |  |  |
|----------------------------------|-------------|---------------|--|--|--|--|
| Chapman, G. A. and C. L.         | Reliable    | None          |  |  |  |  |
| Murphy. 1989. Soil Landscapes    |             |               |  |  |  |  |
| of the Sydney 1:100000 sheet.    |             |               |  |  |  |  |
| Soil Conservation Service of     |             |               |  |  |  |  |
| NSW, Sydney.                     |             |               |  |  |  |  |
| DoE. 2013. Matters of National   | Reliable    | None          |  |  |  |  |
| Environmental Significance.      |             |               |  |  |  |  |
| Significant impact guidelines    |             |               |  |  |  |  |
| 1.1. Environment Protection      |             |               |  |  |  |  |
| and Biodiversity Conservation    |             |               |  |  |  |  |
| Act 1999. Department of the      |             |               |  |  |  |  |
| Environment, Canberra.           | Dallahla    | News          |  |  |  |  |
| Doee. 2017. Draft Recovery       | Reliable    | None          |  |  |  |  |
| Plan for the Grey-headed Flying- |             |               |  |  |  |  |
| tox Pteropus poliocephalus.      |             |               |  |  |  |  |
| Department of the Environment    |             |               |  |  |  |  |
| Larbert C 1082 Sydney 1:100      | Paliabla    | Nana          |  |  |  |  |
| And Coological Shoot 9130, 1st   | Reliable    | none          |  |  |  |  |
| odition Goological Survey of     |             |               |  |  |  |  |
| New South Wales Sydney           |             |               |  |  |  |  |
| OEH 2013 Guidelines for          | Reliable    | None          |  |  |  |  |
| developments adjoining land      |             | None          |  |  |  |  |
| managed by the Office of         |             |               |  |  |  |  |
| Environment and Heritage         |             |               |  |  |  |  |
| Svdnev                           |             |               |  |  |  |  |
| OEH. 2016. The Native            | Reliable    | None          |  |  |  |  |
| Vegetation of the Sydney         |             |               |  |  |  |  |
| Metropolitan Area. Office of     |             |               |  |  |  |  |
| Environment and Heritage         |             |               |  |  |  |  |
| Sydney.                          |             |               |  |  |  |  |
| OEH. 2017. Grey-headed           | Reliable    | None          |  |  |  |  |
| Flying-fox - profile. Office of  |             |               |  |  |  |  |
| Environment and Heritage,        |             |               |  |  |  |  |
| Hurstville.                      |             |               |  |  |  |  |



### **Section 8 – Proposed alternatives**

You are required to complete this section if you have any feasible alternatives to taking the proposed action (including not taking the action) that were considered but not proposed.

#### 8.0 Provide a description of the feasible alternative?

No feasible alternatives proposed.

#### 8.1 Select the relevant alternatives related to your proposed action.

#### 8.27 Do you have another alternative?

No



### Section 9 – Contacts, signatures and declarations

Where applicable, you must provide the contact details of each of the following entities: Person Proposing the Action; Proposed Designated Proponent and; Person Preparing the Referral. You will also be required to provide signed declarations from each of the identified entities.

#### 9.0 Is the person proposing to take the action an Organisation or an Individual?

Organisation

#### 9.2 Organisation

9.2.1 Job Title

**Managing Director** 

#### 9.2.2 First Name

George

#### 9.2.3 Last Name

Elias

#### 9.2.4 E-mail

George@urbanapartments.com.au

#### 9.2.5 Postal Address

PO Box 2226 Burwood North NSW 2134 Australia

#### 9.2.6 ABN/ACN

ACN

105832755 - Auspat International No.2 Pty Ltd

#### 9.2.7 Organisation Telephone

02 9744 3333



#### 9.2.8 Organisation E-mail

info@urbanapartments.com.au

### 9.2.9 I qualify for exemption from fees under section 520(4C)(e)(v) of the EPBC Act because I am:

Not applicable

#### **Small Business Declaration**

I have read the Department of the Environment and Energy's guidance in the online form concerning the definition of a small a business entity and confirm that I qualify for a small business exemption.

Signature: N/3/2018

9.2.9.2 I would like to apply for a waiver of full or partial fees under Schedule 1, 5.21A of the EPBC Regulations

No

9.2.9.3 Under sub regulation 5.21A(5), you must include information about the applicant (if not you) the grounds on which the waiver is sought and the reasons why it should be made

#### Person proposing the action - Declaration

I, <u>FARAM</u> <u>burge</u> <u>ERAM</u>, declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. I declare that I am not taking the action on behalf of or for the benefit of any other person or entity.

I, <u>Fuend</u> <u>Corrections</u>, the person proposing the action, consent to the designation of <u>Auspat International No. 2 Pty Ltd</u> as the proponent of the purposes of the action describe in this EPBC Act Referral.

Signature: Date: 1/3/2018

#### 9.3 Is the Proposed Designated Proponent an Organisation or Individual?



Australian Government

Department of the Environment and Energy

Submission #3149 - 11 Jennifer Street, Little Bay, NSW 2036

Organisation

#### 9.5 Organisation

#### 9.5.1 Job Title

Managing Director

#### 9.5.2 First Name

George

#### 9.5.3 Last Name

Elias

#### 9.5.4 E-mail

George@urbanapartments.com.au

#### 9.5.5 Postal Address

PO Box 2226 Burwood Nort NSW 2134 Australia

#### 9.5.6 ABN/ACN

ACN

105832755 - Auspat International No.2 Pty Ltd

#### 9.5.7 Organisation Telephone

02 9744 3333

#### 9.5.8 Organisation E-mail

George@urbanapartments.com.au

#### Proposed designated proponent - Declaration

I, <u>*Hrall Comparing*</u>, the proposed designated proponent, consent to the designation of myself as the proponent for the purposes of the action described in this EPBC Act Referral.

Australian Government Department of the Environment and Energy Submission #3149 - 11 Jennifer Street, Little Bay, NSW 2036

Signature: Date: 1/3/2018

#### 9.6 Is the Referring Party an Organisation or Individual?

Organisation

#### 9.8 Organisation

9.8.1 Job Title

Ecologist

#### 9.8.2 First Name

David

#### 9.8.3 Last Name

Robertson

#### 9.8.4 E-mail

David.robertson@cumberlandecology.com.au

#### 9.8.5 Postal Address

PO Box 2474 Carlingford Court NSW 2121 Australia

#### 9.8.6 ABN/ACN

ABN

14106144647 - CUMBERLAND ECOLOGY PTY LTD

#### 9.8.7 Organisation Telephone

(02) 9868 1977

#### 9.8.8 Organisation E-mail

contact@cumberlandecology.com.au

#### **Referring Party - Declaration**



A separation of the Environment

I, David Robertson , I declare that to the best of my knowledge the information I have given on, or attached to this EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence.

Signature Deberts Date: 1/3/2018



Australian Government

<sup>&</sup> Department of the Environment and Energy

#### **Appendix A - Attachments**

The following attachments have been supplied with this EPBC Act Referral:

- 1. attachment\_1.\_flora\_and\_fauna\_likelihood\_of\_occurrence\_table.pdf
- 2. figure\_1.\_development\_footprint.pdf
- 3. figure\_2.\_referral\_area.pdf
- 4. table\_3.1\_significant\_impact\_criteria\_for\_vulnerable\_species.pdf
- 5. table\_3.2\_significant\_impact\_guidelines\_for\_eecs.pdf
- 6. table\_4.1\_details\_of\_vmp.pdf