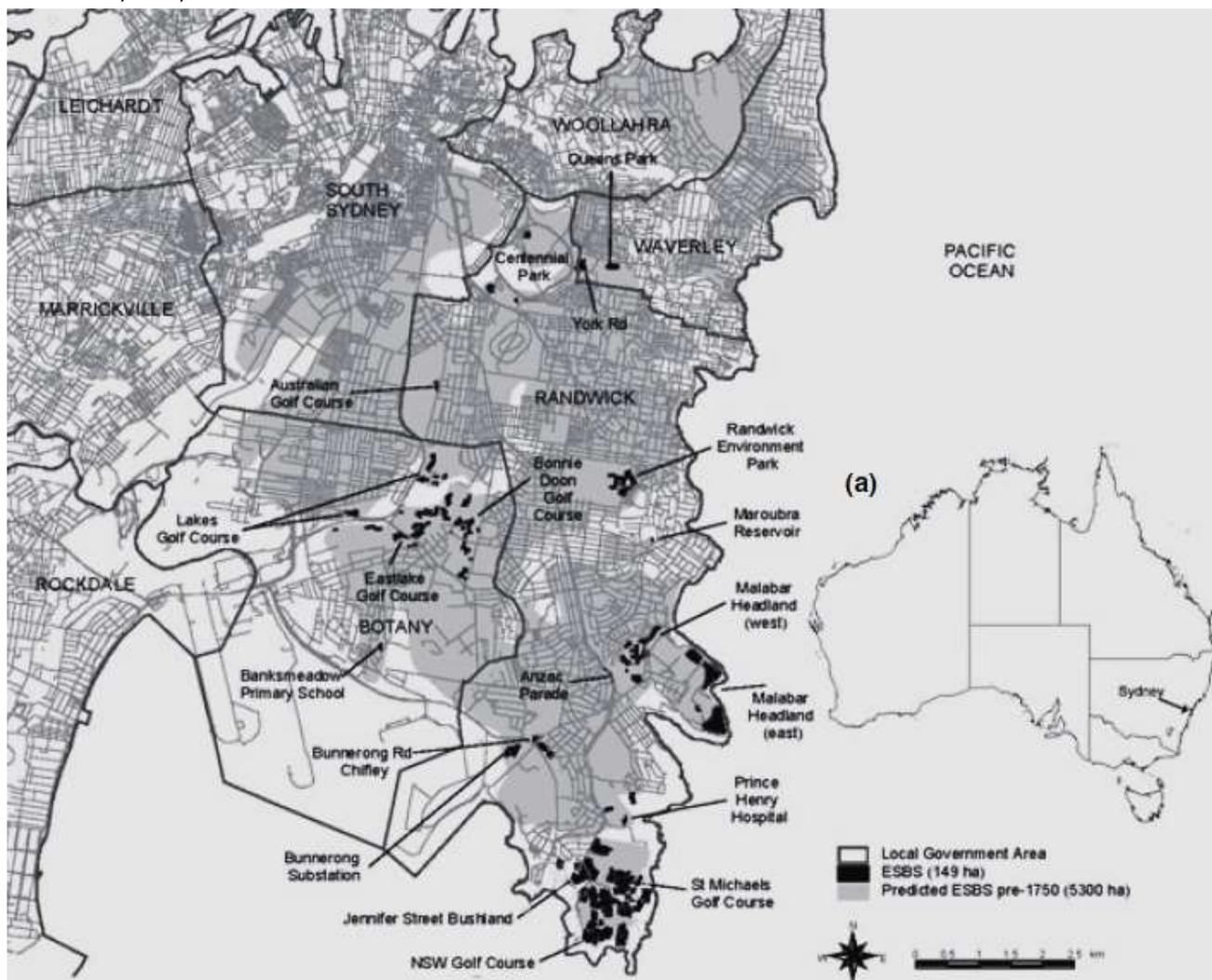


SUBMISSION TO RANDWICK CITY COUNCIL - AMENDED DEVELOPMENT APPLICATION 11 JENNIFER STREET  
LITTLE BAY DA/101.2018 REGARDING REMOVAL OF EASTERN SUBURBS BANKSIA SCRUB AND OTHER IMPACTS  
ON EASTERN SUBURBS BANKSIA SCRUB  
Lynda Newnam 5<sup>th</sup> April 2019

I oppose the proposed medium density residential development of Lot 11 Jennifer Street Little Bay, reference DA/101/2018 because of the impacts on Eastern Suburbs Banksia Scrub on Lot 11 and surrounding. The SEE, SIS, ADDENDUM SIS (attached to SEE) and supporting documents do not properly assess the likely impacts.

Eastern Suburbs Banksia Scrub (ESBS) was scheduled as Endangered in 1997 under the NSW Threatened Species Conservation Act 1995 and then in December 2017 as Critically Endangered under the Biodiversity Conservation Act 2016. NSW Cabinet endorsed the Southern Sydney Blueprint in December 2002 and in that document confirmed (p.17) that no Endangered Community should ever be removed. The Federal Government established the National Heritage significance of ESBS with listing under the Environmental Protection and Biodiversity Conservation Act 1999 and later endorsed the NSW ESBS Recovery Plan 2004.

This is a State and Nationally Significant Ecological Community that has a very restricted distribution – see map of Australia below. There are only a few identified patches remaining in Sydney and maintaining connectivity between patches in this area is critical for longer term viability. See map below for sites in Eastern Sydney and note Jennifer Street.



**Table 3.** *In situ* conservation measures being undertaken at ESBS sites. This is adapted from Table 2 of the Recovery Plan (DEC 2004), updated by the authors after consultation with agencies and the active landholders. The nonbold text represents the entries recorded in the original Table 2 of the Recovery Plan (DEC 2004), and the bolded text represents the June 2012 updated entries. Blanks indicate no activity at this date, to the best of our knowledge

Site name & location	Mgt. Plan	Weed mgt.	Fire mgt.	Erosion mgt.	Access mgt.	Protective fencing (or other)
Anzac Parade Malabar	<b>Yes</b>	Yes		<b>Yes</b>		
Arthur Byrne Reserve, Maroubra	Yes	Yes		Yes	<b>Yes</b>	Yes
Australian Golf Club Kensington						Part
Banksmeadow Primary School, Banksmeadow	Yes				<b>Yes</b>	Yes
Bonnie Doon Golf Course, Pagewood	Yes	Yes	<b>Yes</b>	Yes	<b>Yes</b>	
Botany Bay NP, La Perouse	Yes	Yes	Yes	Yes	Yes	
Bunnerong Road, Chifley	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
Bunnerong Substation, Matraville	<b>Yes</b>	<b>Yes</b>		<b>Yes</b>	<b>Yes</b>	Yes
Centennial Park	Yes	Yes	<b>Yes</b>	Yes		Yes
Eastlake Golf Course, Eastlakes	<b>Yes</b>	<b>Yes</b>				
Jennifer St (ALC Lands), Little Bay						Yes
Jennifer St (Telstra Lands), La Perouse & Little Bay						Yes
Malabar Headland East, Malabar	<b>Yes</b>	Yes			<b>Yes</b>	<b>Yes</b>
Malabar Headland West, Malabar	<b>Yes</b>	Yes	Yes		<b>Yes</b>	Yes
Maroubra Reservoir, Johnston Parade Maroubra						Yes
North Head, Manly	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Part</b>
NSW Golf Course, La Perouse	Yes	Yes	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	Yes
Pioneers Park, Malabar	<b>Yes</b>	<b>Yes</b>		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
(Former) Prince Henry Hospital Anzac Parade, Little Bay		<b>Yes</b>	<b>Yes</b>		<b>Yes</b>	<b>Yes</b>
Randwick Environment Park, Kingsford	Yes	Yes		<b>Yes</b>	<b>Yes</b>	Yes
St Michael's Golf Course, Little Bay		Yes				
The Lakes Golf Course, Eastlakes	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>		
Wassell St., Chifley	<b>Yes</b>	Yes	<b>Yes</b>	Yes	<b>Yes</b>	Yes
York Rd, Bondi Junction	Yes	Yes	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	Yes

ESBS, Eastern Suburbs Banksia Scrub.

There are 24 sites listed in the Recovery Plan: 18 of those have a Management Plan, 11 have Fire Management, 19 have weed management, 14 have erosion management, 15 have access management and 17 have full or partial fencing. Note that ecological burns are part of the management regime at the adjoining National Park and nearby NSW Golf Course.

Notwithstanding the requirements of the Recovery Plan, there is one site that has **had no protection in place** and that is Jennifer Street, identified in the Table published in 2012 (see reference below) as being held by the La Perouse ALC. The ALC sold these holdings, Lot 11 Jennifer Street in 2012 and Lot 27 in 2013. Both remained zoned Residential Medium Density (R3) at the time of disposal despite being identified in the 2011 LEP discussion paper as requiring environmental protection.

It is 15 years since the Recovery Plan was first published and 20 years since the EPBC Act. We know more about the importance of conserving this community and of providing appropriate buffers. Ecological burns are part of the management regime; to intensify residential development in this area will inhibit fire management of this site and adjacent National Park. **The importance of the fire regime is recognised in Lambert et al (2015)**, volunteers of the North Head Sanctuary Foundation, and in this report [http://www.northheadsanctuaryfoundation.org.au/action/Lambert\\_et\\_al-2015-Ecological\\_Management\\_&\\_Restoration.pdf](http://www.northheadsanctuaryfoundation.org.au/action/Lambert_et_al-2015-Ecological_Management_&_Restoration.pdf)

There has been a referral under the EPBC Act, submitted in March 2018 with a determination in August, shortly before the on-site meeting in September with the Land and Environment Court. The reference number is 2018/1870 on this list <http://epbcnotices.environment.gov.au/referralslist/>

Here is the link <http://epbcnotices.environment.gov.au/entity/annotation/39039b10-ab9e-e811-bae0-005056ba00a8/a71d58ad-4cba-48b6-8dab-f3091fc31cd5?t=1554157692090> to the determination which states that “The project will be assessed by preliminary documentation.”

Staff of the Australian Department of Environment and Energy confirmed that this is a controlled action and that the assessment process has not progressed because documentation has not been provided by the proponent.

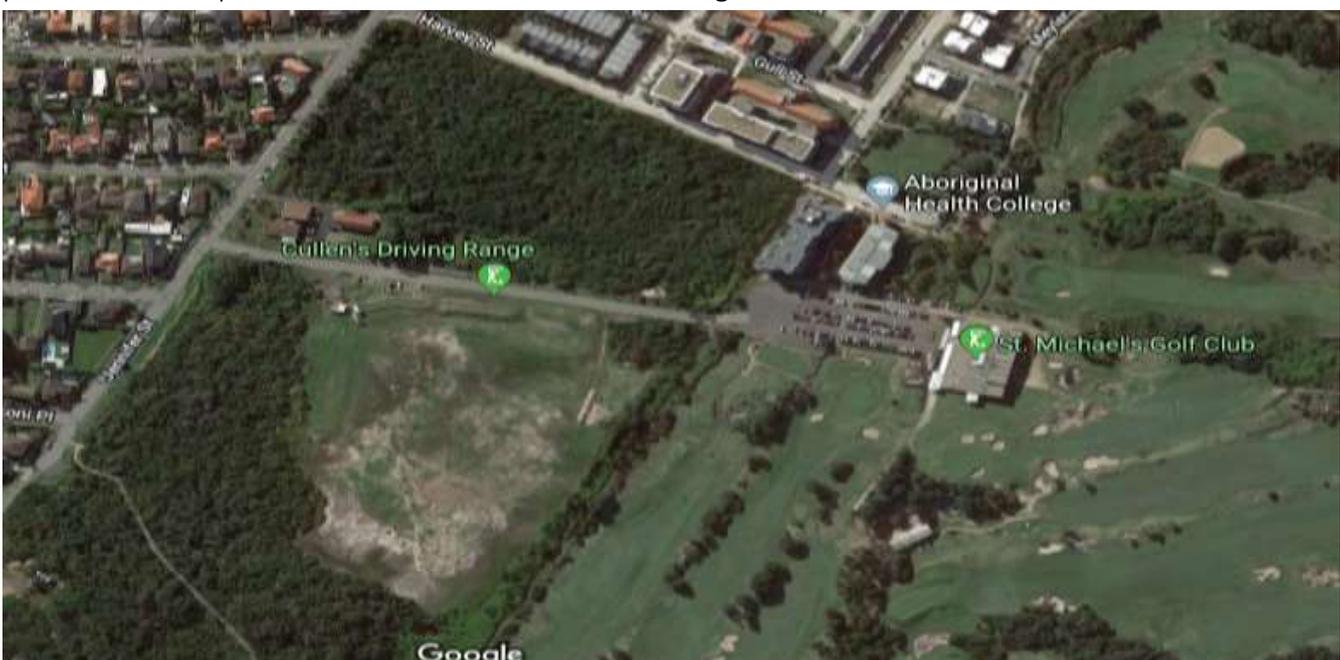
It is important to read both the SIS and the document provided by the proponent with the March referral. Note the bias. <http://epbcnotices.environment.gov.au/entity/annotation/1327c36b-a730-e811-ad33-005056ba00a7/a71d58ad-4cba-48b6-8dab-f3091fc31cd5?t=1554158124710>

For example, this is written in support of clearing of ESBS *“If nothing is done, the Referral Area and surrounds, including areas of high condition ESBS with connectivity to Kamay Botany Bay National Park, will be prone to increased weed infestation and illegal dumping.”*

*‘If nothing is done.’* This is the problem, the landholder hasn’t done what was required, i.e. remove weeds and rubbish. The statement in this referral is effectively an admission of the landholder’s negligence. The site was supposed to be managed but the relevant regulatory authorities from 2004 onwards - NPWS/DEC/ DECC/ DECCW/OEH/ - have not ensured compliance or arranged for Randwick City Council to intervene on behalf of this threatened ecological community. Randwick City Council has demonstrated responsible management at sites in Chifley, Malabar and the Randwick Environment Park and there are many examples of restoration and of volunteers giving their time to restore ESBS sites – eg.

<https://www.centennialparklands.com.au/stories/2016/conserving-eastern-suburbs-banksia-scrub>

At the Land and Environment Court hearing in September, Claire Bettington, a volunteer from Friends of Malabar Headland said that in her experience of restoring ESBS on nearby Malabar Headland the site values could be improved with basic management i.e. weed and rubbish removal and ecological burns as has occurred at Prince Henry, one street away. In Perkins et al(2012) the authors discuss the seedbank and restoration. The Google satellite photograph below shows the relationship between the National Park, Lot 11, and Harvey Street sites. This is land that has never been developed and over 20 years ago was recognised as requiring protection because of the rarity of the plant community it contains. The Golf Course provides an acceptable buffer zone. Residential housing does not.



Threatened Species associated with ESBS as recorded in the 2017 Determination

<https://www.environment.nsw.gov.au/resources/threatenedspecies/determinations/FDESBSCEEC.pdf> include the Eastern Bentwing-bat and Grey-headed Flying Fox:

*Kamay Botany Bay National Park contains significant habitat for two threatened bat species, the Grey-headed Flying-fox and the Eastern Bentwing-bat, p.41*

<https://www.environment.nsw.gov.au/resources/nature/surveys/20110250KamayBotanyBayFauna.pdf>

This issue has not received adequate media coverage and few local residents are aware, however, over 1000 people have signed a petition to protect the ESBS on Jennifer Street:

[https://www.change.org/p/randwick-council-save-jennifer-street?fbclid=IwAR3\\_1JlyIDfliKTQ7P418rdNkfmEwECB7iHpGC-YYIIVLGfkD8BKsieJ3w](https://www.change.org/p/randwick-council-save-jennifer-street?fbclid=IwAR3_1JlyIDfliKTQ7P418rdNkfmEwECB7iHpGC-YYIIVLGfkD8BKsieJ3w)

If this development on Lot 11 Jennifer Street is approved, it will send a message to landholders throughout NSW that negligent behaviour is rewarded and that by failing to protect a critically endangered ecological community, a landholder can then claim a site is of lesser ecological value and therefore ripe for destruction and financial gain. Responsible landholders, like the ratepayers of Randwick City (through their Council), have invested resources in protecting and restoring ESBS sites throughout the municipality (Chifley, Malabar, Randwick). There is no financial gain, it costs money to manage and restore these sites. It is done because the ecological values and legal obligations are respected.

#### REFERENCES:

Lambert J., Lambert G., Pellow B (2015). An evaluation of two management options to restore species diversity of Eastern Suburbs Banksia Scrub at North Head, Sydney. *Cunninghamia* 15, pp. 69–78.

<https://www.rbg Syd.nsw.gov.au/getmedia/d41ae2dc-65b8-4646-b451-43321ddcd835/Cun15lam069.pdf.aspx>

Perkins, I., Diamond, J., SanRoque, G., Raffan, L., Digby, B., Jensen, P., Hirschfeld (2012). Eastern Suburbs Banksia Scrub: Rescuing an endangered ecological community. *Ecological Management & Restoration*, 13(3), pp.224-237.

#### ATTACHMENTS:

Excerpt from 2004 Recovery Plan identifying the management issues that were not addressed

Excerpt from 2011 Randwick City Council Meeting on LEP with recommendation from OEH

## Recovery Plan for Eastern Suburbs Banksia Scrub: Appendix 3

### Jennifer St (Aboriginal Land Council Land), Little Bay

Site surveyed by the NPWS on 20/5/01. 55 species of native plants were noted within ESBS vegetation including 36 characteristic ESBS species.

#### Management Issues

Weed control  
 Fire management  
 Dumping of rubbish and cars  
 Access  
 Rabbit control

#### Main weed species noted

*Lantana camara* (Lantana)  
*Eragrostis curvula* (African Love Grass)  
*Chrysanthemoides monilifera* subsp. *rotundata* (Bitou Bush)  
*Andropogon virginicus* (Whisky Grass)

#### Class Filicopsida

Family	Botanical Name	ESBS species	Dry ESBS	Moist ESBS	Transition zones
Dennstaedtiaceae	<i>Pteridium esculentum</i>	X	X		
Lindsacaceae	<i>Lindsaea linearis</i>		X		

#### Class Magnoliopsida

##### Sub-Class Magnoliidae

Family	Botanical Name	ESBS Species	Dry ESBS	Moist ESBS	Transition zones
Apiaceae	<i>Xanthosia pilosa</i>	X	X		
Cassythaceae	<i>Cassytha</i> sp.		X	X	
Casuarinaceae	<i>Allocasuarina distyla</i>	X	X		
	<i>Allocasuarina littoralis</i>		X	X	
Dilleniaceae	<i>Hibbertia fasciculata</i>	X	X		
Epacridaceae	<i>Astroloma pinifolium</i>	X	X		
	<i>Brachyloma daphnoides</i>	X	X		
	<i>Epacris microphylla</i>	X	X	X	
	<i>Epacris longiflora</i>	X	X	X	
	<i>Leucopogon ericoides</i>	X	X		
	<i>Monotoca elliptica</i>	X	X		
	<i>Styphelia viridis</i>	X	X		
	<i>Woolfsia pungens</i>	X	X		
Elaeocarpaceae	<i>Elaeocarpus reticulatus</i>		X		
Fabaceae - Mimosoideae	<i>Acacia sophorae</i>	X	X		
	<i>Acacia suaveolens</i>	X	X		
	<i>Acacia ulicifolia</i>	X	X		
Fabaceae - Faboideae	<i>Bossiaea heterophylla</i>	X	X		
	<i>Dillwynia retorta</i>	X	X		
Halagoraceae	<i>Gonocarpus tetragynus</i>		X		
	<i>Gonocarpus teucrioides</i>	X	X		
Loganiaceae	<i>Mitrasacme polymorpha</i>		X		
Myrtaceae	<i>Calytrix tetragona</i>		X		
	<i>Darwinia fascicularis</i>	X	X		
	<i>Leptospermum laevigatum</i>	X	X		
	<i>Melaleuca nodosa</i>	X	X		
Pittosporaceae	<i>Billardiera scandens</i>	X	X		

Recovery Plan for Eastern Suburbs Banksia Scrub: Appendix 3

Family	Botanical Name	ESBS Species	Dry ESBS	Moist ESBS	Transition zones
Proteaceae	<i>Banksia ericifolia</i>	X	X		
	<i>Conospermum taxifolium</i>	X	X		
	<i>Hakea gibbosa</i>		X		
	<i>Hakea teretifolia</i>	X	X		
	<i>Kunzea ambigua</i>	X	X		
	<i>Persoonia lanceolata</i>	X	X		
	<i>Petrophile pulchella</i>		X		
Rubiaceae	<i>Opercularia aspera</i>		X		
	<i>Pomax umbellata</i>	X	X		
Rutaceae	<i>Eriostemon australasius</i>	X	X		
	<i>Eriostemon buxifolius</i>		X		
Scrophulariaceae	<i>Veronica plebeia</i>			X	
Sterculiaceae	<i>Lastipetalum ferrugineum</i>		X		
Sub-Class Liliidae					
Cyperaceae	<i>Baumea</i> sp.		X		
	<i>Cyathochaeta diandra</i>	X	X		X
	<i>Gahnia sieberana</i>			X	
	<i>Isolepis nodosa</i>		X		
	<i>Lepidosperma laterale</i>	X	X		
Haemadoraceae	<i>Haemodorum planifolium</i>	X	X		
Liliaceae	<i>Dianella caerulea</i>		X		
Lomandraceae	<i>Lomandra glauca</i>		X		X
Poaceae	<i>Eragrostis brownii</i>	X	X		
	<i>Paspalidium distans</i>		X		
Restionaceae	<i>Hypolaena fastigiata</i>	X	X	X	X
	<i>Lepyrodia scariosa</i>	X	X	X	
Xanthorrhoeaceae	<i>Xanthorrhoea resinifera</i>	X	X		X

The ROTAP listed *Platysace stephensonii* was noted at the site on 17/5/01 by Kevin Mills (Kevin Mills & Associates Pty Ltd)

From report to Council on LEP: 6/12/2011 recommendation from OEH over Jennifer Street.

- |                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Recommend an Environmental Conservation zoning be applied over the ESBS remnants in several sites (ie Jennifer St LALC holdings, St Michaels Driving Range, and the Telstra land at the end of Jennifer</li> </ul> | <ul style="list-style-type: none"> <li>Zoning and other planning provisions for all LALC holdings will be resolved as part of the future planning study. Action 9.2.7 of the ESBS Recovery Plan states that DEC will continue to liaise with the La Prouse</li> </ul> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Submitters	Issues raised	Comment
Office of Environment and Heritage (cont.)	St) particularly as these are contiguous and geographically linked with larger ESBS patches in the adjacent Botany Bay National Park and Prince Henry site.	and MALC regarding the management of land that contains ESBS. <ul style="list-style-type: none"> <li>The St Michaels Driving Range, as consulted and agreed with Crown Lands Division and DoPI, is proposed to be zoned Public Recreation (RE1), consistent with the lease extension for golf purposes. The ESBS on this land will be mapped and the land will be subject to the new Biodiversity clause in the draft LEP whenever a development application is considered.</li> </ul>