

Draft Review of Environmental Factors: The Gateway to the Bundian Way Walking Track

Beowa National Park





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1. Introduction

1.1 Brief description of the proposal

The proposed activity (activity) involves the construction of a section of The Gateway to the Bundian Way walking track within Beowa National Park (park) which stretches from near The Pinnacles car park south to the intersection of North Head Track and an unnamed track directly south near Worange Point. The alignment assessed within this Review of Environmental Factors (REF) has been selected based on the findings of a previous alignment which had the potential to impact on threatened fauna species and threatened ecological communities. Appropriate wayfinding, interpretive, and safety signage will also be installed at strategic locations along the path to enhance education and appreciation of the park's natural and cultural values, and to facilitate safe interactions between pedestrians and vehicles.

Beowa National Park (formerly Ben Boyd National Park) is situated on the far south coast of NSW and is comprised of three (3) sections: a large southern section located south of Eden, a large central area located north of Eden, and a smaller northern area located north of the Pambula River (NPWS, 2021). The activity will generally occur within the central portion of the central area (Pambula-Haycock) and will commence near Pinnacles Access Road in the north and conclude on a section of North Head Track to the south (Figure 1).

This REF applies only to land reserved under Part 4 of the *National Parks and Wildlife Act 1974* (NPW Act).

The activity will be carried out by the Eden Local Aboriginal Land Council (Eden LALC) following formal consent from the NSW National Parks and Wildlife Service (NPWS). All works will comply with any conditions of approval by NPWS. Upon completion the asset will be owned and managed by NPWS.

The park is situated within the Bega Valley Local Government Area (LGA) for which Bega Valley Shire Council are responsible, and within the Legislative Assembly District of Bega.

The activity will be carried out as development permitted without consent pursuant to section 2.73(1)(a) of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (SEPP Transport and Infrastructure) and is therefore being assessed under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Eden LALC is the proponent while the Environment and Heritage group of the NSW Department of Climate Change, Energy, the Environment and Water (the Department) is the determining authority for the proposed activity under Part 5 Division 5.1 of the EP&A Act.

Section 6 provides for a more detailed description of the activity.

1.2 Estimated development cost of proposal

The estimated development cost of the activity is less than \$5 million.

1.3 Estimated duration of proposal

The activity is proposed to commence in the last quarter of 2024 and take approximately 12 months to complete. Upon completion, operation and maintenance of the restoration works will be incorporated into the NPWS maintenance program.

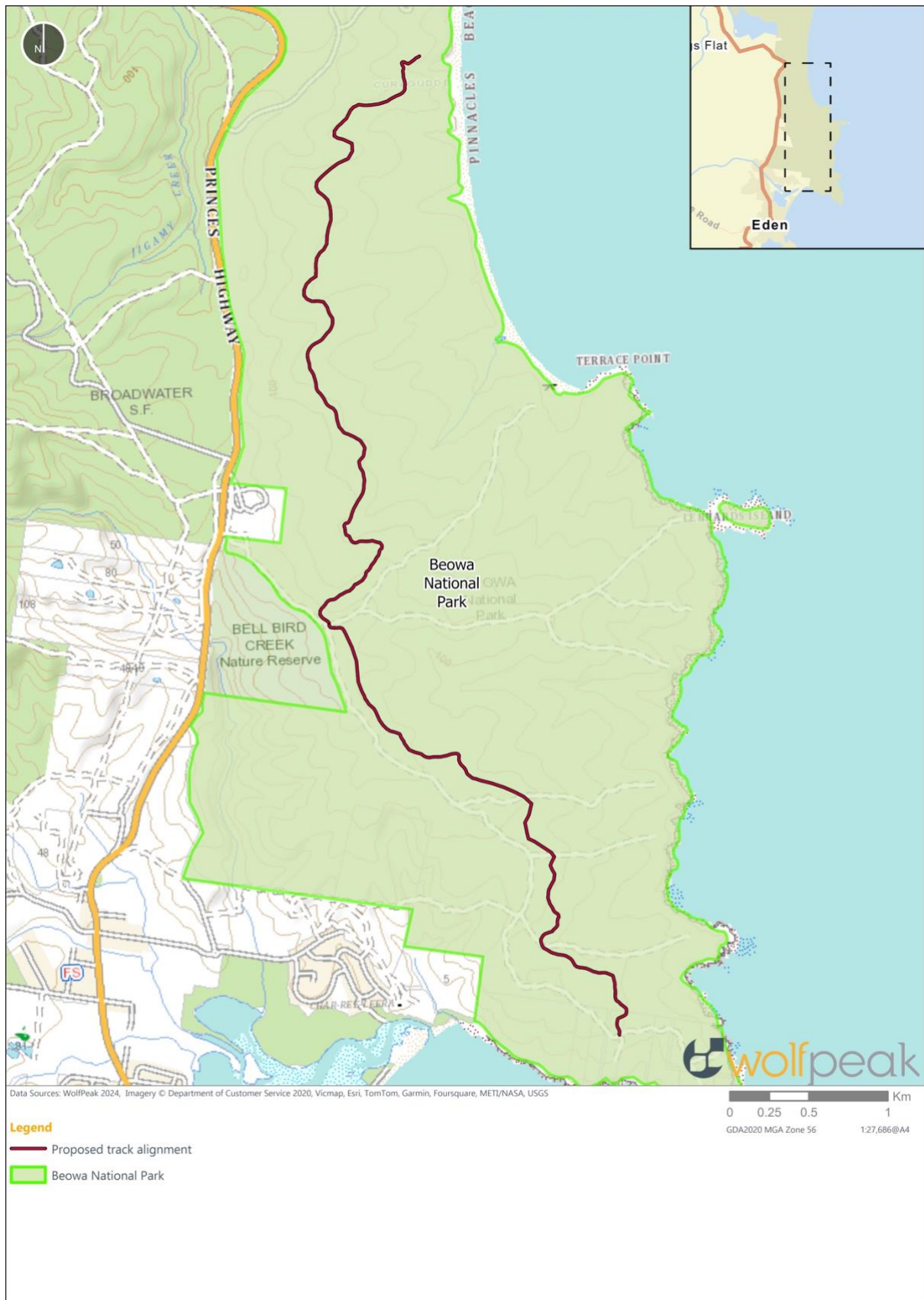


Figure 1: Location of the proposed activity

2. Proponent's details

Contact name

Position

Street address

Keeping Place, 4381 Princes Highway,
Broadwater NSW 2549

Postal address (if different to above)

Contact phone number

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Email

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Organisation/Agency

Eden Local Aboriginal Land Council

ACN/ABN

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3. Permissibility and assessment pathway

3.1 Permissibility under NSW legislation

The following sections outline how the activity is permissible under applicable NSW legislation.

3.1.1 National Parks and Wildlife Act 1974

On land reserved or acquired under the National Parks and Wildlife Act 1974

Under the NPW Act, the Secretary for the NSW Department of Climate Change, Energy, the Environment and Water (DCCEE) (Secretary) has the responsibility for the care, control and management of all lands reserved and acquired under that Act and may arrange for the carrying out of such works as is considered necessary for or in connection with the management and maintenance of that land.

The objects of this Act (section 2A(1)) are as follows:

- (a) the conservation of nature, including, but not limited to, the conservation of—
 - (i) habitat ecosystems and ecosystem processes, and
 - (ii) biological diversity at the community, species and genetic levels, and
 - (iii) landforms of significance, including geological features and processes, and
 - (iv) landscapes and natural features of significance including wilderness and wild rivers,
- (b) the conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including, but not limited to—
 - (i) places, objects and features significance to Aboriginal people, and
 - (ii) places of social values to the people of New South Wales, and
 - (iii) fostering public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation, and
- (c) fostering public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation, and
- (d) providing for the management of land reserved under this Act in accordance with the management principles for each type of reservation

Impacts of the activity have been considered and shown to comply with the Objects of the Act. The primary objective of The Gateway to the Bundian Way walking track within Beowa National Park is to support recovery needs of the regional tourism sector and position it for future growth. The activity will contribute to promoting cultural heritage education and recreational use, and will advocate for the natural and cultural assets across the Bega Valley LGA. Specifically:

- The activity will not significantly impact on biodiversity and ecosystems or processes, with measures to conserve and protect potential impacts.
- The activity respects the cultural significance of the park, both Aboriginal and non-Aboriginal.
- The activity will benefit the park by providing a quality walking track experience for park visitors to foster the appreciation and opportunity for enjoyment of nature, cultural heritage and the environment.
- Potential impacts to flora and fauna have been considered in section 9.2 of this REF, with safeguards also provided in that section.

- Potential impacts to cultural values have been considered in section 9.5 and section 9.6 of this REF, with associated safeguards also identified within those sections.
- The activity will be undertaken in line with the management principles applicable to the park and relevant plan of management (refer below for discussion on compliance with the management principles and plan of management).

Ecologically sustainable development

References to ecologically sustainable development are included in New South Wales and Commonwealth legislation, and specifically the NPW Act. The principles of ecologically sustainable development, pursuant to section 6(2) of the *Protection of the Environment Administration Act 1991*, include:

- (a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by—

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
 - (ii) an assessment of the risk-weighted consequences of various options,
- (b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,
 - (c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,
 - (d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as—
 - (i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
 - (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,
 - (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) adopted the above definition of ecologically sustainable development and added a fifth principle, which includes:

- (e) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.

This REF has been guided by these principles when assessing the potential impact of the proposed activity. Where uncertainty exists, a precautionary approach has been taken to mitigate and minimise potential environmental impacts. The activity is considered to be ecologically sustainable within the meaning of the above principles.

Protection of the values for which land is reserved under the Act and the appropriate management of those lands.

The purpose of reserving land as a national park is to identify, protect and conserve areas containing outstanding or representative ecosystems, natural or cultural features or landscapes or phenomena that provide opportunities for public appreciation and inspiration and sustainable visitor or tourist use and enjoyment so as to enable those areas to be managed in accordance with the principles outlined in section 30E(2) of the NPW Act. The principles of section 30E(2) are addressed in Table 1.

Table 1: Consistency with section 30E(2) principles for national parks

Section 30E(2) principles	Relevance to proposed activity
(a) the conservation of biodiversity, the maintenance of ecosystem function, the protection of geological and geomorphological features and natural phenomena and the maintenance of natural landscapes	<p>The <i>Ben Boyd National Park and Bell Bird Creek Nature Reserve Plan of Management (PoM)</i> outlines the key values and management directions for conserving the natural and cultural environment of the park. This REF is in accordance with the PoM and considers the existing environment and assesses potential adverse impacts and how they relate to the values and management directions for conservation, maintenance and protection of the park. Safeguards have been recommended to avoid or minimise impacts to the park’s natural and cultural values.</p>
(b) the conservation of places, objects, features and landscapes of cultural value	<p>The NPW Act specifies that the Secretary shall be responsible for the proper care, preservation and protection of any Aboriginal object or Aboriginal place on any land reserved under this Act. It is an offence under the NPW Act to harm or desecrate an object that a person knows is an Aboriginal object.</p> <p>The PoM provides policies which mandates the Eden Local Aboriginal Land Council and other relevant Aboriginal community organisations and individuals will be consulted and actively involved in all aspects of management of Aboriginal sites and values in the park and reserve.</p> <p>An Aboriginal Cultural Heritage Due Diligence Assessment (ACHDDA) was prepared for the original track alignment which describes and assesses potential impacts to Aboriginal heritage. An addendum to that report was prepared in August 2024 (Appendix A) which identified one (1) possible scarred tree which requires further investigation to determine its veracity. The tree will not be harmed or impacted in any way by the proposed walking track and no other archaeological evidence was observed during the site survey. Potential impacts to Aboriginal heritage, and required safeguards, are described in section 9.5 of this REF.</p>
(c) the protection of the ecological integrity of one or more ecosystems for present and future generations	<p>The PoM outlines the management directions for the protection of the ecological integrity of ecosystems within the park. This REF is in</p>

	<p>accordance with the PoM and has considered the existing environment and assesses potential adverse impacts and how they relate to the policies and framework for protecting the ecological integrity of ecosystems within the park. Safeguards have been recommended to avoid or minimise impacts to the ecological integrity of ecosystems for present and future generations.</p>
<p>(d) the promotion of public appreciation and understanding of the national park's natural and cultural values</p>	<p>The PoM outlines the management directions for the promotion of public appreciation and understanding of the park's natural and cultural values. The activity will contribute to providing Aboriginal employment opportunities through initial track construction and ongoing cultural tourism and cultural engagement.</p> <p>The proposed activity is in accordance with the PoM and this REF recommends safeguards to avoid or minimise adverse impacts to the park's natural and cultural values.</p>
<p>(e) provision for sustainable visitor or tourist use and enjoyment that is compatible with the conservation of the national park's natural and cultural values</p>	<p>The PoM provides the management directions for sustainable visitor or tourist use and enjoyment that is compatible with the conservation of the national park's natural and cultural values.</p> <p>The proposed activity is in accordance with the PoM and will ensure ongoing use and enjoyment of the park. This REF recommends safeguards to avoid or minimise impacts to the park.</p>
<p>(f) provision for the sustainable use (including adaptive reuse) of any buildings or structures or modified natural areas having regard to the conservation of the national park's natural and cultural values</p>	<p>The PoM provides for sustainable use and adaptive reuse of structures within the park; however, no buildings or structures will be adversely impacted by the activity. This REF does; however, provide safeguards to avoid or minimise adverse impacts to the park's natural and cultural values, including modified natural areas of value.</p>
<p>(fa) provision for the carrying out of development in any part of a special area (within the meaning of the Hunter Water Act 1991) in the national park that is permitted under section 185A having regard to the conservation of the national park's natural and cultural values,</p>	<p>Not applicable to the proposed activity.</p>
<p>(g) provision for appropriate monitoring and research</p>	<p>The PoM recognises that the park contains a range of values which may provide scientific and educational values. The proposal will not remove or reduce opportunities for research and monitoring and is thus in accordance with the PoM. Safeguards have been provided to minimise adverse impacts to the park.</p>

Part 6 Aboriginal objects and Aboriginal places

Section 85(2)(a) provides for the proper care, preservation and protection of any Aboriginal object or Aboriginal place on any land reserved under this Act.

Section 86 of the Act mandates that:

- (2) A person must not harm an Aboriginal object, and
- (4) A person must not harm or desecrate an Aboriginal place.

Pursuant to section 87:

- (2) It is a defence to a prosecution for an offence under section 86(2) if the defendant shows that the defendant exercised due diligence to determine whether the act or omission constituting the alleged offence would harm an Aboriginal object and reasonably determined that no Aboriginal object would be harmed.
- (3) The regulations may provide that compliance with requirements specified in the regulations, or in a code of practice adopted or prescribed by the regulations, is taken for the purposes of subsection (2) to constitute due diligence in determining whether the act or omission constituting the alleged offence would harm an Aboriginal object.

Pursuant to section 57 of the *National Parks and Wildlife Regulation 2021* (NPW Regulation), compliance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales published by the Department of Environment, Climate Change and Water is taken for the purposes of section 87(2) of the NPW Act to constitute due diligence in determining whether the act or omission constituting the alleged offence would harm an Aboriginal Object.

The activity does not comprise exempt development or is the subject of a complying development certificate; thus, it is not a low impact activity pursuant to section 58 of the NPW Regulation. Therefore, the generic due diligence process as determined by the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales has been applied to the proposal.

An ACHDDA has been prepared which assesses potential impacts to Aboriginal objects and Aboriginal places with respect to the proposed walking track establishment within the park. The outcomes of the assessment determined that the proposed activity will not likely result in harm to Aboriginal objects and there are no constraints on cultural grounds to construction of the walking track along the proposed alignment within Beowa National Park. A number of safeguards are detailed in section 9.5 of this REF to protect Aboriginal cultural heritage.

Section 81 Operations under a plan of management

Section 81(1) of the Act states that where the minister has adopted a plan of management for a national park, historic site, nature reserve, karst conservation reserve, Aboriginal area or wildlife refuge, it shall, be carried out and given effect to by the Secretary. No operations may be undertaken in relation to the lands to which the plan relates unless the operations are in accordance with the plan.

The activity is consistent with and will be undertaken in accordance with the following management directions of the *Ben Boyd National Park and Bellbird Creek Nature Reserve Plan of Management*:

- Section 4.4 Aboriginal Heritage – Desired outcomes and management response
 - Aboriginal sites are protected from disturbance or damage by human activities
 - All works with the potential to impact on Aboriginal sites are preceded by an archaeological assessment

- The Eden Local Aboriginal Land Council and other relevant Aboriginal community organisations and individuals will be consulted and actively involved in all aspects of management of Aboriginal sites and values in the park and reserve.
- Section 6.1 Promotion and Interpretation – Desired outcomes and management response
 - Visitor enjoyment, understanding and appreciation of the natural and cultural features of the park and reserve is promoted through provision of visitor facilities and interpretive signs.
- Section 6.2 Recreation and Tourism Opportunities – Desired outcomes and management response
 - Ben Boyd National Park is managed to provide a variety of sustainable and low impact recreation opportunities based on its natural and cultural features and low key sustainable facilities to provide high quality, nature and/or cultural experiences for visitors
 - The high landscape values of the park will be protected by such means as careful siting and design of developments and use of appropriate materials and planting
 - No new facilities are constructed within intact heathland unless no practical alternatives are available and mitigation and offset measures are implemented. Where practicable, tracks and trails no longer required for public recreation or park management are closed. The natural habitat values of heathland are promoted to the visiting public
 - The feasibility and impacts of constructing a walking track from Monaroo Bobberrer Gudu Aboriginal Cultural Centre through the park will be considered. If found to be acceptable and funds are available, the track will be constructed.

The proposed activity will contribute to achieving the desired outcomes and specific management responses as described in the PoM; thus, the activity is permissible pursuant to section 81 of the Act.

Assets of Intergenerational Significance

Part 12A of the Act allows the Minister for the Environment to declare an area to be an environmental or cultural Asset of Intergenerational Significance (AIS). An AIS can be any area of exceptional value that warrants special protection including dedicated management measures.

The proposed activity will not be undertaken on land declared an AIS nor will the activity occur in close proximity to land declared as AIS.

No conservation action plans (CAPs) apply to the activity as no land declared under Part 12A of the NPW Act exist within the subject area of the activity.

Leasing, licensing and easement provisions

Not applicable.

Internal NPWS projects

Not applicable as the activity will be carried out by the Eden LALC.

3.1.2 Wilderness Act 1987 (for activities in wilderness areas)

The objects of the *Wilderness Act 1987* are to provide for the permanent protection and proper management of wilderness areas and to promote the education of the public in the appreciation, protection and management of wilderness.

Pursuant to section 5.5(3) of the EP&A Act, a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the *Wilderness Act 1987*) in the locality in which the activity is intended to be carried on. No land within Beowa National Park is declared wilderness; thus, the Act does not apply to the proposed activity

3.1.3 Biodiversity Conservation Act 2016

The purpose of the *Biodiversity Conservation Act 2016* (BC Act) is to maintain a healthy, productive, and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

Pursuant to section 7.8(2) of the BC Act, an activity under Part 5 of the EP&A Act that is “likely to significantly affect threatened species” is regarded “as an activity likely to significantly affect the environment”.

Where a significant impact is likely to occur, a Species Impact Statement (SIS) must be prepared in accordance with the Secretary’s requirements or, if the proponent elects, a Biodiversity Development Assessment Report (BDAR) must be prepared by an accredited assessor in accordance with the Biodiversity Assessment Method (BAM). However, an Environmental Impact Statement (EIS) is not required if the likely significant effect on threatened species is the only likely significant effect on the environment. In this situation, a species impact statement or a biodiversity development assessment report is still required.

In accordance with section 7.2 of the BC Act, an activity is likely to significantly affect threatened species if:

- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
- (c) it is carried out in a declared area of outstanding biodiversity value.

Reliance on the Biodiversity Value Map is not relevant to this assessment as the biodiversity offsets scheme does not apply to development under Part 5 of the EP&A Act (section 7.2(2) of the BC Act).

The original alignment of the walking track was assessed in accordance with the requirements of the BC Act, and an Ecological Assessment prepared to assist the preparation of the REF (Appendix B). Although the alignment has changed since the development of the Ecological Assessment, the adjustment to the route indicates that this original assessment is still valid for the current realignment of the Pinnacles to Worange Point section. A test of significance as prescribed under section 7.3 of the BC Act was prepared within the Ecological Assessment to determine whether the proposed activity is likely to significantly affect threatened species or ecological communities, or their habitats. The test of significance has determined that the proposed activity would not result in a significant impact on threatened species or ecological communities, or their habitats.

A subsequent survey, the ‘Survey for threatened flora and threatened ecological communities – Bundian Way – Pinnacles to Worange Point’ (survey) (Appendix C) was prepared in August 2024 which provides an assessment of threatened flora and threatened ecological communities following the new alignment of the walking track which was selected to avoid potential adverse impacts to an identified heathland area and a known breeding area for the Eastern Hooded Plover (*Thinornis cucullatus cucullatus*) on Pinnacles Beach.

The survey identified that one (1) threatened flora species, the Leafless Tongue Orchid (*Cryptostylis hunteriana*), has the potential to occur within the impact area; however, evidence was inconclusive given the time of survey. The survey does; however, determine that the orchid is unlikely to be impacted during construction of the track outside of the flowering and fruit set periods. Mitigation measures are provided in section 9 to avoid or minimise impacts to the Leafless Tongue Orchid.

The survey concludes that while detectability of some other species was limited due to survey timing and conditions, the overall likelihood of unforeseen impacts on other threatened flora is considered to be low. Any further alteration of the track alignment; however, could result in impacts on threatened flora species. In addition, no threatened ecological communities were detected during the surveys and are not likely to occur within near proximity of the current track alignment.

3.1.4 NSW Reconstruction Authority Act 2022

The primary objective of the *NSW Reconstruction Authority Act 2022* (NSW RA Act) is to promote community resilience to the impact of disasters in NSW through disaster prevention, preparedness and adaptation, and recovery and reconstruction following disasters.

Pursuant to Part 4, Division 3, section 38(4) of the NSW RA Act, NPWS must have regard to the State disaster mitigation plan and any relevant disaster adaptation plan in exercising the planning authority's functions that are prescribed by the regulations.

The NSW RA Act commenced on 17 December 2022 which did not include the commencement of Part 4 (as per section 2(a)). Pursuant to section 2(b), Part 4 of the Act will commence *on a day or days to be appointed by proclamation*; thus, the Act does not apply to this REF.

3.1.5 Rural Fires Act 1997

The objects of the *Rural Fires Act 1997* (RF Act) are to provide—

- (a) for the prevention, mitigation and suppression of bush and other fires in local government areas (or parts of areas) and other parts of the State constituted as rural fire districts, and
- (b) for the co-ordination of bush fire fighting and bush fire prevention throughout the State, and
- (c) for the protection of persons from injury or death, and property from damage, arising from fires, and
- (c1) for the protection of infrastructure and environmental, economic, cultural, agricultural and community assets from damage arising from fires, and
- (d) for the protection of the environment by requiring certain activities referred to in paragraphs (a)–(c1) to be carried out having regard to the principles of ecologically sustainable development described in section 6 (2) of the *Protection of the Environment Administration Act 1991*.

The activity will not adversely impact on the objects of the RF Act and would not impede the ability of the NPWS and other bush fire fighting agencies to carry out activities associated with bush fire fighting and bush fire prevention.

NPWS have; however, indicated that multiple arson events have occurred within North Beowa over the past decade; thus, the new walking track has the potential to provide an alternate egress point for arsonists. Conversely, the walking track could provide a control line for ground fires, hazard reduction and potential cultural burning practices.

3.2 Environmental Planning and Assessment Act 1979

3.2.1 Assessment pathway

The EP&A Act regulates development carried out in NSW. Part 5 of the Act permits activities to be assessed by a determining authority. Pursuant to section 5.1(1) of the Act:

- the proposal is an ‘activity’ which includes (d) the carrying out of work; and
- ‘determining authority’ includes a ‘public authority by or on whose behalf the activity is to be carried out’.

Pursuant to section 1.4 of the Act, a ‘public authority’ includes a ‘Public Service agency’. The Environment and Heritage group is a Public Service agency of the NSW Department of Climate Change, Energy, the Environment and Water and is therefore a public authority as defined in section 1.4 of the Act. For the purposes of the proposal, the Eden Local Aboriginal Land Council is the proponent, and NPWS under the Environment and Heritage group is the determining authority.

The relevant sections of the Act include:

- section 5.5(1) which requires the determining authority to ‘examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity’;
- section 5.5(3) which requires the determining authority to ‘consider the effect of an activity on any wilderness area (within the meaning of the *Wilderness Act 1987*) in the locality in which the activity is intended to be carried on’;
- section 5.6 which requires the determining authority to address the regulations for environment impact assessments (currently the *Environmental Planning and Assessment Regulation 2021*); and
- section 5.7 which requires an Environmental Impact Statement (EIS) to be prepared if the proposed activity is ‘a prescribed activity, an activity of a prescribed kind or an activity that is likely to significantly affect the environment’.

The EP&A Act permits public authorities to carry out development without consent if an environmental planning instrument provides that specified development may be carried out without the need for development consent.

The proposed activity may be undertaken without development consent pursuant to section 2.73 of SEPP Transport and Infrastructure:

Section 2.73

- (1) Development for any purpose may be carried out without consent—
 - (a) on land reserved under the *National Parks and Wildlife Act 1974*, or acquired under Part 11 of that Act, if the development is for a use authorised under that Act.

Pursuant to section 1.7 of the Act, ‘the Act has effect subject to the provisions of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994* that relate to the operation of this Act in connection with the terrestrial and aquatic environment’. The provisions of the *Biodiversity Conservation Act 2016* and *Fisheries Management Act 1994* are discussed in sections 3.1.3 and 3.3.6 (respectively) of this REF. The proposed activity would not result in a significant impact on threatened species or ecological communities, or their habitats.

Further:

- The activity is not ‘designated development’ under Schedule 3 of the *Environmental Planning and Assessment Regulation 2021*.
- The activity is not declared to be state significant infrastructure under section 2.13 of the *State Environmental Planning Policy (Planning Systems) 2021*.
- The activity is not identified within a State Environmental Planning Policy (SEPP) as not permissible without development consent under another environmental planning instrument that prevails over the *State Environmental Planning Policy (Transport and Infrastructure) 2021*. In particular:
 - the activity is not in a coastal wetland or littoral rainforest or does not otherwise meet the criteria for development requiring consent outlined in section 2.7(2) of the *State Environmental Planning Policy (Resilience and Hazards) 2021*, and
 - the activity is not coastal protection works or, if coastal protection works, the activity is one of the types of coastal protection works that may be carried out by or on behalf of a public authority without development consent, and
 - the activity is not a type of development requiring development consent under section 2.9 of the *State Environmental Planning Policy (Resources and Energy) 2021*.
- Construction or maintenance of walking tracks are exempt development pursuant to section 2.74(1) of SEPP Transport and Infrastructure; however, only if the development is being carried out by or on behalf of a public authority. The activity is being carried out by the Eden LALC and will be determined (not carried out by or on behalf of) by the Environment and Heritage Group; thus, it is not exempt development under an environmental planning instrument nor fully meets the requirements for exempt development.

3.2.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal management

Chapter 2 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (SEPP Resilience and Hazards) aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objectives of the *Coastal Management Act 2016* (CM Act), including the management objectives for each coastal management area.

Division 1 Coastal wetlands and littoral rainforests area

The activity is not situated on land identified as “coastal wetlands” or “littoral rainforest”, nor is it situated on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the *Coastal Wetlands and Littoral Rainforests Area Map*.

Division 2 Coastal vulnerability area

The activity is not situated on land that is within the area identified as “coastal vulnerability” on the *Coastal Vulnerability Area Map*.

Division 3 Coastal environment area

The activity is not situated on land within the coastal environment area.

Division 4 Coastal use area

Multiple sections of the walking track are situated on land within the coastal use area. Section 2.11 requires the consent authority to consider whether the proposed development is likely to cause an adverse impact on coastal use areas prior to consent of an application.

Section 2.11 only applies to development applications under Part 4 of the EP&A Act and therefore does not apply to this proposal. Notwithstanding, potential impacts to the coastal use area have been considered in Table 2.

Table 2: Consistency of activity with coastal use values

Coastal use values	How proposal is consistent
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability	The activity will not impact existing, safe access to and along the foreshore, beach, headland or rock platforms for members of the public, including persons with a disability
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores	The activity will not create overshadowing, wind funnelling or the loss of views from public places to foreshores.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands	No works will occur which will impact the visual amenity or scenic qualities of the coastal use area.
(iv) Aboriginal cultural heritage, practices and places	No Aboriginal cultural heritage, practices and places will be adversely impacted by the activity.
(v) cultural and built environment heritage	No works will occur which would adversely impact on cultural and built environmental heritage values.

Chapter 4 Remediation of land

Chapter 4 of SEPP Resilience and Hazards provides a state-wide planning approach for the remediation of contaminated land and aims to promote the remediation of contaminated land to reduce the risk of harm to human health or the environment. Section 4.6(1) requires the consent authority to consider whether land is contaminated prior to consent of an application; however, Chapter 4 only applies to development applications under Part 4 of the EP&A Act and therefore does not apply to the proposal.

Notwithstanding, potential impacts from contaminated land have been considered in the preparation of this REF. Searches of the NSW Environment Protection Authority (EPA) List of Notified Sites (NSW EPA, 2024a), the Contaminated Land Public Record (NSW EPA, 2024b) and the NSW Government PFAS Investigation Program (NSW EPA, 2023) were undertaken on 02 April 2024 which did not identify any contaminated land sites occurring in proximity to the proposal.

3.2.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The aims of Chapter 2 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (SEPP Biodiversity and Conservation) are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The activity involves negligible vegetation removal; however, pursuant to section 2.3(2), Chapter 2 does not apply to national park estate.

Chapter 4 Koala habitat protection

Chapter 4 of SEPP Biodiversity and Conservation aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Chapter 4 applies to each local government area listed in Schedule 2 of SEPP Biodiversity and Conservation, which includes the Bega Valley local government area; however, pursuant to section 4.4(3)(a), Chapter 4 does not apply to land dedicated or reserved under the NPW Act, or acquired under Part 11 of that Act.

Notwithstanding, the requirements of Chapter 4 have been considered. No Koala food trees will be impacted during the works, and only minor indirect impacts may result during construction works which relate to potential noise and vibration which may deter individuals from using the area temporarily. Given the relatively small scope of the activity, potential adverse impacts to Koalas are not considered significant.

Chapter 6 Water catchments

The activity is not located within a water catchment listed under Chapter 6 of SEPP Biodiversity and Conservation.

3.2.4 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (SEPP Exempt and Complying Development Codes) aims to provide streamlined assessment processes for development that complies with specified development standards.

The proposed activity cannot be carried out under the SEPP Exempt and Complying Development Codes as it is not a development listed under an exempt or complying development code.

3.2.5 Strategic plans

South East and Tablelands Regional Plan 2036

The South East and Tablelands Regional Plan 2036 (regional plan) is a land use plan prepared under the EP&A Act. The regional plan is a product of extensive consultation with councils, stakeholders and the wider community and sets regional planning priorities and provides a framework for regional and local planning decisions (NSW Government, 2017).

Direction 9: Grow tourism in the region

Direction 9 of the regional plan aims to promote the diversity of experiences in the broader 'Canberra region' and to recognise the South East and Tablelands as an important component of the ACT's visitor economy (NSW Government, 2017). The activity contributes to and fulfils the requirements of Action 9.4 of the regional plan, which is to 'collaborate with and support Eden Local Aboriginal Land Council's development of The Gateway to the Bundian Way as a sustainable economic venture'.

Bega Valley Shire Local Strategic Planning Statement 2040

The Bega Valley Local Strategic Planning Statement (LSPS) is a planning tool that provides direction for land use in the Bega Valley Shire through to 2040. It builds on and consolidates

an array of strategies and policies that identify desirable land use outcomes for the Bega Valley Shire, including planning priorities, strategic directions and actions that will guide decisions about how land will be used (BVSC, 2020).

The proposed activity has considered the Local Values and Priorities of the LSPS and has been designed to support the following planning priorities of the LSPS:

Planning Priority 4: Aboriginal Land and Culture

4.2 – Work with LALCs and local Aboriginal people and organisations to develop strategies for development of their land to respond to housing needs and support economic opportunities

4.3 – Support local Aboriginal organisations to work with land management agencies to implement traditional land use practices including fire management regime programs

Precinct: Eden

The desired future character of the Eden precinct identifies the existing pedestrian linkages through Eden to The Gateway to the Bundian Way. The LSPS aims to enhance the existing linkages by establishing new pathways and trails around Eden, incorporating interpretive signage and complementing the tourist experience.

Coastal Management Program

To date, a Coastal Management Program (CMP) has not been prepared by the Bega Valley Shire Council.

3.3 Other relevant NSW legislation

3.3.1 Aboriginal Land Rights Act 1983

The purposes of the *Aboriginal Land Rights Act 1983* (ALR Act) include:

- to provide land rights for Aboriginal persons in New South Wales,
- to provide for representative Aboriginal Land Councils in New South Wales,
- to vest land in those Councils.

Native title rights (as discussed in section 5.1 below) are different to and separate from the statutory right of Aboriginal Land Councils to make claims for land under the ALR Act.

The Local Aboriginal Land Councils (LALCs) must comply with the Act and the *Aboriginal Land Rights Regulation 2020* when they want to 'deal with land' that is 'vested' in them. This includes the requirements for the LALC to apply to/notify dealings with the New South Wales Aboriginal Land Council. However, pursuant to section 42A(1) of the Act, an Aboriginal Land Council must not deal with land that is vested in it and that is reserved or dedicated under Part 4 of the NPW Act except in accordance with that Act.

The proposed activity does not require a dealing to be entered into with a LALC; therefore, there is no legislative requirement for application or notification with the NSW Aboriginal Land Council under the Act.

Section 54(4) of the Act mandates that a Local Aboriginal Land Council has the following functions in relation to Aboriginal culture and heritage—

- (a) to take action to protect the culture and heritage of Aboriginal persons in the Council's area, subject to any other law,

- (b) to promote awareness in the community of the culture and heritage of Aboriginal persons in the Council's area.

The proposed activity is located within the boundary of the Eden LALC; thus, preparation of the ACHDDA and consultation with Eden LALC fulfils their obligations under the Act.

3.3.2 Biosecurity Act 2015

The primary objective of the *Biosecurity Act 2015* is to provide a framework for the prevention, elimination and minimisation of biosecurity risks posed by biosecurity matter, dealing with biosecurity matter, carriers and potential carriers, and other activities that involve biosecurity matter, carriers or potential carriers.

Part 3 of the Act provides mandatory measures which require persons who deal with biosecurity matter or carriers to take specified actions to prevent, eliminate or minimise a biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing.

Weeds were not present along the proposed walking track; however, there is potential for weeds to be introduced as a result of the activity. The Eden LALC and NPWS therefore have a general biosecurity duty to ensure the risk of further weed contamination is prevented, eliminated or minimised, so far as reasonably practicable. Mitigation measures are provided in section 9.2 to reduce the risk of spreading weeds.

3.3.3 Coal Mine Subsidence Compensation Act 2017

The activity does not involve the erection or alteration or an improvement of a NPWS asset within the mapped mine subsidence district as specified under the *Coal Mine Subsidence Compensation Act 2017*.

3.3.4 Coastal Management Act 2016

The objects of the CM Act are to manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State.

The activity is located within the coastal zone pursuant to section 5 of the Act and will contribute to the following objects of the Act:

- (b) to protect and support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making.

Division 4 of the CM Act provides obligations for public authorities which exercise functions in connection with the coastal zones are to have regard to coastal management programs and the coastal management manual. To date, a CMP has not been prepared by the Bega Valley Shire Council. Notwithstanding, the activity is consistent with the applicable coastal zones (refer section 3.2.2).

3.3.5 Contaminated Land Management Act 1997

The general objective of the *Contaminated Land Management Act 1997* (CLM Act) is to establish a process for investigating and (where appropriate) remediating land that the EPA considers to be contaminated significantly enough to require regulation. Considerations of the provisions and requirements of the CLM Act are provided in Section 8.2.2. No remediation is proposed.

3.3.6 Fisheries Management Act 1994

The *Fisheries Management Act 1994* (FM Act) applies to all waters that are within the limits of the State of NSW. It aims, amongst other things, to conserve fish stocks and key fish habitats, threatened species, populations and ecological communities of fish and marine vegetation, and promote ecologically sustainable development, including the conservation of biological diversity.

Division 12 of the FM Act applies to environmental assessments under Part 5 of the EP&A Act (section 221ZT).

Pursuant to section 221ZX of the FM Act, an activity under Part 5 of the EP&A Act that is “likely to significantly affect threatened species, populations or ecological communities” is considered to be an activity that is “likely to significantly affect the environment”.

Consideration of the requirements of section 221ZV of the FM Act are therefore required to determine whether the proposed activity is likely to significantly affect threatened species, populations or ecological communities. No aquatic species listed under the FM Act are known or predicted to occur within the locality, and no species or ecological communities listed under the Act were recorded on site. Therefore, the activity is not likely to “significantly affect threatened species, populations or ecological communities”, and the activity does not require concurrence of the Minister for Agriculture. Further, approvals pursuant to sections 144, 200, 201, 205 or 219 of the FM Act are not required.

The activity does not involve dredging and/or reclamation works on ‘water land’ as defined by the Act.

In addition, one of the primary objectives of the FM Act is to conserve fish stocks and key fish habitats. The term ‘key fish habitats’ is not defined in the FM Act or the *Fisheries (General) Regulation 2019* (FM Regs); thus, the NSW Department of Primary Industries (NSW DPI) provide a definition of ‘key fish habitats’ on their public webpage ([Protecting habitats](#)) and through the NSW DPI Policy and guidelines for fish habitat conservation and management: Update 2013.

For the purpose of the FM Act and under these guiding publications, NSW DPI does not consider first and second order Strahler streams as ‘key fish habitats’ (DPI, 2013); thus, no permits and/or notifications under the Act are required.

3.3.7 Heritage Act 1977

The objectives of the *Heritage Act 1977* include to encourage the conservation of the State’s heritage and to assist owners with the conservation of items of State heritage significance. Section 4 of the Act broadly defines environmental heritage as comprising ‘those places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance’.

The Act defines a relic as ‘any deposit artefact, object or material evidence that—

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

Sections 139 to 145 within Division 9 of the Act prevent the excavation or disturbance of land for the purpose of discovering, exposing or moving a relic, except by a qualified archaeologist to whom an excavation permit from Heritage NSW has been issued.

Section 146 of the Act requires that ‘a person who is aware or believes that he or she has discovered or located a relic (in any circumstances, and whether or not the person has been issues with a permit) must—

- (a) within a reasonable time after he or she first becomes aware or believes that he or she has discovered or located that relic, notify the Heritage Council of the location of the relic, unless he or she believes on reasonable grounds that the Heritage Council is aware that the Heritage Council is aware of the location of the relic, and
- (b) within the period required by the Heritage Council, furnish the Heritage Council with such information concerning the relic as the Heritage Council may reasonably require.

Searches have been carried out of the NSW State Heritage Inventory, Schedule 5 Environmental heritage of the *Bega Valley Local Environmental Plan 2013* (Bega Valley LEP), and the Historic Heritage Information Management System (HHIMS) under section 170 of the Act. Several agency items occur in within the section of the park associated with the activity; however, these will not be impacted.

A Statement of Heritage Impact (SoHI) was prepared in June 2024 (Appendix D) to identify heritage values associated within the study area and provide recommendations and mitigation measures to avoid or reduce potential impacts to those items.

3.3.8 Local Land Services Act 2013

The *Local Land Services Act 2013* (LLS Act) regulates the clearing of native vegetation across the State; however, pursuant to section 60A(b)(ii) land reserved under the NPW Act or land acquired under Part 11 of that Act are not considered areas of the State to which the LLS Act applies. Thus, consideration of the Act of is not required.

3.3.9 Marine Estate Management Act 2014

The *Marine Estate Management Act 2014* (MEM Act) aims to provide for the management of the marine estate of New South Wales consistent with the principles of ecologically sustainable development that promotes a biologically diverse, health and productive marine estate and facilitates economic opportunities; cultural, social and recreational use; the maintenance of ecosystem integrity and the use of marine estate for scientific research and education.

The activity would not affect, nor does it directly adjoin a marine park or aquatic reserve in this location, thus, consideration of the Act is not required.

3.3.10 Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* (POEO Act) is the key environmental protection and pollution statute. The POEO Act is administered by the Environment Protection Authority (EPA) and establishes a licensing regime for waste, air, water and pollution. Relevant sections of the Act are listed below:

- Part 5.3 Water Pollution,
- Part 5.4 Air Pollution,
- Part 5.5 Noise Pollution, and
- Part 5.6 Land Pollution and Waste.

Any work potentially resulting in pollution must comply with the POEO Act. Relevant licences must be obtained if required; however, no licences pursuant to sections 47, 48, 49 or 122 of the Act are required.

Further, the proposed activity is not a scheduled activity or scheduled development work identified in Schedule 1 of the POEO Act.

3.3.11 Waste Avoidance and Resource Recovery Act 2001

The *Waste Avoidance and Resource Recovery Act 2001* (WARR Act) aims to encourage the most efficient use of resources and to reduce environmental harm in accordance with the principles of ecologically sustainable development, to ensure resource management options are considered against a hierarchy, and to minimise the consumption of natural resources and the final disposal of waste by encouraging the avoidance of waste and the reuse and recycling of waste. The WARR Act acknowledges that certain material present either human or environmental risk, requiring classification, treatment and disposal of in accordance with specific waste management provisions.

The activity would generate waste during the construction phase; however, the principles of the waste management hierarchy and other relevant waste management requirements shall be implemented onsite. Further assessment of waste generation is provided in Section 9.

3.3.12 Water Management Act 2000

The *Water Management Act 2000* (WM Act) outlines approval requirements for activities at a specified location in, on or under waterfront land. The WM Act also outlines water access rights and surface water runoff.

Pursuant to section 91E(1), a “controlled activity approval” is required to carry out a “controlled activity” in, on or under “waterfront land”, which are defined in the **Dictionary** of the Act as:

controlled activity means—

- (a) the erection of a building or the carrying out of a work (within the meaning of the *Environmental Planning and Assessment Act 1979*), or
- (b) the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or
- (c) the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or
- (d) the carrying out of any other activity that affects the quantity or flow of water in a water source

waterfront land means—

- (a) the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, or
- (a1) the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or
- (a2) the bed of any estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or
- (b) if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters,

where the prescribed distance is 40 metres or (if the regulations prescribe a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance. Land that falls into 2 or more of the categories referred to in paragraphs (a), (a1) and (a2) may be waterfront land by virtue of any of the paragraphs relevant to that land.

river includes—

- (a) any watercourse, whether perennial or intermittent and whether comprising a natural channel or a natural channel artificially improved, and
 - (b) any tributary, branch or other watercourse into or from which a watercourse referred to in paragraph (a) flows, and
 - (c) anything declared by the regulations to be a river,
- whether or not it also forms part of a lake or estuary, but does not include anything declared by the regulations not to be a river.

The proposed activity crosses multiple mapped first and second order Strahler streams; however, in accordance with the Waterfront land tool (NSW Government, 2020), the watercourses do not meet the definition of waterfront land as they do not have a defined bed or bank and do not contain any watercourse features; thus, a controlled activity approval is not required.

3.4 Commonwealth legislation

3.4.1 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the primary Commonwealth environmental legislation and is administered by the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW). It provides the legal framework to protect and manage nationally and internationally important values, including flora, fauna, ecological communities and heritage places defined under the Act as Matters of National Environmental Significance (MNES).

The EPBC Act requires that proposed 'actions' that the proponent believes will, or may be likely to, significantly impact MNES, the environment of Commonwealth land, or the environment generally if they are being carried out by an Australian Government agency, must be referred to the Australian Minister for the Environment and Water (Minister) for assessment. The approval of the Minister is required if an action is likely to have a significant impact on or involve:

- world heritage properties
- national heritage places
- wetlands of international importance
- nationally threatened species and ecological communities
- migratory species
- Commonwealth marine areas
- the Great Barrier Reef Marine Park
- nuclear actions, or
- a water resource, in relation to coal seam gas development and large coal mining development.

Evaluations of species and communities listed under the EPBC Act have been incorporated into Part 8.5 and Part 9.7 of this REF, and assessed within the Ecological Assessment. An EPBC Act Protected Matters Report was carried out on 11th June 2024 and is attached at Appendix E. There are no significant impacts detected on MNES values on or near the activity area and therefore the EPBC Act is not triggered by this proposal.

3.4.2 Native Title Act 1993

Compliance with the Commonwealth *Native Title Act 1993* (NT Act) would also require compliance with the New South Wales *Native Title Act 1994*, as such, it is considered to not require separate consideration in this REF as the two Acts are inextricably linked.

Pursuant to section 223(1) of the Act, **native title** means the communal, group or individual rights and interests of Aboriginal peoples or Torres Strait Islanders in relation to land or waters, where:

- (a) the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples or Torres Strait Islanders; and
- (b) the Aboriginal peoples or Torres Strait Islanders, by those laws and customs, have a connection with the land or waters; and
- (c) the rights and interests are recognised by the common law of Australia.

People who hold native title have a right to continue to practice traditional activities over their traditional lands and waters while respecting other Australian laws. Traditional activities generally involve visiting sites of significance, performing rites or other ceremonies, or carrying out hunting, fishing, gathering or camping activities. Further, when a native title claimant application is registered by the National Native Title Tribunal, the people seeking native title recognition gain a right to consult or negotiate with anyone who wants to undertake a proposal on the area claimed.

The main objects of the NT Act are:

- (a) to provide for the recognition and protection of native title; and
- (b) to establish ways in which future dealings affecting native title may proceed and to set standards for those dealings; and
- (c) to establish a mechanism for determining claims to native title; and
- (d) to provide for, or permit, the validation of past acts, and intermediate period acts, invalidated because of the existence of native title.

A **future act** comprises an act carried out after the NT Act's commencement of 1 January 1994 that either validly affects native title or are invalid because of native title. (Ben Boyd National Park (Beowa National Park) was first reserved in 1971. Since then, there have been a number of additions, including the Pambula extensions in 1999 and 2004, the extension of the southern section of Ben Boyd down to mean low water mark in 2002, and the addition of the former lightstation reserve at Green Cape to the park in 2003 (NPWS, 2021). Given the activity may occur on land both reserved prior to and following the NT Act's commencement, both Subdivision J and Subdivision K apply to the proposed activity. Determination of validity of the proposed activity as a past act is assessed in section 5 of this REF.

3.5 Consistency with national parks policy

Policy name	How proposal is consistent
Tree Risk Management Policy	<p>NPWS has a duty of care to manage and, where possible, to minimise the risks from hazardous trees to people in parks. The proposal will be consistent with the principles of the Tree Risk Management Policy (Environment and Heritage, 2024a) by:</p> <ul style="list-style-type: none"> - trimming of tree branches where necessary to minimise risk of injury from falling limbs - manage tree risk as part of regular park management activities, including identifying, assessing and treating hazardous trees

	<ul style="list-style-type: none"> - focusing on tree risk management in high use areas (car parks and trail heads) where exposure is greatest for workers and visitors.
Visitor safety policy	<p>The activity is consistent with the objectives of the Visitor safety policy (Environment and Heritage, 2024b) in that the proposed works would:</p> <ul style="list-style-type: none"> - contribute to NPWS' duty of care for visitor safety and prohibit conduct which does not discharge that duty - prioritise and resource higher rated risks than lesser-rated risks - approach risk management that promotes conservation of alternatives which may compromise conservation - protect property (including park infrastructure) - contribute to the objectives of the plan of management which is a management planning instrument consistent with the policy.
Walking tracks policy	<p>The walking track has been planned in accordance with the Walking tracks policy (Environment and Heritage, 2021), the adopted plan of management, and the NPWS Parks Facilities Manual, with the project implementing the correct classes of walking track outlined in AS 2156.2-2001 Walking Tracks Infrastructure Design. The Gateway to the Bundian Way walking track has been appropriately located and designed to minimise environmental impacts and provide greater opportunities for multi-track recreation. Interpretative signage, in accordance with the NPWS Park Signage Manual, will be installed at strategic locations along The Gateway to the Bundian Way which would explain the natural and culture features of the area and invite understanding of their interrelationships. Signage shall be minimised and only installed at strategic locations approved by NPWS.</p>

3.6 Summary of licences and approvals

3.6.1 Approval required from National Parks and Wildlife Service

The activity involves operating and constructing fixtures and signage within the park, as well as using equipment and machinery. Eden LALC will seek formal written consent from NPWS prior to commencing any works and using machinery within the park. Machinery use will be kept to a minimum and hand work to be employed where practicable to minimise potential adverse impacts.

No other approvals, such as permits, leases, licences or easements issued under the NPW Act apply to part or all of the proposed activity.

3.6.2 Other approvals

No other approvals have been identified for the proposed activity.

3.6.3 Publication triggers

The publication triggers under section 171(4) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) are set out in Table 3. This REF does not require publication on the NPWS website or the NSW planning portal following determination.

Pursuant to section 171(4)(c) of the EP&A Regulation, the determining authority may publish the REF where it considers that it is in the public interest to publish the review. NPWS and the Eden LALC acknowledge there may be considerable public interest in the proposal; thus, the REF will be exhibited for public consultation for a period of 28 days.

Table 3: Triggers for publication of the REF

Permit or approval	Applicable?
<i>Fisheries Management Act 1994</i> , sections 144, 200, 205 or 219	No
<i>Heritage Act 1977</i> , section 57(1) (commonly known as a section 60 and not an Exemption under section 57(2))	No
<i>National Parks and Wildlife Act 1974</i> , section 90 (AHIP)	No
<i>Protection of the Environment Operations Act 1997</i> , sections 47–49 or 122	No

4. Consultation – general

4.1 Statutory consultation

4.1.1 SEPP Transport and Infrastructure

The SEPP Transport and Infrastructure requires consultation with relevant authorities as identified in the following table.

Table 4: Consultation triggers under SEPP Transport and Infrastructure

Authority (TISEPP section)	Trigger	Applicable to proposal?
Consultation with local council (s 2.10)	Development with impacts on council infrastructure or services (such as stormwater, sewer, water, roads and footpaths)	No
Consultation with local council (s 2.11)	Development with impacts on heritage items listed under the local environmental plan (LEP)	No
Consultation with local council (s 2.12)	Development that will change flood patterns on flood-labile land	No
Consultation with State Emergency Service (s 2.13)	Development on flood-labile land	No
Consultation with local council (s 2.14)	Development that is inconsistent with a certified coastal management program affecting land within the mapped coastal vulnerability area	No
Consultation with NPWS (s 2.15(2)(a))	Development adjacent to land reserved or acquired under the NPW Act	No
Consultation with NPWS (s 2.15(2)(b))	Development on land in Zone C1 that is yet to be reserved under the NPW Act	No
Consultation with Transport for NSW (s 2.15(2)(c))	Development comprising a fixed or floating structure in or over navigable waters	No
Consultation with the Director of the Siding Spring Observatory (s 2.15(2)(d))	Development that may increase the amount of artificial light in the night sky and that is on land within the mapped dark sky region	No
Consultation with the Cwth Department of Defence (s 2.15(2)(e))	Development located within the buffer around the defence communications facility near Morundah as mapped under the Lockhart, Narrandera or Urana LEPs	No
Consultation with the Subsidence Advisory NSW (s 2.15(2)(f))	Development on land in a mine subsidence district	No
Consultation with the Willandra Lakes Region World Heritage Advisory Committee and Heritage NSW (s 2.15(2)(g))	Development on, or reasonably likely to have an impact on, a part of the Willandra Lakes Region World Heritage Property	No

Authority (TISEPP section)	Trigger	Applicable to proposal?
Consultation with the Western Parkland City Authority (s 2.15(2)(h))	Development within a Western City operational area (Western Parkland City Authority Act 2018, Schedule 2) with a capital investment value of \$30 million or more	No
Consultation with Transport for NSW (s 2.221)	Traffic-generating development listed in Schedule 3	No

4.1.2 Other statutory consultation

No other statutory consultation has been identified for the proposed activity.

4.2 Targeted consultation

4.2.1 Adjacent landowners

The activity will only occur on land reserved under Part 4 of the NPW Act and is not likely to adversely impact adjacent landowners.

4.2.2 Wider community consultation and/or notification of works

The community has been actively involved in the proposal since its conception in 2013 and it has gained a large amount of support since the NSW Government's investment of \$7.6 mil in 2020.

The project now has a dedicated website, www.bundianway.com.au and Facebook page, <https://www.facebook.com/building.the.bundian.way>. Multiple sections of the track are now completed and operational with educational signage. The community is provided with regularly updated information through these avenues. Information is also presented at all Eden LALC Board meetings and Eden LALC members meetings.

As a diverse range of stakeholders was identified during development of the previous proposed alignment of the walking track; NPWS have decided to exhibit the REF for a minimum of 28 days. The exhibition period will facilitate acknowledgement of varying community views and provide stakeholders the option to provide constructive input into the proposed alignment, design, and mitigation measures applicable to potential environmental risks.

Notification of works would be undertaken prior to the commencement of works which would include temporary signage in place for the duration of the activity and notification of the activity on the NPWS website.

4.2.3 Interest groups and/or notification

Consultation with the Department of Primary Industries has occurred to determine the impacts on the first order streams within Beowa National Park. A response from DPI Fisheries (Appendix F) was received on 02 March 2023, which confirmed that DPI Fisheries considers key fish habitat to be Strahler 3rd order streams and above. As the proposed works are outside of key fish habitat (i.e., 1st and 2nd order streams), there is no need for a permit or formal notification of these works under the *Fisheries Management Act 1994*.

Notification of the activity will be placed on the NPWS website.

5. Consultation – Aboriginal communities

5.1 Native title notification requirements

1. Is the land subject to an Indigenous land use agreement (ILUA)? No

An online search of the National Native Title Tribunal (NNTT) 'Native Title Vision' geospatial viewer (NNTT, n.d.) was undertaken on 03 July 2024 which did not identify any ILUAs present within or close to the proposed activity.

2. Has native title been **extinguished**? No or unclear
3. Has there been a determination of native title applicable to the land or is there a native title claim pending? Yes

An online search of the National Native Title Tribunal (NNTT) 'Native Title Vision' geospatial viewer (NNTT, n.d.) was undertaken on 03 July 2024 which identified that one (1) native title claim has been registered on the Register of Native Title Claims by the South Coast People within a Tribunal file number of NC2017/003; however, no approved determinations of Native Title exist within the park.

Pursuant to section 24JB(6), letters were shared with relevant stakeholders to inform them of the proposal and provide an opportunity to comment on the proposal. Letters were sent by NSW NPWS to Native Title Services Corp and South Coast claimants; however, no responses were received by the end of the comment period.

4. If native title is not confirmed as extinguished, **and** the activity is occurring on land reserved as park on or before 23 December 1996, is it an act in accordance with the purpose of reservation **and will it**:
- a. be a 'public work' as per subdivision 24J of the Native Title Act (e.g. a building or other structure that is fixed to the landscape, a road or bridge, a well or a bore, or involves major earthworks, carried out by a public authority)
or
 - b. involve the grant of a lease or easement?
No
5. If native title is not confirmed as extinguished and the circumstances of Question 4 do not otherwise apply (e.g. the park was reserved after 23 December 1996), is the activity either:
- a. a facility for service to the public (as defined in subdivision 24K of the Native Title Act)
or
 - b. a low-level activity (as defined in subdivision 24L of the Native Title Act)?
Yes

Subdivision K – Facilities for services to the public

Subdivision K, section 24KA of the NT Act applies to a future act if it:

- (a) relates, to any extent, to an onshore place; and
- (b) it either:
 - (i) permits or requires the construction, operation, use, maintenance or repair, by or on behalf of any person, of any of the things listed in subsection (2) that is to be operated, or is operated, for the general public; or

- (ii) consists of the construction, operation, use, maintenance or repair, by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities, of any of the things listed in subsection (2) that is to be operated, or is operated, for the general public; and
- (c) it does not prevent native title holders in relation to land or waters on which the thing is located or to be located from having reasonable access to such land or waters in the vicinity of the thing, except:
 - (i) while the thing is being constructed; or
 - (ii) for reasons of health and safety
- (d) a law of the Commonwealth, a State or a Territory makes provision in relation to the preservation or protection of areas, or sites, that may be
 - (i) in the area in which the act is done; and
 - (ii) of particular significance to Aboriginal peoples or Torres Strait Islanders in accordance with their traditions.

Table 5 assesses the proposed activity for compliance with Subdivision K of the NT Act.

Table 5: Requirements for validity of the future act under Subdivision K – Facilities for services to the public

Requirement for facilities for services to the public	Section 24KA	Compliance
The future act relates (to any extent) to an onshore place	(1)(a)	Yes
The facility is any of the following:	(2)	Yes
<ul style="list-style-type: none"> (a) a road, railway, bridge, or other transport facility (other than an airport or port); (b) a jetty or wharf; (c) a navigation marker or other navigational facility; (d) an electricity transmission or distribution facility; (e) lighting of streets or other public places; (f) a gas transmission or distribution facility; (g) a well, or a bore, for obtaining water; (h) a pipeline or other water supply or reticulation facility; (i) a drainage facility, or a levee or other device for management of water flows; (j) an irrigation channel or other irrigation facility; (k) a sewerage facility, other than a treatment facility; (l) a cable, antenna, tower or other communication facility; (la) an automatic weather station; 		The future act relates to a walking track (facility) which is a thing (or similar to any one of those things) listed in subsection (2)

(m) any other thing that is similar to any one or more of the things mentioned in the paragraphs above;		
The future act either:	(1)(b)	Yes
(i) permits or requires the construction, operation, use, maintenance or repair, by or on behalf of any person, of any of the things listed in subsection (2) that is to be operated, or is operated, for the general public; or		The future act requires the construction, operation, and use of a thing that is similar to a thing listed in subsection (2) which will be operated for the general public
(ii) consists of the construction, operation, use, maintenance or repair, by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities, of any of the things listed in subsection (2) that is to be operated, or is operated, for the general public; and		
The future act it does not prevent native title holders in relation to land or waters on which the thing is located or to be located from having reasonable access to such land or waters in the vicinity of the thing, except:		
(i) while the thing is being constructed; or	(1)(c)	Yes
(ii) for reasons of health and safety; and		The future act will not prevent native title holders from having reasonable access to such land or waters in the vicinity of the walking track, except during construction
If there are any areas or sites in the future act area of particular significance to Aboriginal peoples or Torres Strait Islanders in accordance with their traditions, a law of the State is made in relation to the area or sites preservation or protection.		
	(1)(d)	Yes
		The NPW Act is responsible for the conservation of places, objects and features of significance to Aboriginal people; thus, compliance with the NPW Act is required
The future act does not relate to the compulsory acquisition of the whole or part of any native title rights and interests.		
	(1A)	Yes
		No compulsory acquisition is required for the future act

Elements of the proposed walking track are a future act that meets the requirements of validation under the Cwlth NT Act Subdivision K, Section 24KA, Section (1) (a-d) and Section (1A).

Pursuant to section 24KA(8), native title holders or any registered native title claimants in relation to land or waters in the area concerned by the activity have the right to be notified of the future act only if there has been no approved determination of the native title. Letters were sent by NSW NPWS to Native Title Services Corp and South Coast claimants; however, no responses were received by the end of the comment period.

5.2 Parks under joint management arrangements other than an indigenous land use agreement

Is the park's management subject to another joint management arrangement such as a memorandum of understanding? No

5.3 Other parks

Beowa National Park is not under a joint management arrangement.

6. Proposed activity (or activities)

6.1 Location of activity

Table 6: Summary of activity location

Description of location	<p>Beowa National Park is located on the far south coast of NSW and is split into two areas, Pambula-Haycock and Green Cape, comprising a combined area of approximately 10,485 hectares (NPWS, 2021).</p> <p>The proposed activity will occur generally within the central portion of the Pambula-Haycock section of the Park. The approximate 9.6-kilometre walking track will commence near Pinnacles Access Road in the north weave through previously undisturbed areas of the park to avoid pedestrian/road conflicts before concluding on a section of North Head Track to the south near Worange Point (Figure 1).</p>												
Site commonly known as	Pambula-Haycock precinct												
Park name	Beowa National Park (formerly Ben Boyd National Park)												
Other tenures	This Review of Environmental Factors applies only to land reserved under Part 4 of the NPW Act.												
Lot/DP	<p>Generally, not applicable; however, sections of the walking track will occur on the following lots:</p> <p>Lot 11 DP750192, and</p> <p>Lots 4-13 of DP2327</p>												
Street address	Not applicable to The Gateway to the Bundian Way walking track project.												
Site reference	<p>Track commencement (north)</p> <table> <tr> <td>Easting:</td> <td>Northing:</td> <td>MGA zone:</td> </tr> <tr> <td>760210</td> <td>5902143</td> <td>55H</td> </tr> </table> <p>Track completion (south)</p> <table> <tr> <td>Easting:</td> <td>Northing:</td> <td>MGA zone:</td> </tr> <tr> <td>761059</td> <td>5895873</td> <td>55H</td> </tr> </table>	Easting:	Northing:	MGA zone:	760210	5902143	55H	Easting:	Northing:	MGA zone:	761059	5895873	55H
Easting:	Northing:	MGA zone:											
760210	5902143	55H											
Easting:	Northing:	MGA zone:											
761059	5895873	55H											

6.2 Description of the proposed activity

The Eden LALC proposes to create an approximate 9.6-kilometre connected walking track joining sections of established tracks (authorised tracks under the Plan of Management), road and trails (authorised public roads, fire and management trails), and new sections of walking track within Beowa National Park.

Several ancillary sites will be required to store materials and equipment for the duration of the activity. Ancillary sites will be established within pre-disturbed areas (car parks, road corridors etc.) and will not require any vegetation or ground disturbance. An overview of the proposed scope of works is shown in Figure 2.

Upon completion, The Gateway to the Bundian Way walking track would be classified as a Class 4 walking track under AS 2156.2-2001 which will provide opportunities for visitors to explore and discover the relatively undisturbed natural environment along a defined and distinct track. Although the Eden LALC is funding and constructing the walking track, the asset will be owned and managed and maintained by NPWS and will be available for all users of the park, including Parks Eco Pass holders for commercial tour operators.



Figure 2: Overview of proposed activity

6.2.1 The proposed activity: pre-construction, construction, operation and remediation

Note: The proposed activity assessed in this REF reflects a concept design which may be subject to minor alterations as unforeseen ecological, heritage or other obstacles arise during the construction stage.

The following list provides a general overview of construction methodology; however, the Eden LALC will provide a detailed construction plan to NPWS for review and approval prior to works commencing. All works will be undertaken in accordance with the approved construction documents.

Pre-Construction

- The length of the proposed walking track has been assessed by NPWS representatives, a qualified ecologist, the track designer, a qualified environmental consultant, a qualified archaeologist and representatives of the Eden LALC to determine the most appropriate alignment to avoid adverse impacts to natural and cultural values
 - This alignment was selected to avoid potential adverse impacts important heathlands and known breeding areas of the Eastern Hooded Plover on Pinnacles Beach, and to divert walkers off vehicle trails and therefore reduces potential pedestrian/vehicle interactions
- No threatened flora species or threatened ecological communities were identified during the site inspection
- Archaeological surveys have been undertaken along the entire length of the walking track. Where known artefact sites have been identified the track has been deviated to avoid these sites with confirmation of avoidance through inspection by a qualified archaeologist
- All personnel working on site shall be made aware of the environmental protection requirements to be implemented during the project. This is to include site inductions and regular 'toolbox' briefings. Site specific areas of high sensitivity may include Aboriginal object and/or places, threatened species, their habitat, and threatened ecological communities
- Any tools or machinery used during construction are to be appropriately cleaned, degreased and serviced prior to use/entry at the site
- Known sensitive natural and cultural areas would be clearly marked and protected with a buffer zone using flagging tape
- Storage and ancillary sites would be clearly marked and fenced prior to establishment. Temporary measures would be implemented and maintained in good working order for the whole duration of the sites.

General construction procedures

- Temporary signage and fencing barriers would be placed in construction areas and only removed when construction is complete and NPWS has assessed the asset as suitable to be opened to the public
- Micro-siting the walking track location within the REF corridor (20m) with NPWS, the track contractor, project ecologists and project archaeologist where required
- Any vegetation clearing shall be restricted to the immediate track corridor by trimming vegetation along the confirmed track alignment
 - It is not proposed that any mature vegetation or habitat trees/logs be removed to facilitate construction; however, where hazardous trees occur, these may be treated

to improve the safety of track users. Safeguards are provided in section 9 to facilitate effective removal of dangerous trees

- Sediment fencing and sediment traps would be implemented in a manner consistent with currently accepted best management practice (i.e., Landcom [2004] Managing Urban Stormwater: Soils and Construction [4th Edition]) to prevent the entry of sediment into any waterways or drainage lines prior to any earthworks being undertaken
- Sediment controls shall be maintained and in good working order for the whole duration of the works and subsequently until the sites have been stabilised and the risk of erosion and sediment movement from work sites is minimal
- Trimmed vegetation and topsoil sods to be kept for ground stabilisation and revegetation
- Trail sections will be completed progressively to ensure that no uncompleted sections are exposed to wet weather conditions
- The track will be fully benched using either small machinery or hand tools. Some sections may require timber edge restraints to retain the side of the tread, while flat areas may be crowned with imported gravel to reduce the risk of trenching
- Tracks to be built with a 5% outslope to encourage water to sheet across and off the track in a gentle manner instead of funnelling down the track centre line
- Mitre drains may be established within areas requiring additional runoff diversion away from the walking track
- Where the grade exceeds 10%, climbing turns or steps will be installed to reduce the grade. Where this is not possible or not desirable, grade dips may be installed
- Some sections of track may require imported gravel to stabilise the tread. Imported gravel shall be sourced from a certified supplier and shall match local lithology. For the remainder of the alignment the natural mineral soils are suitable for the track surface
- Disturbed areas to be progressively stabilised using a combination of weed-free straw, mulch, jute mesh, woody debris and topsoil sods
- Where crossings are required, Fibre-Reinforced Polymer (FRP) or timber materials will be carried in by hand or small machinery and fixed to timber footings
 - Where terrain provides limited access, it may be necessary to deliver materials by helicopter.

Signage

A combination of discrete wayfinding, interpretation, and/or safety signage will be installed to provide important information in a style that does not impact on the natural surroundings of the walking track. This would likely take the form of totem signage which would be approved in consultation with NPWS. Signs and interpretive features to be installed using small footings, either with compacted backfill or concrete. Signs would be installed within the assessed/surveyed area.

Post-work remediation

- All waste generated by the activity will be removed from the site and recycled/disposed of as necessary
- Monitor all works for settling and manage as required
- NPWS will monitor all sites for weed establishment and treat as necessary
- Contractors to remove temporary erosion and sedimentation controls once sites have been stabilised and controls are no longer required. NPWS will be consulted with to determine when controls can be removed

- NPWS will monitor car parking demands and manage appropriately:
 - It is acknowledged that many visitors may elect to walk smaller segments within the route, which may result in demand for car parking at locations where vehicle access is close to the walking track
 - Car parking restrictions including signage and/or bollards/barriers may be installed at strategic locations subject to environmental risks and assessments
 - Small or limited car parking areas may be formalised in the future at strategic locations. This would result in impacts additional to those assessed under this REF. Due process and environmental assessments would occur as needed.

Operation

The Gateway to the Bundian Way walking track will be a public asset which will be accessible to the whole community and would provide an immersive experience into the natural and Aboriginal cultural heritage values associated with the region. The walking track in its entirety would form part of the Beowa National Park infrastructure assets which will be owned and managed by NPWS.

Following construction, the Eden LALC and NPWS will monitor use of the walking track to determine if additional infrastructure (car parking, amenities etc.) is required to improve the quality of experiences for walkers, and avoid further impacts to the natural and cultural values of the park. If required, small car parks may be established, and/or physical barriers (e.g., sandstone blocks) will be placed to prevent parking and encroachment into adjacent vegetation. Additional signage may also be placed to prevent uncontrolled parking in sensitive environments. Additional environmental assessments would be required, and activities could result in additional cumulative impacts.

6.2.2 The activity footprint (size of the area of impact)

The footprint of disturbance has been assessed to be approximately 19.11-hectares. A breakdown of areas to be impacted is provided in Table 7.

Table 7: Calculated activity footprint

Impact area location	Description of impact	Assessed impact area	Construction impact area
Bundian Way walking track – northern section	New 5.04-kilometre long class 4 walking track up to 1-metre wide	10.62-hectares ¹	0.5-hectares
Bundian Way walking track – southern section	New 3.98-kilometre long class 4 walking track up to 1-metre wide	8.4-hectares ¹	0.4-hectares
Up to six (6) ancillary sites	Vehicle parking and equipment/material storage within pre-existing parking areas and/or within the road corridor	0.09-hectares (maximum 150m ² per ancillary site)	
Total impact area		19.11-hectares	0.99-hectares

Note 1: The area of impact for the walking track includes a 20-metre buffer around the track alignment which will typically be up to 10-metres either side of the track; thus, a 21-metre impact area has been assessed. Where topography/sensitive areas restrict the alignment (e.g., steep

edges) the alignment may alter; however, the assessed impact area of 21-metres will remain unchanged.

Note 2: The construction impact area will predominately be kept to 1-metre wide or less; however, some areas may require additional impact during construction and maintenance to facilitate light machinery movements to maintain vegetation.

6.2.3 Proposed construction methods, materials and equipment

Appropriate erosion and sediment control measures will be implemented at each works site prior to the commencement of work, including sediment fences and sediment traps. The majority of the track will be constructed by hand; however, small machinery including a Posi-Track or small excavator may be used in some areas where topography requires an improved track condition.

Petrol powered tracked carriers will be used to deliver materials to sites as required, and FRP panels or timber will be used to provide clearance above watercourses and/or drainage lines.

6.2.4 Receive, storage and on-site management for materials used in construction

Hand tools, small equipment and materials would be brought in on a day-to-day basis by the construction team. Vehicles will be used to transport the construction team, materials and equipment to the designated ancillary sites prior to being carried by the construction team. No vehicles would be permitted along the new walking track. Vehicle parking shall be restricted to the road corridor or pre-existing cleared areas (example provided in Photo 1).

Where necessary, temporary barriers and pedestrian signage would be installed at trail entrances around the immediate work area. Complex project works, although unlikely, would be delineated with ATF fencing to ensure the risk of conflict between general public and construction activities is minimised as much as possible.

A construction Safe Work Method Statement (SWMS) and risk assessment in accordance with NPWS procedures would highlight particular areas where risks for the public are heightened and 'No Go Zones' established in consultation with the construction teams.

Helicopter Operations

Where topography proves difficult for material delivery, the use of helicopter sling loads (aerial crane) operations would benefit the construction of the activity. Helicopter sling loads are capable of providing precise delivery of materials which otherwise would not be possible in those locations.

The Eden LALC would seek written approval to organise helicopter operations and associated works are to obtain all approvals, licences, exemptions and insurances as required for sling operations including those required by Civil Aviation Safety Authority (CASA) and SafeWork NSW, and all sling works are to be overseen by a suitably qualified and experienced SafeWork accredited Dogger. Any staff or contractors working within proximity of helicopter operations must have completed a Work Safely Around Aircraft course and must comply to the Helicopter operator's Safe Work Method Statement (SWMS) and operational procedures.

Roads may need to be closed under traffic control conditions if flight paths cross over. NPWS may also choose to close sections of Beowa National Park for these operations.



Photo 1: Example of on-site storage area/parking within pre-disturbed areas of the road corridor

6.2.5 Earthworks or site clearing including extent of vegetation to be removed

No excavation machinery is required for the construction of the activity. All benching and minor ground works would be carried out using hand tools and would only be required as necessary to provide a stable surface formation. Vegetation clearing will be minimal as the track has been sited to weave through mature vegetation; however, removal of groundcover through open forest will occur. Where necessary, dangerous trees and limbs may require removal.

6.2.6 Environmental safeguards and mitigation measures

The proposed areas of impact have been surveyed and inspected for natural, cultural and heritage values by suitably qualified persons during the preparation of this REF. A number of safeguards and mitigation measures have been identified in order to minimise potential adverse environmental impacts associated with the activity. Should the proposed activity proceed, a Construction Environmental Management Plan (CEMP) shall be prepared by the contractor and approved by NPWS prior to works commencing. The CEMP shall, at minimum, be consistent with the safeguards and mitigation measures outlined in section 9 of this REF and shall be applied prior to and during the construction and operation stages of the activity. Compliance with the safeguards and mitigation measures, and any associated approval conditions, shall be periodically audited during the construction and operation stages.

6.2.7 Sustainability measures – including choice of materials and water/energy efficiency

- Labour and materials are to be sourced from local suppliers where possible.
- Vegetation removed is not to be burnt, and shall be thinly dispersed in the surrounding forest.
- Any weeds removed shall be removed from the park and disposed of at a licensed waste facility.
- Vegetation clearing shall not occur beyond what has been marked and assessed.
- Any waste generated by the activity and by workers undertaking the activity to be segregated to maximise recycling opportunities.
- Regular maintenance of construction equipment (including vehicles transporting materials and the construction team) shall be carried out to improve their energy efficiency and reduce their environmental impact.
- Water-efficient practices to be implemented during construction, such as using recycled or treated water for non-potable uses to minimise water wastage.
- Energy-efficient equipment and practices will be used where possible, such as selecting electric equipment and machinery, and optimising their use to minimise energy consumption during construction activities.
- Avoid the use of plastic bags during waste removal where practicable.
- Waste disposal shall be undertaken in accordance with the WARR Act.

6.2.8 Construction timetable and staging and hours of operation

Works are proposed to commence in the last quarter of 2024 and be completed over a period of 12 months, subject to weather conditions and unforeseen circumstances. Works will be undertaken during the hours as outlined below:

- Monday – Saturday: 6:00am to 6:00pm
- Sunday, Public Holidays and school holidays – No work.

If works are required outside of these hours on weekends or nights, it will need to be clearly justified and approved in writing by the Area Manager or their delegate. Worked days and hours shall be communicated with the project manager.

Other construction outside the recommended hours may include:

- The delivery of oversized plant or structures that police or other authorities determine require special arrangements to transport along public roads
- Emergency work to avoid the loss of life or damage to property, or to prevent environmental harm
- Maintenance and repair of public infrastructure where disruption to essential services and/or considerations of worker safety do not allow work within these hours.

7. Reasons for the activity and consideration of alternatives

7.1 Objectives and reasons for the proposal

This REF applies to the construction of The Gateway to the Bundian Way walking track from near Pinnacles Access Road in the north of Beowa National Park and concluding on a section of North Head Track to the south, whilst also achieving the complementary outcomes of:

- Improving employment opportunities for Aboriginal people by employment in the initial track construction, cultural tourism, project management, bookings and reservations, and administration,
- Improving the health and wellbeing of the Aboriginal community through employment and cultural engagement,
- Attracting international, interstate, and intrastate tourists to the South Coast,
- Providing opportunities for Aboriginal cultural influence into the design of the walking track and associated interpretation of the Aboriginal community,
- Increasing opportunities for greater use and appreciation of nature-based activities by the general public, and
- Providing greater Indigenous awareness, understanding, and reconciliation.

The proposal would increase international and interstate tourism to the South Coast of NSW by also appealing to 3 out of 6 of Destination NSW Priority market sectors – the Cruise sector, International Youth Leisure market, and Aboriginal Tourism sector and broaden the walking track options throughout the park. The tracks on park would foster information sharing between the local Aboriginal community and NPWS so that the relationship between environment and heritage is maintained.

7.2 Consideration of alternatives

7.2.1 Do Nothing

Option 1 – Do Nothing

The risks associated with the do-nothing option are very significant and could have long-term negative implications on the Aboriginal and broader communities of Eden. The missed opportunity to preserve heritage and stimulate the economy during a community-led bushfire recovery period would reduce socio-economic progress in the Bega Valley Shire. It would also result in the state of NSW missing the opportunity for a sizable economic boost from the attraction of international, inter- and intra- state tourists. With no works undertaken beyond the current maintenance scheme, the community would suffer both culturally and economically.

This section of track also provides a critical link between the sections of the Gateway to the Bundian Way which have already been constructed and connect the Keeping Place at Jigamy Farm to the township of Eden. The do-nothing option would result in stranded assets in terms of the sections of the track that have already been built but have no connection to an area of significance.

The Do Nothing option provides environmental benefits by preventing up to 0.99-hectares of clearing within the park.

7.2.2 Construction of The Gateway to Bundian Way Options

Option 2 – Complete New Alignment (Preferred Option)

Option 2 is to construct new sections of The Gateway to the Bundian Way walking track at the alignment proposed in this REF. This alignment has been selected to avoid potential adverse impacts important heathlands and known breeding areas of the Eastern Hooded Plover on Pinnacles Beach, and to divert walkers off vehicle trails and therefore reducing potential pedestrian/vehicle interactions. Option 2 would provide a significant immersive experience into the natural and Aboriginal cultural heritage values associated with the region.

The Eden LALC has indicated that Option 2 is also the most culturally appropriate option as it better matches the pathways that would have been traditionally used as Aboriginal people moved across the landscape. The Eden LALC also strongly prefers that the alignment not be on roads as this will significantly reduce the quality of the experience for walkers and reduces the value of the walk for cultural tours which are an important economic driver for the community in the future.

Given the sensitivity of the natural and cultural values associated with Option 2, NPWS will publicly exhibit the REF to provide stakeholders an opportunity to provide constructive input into the proposed alignment, design, and mitigation measures applicable to potential environmental risks. While this option will delay works, the consultation will reduce risks of longer delays later in the project which could result if appropriate consultation does not occur prior to construction.

Option 3 – New Alignment (Northern Section) / Previous Alignment (Southern Section)

Option 3 involves constructing the proposed new northern alignment between The Pinnacles walking track and Terrace Beach Track, utilising the road corridor of North Head Track for the southern section between Terrace Beach Track and Worange Point, as per the original scope. This option would require actions to facilitate a shared use road for both pedestrians and vehicles. A slow shared use vehicle speed limit would be implemented to reduce potential pedestrian/vehicle interactions. Although this route is quite scenic and is already used by some walkers the quality of the experience of walking on a gravel road with berms and occasional vehicles etc. is much reduced from walking on a designated walking track.

Shared use increases the safety risks for walkers as the road is used recreationally by 4WDs and dirt bikes. Given its relative isolation there is the potential for road users to ignore the speed limit requirements resulting in increased risks for walkers.

Since the project was first scoped, this has been identified as a significant issue for the Eden LALC and its objective of utilising the walking track for cultural tourism. Walking on a shared use road detracts from the overall experience of the walk and its value as a cultural tour. It also significantly increases the liability for the Eden LALC and any other tour operator utilising the track given the risk of walker/motor vehicle interactions.

The benefits of this option include reducing environmental damage by avoiding up to 0.4-hectares of clearing within the park and would marginally reduce the ongoing maintenance liability for NPWS.

Option 4 – Previous Alignment

The previous alignment of The Gateway to the Bundian Way walking track included sections occurring on Pinnacles Beach. Following determination of this alignment, new information was made available which indicated potential impacts to the breeding areas of the Eastern Hooded Plover. Following consultation with NPWS, the Eden LALC and the track designer, this alignment was no longer considered an appropriate option.

To pursue this Option 4, Eden LALC would need to consider the feedback provided by NPWS to the Eden LALC in response to the report detailing the Assessment of Significance

for the Shorebirds at Terrace and Long Beach (March 2024). The offer is still available to collaborate with NPWS to determine if there is a sufficiently low-risk option to revert the proposal back to the original route which includes a small amount of new walking track, beach walking and roads within the park.

This option presents a high level of risk that after significant work it could still be determined that potential impacts to the shorebirds will be assessed as too high. This would mean the project would be unable to proceed with this option and would have to again assess and try to proceed with one of the other options considered.

7.3 Justification for preferred option

In selecting Option 2 the principles of environmentally sustainable development were considered during the selection process through which the contextual social, economic, and environmental constraints were integrated into the preliminary designs. Route selection studies were conducted on numerous occasions, alongside environmental and archaeological studies to confirm that there would be few disruptions to the natural and cultural environment. The final route of the walking track was realigned and selected to avoid potential adverse impacts to threatened species and important heathlands, and to improve the safety of walkers.

Option 2 is the preferred option for the following reasons:

- Development of the new walking track inland will avoid NPWS management trails and reduce potential pedestrian/vehicle interactions which will improve the safety and enjoyment for walkers,
- Only one (1) REF is required by the Eden LALC to adequately assess the full length of the walking track, and
- Option 2 provides an alignment which avoids potential adverse impacts to the Eastern Hooded Plover and coastal heath environments.

8. Description of the existing environment

8.1 Overview of the project area

Beowa National Park is located within the Bega Valley Shire on the far south coast of NSW. The region is characterised by a warm and temperate climate with warm, partly cloudy summers and cool, clear winters. The closest meteorological station is located at the Merimbula airport approximately 9-kilometres north of the track entrance, and is detailed below.

Site name: Merimbula Airport AWS

Site number: 069147

Latitude: 36.91 °S **Longitude:** 149.90 °E

Elevation: 2m

Commenced: 1998 **Status:** Open

Mean maximum and minimum temperatures, and mean rainfall statistics for the area are detailed below for the years 1997-2022 are detailed in Table 8 (BoM, 2024).

Table 8: Climate statistics for the Merimbula Airport AWS meteorological station

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Mean max temp (°C)	24.8	24.8	23.7	21.7	19.2	16.9	16.7	17.4	19.4	20.7	21.8	23.3	20.9
Mean min temp (°C)	15.5	15.3	13.8	11.0	7.6	5.6	4.2	4.8	6.9	9.2	11.8	13.8	10.0
Mean rainfall (mm)	66.8	82.5	90.5	62.9	57.6	65.7	46.7	43.4	41.8	64.9	81.0	72.2	776.9

8.2 Natural values

8.2.1 Geology, geomorphology and topography

The Gateway to the Bundian Way walking track is predominately situated on the Worange Point Formation which consists of interbedded brown to cream quartzo-feldspathic sandstone and shale, grading up into purple sandstone (DPIRD, 2024). Massive sandstone with mudrock is also present throughout the formation.

The trail commencing in the northern section is situated on the Ben Boyd Formation of the Lachlan Orogen comprising fluvial to marine sandstone, conglomerate, siltstone, quartzite and shale, while a portion of the track adjacent to North Head Track is situated on the Bellbird Creek Formation which predominately consists of thin-bedded sandstone, siltstone and mudstone (DPIRD, 2024). All formations relevant to the activity are situated within the Lachlan Orogen and are of Late Devonian Age. Dominant lithology associated with the walking track alignment is shown in Figure 3.

The chosen walking track alignment is predominately situated at an elevation below 140-metres above sea level, with long sandy beaches along the coastline. The landscape is predominately defined by undulating rises to rolling low hills on Tertiary sediments with slopes of approximately 10%; however, the southern section of the trail is situated on a landscape of rolling to steep hills with slopes of 10-100%, and local relief of 140-240-metres (DPIE, 2024). The selected alignment will cross through open forest on a path of least resistance and gradient.

A search of NSW State mapping (NSW DHI, 2018) was undertaken on 03 July 2024 which did not identify any naturally occurring asbestos present within Beowa National Park.



Figure 3: Dominant lithology associated with the walking track alignment

8.2.2 Soil types and properties (including contamination)

Beowa National Park is situated on a variety of soil landscapes; however, the activity will predominately occur on the Pambula variant b soil landscape, while the central portion will occur on the Tura soil landscape. Where the trail concludes at the southern section it will occur on the Yellow Pinch soil landscape. Soil landscapes associated with the activity are shown in Figure 4 and detailed in Table 9 (DPIE, 2024).

The Plan of Management (NPWS, 2021) describes the park's soils as shallow, sandy and contain large amounts of humus. They are relatively unstable and erodible when disturbed.

Table 9: Soil landscape descriptions associated with the walking track alignment

Soil landscape	Soil qualities	Soil limitations	Land degradation
Pambula variant b	On crests and slopes: moderately deep to deep (50–>150 cm), moderately well to imperfectly drained Yellow Kurosols (Yellow and Red Podzolic Soils; yellow Soloths). On lower slopes and in drainage lines: moderately deep to deep (50–>150 cm), imperfectly drained Yellow Kurosols (yellow Soloths).	Soils are infertile, hardsetting, acid, often non-cohesive, erodible soils subject to water (sheet) erosion hazard. Moderate to high limitations for grazing and cultivation; imperfect drainage (localised); run-on (localised); seasonal waterlogging (localised); gully erosion risk (localised); inherent sheet erosion risk; wind erosion risk; engineering hazard; poor moisture availability.	Minor sheet erosion and lack of topsoils may be associated with fire, logging and clearing. Disturbed surfaces associated with urban areas and quarries. Roadside batters are generally quite stable, although slumping and rilling may occur when constructed on lower slopes.
Tura	Soils on crests and slopes, very deep (>150 cm), rapidly drained Podosols (Podzols) or moderately deep to deep (50–150 cm), well or moderately well-drained Yellow Kurosols (Yellow Podzolic Soils)	Water (rainsplash, sheet) erosion hazard; severe wind erosion hazard; groundwater pollution hazard; foundation hazard. Highly permeable, non-cohesive, erodible, infertile, acidic soils with high aluminium toxicity potential and low available waterholding capacity	Land degradation with this soil landscape is associated with the Eden Waste and Recycling Centre.
Yellow Pinch	Soil profiles vary according to texture contrast between topsoil/A2 horizon and subsoils, subsoil colour and sodicity. All soils are strongly to very strongly acid. Soils with more texture contrast between A1/A2 horizons and B horizons are podzolic soils or Soloths. Soils with less	High foundation hazard locally due to steep slopes, mass movement hazard locally and rust and concrete corrosion hazard. Strongly weathered, structured siltstone or mudstone saprolites may underlie only slightly weathered sandstone bedrock, a sequence that may	Widespread minor to moderately severe sheet erosion, occasionally including complete removal of A1 horizons, presumably due to understorey damage. Severe rill erosion and sheet erosion occur on unpaved and poorly designed tracks and fire trails. Some table drains on lower slopes may gully due to dispersible soils. Road batters are frequently highly unstable and rilled

texture contrast are earths.	present engineering risks on slopes	when constructed in dispersible soils, particularly on lower slopes.
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The NSW State-wide land and soil mapping (DPIE, 2024) maps the walking track as occurring on both Kurosols and Podosols as per the Australian Soil Classification (ASC) (Figure 5).

Searches of the NSW Environment Protection Authority List of Notified Sites, the Contaminated Land Public Record and the NSW Government PFAS Investigation Program did not identify any contaminated land sites occurring in proximity to the activity. Further, the activity is not situated within an area identified as having potential for Unexploded Ordnance (UXO) (Australian Government, 2024).

A search of the Bega Valley LEP did not identify any acid sulfate soils occurring within or near the activity location.



Figure 4: Soil landscapes associated with The Gateway to the Bundian Way alignment



Figure 5: Mapped soil profiles (ASC) proximate to the proposed walking track

8.2.3 Watercourses, waterbodies and their catchments

There are no major watercourses or waterbodies occurring within the park; however, the walking track alignment crosses a number of unnamed first and second order Strahler streams along its length (Figure 6). During the site inspection, all the streams were dry and did not contain a defined bed or bank or any watercourse features.

The activity is situated within the Towamba catchment which has a catchment area of about 2,345 square kilometres. The catchment is bounded by the Bega catchment to the north, the Snowy catchment to the west and the Genoa catchment to the south (Environment and Heritage, 2024c).

A number of freshwater wetlands have formed in poorly drained areas, primarily along Woodburn and Bittangabee Creeks and behind the dunes to the north of Pambula Beach. An ecologically important estuarine wetland is located adjacent to Pambula Wetlands and Heritage Reserve in the northern section of the park (NPWS, 2021); however, this will not be impacted by the activity.



Figure 6: Mapped watercourses proximate the walking track alignment

8.2.4 Coasts and estuaries

Beowa National Park is located in a relatively undeveloped section of the coastline of southern New South Wales. It provides a variety of recreational and tourism opportunities, particularly along its 47 kilometres of coastline (NPWS, 2021).

The activity is situated on land within the coastal use area (Part 2.2, Division 4) as determined under SEPP Resilience and Hazards (Figure 7). Potential impacts to the coastal zone are assessed in section 3.2.2, with safeguards provided in section 9 of this REF. The activity is consistent with the requirements of Chapter 2 of SEPP Resilience and Hazards, and it is considered unlikely any adverse impacts to the coastal use area would occur as a result of the activity.

The majority of the proposed walking track is not situated within an estuary environment; however, the southern extent of the walking track where it concludes is located within the Twofold Bay catchment estuary. Twofold Bay is a large oceanic bay with an open entrance and is divided into two distinct bights, Calle Calle Bay and Nullica Bay, giving Twofold Bay its name (NSW Government, 2024b).

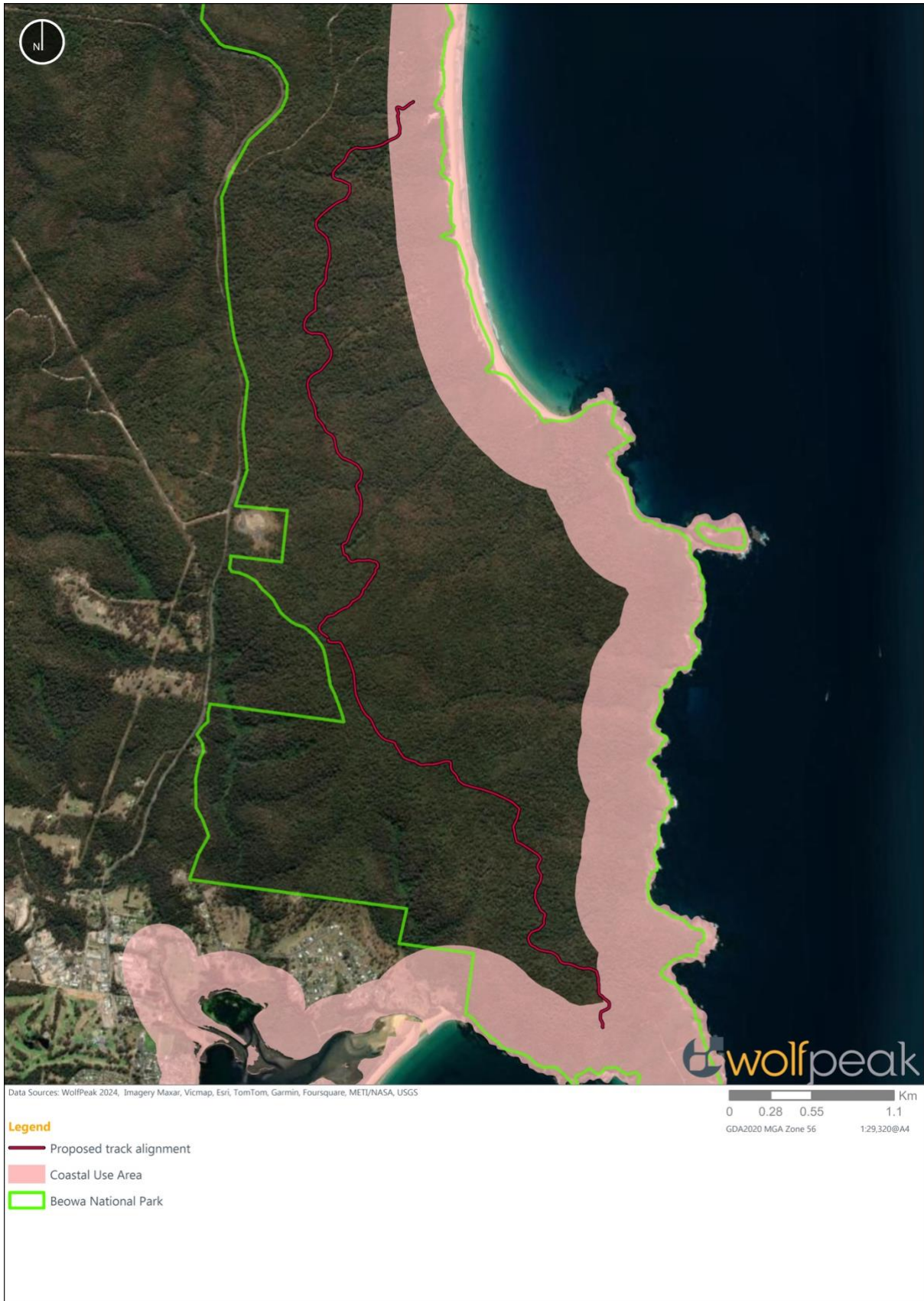


Figure 7: Coastal use areas applicable to the proposed activity

8.2.5 Biodiversity

Overview of terrestrial and aquatic biodiversity

Terrestrial Biodiversity

Beowa National Park features a diverse array of coastal habitats including forest, woodland, heathland, sandy and rocky coastline and estuaries. The dune dry scrub forest and estuarine and floodplain wetlands found in the northern section of the park were recognised as having very high conservation significance in the Eden Comprehensive Regional Assessment process. The Pambula Estuarine Wetland has been listed on the Directory of Important Wetlands compiled by the Commonwealth Department of Environment and Heritage (NPWS, 2021).

Most of the park is covered by open forest and woodland while small areas of tall open forest occur. The PoM states that dominant trees on the Devonian strata are Red Bloodwood (*Corymbia gummifera*) and Blackbutt (*Eucalyptus pilularis*) in the central section, and Silvertop Ash (*E. sieberi*) in the south (NPWS, 2021).

The distribution of vegetation communities occurring throughout the park is strongly influenced by climate, geology, aspect and topographical position. The NSW State Vegetation Type Map (SVTM) identifies a range of Plant Community Types (PCTs) occurring throughout the park; while those proximate to the activity locations are listed in Table 10 and shown in Figure 8 and Figure 9. Areas of the park are mapped as PCT 0 – Not Classified. PCT 0 relates to cleared lands and roads which do not conform to a native vegetation community and is reflective of the vegetation previously cleared within the area.

Table 10: State Mapped Plant Community Types proximate the walking track alignment

PCT No.	PCT Name
PCT 0	Not classified
PCT 3181	Bega Wet Shrub Forest
PCT 3189	South Coast Gully Shrub Forest
PCT 3193	South Coast Stringybark-Monkey Gum Wet Forest
PCT 3197	Southeast Hinterland Monkey Gum Moist Shrub Forest
PCT 3646	Far South Coastal Ranges Silvertop Ash Forest
PCT 3662	South Coast Lowland Blackbutt Forest
PCT 3663	Southeast Foothills Stringybark Shrub Forest

Abandoned pine plantations (*Pinus* spp.) are found in several areas of the park (NPWS, 2021), with evidence of one identified within the northern section of the proposed track alignment. Evidence of logging from previous forestry activities was also identified during the site inspection.

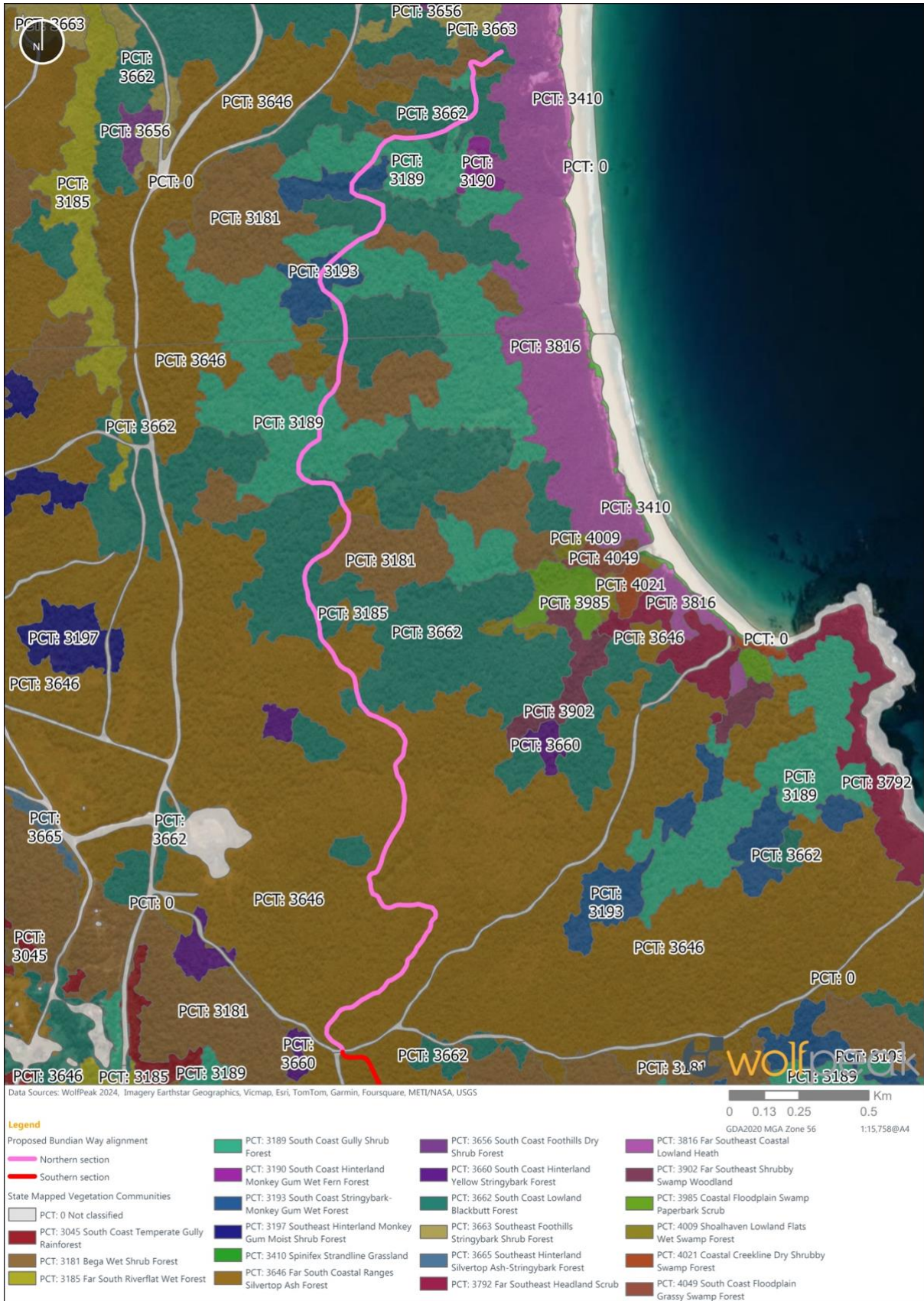


Figure 8: State mapped vegetation communities proximate to the northern section of the proposed walking track

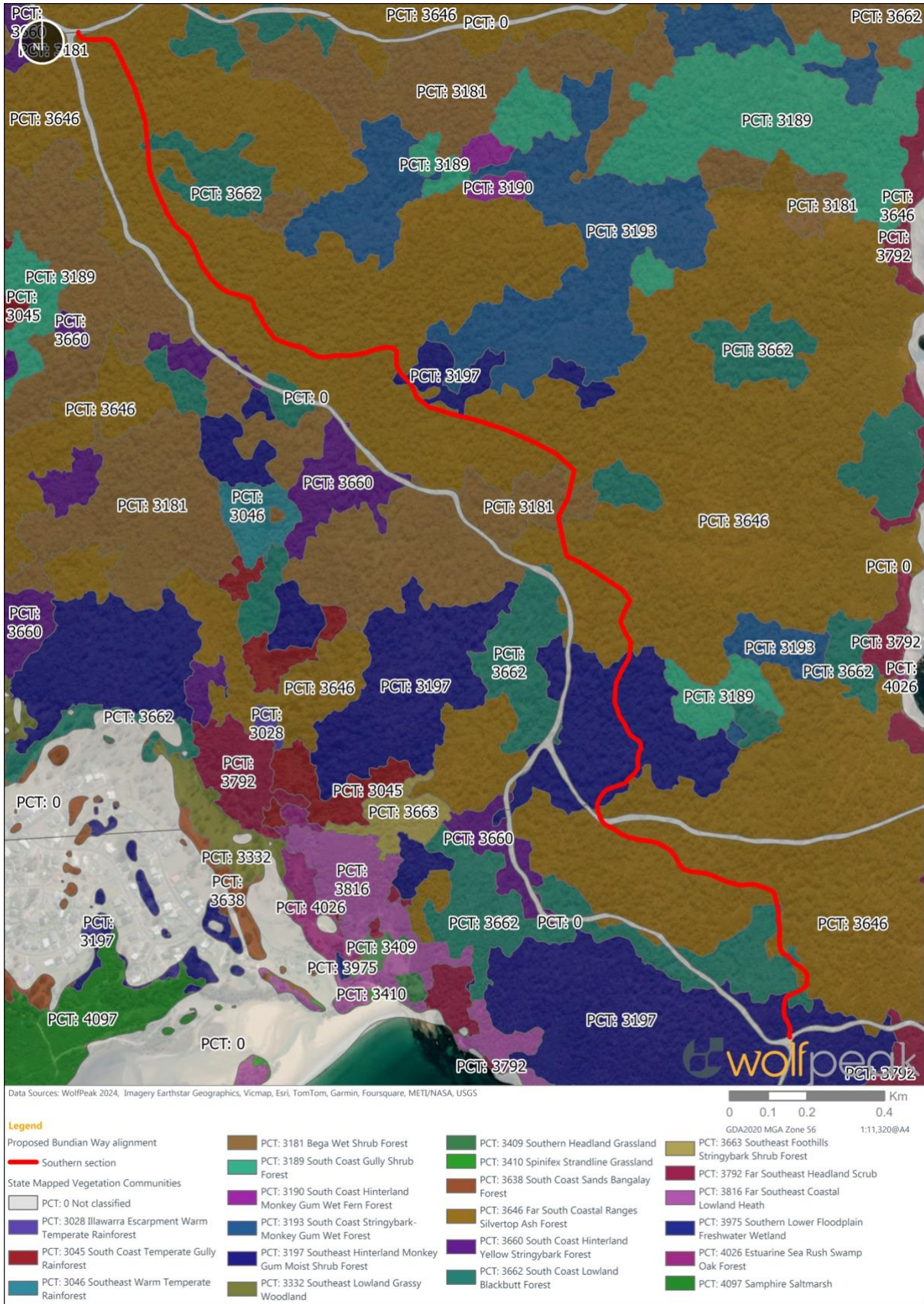


Figure 9: State mapped vegetation communities proximate to the southern section of the proposed walking track

The 'Survey for threatened flora and threatened ecological communities – Bundian Way – Pinnacles to Worange Point' determined that vegetation occurring along the track alignment comprises two (2) distinct but broadly similar PCTs, consisting of PCT 3662 and PCT 3646. Descriptions of these PCTs as per the survey are provided as follows.

PCT 3662 – South Coast Lowland Blackbutt Forest (Axis Ecological, 2024)

“This PCT occurs on lower lying sections on sandy soils, particularly in the north of the alignment. This PCT has a canopy comprising mostly Blackbutt (*Eucalyptus pilularis*) and Red Bloodwood (*Corymbia gummifera*), plus a patchy lower canopy of Port Jackson Pine (*Callitris rhomboidea*), Black She-oak (*Allocasuarina littoralis*), Old Man Banksia (*Banksia serrata*) and Blueberry Ash (*Elaeocarpus reticulatus*) is sometimes present. A diverse mid-storey is present including shrubs *Acacia longifolia* subsp. *longifolia*, *Lasiopetalum macrophyllum*, *Monotoca elliptica*, Cherry Ballart (*Exocarpos cupressiformis*), *Podocarpus spinulosus*, *Ozothamnus diosmifolius*, *Platylobium parviflorum*, *Bursaria spinosa* and *Crowea exalata*. The ground layer includes often dense Bracken Fern (*Pteridium esculentum*), forbs *Dianella caerulea*, *Patersonia glabrata*, *Opercularia diphylla*, *Poranthera corymbosa*, *Hydrocotyle sibthorpiodes*, and *Dichondra repens*, and grasses *Entolasia stricta*, *Imperata cylindrica*, *Rytidosperma pallidum*, *Themeda triandra* and *Oplismenus imbecilis*.

Some sections along drainage lines include dense patches of ferns including Rainbow Fern (*Calochlaena dubia*) and Gristle Fern (*Blechnum cartilagineum*) and sedges and rushes including *Empodisma minus*, *Gahnia* spp. and *Lepidosperma filiforme*. Some sections include some very large remnant old-growth Blackbutt (*Eucalyptus pilularis*) and Red Bloodwood (*Corymbia gummifera*) trees, which include abundant hollows. A section in the north of the alignment within PCT 3662 was previously an historical plantation of the exotic Radiata Pine (*Pinus radiata*). These stands have been managed/removed by NPWS over time, however some small stands still remain”.

PCT 3646 – Far South Coastal Ranges Silvertop Ash Forest (Axis Ecological, 2024)

“PCT 3646 occurs within the southern half of the study area, interspersed with PCT 3662. It occurs on slightly higher elevations in the landscape, and features a canopy of mostly Silvertop Ash (*Eucalyptus sieberi*) and Red Bloodwood (*Corymbia gummifera*), plus an outlying population of Brown Stringybark (*Eucalyptus baxterii*), which is typically found further south. A lower canopy of Black She-oak (*Allocasuarina littoralis*), Old Man Banksia (*Banksia serrata*) and Blueberry Ash (*Elaeocarpus reticulatus*) is often present. The mid-storey features a diverse array of shrubs including *Acacia terminalis*, *Acacia myrtifolia*, *Bossiaea obcordata*, *Banksia spinulosa*, *Acacia obtusifolia*, *Persoonia linearis* and *Ricinocarpos pinifolius*. The ground is also diverse, including forbs *Tetradlea thymifolia*, *Patersonia glabrata*, *Xanthosia pilosa* and *Gonocarpus teucroides*, shrubs *Correa reflexa* var. *speciosa*, *Hibbertia empetrifolia* subsp. *empetrifolia* and *Epacris impressa*, sedges *Caustis flexuosa*, *Lepidosperma sieberi* and *Lepidosperma laterale*, and fern *Pteridium esculentum*. PCT 3646 includes some areas of large, mature hollow-bearing trees”.

Aquatic Biodiversity

The NSW Department of Primary Industries 'Fisheries NSW Spatial Data Portal' (DPI, n.d.) does not map any distribution of threatened freshwater species or estuarine macrophytes proximate to the activity location.

To date, one (1) endangered marine vegetation population¹ and four (4) endangered aquatic ecological communities² have been listed under the FM Act. These comprise:

- *Posidonia australis* seagrass in the Port Hacking, Botany Bay, Sydney Harbour, Pittwater, Brisbane Waters and Lake Macquarie regions¹

- Lowland Darling River aquatic ecological community²
- Lowland Lachlan River aquatic ecological community²
- Lowland Murray River aquatic ecological community²
- Snowy River aquatic ecological community².

These do not occur within the study area and are not considered likely to occur based on geographical limitations.

Areas of outstanding biodiversity value or critical habitat

The proposed activity will not directly or indirectly affect an area of outstanding biodiversity value or critical habitat as none are mapped as occurring within or proximate to the proposed works area.

Environmental assets of intergenerational significance (AIS)

The proposed activity will not directly or indirectly affect any environmental Assets of Intergenerational Significance as none are mapped as occurring within or in close proximity to the proposed works area.

Threatened ecological communities

The ‘Survey for threatened flora and threatened ecological communities – Bundian Way – Pinnacles to Worange Point’ has determined that PCT 3662 and PCT 3646 do not correspond with any listed threatened ecological communities.

Threatened species and populations

Threatened flora

No threatened flora species were detected during the surveys; however, the Leafless Tongue Orchid (*Cryptostylis hunteriana*) was recorded within 2-kilometres of the study area, likely in very similar habitat to that occurring across the current alignment. Habitats present included mainly tall *Eucalyptus pilularis* – *Corymbia gummifera* forests on deep sands, which is potentially suitable for *Astrotricha* sp. *Wallagaraugh* and *Cryptostylis hunteriana*, though neither species were detected.

The ‘Survey for threatened flora and threatened ecological communities – Bundian Way – Pinnacles to Worange Point’ presents habitat suitability for candidate threatened flora species, which is detailed in Table 11.

Table 11: Summary of habitat availability and detectability of threatened flora species within the Pinnacles to Morang Point section

Scientific Name	Potential Habitat Present	Detectable	Recorded
<i>Astrotricha</i> sp. <i>Wallagaraugh</i>	Yes	Yes	No
<i>Wilsonia backhousei</i>	No	Yes	No
<i>Pultenaea pedunculata</i>	Yes	Yes	No
<i>Pseudanthus ovalifolius</i>	Yes	Yes	No
<i>Cryptostylis hunteriana</i>	Yes	No	No

<i>Genoplesium rhyoliticum</i>	No	No	No
<i>Pomaderris bodalla</i>	Yes	Yes	No
<i>Leionema ralstonii</i>	No	Yes	No
<i>Zieria formosa</i>	No	Yes	No
<i>Viola cleistogamoides</i>	Yes	Yes	No

Threatened fauna

Several threatened fauna species were detected either directly through observation or indirectly through sign during the surveys. The presence of the BC Act listed vulnerable Yellow-bellied Glider (*Petaurus australis*) was detected through the presence of abundant feed scar on numerous Red Bloodwood trees (*Corymbia gummifera*) which was particularly common in the southern half of the track alignment.

Evidence of the BC Act listed vulnerable South-eastern Glossy Black-cockatoo (*Calyptorhynchus lathami lathami*) was observed in the form of chewed cones of Black She-oak (*Allocasuarina littoralis*), which is abundant throughout this section of the park. Three (3) BC Act listed vulnerable Gang-gang Cockatoos (*Callocephalon fimbriatum*) were observed feeding on Eucalypt fruit in the southern section of the alignment.

In addition, Owl whitewash was detected during the survey in the north of the study area, to the immediate west of The Pinnacles. Several species of owl could be responsible for this whitewash; however, this includes several threatened species such as the BC Act listed vulnerable Powerful Owl (*Ninox strenua*). The likely call of a BC Act listed vulnerable White-bellied Sea-Eagle (*Haliaeetus leucogaster*) was also heard in the northern end of the alignment near The Pinnacles.

The park supports a diverse habitat which provide for a range of common and threatened species occurring throughout the area. A total of 19 threatened fauna species were found to have potential to occur within proximity of the proposed activity. Those listed in Table 12 have been assessed via a test of significance within the supporting Ecological Assessment.

Table 12: Threatened fauna species likely to occur within the study area of the proposed alignment

Common Name	Scientific Name	BC Act Status	EPBC Act Status
Giant Burrowing Frog	<i>Heleioporus australiacus</i>	V	V
Dusky Woodswallow	<i>Artamus cyanopterus cyanopterus</i>	V	-
Varied Sittella	<i>Daphoenositta chrysoptera</i>	V	-
Little Lorikeet	<i>Glossopsitta pusilla</i>	V	-
White-fronted Chat	<i>Epthianura albifrons</i>	V	-
Scarlet Robin	<i>Petroica boodang</i>	V	-
Gang-gang Cockatoo	<i>Callocephalon fimbriatum</i>	V	-
Square-tailed Kite	<i>Lophoictinia isura</i>	V	-

Powerful Owl	<i>Ninox strenua</i>	V	-
Masked Owl	<i>Tyto novaehollandiae</i>	V	-
Barking Owl	<i>Ninox connivens</i>	V	-
Sooty Owl	<i>Tyto tenebricosa</i>	V	-
White-footed Dunnart	<i>Sminthopsis leucopus</i>	V	-
Eastern Pygmy Possum	<i>Cercartetus nanus</i>	V	-
Yellow-bellied Glider	<i>Petaurus australis</i>	V	
Grey-headed Flying Fox	<i>Pteropus poliocephalus</i>	V	V
Large Bent-winged Bat	<i>Miniopterus schreibersii oceanensis</i>	V	-
Southern Myotis	<i>Myotis macropus</i>	V	-
Eastern False Pipistrelle	<i>Falsistrellus tasmaniensis</i>	V	-

8.3 Cultural values

8.3.1 Aboriginal cultural heritage

The land and sea surrounding or including Beowa National Park is important to past and present Aboriginal people. Aboriginal people from Twofold Bay and other parts of the south coast and hinterland, represented by language groups or clans such as the Dyirringan, Bidawal, Dthawa (or Thawa, Daura or Thau-aira), Maneroo, Kudingal (or Kunnerkwell), gathered to celebrate, trade, share resources or exchange marriage partners (NPWS, 2021). Archaeological sites are important to Aboriginal communities as they are a testament to their culture's great antiquity. Aboriginal people may also have traditional spiritual links with an area and hold knowledge which is important for nature conservation.

An ACHDDA has been prepared which assesses potential impacts to Aboriginal objects and Aboriginal places with respect to the proposed walking track establishment within the park.

Four (4) areas of archaeological potential were identified in the northern section of the proposed track realignment which were identified on the basis of landform elements. These locations have been omitted from this REF due to cultural sensitivity; however, are provided in Figure 19 of the ACHDDR.

The outcomes of the assessment determined that the proposed activity will not likely result in harm to Aboriginal objects and there are no constraints on cultural grounds to construction of the walking track along the proposed alignment within Beowa National Park. A number of safeguards are detailed in section 9.5 of this REF to protect Aboriginal cultural heritage.

A search of the Aboriginal Heritage Information System (AHIMS) (Appendix G) was carried out on 8th August 2024 which identified a number of previously recorded Aboriginal sites within the park. No Aboriginal places have been recorded within or near the study area.

8.3.2 Historic heritage values

European occupation of the park area dates from the 1840s when the Imlay family began whaling and grazing. An unfinished house at Bittangabee Bay is thought to have been built by the Imlay brothers. Boats stationed here and at Mowarry Point could attack northward migrating whales before the crews at Twofold Bay, giving the Imlay's a commercial advantage. Benjamin Boyd sent a whaling boat to Bittangabee in 1844 to compete with the Imlay crews. He took over the site in 1848 after tragedy hit the Imlay family (NPWS, 2021).

Searches have been carried out of Australia's National Heritage List, the NSW State Heritage Inventory, Schedule 5 Environmental heritage of the *Bega Valley Local Environmental Plan 2013* (LEP), and the Historic Heritage Information Management System (HHIMS) under section 170 of the Act. Several agency items occur in within the section of the park associated with the activity (Figure 10); however, will not be impacted.

A SoHI was prepared in June 2024 to identify heritage values associated within the study area and provide recommendations and mitigation measures to avoid or reduce potential impacts to those items. The SoHI has determined no impacts will occur to historic heritage items.

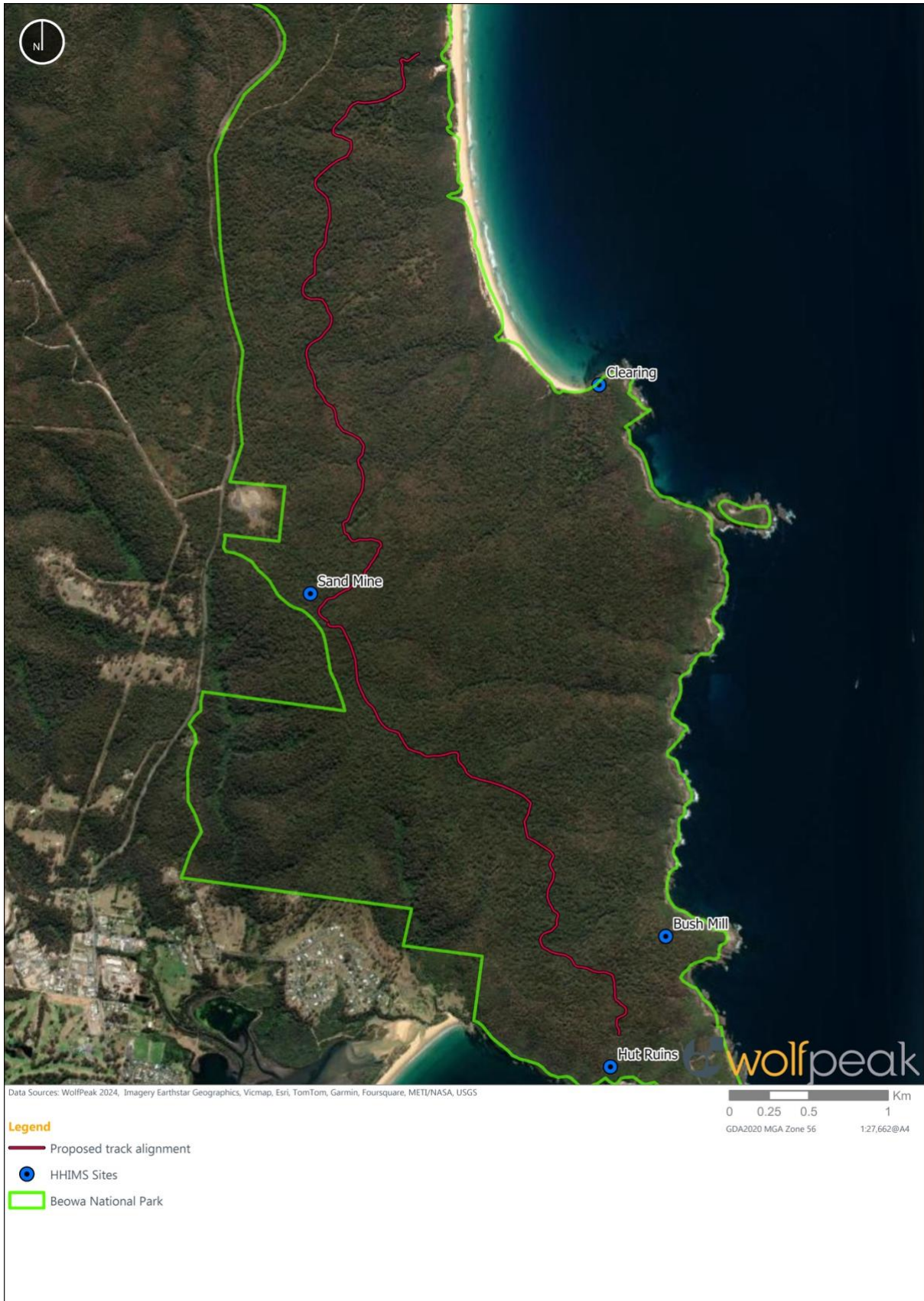


Figure 10: HHIMS sites recorded in proximity to the proposed walking track alignment

8.4 Social values

8.4.1 Recreation values

The park provides for a range of opportunities for visitor recreation, including both self-guided visits and guided discovery tours, and is a popular destination within the Eden LGA. Recreational and tourism use of the park is concentrated on the coastal fringe and consists primarily of beach-oriented activities, scenery viewing, fishing, snorkelling, scuba diving, camping, picnicking, walking and horse riding (NPWS, 2021). An estimated 150,000 people visit the park each year, with peak visitation occurring during the school holidays and the highest proportion traveling from Victoria. A number of camping sites and educational facilities promote heritage-focused use of the park whilst maintaining the appeal of beach-oriented activities.

8.4.2 Scenic and visually significant areas

The entire coastline of the park is recognised for its scenic value, with significant visual amenity presented by the Devonian rocks and the Pinnacles. The proposed walking track would not impact on the scenic significance of the northern lookouts or any other area within the park, rather it would encourage greater visitation and appreciation of the natural values of the park.

8.4.3 Education and scientific values

With a grant from the Indigenous Heritage Program (IHP), Eden LALC carried out comprehensive archival research relating to The Gateway to the Bundian Way as well as ground truthing this information by carrying out detailed field surveys.

This was done to ascertain whether there was physical and cultural evidence to prove or disprove the described location of The Gateway to the Bundian Way. This project was carried out over the course of a 24-month period with Aboriginal community members from communities across the South Coast. This project ultimately culminated in enough information being gathered and proved to support The Gateway to the Bundian Way receiving NSW Heritage Listing in 2013. The rich, longstanding Indigenous and non-Indigenous history and cultural significance of the Eden area is now broadly recognised.

The Project would also provide buy in from local Aboriginal groups, Aboriginal youth, and aims to foster information sharing and collaboration with NPWS.

8.4.4 Interests of external stakeholders

As Eden LALC is the proponent of this project the local Aboriginal community has had a long awareness of the project. Updates during the project development and design have been provided to the Eden LALC Board on a regular basis and also to the Eden LALC membership. This section of the park is valued by a variety of external stakeholders for a variety of purposes, including:

- Aboriginal communities who frequently visit the park for educational and spiritual purposes,
- Recreational fishing enthusiasts,
- The local community and broader community including international, interstate, and intrastate tourists to the South Coast, for recreational and social values associated with day use activities, and
- Parks Eco Pass holders for commercial tour operators.

8.5 Matters of national environmental significance

The provisions of the EPBC Act require determination of whether the proposal has, will or is likely to have a significant impact on a Matter of National Environmental Significance (MNES). These matters have been addressed in the Ecological Assessment.

In accordance with the EPBC Act significant impact guidelines, the Ecological Assessment has determined there is unlikely to be a significant impact on relevant MNES and that referral to the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEE) is not required.

A summary of the results is included in Table 13.

Table 13: EPBC Act matters of national environmental significance

Matters of National Environmental Significance	Results	Comment
Any significant impact on a World Heritage property?	None	The activity will not impact a World Heritage property as none are occurring within or in close proximity to the park.
Any significant impact on a National Heritage Place?	None	The activity will not impact a National Heritage place as none are occurring within or in close proximity to the park.
Any significant impact on a wetland of international importance (Ramsar)?	None	The activity will not impact a wetland of international importance as none are occurring within or in close proximity to the park.
Any significant impact on a listed threatened species or ecological community?	97 threatened species and five (5) threatened ecological communities	A number of threatened species and/or ecological communities occur within the study area; however, the Ecological Assessment has determined that no listed threatened species or ecological communities are likely to be significantly impacted by the activity.
Any significant impact on listed migratory species?	55	Several migratory species are considered potential occurrences in the study area; however, the Ecological Assessment has determined that no migratory species are likely to be significantly impacted by the proposed activity.
Any significant impact on Commonwealth marine areas?	1	The activity is situated within the buffer area of one (1) Commonwealth marine area; however, no works will be carried out which would impact the marine area.
Any significant impact on the Great Barrier Reef Marine Park?	None	The activity will not impact the Great Barrier Reef Marine Park.
Does the proposed activity involve a nuclear action (including uranium mining)?	N/A	The activity does not involve a nuclear action (including uranium mines).

Is there any impact on a water resource, in relation to coal seam gas development and large coal mining development?

N/A

The activity is not related to coal seam gas development and large coal mining development, thus, will not impact (directly, indirectly or cumulatively) on a water resource.

9. Impact assessment during all stages of the activity

9.1 Physical and chemical impacts

Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
1. impact on soil quality or land stability?	Yes	Low, adverse	<p>Minor ground disturbance including benching of the walking track would occur using hand tools and small machinery as necessary to provide a stable surface formation. Mitre drains may also be established in sections which require additional runoff diversion away from the walking track.</p> <p>The activity will contribute to a risk of erosion and sedimentation through:</p> <ul style="list-style-type: none"> • Erosion of disturbed soils • Transportation of sediments from the road pavement from vehicle movements • Transport of sediments in runoff and deposition. 	<ul style="list-style-type: none"> • Sediment fencing and sediment traps would be implemented in a manner consistent with currently accepted best management practice (i.e., Landcom [2004] Managing Urban Stormwater: Soils and Construction [4th Edition]) to prevent the entry of sediment into the adjacent waterway, or mobilisation of sediment within the waterway, prior to any earthworks being undertaken • Sediment controls would be maintained and in good working order for the whole duration of the works and subsequently until the site has been stabilised and the risk of erosion and sediment movement from the site is minimal • Track micro siting shall maintain a high level of focus on minimising erosion • All works shall be carried out in accordance with construction plans developed by the contractor and approved by NPWS <ul style="list-style-type: none"> ○ The construction plans shall detail specific track design and all construction methodology, and shall address erosion and sedimentation controls
2. affect a waterbody, watercourse, wetland or natural drainage system – either physically or	Yes	Low, adverse	<p>The activity will cross multiple unnamed watercourses. During construction, works have the potential to negatively impact on the watercourse and/or drainage line in the following ways:</p>	<ul style="list-style-type: none"> • Sediment fencing and sediment traps would be implemented in a manner consistent with currently accepted best management practice (i.e., Landcom [2004] Managing Urban Stormwater: Soils and Construction [4th Edition]) to prevent the entry of

Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
chemically (e.g. due to runoff or pollution)?			<ul style="list-style-type: none"> • Erosion and sedimentation that may affect watercourses and/or drainage lines • Pollution of local water quality from machinery and construction materials and spills • A variety of dispersible liquid materials would be used which pose a potential pollutant threat to local water quality. These liquids include but are not limited to diesel, unleaded petrol, machinery oils and lubricants. The nature of these liquids and their ability to disperse away from the site means that they could have a negative impact on ground or surface water on or adjacent to the study area, especially during rain. 	<p>sediment into the adjacent waterway, or mobilisation of sediment within the waterway, prior to any earthworks being undertaken</p> <ul style="list-style-type: none"> • Erosion and sedimentation, and waste management safeguards will be effectively implemented to minimise associated water quality impacts • Visual monitoring of local water quality (i.e., turbidity, hydrocarbons spills/slicks) will be periodically undertaken to identify any water quality issues • All equipment is to be maintained in good working condition and operated according to manufacturer's specifications • No machinery (powered tracked carriers etc.) shall enter, or work from within the waterway • Only clean rock (no fines) is to be used as causeway armour to avoid fines, clay and other sediment entering the waterway • Refuelling of equipment is to occur a minimum of 40m from drainage lines or waterways • Stockpile sites are not to be located within 10m of drainage lines • Stockpiles shall be located on previously disturbed areas, away from areas that receive concentrated runoff • No work is to be undertaken during, or immediately following, periods of high rainfall • Sediment fencing and sediment traps will be used to protect the watercourse and drainage line during works. Works are only to be undertaken during periods of low flow

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Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
				<ul style="list-style-type: none"> • Store oils and fuels in a suitably bunded, covered, and secure area with sufficient capacity to contain at least 110 percent of the volume of the largest container • Spare fuels to be stored in containers within pre-existing cleared areas and a minimum of 40m from drainage lines and/or waterways • Spills and leaks are to be contained within the worksite and site clean-up to occur • Spill kits to be available on site and/or in construction vehicles
3. change flood or tidal regimes, or be affected by flooding?	No	Not applicable	The activity will not change flood or tidal regimes, or be affected by flooding.	Not applicable
4. affect or be affected by coastal processes and coastal hazards, including those under climate change projections (e.g. sea level rise)?	No	Not applicable	The activity is situated within the coastal use zone; however, it will not affect or be affected by coastal processes and coastal hazards, including those under climate change projections.	Not applicable
5. involve the use, storage or transport of hazardous substances, or use or generate chemicals which may build up residues in the environment?	Yes	Low, adverse	A variety of dispersible liquid materials would be used and stored which pose a potential threat of pollution. These liquids include but are not limited to diesel, unleaded petrol, machinery oils and lubricants. The nature of these liquids and their ability to disperse away from the site means that they could have a negative impact on ground or surface water on or adjacent to the study area, especially during rain.	<ul style="list-style-type: none"> • Store oils and fuels in a suitably bunded, covered and secure area with sufficient capacity to contain at least 110 percent of the volume of the largest container • Spare fuels to be stored in containers within pre-existing cleared areas and a minimum of 40m from watercourses and drainage lines • Spills and leaks are to be contained within the worksite and site clean-up to occur

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Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
			<p>Equipment involved in the works may accidentally spill fluids hazardous to the environment.</p> <p>Spare fuels are likely to be stored in containers within construction vehicles or carried in to work sites by workers.</p>	<ul style="list-style-type: none"> • Spill kits to be available on site and/or in construction vehicles • Where practicable, electric equipment should be used rather than diesel/petrol equipment to limit transport and storing fuels • Contractors shall be conversant with and adhere to the measures and controls outlined in the NSW Government's Code of Practice: Managing risks of hazardous chemicals in the workplace to ensure gaseous, liquid, or solid wastes or emissions are managed appropriately • If hazardous substances are discovered on the site, suspend all work which may result in exposure to such hazardous substances and notify NPWS immediately. Asbestos, polychlorinated biphenyl (PCB) and lead based paints are recognised as hazardous substances. Other substances in certain situations are also considered hazardous and therefore require controlled handling
6. involve the generation or disposal of gaseous, liquid or solid wastes or emissions?	Yes	Negligible, adverse	<p>Negligible material will be excavated during the works. Minor amounts will be stockpiled nearby to each works area and reused where practicable. Existing road base or materials which cannot be reused or recycled will require disposal.</p> <p>No hazardous waste is anticipated to be generated.</p> <p>Minor consumable and putrescible waste will be generated from workers undertaking the activity.</p>	<ul style="list-style-type: none"> • Resource management hierarchy principles shall be followed in accordance with the <i>Waste Avoidance and Resource Recovery Act 2001</i>: <ul style="list-style-type: none"> ○ avoidance and reduction of waste ○ re-use of waste ○ recycling, processing or reprocessing waste ○ recovery of energy ○ disposal • Characterise and manage waste in accordance with the NSW EPA's Waste Classification Guidelines

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Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
				<ul style="list-style-type: none"> Waste generated during construction will be collected and disposed of at a suitably licensed waste facility Where feasible, recyclable material is to be segregated to maximise recycling opportunities Use electric machinery instead of diesel/petrol powered machinery where practicable Minimise the use of machinery and plant where practicable; turn off machinery when not in use and reduce throttle speed of machines; machinery shall be in good, serviced condition to reduce emissions Any logs removed would be reintroduced to the forest as fauna refuge where practicable
7. involve the emission of dust, odours, noise, vibration or radiation?	Yes	Low, adverse	<p>Some low levels of dust and noise may be generated during the construction of the track although these would generally be from the use of hand tools and would be a significant distance from any sensitive receivers.</p> <p>Vehicles would be used for transporting workers, tools and machinery to the works site.</p> <p>There is potential for helicopters to be used to deliver materials and machinery to locations not accessible by vehicle. Helicopters would cause short-term noise and minor visual impacts.</p> <p>The primary sources of emissions and airborne particulate matter generated by the activity would include:</p> <ul style="list-style-type: none"> The delivery and transport of construction vehicles, staff, and materials to the works site 	<ul style="list-style-type: none"> Machinery on site must be registered, clean and devoid of oil/fuel leaks Use electric machinery instead of diesel/petrol powered machinery where practicable Machinery and vehicles should be serviced regularly to prevent unnecessary emissions Vegetation removed is not to be burnt Construction vehicles and trucks to be covered to minimise tracking of dust Noise generating works would be limited to the recommended standard hours for construction work outlined in the Interim Construction Noise Guideline (DECC, 2009) which are: <ul style="list-style-type: none"> Monday to Friday 7:00am to 6:00pm Saturday 8:00am to 1:00pm No works on Sundays or Public Holidays

Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
			<ul style="list-style-type: none"> • Vehicle and machinery (exhaust) emissions • Dust emissions from hazardous vegetation removal (only if necessary) and soil disturbance. <p>The proposal is unlikely to produce significant emissions of dust, odours, noise, or vibration and would not impact adjacent landholders.</p>	<ul style="list-style-type: none"> ○ Work outside standard hours would be limited, and would need to be clearly justified and approved in writing by the Area Manager

9.2 Biodiversity impacts

Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
1. affect a declared area of outstanding biodiversity value, critical habitat or environmental asset of intergenerational significance?	No	Not applicable	No areas of outstanding biodiversity value, critical habitat or assets of intergenerational significance occur within Beowa National Park.	Not applicable
2. result in the clearing or modification of vegetation, including ecological communities and plant community	Yes	Low, adverse	<p>No mature trees will be removed during construction; however, vegetation removal is required which will be limited to groundcover, occasional shrubs and undergrowth.</p> <p>No threatened flora was identified during the site surveys; however, some species have the potential to occur within the study area.</p>	<ul style="list-style-type: none"> • The track has been aligned to avoid any impacts to threatened flora and known threatened ecological communities • A pre-clearing survey by an ecologist or suitably trained NPWS Officer is required prior to the commencement of works to survey for threatened flora species. If a threatened species is identified

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Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
types of conservation significance? ^			Hazardous limbs and/or trees may require removal if the track cannot be sited away from those locations.	<p>within the vicinity of the project, a 'No Go Zone' will be erected to reduce potential impacts to the species</p> <ul style="list-style-type: none"> • Parking and storage of materials to be restricted to the existing formation of roads and/or disturbed areas • The final track micro siting would ensure alignment would be oriented to avoid the removal of: <ul style="list-style-type: none"> ○ Vines that cover more than 2m² ○ Recorded or potential threatened flora species as identified in the EA ○ Logs >20cm in diameter, and any hollow-bearing logs ○ Mature, significant or hollow-bearing trees (unless determined dangerous by a NPWS Ranger, Team Leader Rangers, or Area Manager with written advice from a consulting arborist level 4 considered) ○ Groundcover, shrubs and saplings where possible • Clearing extent shall be clearly marked on site prior to construction works commencing and works shall be restricted to the specified 1m track width. No deviation of this specification is permitted • Vegetation removal shall be restricted to understorey trees, shrubs, and groundcovers. A 'soft-touch' approach would be implemented by the construction team to mitigate impacts to vegetation, using smaller hand tools where practicable to align the path • Overhanging limbs would be pruned in some locations to avoid the need to remove entire trees

Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
<p>3. endanger, displace or disturb terrestrial or aquatic fauna, including fauna of conservation significance, or create a barrier to their movement? ^</p>	<p>Yes</p>	<p>Low, adverse</p>	<p>The vegetation communities present within the works footprint provide habitat for a range of threatened species; however, given that minimal vegetation is to be removed, it is not anticipated the activity would endanger, displace or disturb terrestrial or aquatic fauna. The activity will; however, fragment the landscape which has the potential to deter fauna movements.</p> <p>The final route has been realigned to avoid the removal of vegetation, including hollow-bearing trees and hollow logs; however, potentially dangerous trees may require removal for safety purposes which may adversely impact on hollow-obligate fauna species.</p>	<ul style="list-style-type: none"> • Vegetative material cleared or pruned shall be used to mulch edges of the walking track and stabilise erosion points • A qualified ecologist or suitably trained NPWS Officer will remain available for any call outs during construction to assist with animal welfare management and rescue of any fauna within the impact areas <ul style="list-style-type: none"> ○ Any detected fauna which may be impacted by the works would be given a 50-metre buffer zone and given the opportunity to move along on its own volition. If the species does not move on its own volition, the ecologist shall determine if it is to be relocated ○ Any site with an active bird nest would be closed until the nest is inactive • Works shall not be undertaken at night, and works shall be undertaken in the shortest timeframe possible to minimise the period which fauna may be impacted • Speed limits shall be enforced within and directly around the activity sites and will be limited to a maximum of 40kmph • The following wildlife management protocols are to be established in the event that fauna is endangered or injured <ul style="list-style-type: none"> ○ Wildlife management care groups and local veterinary clinics contact details are to be provided to workers ○ A qualified ecologist, wildlife carer, or suitable trained NPWS Officer shall be contacted to transport injured fauna if treatment is required

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Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
4. result in the removal of protected flora or plants or fungi of conservation significance? ^	Yes	Medium, adverse	<p>No threatened protected flora species or plants or fungi of conservation significance were detected during the field surveys.</p> <p>One threatened flora species has been previously recorded in the study area, the Oval-Leafed Pseudanthus (<i>Pseudanthus ovalifolius</i>); however, the individual was recorded in 1978 and has not been recorded within or near the activity area since that time. It was also not detected during the site assessments.</p> <p>The final route was selected to minimise the removal of vegetation and to avoid passing by mature trees.</p> <p>The Leafless Tongue Orchid (<i>Cryptostylis hunteriana</i>) was recently (2023) recorded within 2-kilometres of the study area, likely in very similar habitat to that occurring across the current realignment, and the species was not flowering and therefore not detectable during the current surveys. For this reason, this species must be considered as potentially occurring along the surveyed alignment.</p>	<ul style="list-style-type: none"> ○ Reporting protocols shall be implemented to report and notify NPWS of any injury or death of fauna ● If threatened flora is identified, exclusion zones (i.e., physical barriers to prevent contractors entering or placing materials) are to be established around individuals <ul style="list-style-type: none"> ○ Onsite induction process and toolbox meetings to ensure workers/contractors are aware of these zones ● The following safeguards shall be implemented to avoid potential impacts to the Leafless Tongue Orchid: <ul style="list-style-type: none"> ○ Construction of the track should occur outside the flowering and fruit set periods which is typically between December to February ○ Additional surveys shall be carried out by a qualified ecologist or suitably trained NPWS Officer prior to construction ○ Impacts to soil surfaces should be kept to the minimum required to carry out construction
5. contribute to a key threatening process to biodiversity or ecological integrity?	Yes	Low, adverse	<p>There is potential for indirect impacts during works that could contribute to key threatening processes. For example, the introduction and establishment of weeds or the introduction of diseases and pathogens.</p> <p>Removal of native vegetation is required to carry out the activity; however, this would be limited to</p>	<ul style="list-style-type: none"> ● Basic hygiene protocols as per the NSW Hygiene Guidelines: Protocols to protect priority biodiversity areas in NSW from <i>Phytophthora cinnamomi</i>, myrtle rust, amphibian chytrid fungus and invasive plants would be implemented to reduce the risk of spreading weeds, diseases, and pathogens:

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Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
			<p>groundcover, shrubs and occasionally small trees.</p> <p>Human induced activities as a result of energy use will occur; however, would not be sufficient to significantly contribute to anthropogenic climate change.</p>	<ul style="list-style-type: none"> ○ Check personnel, clothing, footwear, backpacks and equipment for soil, plant material/propagules and other debris ○ Remove all soil, plant material and other debris ○ Remove seeds from clothing, footwear, tools and equipment by hand. Where possible, have a co-worker double-check that all seeds are removed ○ Where practicable, ensure hand, clothing, footwear, and equipment are dry before proceeding ○ Check the exterior and interior of vehicles and machinery for soil, plant material and other debris ○ Remove large clods of dirt and soil ○ Remove all soil, plant material and other debris from interior ● The clearing extent shall be clearly marked on site prior to construction works commencing and works shall be restricted to the specified area. No vegetation clearance shall occur beyond what is specified and marked ● No removal of hollow-bearing trees or significant dead wood would occur ● Minimise the use of machinery and plant where practicable; turn off machinery when not in use and reduce throttle speed of machines; machinery shall be in good, serviced condition to reduce emissions ● Use electric equipment instead of diesel/petrol equipment where practicable

Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
6. introduce weeds, pathogens, pest animals or genetically modified organisms into an area?	Yes	Low, adverse	<p>There is a risk of the introduction or spread of diseases such as Phytophthora, Myrtle Rust, and Chytrid via contaminated tools, plant, vehicles, shoes, and clothing both in construction and remediation stages.</p> <p>Weeds are existing throughout the park, and there is a risk of introducing weeds through machinery, tools, materials and personal items (clothing, boots etc.).</p> <p>Tracks are followed by feral animals including foxes, cats, wild dogs and deer. The proposed walking track would provide new foraging routes for these species within the park.</p>	<ul style="list-style-type: none"> • Disturbed areas shall be monitored for weeds post-construction and treated as necessary to ensure weed establishment does not occur • Basic hygiene protocols (as listed above) to be implemented to reduce the risk of spreading weeds, diseases, and pathogens • Construction team to sterilise all tools before transport to site • Disturbed areas shall be monitored for weeds post-construction and treated as necessary to ensure weed establishment does not occur • Signage to advise use and installation of 'boot scrubbers' to remove mud/dirt from boots and any embedded plant seeds in clothing before entering track • All machinery, equipment and tools are to be thoroughly inspected for the presence of weeds prior to works commencing or relocation to a new works area. Weed and seed/biosecurity checklists are to be undertaken and documented by the contractor • Invasive Biosecurity Act listed plants are appropriately treated and collected prior to clearing and are disposed of at a licensed landfill facility • Ongoing monitoring of pest animals shall be carried out, and management programs established where practicable to control pest species

9.3 Community impacts

Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
1. affect community services or infrastructure?	Yes	Low, adverse Positive	<p>The project would temporarily impact accessibility to some trails within the park during construction of the new sections of the track; however, these disruptions are expected to be brief. Increased construction vehicles throughout the park would potentially reduce the amount of available parking to park visitors; however, this would be short-term in duration and transient as construction progresses.</p> <p>Should helicopters be used during construction, roads may need to be closed under traffic control for short periods to allow helicopter operations.</p> <p>The completed track would enhance the Beowa National Park infrastructure by increasing the number of walking tracks accessible to the public and Indigenous groups and concurrently promoting use of the facilities which are already present within the park.</p>	<ul style="list-style-type: none"> Notification of the works and trail closures to be placed on the NPWS website informing the public of the nature and duration of the works and that alternative routes should be considered Ensure clear delineation between construction zones and areas of public access During construction appropriate signage will be displayed and construction areas would be closed off to the public A Traffic Management Plan (TMP) must be designed and approved by the appropriate roads authority prior to any road closures
2. affect sites important to the local or broader community for their recreational or other values or access to these sites?	Yes	Low, negative	<p>During construction, sections of the existing road network and walking tracks may be temporarily closed or have a restricted level of access. Where possible, track diversions would be preferred; however, impacts would be limited due to the planned staging of works. Other popular recreational activities would not be impacted; however, the use of vehicles, machinery and helicopters would generate temporary noise impacts.</p>	<ul style="list-style-type: none"> Notification of the works to be placed on the NPWS website informing the public of the nature and duration of the works During construction appropriate signage will be displayed and construction areas would be closed off to the public Track closures and impacts on parking facilities are to be minimised and staged to retain public access Appropriate controls for flight paths crossing public tracks and trails are to be implemented to ensure no

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Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
		Medium, positive	The proposed new track would improve access to sites of environmental, recreational, and cultural value for the broader public. The network of access routes would benefit use of the natural values within the park.	<p>people are below the flight path during helicopter operations</p> <ul style="list-style-type: none"> ○ Helicopter operations are to be undertaken Monday to Friday to avoid weekends and Public Holidays unless approved in writing by the Area Manager or their delegate
3. affect economic factors, including employment, industry and property value?	Yes	High, positive	The Project would have a significant positive impact on the economy of the local area due to an increase in tourism, with an expected increased expenditure from tourists in excess of \$1,500,000 per year. Employment during construction and operation/maintenance would also be increased, particularly amongst the local Aboriginal community.	None required
4. have an impact on the safety of the community?	Yes	Low, adverse	<p>There is the potential for personal injury during construction (e.g., from construction related activities).</p> <p>Safety risks to the community are considered to be low and no public access would be permitted to the work sites during construction.</p> <p>During the operation stage of the proposal, the community would have greater access for bushwalking and other activities within the park. Recreational activities within national parks have an inherent risk to those undertaking the activity.</p> <p>There is the potential for helicopters to be implemented to deliver materials to difficult locations which cannot be accessed by vehicle.</p>	<ul style="list-style-type: none"> ● Regard to public safety will always be maintained; and restrict public access to construction sites ● The proponent will be responsible for the preparation and implementation of any Safe Work Method Statements in accordance with the <i>Work Health and Safety Act 2011</i> ● Visitor-safety risks associated with the operation of the upgrades will be assessed and managed through the DCCEEW-NPWS risk management system ● Relevant stakeholders, neighbours and nearby landholders shall be notified of the activity and associated construction traffic prior to works commencing ● Ongoing inspections of potentially dangerous trees shall be periodically carried out. Any dangerous trees shall be managed in accordance with the

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Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
				<p>NPWS Tree Risk Policy to minimise the risks from hazardous trees to track users</p> <ul style="list-style-type: none"> • Helicopter operations and associated works are to obtain all approvals, licences, exemptions and insurances as required for sling operations including those required by Civil Aviation Safety Authority (CASA) and SafeWork NSW • All sling works are to be overseen by a suitably qualified and experienced SafeWork accredited Dogger • Any staff or contractors working within proximity of helicopter operations must have completed a Work Safely Around Aircraft course and must comply to the Helicopter operator’s WSMS and operational procedures • NPWS aerial operations policies and procedures are to be implemented during helicopter operations as required
5. cause a bushfire risk?	Yes	Negligible, adverse	<p>The activity will occur within vegetation classified as Category 1 under the NSW Rural Fire Service Guide for Bush Fire Prone Land Mapping. Vegetation Category 1 is considered to be the highest risk for bush fire and has the highest combustibility and likelihood of forming fully developed fire including heavy ember production.</p> <p>There would be limited ignition risks as works would occur primarily using hand tools. Some minor use of plant and machinery (e.g., power assisted wheel barrows) may be required.</p>	<ul style="list-style-type: none"> • Appropriate fire extinguishing equipment, pumps, hoses etc would be located on the construction site during periods of Extreme fire danger or as otherwise deemed necessary by NPWS • Machinery use to be limited during periods of Extreme and above fire danger ratings

Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
6. affect the visual or scenic landscape? ^	Yes	Negligible, adverse	<p>The establishment of new trails would require minimal vegetation removal which would permanently alter the landscape; however, as a Class 4 walking track, vegetation removal would not be significant.</p> <p>Wayfinding and interpretation signage is proposed to be installed at strategic locations along the walking track.</p>	<ul style="list-style-type: none"> • Vegetation removal would be kept at a minimum and only undertaken where required • An Interpretation plan would be prepared which includes NPWS pre-approved signage standards. Signage would be produced using selected, natural materials in accordance with the Parks Facilities Manual and Park Signage Manual

9.4 Natural resource impacts

Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
1. result in the degradation of the park or any other area reserved for conservation purposes?	Yes	Low, adverse	<p>The new trail may increase the numbers of visitors to the park; however, visitors would, in general, stick to the created and signposted trails.</p> <p>There is potential for the introduction of weeds and pathogens which would contribute to the degradation of the park; however, this would not be different to existing areas of use within the park.</p> <p>Creation of the new walking track will provide opportunities for illegal motorbike riding which has the potential to degrade and erode the walking track, damage plants and other biodiversity areas, disrupt wildlife and destroy</p>	<ul style="list-style-type: none"> • Compliance with all safeguards and mitigation measures provided within this REF, and any associated approval conditions, shall be periodically audited during the construction and operation stages • Ongoing monitoring shall be carried out to determine potential impacts from trail bikes and insufficient car parking. Where practicable, a combination of sandstone blocks, bollards and/or chains may be implemented to prevent illegal motorbike access and manage car parking <ul style="list-style-type: none"> ○ Prior to the installation of any barriers, biodiversity and cultural assessments shall be

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Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
			<p>habitats, and cause safety risks to other track users.</p> <p>There is potential that insufficient car parking would create encroachment into receiving vegetation which has the potential to impact on natural and cultural values.</p>	<p>carried out to determine potential impacts to natural and cultural values</p>
<p>2. affect the use of, or the community's ability to use, natural resources?</p>	<p>Yes</p>	<p>High, positive</p>	<p>The proposed walking track is expected to increase the number of visitors to the park, especially bushwalkers preferring longer walks. This would increase the wider NSW community's awareness of the area.</p> <p>Additionally, the involvement of the Aboriginal community in constructing the trail is also expected to increase local community ownership and awareness of the trail.</p> <p>As such, the effect on the use of the natural resources of the park is expected to be positive.</p>	<p>None required</p>
<p>3. involve the use, wastage, destruction or depletion of natural resources including water, fuels, timber or extractive materials? ^</p>	<p>Yes</p>	<p>Negligible, adverse</p>	<p>Small amounts of extractive materials will be used within materials selected for the activity.</p> <p>Minimal natural resources (fossil fuels) will be used to power machinery used during construction and ongoing maintenance of the assets.</p>	<ul style="list-style-type: none"> • The activity has been designed to avoid vegetation clearing as much as practicable • Imported gravel/rock shall be sourced from a certified supplier • Material use will be minimised as much as practicable • Machinery and vehicles to be serviced regularly to prevent unnecessary use of resources • Machinery use to be limited where practicable • Use electric equipment rather diesel/petrol equipment where practicable
<p>4. provide for the sustainable and</p>	<p>Yes</p>	<p>Low, adverse</p>	<p>The amount of water and energy used to undertake the activity would be minimal;</p>	<ul style="list-style-type: none"> • Contractors and materials to be sourced locally where practicable to reduce the use of energy

Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
efficient use of water and energy? †			however, vehicles and machinery will be used which require the use of water and fossil fuels to generate energy.	<ul style="list-style-type: none"> Minimise the use of machinery and plant where practicable; turn off machinery when not in use and reduce throttle speed of equipment; equipment shall be in good, serviced condition to reduce emissions Use electric equipment instead of diesel/petrol equipment where practicable Limit vehicle and machinery movements to and from the site as far as practicable

9.5 Aboriginal cultural heritage impacts

Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
1. disturb the ground surface or any vegetation likely to contain culturally modified trees?	Yes	Low, adverse	<p>Minor ground disturbance including benching of the walking track and installation of signs would occur using hand tools and small machinery as necessary to excavate footings and provide a stable track surface formation.</p> <p>One (1) possible scarred tree was identified which requires further investigation to determine its veracity. The tree will not be harmed or impacted in any way by the proposed walking track and no other archaeological evidence was observed during the site survey.</p> <p>The ACHDDR determined that there are no constraints on cultural grounds to construction</p>	<ul style="list-style-type: none"> Works would proceed with caution, and if any Aboriginal objects or human remains are located during the proposed works, the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW would be followed Should unanticipated Aboriginal archaeological material be encountered during site works, all work must cease in the vicinity of the find and an archaeologist or suitably qualified NPWS officer contacted to assess the find and to advise on the course of action to be taken. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of

Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
			of the walking track along the proposed walking track alignment.	<p>works. Any objects confirmed to be Aboriginal in origin must be reported to Heritage NSW</p> <ul style="list-style-type: none"> • If suspected human remains are discovered and/or harmed in, on or under the land within the activity footprint, the following actions must be undertaken: <ul style="list-style-type: none"> ○ The remains must not be harmed/further harmed ○ Immediately cease all works at that location ○ Secure the area to avoid further harm to the remains ○ Notify NPWS who will contact the NSW Police and the Environment Line (Heritage NSW) on 131 555 as soon as practicable and provide any details of the remains and their location ○ Do not recommence any work at that location unless authorised in writing by Heritage NSW • Monitoring by members of Eden LALC during initial vegetation clearing should occur at the four (4) locations of archaeological potential as described in the ACHDDR • Monitoring should occur for at least 5-metres along the route on each side of grid reference <ul style="list-style-type: none"> ○ If artefacts are found, careful searches should be conducted to identify all artefacts in the near vicinity ○ The track should be adjusted to avoid the artefacts, with a suitable buffer ○ The adjusted route should be inspected to ensure no artefacts are present ○ If it is impossible to avoid the site, works will need to stop at this location and advice sought on the need for an Aboriginal Heritage Impact Permit (AHIP)

Review of Environmental Factors: The Gateway to the Bundian Way walking track

Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
2. affect or occur near known Aboriginal objects, Aboriginal places or an Aboriginal cultural asset of intergenerational significance? If so, can impacts be avoided? How?	Yes	Low, adverse	The AHIMS search identified a number of Aboriginal objects within Beowa National Park; however, none are recorded in close proximity to the track alignment. Notwithstanding, recorded AHIMS sites are generally not geographically accurate; thus, there is potential for recorded sites to occur closer to the proposed impact areas.	<ul style="list-style-type: none"> As above
3. affect areas: <ul style="list-style-type: none"> a. within 200 m of waters b. within a sand dune system c. on a ridge top, ridge line or headland d. within 200 m below or above a cliff face e. in or within 20 m of a cave, rock shelter or a cave mouth? If so, can impacts be avoided? How?	Yes	Low, adverse	The activity will occur within proximity to several landscape features which are indicative of the presence of Aboriginal objects. The park is also known to be the traditionally used by Aboriginal people.	<ul style="list-style-type: none"> As above
4. affect wild resources which are used or valued by the Aboriginal	No	Not applicable	The activity will not affect wild resources which are used or valued by the Aboriginal community or affect access to those resources.	Not applicable

Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
community or affect access to these resources?				
5. affect access to culturally important locations?	Yes	Positive	The activity will formalise a walking track within sections of the park which will improve long-term access to any potential culturally important locations.	None required

9.6 Other cultural heritage impacts

Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
1. affect or occur near places, buildings or landscapes of heritage significance? ^	No	Not applicable	<p>Searches have been undertaken of Australia's National Heritage List, the NSW State Heritage Inventory, Schedule 5 Environmental heritage of the Bega Valley LEP and the agency HHIMS database.</p> <p>No Federal, State or local items have been recorded within or proximate to the activity location.</p> <p>Several agency items are recorded within the area; however, are unlikely to be impacted as no works will occur in close proximity to those items.</p>	<ul style="list-style-type: none"> • If unexpected historic heritage items are uncovered during the works, all works must cease in the vicinity of the material/find • Establish a 'no-go zone' around the material/find • Inform all site personnel about the no-go zone • Inform NPWS and Heritage NSW immediately
2. impact on relics or moveable heritage items, or an area	No	Not applicable	The proposal would not impact on relics or moveable heritage items, or an area with a high likelihood of containing relics.	Not applicable

Is the proposed activity likely to...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
with a high likelihood of containing relics? ^				
3. impact on vegetation of cultural landscape value (e.g. gardens and settings, introduced exotic species, or evidence of broader remnant land uses)?	No	Not applicable	The proposal would not impact on vegetation of cultural landscape value.	Not applicable

9.7 Impacts on matters of national environmental significance

Is the proposal likely to affect MNES, including:	Applicable?	Likely impact (negligible, low, medium or high adverse; or positive; or N/A)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
1. listed threatened species or ecological communities)?	Yes	Low, adverse	<p>The track will pass through potential favoured habitat of listed threatened species; however, due to the nature of the proposed work and minimal impact required, the proposal is unlikely to significantly impact threatened species.</p> <p>The minor scale and temporary nature of the works is unlikely to reduce the area of occupancy or fragment habitat. Breeding, foraging, dispersal, etc., processes would remain as current.</p>	<ul style="list-style-type: none"> As detailed in section 9.2

Is the proposal likely to affect MNES, including:	Applicable?	Likely impact (negligible, low, medium or high adverse; or positive; or N/A)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
2. listed migratory species?	Yes	Negligible, adverse	The activity would see very minor impact on the potential habitat of such species. Breeding, foraging, dispersal, etc., processes would remain as current; and no barrier to movement, entanglement or additional strike risk would be created.	<ul style="list-style-type: none"> As detailed in section 9.2
3. the ecology of Ramsar wetlands?	No	Not applicable	The activity will not impact on the ecology of any Ramsar wetlands as none are recorded within the area.	Not applicable
4. world heritage values of World Heritage properties?	No	Not applicable	The activity will not impact on the values of any World Heritage properties as none are recorded within the area.	Not applicable
5. the national heritage values of national heritage places?	No	Not applicable	The activity will not impact the values of national heritage places as none are recorded within the area.	Not applicable

9.8 Cumulative impacts

When considered with other projects, is the proposed activity likely to affect...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
1. natural landscape or biodiversity values through cumulative impacts?	Yes	Low, negative	During construction, there would be an increase of staff and vehicles required to carry out the construction of the proposed walking track which may impede NPWS ability to undertake required management operations to protect the	<ul style="list-style-type: none"> The project manager is to liaise with Beowa National Park management to agree on appropriate times to use the existing trail network for access and delivery of materials

Review of Environmental Factors: The Gateway to the Bundian Way walking track

When considered with other projects, is the proposed activity likely to affect...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
	Yes	High, positive	<p>natural landscape of biodiversity values. The proposal is; however, considered minor in nature and would be short-term in duration. During operation, increased load of visitation has the potential to impact the natural landscape through cumulative impacts, particularly with insufficient car parking and other infrastructure (e.g., amenities). The new trail may also contribute to facilitating illegal activities including trail and mountain bike riding, camping, wood collection and waste dumping.</p> <p>The Gateway to the Bundian Way walking track project would reduce pressure on the receiving landscape and biodiversity values by formalising the unauthorised trail network with the park. Vegetation disturbance would be greatly reduced as users of the walking track are more likely to follow a pre-determined route.</p>	<ul style="list-style-type: none"> • No works are to be undertaken during cumulative NPWS management activities unless approved in writing by NPWS management (e.g., pest and weed control, fire management activities) • Ongoing monitoring shall be carried out by the Eden LALC and NPWS to determine potential adverse impacts from cumulative use of the walking track and other infrastructure within the park. Where practicable, a re-design of infrastructure may be required • Where approved by NPWS, include regulatory in accordance with the NPWS Park Signage Manual to deter illegal activities
2. cultural (Aboriginal, shared and historic heritage) values through cumulative impacts?	Yes	High, positive	<p>It is considered unlikely the proposal would contribute to adverse cumulative cultural values. The operation of the walking track project would contribute significantly to the awareness and values of Aboriginal cultural heritage within the park, and will link other Aboriginal assets within the area.</p>	None required
3. social (amenity, recreation, education) values through cumulative impacts?	Yes	Negligible, negative	<p>During the construction stages of the proposal, there would be a slight increase of vehicles utilising the existing trail network within the park to deliver staff and materials as required to works sites. Increased vehicle traffic has the potential to deter from the social amenity values</p>	<ul style="list-style-type: none"> • The project manager is to liaise with Beowa National Park management to agree on appropriate times to use the existing trail network for access and delivery of materials • No works are to be undertaken during cumulative NPWS management activities unless approved in

Review of Environmental Factors: The Gateway to the Bundian Way walking track

When considered with other projects, is the proposed activity likely to affect...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
		High, positive	<p>of the park. The proposal is; however, considered minor in nature and would be short-term in duration.</p> <p>North Beowa receives significantly higher numbers of visitation during the summer months. The walking track would contribute to increasingly tourism load which may contribute to adverse impacts to social values (e.g., insufficient infrastructure and load capacity, and increased interactions between park users).</p> <p>The operation of The Gateway to the Bundian Way walking track project would contribute to the social amenity and recreational values of the area by facilitating an improved walking track suited to a range of users. The inclusion of interpretive signage along the walking track would contribute to the ongoing education values associated with the natural and cultural environment. The anticipated tourism increase would attract international, inter-, and intra-state visitors to the location.</p> <p>The walking track would also contribute to the significance of other walking tracks within the region and contribute to future socio-economic development of the Bega Valley LGA.</p>	<p>writing by NPWS management (e.g., pest and weed control, fire management activities)</p> <ul style="list-style-type: none"> • Ongoing monitoring shall be carried out by the Eden LALC and NPWS to determine potential adverse impacts from cumulative use of the walking track and other infrastructure within the park. Where practicable, a re-design of infrastructure may be required
4. the community through cumulative impacts on any other part of environment (e.g. due to traffic, or waste generation)?	Yes	Negligible	<p>There would be an increase of traffic movements throughout Beowa National Park during the construction and operation stages; however, it is considered unlikely the proposal would adversely affect the community through traffic, waste or perceived over-development.</p>	<ul style="list-style-type: none"> • Coordinate delivery of resources to limit vehicle and machinery movements to and from the site as far as practicable • Ongoing monitoring shall be carried out by the Eden LALC and NPWS to determine potential adverse impacts from cumulative use of the walking track and other infrastructure within the park. Where

Review of Environmental Factors: The Gateway to the Bundian Way walking track

When considered with other projects, is the proposed activity likely to affect...	Applicable?	Impact level (negligible; or low, medium or high adverse; or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact)	Safeguards/mitigation measures
				practicable, a re-design of infrastructure may be required

10. Proposals needing more information

10.1 Lease or licence proposals under s 151 National Parks and Wildlife Act

No lease or licencing requirements are attached to The Gateway to the Bundian Way walking track project. The Gateway to the Bundian Way walking track would not be exclusive to the Eden LALC and will be available to the whole community. Any and all future commercial business or ecotourism proposals would be addressed separately in accordance with the NPWS Park Policy – [Parks Eco Pass program for commercial tour operators | NSW Environment and Heritage](#).

10.2 Telecommunications facilities

The Gateway to the Bundian Way walking track project has no telecommunication facility component so assessment under section 153D of the NPW Act is not required.

10.3 Activities within regulated catchments

The Gateway to the Bundian Way walking track project does not fall within any regulated catchment, including the Sydney Drinking Water Catchment so further assessment is not required.

10.4 Activities in River Murray riverine land

The Gateway to the Bundian Way walking track project is not located within lands defined as Murray Riverine land so further assessment is not required.

11. Summary of impacts and conclusions

Table 14: Consideration of significance of impacts for each environmental factor

Environmental factor	Consideration	Significance of impact*
1. the environmental impact on the community	Social, economic and cultural impacts as described in sections 9.3, 9.5 and 9.6.	Not significant
2. the transformation of the locality	Human and non-human environment as described in sections 9.1, 9.2 and 9.4.	Not significant
3. the environmental impact on the ecosystems of the locality	Amount of clearing, loss of ecological integrity, habitat connectivity/fragmentation and changes to hydrology (both surface and groundwater) as described in sections 9.1, 9.2 and 9.4 and, for nationally listed threatened ecological communities, in section 9.7.	Not significant
4. reduction of the aesthetic, recreational, scientific or other environmental quality or value of the locality	Visual, recreational, scientific and other impacts as described in section 9.3.	Not significant
5. the effects on any locality, place or building that has— a. aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance, or b. other special value for present or future generations	Impacts to Aboriginal and historic heritage associated with a locality (including intangible cultural significance), architectural heritage, social/community values and identity, scenic values and others, as described in sections 9.3, 9.5 and 9.6 and (for MNES heritage places) section 9.7.	Not significant
6. the impact on the habitat of protected animals, within the meaning of the Biodiversity Conservation Act	Impacts to all native terrestrial species, including but not limited to threatened species, and their habitat requirements, as described in section 9.2.	Not significant
7. the endangering of a species of animal, plant or other form of life, whether living on land, in water or in the air	Impacts to all listed terrestrial and aquatic species, and whether the proposal increases the impact of key threatening processes, as described in section 9.2.	Not significant
8. long-term effects on the environment	Long-term residual impacts to ecological, social and economic values as described in all parts of section 9.	Not significant
9. degradation of the quality of the environment	Ongoing residual impacts to ecological, social and economic as described in section 9.4.	Not significant
10. risk to the safety of the environment	Impacts to public and work health and safety, from contamination, bushfires, sea level rise, flood, storm surge, wind speeds, extreme heat, rockfall and landslip, and other risks likely to increase due to climate	Not significant

Environmental factor	Consideration	Significance of impact*
	change as described in sections 9.1, 9.3 and 9.4.	
11. reduction in the range of beneficial uses of the environment	Impacts to natural resources, community resources and existing uses as described in sections 9.3 and 9.4.	Not significant
12. pollution of the environment	Impacts due to air pollution (including odours and greenhouse gases); water pollution (water quality health); soil contamination; noise and vibration (including consideration of sensitive receptors); or light pollution, as described in sections 9.1 and 9.3.	Not significant
13. environmental problems associated with the disposal of waste	Transportation, disposal and contamination impacts as described in section 9.3.	Not significant
14. increased demands on natural or other resources that are, or are likely to become, in short supply	Impacts to land, soil, water, gravel, minerals and energy supply as described in section 9.4.	Not significant
15. the cumulative environmental effect with other existing or likely future activities	The negative synergisms with existing development or future activities as considered in section 9.8.	Not significant
16. the impact on coastal processes and coastal hazards, including those under projected climate change conditions	Impacts arising from the proposed activity on coastal processes, and impacts on the proposed activity from those coastal processes and hazards, both current and future, as considered in section 9.1.	Not significant
17. applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1	Inconsistency with the objectives, policies and actions identified in local, district and regional plans, as considered in section 3.2.2.	Not significant
18. other relevant environmental factors.	Any other factors relevant in assessing impacts on the environment to the fullest extent, such as native title.	Not significant

In conclusion:

- There **is not** likely to be a significant effect on the environment and an environmental impact statement is not required

Reason(s): This REF has examined and taken into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of the proposed activity.

This has included consideration of impacts on cultural values (including Aboriginal and non-Aboriginal heritage), socio-economic values (including potential impacts on the community resulting from construction works) and threatened species, populations and ecological communities and their habitats. It has also considered potential impacts to threatened species and matters of national environmental significance listed under the Commonwealth EPBC Act.

A number of potential environmental impacts from the proposal have been identified and addressed during the design development and options assessment. The proposal as described in the REF best meets the project objectives and will result in some impacts on the biological values. These will be short-term in nature. Safeguards and management measures as detailed in this REF will ameliorate or minimise these expected impacts. The proposal will also provide positive environmental, social, cultural and economic benefits. On balance the proposal is considered justified. The activity will contribute significantly to Aboriginal cultural values associated with the park and increase opportunities for greater use and appreciation of nature-based activities by the general public.

- There **is not** likely to be a significant effect on threatened species, populations, ecological communities or their habitats and a species impact statement is not required

Reason(s): Tests of significance pursuant to section 7.3 of the BC Act; assessments of significance in accordance with the EPBC Act, and consideration of the requirements of Part 7 of the FM Act, have been undertaken as part of the Ecological Assessment to determine whether the proposed activity is likely to have a significant effect on threatened species, populations, ecological communities or their habitats. The Ecological Assessment and the ‘Survey for threatened flora and threatened ecological communities – Bundian Way – Pinnacles to Worange Point’ concluded that the proposed activity is unlikely to result in a significant impact on threatened species, population, ecological communities or their habitats; therefore, a Species Impact Statement is not required.

- The activity **is not** likely to have a significant impact on matters of national environmental significance listed under the Cwlth Environment Protection and Biodiversity Conservation Act

Reason(s): In accordance with the EPBC Act significant impact guidelines, the Ecological Assessment has determined there is unlikely to be a significant impact on relevant MNES and that referral to the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) is not required.

- The activity **will not** require certification to the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010 or Australian Standards in accordance with the NPWS [Construction Assessment Procedures](#)

12. Supporting documentation

Please provide details of documentation included with this application.

Table 15: Documents that accompany the review of environmental factors

Document title	Author	Date
1. Proposed construction of a walking track between Jigamy Farm and Fisheries Flat, via Eden, NSW: Aboriginal cultural heritage due diligence assessment – Addendum August 2024	Sue Feary Conservation & Heritage Planning & Management	August 2024
2. Ecological Assessment for Bundian Way Node 1	WolfPeak	March 2022
3. Survey for threatened flora and threatened ecological communities – Bundian Way – Pinnacles to Worange Point	Axis Ecological Services	August 2024
4. Bundian Way Node 1 Route Update: Statement of Heritage Impact	Everick Heritage	June 2024

5. EPBC Act Protected Matters Report	Commonwealth Government	July 2024
6. Consultation with DPI Fisheries	DPI Fisheries/WolfPeak	March 2023
7. AHIMS Search Results	NSW Government	August 2024

13. Fees for external proponents

A waiver of fees is requested for the following reasons:

- The Eden LALC is a community-based organisation which does not have access to expendable funds, particularly as this proposal is a government funded public project. The proposal would contribute significantly to the natural and cultural values of Beowa National Park.

14. Declarations

As the person responsible for the **preparation** of the REF, I certify that, to the best of my knowledge, this REF is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under section 170 of the EP&A Regulation, and the information it contains is neither false nor misleading.

Signature	
Name (printed)	
Position	
Date	

By endorsing the REF, the proponent confirms that the information in the REF is accurate and adequate to ensure that all potential impacts of the activity can be identified.

Signature	
Name (printed)	
Position	
Date	

Seal (if signing under seal):

15. References

- Australian Government (2024). *Unexploded Ordnance (UXO) in Australia*. Retrieved from <https://uxo-map.defence.gov.au/>
- Bureau of Meteorology (2024). Climate statistics for Australian locations: *Summary statistics for Merimbula Airport AWS*. Retrieved from http://www.bom.gov.au/climate/averages/tables/cw_069147.shtml
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- Department of Agriculture, Water and the Environment (2020). Conservation Advice¹ for the River-flat eucalypt forest on coastal floodplains of southern New South Wales and eastern Victoria. Retrieved from <https://www.environment.gov.au/biodiversity/threatened/communities/pubs/154-conservation-advice.pdf>
- Department of Planning, Industry and Environment (2024). *eSPADE: Yellow Pinch*. Retrieved from <https://www.environment.nsw.gov.au/eSpade2Webapp>
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- Department of Primary Industries (n.d.). *Fisheries NSW Spatial Data Portal*. Retrieved from https://webmap.industry.nsw.gov.au/Html5Viewer/index.html?viewer=Fisheries_Data_Portal
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- Environment and Heritage (2024a). *Tree risk management policy*. Retrieved from <https://www2.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/tree-risk-management>
- Environment and Heritage (2024b). *Visitor safety policy*. Retrieved from <https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/visitor-safety>

- Environment and Heritage (2024c). *Twofold Bay*. Retrieved from <https://www.environment.nsw.gov.au/topics/water/estuaries/estuaries-of-nsw/twofold-bay>
- National Native Title Tribunal (n.d.). New South Wales: *Native Title Vision (NTV)*. Retrieved from <https://nntt.maps.arcgis.com/apps/webappviewer/index.html?id=6af521616eff4f34b503c1ef4dd83720>
- National Parks and Wildlife Service (2021). *Ben Boyd National Park and Bell Bird Creek Nature Reserve Plan of Management*. Retrieved from <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Parks-plans-of-management/ben-boyd-national-park-bell-bird-creek-nature-reserve-plan-of-management-210073.pdf>
- NSW Department of Planning, Housing & Infrastructure (2018). *Naturally Occurring Asbestos in NSW*. Retrieved from <https://trade.maps.arcgis.com/apps/PublicInformation/index.html?appid=87434b6ec7dd4aba8cb664d8e646fb06>
- NSW Environment Protection Authority (2023). *The NSW Government PFAS Investigation Program*. Retrieved from <https://www.epa.nsw.gov.au/your-environment/contaminated-land/pfas-investigation-program>
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- NSW Government (2023). BioNet Vegetation Classification: *Plant community PCTID: 3181*. Retrieved from <https://vegetation.bionet.nsw.gov.au/DataEntry/PlantCommunity.aspx?M=E&PID=3181>
- NSW Government (2024a). Water: *Towamba*. Retrieved from <https://water.dpie.nsw.gov.au/about-us/learn-about-water/basins-and-catchments/catchments/towamba#:~:text=About%20the%20Towamba-,Towamba%20is%20a%20small%20catchment%20on%20the%20far%20south%20coast,Genoa%20catchment%20to%20the%20south>

**Appendix A: Proposed construction of a walking track
between Jigamy Farm and Fisheries Flat, via Eden, NSW:
Aboriginal cultural heritage due diligence assessment –
Addendum August 2024**

Refer to separate document.

Appendix B: Ecological Assessment for Bundian Way Node 1

Refer to separate document.

Appendix C: Survey for threatened flora and threatened ecological communities – Bundian Way – Pinnacles to Worange Point

Refer to separate document.

Appendix D: Bundian Way Node 1 Route Update: Statement of Heritage Impact

Refer to separate document.

Appendix E: EPBC Act Protected Matters Report

Refer to separate document.

Appendix F: Consultation with DPI Fisheries

Review of Environmental Factors: The Gateway to the Bundian Way walking track

Sunday, March 5, 2023 at 12:31:50 Australian Eastern Daylight Time

Subject: FW: Bundian Way
Date: Friday, 3 March 2023 at 11:44:22 am Australian Eastern Daylight Time
From: Tim Stubbs
To: Grant Bennett
Attachments: image001.png, image002.png

Tim Stubbs | Principal Environmental Engineer
Director

E: tstubbs@wolfpeak.com.au
M: 0431 116 436
P: 1800 979 716
A: Suite 2, Level 10, 82 Elizabeth Street, Sydney NSW 2000

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From: Carla Ganassin <carla.ganassin@dpi.nsw.gov.au>
Date: Thursday, 2 March 2023 at 8:43 pm
To: Tim Stubbs <tstubbs@wolfpeak.com.au>
Cc: Mick Bettanin <mick.bettanin@dpi.nsw.gov.au>
Subject: Bundian Way

Hi Tim,

Received your voicemail re Bundian way

DPI Fisheries considers key fish habitat to be Strahler 3rd order streams and above. As these works are outside of key fish habitat (i.e Strahler 1st and 2nd order streams) there is no need to a permit or formal notification of these works under the *Fisheries Management Act*.

FYI – Mick Bettanin is the DPI Fisheries assessment office that is now covering the far south coast area. Please direct any future inquiries onto Mick, cc'd into this email.

Regards,
Carla Ganassin
Senior Fisheries Manager, Coastal Systems
DPI Fisheries | Aboriginal Fishing & Marine & Coastal Environments
Department of Regional NSW

T 4222 8342 M 0447 644 357 E carla.ganassin@dpi.nsw.gov.au

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Review of Environmental Factors: The Gateway to the Bundian Way walking track

regional.nsw.gov.au

Block E Level 3, 84 Crown St (PO Box 5106) Wollongong NSW 2520



Department of Primary Industries
Department of Regional NSW

Appendix G: AHIMS Search Results



AHIMS Web Services (AWS)
Search Result

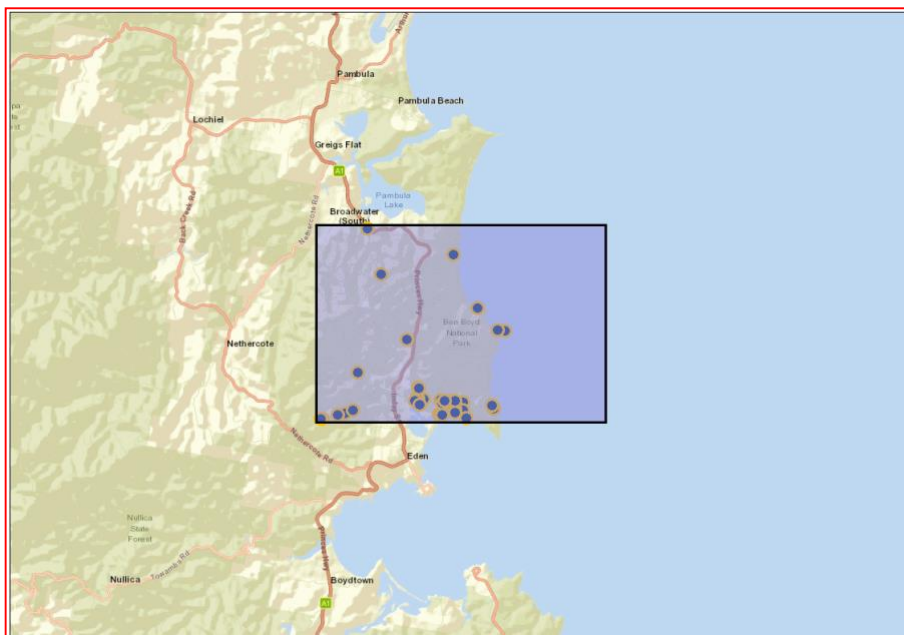
Your Ref/PO Number : Bundian Way Beowa NP
Client Service ID : 917753

Wolf Peak Pty Ltd - Sydney
Level 10 189 Kent Street
Sydney New South Wales 2000
Attention: David Stubbs
Email: dstubbs@wolfpeak.com.au
Dear Sir or Madam:

Date: 08 August 2024

AHIMS Web Service search for the following area at Lat, Long From : -37.0497, 149.8655 - Lat, Long To : -36.9811, 149.9891, conducted by David Stubbs on 08 August 2024.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

40	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location.*

Review of Environmental Factors: The Gateway to the Bundian Way walking track

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](https://www.legislation.nsw.gov.au/gazette) (<https://www.legislation.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.