

Review of Environmental Factors

Bundeena Coast Eco Lodge request alternative right of way

2.0 – 10 April 2017 v7

This is the **standard template** for preparing a Review of Environmental Factors (REF) for activities within lands reserved or acquired under the *National Parks and Wildlife Act 1974* (NPW Act). The template addresses the environmental impact assessment requirements for activities subject to Part 5 of the *Environmental Planning and Assessment Act 1979*.

Proponents should always use the current **e-version of the template**.

Separate, streamlined templates are available and should be used instead for the following activities:

- **minor activities and uses requiring a lease or licence under s.151 of the NPW Act** – for further information refer to the **sustainability assessment criteria and guidelines**.

To complete this template you will need the Office of Environment and Heritage (OEH) *Guidelines for preparing a Review of Environmental Factors*. This and other guidance documents are available at the **OEH website** by contacting the Environment Line on 13 15 55.

Once completed and signed, the template, together with the applicable fee, should be sent to your nearest **National Parks and Wildlife Regional Office**.

Note for external proponents

If the REF is for an activity to be undertaken by an individual, company or organisation, before preparing the REF the proponent must:

- confirm the legal permissibility of the proposal (section 3.1 of this document)
- confirm that there are no pre-existing approvals (such as permits, licences or easements)
- consult with the relevant National Parks and Wildlife Service office to obtain in-principle support for the proposal.

If the REF is for an activity requiring a lease or licence under s.151 NPW Act, telecommunications facilities, or within the Sydney Drinking Water Catchment it will need to be submitted with additional information (refer Section 9 of this document).

Contents

1.	Brief description of the proposed activity	3
2.	Proponents details.....	5
3.	Permissibility	6
3.1	Legal permissibility	6
3.2	Consistency with OEH policy	22
3.3	Type of approval sought	22
4.	Consultation – general	25
5.	Consultation – Native Title.....	27
6.	Proposed activity	29
6.1	Location of activity	29
6.2	Description of the proposed activity	32
6.3	Objectives of the proposal	43
7.	Reasons for the activity and consideration of alternatives.....	43
8.	Description of the existing environment.....	44
9.	Impact assessment	50
10.	Proposals requiring additional information	70
11.	Threatened species assessment of significance (7 part test)	72
12.	Summary of impacts.....	74
13.	Conclusions.....	75
14.	Supporting documentation.....	76
15.	Fees	77
16.	Signature of proponent.....	77

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1. Brief description of the proposed activity

<p>Description of proposed activity(s)*</p>	<p>The activity comprises:</p> <ol style="list-style-type: none"> 1. The use of 440m of an existing sealed road in Royal National Park to enable access by work vehicles involved in the construction of an eco-tourism facility at 60-70 Bournemouth St as described in judgment issued by the L&E Court (Annexure AA -30032017094201-0001_Judgment - 30 March 2017). <p>An estimated average of 7 return trip vehicle movements per week will be required over a period of 12 to 18 months for the construction of the facility.</p> <ol style="list-style-type: none"> 2. The use of 440m of existing sealed road in Royal National Park to enable employees and guests of the applicant to access premises at 60-70 Bournemouth St once the eco-tourism facility is operational. Ongoing access for the eco-tourism facility is estimated at average 1 to 2 return vehicular movements per day and up to 22 pedestrians return trips per day. 3. The construction of 7.5m length and 6.5m width of permeable road (driveway) to provide access from the existing road in Royal National Park to the boundary of Sussex St where the driveway traverses private land Sussex St onto private land 60-70 Bournemouth St. The proposed driveway is approximately 0.005 ha in area as detailed by Annexure AD - Road Engineering Report - January 2016. 4. Ongoing maintenance of the existing road through Royal National Park to enable the eco-tourism facility to be operated in accordance with NSW Rural Fire Service (RFS), Bush Fire Safety Authority (BFSA) D14/3551 dated 25 January 2017 (Annexure AC). <p>The location of the proposed activity is the land within Royal National Park known as the Beachcomber Track, which extends from the end of Beachcomber Avenue Bundeena through the Royal National Park to the southern boundary of 60-70 Bournemouth Street Bundeena.</p> <p>Access through Royal National Park would require the issue of a right-of-way, easement or licence under Section 153C of the <i>National Parks and Wildlife Act 1974</i>. The NPWS Policy - Access to Inholdings March 2006 states:</p> <p><i>“ 1. Under section 153C of the Act, the Minister may, on such terms and conditions as he/she thinks fit, grant an easement, right-of-way or licence through or over land reserved under this Act for the purposes of enabling access to other land if:</i></p> <ul style="list-style-type: none"> <i>• the other land is completely or partially surrounded by land reserved under the Act, and</i> <i>• the Minister, while satisfied that it is practical for the owner of the other land to obtain an alternative means of access, considers that the proposed means of access will have a lesser environmental impact than that alternative means of access to the land concerned”.</i>
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The Applicant has an alternative legal right of access over the unmade roads beyond Liverpool Street and Sussex Street Bundeena, using the historically planned and subdivided roads within DP1782. See **Annexure BG** - Letter of advice (30 September 2015)

This REF demonstrates that, consistent with the requirements of the **NPWS Policy- Access to Inholdings**, the provision of legal access along the existing formed road through Royal National Park would have a significantly lesser environmental impact than the construction of a wholly new road along the alternative access route. In contrast to the use of the existing road, the construction of a new road along the right of access would require vegetation clearance and ground disturbance over an area of 0.8 ha, most of which directly adjoins Royal National Park.



The location of the 440m of existing sealed road in Royal National Park is shown between the two arrows in the above image. The location of the 7.5m of additional road to provide access to the boundary of 60-70 Bournemouth Street (see 3 above) is marked by pink arrow. The affected area is approximately 0.005 ha.

Estimated commencement date	1/1/2018
Estimated completion date	30/6/2019

*Note a comprehensive description of the proposal is contained at section 5.2 of this REF.

2. Proponents details

All correspondence and notices will be sent to the address of the proponent.

Name	Mr	Given name:
	Surname: RVA Australia Pty Ltd	
Organisation	RVA Australia Pty Ltd (contact Ron van Ardenne)	
ACN/ABN (if applicable)	ACN: 143694393	ABN: 40143694393
Section/Division (OEH proponents only)		
Position	Director	
Address	No.: Suite 9 / 754	Street Name: Old Princess Highway
	Suburb: Sutherland	
	State: NSW	Postcode: 2232
Phone numbers	Business: 0295423745	Mobile: [REDACTED]
Fax		
Email	[REDACTED]	
Prepared in cooperation with	DAINTRY ASSOCIATES PTY LTD Client Manager: Brett Daintry [REDACTED] www.daintry.com.au	

3. Permissibility

3.1 Legal permissibility

Indicate whether the activity is permissible under the legislation. Section 1.10 and Appendix 1 of the *Guidelines for preparing a Review of Environmental Factors* provides guidance on permissibility. Include an explanation where necessary.

<input checked="" type="checkbox"/>	National Parks and Wildlife Act 1974 (NPW Act)
Justification (consider the following matters):	
<input checked="" type="checkbox"/>	Objects of the Act (s.2A)
<p>The activity is consistent with the objects of the Act, in particular Section 2A(1)(c):</p> <p>(c) fostering public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation,</p> <p>The activity will enable the use of private land adjacent to Royal National Park as an eco-tourist facility. The facility will provide accommodation for park visitors enabling them to experience and appreciate the natural and cultural heritage of the park through public facilities such as the Royal Coast Track.</p>	
<input checked="" type="checkbox"/>	Reserve management principles (s.30E–30K)
<p>Section 30E(2) includes:</p> <p>(d) the promotion of public appreciation and understanding of the national 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 activity will promote the public appreciation and understanding of the national park’s natural and cultural values and sustainable visitor or tourist use.</p>	
<input checked="" type="checkbox"/>	Title and relevant sections of plan of management or Statement of Management Intent (or drafts)
<p>The Royal National Park, Heathcote National Park and Garawarra State Recreation Area Plan of Management does not contain any specific provisions relating to Beachcomber Track. However, the activity is consistent with, and gives effect to, the following provisions of the plan of management:</p> <ul style="list-style-type: none"> • Section 4.1.1 states that the NPWS will ‘co-operate with other organisations in fire management planning and implementation within any given area’. The proposed enhanced maintenance of Beachcomber Track contributes to cooperative fire management. • The provision of the access for an adjacent ecotourist facility is a category of use that contributes to ‘the education and promotion of the area’ (section 4.3). • The provision of the access for an adjacent ecotourist facility will promote ‘the appropriate use of the two national parks and the state recreation area’ (section 4.3.1). • The provision of the access for an adjacent ecotourist facility will accommodate the needs of campers as an alternative to over utilised and unapproved camping within the park (section 4.3.2). <p>This REF gives significant weight to the fact that the track is an existing shared park management trail, for the assessment against Annexure AB NPWS Policy - Access to inholdings March 2006 and section 153C(1)(b)(ii) of the <i>National Parks and Wildlife Act 1974</i>.</p> <p>OEH has indicated that future revision of the plan of management may assess opportunities to establish visitor facilities at the end of the Beachcomber Track. The activities proposed in this REF do not constrain such future development.</p>	
<input checked="" type="checkbox"/>	Leasing, licencing and easement provisions of Part 12

The activity requires the issue of legal access under Section 153C of the *National Parks and Wildlife Act 1974*. The activity conforms to the requirements of 153C(1), specifically:

1. the land is partially surrounded by reserved land;
2. the proposed means of access will have a significantly lesser environmental impact than that of the alternative means of access to the land;
3. the access along the existing road will have a negligible impact on the environment of the area adjacent to the proposed access; and
4. the access is consistent with the relevant plan of management.

1. Land is partially surrounded by reserved land

Figure X shows the location of 60-70 Bournemouth Road in relation to adjoining properties including Royal National Park. The shared boundary with Royal National Park occurs on the eastern and southern flanks of Royal National Park, a linear distance of X metres.

The northern boundary of the site adjoins a number of residential properties on Bournemouth Street. Access from this side of the site is not feasible because of the steepness of the terrain below the other properties, which precludes the construction of a perimeter trail.

Access is potentially feasible from the western side of the site using the legal right of way over the 'paper' roads through Royal National Park. Construction of a new road along this alignment is physically constrained by the steep terrain (although less so than the northern flank) and the need to cross a drainage line. The more important constraint activating this route is the significant extent of vegetation clearance and other environment impacts involved in road construction (see point 2 below).

The topography of the site and its surrounds means that the only practical access is along the Beachcomber Track. The result is that the site is partially surrounded by reserved land.

2. Proposed access has a significantly lesser environmental impact than alternatives

As described in Section 1 of this REF the effects of issuing approval for RVA and its clients to obtain access to 60-70 Bournemouth Street along the Beachcomber Track would be:

- An average of 7 return vehicle movements per day for a period of 12-18 months;
- An average of 2 return vehicle movements and 22 pedestrian movements per day thereafter;
- The construction of a permeable driveway surface over an area of 7.5m by 6.5m; and
- Ongoing maintenance of the existing road surface and periodic trimming of overhanging vegetation.

All of the above would take place from the existing, modified asphalt surface of the Beachcomber Track.

The alternative access using the historic road reserve would require the construction of a wholly new roadway. This road would have dimensions of 6.5m wide and 1224m long, a total area of approximately 0.8 ha. The area over which the road would be constructed is unmodified vegetation that forms a continuous band of habitat with adjoining vegetation in Royal National Park. Moreover, the construction of such a road would separate what is currently contiguous habitat within Royal National Park.

The magnitude of difference in potential environmental impact between utilising the existing sealed road and constructing a wholly new road is clearly apparent.

3. Impact on adjacent environment

The vehicular and pedestrian traffic that would result from the grant of access would be constrained to the sealed Beachcomber Track. These volumes will have no discernable impact on the condition of the track surface, especially as the activity includes provision for enhanced maintenance of the track.

This REF seeks approval for routine trimming of trackside vegetation. Trimming would take place for a maximum of 1 metre and is consistent with the classification of the track as a fire management trail. The Land and Environment Court considered the potential impact of such trimming and concluded that it did not constitute a significant environmental impact (see Clause 105, <https://www.caselaw.nsw.gov.au/decision/58db3587e4b058596cba56c8>).

4. Access consistent with Plan of Management

See 3.1 above.

The activity requires the issue of legal access under Section 153C of the *National Parks and Wildlife Act* 1974. The activity conforms to the requirements of 153C(1), specifically:

1. the land is partially surrounded by reserved land;
2. the proposed means of access will have a significantly lesser environmental impact than that of the alternative means of access to the land;
3. the access along the existing road will have a negligible impact on the environment of the area adjacent to the proposed access; and
4. the access is consistent with the relevant plan of management.

The land is partially surrounded by reserved land

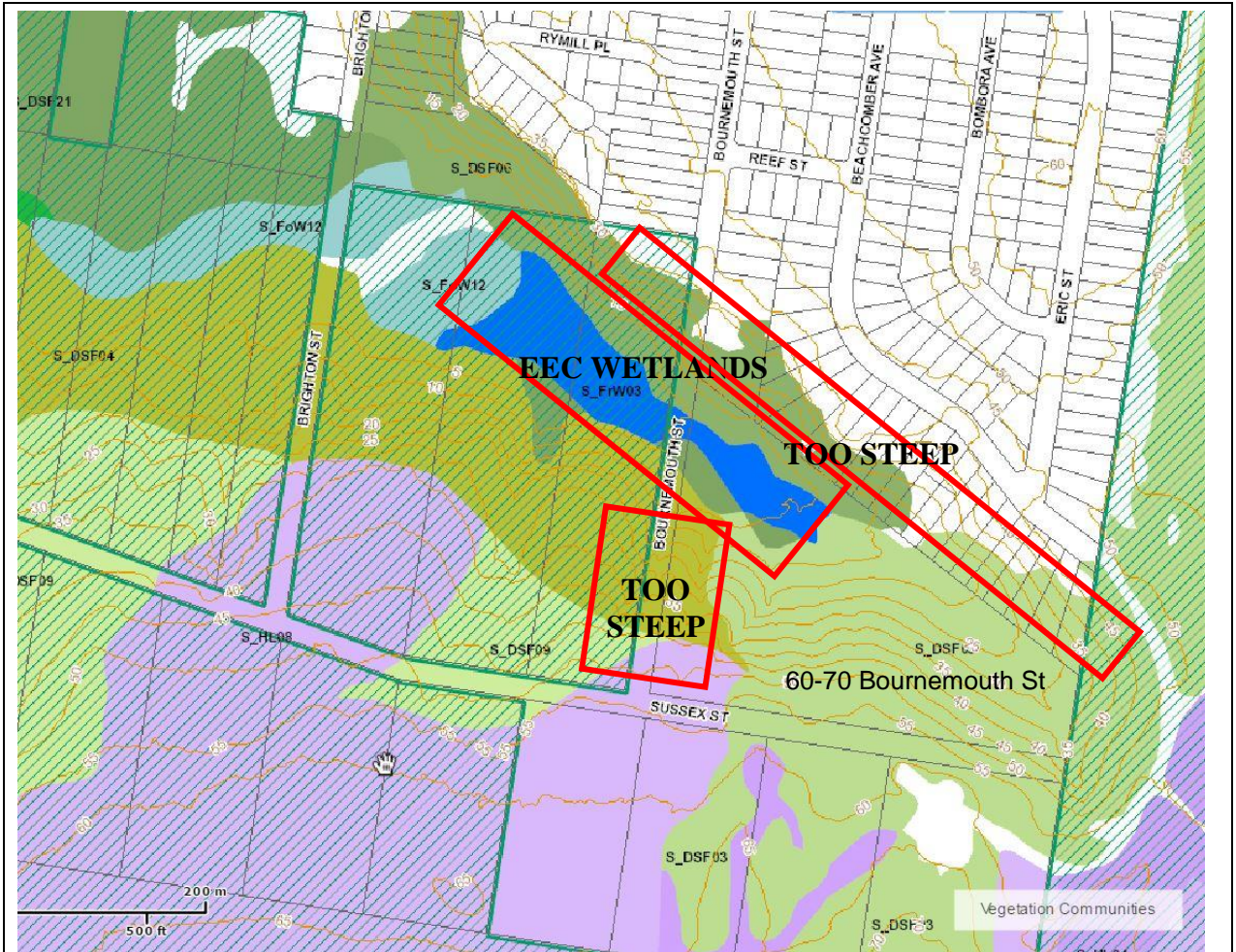
Further information on why The Policy applies:


The Policy Applies - First Path

The application is made for a **Right of Way to the boundary of an existing right of way over the private land Sussex St Bundeena** by the owner of an inholding which is beneficiary of this private right of way.

The Policy provides:

“Inholding means land including any freehold land or licensed, leased or other registered holding of Crown land; that is completely or partially surrounded by land reserved under the Act. If a property is adjoining a reserve on one side and access through the reserve is still required due to geographical features (such as waterways or escarpments), it may be considered ‘partially surrounded’ for the purposes of this policy. [bold added]”



 = Royal National Park

The applicant is the owner of 60-70 Bournemouth St Bundeena which abuts the park on the eastern boundary which measures 68.35m.

Due to the **geographical features** depicted in the site plan above which are the wetlands in the north east and steep slopes to the whole northern and eastern boundary and the unformed section of Bournemouth St 60-70 Bournemouth St may be considered 'partially surrounded' for the purposes of The Policy. All marked steep slopes are exceeding the requirements for access by the RFS of maximum gradient of 26.79% (15 degrees) for a sealed road. (see **Annexure AD** - Road Engineering Report - January 2016). It is also immediately visible on the site plan above that **all alternative access is mapped as vegetated** but for the proposed already cleared and sealed access through the Park on the right side. It is considered

The Policy applies following the first path.

The Policy Applies - Second Path

The application is at the same time made for a **Right of Way to the boundary of the private land Sussex St Bundeena** by an 'owner' of that land per the definition of owner by The Policy.

The Policy provides:

“Owner means the person/s or organisation/s who is registered in an official record as the holder of the land (including a mortgagor); and includes the registered holder of any license, lease or the holder of any interest issued by a relevant authority.”

The applicant in this REF is the registered owner of 60-70 Bournemouth St Bundeena which is beneficiary to an implied private right of way over the whole of Sussex St that was issued by means of a transfer by the registered owner of certificate of title volume 3065 folio 63 as per below:

"16 We consider that when Ms Wolstenholme transferred what was then Lots 4-6 Section G in DP 1782 to Mr Blackmore in 1926, a private right of way was created entitling the owners of those lots (now Spring Gully) to insist that:

- (a) the width of Sussex Street is to be preserved as a right of way; and
- (b) may be used by them as such.

17 Nothing in the 1926 certificate of title is capable of suggesting that a right of way did not arise.

The right of way binds both successors-in-title of the transferor/vendor and the transferee/purchaser (Lake Macquarie City Council v Luka [1999] NSWCA 447 [15]-[17]; Weber v Ankin [2008] NSWSC 106 [30])."

See **Annexure BG** - Letter of advice (30 September 2015).PDF

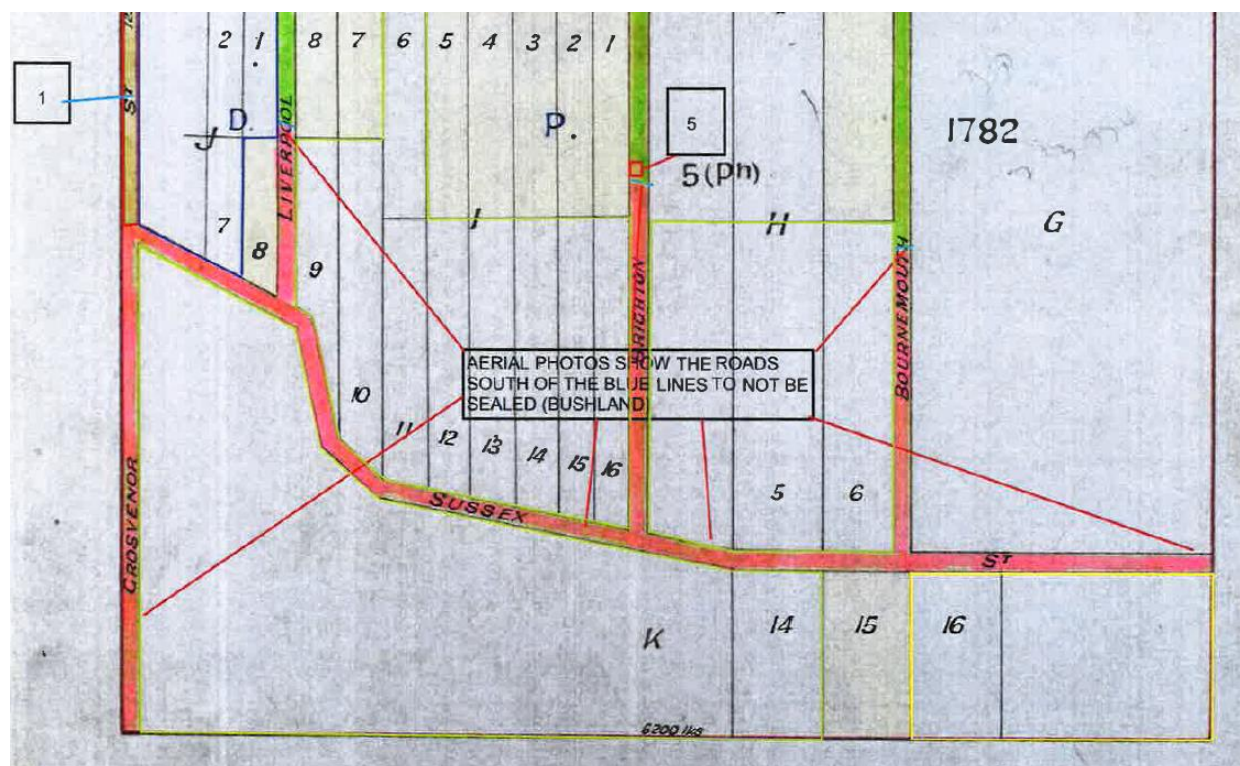
Sutherland Shire Council has confirmed the above: "Council agrees with the applicant's position that there is an implied right to pass and re-pass over the land known as Sussex St, ie, there is an implied right of carriageway over the land."

See **Annexure BL** - Letter SSC to Gadens 13 October 2015.pdf

The applicant RVA Australia PTY LTD therefor is to be considered the holder of **an interest** in the Sussex St land in the form of a right of way issued by the relevant authority - being the registered owner - and qualifies as owner under the definition of The Policy.

Mark Groll of Scott Ashwood reports: "The lands that we have edged with green tint on the attached diagram page of Certificate of Title Volume 3065 Folio 63 were vested in the New South Wales Planning and Environment Commission by notification in Government Gazette dated 21.09.1979 Folio 4746 – pursuant to Section 25A of the Crown Lands Consolidation Act of 1913 – this gazette notification does not exclude mines and minerals.

These lands were subsequently proclaimed as part of Royal National Park by notification in Government Gazette dated 28.12.1979 Folio 6581"



"Finally, after having completed our investigation, the residue lands of Edith Lucy Wolstenholme comprised in Certificate of Title Volume 3065 Folio 63 would seem to be: -

- 1. The roads that we have tinted pink on the attached diagram page of Certificate of Title Volume 3065 Folio 63" See **Annexure BM** - Bundeena Residue lands CT 3065-63

The lands “*Lots 15 to 18 inclusive Section K DP1782*” were reserved as part of Royal National Park on the 5th of August 2015. See **Annexure BN** - Govt Gazette No 70 of 14 August 2015.

The Sussex St land is part of residue land in CT Volume 3065 Folio 63 which is for most of its boundaries adjoined and thus **partially surrounded** by land reserved under the act and the applicant RVA Australia PTY LTD qualifies as **owner** under the definition of The Policy.

The Policy applies following the second path.

The Policy further provides:

“Policy

Legislative provisions

1. Under section 153C of the Act, the Minister may, on such terms and conditions as he/she thinks fit, grant an easement, right-of-way or licence through or over land reserved under this Act for the purposes of enabling access to other land if:

- the other land is completely or partially surrounded by land reserved under the Act, **and** [bold added]
- the Minister;
 - is satisfied that it is not practical for the owner of the other land to obtain an alternative means of access, by land or water, because it is not legally or physically available, **or** [bold added]
 - while satisfied that it is practical for the owner of the other land to obtain an alternative means of access, considers that the proposed means of access will have a lesser environmental impact than that alternative means of access to the land concerned, **or** [bold added]
 - while satisfied that it is practical for the owner of the other land to obtain an alternative means of access, considers that the proposed means of access will assist in more efficient management of the reserved land and will have no greater environmental impact than that alternative means of access to the land concerned.”

The second bullet point of the last three applies as the Minister can be satisfied it is practical to obtain an alternative means of access via the existing right of way. And the Minister can be satisfied by any means of measure conceivable that the proposed right of way

- over an **existing** sealed track area 6.5m to 8m wide and **400m** long and
- clearing and formation of a new surface over an area 6.5m wide and **7.5m** long
- up to the driveway crossing over Sussex St
- to be used for mainly pedestrian access and on average for once or twice daily return trips per vehicle

will have a lesser environmental impact than

- **clearing of native vegetation bushland and formation of a new road** over an area of 6.5m to 8m wide and **1244m** long
- traversing over unformed Liverpool St and Sussex St adjacent 60-70 Bournemouth St splitting through Royal National Park reserved land on either side or at least one side
- up to **the same driveway crossing over Sussex St.**
- to be used unlimited as public road

Note Mark Groll of Scott Ashwood included on his colour marked DP1782 copy with lines pointing to among others Sussex St: “*Aerial photos show the roads south of the blue lines to not be sealed (bushland)*”, see **Annexure BM** - Bundeena Residue lands CT 3065-63.

The alternative road length of 1244m is calculated from **Annexure BO** - Plan residue CT 3065-63 PR124192SU-DP04b as prepared by surveyors RPS.

The Policy further provides:

“11. Granting of easements or rights of way will be considered only in the following circumstances:

1 to replace an existing easement or right of way;

2 if the applicant can demonstrate exceptional circumstances on environmental or park management grounds; or

3 for access relating to essential public purposes.”

Both the circumstances under 11.1 and under 11.2 are present in this case. Whilst the Applicant benefits from existing legal right of way, over the unformed roads Liverpool St and Sussex St,

1 it is proposed that the existing right of way not adjacent the applicants land to be extinguished and the 5 hectares of land on which they existed can then be offered to the NPWS reserve by RVA Australia PTY LTD free of consideration.

2 The proposal demonstrates both *exceptional circumstances*

- on environmental grounds– being the increase of reserved land with 5 additional hectares in a park that is listed as a place of National Heritage significance for its environmental values as well as

- on park management grounds – being the prevention forever of the possibility that parts of reserved lands might become completely physically separated by a road with all the increase in complexity of park management in that locality.

We note that The Policy does not further qualify ‘*an existing easement or right of way*’.

The Policy allows granting of rights of way to be considered in the current case.

The Policy further provides:

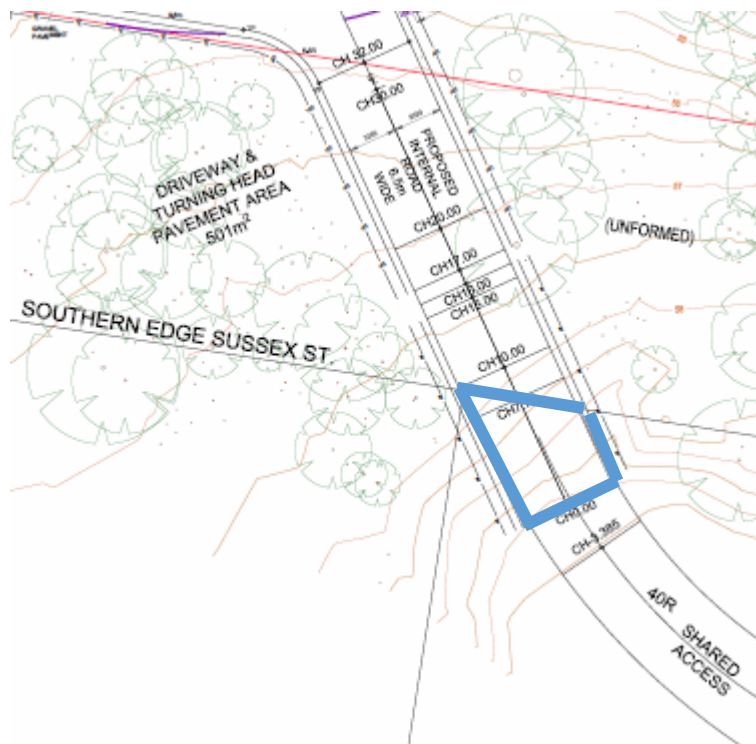
“3. The Minister must not grant an easement, right of way or licence unless he/she has considered:

- the extent of, and legality of, any access that the owner had to the land before that access became unavailable, and*
- any guidelines prepared by the Director-General in relation to access to Land”*

The Minister should consider there is an alternative legal access via the existing right of way however that access should be considered unavailable due to the environmental impact the clearing and construction of 1244m new road would have while an acceptable shorter track exists and is sealed while a minimal length of 7.5m needs to be constructed over which the proposed use can then be considered to have negligible impacts as per this REF that is submitted in accordance with The Policy.

A newly constructed permeable road surface on National Parks land linking to the new road surface on private land Sussex St Bundeena is approximately 7.5m long and 6.5m wide which amounts to approximately 0.005 ha as detailed by **Annexure AD** - Road Engineering Report - January 2016.

See section aligned blue in image below:



Below a photo looking from the middle of unformed Sussex St in direction south east towards the location of new proposed new surface on park land roughly where the sand track ends. See **Annexure AD - Road Engineering Report - January 2016**.

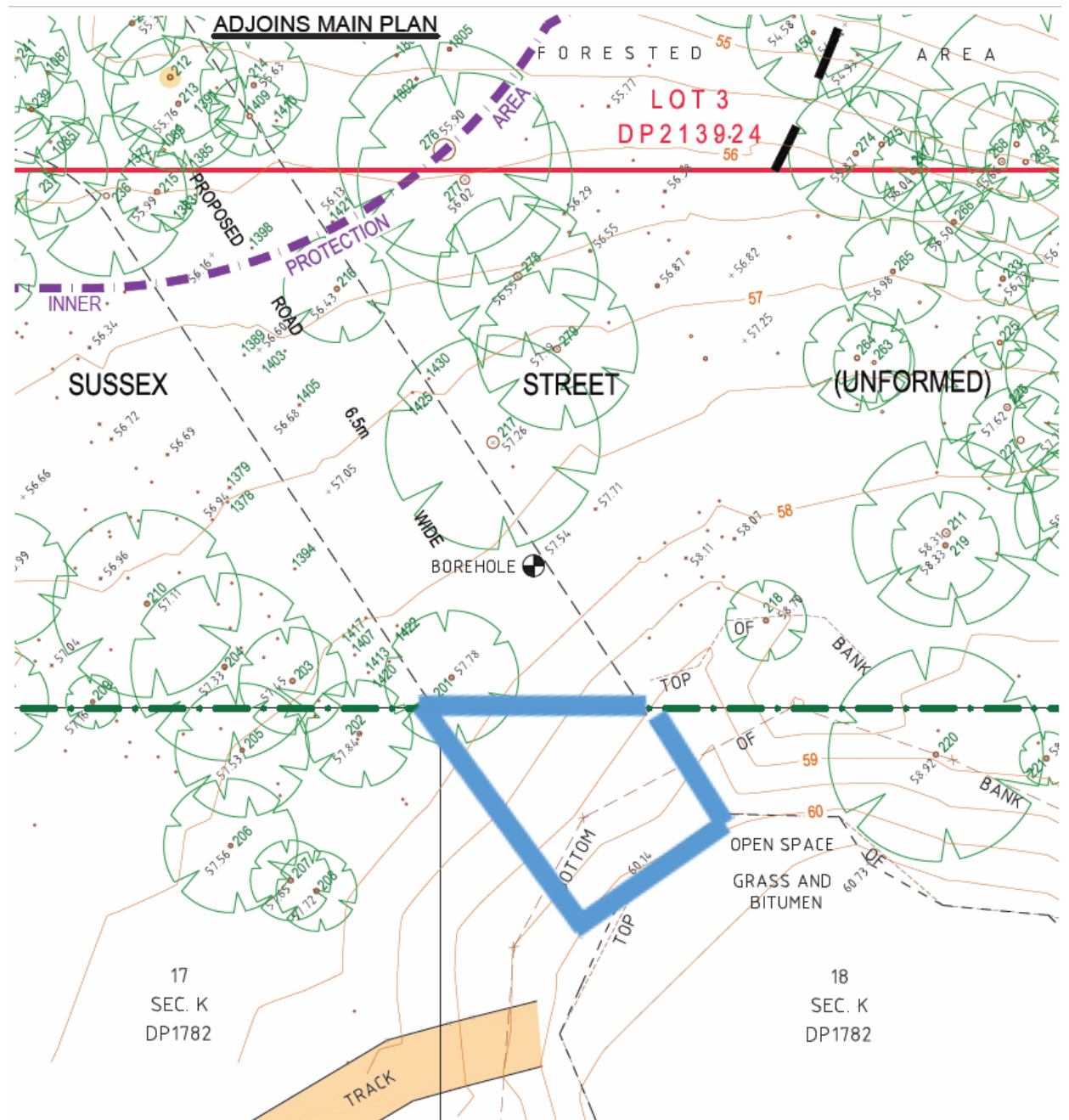


Photograph P16: View south from site on driveway to Sussex Street..

The site of new surface on park land is located behind the tree on the right and indicated in the photo with the blue lines overlay. Note the **borehole** on the side of the existing sand track which is located well on the Sussex St land.

The photo shows there were no existing trees or scrubs present after the last hazard reduction burn in August 2015 on the park land on which the proposed new surface on park land is located.

The borehole was marked by RPS on site survey for reference. See image below with overlay of the proposed new surface on park land marked in blue:



There is no proposal to undertake any significant physical works to the existing shared maintenance and bush fire trail, being the track.

The Court has in the judgment of 31st March 2017 (**Annexure AA** -30032017094201-0001_Judgment - 30 March 2017) paragraph 90 and 91 found that:

“90 The traffic experts agreed on the following in relation to the use of the track as vehicular access to the site (exhibit 9) and I accept their agreed evidence:

- *The volume of vehicles to the site, which will be restricted to authorised vehicles, is extremely low or negligible at times other than during emergencies, **making a public road and a separate pedestrian access unnecessary.**” [bold added]*

and

“91 I accept the agreement of the traffic experts”

In **Annexure AV** - Sealed Joint Expert Report - Traffic and Civil Engineering February 2017 which concludes in 6g:

“The proposed works outlined in Section 5 (page 3), Annexure A and Annexure B of the McLaren Traffic Engineering (MTE) letter dated 8th February 2016 provide a suitable response to the needs of Rural Fire Service access during emergency response periods.”

This refers to **Annexure AW** - 3.3. Traffic Advice -15445.01FD - 8th February 2016 which says:

“The track has an existing all weather sealed surface of sufficient condition. It is understood that a pavement assessment has been undertaken by Mr Lyle Marshall confirming the suitability of the shared access track for site vehicles and emergency vehicles.”

and

“The track would fully comply with those spatial requirements according to a public road standard if the trimming were to occur.”

This refers to **Annexure AD** - Road Engineering Report - January 2016 by Lyle Marshall which says:

“3.0 WORKS REQUIRED TO UPGRADE THE SHARED ACCESS TO PUBLIC ROAD STANDARD

3.1 Design Standards

The required road widths for 2-way public roads that are not perimeter roads are:-

- *On straight – **6.5 metres.***
- *On 40m radius curve – **8 metres.***

*The minimum carriageway width is **4 metres.***

*Public roads are required to be two wheel drive all-weather roads. The capacity of the road surface for areas where there is no reticulated water service is **9 tonnes per axle.** The **Category 1 Tanker (Ref 2.4)** has a wheelbase of **3.8 to 5.5 metres**, front axle load of **6.0 tonnes** and a rear axle load of **9.0 tonnes.** The vertical alignment can have a maximum gradient of **26.79%** (15 degrees) for a sealed road and **17.64%** (10 degrees) for an unsealed road. The minimum vertical clearance to overhanging obstructions including tree branches is **4 metres.** The minimum trafficable width for **2-way** access is **6 metres** on straights and **8.0 metres** on a **40 metre** radius curve. The maximum crossfall is **17.64%** (10 degrees) on a sealed road surface. The longitudinal and sideways friction coefficients (**Ref. 2.5**) on unsealed are about half those for sealed roads.*

3.3 Trimming of Vegetation

Some trimming of overhanging branches and bushes is required to obtain the required 6 or 6.5 metre width for 2-way operation on straights and up to 8 metres on the 40 metre radius curve from Ch. 225 to Ch. 285. A plan of the entire length of the shared access track has been prepared by McLaren Traffic Engineering (Ref 2.6) and the extent and nature of the trimming required is noted at all locations by Chainage reference. The widths noted by R are the cleared widths required for 2-way traffic operation.

3.4 Existing Pavement Condition

In my opinion, the road pavement has the structural capacity to carry the occasional 9.0 tonne axle load of the loaded Rural Fire and Rescue Service tanker.

...

The sealed pavement has a number of surface irregularities due to normal wear and tear“ but is adequate for the very low traffic volumes that are proposed in the order of 6 to 8 light vehicle movements per day by the Toyota Hi-Ace commuter bus. Tourists staying at the proposed recreation camp for Ecotourism will not drive on the shared access.

The shoulders are firm and capable of carrying a light vehicle when 2-way traffic may be required in a fire emergency. The cleared and grassed area at the end of the shared access track is used as a Helipad for fire fighting and construction and maintenance works in the RNP. The clearing is also used by the Rural Fire and Rescue Service and State Emergency Service (SES) and for training purposes. RFRS Category One Tankers cross the cleared and grassed area which has a sound and even bearing surface. The cleared and grassed area to Chainage – 3.385 is therefore deemed adequate for the continued use by Category One Tankers and loaded Toyota Hi-Ace vans.”

There is no requirement for *two wheel drive all-weather roads* to have a sealed surface over the whole width to comply with the standards.

The only ‘works’ required for the proposed access are trimming of overhanging vegetation to expose trafficable path in the form of pavement and firm shoulders to the required widths.

In summary:

The proposed activity is the use (for pedestrian and vehicle access) of Beachcomber Track (“the track”), extending from Beachcomber Avenue Bundeena through the Royal National Park (RNP) to the recreation camp site for a new *eco- tourism facility* (“the facility”) on 60-70 Bournemouth Street Bundeena (Lot 3//DP213924) (“the site”) via a small portion of the existing right of way over Sussex St adjacent the site. The use would be authorised by a new right of way (**ROW**).

The proposed activity includes initial vegetation trimming work and ongoing maintenance of the track to ensure that the recreation camp is operated in compliance with NSW Rural Fire Service (RFS), Bush Fire Safety Authority (BFSA) D14/3551 dated 25 January 2017 (**Annexure AC**).

The gate at the entry to the track from Beachcomber Avenue will remain in place. The gate will be unlocked and immediately locked upon entry and or egress to and from the facility respectively.

The proposed ROW will replace the ROW over the unmade roads beyond Liverpool Street and Sussex Street not adjacent 60-70 Bournemouth St, being the historically planned and subdivided roads within DP1782 that provide legal access to the facility and Lots 15, 16, 17 and 18, Section K in DP1782 (the Old Council Depot)

To the extent necessary to comply with the BFSA, trimming of trees consistent with the existing shared use of the track as a fire trail will be undertaken as required from time to time in consultation with the NPWS and subject to any requirements within the terms of the ROW.

<input type="checkbox"/>	Management powers and responsibilities of OEH (s.8 and s.12) (for internal OEH projects only)
N/A	
Special note: for lease proposals under s.151 NPW Act involving new buildings or structures	
Section 151A(5) of the NPW Act states that the Minister must not grant a lease under s.151 for visitor or tourist uses that authorises the erection of a new building or structure unless the plan of management identifies the purpose as permissible and the general location for the new building. If relevant to the proposal, indicate whether this requirement has been met, or will be.	
N/A	
<input type="checkbox"/>	Wilderness Act 1987 (for activities in wilderness areas consider objects of the Act, management principles, s.153, etc.)
Justification:	
The activity is not in a wilderness area as defined by the <i>Wilderness Act 1987</i>	
<input checked="" type="checkbox"/>	Environmental Planning and Assessment Act 1979 (EP&A Act) (consider aims and objectives of relevant environmental planning instruments, zoning and permissible uses, development controls, etc.)

The activities described in this REF would enable access to the proposed eco-tourism facility in 60-70 Bournemouth St Bundeena. Approvals for the adjacent facility required the submission of two development applications to Sutherland Shire Council. Those applications were subject to appeal to, and consideration by, the NSW Land and Environment Court.

The development applications were supported by Statement of Environmental Effects (see **Annexure AG** - PR124192_Eco Tourist Bundeena_v20 Rev E (Recreation Camp) and **Annexure AH** - PR124192_Eco Tourist Bundeena_v20 Rev E (Road) 17 Feb 2016), site plans and expert reports. The Statement of Environmental Effects provide detail on the relevant environment planning instruments, zoning, zone objectives, permissible uses and development controls.

The Land and Environment Court issued judgement on the eco-tourism proposal on 31st March 2017. (<https://www.caselaw.nsw.gov.au/decision/58db3587e4b058596cba56c8>).

The Court's decision includes the following matters of relevance to this REF. Headings added.

Determination of Review of Environmental Factors

"85 The Office of Environment and Heritage (OEH) advised the Council on 10 February 2017 (exhibit 10) that a Review of Environmental Factors (REF) is required to determine the potential impacts the proposed use of the access way may have on the Royal National Park, following an application from the applicant for a right of access through the Royal National Park under s 153C of the National Parks and Wildlife Act 1974. The application seeks access for the managers, their staff and customers from Beachcomber Avenue. The applicant submitted a REF for the proposed access way to OEH on a draft basis on 9 February 2017 and the OEH advised the Council on 10 February 2017 that there is no assurance that the REF will be approved and a licence granted following the applicant's submission of the final REF. **Once a final REF is submitted, a formal assessment will be undertaken which the OEH aims to determine the application within 70 days** (exhibit 10, emphasis added)."

Traffic volumes and requirement for making a public road

'90 The traffic experts agreed on the following in relation to the use of the track as vehicular access to the site (exhibit 9) and I accept their agreed evidence:

The volume of vehicles to the site, which will be restricted to authorised vehicles, is extremely low or negligible at times other than during emergencies, making a public road and a separate pedestrian access unnecessary.

The proposal provides sufficient parking and a minimum of two car spaces would be acceptable.

91 I accept the agreement of the traffic experts and the additional matters raised in the Council's contention are matters to be considered by OEH in determining the REF."

Management of road, including vegetation trimming

"100 The bushfire safety experts agreed that the width of the constructed access road is 5.5m and it is to be 6.5m, and that the distance along the track between Beachcomber Avenue and the site is 440m. The parties agreed that some work is required to either side of the existing track to make it 6.5m wide.'

"102 The ecology experts agreed that the proposed trimming of vegetation along the access track and across the unmade Sussex Street will only remove a small amount of vegetation overhanging the track and will not significantly exacerbate any edge effects."

“104 In Dr Robertson’s view, the vegetation around the existing track does not fit the structural definition required by the scientific determination to classify it as the EEC, Eastern Suburbs banksia scrub woodland. However, even assuming that the vegetation around the track is Eastern Suburbs banksia scrub woodland, the proposal to trim a relatively small amount of vegetation either side of the track will not have any significant effect on the community, because it is already modified by the existing track and broad areas of the community would remain undisturbed and unimpacted by the proposal.

105 I accept the agreement of the experts and Dr Robertson’s evidence that the proposal to widen the track by approximately 1m will not have any significant effect on the vegetation through which the existing track passes, because it is relatively minor change to the existing track.”

Conclusion

“118 The proposal achieves an appropriate balance between the provision of appropriate bush fire protection measures and the conservation of the natural environment and it has been sensitively designed to complement and enhance the natural environment. The scale and nature of the proposal is consistent with the natural setting of the site.

119 I am satisfied that the proposal can be granted consent, if the outstanding issues regarding access to the site and access to the APZ beyond the site can be satisfactorily addressed”

The full judgement of the Land and Environment Court can be viewed at <https://www.caselaw.nsw.gov.au/decision/58db3587e4b058596cba56c8>

Justification (indicate any or all of the following that are relevant):

- The activity may be undertaken without development consent as it is **on reserved land** and/or:
 - for a purpose authorised under the NPW Act (cl.65 Infrastructure SEPP)
 - zoned E1 & E2 under the Sutherland Shire Local Environmental Plan 2015

The Beachcomber Track functions as pedestrian access to the Royal Coast Track and as a maintenance and bush fire trail between the boundary of Royal National Park and the former Old Council Depot.

As at the date of this REF the Old Council Depot site remains zoned E2 under SSLEP 2015. However Council has a Draft “Housekeeping” LEP amendment that proposes to rezone the site to E1 consistent with the remainder of the Royal National Park (see Council 02/11/2015, Ref: EHR030-16, Title: SSLEP2015 - Minor Amendments to Zones, Other Maps and Schedules, File Number: 2015/220811, Council Minute Number: 316. Council Meeting Date: 16/11/2015).

Both the track through the E1 zoned and that portion through the current E2 zoned (Old Council Depot), are on reserved land, for a purpose authorised under the NPW Act, and cl.65 Infrastructure SEPP applies such that development consent is not required to maintain the existing track. Roads are permitted in the E2 zone and Uses authorised under the *National Parks and Wildlife Act 1974* are permitted in the E1 zone.

- The activity is on land that contains coastal wetlands (SEPP 14), littoral rainforest (SEPP 26), or koala habitat (SEPP 44) and:
 - the relevant aims, objectives, principles and provisions of the SEPP have been considered in preparation of the REF (discuss below).

Explanatory note: these SEPPs do not apply to land dedicated or reserved under the NPW Act. However, it is OEH policy that the principles of these SEPPs are applied to on-park activities and that assesment requirements that would otherwise apply are considered.

The activity is restricted to the existing road and has no impact on the habitats and values addressed in these SEPP. Nonetheless, the Statement of Environmental Effects (SEE) for the proposed development at 60-70 Bournemouth Street fully addressed the application of these SEPPs and concluded that that site did not contain any coastal wetland, littoral rainforest or koala habitat. In combination with the cleared state of the track there is no potential for the proposed activity to impact upon coastal wetlands, littoral rainforest, riparian zones or koala habitat.

This conclusion also applies to the *Draft Coastal Management SEPP*, which will replace SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection) and ensure that future coastal development is appropriate and sensitive to our coastal environment, and that we maintain public access to beaches and foreshore areas. The proposed continued shared use of Beachcomber Track by emergency services, NPWS and the facility will ensure that future coastal development is appropriate and sensitive to the coastal environment, and that we maintain public access to beaches and foreshore areas.

Heritage Act 1977 (for activities likely to affect items or places of historic cultural heritage value)

Justification (indicate any or all of the following that are relevant):

- The activity is on land that contains:
- an item listed on the State Heritage Register (SHR)
 - an item not listed on the SHR but identified by OEH as being of state significance
 - an item listed on the OEH Heritage and Conservation Register (contained in the Historic Heritage Information Management System)
 - a place, building landscape feature or moveable heritage item older than 25 years
- [Activities likely to affect the above may require expert advice and assessment, such as preparation of a heritage impact statement.]

There are no items or places of historic cultural heritage value in the access track. The activity is not to affect items or places of historic cultural heritage value.

Threatened Species Conservation Act 1995 (TSC Act) (Is the activity consistent with the biodiversity conservation objectives of the Act?)

Justification:

The only potential impacts of the activity on threatened species or endangered ecological communities would be associated with the routine trimming of overhanging vegetation along the track and the construction of the additional 7.5m by 6.5m section of driveway.

The impact of trimming the track edge and clearing vegetation on the new driveway were assessed by Cumberland Ecology. See **Annexure AI - 3.11. Ecological Impact Assessment Cumberland 2016 (ADD REFERENCE TO EVIDENCE TENDERED IN COURT)**. Dr Roberts concluded that there was no potential impact on TSC matters and negligible impact on broader natural heritage matters.

Rural Fires Act 1997 (Is the activity consistent with the objectives of protecting life and property and protection of the environment?, is it consistent with bush fire management plans?)

Justification:

The Beachcomber Track is currently used by RFS and NPWS fire management vehicles. It also provides one of the exit points for visitors to Royal National Park, particularly those on the Royal Coast Track.

The activity will not have an adverse impact on the continuing use of the track for the above purposes. On the contrary, the improved maintenance of the track edge as proposed in this REF will enhance the functionality of the track for fire management purposes and improve the safety of park visitors and clients and staff of the proponent (RVA).

The issue of fire safety was addressed in the development application for the adjoining 60-70 Bournemouth Avenue. See Sydney Bushfire Consultants, **Annexure AL - 3.1. Bushfire assessment 100B - 085 RVA Bundeena Version 8.**

The NSW Rural Fire Service has issued a Bush Fire Safety Authority dated 25 January 2017 for the eco-tourist facilities. This requires that the access track to the eco-tourist facilities be maintained in accordance with **Planning for Bush Fire Protection 2006**. This is consistent with the standard requirements for fire trails and will enable the Spring Gully APZ and SFAZ to be maintained in accordance with the **NPWS Royal Fire Management Strategy 2016**.

Fisheries Management Act 1994 (Will the activity affect fish or marine vegetation, including threatened species? Is approval required under the Act?)

Justification:

The Fisheries Management Act applies to land below the mean high water mark and to streams. The activity will not affect any streams and is above the mean high water mark. The activity is not within such areas.

Commonwealth legislation (including the *Environment Protection and Biodiversity Conservation Act 1999* (EP&BC Act) and the *Telecommunications Act 1997*)

Note: if Matters of National Environmental Significance (MNES) are likely to be affected, identify these below.

Justification (indicate any of the following that are relevant):

- The activity is on land that contains the following, or the activity may affect:
- places identified on the World Heritage List or National Heritage List
 - Ramsar wetlands
 - nationally listed threatened species and ecological communities, or migratory species
 - the Commonwealth marine environment.

[Include relevant comments or information, any supporting assessment, and indicate whether Australian Government approval may be required.]

The Royal National Park is on the National Heritage List. The activity has no potential impact on the grounds for listing specified in the Commonwealth's gazettal notice for Royal National Park. See <http://www.environment.gov.au/system/files/pages/825c82df-f4a6-457f-a9aa-e0101c136d43/files/10589302.pdf>

Royal National Park contains a variety of threatened species, ecological communities and migratory species that are scheduled under the *EPBC Act*. The only potential impact of the proposed activity on such species and communities is associated with the trimming of roadside vegetation. The potential impact of this routine edge management was assessed as part of the development application for the eco-tourism facility. See Cumberland Ecology, **Annexure AI** - 3.11. Ecological Impact Assessment Cumberland 2016. That assessment concluded that there were no potential for significant impacts on threatened species or endangered ecological communities. Accordingly, it is concluded that formal referral under the EPBC Act is not required.

Australian Government approval is not required.

3.2 Consistency with OEH policy

Indicate whether the activity is consistent with OEH policy, including an explanation where necessary. Information on park management policies can be found on the **[Policies webpage](#)**.

Provide details of relevant OEH policy	<p>A primary purpose of the REF is to enable the Minister for the Environment to consider an application for access under Section 153C of the <i>National Parks and Wildlife Act</i>. This REF demonstrates that the application is consistent with the provisions and conditions for grant of access as described in Section 153C.</p> <p>The activity is consistent with the NPWS Policy - PMopa/013/feb03/SP - Access to Inholdings Policy (see Annexure AB - NPWS Policy - Access to inholdings March 2006.pdf)</p> <p>Correspondence to OEH in relation to the proposed access is attached as follows: Annexure AN - tab 7 - 2015-05-12 Letter RVA to OEH NPWS easement request Annexure AO - tab 8 - 2015-10-13 Email RVA to NPWS Annexure AP - Letter of advice Right of Way (30 September 2015).</p>
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3.3 Type of approval sought

OEH proponents

<input type="checkbox"/>	Internal OEH approval* or authorisation, including expenditure
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*OEH does not grant park approvals (e.g. leases, licences, consents, etc.) to itself, but has a range of general powers to undertake activities on-park, for example, ss. 8 and 12 NPW Act.

External proponents

Appendix 1 of *Guidelines for preparing a Review of Environmental Factors* provides a list of the types of approval that may be obtained from the OEH.

<p>Provide a brief description of the type of approval sought (e.g. a lease for visitor accommodation under s.151 NPW Act)</p>	<p>Approval for access along the Beachcomber Track for staff, guests and contractors of the recreation camp under s.153C <i>National Parks and Wildlife Act</i>.</p> <p>Approval for the construction of a sealed driveway of dimensions 7.5m by 6.5m.</p> <p>Approval to conduct minor vegetation trimming along the edge of Beachcomber Track.</p> <p>Draft plans detailing the line of the proposed legal access is provided in Annexure V and Annexure W.</p> <p>The use of the track by RVA and its clients and contractors would be as described in Annexure AQ - Plan of Management.</p> <p>Key elements of the proposed use of Beachcomber Track are as follows:</p> <ul style="list-style-type: none"> - Vehicular access to the track would be limited to vehicles registered to the recreation camp and its contractors; - Guests of recreation camp would not be permitted to bring their vehicles along Beachcomber Track; - Vehicles would be limited to a maximum speed limit of 4km/h, ie. less than walking speed; - Gates will be locked immediately upon the entry and exit of authorised vehicles; - Authorised vehicles are: <ul style="list-style-type: none"> o the two evacuation vans for 12 passengers each such as Toyota HiAce Commuter, o a small utility vehicle such a JD Gator and o care takers vehicle (car or ute or van) - Guests will access the site by foot or by shuttle cart operated by the recreation camp; - Bookings will include guidance on public transport options; - There is no on site parking for guests; and - Construction contractors will only access the site during day light hours.
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**National Parks and Wildlife Act 1974 No 80**

Current version for 7 June 2016 to date (accessed 5 February 2017 at 12:08)

Part 12 Division 3 Section 153C**153C Easements, rights of way and licences for landlocked areas**

(1) The Minister may, on such terms and conditions as the Minister thinks fit, grant an easement, right of way or licence through or over land reserved under this Act for the purposes of enabling access to other land if:

(a) the other land is completely or partially surrounded by land reserved under this Act, and

(b) the Minister:

(i) is satisfied that it is not practical for the owner (or any occupier) of the other land to obtain an alternative means of access (whether by land or water) because it is not legally or physically available, or

(ii) while satisfied that it is practical for the owner (or any occupier) of the other land to obtain an alternative means of access, considers that the proposed means of access will have a lesser environmental impact than that alternative means of access to the land concerned, or

(iii) while satisfied that it is practical for the owner (or any occupier) of the other land to obtain an alternative means of access, considers that the proposed means of access will assist in more efficient management of the reserved land and will have no greater environmental impact than that alternative means of access to the land concerned.

(2) The Minister must not grant an easement, right of way or licence under subsection (1) unless the Minister is satisfied that:

(a) the access proposed to be granted under the easement, right of way or licence will not have a significant impact on the environment of the area adjacent to the proposed access, and

(b) the access proposed to be granted under the easement, right of way or licence is consistent with the relevant plan of management.

(3) The Minister must not grant an easement, right of way or licence under subsection (1) unless the Minister has considered:

(a) the extent of, and legality of, any access that the owner (or any occupier) had to the land before that access became unavailable, and

(b) any guidelines (as referred to in subsection (4)) in relation to access to land.

(4) The Chief Executive must prepare and adopt, after consulting with the Council, guidelines relating to the provision of access to land under this section, and may, from time to time, vary those guidelines after further consultation with the Council.

The proposed means of access will have a lesser environmental impact than any other alternative means of access to the land concerned.

Are there any existing approvals, such as permits, leases, licences or easements, which apply to part of or all the activity?




No (not within the Royal National Park). There is an existing right of way through uncleared strips of land known as Sussex Street and Liverpool Street. This land is in private ownership and sits within portions of the Royal National Park. The clearing of this land to put the right of way to use will have a greater environmental impact than the proposed means of access to the RVA Australia Pty Ltd land.

4. Consultation – general

Specify the details of consultation, including who was consulted, how and when they were consulted, and the results of the consultation. Section 2.6 of *Guidelines for preparing a Review of Environmental Factors* provides guidance on consultation.

<p>Provide details of consultation*:</p>	<p>In summary, up to the making of this REF, since 2013 the proposal for the recreation camp for eco tourism with the proposed access has been subject to decision making processes for the drafting and public enquiries and making of the 2015 Local Environment Plan (LEP) and the assessment of Development Applications and subsequent hearings for appeals in the Land and Environment Court all of which included mandatory public exhibition processes.</p> <p>There has been numerous submissions by the public with Council regarding the <u>Development Applications</u> and with OEH regarding the <u>access proposal</u>.</p> <p>Letter from RVA to the Minister for the Environment The Hon Mark Speakman – cc to National Parks & Wildlife Service Regional Manager Metropolitan South West region [REDACTED] dd 12th May 2015, Annexure AN - tab 7 - 2015-05-12 Letter RVA to OEH NPWS easement request</p> <p>Letter from National Parks & Wildlife Service Regional Manager Metropolitan South West region [REDACTED] to RVA ref DOC16/299479, Annexure AR - tab 10 - 2016-08-26 Letter [REDACTED] NPWS Response additional information</p>
	<p>The applicant met with neighbours and community members to discuss the purchase of 60-70 Bournemouth Street and the proposal to establish an eco-tourist facility when the land was first advertised for sale. The reliance of the operation upon securing legal access through Royal National Park has always been part of the proposal.</p> <p>The public has been able to participate in the consultation process regarding the zoning of the land for the recreation camp in the LEP and have had their views heard.</p> <p>The LEP process started before 2013 ran for over two years. The proposed use of the land was specifically considered during the review and public hearings directed by the Minister for Planning during the making of the LEP. The applicant has considered all the submissions during this process. The final public hearings into the making of the LEP 2015 is attached (Annexure AS - Extract - Independent review of the DSSLEP 2013 (Dr J Roseth & M Sussex AM (p.93)).</p> <p>In this public hearing report Dr John Roseth and Meredith Sussex AM, on behalf of the Minister for Planning, found that: <i>“The E2 zoning of the land formerly owned by the Scout Association at 60-70 Bournemouth Street, Bundeena with eco-tourist facilities being permissible is appropriate.”</i></p>

	<p>There has been a consultation with OEH and the community on the proposed recreation camp for eco-tourist facility alternatives facilitated by Council. See Annexure AT - 2. 2013-12-09 SSC Infrastructure Projects and Works - Stakeholdermeeting report.pdf</p> <p>The public has been informed about the detailed project plans through the DA public notification consultation process that has started in late 2014. The local community have fully participated in all the various consultation processes.</p> <p>The applicant has distributed letterbox drops in Bundeena with an introduction and personal contact details. See Annexure AU - 3. Community information leaflet 2014.pdf</p> <p>The applicant has provided a website with information and a Q & A section. Questions on environmental impact sustainability and permissibility were received and answered promptly. See www.bundeenacoast.com. Within the website is a 3-dimensional model (https://bundeenacoast.com/3d-model/) that can be opened in Sketch-Up ®. This 3D model provides and accurate representation of the eco-tourist facility with its tents above the landscape.</p>  <p>Hundreds of submissions were received and or provided to Council and other government departments in the last four years. These submissions have been considered and their contents considered by the applicant and its consulting planning experts.</p>
<p>Statutory consultations*</p>	<p>If the activity affects the items below, the proponent must consult with either the relevant local council or public authority, as required by State Environmental Planning Policy (Infrastructure) 2007:</p> <ul style="list-style-type: none"> <input type="checkbox"/> local council infrastructure or services (such as stormwater, sewer and roads) <input type="checkbox"/> heritage items listed under the local environmental plan (LEP) <input type="checkbox"/> flood liable land <input type="checkbox"/> navigable waters or traffic generating development.
	<p>If the activity requires a lease of licence under s.151A NPW Act does it require notification and consultation under s.151F and/or s.151G?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Yes <input type="checkbox"/> No

Additional comments applicant:

- This proposal provides evidence that the relevant OEH (National Parks and Wildlife Service) office supports the proposal in-principle.

- There are no statutory requirements to consult with local councils and public authorities in the circumstances of this proposal as identified in clauses 13-15 of *State Environmental Planning Policy (Infrastructure) 2007* .
- This proposal seeks legal access along the Beachcomber Track under section 153C of the NPW Act.

5. Consultation – Native Title

1. Is the land subject to an Indigenous Land Use Agreement? (Check the OEH website or with the OEH Aboriginal Heritage and Joint Management Team.)

No (go to Q 2)

2. Has there been a determination of native title applicable to the land or is there a native title claim pending (check the National Native Title Tribunal website)?

No (go to Q 3)

3. Has native title been extinguished?

Yes

- Clear evidence will be needed to demonstrate extinguishment.
- If extinguished, the NT Act procedures do not apply. However, other policies about consultation with Aboriginal people will still be relevant.

No or unclear (go to Q 4)

If relevant, provide details	The activity is part of Royal National Park. It may have been part of The ‘government reserve’ on the Southern Headland of Port Hacking before incorporation in the Royal National Park.
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4. If native title is not confirmed as extinguished, does the activity have a high risk of adversely affecting native title (e.g. major infrastructure works, new buildings or granting of leases).

No

- No further consideration required

Yes

- If yes, proponents should discuss with OEH the need to notify and consult Native Title Services Corp or any native title claimants.

If relevant, provide details	The activity does not present a high risk of adversely affecting native title.
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Annexure AB - NPWS Policy - Access to inholdings March 2006 provides:

“Native title

15. Easements, rights of way and licences have the potential to affect native title interests. Unless all relevant provisions of the Native Title Act 1993 are complied with, easements, rights of way and licences will be issued subject to any relevant native title interests and will be invalid to the extent of an

inconsistency with those interests. No compensation will be payable to the holder of an easement, right of way or licence, if that easement, right of way or licence is invalid due to an inconsistency with native title. The holder of an easement, right of way or licence will be required to provide an indemnity in relation to any compensation payable to holders of native title interests as a result of the issue and use of land pursuant to the easement, right of way or licence.”

OEH has informed that “***The land subject of the activity may be affected by Native Title applications.***”

The applicant will provide an indemnity in relation to any compensation payable to holders of native title interests as a result of the issue and use of land pursuant to the easement, right of way or licence.

6. Proposed activity

6.1 Location of activity

Please attach a locality plan, map, photographs, diagrams and a site plan showing the location and layout of the proposed activity, and provide the following details of the location of the proposed activity site.



The subject of the activity being 440m of existing sealed road in Royal National Park is aligned green and identified with green arrow in the above image. The approximately 7.5m length of permeable surface to be constructed to cross in to Sussex St is aligned pink and identified with pink arrow amounts to approximately 0.005 ha.



The alternative path over parts of the current right of way that exists over the strips of private land beyond Liverpool Street and Sussex Street, being the historically planned and subdivided roads within DP1782 that provide legal access to the facility and Lots 15, 16, 17 and 18, Section K in DP1782 (the Old Council Depot) is aligned red and identified with red arrow in the above image. The subject of the activity being 440m of existing sealed road in Royal National Park is also visible in the bottom right corner of the above image.

Addition of over 5 ha of currently private land to the Royal National Park

The strips of private land being the historically planned and subdivided roads within DP1782 that are not yet formed and not adjacent the applicants land are subject to a transfer to the applicant. After that transfer is final this land is to be made available for addition to the Royal National Park free of consideration after the proposed right of way is established. This amounts to an addition of over 5 ha of currently private land to the Royal National Park.

Site commonly known as Beachcomber Track and Old Depot site (see also Site Plan PR124192SW_P13q.pdf)

Street address

Street Name: Beachcomber Avenue

Suburb: Bundeena

State: NSW

Postcode: 2230

Title reference

Site reference

Site Name: Beachcomber Track

GDA-MGA: (UTM with GRS80 ellipsoid)

Zone: 56

Easting: 330041.111

Northing: 6225992.311

Latitude: -34°5'35.06000"

Longitude: 151°9'27.67000"

Grid Convergence: -1 ° 1 ' 58.57 "

Point Scale: 0.99995609

Local Government Area: Sutherland Shire

NSW State electorate: Heathcote

Catchment: Port Hacking

National Park: Royal National Park

6.2 Description of the proposed activity

Description of the proposed activity – include pre-construction, construction, operation and remediation:

The activity comprises:

1. The use of 440m of an existing sealed road in Royal National Park to enable access by work vehicles involved in the construction of an eco-tourism facility at 60-70 Bournemouth St as described in development approval issued by the L&E Court (reference). The proposed access along the road would require the issue of an approval under Section 153C of the NPW Act. An estimated average 7 return trip vehicle movements per week will be required over a period of 12 to 18 months for the purpose of construction of the facility.
2. The use of 440m of existing sealed road in Royal National Park to enable employees and clients of RVA Australia to access premises at 60-70 Bournemouth St once the site is operational. The proposed access along the road would require the issue of an approval under Section 153C of the NPW Act. Ongoing access for the eco-tourism facility is estimated at average 2 to 3 return trip vehicular movements per day and up to 22 pedestrians per day.
3. The construction of 7.5m average length and 6.5m width of permeable road (driveway) on National Parks land to provide access from the existing road to the boundary of Sussex St where the driveway traverses private land Sussex St onto private land 60-70 Bournemouth St.
4. Ongoing maintenance of the existing road through Royal National Park to enable the eco-tourism facility to be operated in accordance with NSW Rural Fire Service (RFS), Bush Fire Safety Authority (BFSA) D14/3551 dated 25 January 2017 (**Annexure AC**).

The activity is proposed in accordance with **Annexure AB** - NPWS Policy - Access to inholdings March 2006.

The proposed activity is an approval under Section 153C for pedestrian and private vehicle access over Beachcomber Track (“the track”), extending from Beachcomber Avenue, Bundeena through the Royal National Park (RNP) to the recreation camp site for a new *eco-tourism facility*¹ (“the facility”) on 60-70 Bournemouth Street Bundeena (Lot 3//DP213924) (“the site”).

The proposed activity includes maintenance of the track in compliance with NSW Rural Fire Service (RFS), Bush Fire Safety Authority (BFSA) D14/3551 dated 25 January 2017 (**Annexure AC**).

The gate at the entry to the track from Beachcomber Avenue will remain in place. The gate will be unlocked and immediately locked upon entry and or egress to and from the facility respectively.

The proposed access approval will formally replace the right of way that exists over the strips of land beyond Liverpool Street and Sussex Street, being the historically planned and subdivided roads within DP1782 that provide legal access to the facility and Lots 15, 16, 17 and 18, Section K in DP1782 (the Old Council Depot).

A 25m long driveway will connect the facility to the Old Council Depot as detailed by **Annexure AD** - Road Engineering Report - January 2016.

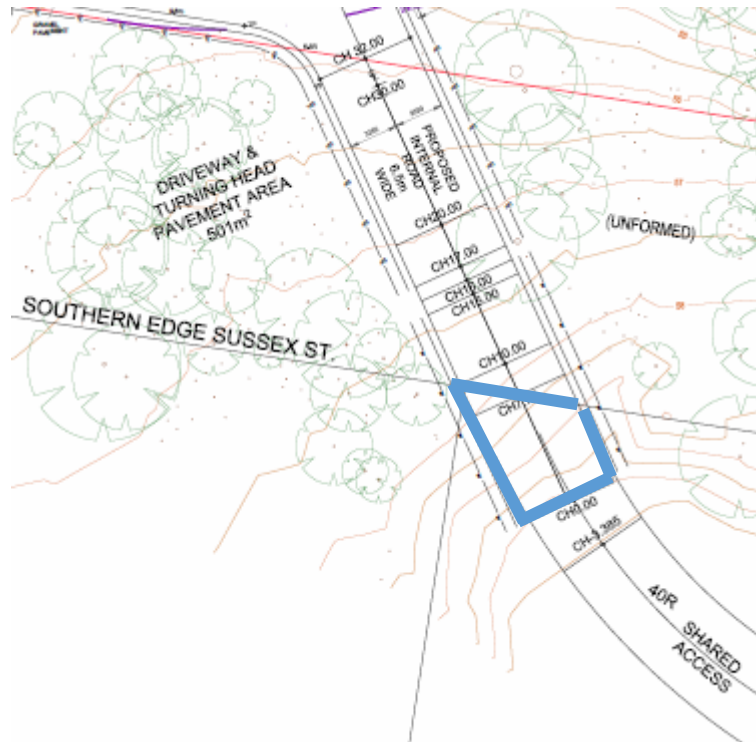
¹ *Eco-tourist facility* is an innominate use under Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006) and defined by Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) as:

“**eco-tourist facility** means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.”

See section aligned blue in image below:



Minor future repairs and maintenance as considered required in the future would be undertaken to secure the condition of the Beachcomber Track.

The Court has in the judgment of 31st March 2017 (**Annexure AA** -30032017094201-0001_Judgment - 30 March 2017) paragraph 91 agreed with the traffic and engineering experts joint evidence in **Annexure AV** - Sealed Joint Expert Report - Traffic and Civil Engineering February 2017 which concludes in 6g:

“The proposed works outlined in Section 5 (page 3), Annexure A and Annexure B of the McLaren Traffic Engineering (MTE) letter dated 8th February 2016 provide a suitable response to the needs of Rural Fire Service access during emergency response periods.”

This refers to **Annexure AW** - 3.3. Traffic Advice -15445.01FD - 8th February 2016 which says:

“The track has an existing all weather sealed surface of sufficient condition. It is understood that a pavement assessment has been undertaken by Mr Lyle Marshall confirming the suitability of the shared access track for site vehicles and emergency vehicles.”

and

“The track would fully comply with those spatial requirements according to a public road standard if the trimming were to occur.”

This refers to **Annexure AD** - Road Engineering Report - January 2016:

“3.0 WORKS REQUIRED TO UPGRADE THE SHARED ACCESS TO PUBLIC ROAD STANDARD

3.1 Design Standards

The required road widths for 2-way public roads that are not perimeter roads are:-

- On straight – **6.5 metres**.
- On 40m radius curve – **8 metres**.

The minimum carriageway width is **4 metres**.

Public roads are required to be two wheel drive all-weather roads. The capacity of the road surface for areas where there is no reticulated water service is **9 tonnes per axle**. The **Category 1 Tanker (Ref 2.4)** has a wheelbase of **3.8 to 5.5 metres**, front axle load of **6.0 tonnes** and a rear axle load of **9.0 tonnes**. The vertical alignment can have a maximum gradient of **26.79%** (15 degrees) for a sealed road and **17.64%** (10 degrees) for an unsealed road. The minimum vertical clearance to overhanging obstructions including tree branches is **4 metres**. The minimum trafficable width for **2-way access** is **6 metres** on straights and **8.0 metres** on a **40 metre** radius curve. The maximum crossfall is **17.64%** (10 degrees) on a sealed road surface. The longitudinal and sideways friction coefficients (**Ref. 2.5**) on unsealed are about half those for sealed roads.

3.3 Trimming of Vegetation

Some trimming of overhanging branches and bushes is required to obtain the required 6 or 6.5 metre width for 2-way operation on straights and up to 8 metres on the 40 metre radius curve from Ch. 225 to Ch. 285. A plan of the entire length of the shared access track has been prepared by McLaren Traffic Engineering (Ref 2.6) and the extent and nature of the trimming required is noted at all locations by Chainage reference. The widths noted by R are the cleared widths required for 2-way traffic operation.

3.4 Existing Pavement Condition

In my opinion, the road pavement has the structural capacity to carry the occasional 9.0 tonne axle load of the loaded Rural Fire and Rescue Service tanker.

...

The sealed pavement has a number of surface irregularities due to normal wear and tear" but is adequate for the very low traffic volumes that are proposed in the order of 6 to 8 light vehicle movements per day by the Toyota Hi-Ace commuter bus. Tourists staying at the proposed recreation camp for Ecotourism will not drive on the shared access.

The shoulders are firm and capable of carrying a light vehicle when 2-way traffic may be required in a fire emergency. The cleared and grassed area at the end of the shared access track is used as a Helipad for fire fighting and construction and maintenance works in the RNP. The clearing is also used by the Rural Fire and Rescue Service and State Emergency Service (SES) and for training purposes. RFRS Category One Tankers cross the cleared and grassed area which has a sound and even bearing surface. The cleared and grassed area to Chainage – 3.385 is therefore deemed adequate for the continued use by Category One Tankers and loaded Toyota Hi-Ace vans."

There is no requirement for two wheel drive all-weather roads to have a sealed surface over the whole width to comply with the standards. The only work's required for the proposed access are trimming of overhanging vegetation to expose trafficable path in the form of pavement and firm shoulders to the required widths.

To the extent necessary to comply with the BFSA, trimming of trees consistent with the existing shared use of the track as a fire trail will be undertaken as required from time to time in consultation with the NPWS and subject to any requirements within the terms of the ROW.

The size of the proposed activity footprint:

The proposed right of way is 440 metres long and 6.5 metres wide on straights and up to 8 metres wide in the sharpest bend which amounts to approximately 0.3 ha. The proposed right of way is not exclusive.

The newly constructed permeable road surface on National Parks land linking to the new road surface on the applicant's private land is approximately 7.5m long and 6.5m wide which amounts to approximately 0.005 ha.

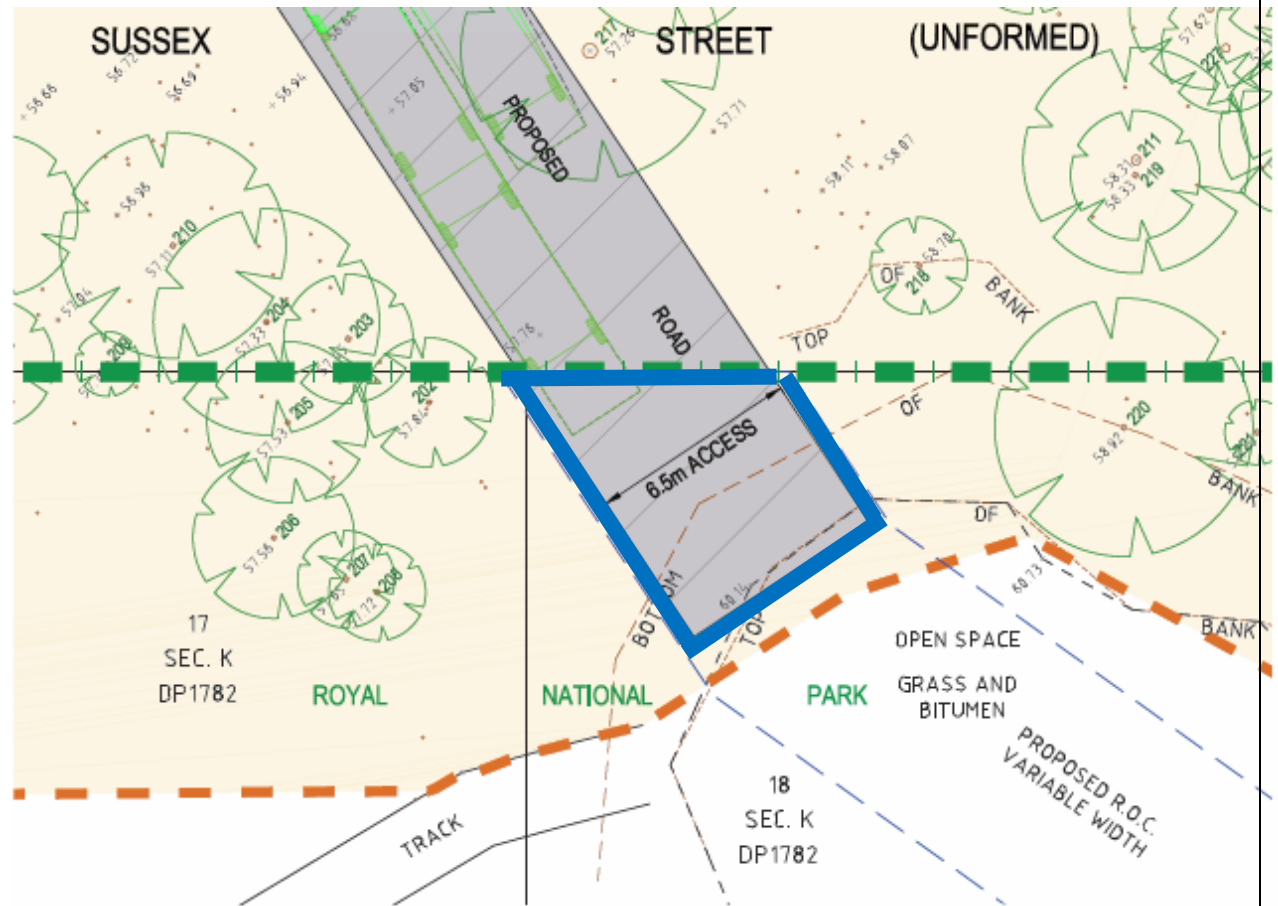
See attached plans for the proposed right of way
Annexure AX - PR124192SU-DP01b.pdf and
Annexure AY - PR124192SU-DP02a.pdf

Applicant recognizes future NPWS land uses of the subject existing track and or existing clearing might require modification of the exact path of right-of-way and applicant fully supports required modifications to the path of the right of way in that respect.

Ancillary activities, such as advertising or other signage (including any temporary signs, banners or structures promoting an event or sponsorship arrangements), roads, infrastructure and/or bush fire hazard reduction:

Construction driveable surface to connect existing track surface with driveway as per design in **Annexure AD** - appendix 3.4. Road Engineering 30A_15 _Rpt_Bundeena_Feb 12 par 4.0 for the application for development consent for the recreation camp for eco tourism.

The newly constructed permeable road surface on National Parks land is denoted in **Blue Outline** in the image below linking to the new road surface on private land is approximately 7.5m long and 6.5m wide which amounts to approximately 0.005 ha



A gate will be located on the applicants land to indicate when the facility is closed for example in response to evacuation management plan trigger events.

Only when the facility is closed due to bush fire danger rating in accordance with the Plan of Management for the recreation camp a sign will be located at the start of the shared access track to inform the recreation camp is closed due to bush fire danger. See **Annexure AQ** - 4.1 - Plan of Management 2016 for the application for development consent for the recreation camp for eco tourism.

Proposed construction methods, materials and equipment:

There is no construction required for the existing track surface as this is considered suitable for the intended use, see **Annexure AD** - appendix 3.4. Road Engineering 30A_15 _Rpt_Bundeena_Feb 12 par 3.3 for the application for development consent for the recreation camp for eco tourism.

There is to be some trimming of overhanging branches and bushes on NPWS land. See **Annexure AW** - 3.3. Traffic Advice -15445.01FD - 8th February 2016

NOTE: since the 12th February 2016 considerable trimming has been done on the track with removal of the larger failed trees as mentioned in the arborist and traffic reports as most significant. The remaining vegetation trimming along the existing track surface will be undertaken using hand tools. The extent will not exceed routine maintenance requirements.

The construction of driveable surface to connect existing track surface with driveway is detailed below.

Unsealed road with a *well graded 19mm nominal size base course material* to be used for the wearing course. See for more details **Annexure AD** par 4.0 in appendix 3.4. Road Engineering 30A_15 Rpt_Bundeena_Feb 12 for the application for development consent for the recreation camp for eco tourism.

Construction methods:

- Construction will take place in-situ with the materials being delivered by truck via the existing track surface
- Approved contractors will be undertaking the works.
- Machinery on site to include excavator, bobcat, compaction equipment confined to a Wacker Compactor or a *small hand guided vibrating roller*.
- Vegetation management to be undertaken using hand tools.
- Only fill and no cut is required on NPWS land.

Materials:

All construction materials will be delivered by truck via the trail.

Proposed materials will include some or all of the following:

- Crushed stone granular wearing course with cohesive properties (verified clean)
- Sand (verified clean)

The activity involves infrastructure works and will not require certification to Building Code of Australia or Australian Standards prior to commencement. The applicant is responsible to arrange for the certification in accordance with OEH *Construction Assessment Procedure*

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

Storage and on site management for materials used in construction:

- The only materials that would be temporarily stored on National Parks land would be those required to construct the linking section of track connecting to the end of the existing surface and crossing over Sussex St. Once established all other storage would take place on the applicants land.
- Only those materials will be delivered direct to and temporarily stored at the former Council Depot immediately adjacent the new drivable surface.
- Only those materials will be stored on a temporarily separation surface to protect the existing surface on the former Council Depot.
- All those materials will be secured at the completion of works each day, and the site made safe for users whilst construction is not occurring.
- Machinery and tools will not be kept at the former Council Depot or other National parks land overnight.
- On completion of the drivable surface over National parks land to the applicant's land all remaining materials will be removed from the former Council Depot and moved onto the land of the applicant.

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

- Earthworks/site clearing including extent of vegetation to be removed:
- The newly constructed permeable road surface on National Parks land linking to the new road surface on the applicant's private land is approximately 7.5m long and 6.5m wide which amounts to approximately 0.005 ha.
- Minor vegetation clearing of groundcover will be undertaken on National Parks land; the extent of vegetation clearing will be no wider than required for the construction of the drivable surface and shoulder and batter. Vegetation clearing will be undertaken manually or with handheld tools.
- There is to be no cut or excavation and some fill on National Parks land. See **Annexure AD** - for more details par 4.0 in appendix 3.4. Road Engineering 30A_15 _Rpt_Bundeena_Feb 12 for the application for development consent for the recreation camp for eco-tourism.



- Although the activity itself is not subject of the application for development consent, the recreation camp for eco-tourist facilities and the activity including the proposed newly constructed permeable road surface has been subject to consideration of the Aboriginal Heritage due diligence assessment undertaken in cooperation with the La Perouse Aboriginal Land Council for the eco-tourist facilities. The assessment concluded: *"In summary it is considered unlikely that the current proposal will impact any items of Aboriginal heritage significance."* (see **Annexure AE** - 3.7. Aboriginal Heritage Due Diligence MDCA 2016.pdf)
- Although the activity itself is not subject of the application for development consent for the recreation camp for eco-tourist facilities and the activity has been subject to consideration for the ecological impact assessment by Cumberland Ecology for that application. The assessment concluded: *"Therefore, it is considered that the conservation of EEC communities along with improvement of conditions of EEC's to offset impacts to non-EEC communities provides an acceptable improvement in biodiversity values in the long term."* (see **Annexure AI** - 3.11. Ecological Impact Assessment Cumberland 2016.pdf)

Environmental safeguards and mitigation measures:

- Construction methods will aim to reduce environmental impacts by minimising soil and vegetation disturbance.
- If any items or artefacts that may contain cultural significance are discovered during construction works, all works will stop until site assessed by an Aboriginal Sites Officer.
- Minimal vegetation clearing to be undertaken manually and or handheld tools,
- All equipment to be washed and cleaned prior to entering the site to reduce the introduction of weeds, foreign soil, phytophthora and other soil-borne pathogens.
- See **Annexure AZ** - appendix 4.1 - Addendum to Plan of Management 2016 RevB - August 2016 for the application for development consent for the recreation camp for eco-tourism section 19.0 Ecological impact mitigations measures:

“Activity: Soil disturbance related to site establishment and bulk earthworks

Impact: Sedimentation and erosion leading to a reduction in water quality and degradation of aquatic habitat in streams, floodplains and wetlands.

Mitigation Measures:

- ✓ *Appropriate sediment and erosion controls will be installed prior to the commencement of earthworks and construction, around the APZ and development footprint, to reduce run-off into adjoining vegetation and downstream to the Coastal Freshwater Wetland.*
- ✓ *Where possible, earthworks will be undertaken during dry weather conditions. Clearing of vegetation should be avoided during overland flow events.*
- ✓ *The limits of clearing for the APZ will be clearly marked on plans so that clearing activities are constrained to approved areas only.*
- ✓ *Soil or mulch stockpiles will be located away from key stormwater flow paths to limit potential transport of these substances into the Coastal Freshwater Wetland.*
- ✓ *Stabilisation of disturbed areas will be undertaken as soon as practicable after disturbance in accordance with approved methods as detailed in Managing Urban Stormwater: Soils and Construction 4th Ed. „The Blue Book“, NSW Government, (Landcom 2004).*

Impact: Loss and degradation of native vegetation

Mitigation Measures:

- ✓ *Clearance of native vegetation will be minimised as far as is practicable.*
- ✓ *Any additional construction areas, such as site offices, construction stockpile locations and machinery/equipment lay down will be located, where possible, within existing cleared or disturbed areas. No additional construction areas will be located within “No Go Areas” to be retained.*

Impact: Loss of threatened flora species.

Mitigation Measures:

- ✓ *Site inductions for construction staff will include a briefing on the potential presence of threatened species and their habitat adjacent to the development footprint, their significance and locations and extents of no-go zones.*

Activity: Vegetation clearance

Impact: Loss of fauna habitat.

Mitigation Measures:

- ✓ Fencing with "No Go Area" signage will be installed to clearly define the limits of the works as to not further encroach on habitat to be retained.
- ✓ Species selection for any future landscaping works within the study area should be limited to locally occurring species that offer habitat to locally occurring fauna species
- ✓ All plants to be used in landscaping works should be of local provenance; local provenance seeds and plants are often better adapted to local environmental conditions and have a greater capacity to provide habitat, food and other resources for local wildlife.

Impact: Fauna injury/mortality.

Mitigation Measures:

- ✓ Prior to clearing, nearby habitat suitable for the release of fauna that may be encountered during the pre-clearing process or habitat removal will be identified by the ecologist.
- ✓ Pre-clearance surveys will be undertaken to identify any breed or nesting activities by native fauna within vegetated areas to be cleared. No breeding attempts or active nests should be disrupted, as far as practical.
- ✓ Where fauna species are identified in vegetation to be cleared, animals will be removed and relocated to adjacent bushland/nest boxes prior to felling. If this is not possible, the tree will be sectionally dismantled or soft felled under the supervision of an ecologist or wildlife carer, before relocating the animal.
- ✓ Prior to clearing, all hollow-bearing trees will be marked by an ecologist so that they are retained and avoided by contractors. Their location will be recorded using a GPS.
- ✓ A pre-start-up check for sheltering native fauna of all infrastructure, plant and equipment and/or during relocation of stored construction materials will be undertaken.
- ✓ Site inductions will include a briefing regarding the local fauna of the site and identification of protocols to be undertaken if fauna are encountered.
- ✓ If any pits/trenches are to remain open overnight, they will be securely covered, if possible. Alternatively, fauna ramps (logs or wooden planks) will be installed to provide an escape for trapped fauna.

Impact: Weed establishment and spread.

Mitigation Measures:

- ✓ Vehicles, equipment, materials and footwear are to be clean on entry (free of soil, mud and/or seeds) to minimise the introduction or spread of *Phytophthora cinnamomi*.
- ✓ Equipment used for treating weed infestation will be cleaned prior to undertaking work in the study area to minimise the likelihood of transferring any exotic plant material and soil.
- ✓ Soil stripped and stockpiled from areas containing known weed infestations will be stored separately and is not to be moved to areas free of weeds.
- ✓ Monthly inspection of the proposal will be undertaken upon the completion of work, to identify the establishment of any weed species. Any weeds identified will be removed.

Activity: Vegetation clearing, construction, clearing for APZ

Impact: Altered hydrological regimes related to an increase in impervious surface such as changes in runoff and infiltration, redirection of flows.

Mitigation Measures:

- ✓ Temporary mitigation measures for soil and water management control during construction will include, but will not be limited to the following: sediment fencing, diversion drains, geotextile fabric.
- ✓ Stabilisation of disturbed areas will be undertaken as soon as practicable after disturbance.

Activity: Hot works (including vegetation clearing requiring heat producing equipment)

Impact: Outbreak of bushfire.

Mitigation Measures:

- ✓ Hot work will not be undertaken on declared total fire ban days.
- ✓ Vehicles and plant will not block access tracks.
- ✓ Bushfire awareness will be included in staff induction and in toolbox talks pre-commencement.

Activity: Introduction of walking driving and roof surfaces

Impact: erosion by concentrated water flows

Mitigation Measures:

- ✓ Proposed designs of driveway and building and tent structures ensure that all incoming water, including stormwater and other run off, is diverted either into storage tanks or soak trenches eliminating concentrated water flow risks.
- ✓ All overflows will have broad and level sills.
- ✓ Walking tracks are permeable raised path of gravel and or permeable pavers. Permeable pavers or level stepping stone boxes or similar lined with geotextile fabric filled with gravel on slopes greater than 10 percent. Retaining walls in paths of aluminium Knotwood.
- ✓ Driving surfaces are permeable bonded gravel with appropriately designed soak trenches for excess storm water

There will be some noise associated with the earthmoving machinery. Measures taken to minimise this will be to ensure work hours are between 7am and 5pm, construction site will be closed for the duration of the works without blocking any access to walking tracks for the public, and the site is located over 152m metres distance from nearby residents.

Sustainability measures – including choice of materials (such as recycled content) and water and energy efficiency:

Road design is unsealed semi permeable road surface. See for more details par 4.0 in **Annexure AD - appendix 3.4. Road Engineering 30A_15 _Rpt_Bundeena_Feb 12** for the application for development consent for the recreation camp for eco tourism.

Construction timetable and staging and hours of operation:

Construction timetable and staging

Start approximately 1/1/2018.

1. Construction of the driveway

A work site will be cleared and temporarily separation surface for material storage will be created on the site. Work site preparation and fencing will require a return trip for delivery and a return trip for pick up.

The newly constructed permeable road surface on National Parks land linking to the new road surface on the applicant's private land is approximately 7.5m long and 6.5m wide which amounts to approximately 0.005 ha. The required material on National Parks land amounts to approximately 35m³ which could be delivered in 4 large truck loads. The material required for the timber retaining wall on both sides of the newly constructed permeable road surface could be delivered in 1 large truck load.

The earth moving and compacting machinery proposed to be used is relatively small in scale and can be brought in and out with one return trip small to medium truck movement per required work day. Site crew will bring their tools and equipment into on off the worksite with a single ute or van vehicle movement per work day.

On completion of the new drivable surface all remaining materials will be removed from the Old Council Depot and moved onto the land of the applicant. No further materials will be stored on NPWS land for the duration of the use.

The driveway works should be completed in a month.

2. Construction of the Recreation Camp:

A work site will be established and fenced on the applicant's land. Construction machinery accessing the site over the Beachcomber Track will generally not exceed a maximum **22.5** tonnes GMV. The earth moving and compacting machinery proposed to be used is relatively small in scale and can be brought in and out with one return truck movement per work day. Site crew will access the site with a single ute or van vehicle movement per work day.

The construction phase should be completed in a maximum of 18 months.

Traffic and hours of operation

1. Construction of the driveway

Over a period of estimated a month in addition to a limited amount of an estimated initial 6 truck deliveries the vehicular access will typically be limited to two return trips during daylight. Occasionally a third return trip during daylight may be required.

There will be some noise associated with the earthmoving machinery. Measures taken to minimise this will be to ensure work hours are between 7am and 5pm, the work site area will be closed for the public for the duration of the works, and the site is located over 150m from nearby residents.

2. Construction of the Recreation Camp:

Because the construction of the recreation camp is mainly assembly of prefabricated modules and or flat packed tent products with only limited onsite construction of driveway and stormwater infiltration trenches and refuge building parts such as concrete floors and block walls it is anticipated the heavy vehicle movements are very limited compared to traditional construction projects.

An estimated average 7 return trip vehicle movements per week during daylight will be required over a period of 12 to 18 months for the purpose of construction of the facility.

There will be some noise associated with the earthmoving or other machinery. Measures taken to minimise this will be to ensure work hours are between 7am and 5pm, the work site area will be closed for the public for the duration of the works, and the site is located some distance over 150m from nearby residents.

3. Running of the Recreation Camp:

Ongoing access for the eco-tourism facility is estimated at average 1 to 2 return trip vehicular movements per day and up to 22 pedestrians return per day. The vehicular access will typically be limited to a single return trip during daylight by caretakers or employee. Occasionally a second return trip during daylight by the caretakers could occur.

The use for the purpose is restricted to authorised vehicles only and limited pedestrian traffic while the following safety protocols apply to all use:

To ensure that the continued shared use and fauna are safe the maximum speed limit for any *authorised vehicle* using Beachcomber Track is 4km/h, less than walking speed.

To ensure unauthorised vehicles do not enter the Beachcomber Track, the gate will be unlocked and then immediately locked by the driver of every *authorised vehicle*.

Guests can walk to the site from Bundeena or via the Royal Coast Track. Bookings will include guidance on how to reach the site using public transport from Sydney to Cronulla or Otford and the Cronulla Ferry ticket will be included in the booking fee irrespective of the mode of transport adopted by the guest.

There is no parking provided on site and no access to the site for any guest or staff vehicles. In the event that disabled guest make a booking one tent is provided with disabled access and the caretaker can at request make suitable arrangement to collect that guest(s) at the gate to Beachcomber Track using an *authorised vehicle*.

Measures to minimise the vehicular use of the access are documented in **Annexure AQ - 4.1 - Plan of Management 2016** for the application for development consent for the recreation camp for eco-tourism.

6.3 Objectives of the proposal

Provide details of objectives of the proposal	To enable pedestrian and vehicle access to the land on 60-70 Bournemouth Street, Bundeena for the sole purpose of the separately proposed recreation camp, for <i>eco-tourist facilities</i> , in the most environmentally sustainable and least impacting way possible.
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7. Reasons for the activity and consideration of alternatives

Reasons for activity:

Without pedestrian and vehicle access to the land on 60-70 Bournemouth Street the separately proposed recreation camp for eco-tourism business cannot be established. Pedestrian access is required for employees and visitors. Vehicle access is required for operators and suppliers which include builders and emergency service providers.

Using the existing track to enable the required access provides the lowest net environmental impact across all land tenures.

Alternatives:

Alt A: Use of existing right of way over unformed roads south of Bundeena that run in between Royal National Park reserves over a length of approximately 1,300 metres from Liverpool St via Sussex St. See attached plan of the unmade roads.

Alt B: Pedestrian only access.

Justification for preferred option:

Alt A: Establishment of any alternative route that is legally possible has a very significant environmental impact. This impact would be far more significant than utilising the existing track.

Alt B: Without vehicle access the recreation camp for eco-tourism business cannot be constructed as the prefabricated parts cannot be transported to the site. Without vehicle access the recreation camp for eco-tourism business cannot be operated as the RFS vehicle access evacuation of guests and for emergency services providers.

The preferred option enables the establishment and operation of the recreation camp for eco-tourism business while it significantly reduces environmental impact compared with alternative A as most of the currently proposed path is already made and suitable.

The applicant has entered an agreement to obtain ownership of the land of all unformed roads south of Bundeena that run in between Royal National Park reserves. The applicant has committed itself by Deed (Annexure) to offer for free nearly 5ha of this unformed road land to NPWS for inclusion in the Royal National Park except for the land adjacent the proposed recreation camp for the eco-tourist facility, after a new more environmentally acceptable right of way has been established.

After that transfer, all historic rights of way, over unformed roads, would be extinguished.

Special note: for visitor use, tourism and other proposals requiring a lease or licence under s.151 NPW Act

Proposals seeking a lease or licence under s.151 NPW Act must address the site suitability requirements of the sustainability assessment criteria adopted by the Chief Executive of OEH (**see below**). For further information on completing the assessment of site suitability, refer to the **criteria and supporting guidelines** <http://www.environment.nsw.gov.au/protectedareas/developmentadjoiningdecc.htm>.

8. Description of the existing environment

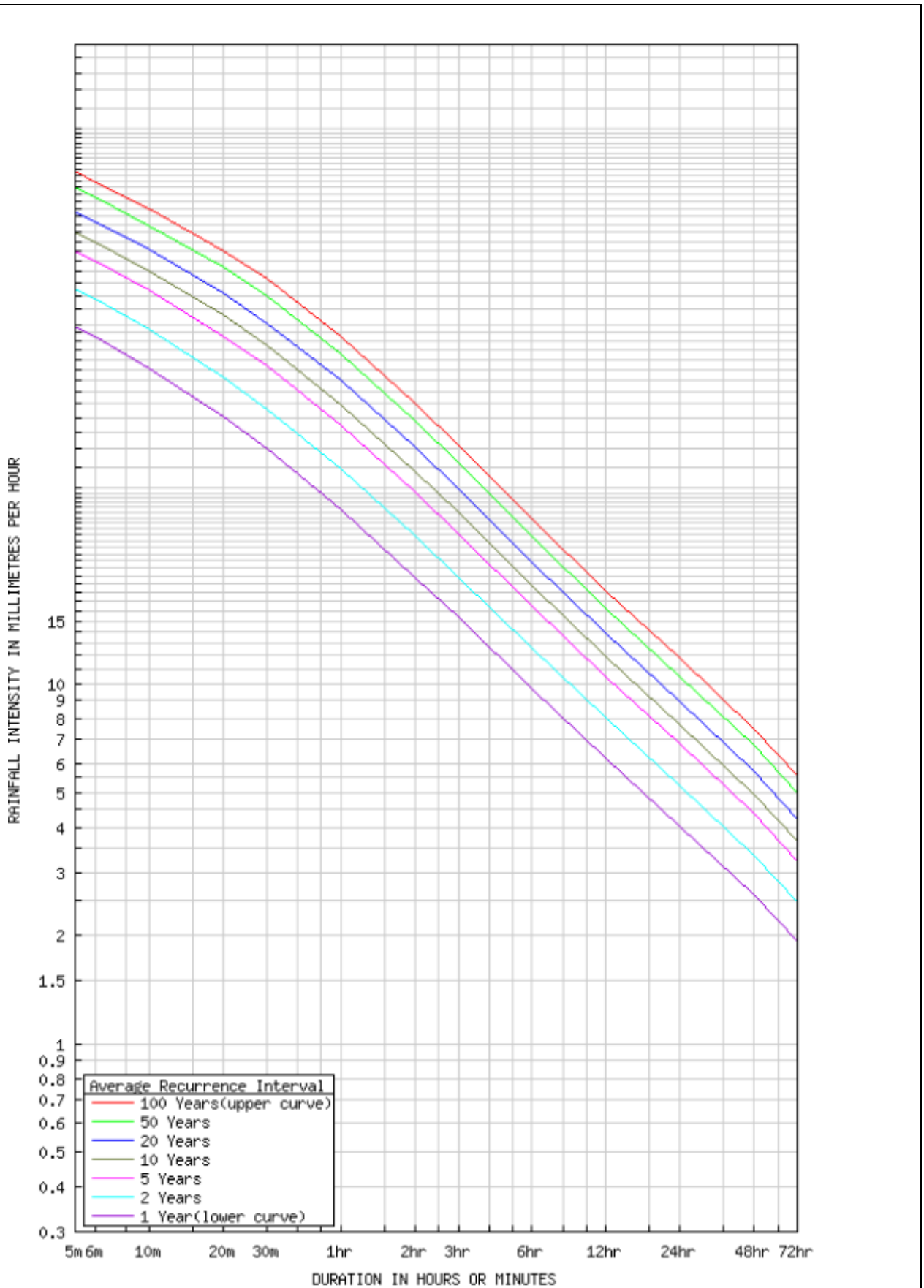
It should be noted that the footprint of the proposed activity is a currently sealed track. The track contains no vegetation. The adjoining unmodified landscape has the following natural environmental values.

Description of the existing environment:

Mainly Coastal Sand Apple-Bloodwood Forrest with occurrences of Coastal Sandplain Heath and Coastal Sandstone Heath-Mallee.

See **Annexure AI** - page 3.5 appendix 3.11. Ecological Impact Assessment Cumberland 2016 for the application for development consent for the recreation camp for eco tourism.

Meteorological data:



See Appendix A on p31 for **Annexure AD** - appendix 3.4. Road Engineering 30A_15 _Rpt_Bundeena_Feb 12 for the application for development consent for the recreation camp for eco tourism.

Topography:

Dunes which have been stabilised by native forest vegetation.

See **Annexure BA** - page 5 Appendix 3.6. Soil Land Mgt Advice Report Bundeena Recreation Camp GAC160209a for the application for development consent for the recreation camp for eco tourism.

Surrounding land uses:

NPWS, Rural Fires Services, State Emergency Services and Royal National Park visitors use the shared access track primarily to access the Old Council Depot which is a staging post for track maintenance, a helicopter pad and emergency responses within the RNP.

See **Annexure BB** - Appendix 4.4 - Current Use Shared Access for the application for development consent for the recreation camp for eco tourism.

The two residential lots directly adjacent the shared access gate are 71 Beachcomber Av and 152 Eric St. Both of these lots are integral part of the further residential area of Bundeena.

Geology/geomorphology:

Windblown quaternary fine and medium grained sands forming dunes, which have been stabilised by native forest vegetation.

See **Annexure BA** - page 5 Appendix 3.6. Soil Land Mgt Advice Report Bundeena Recreation Camp GAC160209a for the application for development consent for the recreation camp for eco tourism.

Soil types and properties:

The main soil type of the area is sand and well drained.

See **Annexure BA** - Appendix 3.6. Soil Land Mgt Advice Report Bundeena Recreation Camp GAC160209a for the application for development consent for the recreation camp for eco tourism.

The existing track surface is a sealed compacted road.

Waterways including wild and scenic rivers:

The proposed shared access use is elevated shielded from views by adjacent vegetation and will not negatively affect any waterways. The Port Hacking is 1.2km NNW of the site but the Township of Bundeena shields it from view. The high cliffs to the Pacific Ocean are 670m SE but the flat terrain and vegetation again shield the track from view. There are no visual impacts.

Catchment values:

Any form of traffic brings risks of chemical spills on the track, for example of oils or fuels. These risks have a very low likelihood and are manageable because of the sufficient low vehicle speeds agreed. The shared access track will not negatively affect any catchment values.

Coastal risk areas:

There are no apparent coastal risks having given due consideration to the relevant EPI and Draft EPI. The SEEs for the facility addresses these relevant considerations and the ROW will not have any impact upon coastal wetlands, littoral rainforest, riparian zones and is not koala habitat. We have also considered The Department of Planning and Environment and the Office of Environment and Heritage's new coastal management framework, inclusive of the Draft Coastal Management SEPP.

The Coastal Management SEPP will consolidate and improve current coastal-related SEPPs. It will replace SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection) and ensure that future coastal development is appropriate and sensitive to our coastal environment, and that we maintain public access to beaches and foreshore areas.

We note that the proposed continued shared use of Beachcomber Track by emergency services, NPWS and the facility, subject to the ROW, will ensure that future coastal development is appropriate and sensitive to the coastal environment, and that we maintain public access to beaches and foreshore areas.

Wetland communities including SEPP 14 wetlands:

There is a weed infested and degrade wetland in the NE corner of the proposed recreation camp site. This wetland area has been degrade by weed infestations and uncontrolled and untreated urban runoff from Beachcomber Avenue and the catchment above it. The Applicant has implemented a weed management agreement with Council (**Annexure BC** - 4.2 - Weeding works program 2015 (A2861278) v2.pdf).

Flora (including flora of conservation significance):

Mainly Coastal Sand Apple-Bloodwood Forrest with occurrences of Coastal Sandplain Heath and Coastal Sandstone Heath-Mallee.

See **Annexure AI** - page 3.5 appendix 3.11. Ecological Impact Assessment Cumberland 2016 for the application for development consent for the recreation camp for eco tourism.

Fauna (including fauna of conservation significance):

In the context of the limited nature of the proposed access being current existing track surface it is noted that there are no impacted critical habitat elements for any threatened species and therefore no requirement for a 7 part test. The applicant has, however, completed a 7 part test for application for development consent for the recreation camp for eco-tourism. No significant impact on any potentially occurring threatened species is considered to occur.

See **Annexure AI** - page 5.2 appendix 3.11. Ecological Impact Assessment Cumberland 2016 for the application for development consent for the recreation camp for eco-tourism.

Ecological communities (endangered ecological communities and regionally significant communities):

Vegetation to be trimmed along the shared access path does not constitute an EEC and is a community that is well represented within Royal National Park. The EECs Sydney Freshwater Wetland and Bangalay Sand Forest on the applicant's land are not considered to be impacted.

See **Annexure AI** - page 5.1 appendix 3.11. Ecological Impact Assessment Cumberland 2016 for the application for development consent for the recreation camp for eco-tourism.

Critical habitat declared under the TSC Act:

There is no critical habitat affected by the proposed activities. The minor trimming of vegetation (as recently undertaken by NPWS) will not significantly alter the current habitat values of the vegetation for flora and fauna and will not exacerbate any existing indirect impacts such as edge effects. Therefore there will be no significant impacts to native vegetation communities, native flora or native fauna as a result of tree trimming within the shared access track.

See page 5.1 appendix **Annexure AI** - 3.11. Ecological Impact Assessment Cumberland 2016 for the application for development consent for the recreation camp for eco tourism.

SEPP 26 littoral rainforest (or equivalent):

SEPP 26 littoral rainforest (or equivalent) is not present within the shared access track or the vicinity of the site.

SEPP 44 koala habitat:

SEPP 44 Koala habitat is not present within the shared access track or the vicinity of the site.

Wilderness (either nominated or declared):

Wilderness (either nominated or declared) is not present within the shared access track or the vicinity of the site.

Aboriginal cultural heritage:

The shared access has been subject to consideration with respect to Aboriginal Heritage due diligence assessment in cooperation with the La Perouse Aboriginal Land Council for that application. No impact is considered to be present.

National/State/local natural or cultural heritage values:

The Royal National Park is listed on National Heritage List. The cultural heritage values are not impacted by the proposed use of the shared access track.

Vegetation of cultural landscape value:

Vegetation of cultural landscape value) is not present within the shared access track.

Other cultural heritage values:

Other cultural heritage values are not present within the shared access track.

Recreation values:

The track subject to the activity is currently used by > 10,000 walkers per month, most of whom visit on the weekends.

The separately proposed recreation camp for eco-tourism facility is an addition to the recreational values of the area. See **Annexure AG** - Recreation Camp SEE p49-51.

The proposed mainly pedestrian use and very limited vehicular access to the site will not significantly impact the recreational values of Royal National Park for the existing walkers.

See also **Annexure AQ** - 4.1 - Plan of Management 2016 par 3.0 for the application for development consent for the recreation camp for eco tourism.

Scenic and visually significant areas:

No significant visual impact is expected.

See page 7 **Annexure BD** - 09112016073553-0001_Additional information of Dr Lamb 8.11.16.pdf.

See also **Annexure AQ** - 4.1 - Plan of Management 2016 par 3.0 for the application for development consent for the recreation camp for eco tourism.

Education and scientific values:

Education and scientific values of the area specific the important ecological research in the area have been acknowledged and cooperation in safeguarding those values into the future has been offered in letter RVA to OEH 17 June 2016 **Annexure BE:**

Ecological research site

We acknowledge and support the important ecological research in the area adjacent to our land. We have offered to OEH to discuss how we can help prevent visitors that are currently unaware encroaching the research sites to do so in the future. Included in our proposed Plan of Management is to not let our guests roam freely and impede on the delicate vegetation and vulnerable Aboriginal sites in the area. Instead they will be directed to use the approved public walking tracks. We have offered - and will continue to offer- our conservation zones for education purposes and scientific research to Universities. If that would be beneficial to the long running ecological research site we could include this use in the covenant on the title to provide security regarding future availability of research sites in the context of consecutive owners of our land.

Interests of external stakeholders (e.g. adjoining landowners, leaseholders):

External stakeholders include adjacent landowners and residents of the villages of Bundeena and Maianbar. Some stakeholders are strongly opposed to any development, including the eco-tourism facility, at 60-70 Bournemouth St. Their view is that the private lands should be incorporated into Royal National Park. It is anticipated that those opposed to the eco-tourism facility will be equally opposed to the issue of approval to access the site along the Beachcomber Track.

Other residents support activities on the adjoining land as they expect it to have limited impact and they will improve their protection from fire through the implementation of hazard reduction works.

There is no equivalent eco-tourism facility in Bundeena that would suffer from the new accommodation option for visitors to Royal National Park.

All members of the public have been able to fully participate in the many public consultation processes related to the zoning of the recreation camp land and the development applications.

The Recreation Camp SEE (**Annexure D**) and all supporting expert reports conclude there is no part of proposal including the proposed use of the shared access that imposes an unacceptable impact on the environment or any of the external stakeholders.

The Land and Environment Court has concluded in the judgment of 31st March 2017 that also considered the impacts of the activity subject to this REF:

"84 The applicant proposes to access to the site from Beachcomber Avenue over an existing bitumen track through the Royal National Park and then over an unmade paper road known as Sussex Street. There is currently no legal vehicular access to the site over either parcel of land. Although development consent is not required for the use of the track or with any works associated with the use of the track, the parties agreed that evidence relating to the assessment of the potential impacts of the use of the track and those works associated with the use of the track should be provided and are subject to assessment.

118 The proposal achieves an appropriate balance between the provision of appropriate bush fire protection measures and the conservation of the natural environment and it has been sensitively designed to complement and enhance the natural environment. The scale and nature of the proposal is consistent with the natural setting of the site.

119 I am satisfied that the proposal can be granted consent, if the outstanding issues regarding access to the site and access to the APZ beyond the site can be satisfactorily addressed."

Matter of National Environmental Significance under the EPBC Act:

Matters of National Environmental Significance under the EPBC Act are not present within the shared access track.

9. Impact assessment

This part of the REF provides an analysis of all possible impacts from the proposed activity and a description of any proposed mitigation measures. Section 3.7 of *Guidelines for preparing a Review of Environmental Factors* provides further guidance on impact assessment and mitigation measures.

9.1 Physical and chemical impacts during construction and operation				
Section 3.8 of <i>Guidelines for preparing a Review of Environmental Factors</i> provides further guidance.				
	Applicable?*	Impact level (negligible, low, medium or high; negative or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment & proposed safeguards which will limit the impact)	Safeguards/mitigation measures
1. Is the proposal likely to impact on soil quality or land stability?	<input checked="" type="checkbox"/>	negligible	The Beachcomber Track is already being used by NPWS and RFS heavy vehicles. An assessment of the track by a qualified road engineer indicates that it will not be adversely affected by the proposed activity, minimising the potential for any erosion of the road edge. The only other element of the proposal with the potential to destabilise natural surfaces is the construction of the 7.5m by 6.5m driveway.	Any such impacts to be observed during construction and operation to be reported to NPWS immediately supported with qualified engineer reports with proposed repair and mitigation measures. The stockpiles for the driveway construction will be covered by tarps during rain events. The constructed surface will be compacted to ensure that there is no potential for sediment flow or dispersion.
2. Is the activity likely to affect a waterbody, watercourse, wetland or natural drainage system?	<input checked="" type="checkbox"/>	negligible	The shared access track navigates around the east end of a gully in which rainwater forms creeks. The creeks are outside the track and the creeks are not altered.	Any such impacts to be observed during construction and operation to be reported to NPWS immediately supported with qualified engineer reports with proposed repair and mitigation measures.
3. Is the activity likely to change flood or tidal regimes, or be affected by flooding?	<input type="checkbox"/>	NA	NA	
4. Is the activity likely to affect coastal processes and coastal hazards, including those projected	<input type="checkbox"/>	NA	NA	

9.1 Physical and chemical impacts during construction and operation

Section 3.8 of *Guidelines for preparing a Review of Environmental Factors* provides further guidance.

	Applicable?*	Impact level (negligible, low, medium or high; negative or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment & proposed safeguards which will limit the impact)	Safeguards/mitigation measures
by climate change (e.g. sea level rise)?				

5. Does the activity involve the use, storage, or transport of hazardous substances or the use or generation of chemicals, which may build up residues in the environment?	☒	negligible	The only hazardous substances that will be transported into Royal National Park will be the fuels required for the operation of vehicles and plant. There is negligible risk associated with the transport of fuels in well maintained vehicles.	Any spills will immediately be reported to the EPA and OEHL.
6. Does the activity involve the generation or disposal of gaseous, liquid or solid wastes or emissions?	☒	negligible	Any vehicular traffic generates emissions. The shared access track is already being used by heavy NPWS construction traffic and emergency services vehicles that generate emissions.	Only vehicles that have authorised access through the gate with valid registration and thus comply with Australian and State Road Rules and emission standards will be allowed on the shared access track.
7. Will the activity involve the emission of dust, odours, noise, vibration or radiation in the proximity of residential or urban areas or other sensitive locations?	☒	negligible	<p>The shared access track is used by park visitors and NPWS and RFS vehicles. The additional pedestrian and vehicular traffic associated with the activity are minimal. A review of the traffic associated with the activity concludes that it will not have a significant impact. See Annexure AW - 3.3. Traffic Advice - 15445.01FD - 8th February 2016.</p> <p>This conclusion reflects the use of prefabricated modules for much of the construction of the eco-tourism facility, which minimises the need for heavy vehicle and plant movements. An average of 7 return trip vehicle movements will be required per week during the 12 to 18 month construction phase. Once the facility is operational this will change to a maximum of 14 light vehicle movements per week.</p> <p>There will be some noise associated with the use of vehicles, plant and other machinery. Measures to minimise the impact of noise include restricting work hours to between 7am and 5pm. The work site is located a minimum of 150m from nearby residents.</p>	The “no-noise” strategies documented in Annexure AQ - Appendix 4.1 - Plan of Management 2016 for the operation of the eco-tourism facility will also apply to the proposed shared access use.

* If yes, all columns need to be completed. If no, write 'NA' in the second and third columns.

9.2 Biological impacts during construction and operation

Section 3.9 of *Guidelines for preparing a Review of Environmental Factors* provides further guidance.

	Applicable?*	Likely impact (negligible, low, medium or high; negative or positive; or NA)	Reasons (describe the type, nature and extent of the impact, the nature of the receiving environment and any proposed safeguards which will limit the impact)	Safeguards/mitigation measures
1. Is any vegetation to be cleared or modified? (includes vegetation of conservation significance or cultural landscape value)	<input checked="" type="checkbox"/>	negligible	<p>The activity involves trimming of overhanging vegetation along the edges of Beachcomber Track. The proposed trimming is consistent with that regularly conducted by OEH as part of the maintenance of the fire trail and will have no significant impact.</p> <p>The construction of the 7.5m by 6.5m driveway will affect 0.005 ha of land. The centre of this area is disturbed by an existing walking track. The driveway will require the removal of shrubs and ground covers within a vegetation complex classified as Coastal Sand Apple-Bloodwood Forest. No trees or other vegetation of greater than 10cm DBH will be impacted by the works.</p> <p>An assessment of the vegetation to be trimmed and removed concludes that there will be no significant impact. See Cumberland Ecology, Annexure AI - page 3.5 appendix 3.11. Ecological Impact Assessment.</p>	See Annexure AZ appendix 4.1 - Addendum to Plan of Management 2016 RevB - August 2016 for the application for development consent for the recreation camp for eco-tourism section 19.0 Ecological impact mitigations measures .
2. Is the activity likely to have a significant effect on threatened flora species, populations, or their habitats, or critical habitat (refer to threatened species assessment of significance (7-part test))	<input type="checkbox"/>	NA	<p>Below a photo looking from the middle of unformed Sussex St in direction south east towards the location of new proposed new surface on park land roughly where the sand track ends. See Annexure AD - Road Engineering Report - January 2016.</p> <p>Note the borehole on the side of the existing sand track which is located well on the Sussex St land.</p> <p>The photo shows there were no existing trees or</p>	

9.2 Biological impacts during construction and operation

Section 3.9 of *Guidelines for preparing a Review of Environmental Factors* provides further guidance.

	Applicable?*	Likely impact (negligible, low, medium or high; negative or positive; or NA)	Reasons (describe the type, nature and extent of the impact, the nature of the receiving environment and any proposed safeguards which will limit the impact)	Safeguards/mitigation measures
			<p>scrubs present after the last hazard reduction burn in August 2015 on the park land on which the proposed new surface on park land is located.</p>  <p>Photograph P16: View south from site on driveway to Sussex Street..</p> <p>The borehole was marked by RPS on site survey for reference. The site of new surface on park land is located behind the tree on the right and indicated in the photo with the blue lines overlay.</p> <p>This site was included in the recent biodiversity surveys by RPS 2014 and confirmed by Cumberland Ecology in 2015 and 2016 reports. Cumberland Ecology indicates that none of the flora species to be trimmed on the road edge or removed from the driveway is listed as threatened.</p>	

9.2 Biological impacts during construction and operation

Section 3.9 of *Guidelines for preparing a Review of Environmental Factors* provides further guidance.

	Applicable?*	Likely impact (negligible, low, medium or high; negative or positive; or NA)	Reasons (describe the type, nature and extent of the impact, the nature of the receiving environment and any proposed safeguards which will limit the impact)	Safeguards/mitigation measures
			<p>See Cumberland Ecology, Annexure AI - page 5.1 appendix 3.11. Ecological Impact Assessment.</p> <p>The NSW Scientific Committee is currently reviewing a proposal to expand the definition of the Endangered Ecological Community known as Eastern Suburbs Banksia Scrub to include certain vegetation communities near Bundeena. Cumberland Ecology conducted a site assessment of the driveway site. That assessment concluded that the small area impacted by the driveway could not be classified as ESBS.</p> <p>Dr Robertson has given oral evidence to the Court in the week of 13 February 2017.</p> <p>The Land and Environment Court issued judgement on the eco-tourism proposal on 31st March 2017. (https://www.caselaw.nsw.gov.au/decision/58db3587e4b058596cba56c8).</p> <p>The Court's decision includes the following matters of relevance:</p> <p>"102 The ecology experts agreed that the proposed trimming of vegetation along the access track and across the unmade Sussex Street will only remove a small amount of vegetation overhanging the track and will not significantly exacerbate any edge</p>	

9.2 Biological impacts during construction and operation

Section 3.9 of *Guidelines for preparing a Review of Environmental Factors* provides further guidance.

	Applicable?*	Likely impact (negligible, low, medium or high; negative or positive; or NA)	Reasons (describe the type, nature and extent of the impact, the nature of the receiving environment and any proposed safeguards which will limit the impact)	Safeguards/mitigation measures
			<p>effects.”</p> <p>“104 In Dr Robertson’s view, the vegetation around the existing track does not fit the structural definition required by the scientific determination to classify it as the EEC, Eastern Suburbs banksia scrub woodland. However, even assuming that the vegetation around the track is Eastern Suburbs banksia scrub woodland, the proposal to trim a relatively small amount of vegetation either side of the track will not have any significant effect on the community, because it is already modified by the existing track and broad areas of the community would remain undisturbed and unimpacted by the proposal.”</p> <p>“105 I accept the agreement of the experts and Dr Robertson’s evidence that the proposal to widen the track by approximately 1m will not have any significant effect on the vegetation through which the existing track passes, because it is relatively minor change to the existing track.”</p>	

<p>3. Does the activity have the potential to endanger, displace or disturb fauna (including fauna of conservation significance) or create a barrier to their movement?</p>	<input checked="" type="checkbox"/>	<p>negligible</p>	<p>The proposal will not have an impact on fauna habitat. The high level of existing pedestrian traffic along the Beachcomber Track suggests that the slight increase associated with the proposal is highly unlikely to have a significant impact on the behaviour of diurnal fauna.</p> <p>There is a greater potential for behavioural impacts as a result of night time traffic. The most abundant nocturnal fauna in the area, species such as Long Nosed Bandicoot, Brown Antechinus and Bush Rat are relatively common in urban edge habitats, suggesting that they are tolerant of light and noise associated with traffic.</p> <p>A threatened fauna species that has been recorded near Bundeena is the Eastern Pygmy Possum. Site assessment indicates that the vegetation within 60-70 Bournemouth St does not include the species of trees and shrubs favoured by the species, reducing the likelihood that they would be travelling across the track .</p>	<p>The intended use of the shared access as documented in Annexure AQ - appendix 4.1 - Plan of Management 2016 for the application for development consent for the recreation camp for eco-tourism minimises the vehicular use of the access.</p> <p>Mitigations measures for vehicular impacts on fauna include strict speed controls (<4km/hr) and the tight limitations on the number of vehicular movements per day. Most importantly, vehicular movements after dark will be infrequent.</p>
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4. Is the activity likely to have a significant effect on threatened fauna species, populations, or their habitats, or critical habitat (refer to threatened species assessment of significance (7-part test))?	<input checked="" type="checkbox"/>	negligible	<p>The proposed access is along an existing sealed track. Accordingly, no critical habitat elements for any threatened fauna will be impacted and a 7 part test is not required.</p> <p>The applicant prepared a 7 part test for the adjacent eco-tourism. This concluded that no aspect of the development proposal was likely to result in a significant impact on threatened fauna. This adds weight to the conclusion that the limited pedestrian and vehicular traffic along Beachcomber Track has no potential for an adverse impact on threatened fauna or critical habitat. See Annexure AI - page 5.2 appendix 3.11. Ecological Impact Assessment .</p>	See Annexure AZ appendix 4.1 - Addendum to Plan of Management 2016 RevB - August 2016 for the application for development consent for the recreation camp for eco-tourism section 19.0 Ecological impact mitigations measures.
5. Is the activity likely to impact on an ecological community of conservation significance?	<input checked="" type="checkbox"/>	negligible	The NSW Scientific Committee is currently considering a review of the distribution of Eastern Suburbs Banksia Scrub (ESBS). The nature of the activities proposed in this REF has very limited the potential to impact on vegetation that may at some point in the future be reclassified as ESBS.	The use of the existing track has no impact on the distribution or viability of any ecological communities.
6. Is the activity likely to have a significant effect on an endangered ecological community or its habitat (refer to threatened species assessment of significance (7-part test))?	<input checked="" type="checkbox"/>	negligible	Vegetation to be trimmed along the shared access path does not constitute an EEC and is a vegetation community that is well represented within Royal National park. See Annexure AI - page 5.1 appendix 3.11. Ecological Impact Assessment Cumberland 2016 for the application for development consent for the recreation camp for eco-tourism.	The use of the existing track has no impact on the distribution or viability of any ecological communities.
7. Is the activity likely to cause a threat to the biological diversity or ecological integrity of an ecological community?	<input type="checkbox"/>	NA	NA	

8. Is the activity likely to introduce noxious weeds, vermin, feral species or genetically modified organisms into an area?	<input checked="" type="checkbox"/>	negligible	<p>The potential vectors for the introduction of weeds or pathogens are the sediments to used in the construction of the new section of road/driveway or through the transport of seeds or propagules on the tires or treads of vehicles.</p> <p>The use of certified sterile fills for the driveway construction will minimise the potential to introduce weeds and pathogens. The risks associated with transport by heavy plant can be minimised through the use of appropriate wash down protocols.</p>	<p>The following mitigation measures will be implemented at all times: Only certified sterile fills will be used for the construction of the driveway; A compulsory wash down procedure will apply to all vehicles involved in construction works; and Other operational vehicles will only be used on sealed surfaces.</p>
9. Is the activity likely to affect critical habitat?	<input type="checkbox"/>	NA	NA	
10. Is the activity consistent with any applicable recovery plans or threat abatement plans?	<input type="checkbox"/>	NA	NA	
11. Is the activity likely to affect any joint management agreement entered into under the TSC Act?	<input type="checkbox"/>	NA	NA	

* If yes, all columns need to be completed. If no, write 'NA' in the second and third columns.

9.3 Community impacts during construction and operation

Section 3.10 of *Guidelines for preparing a Review of Environmental Factors* provides further guidance.

	Applicable?*	Likely impact (negligible, low, medium or high; negative or positive; or N/A)	Reasons (describe the type, nature and extent of the impact, the nature of the receiving environment and any proposed safeguards which will limit the impact)	Safeguards/mitigation measures
1. Is the activity likely to affect community services or infrastructure?	<input type="checkbox"/>	NA	<p>No utilities are proposed under or along the track and if such were to be installed in future by NPWS their construction could easily be managed without significant impact on the ROW.</p> <p>The shared access track is already being used by heavy NPWS construction traffic and emergency services vehicles. See Annexure BB - 4.4 - Current Use Shared Access.pdf. The intended use of the shared access does not significantly increase traffic.</p>	The intended use of the shared access as documented in Annexure AQ - 4.1 - Plan of Management 2016 for the application for development consent for the recreation camp for eco-tourism minimises the vehicular use of the access.
2. Does the activity affect sites of importance to local or the broader community for their recreational or other values or access to these sites?	<input checked="" type="checkbox"/>	Positive	<p>The Beachcomber Track is of very high importance to park visitors, being the start of the Royal Coast Track and used by an estimated 10,000 walkers per month.</p> <p>The small number of vehicle movements and proportionately tiny increase in pedestrians will not adversely impact on the recreational values, with the large majority of park visitors unlikely to have any interaction with any aspect of the proposed activity. The operational protocols (see safeguards adjacent) will ensure that vehicular movements pose no risk to visitor safety.</p> <p>The track is already being used by NPWS and emergency services vehicles without adverse impact on visitor experiences. See Annexure BB - 4.4 - Current Use Shared Access.pdf. The intended use of the shared access does not significantly increase traffic.</p>	<p>The following operational and safety protocols will apply to the use of Beachcomber Track by RVA, its staff, contractors and clients: A maximum speed limit of 4km/h; The gate that controls vehicular access will be immediately locked after entry or exit; Guests will enter the site by foot and no guest parking will be provided on site; and The only exception will be that mobility impaired guests may be transported by shuttle bus.</p> <p>Operational vehicles will include two small buses to enable the facility to be evacuated in the event of extreme weather, a general purpose 4 seater 'gator' style vehicle with a trailer and the caretaker's car.</p> <p>Further details on the operational management of the site are documented in Annexure AQ- 4.1 - Plan of Management 2016.</p>

9.3 Community impacts during construction and operation

Section 3.10 of *Guidelines for preparing a Review of Environmental Factors* provides further guidance.

	Applicable?*	Likely impact (negligible, low, medium or high; negative or positive; or N/A)	Reasons (describe the type, nature and extent of the impact, the nature of the receiving environment and any proposed safeguards which will limit the impact)	Safeguards/mitigation measures
3. Is the activity likely to affect economic factors, including employment, industry and property value?	<input checked="" type="checkbox"/>	positive	<p>The proposed routine works required to maintain the track to RFS access standards under PBP 2006 and the BFSA dated 25 January 2017 will improve access to the Old Council Depot, Jibbon Track and the Royal Coastal Track.</p> <p>The issue of an approval to access the eco-tourist facilities is wholly consistent with, and supportive of, OEH proposals to establish the Royal Coast Track as an iconic visitor experience. Those proposals are described in the 2014 Royal Coastal Track Socio Economic Assessment Final Report and the 2013 Royal Coast Track Strategic Framework .</p>	
4. Is the activity likely to have an impact on the safety of the community?	<input checked="" type="checkbox"/>	negligible	<p>The proposal increases the amount of vehicular traffic on the Beachcomber Track to a maximum of 2 return traffic movements per day. Any carriageway shared by pedestrians and vehicles must be managed to control any potential risks to safety. The controls that are proposed for the use of vehicles on the track will minimise those risks.</p> <p>A secondary safety issue is the potential for the existing clearing at the end of the Beachcomber Track to be used for anti-social activities. The high incidence of such behaviour in Royal National Park is acknowledged in the Royal National Park, Heathcote National Park and Garawarra State Recreation Area Plan of Management (p.44). The proximity of the eco-tourism facility to this vulnerable area will increase scrutiny and discourage inappropriate activities.</p>	See 9.3.2 above for details on safeguards and mitigation measures relating to the use of the road.

9.3 Community impacts during construction and operation

Section 3.10 of *Guidelines for preparing a Review of Environmental Factors* provides further guidance.

	Applicable?*	Likely impact (negligible, low, medium or high; negative or positive; or N/A)	Reasons (describe the type, nature and extent of the impact, the nature of the receiving environment and any proposed safeguards which will limit the impact)	Safeguards/mitigation measures
5. Is the activity likely to cause a bushfire risk?	<input checked="" type="checkbox"/>	positive	The proposed use of Beachcomber Track will reduce bushfire risk by ensuring that roadside vegetation is maintained to fire trail standards and by providing surveillance to deter unsupervised campfires at the former Council Depot.	
6. Will the activity affect the visual or scenic landscape? This should include consideration of any permanent or temporary signage (e.g. signs advertising an event and related sponsorship).	<input checked="" type="checkbox"/>	negligible	The applicant is not seeking approval to install permanent signage within the park. Temporary signage would be erected if the facility were closed due to bush fire danger rating. In such circumstance a temporary sign would be located at the start of the shared access track to inform visitors that the facility is closed. See Annexure AQ - appendix 4.1 - Plan of Management for further details.	Relevant permissions will be sought separately before any sign is erected.
7. Is the activity likely to cause noise, pollution, visual impact, loss of privacy, glare or overshadowing to members of the community, particularly adjoining landowners?	<input checked="" type="checkbox"/>	negligible	The increase in pedestrian and vehicular traffic along Beachcomber Track is small and takes place in the context of an intensely utilised existing track. Accordingly, the impact of those additional movements on local community is unlikely to be significant. See Annexure BD - page 7 09112016073553-0001_Additional information of Dr Lamb. See also Annexure AQ - appendix 4.1 - Plan of Management 2016 part 3.0.	

* If yes, all columns need to be completed. If no, write 'NA' in the second and third columns.

9.4 Natural resource impacts during construction and operation

Section 3.11 of *Guidelines for preparing a Review of Environmental Factors* provides further guidance.

	Applicable?*	Likely impact (negligible, low, medium or high; negative or positive; or N/A)	Reasons (describe the type, nature and extent of the impact, the nature of the receiving environment and any proposed safeguards which will limit the impact)	Safeguards/mitigation measures
1. Is the activity likely to result in the degradation of the reserve or any other area reserved for conservation purposes?	<input checked="" type="checkbox"/>	negligible	The proposed activity involves the use of an existing carriageway, and therefore involves no degradation of adjoining unmodified habitats. The 0.005 ha impacted by the construction of a driveway is already highly disturbed and degraded.	Only fill is to be used and no cut will be used during the construction of the driveway.
2. Is the activity likely to affect the use of, or the community's ability to use, natural resources?	<input type="checkbox"/>	N/A		
3. Is the activity likely to involve the use, wastage, destruction or depletion of natural resources including water, fuels, timber or extractive materials? This should include opportunities to utilise recycled or alternative products.	<input checked="" type="checkbox"/>	negligible	The new to be constructed surface linking the existing surface will constitute minor use of gravels to provide for permeable driveable surface. Wooden sleepers will be used to provide for a retaining wall to limit the width and thus amount of fill required.	Materials are to be sourced from certified sustainable producers and or suppliers.

9.4 Natural resource impacts during construction and operation

Section 3.11 of *Guidelines for preparing a Review of Environmental Factors* provides further guidance.

	Applicable?*	Likely impact (negligible, low, medium or high; negative or positive; or N/A)	Reasons (describe the type, nature and extent of the impact, the nature of the receiving environment and any proposed safeguards which will limit the impact)	Safeguards/mitigation measures
<p>4. Does the activity provide for the sustainable and efficient use of water and energy?</p> <p>Where relevant to the proposal, this should include consideration of high efficiency fittings, appliances, insulation, lighting, rainwater tanks, hot water and electricity supply.</p>	<input type="checkbox"/>	N/A	N/A	

* If yes, all columns need to be completed. If no, write 'NA' in the second and third columns.

9.5 Aboriginal cultural heritage impacts during construction and operation

Section 3.12 of *Guidelines for preparing a Review of Environmental Factors* provides further guidance. Addressing matters 1–5 will assist in meeting requirements set out in OEH's *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*.

	Applicable? *	Likely impact (negligible, low, medium or high; negative or positive; or N/A)	Reasons (describe the type, nature and extent of the impact, the nature of the receiving environment and any proposed safeguards which will limit the impact)	Safeguards/mitigation measures
1. Will the activity disturb the ground surface or any culturally modified trees?	<input checked="" type="checkbox"/>	negligible	<p>The main elements of the proposed activity involve the use of an existing track surface.</p> <p>A 7.5m by 6.5m area will be impacted by the construction of a new driveway to provide vehicular access into the adjacent site. The driveway will be constructed by filling over the existing, disturbed ground surface. No cut or other excavation of the underlying sediments will take place. See Annexure AD 3.4. Road Engineering for further details on the construction method.</p> <p>An Aboriginal Heritage due diligence assessment was prepared for 60-70 Bournemouth St in cooperation with the La Perouse Aboriginal Land Council. That assessment identified no areas of archaeological sensitivity in the vicinity of the proposed driveway. See Annexure AE - 3.7. Aboriginal Heritage Due Diligence.</p>	In the unlikely event that any objects or deposits that may have cultural significance are disturbed during the construction of the driveway or maintenance of Beachcomber Track works will be stopped immediately and OEH and the La Perouse Local Aboriginal Land Council informed.
2. Does the activity affect known Aboriginal objects or Aboriginal places? Include all known	<input checked="" type="checkbox"/>	negligible	There are no known Aboriginal objects or Aboriginal places on the Beachcomber Track. A review of site records was conducted as part of the Aboriginal Heritage due diligence assessment in cooperation with the La Perouse Aboriginal Land Council for that application. See Annexure AE - 3.7 . Aboriginal Heritage Due Diligence	See 9.5.1 above.

sources of information on the likely presence of Aboriginal objects or places, including AHIMS search results.				
<p>3. Is the activity located within, or will it affect, areas:</p> <ul style="list-style-type: none"> • within 200m of waters* • within a sand dune system* • on a ridge top, ridge line or headland • within 200m below or above a cliff face, or • within 20m of or in a cave, rock shelter or a cave mouth? <p>*See the Guidelines for preparing a REF for definitions.</p>	<input checked="" type="checkbox"/>	negligible	The Bournemouth Track is an existing sealed road that runs south of the Jibbon Hill sand dune to the already significantly disturbed former Council Depot.	Although the activity itself is not subject of the application for development consent for the recreation camp for eco-tourism the activity has been subject to consideration for the Aboriginal Heritage due diligence assessment in cooperation with the La Perouse Aboriginal Land Council for that application. See Annexure AE - 3.7. Aboriginal Heritage Due Diligence
4. If Aboriginal objects or landscape features are present, can impacts be avoided?	<input type="checkbox"/>	N/A	N/A	
5. If the above steps indicate that there remains a risk of harm or disturbance, has a desktop assessment	<input type="checkbox"/>	N/A	N/A	

<p>and visual inspection[^] been undertaken (refer to the Due Diligence Code)?</p> <p>[^] For activities proposed by OEH, at a minimum, this should be undertaken by an OEH employee with Aboriginal Site Awareness training and relevant practical experience, as approved by an Area Manager.</p>				
<p>6. Is the activity likely to affect wild resources or access to these resources, which are used or valued by the Aboriginal community?</p>	<input type="checkbox"/>	<p>N/A</p>	<p>N/A</p>	

9.6 Other cultural heritage impacts during construction or operation
 Section 3.13 of *Guidelines for preparing a Review of Environmental Factors* provides further guidance.

Notes:

- If the above assessment indicates that there is still a reasonable risk or potential that Aboriginal objects, Aboriginal places or sensitive landscape features could be adversely affected by a proposal, consistent with the precautionary principle, it should either be re-considered or further detailed investigations undertaken.
- If it is concluded that an activity will have unavoidable and justified impacts on Aboriginal objects or Aboriginal places, the proponent should consider applying for an AHIP under s. 90 of the NPW Act.

	Applicable?*	Likely impact (negligible, maintenance, minor, major, contentious; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment & proposed safeguards which will limit the impact)	Safeguards/mitigation measures
<p>1. What is the impact on places, buildings, landscapes or moveable heritage items?</p> <p>Attach relevant supporting information where required, such as a heritage impact statement.</p>	<input type="checkbox"/>	N/A	N/A	
<p>2. Is any vegetation of cultural landscape value likely to be affected (e.g. gardens and settings, introduced exotic species, or evidence of broader remnant land uses)?</p>	<input type="checkbox"/>	N/A	N/A	

*If yes, all columns need to be completed. If no, write 'NA' in the second and third columns.

9.7 Matters of national environmental significance under the EPBC Act

Section 3.14 of *Guidelines for preparing a Review of Environmental Factors* provides further guidance. Also refer to guidelines produced by the Commonwealth Department of the Environment.

	Applicable?*	Impact level (negligible, low, medium or high; negative or positive; or NA)	Reasons (describe the type, nature and extent of impact, taking into account the receiving environment & proposed safeguards which will limit the impact)	Safeguards/mitigation measures
1. Is the proposal likely to impact on matters of national environmental significance under the EPBC Act, as follows:				
• listed threatened species or ecological communities	<input type="checkbox"/>	N/A	N/A	
• migratory species protected under international agreements	<input type="checkbox"/>	N/A	N/A	
• Ramras wetlands	<input type="checkbox"/>	N/A	N/A	
• Commonwealth marine environment	<input type="checkbox"/>	N/A	N/A	
• world heritage properties or national heritage places.	<input checked="" type="checkbox"/>	negligible	The requested Right of Way is through the Royal National Park which is a place on the National Heritage List. The proposed activity has no potential impact on the values described in the Commonwealth's gazettal notice. See Annexure BK - Royal National Park and Garawarra State Conservation Area gazettal notice	

- The **Protected Matters Search Tool** can assist in checking for matters of national environmental significance.
- Referral to the Commonwealth may be required if the activity is likely to have a significant effect on matters of national environmental significance. Refer to the Significant Impact Guidelines. Contact NPWS if a significant defect is likely.

10. Proposals requiring additional information

Only complete the following sections **if applicable** to the proposal.

10.1 Lease or licence proposals under s.151 NPW Act

Section 2.2 of *Guidelines for preparing a Review of Environmental Factors* provides further guidance.

Proponents must complete and submit a **Sustainability Assessment** together with the REF. This also applies where OEH is the proponent for projects of the kind listed in s.151A, NPW Act.

For information on the sustainability assessment criteria and guidelines, including assessment templates, go to the **Development guidelines webpage**.

Note that for **minor activities and uses** (usually events and similar proposals involving less than 400 people), a streamlined and combined REF and Sustainability Assessment template is available (**Template 1**).

Sustainability assessment attached as follows:

- special activities and uses (involving more than 400 people) – Sustainability Assessment **Template 2**
- built structures and facilities – Sustainability Assessment **Template 3**

10.2 Telecommunications facilities (s.153D, NPW Act)

Section 2.2 and Appendix 1 of *Guidelines for preparing a Review of Environmental Factors* provide further guidance.

1. Are there feasible alternative sites for the facility on land that is not reserved under the NPW Act?	NA
2. Does the site of any above ground facility cover the minimum area possible?	NA
3. Is the facility to be designed and constructed to minimise risk of damage to the facility from bushfires?	NA
4. Has the site and construction of the facility been selected to, as far as practicable, minimise visual impact?	NA
5. Is it feasible to use an existing means of access to the site?	NA
6. Is the facility essential for the provision of telecommunications services for land reserved under the NPW Act or for surrounding areas to be served by the facility?	NA
7. Will the facility be removed	NA

and the site restored as soon as possible after the facility becomes redundant (e.g. due to changes in technology)?	
8. Has the site been selected after taking into account the objectives set out in any plan of management relating to the land?	NA
9. If feasible, will the facility be co-located with an existing structure or located at a site that is already disturbed by an existing lease, licence, easement or right of way.	NA

If co-location is proposed, please indicate if:

- the proponent will be the owner of the facility
- the proponent will be a co-user of the facility.

10.3 Activities within the Sydney Drinking Water Catchment

Activities within the catchment are subject to the provisions of the Drinking Water Catchments REP No. 1.

1. Does the activity incorporate any current recommended practices and performance standards endorsed or published by the Sydney Catchment Authority that relate to the protection of water quality?	NA
2. If the activity does not do so, how will the activity achieve outcomes not less than these?	NA
3. Will the activity have a neutral or beneficial effect on water quality?	NA
4.	

11. Threatened species assessment of significance (7 part test)

Threatened species, populations and ecological communities, or their habitats, which are likely to be affected by the activity must be identified and considered in the REF.

The factors set out in s.5A EP&A Act are used to decide whether there is likely to be a significant effect on threatened species, populations, ecological communities or their habitats. These are known as the threatened species assessment of significance or '7 part test', and are set out below. These factors can be addressed in the body of the REF, or in a separate document submitted with the REF. In preparing the assessment, refer to any relevant guidelines published by OEH.

Threatened species, populations and communities and critical habitats listed under both the *Threatened Species Conservation Act 1997* and *Fisheries Management Act 1994* should be included. Those listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) should not be included. Impacts on EPBC listed species should be addressed in section 8 above, or in a separate attached assessment. The proponent will still need to separately consider whether referral to the Commonwealth is required.

When you have completed the threatened species assessment of significance (7-part test), include the findings in the Biological Impacts section (or as an attachment).

The 7-part test (s.5A EP&A Act)

- (a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.
- (b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.
- (c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:
 - (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
 - (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction
- (d) in relation to the habitat of a threatened species, population or ecological community:
 - (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and
 - (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and
 - (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality
- (e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).

- (f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.
- (g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

1. There are communities and species listed under the Threatened Species Conservation Act in the general vicinity, especially in the diverse heaths closer to the coast of Royal National park.

These include:

- Freshwater Wetlands on Coastal Floodplains in the Sydney Basin Bioregion
- Coastal Bangalay Forest
- *Astrotricha crassifolia*
- *Hibbertia puberula*
- *Prostanthera densa*
- Rosenberg's Goanna
- Broad-headed Snake
- Red-crowned Toadlet
- Giant Burrowing Frog
- Greater Broad-nosed Bat
- Grey-headed Flying-Fox
- Eastern Pygmy-possum
- Powerful Owl
- Glossy Black Cockatoo

2. The proposed activities don't have any impact on the habitat of these species/EECs, and as a consequence a 7 part test has not been prepared for this REF

3. Notwithstanding 2, a 7 part tests were prepared for the DAs relating to the immediately adjacent site, 60-70 Bournemouth St. These 7 part tests concluded that the proposal is unlikely to have "a significant effect" on TSC listed species.

Although the activity itself is not subject of the application for development consent for the recreation camp for eco-tourism facilities the activity has been subject to consideration for the ecological impact assessment by Cumberland Ecology for that application which covers 7-part test assessments by RPS Australia East.

See **Annexure AJ** - 3.12. Flora and Fauna Assessment RPS 2014

See **Annexure AK** - 3.13. Supplement Bangalay Forest EEC 7 part test RPS 2015

See **Annexure AK** - 3.14. Supplement APP 4- Bundeena Bat Call Report RPS 2014

"*the findings* of the Assessments of Significance conducted by RPS of no significant impact on EECs are considered valid"

"*the findings* of the Assessments of Significance conducted by RPS of no significant impact on threatened species are considered valid"

See **Annexure AI** - 3.11. Ecological Impact Assessment Cumberland 2016.pdf

12. Summary of impacts

Summarise the impacts and consider the cumulative impacts of the activity based on the classification of individual impacts as low, medium or high adverse, negligible or positive.

Section 3.15 of *Guidelines for preparing a Review of Environmental Factors* provides further guidance.

Category of impact	Significance of impacts		
	Extent of impact	Nature of impact	Environmentally sensitive features
Physical and chemical	negligible	The activity does not extend beyond already created shared access track and already disturbed former Council Sani Depot. The increase in traffic and associated impact is negligible.	N/A
Biological	negligible	The activity does not extend beyond already created shared access track and already disturbed former Council Sani Depot. The increase in traffic and associated impact is negligible.	N/A
Natural resources	negligible	Vegetation trimming is not exceeding already required vegetation maintenance to support current and future use not related to the activity and already disturbed former Council Sani Depot. The increase in traffic and associated impact is negligible	N/A
Community	negligible	There is no significant impact on the community while the activity enables recreational activities adjacent the Royal National Park that are considered desirable for the community as a whole by NPWS	N/A

Cultural heritage	negligible	There is no significant impact on Cultural Heritage expected while the La Perouse LAC considers the recreation camp for eco-tourism an opportunity for cooperation in providing tourism related services	N/A
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13. Conclusions

In conclusion indicate if:

- there is likely to be a significant effect on the environment and an environmental impact statement is required

No
 Yes

Reason(s):

The proposed use of the shared access has been considered in the context of the separate proposal for eco-tourism facilities on the Applicants land and no significant effects on the environment were concluded to be present.

- there is likely to be a significant effect on threatened species, populations, ecological communities or their habitats and a species impact statement is required

No
 Yes

Reason(s):

The proposed use of the shared access has been considered in the context of the separate proposal for eco-tourism on the applicant's land and no significant effects on threatened species, populations, ecological communities or their habitats were concluded to be present.

- the activity is in respect of land that is, or is part of, critical habitat and a species impact statement is required

No
 Yes

- the activity will require certification to the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, or Australian Standards in accordance with the OEH *Construction Assessment Procedure*.

No
 Yes

14. Supporting documentation

Please provide details of documentation included with this application. Supporting information may include, but is not limited to, a Sustainability Assessment (for proposals requiring a lease of licence under s.151A NPW Act), threatened species assessment of significance (7-part test), LEP land use tables, AHIMS search, engineering plans, maps, specialists studies etc.

Annexure	Document title	Author	Date
AA	30032017094201-0001_Judgment - 30 March 2017.pdf	LEC	30-03-2017
AB	1.24 - NPWS Policy - Access to inholdings March 2006.pdf	OEH	03-2006
AC	Bush Fire Safety Authority (BFSA) D14/3551 dated 25 January 2017	RFS	25-01-2017
AD	3.4. Road Engineering 30A_15_Rpt_Bundeena_Feb 12	Lyle Marshall Associates	02-2016
AE	3.7. Aboriginal Heritage Due Diligence MDCA 2016.pdf	MDCA	02-2016
AF	3.8. Aboriginal Heritage Due Diligence RPS 2014 .pdf	RPS	2014
AG	SEE PR124192_Eco Tourist Bundeena_v20 RevE (Recreation Camp).pdf	RVA	02-2016
AH	SEE PR124192_Eco Tourist Bundeena_v20 RevE (Road) 17 feb 2016.pdf	RVA	02-2016
AH	SEE PR124192_Eco Tourist Bundeena_v20 RevE (Road) correction Appendix 1 sheet 18 feb 2016	RVA	02-2016
AI	3.11. Ecological Impact Assessment Cumberland 2016.pdf	Cumberland Ecology	02-2016
AJ	3.12. Flora and Fauna Assessment RPS 2014.pdf	RPS	2014
AK	3.13. Supplement Bangalay Forest EEC 7 part test RPS 2015.pdf	RPS	2015
AK	3.14. Supplement APP 4- Bundeena Bat Call Report RPS 2014.pdf	RPS	2014
AL	3.1. Bushfire assessment 100B - 085 RVA Bundeena Version 8.pdf	Sydney Bushfire Consultants	02-2016
AL	3.2. Evacuation Plan Bundeena Coast Eco Lodge Version 8.pdf	Sydney Bushfire Consultants	02-2016
AM	royal-heathcote-garawarra-fire-management-strategy-160703.pdf	NPWS	2016
AN	tab 7 - 2015-05-12 Letter RVA to OEH NPWS easement request.pdf	RVA	12-05-2015
AO	tab 8 - 2015-10-13 Email RVA to NPWS [REDACTED] and Kane Weeks.pdf	RVA	13-10-2015
AP	3.22 Letter of advice (30 September 2015).PDF	Gadens	30/9/2015
AQ	4.1 - Plan of Management 2016 revB.pdf	RVA	02-2016
AR	tab 10 - 2016-08-26 Letter [REDACTED] NPWS Response additional information.pdf	NPWS	23-08-2016
AS	Extract - Independent review of the DSSLEP 2013 (Dr J Roseth & M Sussex AM (p.93).pdf	NSW	2014
AT	2. 2013-12-09 SSC Infrastructure Projects and Works - Stakeholdermeeting report.pdf	SSC	09-12-2013
AU	3. Community information leaflet 2014.pdf	RVA	2014
AV	Sealed Joint Expert Report - Traffic and Civil Engineering February 2017.pdf	LEC	02-2017
AW	3.3. Traffic Advice -15445.01FD - 8th February 2016.pdf	McLaren Traffic	02-2016
AX	PR124192SU-DP01b.pdf	RPS	2015
AY	PR124192SU-DP02a.pdf	RPS	2014
AZ	4.1 - Addendum to Plan of Management 2016 RevB - August 2016.pdf	RVA Australia PTY LTD	08-2016
BA	Appendix 3.6. Soil Land Mgt Advice Report Bundeena Recreation Camp GAC160209a	SLMA	02-2016
BB	4.4 - Current Use Shared Access.pdf	RVA	02-2016
BC	4.2 - Weeding works program 2015 (A2861278) v2.pdf	SSC	2015
BD	09112016073553-0001_Additional information of Dr Lamb	R.Lamb	11-2016

	8.11.16.pdf		
BE	2016-06-17 Letter RVA to OEH Susan Harrison.pdf	RVA	17-06-2016
BF	ROYAL NATIONAL PARK, HEATHCOTE NATIONAL PARK AND GARAWARRA STATE RECREATION AREA PLAN OF MANAGEMENT	NPWS	2000
BH	DP1782	Deposited Plan	1860
BI	Certificate of title DP 213924 lot 3	LPI	2013
BJ	DCP06_Wetlands&Waterways_41	SSC	2006
BK	Royal National Park and Garawarra State Conservation Area gazettal notice 10589302.pdf	Commonwealth of Australia	2006
BL	Letter SSC to Gadens 13 October 2015	SSC	13-10-2015
BM	Bundeena Residue lands CT 3065-63	Scott Ashwood	13-10-2016
BN	Govt Gazette No 70 of 14 August 2015	Commonwealth of Australia	14-08-2015
BO	Plan residue CT 3065-63 PR124192SU-DP04b	RPS	24-02-2017

15. Fees

Proponents are required to pay an initial fee of \$170 (a final fee is also required before determination of the REF).

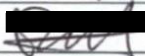
If the activity consists of environmental remediation and/or the proponent is a community group, OEH may waive the fees on request.

<input checked="" type="checkbox"/>	\$170 payment/cheque for initial fee was enclosed with the initial draft
<input type="checkbox"/>	A waiver of fees is requested. Please provide reasons:

16. Signature of proponent

The REF must be certified by the proponent – not the consultant(s) where consultant(s) are used.

RVA AUSTRALIA PTY LTD

Signature		Signature	
Name (printed)	RONALD ALBERTUS VAN ARDENNE	Name (printed)	
Position	DIRECTOR	Position	
Date	10 April 2017	Date	

Seal (if signing under seal):

Next steps - for OEH use

- **External proponent REF or major REF**
 - Proceed to prepare determination report and determination notice.
- **Internal minor REF**
 - Proceed to prepare determination notice (no determination report required).

Determination report templates, determination notices and model conditions are available on the **Review of Environmental Factors (REF) Guidelines eHub page**.