Review of environmental factors: [Proposal name]

Using this form

This is the **standard layout to be used** for a review of environmental factors (REF) if activities are occurring within lands reserved or acquired under the *National Parks and Wildlife Act 1974* (NPW Act). The structure of this form addresses the environmental impact assessment requirements for activities subject to Part 5 (Division 5.1) of the *Environmental Planning and Assessment Act 1979* and follows the DPE publication, *Guidelines for Division 5.1 assessments*.

A separate form needs to be used for the following activities:

* **minor activities and uses (involving fewer than 400 people) requiring a lease or licence under s 151 of the NPW Act** – for further information refer to the [Sustainability Assessment Criteria and Guidelines](https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/development-guidelines/sustainability-assessments)
* **low-risk works related to telecommunication facilities which do not involve ground or vegetation disturbance** – for further information contact [npws.envplanningadvice@environment.nsw.gov.au](mailto:npws.envplanningadvice@environment.nsw.gov.au).

To complete this template you will need the [Guidelines for Preparing a Review of Environmental Factors](https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-preparing-a-review-of-environmental-factors). This and other guidance documents are available at the [NSW Environment website](http://www.environment.nsw.gov.au/).

Guidance notes are provided in green throughout this template. Please read carefully before deleting – they should not appear in the final REF. In entering relevant details/text, please insert the cursor above the instructions or in the content control. All entries made by you should be checked for Style. Most text under headings will be Normal (Body Text); if in a table it will be Table text. If you need to add a table or a figure, use the References tab – Insert Caption function (and select Label Figure/Table as appropriate – you will need to correct the Style to Table Caption for tables).

Note for external proponents

If the REF is for an activity to be undertaken by an entity (individual, company or organisation) other than National Parks and Wildlife Service (NPWS), **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 NPWS office to obtain in-principle support for the proposal.

If the REF is for an activity requiring a lease or licence under [s.151 of the NPW Act](https://legislation.nsw.gov.au/view/html/inforce/current/act-1974-080#sec.151)*,* telecommunications facilities under [s.153D of the NPW Act](https://legislation.nsw.gov.au/view/html/inforce/current/act-1974-080#sec.153D), or is within regulated catchments or the riverine environment of the River Murray,it will need to be submitted with additional information (see Section 10 of this document).

Once completed and signed, the template, together with the applicable fee, should be sent to the relevant local NPWS office for the affected park (use the [Find a Park search tool](https://www.nationalparks.nsw.gov.au/visit-a-park), and the relevant contact details are given on the park’s overview page).

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**Document control**

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| --- | --- | --- | --- |
| Version | Date | Author/ Modified by | Approved by |
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1. Introduction
   1. Brief description of the proposal

Insert description

Provide a brief description - keep this short but with sufficient detail that the reader knows:

* what the proposal is
* why it is proposed and
* where it is located.

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

In terms of location, in this section:

* use the NPWS park or reserve name, and the name of the precinct or road/trail,
* identify if works are proposed on any land not reserved under the National Parks and Wildlife Act
* name the NPWS Area, local council and state electorate
* cross-reference to maps (Figure 1 should provide the locality)
* cross-reference to Section 6 where more detail is provided.

Insert map of location here.

Figure 1. Location of the activity

* 1. Estimated development cost of proposal

Insert estimation of cost

This estimate does not include land value (but does include all other costs necessary to establish and operate the proposal, including design and construction, any associated or ancillary infrastructure, and fixed or mobile plant and equipment). However, If the development has an ongoing use beyond completion, the cost estimate should include all costs necessary to bring the development to a point where it is ready for use but should not include the ongoing costs of operating or maintaining the development once the use commences.

Publication of the REF is required for proposals with an estimated development cost of more than $5 million. There are other triggers for publication in section 3.6 of the REF. If the REF requires publication, it should be professionally edited to ensure it meets the accessibility and professional standards of your organisation.

* 1. Estimated duration of proposal

Insert estimated timeframe, including proposed commencement and completion dates.

Highlight if an ongoing operational phase.

1. Proponent’s details

**Note:** All correspondence and notices will be sent to the contact person identified this in section.

Contact name

Position

Street address

Postal address (if different to above)

Contact phone number

Email

For proponents external to NPWS

Insert the business or company’s registered name, or the name of the Government department or agency, the company’s/agency’s trading name (if relevant) and ACN/ABN.

Organisation/Agency

ACN/ABN

For proponents from within NPWS

The Area or Unit Manager is the proponent and must endorse the REF as the proponent (see Section 14). For these projects, the proponent’s contact would be the project manager (e.g. ranger or team leader ranger).

Manager

1. Permissibility and assessment pathway
   1. Permissibility under NSW legislation

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

In the following, please indicate whether the activity is permissible under the legislation. Include an explanation where necessary. Section 1.7 and Appendix A of the [Guidelines for preparing a Review of Environmental Factors](https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-preparing-a-review-of-environmental-factors) provide guidance on permissibility. If other NSW legislation is directly relevant to the permissibility of the activity, add additional subsections.

* + 1. National Parks and Wildlife Act 1974

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

Insert a brief justification explaining how the proposal is permissible on land reserved or acquired under the *National Parks and Wildlife Act 1974* (NPW Act)

This justification must explicitly consider the following matters and describe how the proposal is consistent with each:

* Objects of the Act ([s 2A](https://www.legislation.nsw.gov.au/#/view/act/1974/80/part1/sec2a))
* Reserve management principles ([s 30E–30K](https://www.legislation.nsw.gov.au/#/view/act/1974/80/part4/div2)) – only relevant for land reserved as park
* Title and relevant sections of plan of management

**Note**: Section 81 requires operations in a park to be in accordance with a plan of management (PoM). For parks that lack an adopted PoM, management should be in line with the park’s published statement of management intent (SMI) or draft PoM. PoMs and SMIs can be found at:[Park plans of management and statements of management intent.](https://www.environment.nsw.gov.au/Topics/Parks-reserves-and-protected-areas/Park-management/Park-plans-of-management-and-statements-of-management-intent) It is important to note that [s 151A(5) of the NPW Act](https://www.legislation.nsw.gov.au/#/view/act/1974/80/part12/div2/sec151a)(5) 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 there is a PoM in place and this PoM identifies the purpose as permissible and the general location for the new building. **It is mandatory** to indicate whether this requirement has been met or will be (e.g. via a PoM in preparation or a current PoM amendment, with a note that permissibility is subject to the adoption of this plan or plan amendment).

#### Assets of intergenerational significance

If relevant, identify whether the activity is on land identified as an asset of intergenerational significance (AIS) or in close proximity to an AIS, and justify that it is consistent with the purpose of the AIS’s declaration

This justification should include:

* the relevant AIS site number
* the title and relevant section of any applicable conservation action plan (CAP).

**Note:** [Clause 78G of the NPW Regulation](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2019-0408#sec.78G) requires that conservation activities under approved AIS CAPs must be carried out in accordance with the CAP. Proposals must demonstrate consistency with this requirement.

#### Leasing, licensing and easement provisions

If relevant, provide a brief explanation on how the activity is for a purpose that may be subject to a lease, licence or easement under the NPW Act – otherwise insert NA

Leasing, licensing and easement provisions are given in [Part 12](https://www.legislation.nsw.gov.au/#/view/act/1974/80/part12) of the NPW Act. These can only be used for certain activities as outlined in the Act. For example, leases and licences under s 151 may only be granted for purposes listed in s 151A.

#### Internal NPWS projects

If relevant, provide a brief explanation of how your proposal is fully consistent with NPWS powers and responsibilities.

NPWS powers and responsibility are given under [s 8](https://www.legislation.nsw.gov.au/#/view/act/1974/80/part2/div1/sec8) and [s 12](https://www.legislation.nsw.gov.au/#/view/act/1974/80/part2/div1/sec12) of the NPW Act. If any parts of the proposal are off park, outline how that is permissible (either due to the existence of an easement benefitting NPWS on the land or an agreement for the purposes of s 146(3)). If external to NPWS, insert ‘NA’.

* + 1. Wilderness Act 1987 (for activities in wilderness areas)

If relevant, provide a brief justification explaining how the proposal is permissible under the Wilderness Act – otherwise insert NA

Consider the following matters and describe how the proposal is consistent with each:

* Objects of the Wilderness Act ([s 3](https://www.legislation.nsw.gov.au/#/view/act/1987/196/part1/sec3))
* Wilderness management principles ([s 9](https://www.legislation.nsw.gov.au/#/view/act/1987/196/part3/div1/sec9))
* Restrictions on leasing, licensing and easements (see [s 153A NPW Act](https://www.legislation.nsw.gov.au/#/view/act/1974/80/part12/div3/sec153a))
  + 1. Biodiversity Conservation Act 2016

Insert a brief justification explaining how the proposal is permissible under the *Biodiversity Conservation Act 2016* (BC Act)

Consider the following matters and describe how the proposal is consistent with each:

* The biodiversity conservation objectives of the BC Act
* The terms of any biodiversity stewardship site agreement which may apply
  + 1. NSW Reconstruction Authority Act 2022

Insert a brief justification explaining how the proposal is consistent with (or not inconsistent with) the State disaster mitigation plan and any relevant disaster adaptation plan

Section 38(1) of the *NSW Reconstruction Authority Act 2022* (NSW RA Act) requires a public authority to have regard to these plans in carrying out development under the Transport and Infrastructure State Environmental Planning Policy (SEPP).

* + 1. Rural Fires Act 1997

Insert a brief justification explaining how the proposal is permissible under the *Rural Fires Act 1997* (RF Act)

Consider the following matters and describe how the proposal is consistent with each:

* The objectives of protecting life and property and protection of the environment
* The relevant reserve fire management strategy
* Planning for Bushfire Protection

**Note:** Planning for Bushfire Protection does not legally apply except in those circumstances listed in s 2.16 of the Transport and Infrastructure SEPP but any alternative measures of ensuring protection of life and property should be described.

* 1. Environmental Planning and Assessment Act 1979
     1. Assessment pathway

The following is suggested text for this section. It requires confirmation on each point. If **any** of the dot points do not apply, this REF may not be a correct assessment pathway.

It is confirmed that a REF is the applicable assessment pathway because each of the following apply:

* The activity is not declared to be state significant infrastructure under s 2.13 of the Planning Systems SEPP.
* The activity may be undertaken without development consent under the provisions of s 2.73(1)(a) of the Transport and Infrastructure SEPP as it is:
  + on land reserved under the NPW Act or acquired under Part 11 of the NPW Act, **and**
  + for a purpose authorised under the NPW Act.

If some works occur on lands that are not either reserved or acquired under the NPW Act, **another provision** in an environmental planning instrument **must** identify the activity as ‘development without consent’ for a REF to be the appropriate assessment – please insert details as appropriate. For example, for works in a flora reserve (zoned RU3), the applicable reference would be s 2.58 of the Transport and Infrastructure SEPP for most activities likely to be carried out on this tenure. For other works, if they are required to exercise the **specified land management functions** that are **consistent with the working plan**, theywould be ‘uses authorised under the *Forestry Act 2012’* and so ‘development without consent’ under the Land Use Table of the applicable LEP.

**Note:** If the LEP or a SEPP does not clearly identify that the off-park works are development without consent, they cannot be covered by an REF.

* The activity is **not** identified as requiring development consent under another environmental planning instrument that prevails over the Transport and Infrastructure SEPP. In particular:
  + The activity is not in a coastal wetland or littoral rainforest, or it does not otherwise meet the criteria for development requiring consent outlined in s 2.7(2) of the Resilience and Hazards SEPP.
  + The activity is not coastal protection works or, if coastal protection works, the activity is one of the types of coastal protection works that may be carried out by or on behalf of a public authority without development consent.
  + The activity is not a type of development requiring development consent under s 2.9 of the Resources and Energy SEPP.

**Explanatory notes**: This REF cannot be determined for activities requiring development consent under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

* Chapter 2 of the Resilience and Hazards SEPP requires development consent for activities on NPWS parks in the following circumstances:
* Activities that are not routine maintenance on lands mapped as littoral rainforest or coastal wetland, in either reserved areas of park that lack an adopted plan of management or in areas that are only acquired but not reserved under the NPW Act – these are likely to be classified as designated development which means an environmental impact statement (EIS) rather than an REF will be required.
* Certain coastal protection works (other than those listed in s 2.16(2)(a) of Resilience and Hazards SEPP) are identified as **regional significant development** which requires development consent under Part 4 of the EP&A Act.
* Chapter 2 of the Resources and Energy SEPP requires development consent for mining (but not mineral exploration) on land reserved as a state conservation area.
* The activity is not declared to be exempt development under an environmental planning instrument or fails to fully meet the requirements for exempt development.

If you believe your activity is exempt development, contact NPWS. A conservation risk assessment may be the appropriate form of environmental impact assessment.

* + 1. Strategic plans

1. Provide details of how the activity aligns with the relevant strategic plan made under Division 3.1 of the EP&A Act.

In this response, clearly identify the relevant strategic plans made under Division 3.1 of the EP&A Act. These include:

* the local strategic planning statement for the local government area (not applicable in unincorporated areas such as Sydney Harbour islands or far north-western parts of NSW)
* regional strategic plan (for areas outside Sydney) or district plan (for areas in Sydney)

Then identify for each whether the activity is consistent (or, at least, not inconsistent) with the plan’s general intent, policies and objectives.

* 1. Other relevant NSW legislation
     1. Coal Mine Subsidence Compensation Act 2017

Identify if the activity is taking place in a mine subsidence district. If it is, state whether relevant approval from the Chief Executive of Subsidence Advisory NSW (formerly known as the Mine Subsidence Board) will need to be sought prior to works commencing.

* + 1. Fisheries Management Act 1994

Identify whether the activity is consistent with the objects of the *Fisheries Management Act 1994* (FM Act) and if it will require notification or approval prior to works commencing. Discuss consultation to date in Section 4.1.2.

Notification or approval under the FM Act is required if the activity:

* affects fish, fish habitat, fish passage or marine vegetation, including threatened species (permit required before works commence)
* includes the excavation or deposition of material in ‘water land’ including land that is only intermittently submerged by water (NPWS will need to notify DPI Fisheries before determining the REF).
  + 1. Heritage Act 1977

Identify if the activity is on land that contains an item listed on the State Heritage Register (SHR), or an item not listed on the SHR but included on the NPWS Historic Heritage Information Management System as being of potential state significance.

Include relevant information related to heritage items or places, and refer to any supporting assessment. For SHR sites, indicate if the activity will be covered by a standard or site-specific s 57(2) exemption, or if an application for a permit for the purposes of s 57(1) of the Heritage Act will be required (i.e. a s 60 application or s 65A modification to an existing s 60).

* + 1. Marine Estate Management Act 2014

Identify if the activity is within or may affect a marine park or aquatic reserve.

For activities within or affecting a marine park or aquatic reserve, s 56 of the *Marine Estate Management Act 2014* requires consideration of their purposes, the regulations and the advice from the relevant marine authority.

* + 1. [Add in name] Act

Identify how the activity is subject to requirements under [Add in name] Act.

If other NSW legislation is directly relevant to the permissibility or assessment of the activity, such as the *Forestry Act 2012* or *Crown Land Management Act 2016*, add additional subsections. If not, delete this heading.

* 1. Commonwealth legislation
     1. Environment Protection and Biodiversity Conservation Act 1999

Select one of the following lead-in phrases and delete the other.

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) applies as the activity is on land that contains the following, or the activity may affect:

**or**

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) does not apply as the activity will not affect any of the following:

* world heritage or national heritage values of a place on the World Heritage List or National Heritage List
* the ecology of a Ramsar wetland
* nationally listed threatened species and ecological communities or listed migratory species.

Include relevant comments or information and indicate whether Australian Government approval may be required. A prompt for further detail is in Sections 8.5 and 9.7 of this document.

* + 1. Native Title Act 1993

With reference to section 5 of the REF, identify whether the activity is a future act and, if so, how it can be valid for the purposes of the Native Title Act.

* + 1. [Add in name] Act

Identify how the activity is subject to requirements under [Add in name] Act.

Add subsections for other relevant Commonwealth legislation such as the Defence Act or Telecommunications Act (if applicable). Defence Act is relevant for Defence Practice Areas and Defence Aviation Areas – any consultation required under this Act should be discussed in Section 4.1.2. If no other Commonwealth legislation is relevant, delete this heading.

* 1. Consistency with national parks policy

|  |  |
| --- | --- |
| Policy name | How proposal is consistent |
|  |  |
|  |  |

**Note:** Identify and provide details of all NPWS policies which are relevant to the proposal, such as the Landslides and Rockfalls Policy. Published park management policies can be found on the [Park Policies webpage](https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies). For works within declared wilderness, the REF must consider consistency with the Wilderness Policy.

* 1. Summary of licences and approvals

This section summarises all the licences, permits and other approvals required under the above legislation.

* + 1. Approval required from National Parks and Wildlife Service

Provide a brief description of the type of approval sought from NPWS.

* For external proponents, Appendix B in the [Guidelines for Preparing a Review of Environmental Factors](https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-preparing-a-review-of-environmental-factors) provides a list of approval types. Thus, for example, the brief description might be: ‘a lease for visitor accommodation under s 151 NPW Act’ or ‘consent to erect a structure under cl 20 NPW Regulation’.
* For NPWS proponents, state the ‘Internal NPWS approval or authorisation, including expenditure’. This is because NPWS does not grant approvals (e.g. leases, licences, consents etc.) to itself but has a range of general powers to undertake activities on-park under the NPW Act exercised under delegation.

Identify if there are any existing approvals, such as permits, leases, licences or easements, which apply to part or all of the proposed activity.

* + 1. Other approvals

List approvals required from other agencies, including under Part 6 of the NPW Act or the Heritage Act, or under the Fisheries Management Act, Coal Mine Subsidence Compensation Act etc.

* + 1. Publication triggers

The REF must be published following determination if the activity requires an approval or permit identified in section 171(4) of the EP&A Regs before it may be carried out. These triggers are summarised below in relation to the proposed activity.

Table 1. Triggers for publication of the review of environmental factors

| Permit or approval | Applicable? |
| --- | --- |
| Fisheries Management Act, sections 144, 200, 205 or 219 |  |
| Heritage Act, section 57(1) (commonly known as a section 60 and **not** an Exemption under section 57(2)) |  |
| National Parks and Wildlife Act, section 90 (AHIP) |  |
| *Protection of the Environment Operations Act 1997*, sections 47–49 or 122 |  |

Add a conclusion as to whether the REF must be published due to required permits or approvals following determination.

1. Consultation – general

Summarise the consultation that has occurred, including with whom, how, why and when they were consulted, and the results of that consultation. The [Guidelines for Preparing a Review of Environmental Factors](https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-preparing-a-review-of-environmental-factors) provides guidance on consultation.

* 1. Statutory consultation

Identify if the required consultation has occurred, and discuss any matters raised by the relevant authority. The written correspondence should be included as an attachment to the REF. Non-NPWS proponents should provide evidence that the relevant NPWS Area or Branch office (and, if relevant, the Board of Management) has provided in-principle support.

* + 1. Transport and Infrastructure SEPP

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

Identify if the proposed activity will affect the items below, by selecting ‘Yes’ in column 3. In the text below the table, detail the outcomes of consultation with the relevant authority.

Table 2. Consultation triggers under the Transport and Infrastructure State Environmental Planning Policy

| Authority  (TISEPP section) | Trigger | Applicable to proposal? |
| --- | --- | --- |
| Consultation with local council (s 2.10) | Development with impacts on council infrastructure or services (such as stormwater, sewer, water, roads and footpaths) | Choose an item. |
| Consultation with local council (s 2.11) | Development with impacts on heritage items listed under the local environmental plan (LEP) | Choose an item. |
| Consultation with local council (s 2.12) | Development that will change flood patterns on flood-liable land | Choose an item. |
| Consultation with State Emergency Service (s 2.13) | Development on flood-liable land | Choose an item. |
| Consultation with local council (s 2.14) | Development that is inconsistent with a certified coastal management program affecting land within the mapped coastal vulnerability area. | Choose an item. |
| Consultation with NPWS (s 2.15(2)(a)) | Development adjacent to land reserved or acquired under the NPW Act | Choose an item. |
| Consultation with NPWS (s 2.15(2)(b)) | Development on land in Zone C1 that is yet to be reserved under the NPW Act | Choose an item. |
| Consultation with Transport for NSW (s 2.15(2)(c)) | Development comprising a fixed or floating structure in or over navigable waters | Choose an item. |
| Consultation with the Director of the Siding Spring Observatory (s 2.15(2)(d)) | Development that may increase the amount of artificial light in the night sky and that is on land within the mapped dark sky region | Choose an item. |
| Consultation with the Cth Department of Defence (s 2.15(2)(e)) | Development located within the buffer around the defence communications facility near Morundah as mapped under the Lockhart, Narrandera or Urana LEPs | Choose an item. |
| Consultation with the Subsidence Advisory NSW (s 2.15(2)(f)) | Development on land in a mine subsidence district. | Choose an item. |
| Consultation with the Willandra Lakes Region World Heritage Advisory Committee and Heritage NSW (s 2.15(2)(g)) | Development on, or reasonably likely to have an impact on, a part of the Willandra Lakes Region World Heritage Property | Choose an item. |
| Consultation with the Western Parkland City Authority (s 2.15(2)(h)) | Development within a Western City operational area (Western Parkland City Authority Act 2018, Schedule 2) with a capital investment value of $30 million or more | Choose an item. |
| Consultation with Transport for NSW (s 2.221) | Traffic-generating development listed in Schedule 3 | Choose an item. |

* + 1. Other statutory consultation

Identify consultation required under other legislation in addition to the above (e.g. under the Fisheries Management Act or Defence Act). If relevant, provide details of the consultation completed.

* 1. Targeted consultation
     1. Adjacent landowners

If relevant, provide details.

* + 1. Wider community consultation and/or notification of works

If relevant, provide details.

* + 1. Interest groups and/or notification

If relevant, provide details.

1. Consultation – Aboriginal communities

The [Guidelines for Preparing a Review of Environmental Factors](https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-preparing-a-review-of-environmental-factors) provide further guidance

* 1. Native title notification requirements

1. Is the land subject to an [Indigenous land use agreement](https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/aboriginal-joint-management/how-aboriginal-joint-management-works/indigenous-land-use-agreements) (ILUA)? Choose an item.

If no, go to Question 2. If yes, check any relevant provisions of the ILUA including any notification procedures that must be followed and identify whether these have been followed. No other steps are required in this section and sections 5.2 and 5.3 do not apply – proceed to Section 6

If relevant, provide details of the ILUA, its procedures and how these requirements have been completed.

1. Has native title been **extinguished**? Choose an item.

If no or unclear, go to Question 3. If yes, provide a clear explanation and supporting evidence to demonstrate extinguishment. There is no need to do anything further in this section as the [Native Title Act 1993](https://www.legislation.gov.au/Details/C2017C00178) procedures do not apply. Proceed to Section 5.2 and 5.3, as other policies about consultation with Aboriginal people will still be relevant.

If relevant, provide an explanation of how native title has been extinguished.

1. Has there been a determination of native title applicable to the land or is there a native title claim pending? Choose an item.

Check the [National Native Title Tribunal website](http://www.nntt.gov.au/Pages/Home-Page.aspx) at <http://www.nntt.gov.au/>. If no, go to Question 4. If yes, record the details of the native title claimant/holder as you may need to consult with them regarding the proposed activity – go to Question 4

If relevant, provide details of the native title claimant/holder.

1. If native title is not confirmed as extinguished, **and** the activity is occurring on land reserved as park on or before 23 December 1996, is it an act in accordance with the purpose of reservation **and will it:**
2. be a ‘public work’ as per subdivision 24J of the Native Title Act (e.g. a building or other structure that is fixed to the landscape, a road or bridge, a well or a bore, or involves major earthworks, carried out by a public authority)   
   **or**
3. involve the grant of a lease or easement?

Choose an item.

If no, go to Question 5. If yes, the works could be validated under Subdivision J. This requires notifying any native title holders / native title claimants / NTS Corp regarding the proposed activity.

If relevant, provide details of the consultation that has occurred and the outcomes of that consultation.

If you answer ‘Yes’ to this question, do not answer Question 5; insert N/A for that question and proceed to Section 5.2.

1. If native title is not confirmed as extinguished and the circumstances of Question 4 do not otherwise apply (e.g. the park was reserved after 23 December 1996), is the activity either:
2. a facility for service to the public (as defined in subdivision 24K of the Native Title Act)  
   **or**
3. a low-level activity (as defined in subdivision 24L of the Native Title Act)?

Choose an item.

If no, it may be that the proposal cannot be easily validated under the Native Title Act. Notify native title holders / native title claimants / NTS Corp regarding the proposed activity and record the outcomes of that notification. In the notification be clear this is NOT a notification under subdivision 24J, as that does not apply.

If yes, the notification requirements under the Native Title Act do not apply but consultation with native title holders/claimants may still be required under other policies to consult with Aboriginal people. Proceed to Sections 5.2 and 5.3

If relevant, provide details of notification or other consultation, and record the outcomes of that notification.

* 1. Parks under joint management arrangements other than an indigenous land use agreement

Is the park’s management subject to another joint management arrangement such as a memorandum of understanding? Choose an item.

If no, go to Section 5.3. If yes, discuss the proposed activity with the relevant body.

If relevant, provide details of the outcomes of any discussions with the advisory committee or consultative group.

* 1. Other parks

For all parks, proponents should discuss with NPWS the need to consult with relevant Aboriginal communities. Such consultation is usually recommended as it may assist with the assessment of impacts on Aboriginal cultural heritage.

Provide details of consultation and its outcomes.

1. Proposed activity (or activities)
   1. Location of activity

Please attach and refer to 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.

Table 3. Summary of activity location

|  |  |
| --- | --- |
| Description of location |  |
| Site commonly known as | If applicable |
| Park name | Lands reserved under NPW Act |
| Other tenures | Include lands acquired under Part 11 of the NPW Act |
| Lot/DP | If available |
| Street address | If available |
| Site reference | Easting: Northing: MGA zone:  (6 digits) (7 digits) (54, 55, 56 or 57) |

* 1. Description of the proposed activity

Include a description of the activity. All aspects of the proposed activity should be described*.*

See the [Guidelines for preparing a Review of Environmental Factors](https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-preparing-a-review-of-environmental-factors) for further guidance.

**Please attach** additional and supporting information as required, such as plans.

* + 1. The proposed activity: pre-construction, construction, operation and remediation

Insert description

Describe each stage of the activity.

* + 1. The activity footprint (size of the area of impact)

Insert description

The activity footprint includes all ancillary requirements of the activity at all stages of construction and operation (e.g. advertising signage, temporary signs, banners or structures promoting an event or sponsorship arrangements, roads or access upgrades, service areas or additional infrastructure, storage, bushfire asset protection etc.)

* + 1. Proposed construction methods, materials and equipment
    2. Receival, storage and on-site management for materials used in construction
    3. Earthworks or site clearing including extent of vegetation to be removed
    4. Environmental safeguards and mitigation measures
    5. Sustainability measures – including choice of materials and water/energy efficiency
    6. Construction timetable and staging and hours of operation

1. Reasons for the activity and consideration of alternatives

Section 3.2.2 of the [Guidelines for preparing a Review of Environmental Factors](https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-preparing-a-review-of-environmental-factors) provides further guidance. Alternatives must include a consideration of alternative locations (including off-park locations) and the ‘do-nothing’ option.

* 1. Objectives and reasons for the proposal

Insert details

Clearly state the objectives of the proposal.

* 1. Consideration of alternatives

Insert description of alternatives

Consider different locations and designs, as well as the ‘do nothing’ option.

* 1. Justification for preferred option

Insert justification

* 1. Site suitability

In discussing site suitability, address the following matters as per the Sustainability Criteria

Site character

Landscape context

Application of site suitability matrix

Strategic site assessment (if required by the matrix)

1. Description of the existing environment
   1. Overview of the project area

Insert description

Provide an overview of the landscape, the current land use of the site and adjoining land uses, the park and the area subject to the program of works. Sensitive areas should be identified briefly in this overview. When including meteorological data in your overview, highlight wet season peaks or any other period when works should be avoided or subject to additional mitigation measures. In the following sections, make use of existing information available on the [SEED website](https://www.seed.nsw.gov.au/) (or the NPWS/EHG corporate databases) as much as possible.

Reference material

The following sections will rely on either existing information (e.g. independent technical reports or material including data or mapping layers) or supporting documentation prepared for this REF. Both should be clearly cited, with supporting documentation listed in Section 12 and existing information listed in Section 15.

* 1. Natural values
     1. Geology, geomorphology and topography

Insert description

Summarise the landscape, area and site values as they relate to the proposal’s footprint, discuss how they influence the final design of the proposal and explain how the proposal has been designed to protect geodiversity and sensitive features in the landscape.

Justifying the application of mitigation measures, quantifying residual impacts and determining the significance of the activity are addressed in Section 9 of this REF.

Has a landslide or rockfall hazard been identified? If so, attach the risk assessment (using the Health and Safety Risk Matrix) and confirm if professional geotechnical advice has been sought on managing the risk. If the risk is assessed as high or above, a risk treatment plan must also be attached.

If relevant, insert map clearly showing significant geological or landscape features in relation to the activity footprint. If not, delete figure caption. In the following sections, include figures where appropriate and insert new figure captions.

Figure 2. Geology

* + 1. Soil types and properties (including contamination)

Insert description

Describe the soil types in the proposal’s footprint and address any technical management considerations around soil, slope and erodibility issues – identify specific requirements that any future sediment and erosion control implementation will need to consider. In this section, cover registered contaminated sites, areas of natural asbestos or known dump sites of asbestos or other waste, and areas of mapped acid sulfate soils, or sodic or saline soils. Identify any additional technical reports, management planning or licensing requirements needed to support this proposal. Justifying the application of mitigation measures, quantifying residual impacts and determining the significance is addressed in Section 9 of this REF.

* + 1. Watercourses, waterbodies and their catchments

Insert description

Summarise the waterbodies and their values as they relate to the proposal’s footprint and explain management considerations needed for works proposed near or in, especially new bridges or water crossing or any upgrades to existing features. Consider rainfall and other relevant meteorological data regarding likelihood of high rainfall events. Highlight if the proposal is within a water supply catchment and its implications on the proposal (note additional information is required in Section 10 if works are within a regulated catchment, i.e. the catchments of Georges River, Hawkesbury-Nepean River, Sydney Harbour or Sydney’s Drinking Water). Identify technical requirements or design considerations – reference standards. Justifying the application of mitigation measures, quantifying residual impacts and determining the significance is addressed in Section 9 of this REF.

* + 1. Coasts and estuaries

Insert description

What are the coast and estuarine values in the vicinity of the proposal? Explain possible management considerations if works have the potential to impact on them. Consider marine parks, aquatic reserves, foredunes and beaches. Justifying the application of mitigation measures, quantifying residual impacts and determining the significance is addressed in Section 9 of this REF.

* + 1. Biodiversity

#### Overview of terrestrial and aquatic biodiversity

Insert description

Describe the vegetation present in the vicinity of the proposal with reference to Plant Community Types, and provide a summary of other biodiversity values present. Site inspection will be required unless the site is already covered by current mapping, records or technical reports. Provide maps or figures clearly showing vegetation present in relation to the activity footprint.

#### Areas of outstanding biodiversity value or critical habitat

Insert description

Consider declarations under Part 3 of the [Biodiversity Conservation Regulation 2017](https://www.legislation.nsw.gov.au/#/view/regulation/2017/432/part3) or [Section 220T of the Fisheries Management Act 1994](https://www.legislation.nsw.gov.au/#/view/act/1994/38/part7a/div3/sec220t) and the implication on this proposal. Clearly consider potential indirect impacts to values where a proposal is in the vicinity of declared lands. If an activity is proposed in an AOBV or critical habitat, the activity is deemed to have a significant impact on biodiversity. In that case, the REF must be accompanied by a Species Impact Statement (SIS). In the case of AOBV, an alternative to an SIS is a Biodiversity Development Assessment Report. Provide maps or figures clearly showing these significant areas in relation to the activity footprint.

#### Environmental assets of intergenerational significance (AIS)

Insert description

Consider AIS declarations made under Section 153G of the NPW Act, conservation action plans approved under Clause 78E of the NPW Regulation, and the implication on this proposal. Clearly consider potential indirect impacts to values where a proposal adjoins lands declared to be an AIS. Provide maps or figures clearly showing the AIS site in relation to the activity footprint. Reference the relevant conservation action plan and AIS site number.

#### Threatened ecological communities

Insert description

Consider the likelihood of threatened ecological communities (TECs) being present at the site. Consider both aquatic and terrestrial TECs, listed under BC Act, FM Act and/or EPBC Act. If TECs will be directly impacted by the proposal, specify area and demonstrate that the proposal has been designed using the principles of avoiding and minimising impacts to protect the TEC in this locality. Identify threatening processes that apply or will be increased because of the proposal. Identify any relevant recovery plans or SOS planning that may be relevant to the park and the activity footprint. Justifying the application of mitigation measures, quantifying residual impacts and determining the significance is addressed in Section 9 of this REF. Cross reference Appendix A (or an Ecological Assessment Report as supporting documentation), which will include a threatened ecological community likelihood of occurrence table. Maps or figures can be used to explain distribution associated with the activity footprint.

#### Threatened species and populations

Insert description

List threatened species and populations which have recorded in the surrounding area (10-50km search) and identify which are likely to occur due to suitable habitat being present. Consider both aquatic and terrestrial species/populations, listed under the BC Act, FM Act and/or EPBC Act – using BioNet, predictive distributions for threatened fish species and the protected matters search for nationally listed species. In the absence of field surveys, the precautionary principle requires a larger search area and an assumption that all recorded species will be present. If using field assessment to confirm presence or absence, use the [Field survey methods](https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/about-threatened-species/surveys-and-assessments/field-survey-methods).

* Provide field survey and assessment methodology with results as part of this section.
* Identify threatening processes that may also apply or increase because of the proposal.
* Identify any relevant recovery actions or activities (e.g. under the SOS Biodiversity Conservation Program) that may be relevant to the park and the activity footprint.

Highlight koala habitat consistent with [Chapter 3 and Chapter 4 of the Biodiversity and Conservation SEPP](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730#ch.2) or relevant comprehensive koala management plan (KPOM). While the SEPP does not apply to land reserved under the NPW Act, it is NPWS policy that we remain consistent with KPOMs and the landscape management of koalas and their habitat. Justifying the application of mitigation measures, quantifying residual impacts and determining the significance is addressed in Section 9 of this REF.

Cross reference Appendix A (or an Ecological Assessment Report as supporting documentation) which will include a threatened species likelihood of occurrence table. This should include a list of aquatic and terrestrial threatened species and populations, both known (recorded) or likely to occur. Maps or figures can also be used to explain species’ distribution associated with the activity footprint.

* 1. Cultural values
     1. Aboriginal cultural heritage

Insert description

Identify known Aboriginal cultural values in the vicinity of the project’s footprint and consider the likelihood of values being present in the absence of records due to the landscape features present (as per Due Diligence). Consultation with the local Aboriginal community is recommended as part of this process. What management framework is in place with the local Aboriginal community, what agreements, plans or other information that is of value to this proposal?

What are the outcomes of the community consultation and site inspections as they relate to potential values, is a technical report required, is the likelihood of harm still more than a negligible risk and will an AHIP be needed?

Consider nearby declarations under s 153G of the NPW Act of cultural assets of intergenerational significance (AIS) for Aboriginal cultural value, under s 84 of the NPW Act of Aboriginal places, and any Aboriginal places of heritage significance under the local environmental plan. Clearly consider potential direct and indirect impacts to values where a proposal is within the vicinity of these declarations and the implications on the proposal to avoid such impacts.

Justifying the application of mitigation measures, and quantifying residual likelihood of impacts is addressed in Section 9 of this REF. This should justify clearly how harm to Aboriginal cultural heritage **will** be avoided. Attach AHIMS maps, site information plans or figures as required or, if applicable, refer to the relevant Aboriginal cultural heritage Assessment Report as supporting documentation.

* + 1. Historic heritage values

Insert description

Identify historic heritage values in the vicinity of the proposal’s footprint and the likelihood of relics or artefacts being present within that footprint in the absence of records.

Include wider implications that may affect the curtilage of the item, place or site e.g. gardens and settings, introduced exotic species or evidence of broader remnant land uses. What is the risk, what are the outcomes of the statutory consultation and site inspections as they relate to heritage values and the impacts proposed?

Consider nearby declarations under s 153G of the NPW Act of cultural assets of intergenerational significance (AIS) for historic cultural value, and places on the state heritage register or listed as local heritage under the local environmental plan. Clearly consider potential direct and indirect impacts to values where a proposal is within the vicinity of these declarations and the implications on the proposal to avoid such impacts.

Justifying the application of mitigation measures, quantifying residual impacts and determining the significance is addressed in Section 9 of this REF.

Attach HHIMS data, site information, plans or figures as required or reference relevant previous assessment reports or conservation management plans, if applicable.

* 1. Social values
     1. Recreation values

Insert description

These values are often addressed in the plan of management, especially areas which have significant social and economic value as a tourist destination. Local area knowledge is also valuable in identifying values specific to a park that may be important to the local community or recreational group.

* + 1. Scenic and visually significant areas

Insert description

These values are often linked to the topographic values of a site and if the site of the works can be viewed from lookouts, popular walking tracks and neighbouring properties.

* + 1. Education and scientific values

Insert description

These values are often addressed in the plan of management and other associated plans such as world heritage property plans or conservation management plans.

* + 1. Interests of external stakeholders

Insert description

Consider the interests of adjoining landowners, lessees, commercial businesses and park visitors. Cross reference REF Section 4.

* 1. Matters of national environmental significance

Insert description

The [Protected Matters Search Tool](http://www.environment.gov.au/epbc/protected-matters-search-tool) can help identify matters of national environmental significance likely to occur in the area. Highlight the matters of national environmental significance (MNES) relevant to the proposal, highlight values, management requirements and include references to documents which NPWS must consider. Include considerations of MNES listed properties, sites or places where a proposal may directly or indirectly impact on the values present. Justifying the application of mitigation measures, quantifying residual impacts and determining the significance is addressed in Section 9 of this REF.

Include an MNES occurrence table, and reference Appendix A for likelihood of occurrence of threatened species/communities or migratory species (in addition to the threatened entities listed in Section 8.2.5).

Include maps or figures to explain / show location relative to the activity footprint.

1. Impact assessment during all stages of the activity

This part of the REF provides an analysis of all possible impacts from the proposed activity and a description of any proposed mitigation measures. The [Guidelines for Preparing a Review of Environmental Factors](https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-preparing-a-review-of-environmental-factors) provide further guidance on assessing potential impacts, their type and level and mitigation measures. All stages of the activity must be considered: pre-construction, construction, operational and restoration stages.

In the following tables, if you answer yes in the 2nd column, all columns need to be completed. If no, provide a reasoning in the third and write ‘NA’ in the fourth column.

* 1. Physical and chemical impacts

| Is the proposed activity likely to… | Applicable? | Impact level  (negligible; or low, medium or high adverse; or positive; or NA) | Reasons  (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact) | Safeguards/mitigation measures |
| --- | --- | --- | --- | --- |
| 1. impact on soil quality or land stability? | Choose an item. |  |  |  |
| 1. affect a waterbody, watercourse, wetland or natural drainage system – either physically or chemically (e.g. due to runoff or pollution)? | Choose an item. |  |  |  |
| 1. change flood or tidal regimes, or be affected by flooding? | Choose an item. |  |  |  |
| 1. affect or be affected by coastal processes and coastal hazards, including those under climate change projections (e.g. sea level rise)? | Choose an item. |  |  |  |
| 1. involve the use, storage or transport of hazardous substances, or use or generate chemicals which may build up residues in the environment? | Choose an item. |  |  |  |
| 1. involve the generation or disposal of gaseous, liquid or solid wastes or emissions? | Choose an item. |  |  |  |
| 1. involve the emission of dust, odours, noise, vibration or radiation? | Choose an item. |  |  |  |

* 1. Biodiversity impacts

In identifying potential impacts on ecological communities or species/population of conservation significance, cross-reference the results of the tests of significance completed in Appendix A of the REF.

| Is the proposed activity likely to… | Applicable? | Impact level  (negligible; or low, medium or high adverse; or positive; or NA) | Reasons  (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact) | Safeguards/mitigation measures |
| --- | --- | --- | --- | --- |
| 1. affect a declared area of outstanding biodiversity value, critical habitat or environmental asset of intergenerational significance? | Choose an item. |  |  |  |
| 1. result in the clearing or modification of vegetation, including ecological communities and plant community types of conservation significance? ^ | Choose an item. |  |  |  |
| 1. endanger, displace or disturb terrestrial or aquatic fauna, including fauna of conservation significance, or create a barrier to their movement? ^ | Choose an item. |  |  |  |
| 1. result in the removal of protected flora or plants or fungi of conservation significance? ^ | Choose an item. |  |  |  |
| 1. contribute to a key threatening process to biodiversity or ecological integrity? | Choose an item. |  |  |  |
| 1. introduce weeds, pathogens, pest animals or genetically modified organisms into an area? | Choose an item. |  |  |  |

^ Refer to the results of any tests of significance in Appendix A

* 1. Community impacts

| Is the proposed activity likely to… | Applicable? | Impact level  (negligible; or low, medium or high adverse; or positive; or NA) | Reasons  (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact) | Safeguards/mitigation measures |
| --- | --- | --- | --- | --- |
| 1. affect community services or infrastructure? | Choose an item. |  |  |  |
| 1. affect sites important to the local or broader community for their recreational or other values or access to these sites? | Choose an item. |  |  |  |
| 1. affect economic factors, including employment, industry and property value? | Choose an item. |  |  |  |
| 1. have an impact on the safety of the community? | Choose an item. |  |  |  |
| 1. cause a bushfire risk? | Choose an item. |  |  |  |
| 1. affect the visual or scenic landscape? ^ | Choose an item. |  |  |  |

^ Include consideration of any permanent or temporary signage (e.g. signs advertising an event and related sponsorship) and whether there are any impacts on adjacent landowners such as loss of privacy, glare or overshadowing of their properties.

* 1. Natural resource impacts

| Is the proposed activity likely to… | Applicable? | Impact level  (negligible; or low, medium or high adverse; or positive; or NA) | Reasons  (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact) | Safeguards/mitigation measures |
| --- | --- | --- | --- | --- |
| 1. result in the degradation of the park or any other area reserved for conservation purposes? | Choose an item. |  |  |  |
| 1. affect the use of, or the community’s ability to use, natural resources? | Choose an item. |  |  |  |
| 1. involve the use, wastage, destruction or depletion of natural resources including water, fuels, timber or extractive materials? ^ | Choose an item. |  |  |  |
| 1. provide for the sustainable and efficient use of water and energy? † | Choose an item. |  |  |  |

^ Consider opportunities to utilise recycled or alternative products.  
† Where relevant to the proposal, consider high efficiency fittings and appliances, insulation, lighting, rainwater tanks, hot water and electricity supply.

* 1. Aboriginal cultural heritage impacts

Addressing the matters in questions 1–3 will assist in meeting the requirements set out in the [Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales](https://www.environment.nsw.gov.au/research-and-publications/publications-search/due-diligence-code-of-practice-for-the-protection-of-aboriginal-objects-in-new-south-wales). In answering question 2, use **all** known sources of information on the likely presence of Aboriginal objects or places, including (but not restricted to) AHIMS search results and the results of consultation with the Aboriginal community. A separate report clearly documenting each of the steps in the Code, including the outcomes and qualifications of any visual inspection can form an attachment to the REF.

If an AHIP already exists over the site, questions 1-3 should be replaced by an assessment of the nature of the potential harm to known or potential Aboriginal sites.

| Is the proposed activity likely to… | Applicable? | Impact level  (negligible; or low, medium or high adverse; or positive; or NA) | Reasons  (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact) | Safeguards/mitigation measures |
| --- | --- | --- | --- | --- |
| 1. disturb the ground surface or any vegetation likely to contain culturally modified trees? | Choose an item. |  |  |  |
| 1. affect or occur near known Aboriginal objects, Aboriginal places or an Aboriginal cultural asset of intergenerational significance?   If so, can impacts be avoided? How? | Choose an item. |  |  |  |
| 1. affect areas: 2. within 200 m of waters 3. within a sand dune system 4. on a ridge top, ridge line or headland 5. within 200 m below or above a cliff face 6. in or within 20 m of a cave, rock shelter or a cave mouth?   If so, can impacts be avoided? How? | Choose an item. |  |  |  |
| 1. affect wild resources which are used or valued by the Aboriginal community or affect access to these resources? | Choose an item. |  |  |  |
| 1. affect access to culturally important locations? | Choose an item. |  |  |  |

**Special explanatory note:** 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 reconsidered or further detailed investigations undertaken. If it is concluded that an activity **may** have unavoidable and justified impacts on Aboriginal objects or Aboriginal places, the proponent should consider applying for an Aboriginal heritage impact permit (AHIP) **under** [**s 90 of the NPW Act**](https://www.legislation.nsw.gov.au/#/view/act/1974/80/part6/div2/sec90).

* 1. Other cultural heritage impacts

| Is the proposed activity likely to… | Applicable? | Impact level  (negligible; or low, medium or high adverse; or positive; or NA) | Reasons  (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact) | Safeguards/mitigation measures |
| --- | --- | --- | --- | --- |
| 1. affect or occur near places, buildings or landscapes of heritage significance? ^ | Choose an item. |  |  |  |
| 1. impact on relics or moveable heritage items, or an area with a high likelihood of containing relics? ^ | Choose an item. |  |  |  |
| 1. impact on vegetation of cultural landscape value (e.g. gardens and settings, introduced exotic species, or evidence of broader remnant land uses)? | Choose an item. |  |  |  |

^ Attach relevant supporting information where required, such as a statement of heritage impact. Consider any cultural asset of intergenerational significance for non-Aboriginal heritage value, items on the state heritage register or listed as local heritage on the local environmental plan. Also consider items on HHIMS (the NPWS s 170 register) or any relic or material evidence of non-Aboriginal origin older than 25 years, as these are protected under the NPW Regulation.

* 1. Impacts on matters of national environmental significance

| **Is the proposal likely to affect MNES, including:** | Applicable? | **Likely impact**  (negligible, low, medium or high adverse; or positive; or N/A) | **Reasons**  (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact) | Safeguards/mitigation measures |
| --- | --- | --- | --- | --- |
| 1. listed threatened species or ecological communities)? | Choose an item. |  |  |  |
| 1. listed migratory species? | Choose an item. |  |  |  |
| 1. the ecology of Ramsar wetlands? | Choose an item. |  |  |  |
| 1. world heritage values of World Heritage properties? | Choose an item. |  |  |  |
| 1. the national heritage values of national heritage places? | Choose an item. |  |  |  |

**Note**: Refer to [Matters of National Environmental Significance: Significant impact guidelines 1.1](https://www.environment.gov.au/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance) produced by the Australian Government to determine if a significant effect on any matter of national environmental significance is likely. This consideration should be explicitly documented in an appendix to this REF. Referral to the Commonwealth may be required if the activity is likely to have a significant effect on matters of national environmental significance.

* 1. Cumulative impacts

Describe (in text or a table) other projects that have been approved, are in construction or are being proposed in the vicinity of the proposal covered by this REF and outline their environmental impact assessments. Consider whether these other projects have the potential to interact with the current proposal at the construction, operation or remediation phases of the proposal.

An assessment of cumulative environmental impacts at the construction, operation and remediation phases should be undertaken based on the following criteria:

* types of projects or proposals with emphasis being placed on other proposals likely to interact with the current proposal, such as changing access, drainage patterns, flood behaviour and biodiversity (including connectivity of habitat and wildlife movement)
* extent of the proposed activity and other existing projects
* location of the proposal in relation to other projects, highlighting any areas of close proximity or overlap
* timeframe of the proposal and other projects.

This assessment should not be limited to just those projects within a short distance (e.g. <1 km) from the site but should include any that may have implications for the delivery of works or add to impacts on the community (e.g. a proposal that will temporarily close a council road in the local district may divert traffic to the site or may prevent delivery of materials or equipment to the site). The following table can be used to summarise the assessments.

| **When considered with other projects, is the proposed activity likely to affect…** | Applicable? | **Impact level**  (negligible; or low, medium or high adverse; or positive; or NA) | **Reasons**  (describe the type, nature and extent of impact, taking into account the receiving environment and proposed safeguards which will limit the impact) | Safeguards/mitigation measures |
| --- | --- | --- | --- | --- |
| 1. natural landscape or biodiversity values through cumulative impacts? | Choose an item. |  |  |  |
| 1. cultural (Aboriginal, shared and historic heritage) values through cumulative impacts? | Choose an item. |  |  |  |
| 1. social (amenity, recreation, education) values through cumulative impacts? | Choose an item. |  |  |  |
| 1. the community through cumulative impacts on any other part of environment (e.g. due to traffic, or waste generation)? | Choose an item. |  |  |  |

1. Proposals needing more information

Only complete the following sections **if applicable** to the proposal. The [Guidelines for preparing a Review of Environmental Factors](https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-preparing-a-review-of-environmental-factors) provides further guidance.

* 1. Lease or licence proposals under s 151 National Parks and Wildlife Act
     1. Sustainability of the proposal

Provide a summary of the sustainability of the proposal, based on an attached sustainability assessment.

Proponents must complete and submit a **sustainability assessment** together with the REF. Under NPWS policy this requirement **also** applies where NPWS is the proponent for projects of the kind listed in [s 151A](https://www.legislation.nsw.gov.au/~/view/act/1974/80/part12/div2/sec151a) of the NPW Act.

For information on the sustainability assessment criteria and guidelines, including assessment templates, go to the [Sustainability assessments page](https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/development-guidelines/sustainability-assessments).

Indicate which sustainability assessment is attached:

* special activities or uses involving more than 400 people – Sustainability Assessment **Template 2**
* built structures and facilities – Sustainability Assessment **Template 3**.

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

* + 1. Consultation requirements

Provide an outline of the anticipated consultation requirements under s 151F or s 151G of the NPW Act. If these consultation or referral requirements are not triggered but the activity requires a lease or licence under the NPW Act, please explain.

Public consultation under s 151F is required if the activity requires a lease or licence and:

* is for a purpose for which the land has previously not been used or occupied, or
* involves the erection of a temporary or permanent building or structure, or
* involves significant modification to an existing building or structure, or significant permanent physical change to the land.

Referral to the Advisory Council is required under s 151G if the activity requires a lease/licence and:

* involves the erection of a new permanent building or structure, or
* involves significant modification to an existing building or structure, or significant permanent physical change to the land, or
* is for a term that exceeds 10 years (including any option to renew).

Note: NPWS will arrange this consultation.

* 1. Telecommunications facilities
     1. Consideration of s 153D National Parks and Wildlife Act

Appendix A of [Guidelines for Preparing a Review of Environmental Factors](https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-preparing-a-review-of-environmental-factors) provides further guidance.

Table 4. Consideration of matters for telecommunications facilities

| Factors requiring consideration | Response |
| --- | --- |
| 1. Are there feasible alternative sites for the facility on land that is not reserved under the NPW Act? |  |
| 1. Does the site of any aboveground facility cover the minimum area possible? |  |
| 1. Is the facility to be designed and constructed to minimise risk of damage to the facility from bushfires? |  |
| 1. Has the site and construction of the facility been selected to, as far as practicable, minimise visual impact? |  |
| 1. Is it feasible to use an existing means of access to the site? |  |
| 1. 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? |  |
| 1. Will the facility be removed and the site restored as soon as possible after the facility becomes redundant (e.g. due to changes in technology)? |  |
| 1. Has the site been selected after taking into account the objectives set out in any plan of management relating to the land? |  |
| 1. 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.   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. |  |

* + 1. Provision and maintenance of an asset protection zone

NPWS requires telecommunication facilities to be protected by asset protection zones (APZs) consistent with the [Telecommunications Towers in Bush Fire Prone Areas – Practice Note 1/11](https://www.rfs.nsw.gov.au/__data/assets/pdf_file/0012/4314/Practice-Note-1-11-Telecommunications-Towers-in-Bush-Fire-Prone-Areas.pdf), unless the Rural Fire Service (RFS) endorses a different approach (e.g. no APZ or a lesser APZ).

1. Is the proposed telecommunication facility protected by an APZ that is already consistent with the RFS Practice Note? Choose an item.

If no, go to Question 2. If yes, provide details and a map of the existing APZ. Delete the rest of this subsection.

If relevant, provide details and a map of the existing APZ.

1. Does the activity’s scope include establishment of an APZ consistent with the RFS Practice Note? Choose an item.

If no, go to Question 3. If yes, briefly describe how this REF has considered the environmental impacts of creating that APZ.

If relevant, describe how this REF has considered the new APZ’s environmental impacts.

1. If the proposed facility will not have an APZ consistent with the RFS Practice Note, has consultation occurred with the RFS? Choose an item.

If no, justify why. If yes, identify any matters raised by RFS and attach the RFS response as an attachment.

Provide relevant details of consultation or justification why no consultation occurred.

* 1. Activities within regulated catchments

Activities within regulated catchments are subject to the provisions of [Chapter 6 of the Biodiversity and Conservation SEPP](https://legislation.nsw.gov.au/view/whole/html/inforce/current/epi-2021-0722#ch.8). The regulated catchments are:

* the Sydney Drinking Water Catchment
* the Sydney Harbour Catchment
* the Georges River Catchment
* the Hawkesbury-Nepean Catchment.

Maps of each regulated catchment are available on the NSW Government planning portal [State Environmental Planning Policy (Biodiversity and Conservation) 2021 webpage](http://www.planningportal.nsw.gov.au/publications/environmental-planning-instruments/state-environmental-planning-policy-biodiversity-and-conservation-2021)

Insert text identifying if the works are in a regulated catchment and, if so, which one.

The factors listed in the following table require consideration for works in all regulated catchments under Chapter 6 of the Biodiversity and Conservation SEPP.

Table 5. Matters for all regulated catchments

| Factors | Response |
| --- | --- |
| 1. Water quality and quantity |  |
| a. will the proposal have a neutral or beneficial effect on the quality of water entering a waterway? | Note that, for Sydney Drinking Water Catchment, this must be consistent with the NorBE Guideline (see below in section 10.3.2). |
| b. will the proposal have an adverse impact on water flow in a natural waterbody? |  |
| c. will the proposal increase the amount of stormwater runoff from a site? |  |
| d. will the proposal incorporate on-site stormwater retention, infiltration or reuse? |  |
| e. what is the impact of the proposal on the level and quality of the water table? |  |
| f. what will be the cumulative environmental impact of the proposal on the regulated catchment? |  |
| g. does the proposal make adequate provision to protect the quality and quantity of ground water? |  |
| 2. Aquatic ecology |  |
| a. will the proposal have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation? How? |  |
| b. does the proposal involve the clearing of riparian vegetation? | Identify if this clearing is subject to a controlled activity approval under the *Water Management Act 2000* or a permit under the *Fisheries Management Act 1994*. |
| c. will the proposal minimise or avoid the erosion of land abutting a natural waterbody and/or the sedimentation of a natural waterbody? |  |
| d. will the proposal have an adverse impact on wetlands (not including those in mapped coastal wetlands and littoral rainforests areas)? |  |
| e. does the proposal include adequate safeguards and rehabilitation measures to protect aquatic ecology? |  |
| f. if the development site adjoins a natural waterbody, are additional measures required to ensure a neutral or beneficial effect on the water quality of the waterbody? |  |
| 3. Flooding |  |
| What is the likely impact of the proposal on periodic flooding that benefits wetlands and other riverine ecosystems? |  |
| 4. Recreation and public access | Note. does not apply to the Sydney Drinking Water catchment |
| a. what is the likely impact of the proposal on recreational land uses? | If the proposal is in the Sydney Drinking Water catchment, respond with ‘N/A’. |
| b. will the proposal maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation? | If the proposal is in the Sydney Drinking Water catchment, respond with ‘N/A’. |

Specific matters requiring consideration in the Sydney Drinking Water catchment

A map of the boundaries of the area defined as the Sydney Drinking Water Catchment is available on the NSW Government planning portal [State Environmental Planning Policy (Biodiversity and Conservation) 2021 webpage](http://www.planningportal.nsw.gov.au/publications/environmental-planning-instruments/state-environmental-planning-policy-biodiversity-and-conservation-2021).

The following is the template in Appendix 2 of the *Neutral or Beneficial Effect on Water Quality Assessment Guideline* (WaterNSW 2022) (also known as *NorBE Guideline or NorBE Assessment Guideline*) available on the [WaterNSW website](http://www.waternsw.com.au/water-services/catchment-protection/building-and-development).

Delete the following table if works are not in the Sydney Drinking Water Catchment.

Table 6. NorBE assessment for Sydney Drinking Water Catchment

| NorBE assessment questions | Response |
| --- | --- |
| 1. Are there any identifiable potential impacts on water quality?   What pollutants are likely?  At what stage do the impacts occur? | Major potential pollutants are sediments (fine & coarse), nitrogen, phosphorus, pathogens and hazardous chemicals and contaminants such as oil/fuel. Impacts may occur during different stages – will there be possible impacts after the activity/work is completed (post-construction)? Or only while the construction or work is being undertaken? |
| 1. For each pollutant, what are the safeguards needed to prevent or mitigate potential impacts on water quality? | These may be WaterNSW endorsed current recommended practices (CRPs) and/or equally effective practices. CRPs are available at: [www.waternsw.com.au/search?collection=waternsw-recommended-practices](http://www.waternsw.com.au/search?collection=waternsw-recommended-practices) |
| 1. Will the safeguards be adequate for the time required?   How will they need to be maintained? | All the safeguards should be designed to cope with expected seasonal weather conditions, e.g. high intensity summer storms.  Some protection measures might need some maintenance, e.g. cleaning out sediment fencing after rainfall events. |
| 1. Will all impacts on water quality be effectively contained on the site by the identified safeguards (above) and not reach any watercourse, waterbody or drainage depression?   Or will impacts on water quality be transferred outside the site for treatment? How? Why? | Explain how effective you think the safeguards you have listed above will be at preventing each of the potential pollutants from reaching the stream system or any waterbody.  Instead of being contained on the site, potential pollutants might be captured and taken away from the site for appropriate treatment and disposal, e.g. septic pump-out– if so, please explain. |
| 1. Is it likely that a neutral or beneficial effect on water quality will occur? Justify | This is a concluding statement that summarises and justifies the outcome of the NorBE assessment, e.g. A neutral effect on water quality is likely provided the safeguards identified above are properly implemented and adequately maintained. |

Specific matters requiring consideration in the Sydney Harbour Catchment’s Foreshores and Waterways Area

This sub-catchment is defined by the red line on the Sydney Harbour Foreshores and Waterways Area Map Sheet FWA\_001 available on the NSW Government planning portal [State Environmental Planning Policy (Biodiversity and Conservation) 2021 webpage](http://www.planningportal.nsw.gov.au/publications/environmental-planning-instruments/state-environmental-planning-policy-biodiversity-and-conservation-2021).

Delete the following table if works are not in the Sydney Harbour’s Foreshores and Waterways Area.

Table 7. Additional factors in Sydney Harbour’s Foreshores and Waterways Area

| Factors requiring consideration | Response |
| --- | --- |
| 1. Is the activity consistent with the following principles— 2. Sydney Harbour is a public resource, owned by the public, to be protected for the public good 3. the public good has precedence over the private good 4. the protection of the natural assets of Sydney Harbour has precedence over all other interests? |  |
| 1. Will the activity promote the equitable use of the Foreshores and Waterways Area, including use by passive recreation craft? |  |
| 1. Will the activity have an adverse impact on the Foreshores and Waterways Area, including on commercial and recreational uses? |  |
| 1. Does the activity promote water-dependent land uses over other land uses? |  |
| 1. Will the activity minimise risk from rising sea levels or changing flood patterns as a result of climate change? |  |
| 1. Will the activity protect or reinstate natural intertidal foreshore areas, natural landforms and native vegetation? |  |
| 1. Does the development protect or enhance terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to or shading of aquatic vegetation? |  |
| 1. Will the activity protect, maintain or rehabilitate watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity? |  |

* 1. Activities in River Murray riverine land

Applies to activities on lands within the land application map of [Chapter 5 of the Biodiversity and Conservation SEPP](https://legislation.nsw.gov.au/view/whole/html/inforce/current/epi-2021-0722#ch.5). In the following table, the ‘River Murray’ means the Murray River, the waters and the bed and banks of its tributaries and associated water bodies, including related anabranches, creeks, lagoons, lakes, billabongs and wetlands.

The matters listed under s 5.9 of the Biodiversity and Conservation SEPP have been considered in the following table.

Table 8. Planning principles for activities in River Murray riverine lands

| Matters related to relevant planning principles | Response |
| --- | --- |
| Access |  |
| 1. Will the activity alienate or obstruct access to the foreshore of the River Murray? |  |
| 1. Will the activity adversely impact the stability of riverbanks and vegetation growth due to uncontrolled access? |  |
| Bank disturbance |  |
| 1. Will the activity disturb the shape of the bank and riparian vegetation? |  |
| Flooding |  |
| 1. Where the activity is occurring on land subject to inundation by floodwater: |  |
| 1. Are there hazards involved in developing the land? |  |
| 1. Will the activity have a redistributive effect on floodwater? |  |
| 1. Will the activity pose a pollution threat in the event of a flood? |  |
| 1. Will the activity add to cumulative effects on the behaviour of floodwater? |  |
| 1. Will infrastructure developed as part of the activity need to be replaced in the event of a flood? If so, at what cost? |  |
| Land degradation |  |
| 1. Will the activity seek to avoid or reduce land degradation processes such as erosion, native vegetation decline, pollution of ground or surface water, groundwater accession, salination and soil acidity, and adverse effects on the quality of terrestrial and aquatic habitats? |  |
| Landscape |  |
| 1. What measures will be taken to protect and enhance the riverine landscape (e.g. by maintaining native vegetation along the riverbank and adjacent land, rehabilitating degraded sites and stabilising and revegetating riverbanks with appropriate species)? |  |
| Water quality |  |
| 1. Will the activity seek to reduce pollution caused by salts and nutrients entering the River Murray or otherwise improve the quality of water in the River Murray? |  |
| Wetlands |  |
| 1. Where the activity may affect wetlands: |  |
| 1. Will the activity provide for a hydrological regime appropriate for the maintenance or restoration of the productive capacity of the wetland? |  |
| 1. Are measures such as a vegetated buffer incorporated into the activity to mitigate adverse effects on wetland values? |  |

1. Summary of impacts and conclusions

Summarise the significance of the activity’s impacts, including a consideration of cumulative impacts, based on the classification of individual impacts as low, medium or high adverse, negligible or positive in Section 9. The [Guidelines for preparing a Review of Environmental Factors](https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-preparing-a-review-of-environmental-factors) provide further guidance.

Table 9. Consideration of significance of impacts for each environmental factor

| Environmental factor | Consideration | Significance of impact\* |
| --- | --- | --- |
| 1. the environmental impact on the community | Social, economic and cultural impacts as described in sections 9.3, 9.5 and 9.6 | Choose an item. |
| 1. the transformation of the locality | Human and non-human environment as described in sections 9.1, 9.2 and 9.4 | Choose an item. |
| 1. the environmental impact on the ecosystems of the locality | Amount of clearing, loss of ecological integrity, habitat connectivity/fragmentation and changes to hydrology (both surface and groundwater) as described in sections 9.1, 9.2 and 9.4 and, for nationally listed threatened ecological communities, in section 9.7. | Choose an item. |
| 1. reduction of the aesthetic, recreational, scientific or other environmental quality or value of the locality | Visual, recreational, scientific and other impacts as described in section 9.3. | Choose an item. |
| 1. the effects on any locality, place or building that has— 2. aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance, or 3. other special value for present or future generations | Impacts to Aboriginal and historic heritage associated with a locality (including intangible cultural significance), architectural heritage, social/community values and identity, scenic values and others, as described in sections 9.3, 9.5 and 9.6 and (for MNES heritage places) section 9.7. | Choose an item. |
| 1. the impact on the habitat of protected animals, within the meaning of the Biodiversity Conservation Act | Impacts to all native terrestrial species, including but not limited to threatened species, and their habitat requirements, as described in section 9.2. | Choose an item. |
| 1. the endangering of a species of animal, plant or other form of life, whether living on land, in water or in the air | Impacts to all listed terrestrial and aquatic species, and whether the proposal increases the impact of key threatening processes, as described in section 9.2 | Choose an item. |
| 1. long-term effects on the environment | Long-term residual impacts to ecological, social and economic values as described in all parts of section 9. | Choose an item. |
| 1. degradation of the quality of the environment | Ongoing residual impacts to ecological, social and economic as described in section 9.4. | Choose an item. |
| 1. risk to the safety of the environment | Impacts to public and work health and safety, from contamination, bushfires, sea level rise, flood, storm surge, wind speeds, extreme heat, rockfall and landslip, and other risks likely to increase due to climate change as described in sections 9.1, 9.3 and 9.4. | Choose an item. |
| 1. reduction in the range of beneficial uses of the environment | Impacts to natural resources, community resources and existing uses as described in sections 9.3 and 9.4. | Choose an item. |
| 1. pollution of the environment | Impacts due to air pollution (including odours and greenhouse gases); water pollution (water quality health); soil contamination; noise and vibration (including consideration of sensitive receptors); or light pollution, as described in sections 9.1 and 9.3. | Choose an item. |
| 1. environmental problems associated with the disposal of waste | Transportation, disposal and contamination impacts as described in section 9.3. | Choose an item. |
| 1. increased demands on natural or other resources that are, or are likely to become, in short supply | Impacts to land, soil, water, gravel, minerals and energy supply as described in section 9.4. | Choose an item. |
| 1. the cumulative environmental effect with other existing or likely future activities | The negative synergisms with existing development or future activities as considered in section 9.8. | Choose an item. |
| 1. the impact on coastal processes and coastal hazards, including those under projected climate change conditions | Impacts arising from the proposed activity on coastal processes, and impacts on the proposed activity from those coastal processes and hazards, both current and future, as considered in section 9.1. | Choose an item. |
| 1. applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1 | Inconsistency with the objectives, policies and actions identified in local, district and regional plans, as considered in section 3.2.2. | Choose an item. |
| 1. other relevant environmental factors. | Any other factors relevant in assessing impacts on the environment to the fullest extent, such as native title. | Choose an item. |

**In conclusion**:

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

\* delete whichever does not apply – insert reasoning

Reason(s): Provide a brief justification on the conclusion that there will or will not be a significant effect – e.g. short term, limited extent, site already disturbed.

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

\* delete whichever does not apply

Reason(s): Provide a brief justification on the conclusion that there will or will not be a significant effect – e.g. short term, limited extent, site already disturbed.:

* The activity **is**/ **is not\*** likely to have a significant impact on matters of national environmental significance listed under the Cwth Environment Protection and Biodiversity Conservation Act and so **will/ will not\*** require referral to the Australian Government.

\* delete whichever does not apply

Reason(s): Provide a brief justification on the conclusion that there will or will not be a significant effect – e.g. short term, limited extent, site already disturbed.

* The activity **will/ will not\*** require certification to the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010 or Australian Standards in accordance with the NPWS [Construction Assessment Procedures](https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/development-guidelines/construction-assessment-procedures)

\* delete whichever does not apply

1. Supporting documentation

Please provide details of documentation included with this application.

**Note:** 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 assessments; AHIMS search; engineering plans and/or maps; specialist studies etc.

Table 10. Documents that accompany the review of environmental factors

|  |  |  |
| --- | --- | --- |
| Document title | Author | Date |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

1. Fees for external proponents

Proponents external to NPWS are required to pay an initial fee of $246 (as of 1 July 2023 – it increases with CPI on 1 July each year). A final fee is also required before determination of the REF. Choose one of the following statements (and delete others):

Not relevant – internal proponent.

<<or>>

A cheque/payment of $246 for initial fee is enclosed.

<<or>>

The initial fee will be paid on submission of an invoice to <<insert email address>>.

<<or>>

A waiver of fees is requested for the following reasons:

* <<insert reason>>

Please justify a request for a waiver of fees. If the activity consists of environmental remediation and/or the proponent is a community group, NPWS may waive the fees on request.

1. Declarations

The person **preparing** the REF must make the following declaration:

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

|  |  |
| --- | --- |
| Signature |  |
| Name (printed) |  |
| Position |  |
| Date |  |

The REF must also be certified by the **proponent**. Where NPWS Park Operations is the proponent, the REF must be endorsed by the Area Manager as the proponent.

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

|  |  |
| --- | --- |
| Signature |  |
| Name (printed) |  |
| Position |  |
| Date |  |

Seal (if signing under seal):

**Next steps**

Submit the signed REF to the relevant NPWS Area Office, requesting determination of the REF and advice on when approval for the works may be forthcoming.

1. References

List all other sources of information used in preparing the REF (e.g. those cited in Section 8 which do not accompany the REF).

Appendix A: Threatened species tests of significance

Threatened species and ecological communities, or their habitats, which are likely to be affected by the activity must be identified and considered. Threatened species, populations and ecological communities are listed under the relevant schedules of the:

* [Biodiversity Conservation Act 2016](https://www.legislation.nsw.gov.au/#/view/act/2016/63)
* [Fisheries Management Act 1994](http://www.legislation.nsw.gov.au/#/view/act/1994/38)
* [Environment Protection and Biodiversity Conservation Act 1999](https://www.legislation.gov.au/Series/C2004A00485) (EPBC Act). The EPBC Act also lists migratory species.

There is no set format for this Appendix. Section 3.7.1 of [Guidelines for preparing a Review of Environmental Factors](https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-preparing-a-review-of-environmental-factors) provides further guidance. However, a table with the following columns can be used to logically identify those species which should be considered in a test of significance.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Scientific name** | **Common name** | **NSW status** | **EPBC status** | **Likelihood of occurrence** | **Potential impacts** | **Cross-reference to test of significance** |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

The results of the tests in this Appendix should be summarised in Sections 9.2 and 9.7 of the REF.

Species and communities listed under Biodiversity Conservation Act

For species and communities listed under the BC Act, the factors outlined in [s 7.3 of the BC Act](https://www.legislation.nsw.gov.au/#/view/act/2016/63/part7/div1/sec7.3) are to be taken into account for the purposes of determining whether a proposed activity is likely to significantly affect terrestrial threatened species or ecological communities, or their habitats.

These factors are to be addressed in this REF. In preparing the assessment, refer to the NSW [Threatened Species Test of Significance Guidelines](https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/about-the-biodiversity-offsets-scheme/when-does-bos-apply/test-of-significance). Tests of significance may be prepared for relevant groupings (e.g. woodland birds, ground-dwelling mammals etc.).

Species and communities listed under Fisheries Management Act

For species listed under the FM Act, the factors outlined in [s 221ZV of the FM Act](https://www.legislation.nsw.gov.au/#/view/act/1994/38/part7a/div12/sec221zv) are to be taken into account for the purposes of determining whether a proposed activity is likely to significantly affect aquatic threatened species, populations or ecological communities.

These factors are to be addressed in an attachment to this REF. In preparing the assessment, refer to [Threatened Species Assessment Guidelines: Assessment of Significance](https://www.dpi.nsw.gov.au/fishing/species-protection/legislation-and-approvals/impact-assessment/info-sheet) published by DPI Fisheries.

Nationally listed species and communities

Impacts on EPBC Act listed species and communities should be considered via a separate assessment against the criteria listed in the [Matters of National Environmental Significance: Significant impact guidelines 1.1](https://www.environment.gov.au/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance). These vary according to the status of the species. Tests will need to be completed for migratory species as well as threatened species and threatened ecological communities. The proponent will still need to separately consider whether referral to the Commonwealth is required.