



Office of  
Environment  
& Heritage

REVIEW OF ENVIRONMENTAL FACTORS  
DETERMINATION REPORT

- ***For use in determining major projects and REFs from external proponents.***
- ***Not required for minor projects where OEH is the proponent.***

This report fulfils OEH's requirements as a determining authority under Part 5 of the EP&A Act.

For proposals requiring a lease under s.151A of the NPW Act, it also fulfils the requirement for the Director General to prepare a report addressing the matters referred to in s.151B of the NPW Act.

When an SIS is required the REF is deemed to be 'major' and so is to be determined by the Regional Operations Group (ROG), unless otherwise agreed due to specific local circumstances/expertise – refer to section 7.5. In regard to section 7.5 of the OEH Determination Guidelines for REFs 2011, South East ROG has been consulted and concur that the determination role for the REF is to be carried out by PWG. ROG considers specific local circumstances of the project and expertise in fire mitigation issues make it a special case.

**REF No: 0558** (from REF register)

**Project Name: Potato Point Fire Buffer Stage 2**

**Reserve Name: Eurobodalla National Park**

**Proponent: Far South Coast**

**Region/Area: Far South Coast / North Area**

**Date REF received: 21 April 2014**

**Date REF needs to be determined and any changes to that date (with reference to OEH policy):**

## THE PROPOSAL

The proposed works involve the clearing of up to 80% of the overstorey vegetation within the areas identified in REF 0558 as the Option 1 Treatment Area (Appendix 1). All ground cover and midstorey vegetation would be removed.

## A CONTENTS REVIEW

### 1 PLANNING

Is the activity permissible under, or consistent with?:	Yes/No	Comment
<b>NPW Act</b>	YES	Addressed in 2.1.1 – consistent
▶ objects of Act (s.2A)	YES	Addressed in 2.1.1 – consistent
▶ the public interest in protecting the values for which the land is reserved [s.2A(3)]	YES	<p><i>[If necessary, refer to other sections of this report for more detail – refer also to 9.2 in the REF Determination Guide]</i></p> <p><i>Is it consistent with the purpose of reservation? (refer s.30E-30K, NPW Act)</i></p> <p><i>Does it protect the values identified in PoM?</i></p> <p>Addressed in sections 2.1.1 and 2.2.1</p>
▶ the public interest in appropriate management of the land [s.2A(3)]	YES	<p><i>[If necessary, refer to other sections of this report for more detail – refer also to 9.2 in the REF Determination Guide]</i></p> <p><i>Is it consistent with the management principles for the reserve category? (refer s.30E-30K, NPW Act)</i></p> <p><i>Is it consistent or compatible with park management and maintenance actions?</i></p> <p>Addressed in sections 2.1.1 and 2.2.1</p>
▶ Plan of Management, or Statement of Interim Management Intent (or drafts)	YES	Addressed in 2.2.2 - consistent
▶ specific provisions of the NPW Act, if relevant (eg. leasing and licensing requirements)	N/A	
Wilderness Act	N/A	
EP&A Act, e.g. SEPPs, REPs, LEPs	YES	Addressed in 2.1.2 and 2.1.11 - consistent
Heritage Act	YES	Addressed in 2.1.7 – consistent
Other legislation relevant to the proposal (TSC Act, Rural Fires Act, Fisheries Management Act, EPBC Act)		<p>Addressed in:</p> <ul style="list-style-type: none"> <li>• Section 2.1.4 <i>NSW Threatened Species Conservation Act 1995</i></li> <li>• Section 2.1.5 <i>Commonwealth Environment</i></li> </ul>

Is the activity permissible under, or consistent with?:	Yes/No	Comment
		<p><i>Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> <li>• Section 2.1.6 <i>NSW Fisheries Management Act 1994</i></li> <li>• Section 2.1.8 <i>NSW Rural Fires Act 1997</i></li> <li>• Section 2.1.9 <i>NSW Coastal Protection Act 1979</i></li> <li>• Section 2.1.10 <i>NSW Marine Parks Act 1997</i></li> </ul> <p>Consistent with Batemans Marine Park Authority consulted in regard to the proposed works</p>
OEH policies, including park management policies		Addressed in 2.2.2 Eurobodalla National Park Plan of Management – Consistent
Conservation Agreement, Conservation Plan or other Plan	N/A	

## 2 THE ACTIVITY

Criteria	Addressed?	Comments
All stages/components of the activity described satisfactorily	YES	<p>Addressed in Section 4.1</p> <p>The REF and accompanying SIS contains sufficient information on the activity to make an informed decision on the impacts of the proposal.</p> <p>The works involve 80% removal of over storey vegetation, and the removal of ground cover vegetation. The area involves 1.47ha of native vegetation including 1.03ha of Swamp Oak Floodplain Forest EEC</p> <p>Adequately addressed</p>
Ancillary or related activities	YES	Addressed in Section 1 – Stage 1 REF and associated works were completed late 2013 but are not subject to this determination.
Any safeguards/mitigation measures	YES	<p>Addressed in:</p> <ul style="list-style-type: none"> <li>• Section 6.2 Physical and Chemical Impacts during construction and operation</li> <li>• Section 6.3 Biological Impacts during construction and operation</li> <li>• Section 6.3.1 Proposed Safeguards</li> <li>• Section 6.4 Community Impacts during construction and operation</li> <li>• Section 6.5 Natural Resource Impacts during</li> </ul>

Criteria	Addressed?	Comments
		construction and operation • Section 6.6 Cultural Heritage Impacts during construction and operation  Adequately addressed
Sustainability measures		Addressed in Section 2.3.2 Ecologically Sustainable Development  Adequately addressed
Future implications		Work may result in an increase in weeds and pest animal species, increase and enlarged maintenance regimes, access issues and monitoring commitments.
Timeframe	YES	Addressed in 4.5 Timing of the Proposed Works. Works are to be completed by Spring 2014 (Typo indicates 2013 in the REF)

### 3 OBJECTIVES, ALTERNATIVES AND JUSTIFICATION

Criteria	Addressed?	Comments
Objectives/reasons		The reasons for the activity are: The proposed works are intended to enhance bushfire protection for Potato Point village and address community concerns while protecting core environmental values. Addressed in Section 4.2 and 4.4  Adequately addressed
Park management issues		Addressed in Section 4.2 and 4.4  Adequately addressed
Alternative proposals • include alternative locations and technology		Addressed in Section 4.1.1, 4.1.2 and 4.1.3  Adequately addressed
Consequences of not carrying out activity (to OEH and others)		The consequence of not carrying out this activity is that the NPWS will not meet its commitments to establish an enhanced fire buffer adjacent to Potato Point village.

Justification of option		Addressed in Section 4.4 The activity has been justified based on the need to address the fire risk for Potato Point and community interest.  Adequately addressed
Site suitability assessment (for lease and licence proposals under s.151, NPW Act)	N/A	

#### 4 EXISTING ENVIRONMENT AND LAND USE

Criteria	Addressed?	Comments
Description of existing environment and its significance	YES	Addressed in Section 5 The REF and accompanying SIS contain sufficient information on the existing environment to make an informed decision on the impacts of the proposal

#### 5 ENVIRONMENTAL IMPACTS & SAFEGUARDS/MITIGATION MEASURES

As a determining authority, OEH is required to assess likely impacts in accordance with the general guidelines issued under clause 228 of the EP&A Regulation. This will include any guidelines in force under that clause. The current guidelines are contained in the document issued by the previous Department of Urban Affairs and Planning entitled '*Is An EIS Required?*' This assessment is undertaken below and is based on information provided in the REF.

##### Step 1: Identification of Issues

The REF template requires identification of the issues relevant to the proposal, consistent with the matters in Table 1 of '*Is an EIS Required?*'

*In considering the characteristics of the proposed activity and the interaction of the activity with its locality, are the scope and discussion of issues addressed in the REF (and any supporting documents and information) generally satisfactory?*

Yes

No

##### Reasons or other comments:

Addressed in Section 5 of the REF and supported by the SIS and White Footed Dunnart Survey Report

The REF and associated documents contain sufficient information on the existing environment to make an informed decision on the impacts of the proposal.

### **Step 2: Analysis of Impacts**

The impacts identified in the REF are subjected to further analysis below. The criteria for this analysis are derived from Table 2 of '*Is an EIS Required?*' The second column indicates whether or not the above identified issues have been addressed in the REF according to Tables 2a, 2b and 2c. You should refer to the additional factors listed in Tables 2a, 2b and 2c when determining whether the relevant factors have been addressed.

<b>Nature and extent of the potential impact</b> (Relevant page no. in REF indicated in brackets)	<b>Addressed?</b>	<b>Comments</b> (Where the evaluation in REF, or the environmental safeguards/mitigation measures are considered inadequate)
<b>1 Physical or chemical impacts</b>		
Soil and stability impacts (including erosion and sediment control)	YES	Addressed in Section 6.2 - Adequate
Water impacts (for example, waterbodies, drainage, flooding)	YES	Addressed in Section 6.2 - Adequate
Coastal processes and coastal hazards (including as a result of sea level rise)	N/A	
Air impacts (including any greenhouse gas emissions to be generated by the project)	YES	Addressed in Section 6.2 - Adequate
Noise and vibration impacts	YES	Addressed in Section 6.2 – Adequate
Any other physical or pollution impacts	YES	Addressed in Section 6.2 - Adequate
Accumulation of physical or pollution impacts	YES	Addressed in Section 6.2 - Adequate
<b>2 Biological impacts</b>		
Flora impacts - including protected and threatened species, and their habitat, and any relevant recovery or threat abatement plans	YES	Addressed in Section 6.3 - Adequate

<b>Nature and extent of the potential impact</b> (Relevant page no. in REF indicated in brackets)	<b>Addressed?</b>	<b>Comments</b> (Where the evaluation in REF, or the environmental safeguards/mitigation measures are considered inadequate)
Fauna impacts - including protected and threatened species, and their habitat, and any relevant recovery or threat abatement plans	YES	Addressed in Section 6.3 - Adequate
Ecological impacts (diversity, integrity, impacts on communities, etc)	YES	Addressed in Section 6.3 - Adequate
Pest and weed species	YES	Addressed in Section 6.3 - Adequate
Accumulation of biological impacts	YES	Addressed in Section 6.3 - Adequate
<b>3 Community impacts</b>		
Services and infrastructure (including utilities, transport, local road systems, etc)	YES	Addressed in Section 6.4 - Adequate
Social impacts to communities, including recreational amenity or other values	YES	Addressed in Section 6.4 - Adequate
Economic factors	YES	Addressed in Section 6.4 - Adequate
Safety	YES	Addressed in Section 6.4 - Adequate
Bushfire risk	YES	Addressed in Section 6.4 - Adequate
Aesthetic / visual impacts	YES	Addressed in Section 6.4 - Adequate

<b>Nature and extent of the potential impact</b> (Relevant page no. in REF indicated in brackets)	<b>Addressed?</b>	<b>Comments</b> (Where the evaluation in REF, or the environmental safeguards/mitigation measures are considered inadequate)
Amenity impacts, including to the community and neighbours (noise, glare, odour)	YES	Addressed in Section 6.4 - Adequate
Land use impacts (including surrounding area)	YES	Addressed in Section 6.4 - Adequate
Accumulation of community impacts	YES	Addressed in Section 6.4 - Adequate
<b>4 Resource use impacts</b>		
Community resources (eg. degradation of infrastructure, diversion of resources, etc)	YES	Addressed in Section 6.5 - Adequate
Natural resources (such as use and depletion, disruption to other resource users)	YES	Addressed in Section 6.5 - Adequate
Sustainable use of water and energy	N/A	
Accumulation of resource impacts	YES	Addressed in Section 6.5 - Adequate
<b>5 Cultural heritage</b>		

<b>Nature and extent of the potential impact</b> (Relevant page no. in REF indicated in brackets)	<b>Addressed?</b>	<b>Comments</b> (Where the evaluation in REF, or the environmental safeguards/mitigation measures are considered inadequate)
Aboriginal cultural heritage impacts (including information in the REF relevant to satisfying the <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW</i> )	YES	Addressed in Section 6.6 and accompanying AHIP – Adequate  AHIP completed by NSW Archaeology and determined separately to this REF recommends:  1. No overall cultural archaeological or cultural heritage constraints in regard to the proposed works.  2. Aboriginal objects have been recorded in the proposed activity areas, and a s90 AHIP is therefore required.
Historic and other cultural heritage impacts	YES	Addressed in Section 6.6 - Adequate
<b>6. EPBC Act – matters of national environmental significance</b>		
Impacts on matters of national environmental significance	YES	Addressed in Section 2.1.5 and 6.3 - Adequate
Need for referral to Commonwealth Government	N/A	
<b>7 Impacts in sensitive locations</b>		
Areas sensitive due to physical factors (eg, alpine areas, slip or erosion prone, waterbodies, karst)	YES	Addressed in Section 6.2 and SIS - Adequate

<b>Nature and extent of the potential impact</b> (Relevant page no. in REF indicated in brackets)	<b>Addressed?</b>	<b>Comments</b> (Where the evaluation in REF, or the environmental safeguards/mitigation measures are considered inadequate)
Areas sensitive due to biological factors (eg. wetlands, seagrasses, threatened species habitat, wildlife corridors)	YES	Addressed in Section 6.2 and SIS - Adequate
Areas sensitive due to conservation factors (eg. World Heritage, wilderness, listed heritage items)	YES	Addressed in Section 6.5, 6.6, SIS and AHIP - Adequate
Areas sensitive due to community factors (eg. Aboriginal or other cultural heritage values, high scenic value, popular recreation areas)	YES	Addressed in Section 6.6 and AHIP - Adequate
Other impacts	N/A	
<b>8 Likely impact on areas allocated for conservation purposes</b>		
Any conservation agreement under the NPW Act applying to the land	N/A	
Any plan of management adopted under the NPW Act for a conservation area to which the activity relates	YES	Addressed in Section 2.2.2 - Adequate

### Step 3: Evaluation of the Significance of Impacts

The following section provides a ranking of the potential significance of the identified impacts.

The format for this assessment is based on that provided in Table 3 of '*Is an EIS Required?*'

Note that EPBC Act matters are not included in the table below. If the REF indicates that an activity may impact on matters of national environmental significance, then the proponent should be requested to liaise directly with the Commonwealth to determine if an EPBC Act referral or approval is required.

POTENTIAL IMPACT	Potential significance considering the extent of impacts	Potential significance considering the level of adverse impacts on environmentally sensitive areas	Potential significance considering the nature of impacts
<b>1 Physical or chemical impacts</b>			
Soil and stability impacts	Local	Low	Low
Water impacts	Local	Low	Low
Coastal processes and coastal hazards	N/A		
Air impacts	Local	Low	Low
Noise and vibration impacts	Local	Low	Low
Other impacts			
<b>2 Biological impacts</b>			
Flora impacts	Local	High negative	High negative
Fauna impacts	Local	Medium negative	Medium negative
Ecological impacts	Local	High negative	High negative
<b>3 Community impacts</b>			
Services and infrastructure	Local	Low	Low
Social impacts	Local	Low	Low
Economic impacts	N/A		
Safety	Local	Low	Low

<b>POTENTIAL IMPACT</b>	<b>Potential significance considering the extent of impacts</b>	<b>Potential significance considering the level of adverse impacts on environmentally sensitive areas</b>	<b>Potential significance considering the nature of impacts</b>
Bushfire	Local	Low	Low
Aesthetic / visual impacts	Local	negative	negative
Amenity	Local	Low	Low
Land use impacts	Local	Low	Low
<b>4 Resource use impacts</b>			
Community resources	Local	Low	Low
Natural resources	Local	Medium negative	Medium negative
Sustainable energy and water use	Local	Low	Low
<b>5 Cultural heritage</b>			
Aboriginal cultural heritage	Local	High negative	High negative
Historic and other cultural heritage	Local	Low	Low
<b>6 Activity as a whole</b>	<b>Local</b>	<b>Low</b>	<b>Low</b>

## 7 THREATENED SPECIES CONSIDERATIONS

<b>Issue</b>	<b>Addressed?</b>	<b>Comments</b>
7 part test	YES	Addressed in Section 8 of the SIS  The proposed works are considered unlikely to result in a significant effect with the exception of the Striated Fieldwren. The proposed works <u>may</u> be likely to result in a significant effect on the Striated Fieldwren. Amelioration measures have been designed to mitigate some negative impacts
Biobanking Agreement or Joint Management agreement under the TSC Act 1995	N/A	



## 8 MONITORING

Criteria	Addressed?	Comments
Monitoring program	YES	Addressed in Section 7.1 and 7.2 of the SIS  Specifically this address the need for: <ul style="list-style-type: none"> <li>• Pre clearance survey</li> <li>• Biannual weed monitoring</li> <li>• Biannual feral animal monitoring through scat counts</li> <li>• Threatened Species Monitoring Plan</li> </ul>

## 9 FINANCIAL IMPACT ASSESSMENT

The cost of the activity will be met by PWG.

## 10 PROPOSALS REQUIRING A LEASE OR LICENCE UNDER S.151A, NPW ACT

**N/A**

Refer to the Sustainability Assessment submitted with the REF. The sustainability assessment criteria and guidelines provide more information on the matters to be addressed by the proponent.

Criteria	Satisfied?	Comments
<b>Site suitability</b> (refer also to section 3 above)		
<b>Activities and uses (eg. events)</b>		
<ul style="list-style-type: none"> <li>• Defining the proposal</li> </ul>		
<ul style="list-style-type: none"> <li>• Activity management</li> </ul>		
<ul style="list-style-type: none"> <li>• Access &amp; transport</li> </ul>		
<ul style="list-style-type: none"> <li>• Waste management</li> </ul>		
<ul style="list-style-type: none"> <li>• Energy &amp; water use</li> </ul>		
<ul style="list-style-type: none"> <li>• Consumable products</li> </ul>		
<ul style="list-style-type: none"> <li>• Promotion &amp; education</li> </ul>		
<ul style="list-style-type: none"> <li>• Monitoring</li> </ul>		

Criteria	Satisfied?	Comments
<b>Buildings and structures</b>		
• Scale and mass		
• Design and appearance		
• Materials choice		
• Energy use		
• Water use		
• Waste management		
• Existing buildings – improving performance		
• Construction and operation		
• Park partnerships		

## 11 TELECOMMUNICATIONS FACILITIES

**N/A**

For telecommunications facilities seeking a lease, licence, easement or right of way on reserved land under s.153D of the NPW Act, have the following matters been satisfied?

Criteria	Satisfied?	Comments
No feasible alternative site for the facility on land that is not reserved under the NPW Act		
Site of any above ground facility covers the minimum area possible		
Facility is designed and constructed to minimise risk of damage to the facility from bushfires		
Site and construction of facility is selected, as far as practicable, to minimise visual impacts		
If feasible, an existing means of access to the site is to be used		
Facility is essential for the provision of telecommunications services for land reserved under the NPW Act or for surrounding areas to be served by the facility		

Criteria	Satisfied?	Comments
Facility is to be removed and the site restored as soon as possible after the facility becomes redundant (e.g. due to changes in technology)		
Site has been selected after taking into account the objectives set out in any plan of management relating to the land		
Facility is, if feasible, to 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		

## 12. ACTIVITIES WITHIN THE SYDNEY DRINKING WATER CATCHMENT

**N/A**

Activities within the drinking water catchment are subject to provisions of the Drinking Waters Catchments REP No.1.

Criteria	Satisfied?	Comments
Incorporates recommended practices and performance standards of the Sydney Catchment Authority that relate to the protection of water quality?		
If not, how will the activity achieve outcomes not less than these?		
<b>Neutral or beneficial effect on water quality</b>		

## **B PUBLIC COMMENT**

The REF was placed on public exhibition from 28 April to 27 May 2014. The REF and associated documents were provided at the following locations:

- NPWS Office: Graeme Street Narooma NSW
- Narooma Library: Field Street, Narooma NSW
- Eurobodalla Shire Council: Vulcan Street, Moruya NSW
- Dept. of Planning and Infrastructure: 11 Farrer Place, Queanbeyan NSW

The decision to exhibit the REF was based on (insert reasons):

- Statutory requirement

As part of the exhibition process the community were advised at an open meeting on 22 March 2014 of the requirement to exhibit and asked to provide comment on the proposed activities. The exhibition was also advertised both prior and during the exhibition process in the Canberra Times, Batemans Bay Post, Moruya Examiner and Narooma News. Copies of the submissions report and responses received are available in the Submissions Report submitted with this determination.

A total of 33 submissions were received during the exhibition period. Of these:

- 23 objected to the proposal.
- 9 supported the proposal (in some form, or an entirely different proposal that results in greater clearing).
- 1 submission was not specified.

On the basis of the above, and after reviewing all the submissions, it is concluded that

- the proponent has adequately responded to the issues raised and there is no basis for further revising or amending the proposal; and
- the issues raised in submissions can be addressed through relevant conditions of approval.

## **C REFERRALS (lease and licence proposals under s.151, NPW Act)**

**N/A**

- The activity was referred to *[insert name of organisation/s]* in accordance with the *Leases and Licences Referral Policy and Procedures*.

[Include Brief Submission Summary and conclusions based on issues raised]

OR

- The activity did not require referral in accordance with the *Leases and Licences Referral Policy and Procedures*.

<b>D NATIVE TITLE NOTIFICATIONS (refer to section 8.2 in the REF Determination Guide)</b>
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**N/A**

- The activity was notified to [*insert name of organisation/s*] in accordance with requirements of the Commonwealth *Native Title Act 1993*. .  
[Include Brief Submission Summary and conclusions based on issues raised]
- The activity did not require referral.  
[Include brief reasons, eg. it was not one of the types of proposals identified in 8.2 of the REF Determination Guide]

<b>E SITE INSPECTION</b>
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The site of the proposed activity was inspected on Wednesday 22 January 2014 by:

- Mr Miles Boak (Conservation Planning Officer Regional Operations – South East Region ROG Project Manager) and Michael Saxon (Regional Manager – South East Region ROG).
- Mr Tristan Ricketson (Ranger PWG Far South Coast Region), Tony Baxter (Area Manager PWG Far South Coast Region) and Timothy Shepherd (Regional Manager PWG Far South Coast Region) representing the proponent.
- Steve Sass (Director, EnviroKey) and Mark Harris (Senior Botanist/GIS analyst EnviroKey) representing the consultant; EnviroKey.

Ms Jackie Taylor (Team Leader Aboriginal Heritage – South East Regional Operations) also inspected the site on 12 November 2013 with Aboriginal Heritage consultant Julie Dibden

<b>F REGION COMMENT (for REFs being determined by EPRG)</b>
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**N/A**

The [X] Operations Manager/Area Manager/Regional Manager has been consulted on the draft conditions / or the planned refusal of the activity.

*Insert text to indicate support or otherwise for the conditions or planned refusal or determination to proceed for the activity.*

<b>G CONCLUSION</b>
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**Overall environmental impact**

the activity **is not** likely to significantly affect the environment and therefore an EIS is not required.

**OR**

the activity **is** likely to significantly affect the environment and therefore an EIS is required.

**Threatened species impacts**

the activity **is not** likely to significantly affect the environment (including critical habitat) or threatened species, populations, ecological communities or their habitats and therefore an SIS is not required.

An SIS was prepared to accompany the REF due to possible impacts to Swamp Oak Floodplain Endangered Ecological Community. The SIS in Section 8 concludes that the proposed works are unlikely to result in a significant effect.

**OR**

the activity **is** likely to significantly affect the environment (including critical habitat) or threatened species, populations, ecological communities or their habitats and therefore an SIS is required.

**Proposals involving building or infrastructure works**

- Will the activity require certification to Building Code of Australia or Australian Standards in accordance with the OEH *Construction Assessment Procedure*?

No

- Yes *{include model condition in determination notice}*

**Proposals requiring a lease or licence under s.151, NPW Act**

- the activity has adequately addressed the Director General's sustainability assessment criteria and the matters in s.151B, NPW Act where relevant, as follows:
- the activity is compatible with the natural and cultural values of the land to be leased or licenced, and reserved land in the vicinity
  - the activity provides for the sustainable and efficient use of natural resources, energy and water
  - for activities involving a new building or structure, or modification, the activity is of appropriate built form and scale

**OR**

- the activity has not adequately addressed the Director General's Sustainability Assessment Criteria and the matters in s.151B, NPW Act *{provide reasons or comments below}*:

Reasons or comments:

**Telecommunication proposals**

- the activity has adequately addressed the matters in s.153D, NPW Act.

**OR**

- the activity has not adequately addressed the matters in s.153D, NPW Act *{provide reasons or comments below}*:

Reasons or comments:

**Activities within Drinking Water Catchment**

- the activity has adequately addressed the matters in the Drinking Waters Catchments REP No.1..

**OR**

- the activity has not adequately addressed the matters in Drinking Waters Catchments REP No.1 *{provide reasons or comments below}*:

Reasons or comments:

## **H DETERMINATION**

Recommends that the proposed activity be determined to proceed subject to the conditions in Schedule 1 of the Determination Notice

## **Determination Notice for OEH Proponents**

### **Minor projects**

- Recommendation by PWG Area Manager
- Determination by PWG Regional Manager

### **Major projects**

- Recommendation by Regional Operations Group Project Manager
- Determination by Regional Operations Group Senior Manager – South East Region

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<b>Project:</b>	Potato Point Fire Buffer Stage 2
<b>OEH Ref</b>	DOC14/136130-01
<b>Reserve:</b>	Eurobodalla National Park
<b>Proponent:</b>	Far South Coast Region Parks and Wildlife Group Office of Environment and Heritage

Based on the REF determination from Stage 1 it was concluded that the proposal for further work (Stage 2) would have a significant impact on threatened species and endangered ecological communities and that a SIS was required. As a result of that SIS a preferred option (Option 1) was determined whereby the activity will not have a significant impact. Based on the Stage 2 REF and additional information obtained, and after having taken into account to the fullest extent possible all matters likely to affect the environment as a result of the proposed activity (in accordance with s.111 of the *Environmental Planning and Assessment Act 1979*), **I hereby determine that:**

#### Activity to proceed

**Further** information/assessment is not required:

- an Environmental Impact Statement (EIS) is not required (the activity is not likely to significantly affect the environment);
- a Species Impact Statement (SIS) is not required (the activity is proposed on land that is not part of any critical habitat and is not likely to significantly affect threatened species, populations or ecological communities, or their habitats).

- The activity may proceed **subject to the conditions** specified in the attached Schedule 1, which will minimise the environmental impacts to best practice standards.

**AND**

Related matters

Further, it is considered that the proposed activity:

- is unlikely to\*** impact significantly on matters of **National Environmental Significance** under the Commonwealth *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*.

Note: the proponent is responsible for determining whether approvals are required under the EPBC Act, and obtaining them if necessary.

- is unlikely to\*** impact significantly on **local council infrastructure, including roads, water, sewer and stormwater, local heritage items listed by the council, and flood liable land.**

Note: if the proposal is likely to significantly impact on the above features, the State Environmental Planning Policy (Infrastructure) 2007 requires that the council is consulted **before** the activity is determined.

\* delete whichever does not apply

## OEH sign-off

### Major Projects – COASTAL BRANCH determination (Note 2)

#### Far South Coast Regional Manager recommendation

Name: Tim Shepherd

Signature: 

Date: 25 July 2014

#### Director – Coastal branch (relevant delegate)

Name: Pauline McKenzie

Signature: *signed Pauline McKenzie*

Date: 25/7/14

#### **NOTE 1: FOR RESERVES MANAGED BY A TRUST OR BOARD OF MANAGEMENT**

As noted in section 4.4 of the *Determination Guidelines* where a reserve has a trust or a board of management, then that entity is the determining authority for certain approvals for the activity. In that situation, the REF, any determination report and a determination recommendation should be presented for final determination by the trust or board.

**NOTE 2:** When an SIS is required the REF is deemed to be 'major' and so is to be determined by the Regional Operations Group (ROG), unless otherwise agreed due to specific local circumstances/expertise – refer to section 7.5. In regard to section 7.5 of the OEH Determination Guidelines for REFs 2011, South East ROG has been consulted and concur that the determination role for the REF is to be carried out by PWG. ROG considers specific local circumstances of the project and expertise in fire mitigation issues make it a special case.



**Schedule 1**  
**Conditions of Determination**

<b>Project:</b>	Potato Point Fire Buffer Stage 2
<b>OEH Ref</b>	DOC14/136130-01
<b>Reserve:</b>	Eurobodalla National Park
<b>Proponent:</b>	Far South Coast Region Parks and Wildlife Group Office of Environment and Heritage

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**General information about this Determination**

**Responsibilities of the applicant**

The applicant is responsible for the manner in which the activity detailed in the REF and this determination is performed.

**Transfer of REF determination**

REF determinations are not transferable, except with the written approval of the OEH Regional Operations Senior Manager – South East Region.

**Inspection of work covered by this REF determination**

Regional Operations reserves the right to examine work undertaken as part of the activity at any reasonable time.

**Entry to land**

The applicant is responsible for securing permission to enter land from the registered owner or occupier of the land or lands outside the land area identified in the REF and subject to this determination.

**Reference to OEH officers in this determination**

The Regional Operations Senior Manager – South East Region may delegate any functions ascribed to the Senior Manager in the determination to another OEH officer including, but not limited to, the relevant Area Manager.

**Explanatory notes to conditions in this determination**

Explanatory notes included with this determination do not form part of the conditions.

## **Determination conditions**

### **Undertaking the activity**

- 1) The 'activity' detailed in the REF *Potato Point Fire Buffer Stage 2 by Envirokey April 2014* submitted to OEH on 21 April 2014 must be undertaken:
  - at the location identified in the REF;
  - in accordance with the description of the activity and environmental safeguards or mitigation measures listed in the REF; and
  - as required or amended by the conditions of this determination

*Reason: To ensure the activity is undertaken in accordance in the relevant REF document and conditions.*

- 2) Prior to the commencement of the activity, the Far South Coast North Area Manager (or their delegate) must hold an on-site meeting with all staff, contractors, sub-contractors, agents and invitees involved in undertaking the activity to convey terms of approval and measures put in place to protect flora and fauna and known Aboriginal objects in the area.

*Reason: To ensure confirmation of any site-specific arrangements for the undertaking of the activity.*

- 3) Prior to commencing any clearing, the boundaries of the area approved for clearing in Stage 2 must be clearly marked.

*Reason: To provide detailed site-specific guidance to minimise impacts on vegetation*

- 4) Prior to commencing clearing conduct a pre-clearance survey involving the inspection of trees and shrubs for nesting avifauna and searches of leaf litter and fallen timber for frogs, reptiles and animals

*Reason: To minimise potential impacts and mortality as a consequence of proposed clearing*

- 5) Within the Stage 2 clearing area preference for the retained trees is to be given to the mature *Allocasuarina littoralis* as potential feed trees for Glossy Black Cockatoos. These trees should be clearly marked, so as to distinguish

them from the vegetation and other trees to be cleared, before works commence on site.

*Reason: To maximise the habitat values of the retained vegetation.*

- 6) In regard to Aboriginal heritage matters; if during the course of the activity any Aboriginal objects, including human skeletal remains, as defined under the *NSW NPW Act 1974*, are uncovered or discovered then the applicant must cease work immediately and notify the Team Leader, Aboriginal Heritage, South East Region unless the Aboriginal objects are subject to a valid Aboriginal Heritage Impact Permit.

Work must not recommence until advice to do so has been provided by the OEH South East Region.

*Reason: To protect Aboriginal cultural heritage objects and values of the area.*

- 7) Works are to be undertaken to minimise ground disturbance consistent with the terms of the Aboriginal Heritage Impact Permit and Aboriginal Cultural Heritage Report prepared by NSW Archaeology (February 2014).

Specifically, all tree and shrub material is to be mulched on site and is to remain on site as groundcover. Mulching machinery is to be rubber tracked and is to work on the mulch layer so as to minimise ground disturbance.

*Reason: To protect Aboriginal cultural heritage objects and values of the area.*

- 8) In regard section 7.1.4 *Threatened Species Monitoring Plan* of the SIS, OEH Regional Operations will not be undertaking a detailed habitat study of the Striated Fieldwren nor collect hair samples for genetic studies for White Footed Dunnarts in the study area and the locality or are those recommendations considered necessary.

*Reason: To provide clear distinction between required monitoring and those actions considered optional as more research orientated.*

**Appendix 1 – Option 1 Treatment Area**



**Legend**

-  Option 1 Treatment Area
-  NPWS Estate
-  Study Area

Map datum, projection: GDA 1994, MGA Zone 56

Data sources:  
Study Area, NPWS estate: OEH  
Proposed treatment / mgt options: OEH  
Aerial image: SIX Mapper (NSW LPI)

Mapping date: 20 March 2014



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