

Statement of Environmental Effects (SEE)

Proposed 6.5m wide, 25m long Road

between

**the 60-70 Bournemouth Street, Bundeena,
Lot 3 DP 213924 ("the Recreation Camp)**

and

**the Former Sutherland Shire Council ("Council") Night
Soil Depot (10-40 Sussex Street Bundeena, Lot 18 DP
1782) ("the Old Depot")**

through

'Sussex Street', Bundeena ("the Road")

Reviewed by:

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Approval for Issue

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Appendix 1 DA14/1238 Statement of Environmental Effects Recreation Camp and Appendices

1.0 Executive Summary

This Statement of Environmental Effects (SEE) supersedes the previous SEE and has been prepared by RVA Australia Pty Ltd (RVA) and reviewed by Daintry Associates Pty Ltd (Daintry) to address Sutherland Shire Council (Council) contentions through the amended development application (DA14/1239) for the Road, subject Land and Environment Court (Court) appeal 15/10467.

The Recreational Camp (DA14/1238), subject Land and Environment Court (Court) appeal 15/10468, is addressed by a separate SEE.

The Road is required as a vehicular and pedestrian link between the Old Depot site and the Recreation Camp (Figure 1). The proposed road is a 6.5m wide, 25m long, providing two lanes and all-weather access by two-wheeled drive vehicles.

The proposed road is designed to be accessible by the emergency services including access by NSW Rural Fire Service (RFS), NSW State Emergency Service (SES) and NSW Fire & Rescue (NSWFR) fire trucks. Emergency services trucks are the largest vehicles that may need to enter the Recreation Camp. These trucks routinely enter the Old Depot site via the Beachcomber Track from the gate at Beachcomber Avenue, as the Old Depot site is used as an emergency services staging area.

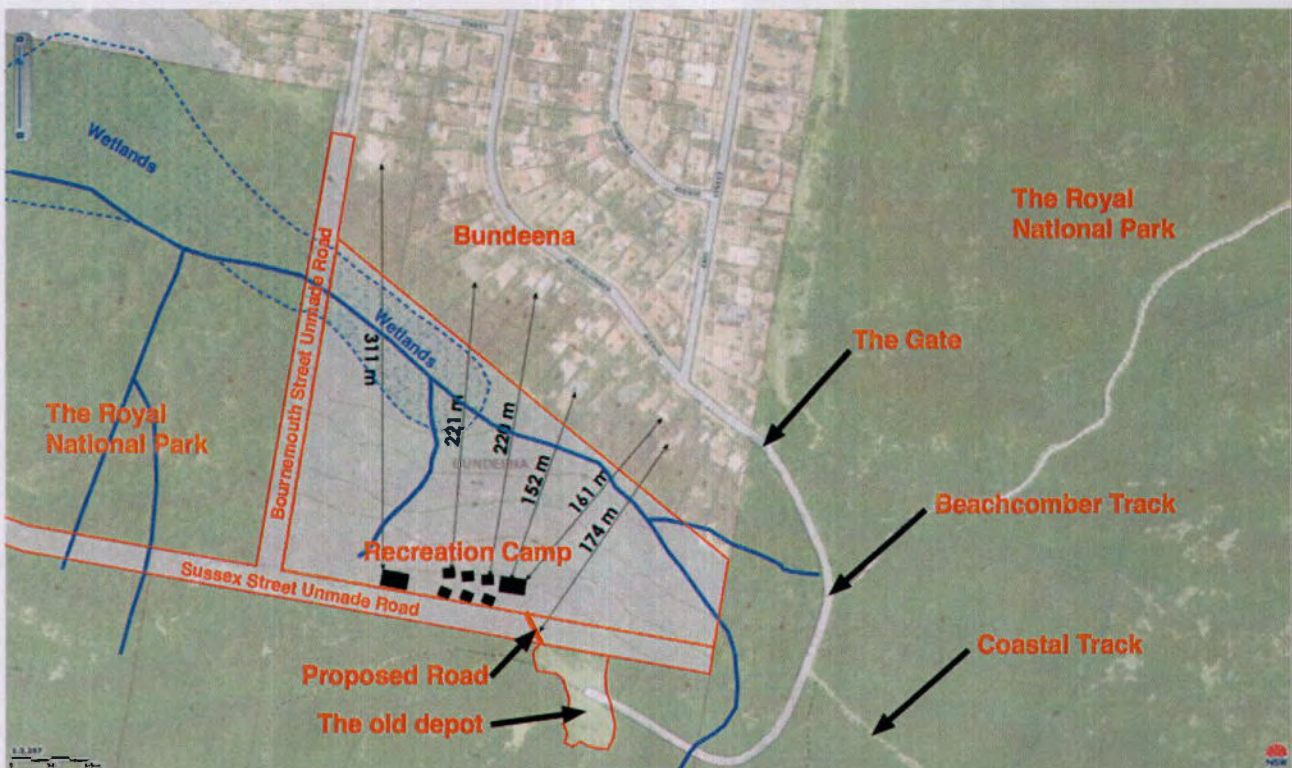


Figure 1 - Location of Proposed Road, Source: six.nsw.gov.au

The road and associated access and egress on adjoining land has been designed by professional civil and traffic engineers to comply with relevant standards for all-weather two-wheel drive access and egress for the Recreation Camp from Beachcomber Avenue to and then within the Recreation Camp.

The environmental effects of this proposed road are considered de minimis with no significant ecological impacts, no cut and minimal fill. Drainage is addressed by the civil design.

This SEE has been prepared for submission with the amended DA as required by Schedule 1, Part 1, Section 2 (1)(c) of the *Environmental Planning & Assessment Regulation* 2000 ("*Regulation*") in accordance with the Environmental Planning and Assessment Act 1979 ("*Act*").

Schedule 1, Part 2(4) of the *Regulation* provides:

"A statement of environmental effects referred to in subclause (1) (c) must indicate the following matters:

- a) *the environmental impacts of the development,*
- b) *how the environmental impacts of the development have been identified,*
- c) *the steps to be taken to protect the environment or to lessen the expected harm to the environment,*
- d) *any matters required to be indicated by any guidelines issued by the Director-General for the purposes of this clause."*

This SEE does not purport to be an assessment under section 79C of the *Act* and limits itself to the requirements of the *Regulation*. This SEE relies upon a range of consult experts as is necessary and reasonable subject to clause 283 of the *Regulation*.

1.1 Consent Authority

The consent authority for the application was initially Sutherland Shire Council, however, as the DA is now before the Land and Environment Court of NSW (Court) on appeal, the consent authority is now the Court.

1.2 Ownership

The registered proprietor of the site the subject of this development application is the late Edith Lucy Wolstenholme. As the DA was lodged without settlement of landowners consent and this remains a matter in contention the DA proceeds through the assessment process on the basis this contention will be resolved before determination.

RVA are actively pursuing landowners' consent at this date to avoid delays and costs.

1.3 Structure of the SEE

This report is divided into five subsequent sections.

Section 2 examines the context of the site by describing its location, existing character and uses and the local area in which it is situated.

Section 3 describes the development proposal in more detail.

Section 4 explains the planning context of the proposal by examining its conformity with the relevant planning controls.

Section 5 summarises the environmental effects of the proposed development having regard to Section 79C(1) of the EP&A Act.

Section 6 concludes the statement of the environmental effects.

The main body of the report is followed by the Appendices.

2.0 The Site

2.1 Local Area Context

The site of the proposed road is within an unmade road know as "Sussex Street" located on the southern fringe of the township of Bundeena (Figure 2). Immediately to the south of the Suusex Street and the location of the proposed road is an old Council night soil depot (the Old Depot) which stands within 10-40 Sussex Street Bundeena, Lot 18 DP 1782. The Old Depot was recently incorporated in to the Royal National Park (RNP) with the transfer of that land to the NSW Government in a land swap with Council for other sites previously land within the RNP, predominantly playing fields.

The land to the north of the site is Lot 3 in DP 213924 (the Recreation Camp) and is owned by RVA Australia Pty Ltd (RVA). The Recreation Camp is subject to a separate development application (DA14/1238) Court Appeal. Land to south and west forms part of Royal National Park. Land to the east and west is also part of the same unmade road Sussex Street.

The subject site is approximately 11km east of Sutherland and is accessible by road through the Royal National Park (27km), by ferry from Cronulla or by foot via the Coastal Track from Wattamolla, Garie and Offord.

The site has been identified as appropriate for a road under the *Sutherland Shire Local Environmental Plan 2006* (SSLEP 2006), as SSLEP 2006 although repealed is saved for the purpose of the subject DA under clause 1.8A of *Sutherland Shire Local Environmental Plan 2015* (SSLEP 2015).

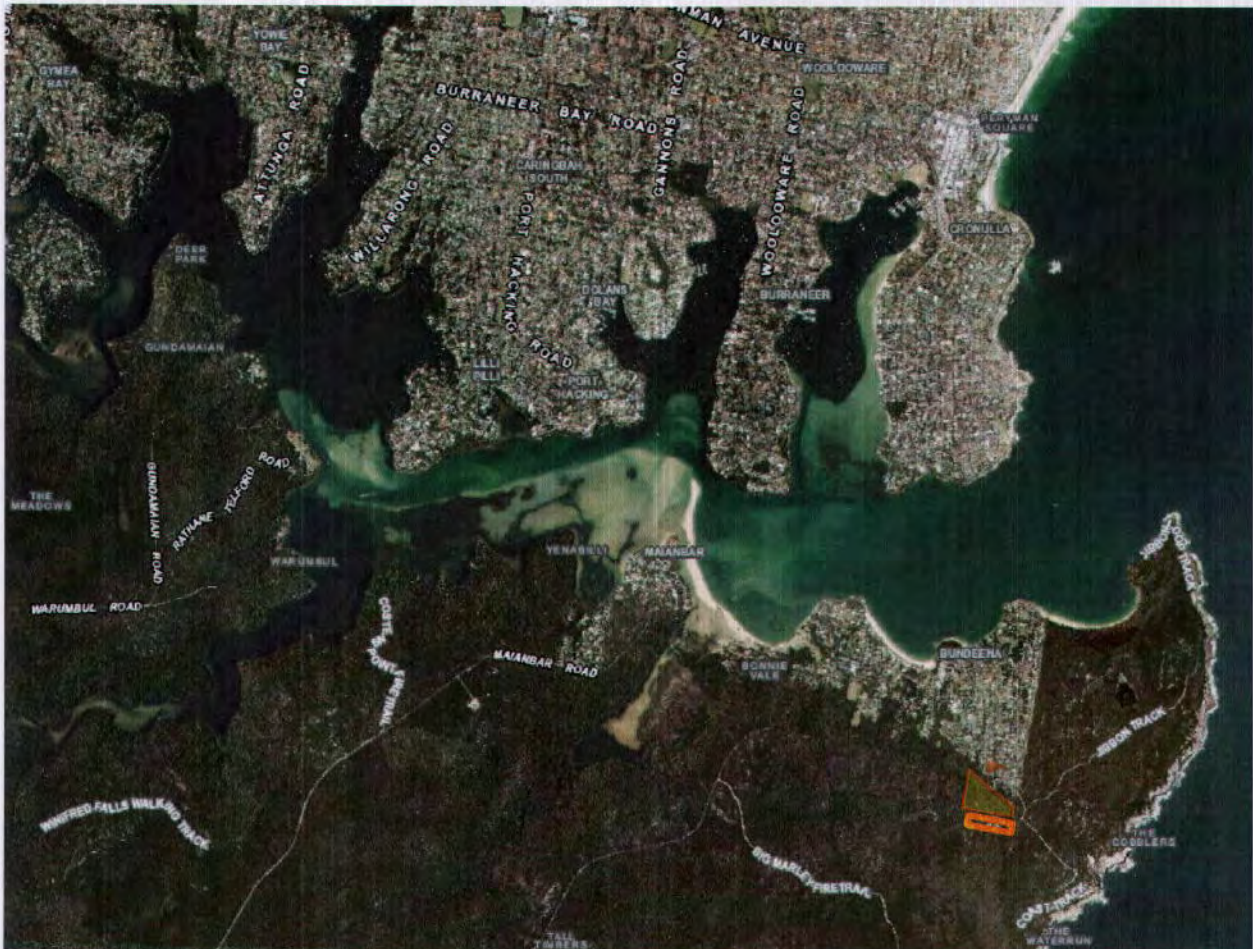


Figure 2 – Locality, Source: Land and Property Information 2014

2.2 Site Location and Description

The subject site is the portion of the land known as 'Sussex Street' immediately south of the Recreation Camp site. It is held within certificate of title volume 3065 folio 63.

The land is privately owned land and has not been dedicated as public road.

The development application for the Road (DA14/1239) was lodged at the same time as a separate development application (DA14/1238) for the Recreation Camp.

The SEE (including appendixes) for DA 14/1238 are annexed to this SEE and form part of this statement. This has been done for ease of understanding. It is expected that both applications will be assessed and determined concurrently, but the DA Recreation Camp is severable from the DA for the Road, subject to deferred commence, if land owners consent is unresolved for the Road DA.

The details and impacts of the proposed road over 'Sussex Street' are also addressed fully in the DA for the Recreation Camp.

The site is located to the south of the Bundeena urban footprint. Access is via Beachcomber Track after passing the RNP access gate at the termination of Beachcomber Avenue, a public road.

To the north, the site is bounded by the Recreation Camp site and to the east and west and south by land managed by the National Parks and Wildlife Service (NPWS).

The owner of the Recreation Camp site enjoys the benefit of a right of way (ROW) over Sussex Street (see the advice from Gadens dated 30 September 2015 in Appendix 3.22 Letter of advice Right of Way - 30 September 2015 to the statement of environmental effects for DA 14/1238). This development application is for works within the contended ROW.

2.3 Adjacent land that is not part of the site of the development application

This development application includes details of the proposed development for the Recreation Camp. However, this development application is limited to a road (DA14/1239).

The road will provide access between the Recreation Camp and the Old Depot. Separate approval under the National Parks and Wildlife Act 1974 (NPW Act) subject to a review of environmental factors will be attained for access from the gate at Beachcomber Avenue, through Beachcomber Track and the Old Depot to the boundary of Sussex Street.

Any required works on Beachcomber Track (considered very minimal) will be carried out in accordance with the requirements of the REF and any ROW granted by the Minister for the Environment.

Under the NPWS' *Access to Inholdings Policy* (Reference 1.24 NPWS Policy - Access to inholdings March 2006 to the statement of environmental effects for DA 14/1238) the granting of a licence would involve entering into a contract between the proponent and the NPWS (see paragraph 9 of the policy). This contract could relate to matters such as maintenance (see paragraphs 18 and 24) and other works. Such work would require its own environmental approval under Part 5 of the *Environmental Planning and Assessment Act 1979*, due to clause 94(1) of the *State Environmental Planning Policy (Infrastructure) 2007* (see also *Rydge v Byron Shire Council* [2012] NSWLEC 155 [28]).

Vehicle and pedestrian access to the site is possible and practical from Beachcomber Avenue via the RNP owned land to the east and south of the site.

NPWS staff have advised Council they plan to use the Old Depot as car parking area. (see Reference 1.5 Council report FIN153-13 p5 to the statement of environmental effects for DA 14/1238).

In a further emailed dated 11 December 2015, the NPWS RNP's Manager stated:

"Thank you for your email. National Parks and Wildlife Service (NPWS) is aware of the traffic congestion on Beachcomber Avenue from the Royal Coast Track and Wedding Cake Rock.

NPWS is currently upgrading the track from Beachcomber to Marley Beach this financial year and will review options to improve the car parking, toilets and interpretation at the start of the track.

The establishment of a carpark at the old Council depot is an option. Any proposal must comply with the Plan of Management (POM) of Royal National Park and pass a Review of Environmental Factors (REF).

NPWS will commence a process of looking at what options are best to accommodate the increased visitation to this section of the park next financial year. The track is currently the priority for visitor safety.

Regards,

Kane

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The advice of Mr Weeks is wholly consistent with the NPWS commissioned report '*The Royal Coast Track Strategic Management Framework 2013*' that indicates that the Old Depot site at 10-40 Sussex Street is a suitable location for a Bundeena Gateway Track Head providing track walkers with tourist facilities and parking. (see Reference 1.2 Royal Coast Track Strategic Framework 24-June-2013 to the statement of environmental effects for DA 14/1238)

The Minister for the Environment has announced that 2Ha land on 10-40 Sussex Street recently added to the Royal National Park will be put to use by NPWS. (see XXX)

The site is not connected to any power, telecommunications, water or sewerage services therefore no essential services will cross through the proposed road between the Old Depot and the Recreation Camp and in any case there are no utility services provided to the Old Depot site.



Figure 3 - Close up of unmade portion Sussex Street, Source: Land and Property Information 2014

3.0 Development Proposal

3.1 Description of Development

This DA seeks consent for a road including clearing, pavement and landscaping within Sussex Street.

The Recreation Camp, on legal advice, is beneficiary to a right of carriage way over Sussex Street.

A 6.5m wide semi permeable all weather, two lane wide access road (Figure 4) requiring minimal fill and no excavation has been designed by Lyle Marshall & Associates Pty Ltd , professional civil engineers in consultation with McLaren Traffic Engineers Pty Ltd, professional traffic engineers (see XXX).

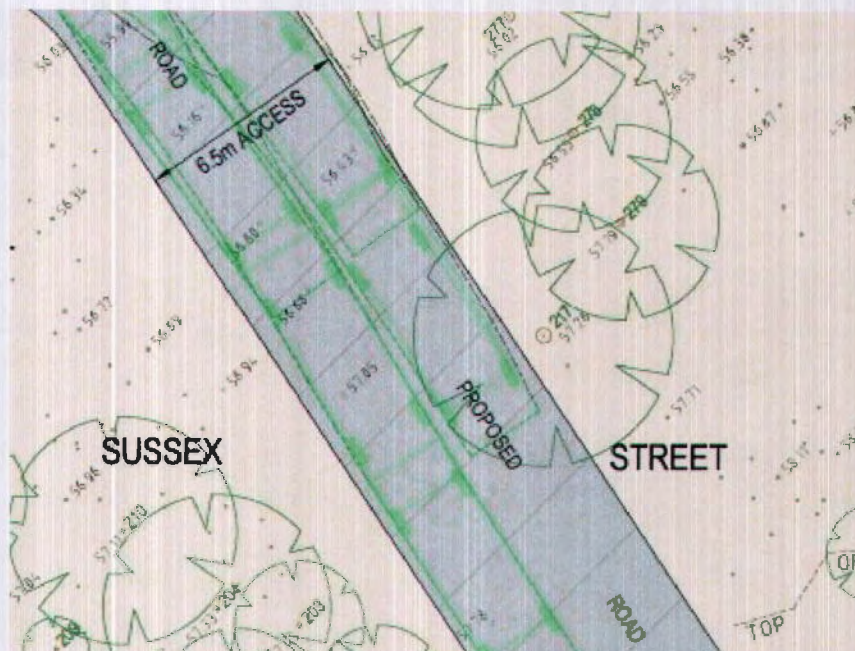


Figure 4 – Road section extract from Site Plan for Recreation Camp

Source: RPS Australia East **2016**

3.1.1 Tree preservation order

The proposed road is not located within any Riparian affected portion of Sussex Street. There are no significant trees, vegetation or habitat within the location of the proposed road.

Council has a tree preservation order that is used to protect and manage the remaining tree canopy in the Shire after urbanisation. The order requires the planting of 4 new trees for each tree over 10 cm girth to be removed.

We propose that the tree preservation order should not be applied to the subject site for the same reasons as given in the proposal for DA14/1238. However, if this is not accepted we propose to plant the required replacement trees within the Recreation Camp site, in the same area as the proposed replacement trees for DA14/1238.

4.0 Planning Controls

4.1 State Environmental Planning Policies

4.1.1 State Environmental Planning Policy 55 – Contaminated Land

SEPP 55 applies to the land and pursuant to section 79C of the *Act* is a relevant consideration for the Council.

Clause 7 of the SEPP 55 provides:

" (1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge)."

Contaminated land is land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long-term risk to human health or the environment.

Appendix A of the *Managing Land Contamination, Planning Guidelines, SEPP 55–Remediation of Land*, provides a list of land use activities, that through an investigation of "site history", if disclosed, would found reasonable grounds to trigger the "site investigation process" entailing investigations beyond "preliminary investigation" of "site history".

There is no basis to believe that there have been any such historic uses that would trigger further site investigations, therefore the aims and objectives of SEPP 55 have been achieved.

Any contractor has a duty under Part 5.7 of the *Protection of the Environment Operations Act 1997* to ensure that any contamination, if found present during work, is reported. Section 143 of the *Protection of the Environment Operations Act 1997*, provides that "If a person transports waste to a place that cannot lawfully be used as a waste facility for that waste, or causes or permits waste to be so transported: (a) the person, and (b) if the person is not the owner of the waste, the owner, are each guilty of an offence."

The history of the site has been investigated and the current and past uses do not give rise to any reasonable conclusion that contamination is present on the subject land . (see Appendix 3.10 Contamination Assessment 2013 to the statement of environmental effects for DA 14/1238) There are no reasonable grounds upon which there is any necessity to undertake a stage 2 Detailed Site Investigation (DSI).

4.2 Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006)

The SSLEP 2006 applies subject to the Savings and Transitional Provisions in SSLEP 2015.

Sutherland Shire Council's Mayor confirmed in writing that the subject development application would be assessed under SSLEP 2006 (see appendix 41).

4.2.1 Development Controls

4.2.1.1 Clause 11 – Zoning Table

The subject site is within Zone12 Special Uses (Recreation Camp) under the provisions of Sutherland Shire Local Environmental Plan 2006 (SSLEP) as shown on the extract from the zoning map below.



Figure 1 Land Zoning Map Extract SSLEP 2006

Source: Sutherland Shire Council 2014

Under the provision of Zone 12, the particular use indicated in respect of land by lettering on the map is permissible on the land in addition to advertisements, car parks, childcare centres, community facilities, educational establishments, public hospitals, recreation areas, roads, utility installations (except for gas holders or generating works), waste recycling and management centres.

The proposed development is a road that enables access to the permissible use of the neighbouring land as a Recreation Camp proposed in DA14/1238. We also note that the land upon which the Recreation Camp is proposed is subject to additional permissible use under SSLEP 2015 as an *eco-tourism facility*. In this context the proposed road would also service the permissible use of the Recreation Camp as an Eco-tourism facility.

4.2.1.2 Clause 20 – Flooding

The subject site does not contain flood prone land.

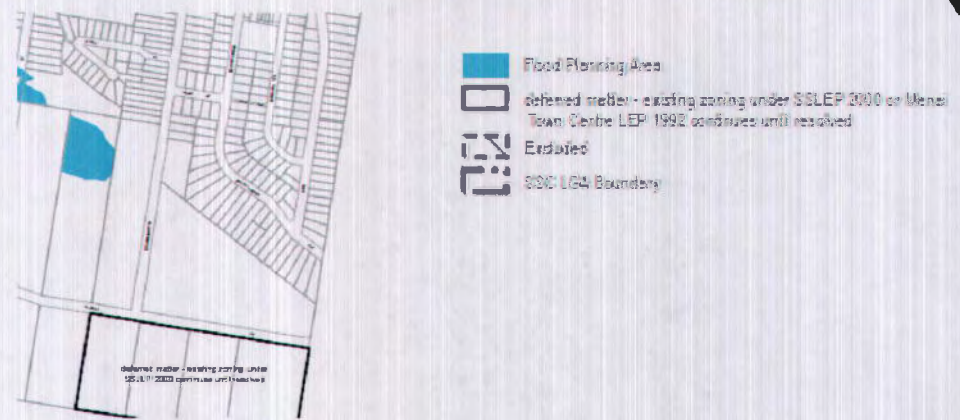


Figure 2 Flooding Map Extract

Source: Sutherland Shire Council 2014

4.2.1.3 Clause 21 – Environmental Risk—Bushfire

Bushfire Risk Assessment

A Bushfire Assessment report has been prepared by Sydney Bushfire Consultants (Appendix 1). Under Section 100b of the *Rural Fires Act 1997*, a bushfire assessment report must be prepared in accordance with Section A4.2 of 'Planning for Bushfire Protection (PBP) (2006)', and must consider relevant legislation.

The proposed development of the Recreation Camp is considered to be a Special Fire Protection Purposes (SFPP) development. PBP identifies a hotel, motel or other tourist accommodation as a SFPP. Although by technical definition under the Standard Instrument LEP, that being the form of SSLEP 2015, Eco-tourism facilities are not a type or tourist accommodation there is no argument between the Council and RVA that the PBP does not apply to the caretaker accommodation the bushfire shelter and access to and egress from the proposed Recreation Camp, otherwise characterised as Eco-tourism facility under SSLEP 2015.

The Bushfire Assessment report recommends: **"Internal roads are to comply with the 'Acceptable Solutions' and/or the 'Performance Criteria' of PBP 2006 s4.2.7 – Access Internal Roads."**

The road has been designed in accordance with the recommendation by Lyle Marshall & Associates see appendix 1) to comply with the PBP requirements.

Based on the recommendation for bushfire safety and fire protection compliance (as stated by this SEE), it is a considered opinion that the proposed development can reasonably facilitate the aim & objectives of PBP that are otherwise considered relevant to the subject development under Section 100b of the NSW Rural Fires Act 1997.

4.2.1.4 Clause 22 – Environmental risk—Contaminated Land

The history of the site has been investigated and the current and past uses do not give rise to believe that contamination is present on the subject land (Appendix 9 and 10) and this has been addressed in more detail above under SEPP 55.

4.2.1.5 Clause 23 – Environmental risk—Acid Sulphate Soils

The site contains Class 5 Acid Sulphate Soils. There is no risk that PASS will be encountered at the elevation achieved by the area of the proposed road or Recreation Camp and the proposals will not lower the water table as there is no excavation and de-watering.

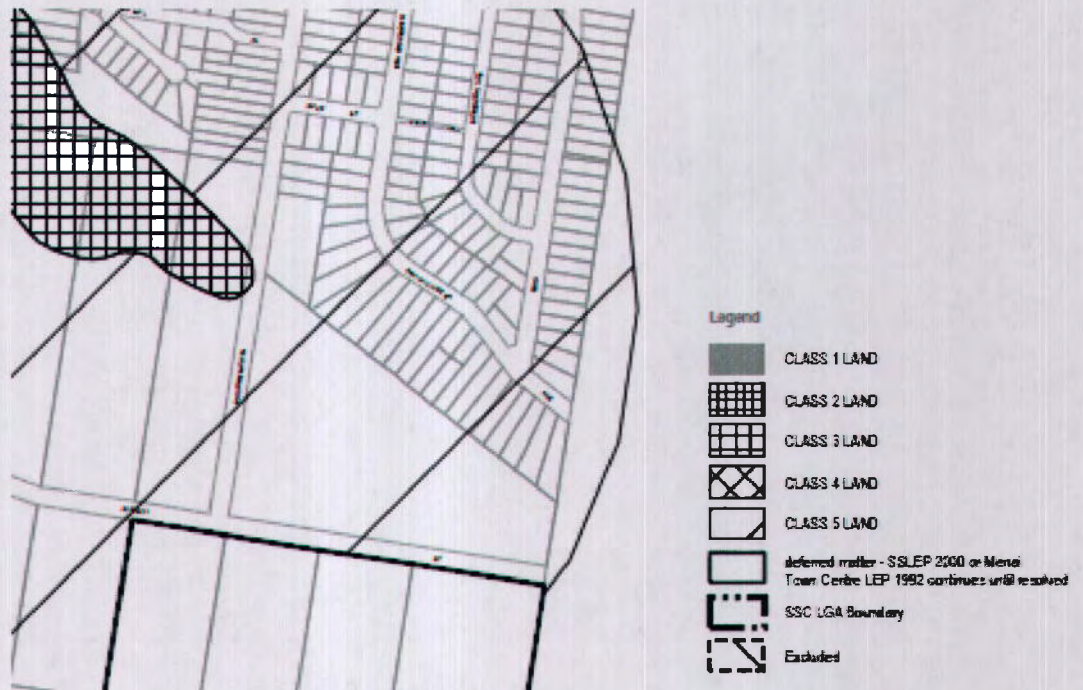


Figure 3 Acid Sulphate Soils Map Extract

Source: Sutherland Shire Council 2014

It is unlikely that the development will result in a lowering of the water table considering absence of impervious areas that is proposed and the return of excess stormwater on site to the natural environment via soak pits.

4.2.1.6 Clause 53 – Transport accessibility, traffic impacts and car parking

The proposed development is a road that enables access to the Recreation Camp. The road does not in of itself have any traffic impacts and car parking requirements.

4.2.1.7 Clause 54 – Heritage

The site is adjacent to the RNP which is an item of national heritage significance although at this stage, no works are proposed within the boundaries of the RNP. It is highly unlikely that the proposed works would impact upon the heritage values of the RNP.

Further we note that under SSLEP 2006 the Old Depot site and as then Council owned site south of Sussex Street are no heritage affected and were a further buffer between both the Road and the Recreation Camp and the RNP to the south of the Old Depot site and other lost further to the west, on the southern side of Sussex Street.

It is worth noting that the land south of Sussex Street (10-30 Sussex Street, Bundeena), previously owned by Council and recently transferred to the NSW Government for incorporation into the RNP, remains zoned E2 not E1, and is not listed as a heritage item of any significance. In fact the Old Depot site is so severely modified and degraded by the Old Depot use that one doubts whether it could reasonably be listed.

The highest and best use of the Old Depot site is likely, as clearly envisaged by the NPWS and RNP management, to be a public car parking that will relieve on-street parking congestion, in peak periods, within Eric Street and Beachcomber Avenue, Bundeena and provide toilet facilities servicing the approximately 80,000 visitor to the Coastal Track each year.

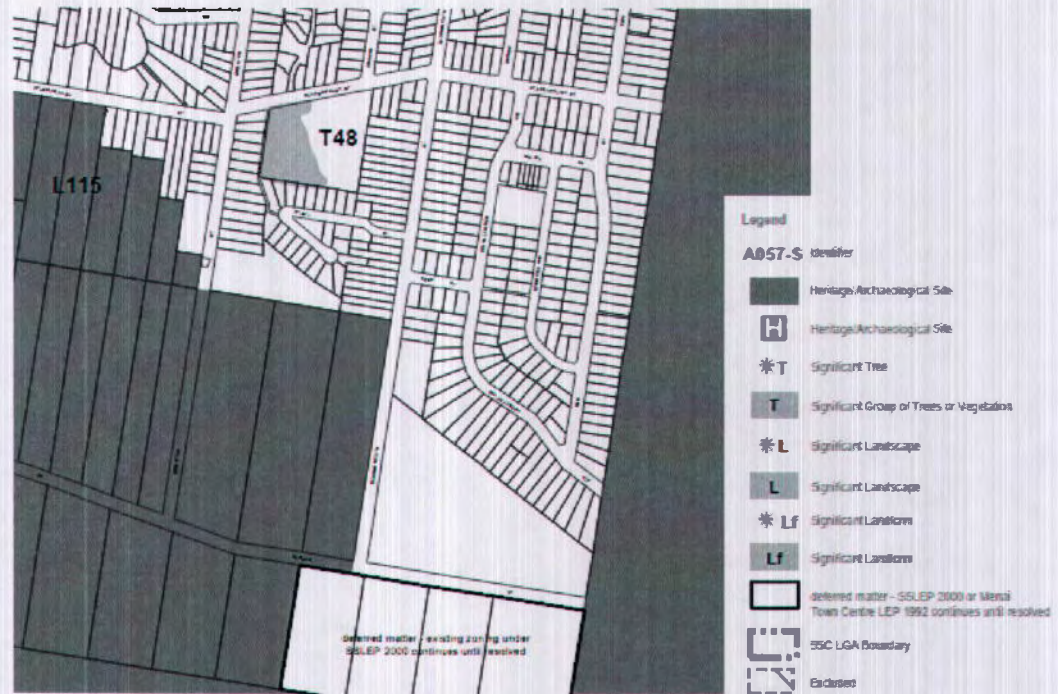


Figure 4 Heritage Map Extract
Source: Sutherland Shire Council 2014

A 'due diligence' aboriginal heritage assessment has been carried out on the site (RPS Australia East Pty Ltd, Sydney, Reference PR124192, Dated 15/10/2014). This assessment concluded that 'no aboriginal objects or places have been identified within the project area'.

The site is located within an area noted as 'Medium' in the local 'Archaeological Sensitivity Map'. As such Aboriginal heritage issues are addressed as part of the overall development application process.

For the purposes of this assessment, the proponent has not provided nor indicated there to be any items or issues of Aboriginal heritage potentially affecting the subject development site.

Likewise, this assessment has not considered any past studies, surveys for the area or any documentation supplied to council in relation to any items or issues of Aboriginal heritage potentially affecting the subject development site.

A second more substantial 'due diligence' aboriginal heritage assessment has been carried out on the site by Mary Dallas Consulting Archaeologists and La Perouse Land Council representatives in January 2016. This assessment confirmed the findings of RPS and that no further assessments of aboriginal heritage are warranted. (Mary Dallas Consulting Archaeologists 60-70 Bournemouth St Bundeena DRAFT 28 January 2016)

4.2.1.8 Clause 55 – Significant trees or natural landforms

No threatened flora species were identified on the site. No Hollow-bearing trees were identified within the forest habitat to be impacted by the proposed road. We do note that detailed ecological consideration to the Recreation Camp is considered under that development application.

4.2.1.9 Clause 56 – Preservation of trees or vegetation

17 trees with a girth between 10cm and 15cm measured at 50 cm from the ground and 4 trees with a girth between 20cm and 22cm are proposed to be removed within the footprint of the road.

One smooth barked tree is located within the side batter of the road and this tree will be retained with appropriate retaining walls and permeable pavement around it.

Council has a tree preservation order that is used to protect and manage the remaining tree canopy in the Shire after urbanisation. The order requires the planting of 4 new trees for each tree over 10 cm girth to be removed.

We propose that the tree preservation order should not be applied to the subject site for the same reasons as given in the proposal for DA14/1238. However if this is not accepted we propose to plant the required 84 replacement trees on Lot 3 DP 213924 in the same area as the proposed replacement trees for DA14/1238.

4.3 Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)

Under the provisions of the Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) the site has been zoned E2 Environmental Conservation Zone.

The SSLEP 2015 permits roads in the E2 Environmental Conservation Zone **with consent**.

4.4 Sutherland Shire Development Control Plan 2006

The Sutherland Shire Development Control Plan (SSDCP) 2006 is the applicable DCP for the site. Table 2 below demonstrates the proposals consistency with the applicable DCP provisions.

Table 1 Sutherland Shire Development Control Plan 2006 Compliance Table

DCP provision	Proposal	Complies
Chapter 1 – Design Principles and Site Analysis		
1.a Design Principles for All Development		
<p>1. Before granting consent for development within any zone, Council must be satisfied that the proposed development is of high quality, based upon the following urban design principles:</p> <ul style="list-style-type: none"> a. It has been designed to be compatible with its topography and setting. b. It reinforces and enhances the streetscape character and/or natural environment of the locality. c. It is compatible with the scale of neighbouring development. d. The building provides a high level of amenity to its intended occupants. e. It protects the amenity of residents in its vicinity. f. It is ecologically sustainable in terms of: <ul style="list-style-type: none"> i. conserving natural resources, ii. optimising the use of the natural features of the site, iii. optimising energy efficiency, iv. protecting and enhancing the viability of natural systems in its vicinity. g. It is provided with adequate landscaping and open space to enhance the quality and appearance of the building and surrounds while accommodating the needs of its users. h. It enhances the public domain in terms of the amount, location, design, use and management of public spaces in and around buildings. i. It has been designed so as to preserve predominant view lines and vistas enjoyed from parks, reserves, roadways, footpaths and other areas of the public domain. j. It has adequate utility services and drainage facilities. k. It maximises opportunities to utilise public transport services, pedestrian and bicycle links. l. It satisfies the need for the provision and management of on-site parking. m. It is designed to protect, enhance and restore significant natural or manmade 	<p>This SEE relates to the road and there are no building works only civil works to construct the road.</p> <p>The proposed development has been designed so as to fit on the existing landform and utilise the landform and cause no excavation on the site or the neighbouring land.</p>	<p>YES</p>

DCP provision	Proposal	Complies
<ul style="list-style-type: none"> n. It enhances public safety through its design and management. o. It is of high architectural quality 		
2.a Requirements for All Development		
Site analysis must be undertaken and development must be designed in accordance with the design directions developed through the site analysis in accordance with the urban design principles in Clause 1. General Design Principles.	A site analysis is provided in appendix 1. (see Appendix 3.16 Site analysis to the statement of environmental effects for DA 14/1238)	YES
Chapter 2 – Local Strategies		
7. Bundeena and Maianbar		
7.a Locality Strategy	The proposed development provides access to the proposed Recreation Camp on neighbouring land. The site to be accessed and the proposed roads present a rather unique set of circumstances. The environmental consequence of the road are considered to have a low impact on the environment. The proposed Recreation Camp is in keeping with the existing character of Bundeena in that it promotes an eco friendly environment for guests to enjoy and experience the rich history and natural beauty of the locality.	YES
7.b Projects	The proposed development provides access to a proposed Recreation Camp on neighbouring land that further promotes and facilitates the growth of tourism in the locality and will assist in providing further information to the public about Bundeena, the activities and value of the locality and provide an education on the natural characteristics of the area.	YES
Chapter 3 – Urban Design		
<p>The objectives of this section are to:</p> <ul style="list-style-type: none"> a. establish the desired spatial proportions of the street and define the street edge b. create a clear threshold by providing a transition between public and private space c. preserve and enhance the garden and bushland settings where they already exist, and where they do not already exist, to create opportunities for the planting of canopy trees and landscaping d. preserve a perception of openness in streets where this is consistent with the desired future character e. ensure new development is compatible within the established streetscape character, or contributes to the desired future streetscape character. 	The proposed development connects trafficable areas on neighbouring lands for the purpose of access and egress with minimal environmental impact.	YES
<p>1. The objectives of this section are to:</p> <ul style="list-style-type: none"> a. provide visual and acoustic privacy for existing and new occupants b. control overshadowing of adjacent properties and private or shared open space c. provide deep soil zones for tree planting d. provide adequate access for emergency services in bush fire prone areas e. reinforce the desired spatial character of an 	<p>The proposed development is setback by at least 100m from the northern, eastern and western boundaries.</p> <p>The siting and location of the road on the site proposes appropriate open spacing and mitigates any visual intrusion that the road may have on the existing vegetation and views and vistas from adjoining land uses.</p>	YES

DCP provision	Proposal	Complies
<p>f. area in terms of openness and density mitigate the visual intrusion of building bulk on neighbouring properties.</p>	<p>The current access is considered appropriate for emergency service access and the plan of management has been included in the documentation attached to this statement describing the use and operation of the facility in higher fire risk weather events.</p> <p>The development will not result in the overshadowing of any adjoining properties.</p>	
<p>1. The objectives of this section are to:</p> <ul style="list-style-type: none"> a. ensure that the height, scale and bulk of new buildings are consistent with the built form of the centre as identified in its strategic context statement b. achieve development that is of an appropriate scale and context for the street and block layout, adjoining buildings, public open space and the underlying topography of the centre c. ensure that individual development proposals are designed to an appropriate size, mass and separation, to protect sunlight access to adjoining buildings and areas of public domain d. encourage the built form of the urban centre makes a positive contribution to the streetscape, micro-climate and amenity of the centre e. enhance the connectivity and permeability of centres by improved pedestrian links through elongated commercial blocks and the development of pedestrian focused retail areas f. promote the creation of small urban centre spaces, where appropriate, through site links and building forecourts that interface with the public domain g. encourage efficient pedestrian links between public transport, shops, carparks, open spaces, community facilities and residential development h. allow for building design and development to take place within predetermined building envelopes that do not compromise the ability to incorporate detailed architectural expression i. present building envelopes that do not restrict the ability for a development to achieve the maximum floor space ratio (FSR) permissible for the land. 	<p>The built form objectives are irrelevant to the proposed road.</p>	<p>YES</p>
<p>3.6 Landform</p>		
<p>The natural topography and landform features of the Shire make up a fundamental part of the character and attractiveness of the area. In order to contribute to the quality and identity of the area, new development must respect landform and natural settings. Development must be designed so that it minimises impacts to natural land forms and allows the natural qualities to be the dominant elements of its setting.</p>	<p>The proposed development has been designed so as to follow the contours and existing landform with no cut and minimum fill within Sussex Street, the proposed creation camp or the Old Depot.</p>	<p>YES</p>
<p>11. Streetscape and Building Form</p>		
<p>1. The objectives of this section are to:</p>	<p>There are no visual impacts caused by the proposed road it will not be visible from the</p>	<p>YES</p>

DCP provision	Proposal	Complies
<ul style="list-style-type: none"> a. ensure that all elements of development visible from the street, waterways and public domain make a positive contribution to the streetscape b. ensure development is compatible with the scale, character and landscape setting of its immediate vicinity or the desired character of a locality as set out in a locality strategy c. achieve quality architecture in new development through the appropriate composition and articulation of building elements, textures, materials and colours that respond to the building's use. d. ensure that building elements are integrated into the overall building form e. create entrances which provide a desirable and safe identity for the development and which assist in visitor orientation. f. ensure that new developments have built forms which align with buildings on adjoining properties to create a spatially cohesive streetscape g. promote the design of facades which are responsive to the orientation of the site h. ensure that vehicle access and parking areas do not dominate the streetscape i. ensure non-residential buildings, especially in or adjacent to residential zones, are unobtrusive in terms of size, bulk, height with their visual impact mitigated by landscaping j. enhance the appearance and amenity of parking areas for non-residential development through landscape design. 	<p>nearest residential areas or public roads.</p>	<p>YES</p>
<p>3.12 Landscape</p>		
<p>Good design recognises that landscape and buildings operate together as an integrated system, resulting in greater aesthetic quality and amenity for the occupants, neighbours and the public domain. High quality landscape design protects and builds on the existing site's natural and cultural features to contribute to a development's positive relationship to its context and site.</p> <p>Sutherland Shire's tree cover, areas of bushland and natural beauty are valued by its residents. Landscape design in new development must recognise that existing trees, areas of habitat and natural systems must be protected and enhanced by the retention of important landscape elements, appropriate planting, and bush regeneration and by minimising urban runoff.</p>	<p>The proposed development location is so chosen as to limit tree clearing to 21 thin Red Bloodwood trees. Larger smooth barked Angophora's to the east of the road are retained.</p> <p>The proposal also incorporates bush regeneration practices that are proposed to occur in accordance with the Vegetation Management Plan (VMP) to reduce and maintain acceptable fuel loads for ecological and bushfire management purposes. Ongoing weed management under the VMP will reduce the weed infestation that has occurred on some parts of Sussex Street and the site of the Recreation Camp.</p>	<p>YES</p>
<p>3.12.c.1 Assessment Principles for Determining the Quality of Landscaping</p>		
<p>In assessing whether the landscaping design is high quality, Council will consider the following:</p> <ul style="list-style-type: none"> a. The size, shape and orientation of spaces allocated for landscaped area. 	<p>There is no dedicated landscaped area. As the site is primarily native bushland the landscaping that will occur is in the</p>	<p>YES</p>

DCP provision	Proposal	Complies
<ul style="list-style-type: none"> i. Narrow spaces can rarely support vegetation of adequate scale. Where a site's landscaped area is largely composed of very narrow spaces the design is unlikely to meet the objectives of the landscape standards despite numerical compliance. ii. Whether sunlight access is sufficient to support the growth of the landscaping proposed. b. Whether the size and shape of spaces allocated for the trees and shrubs proposed are sufficient for the species to grow to maturity. c. Whether the scale of the trees and landscaping complements the scale of the buildings and the spaces where they are located. 	<p>development area only.</p> <p>The proposal also incorporates bush regeneration practices under the VMP. The landscaping works will include weed management practices to remove weeds from the site and allow the present native vegetation to occupy all surface up to the road.</p> <p>New native and endemic trees will be planted in offset to the small trees removed applying Council's policy to a reasonable extent.</p>	
13 Privacy		
<p>1. The objectives of this section are to:</p> <ul style="list-style-type: none"> a. ensure a high level of amenity by protecting the acoustic and visual privacy of occupants within all built development and in private open spaces. b. ensure buildings are sited and designed so that acoustic and visual privacy and vibration from outside sources is controlled to acceptable levels. c. minimise noise transmission between nearby buildings and adjoining development. d. ensure that new development incorporates architectural and building elements that contribute to protecting the acoustic and visual privacy of any adjoining residents. 	<p>The proposed development is not substantially visible from the east, west or north of the site.</p> <p>The development has been designed to sit behind the canopy of the trees to the north of the proposed built form so as to protect the visual amenity of the adjoining residential land.</p> <p>The entry to the road is orientated to the south which is the direction to which visitors will be entering the Recreation Camp.</p> <p>No built form exists in the immediate vicinity of the proposed development.</p>	YES
14 Daylight Access		
<p>1. The objectives of this section are to:</p> <ul style="list-style-type: none"> a. design and locate buildings so that reliance on artificial light sources is minimised. b. provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours c. provide occupants with the ability to adjust the quantity of daylight to suit their needs d. minimise overshadowing of adjoining dwellings, particularly windows of living areas, solar collectors and outdoor recreation areas. e. ensure reasonable sunlight is provided to private outdoor recreation areas f. ensure the design of landscaped areas contributes to amenity through the sensible management of sunlight g. minimise overshadowing of adjoining public open spaces. 	<p>The development will neither be shadowed by any other development nor will it result in the overshadowing of other land.</p>	YES
15 Views		
<p>Views of waterways, bushlands, landmark buildings and district views contribute to the amenity of private property and the public domain. New development needs to be designed so that it is sensitive to existing views and view corridors and minimises impacts on views.</p>	<p>The road will not be substantially visible from the east, west or north of the site. Only those entering the Recreation Camp from the Old Depot and within the Recreation Camp will view the Road.</p> <p>A more detailed visual impact assessment is</p>	YES

DCP provision	Proposal	Complies
<p>View sharing is the concept of sharing vistas and views through sensitive design that fully or in part, maintains view corridors and provides amenity to neighbouring private or public properties. The principles of view sharing are adopted to allow a reasonable balance between realising development potential and protecting amenity.</p>	<p>annexed to the SEE for the Recreation Camp. (see Appendix 3.17 Visual impact study to the statement of environmental effects for DA 14/1238)</p>	
18 Safety and Security		
<p>Crime Prevention Through Environmental Design (CPTED) is an integral component of high quality urban design and must be considered holistically throughout the design and development processes.</p> <p>The principle aim of CPTED incorporates into the design of places a consideration of how people use them, with the aim of improving personal safety and security. The desired result is to reduce the level of community fear and incidence of crime. Crime is recognised as a significant issue in the Shire and through appropriate design, the potential for crime can be reduced and the provision of safer urban environments can be achieved.</p> <p>Environmental design also aims to improve the safety of people in relation to potential hazards and risks. There are four principles central to crime prevention through environmental design:</p> <ul style="list-style-type: none"> • Surveillance. • Access control. • Ownership (territorial reinforcement). • Space Management. 	<p>The proposed development activates a site which has been vacant for some time and proposed an opportunity for a caretaker to create territorial reinforcement of, not only the land, but to control the comings and goings of people throughout the locality. It must be noted that anti-social behaviours in the uncontrolled and un-surveillance Old Depot site is well documented by the NPWS and RNP staff.</p> <p>The proposed development will increase the casual surveillance across the immediate locality including the proposed Recreation Camp, Sussex Street and the Old Depot.</p> <p>In addition to casual surveillance to the north and access control, the proposal creates casual surveillance of the Old Depot, should, and most likely, that the Old Depot be development as a car park to support the use of the Coast Track.</p> <p>There will be not fences, to allow native fauna to pass through between the site and the adjoining bushland.</p> <p>The activation of the site will allow for the private land to be managed and the trespassing to be monitored and controlled whereby the current site activity does not allow any surveillance from internal to the site at all.</p>	<p>YES</p>
Chapter 4 – Natural Resource Management		
2. Wetlands and Waterways		
<p>1. The objectives of this section are:</p> <ol style="list-style-type: none"> a. to protect, restore and maintain ecological processes, natural systems and biodiversity within wetlands and waterways. b. to minimise sedimentation and pollution of wetlands and waterways. c. to restore degraded wetlands, wetland buffer areas, waterways and riparian zones. d. to ensure appropriate fire management regimes and hazard reduction techniques for wetlands, wetland buffer areas, waterways and riparian zones. e. to encourage best practice environmental design measures so that the sustainability of wetlands and waterways is maintained or improved. 	<p>No excess water will be allowed to run off the semi permeable road surface on the site without being collected and infiltrated. Detailed field testing indicates that the geological profile (fine sand in sufficient depths above sandstone) is capable of infiltrating quantities of water well in excess of the Council's requirements to allow infiltration as the method of stormwater disposal. No hard surfaces are proposed.</p> <p>Weed management practices will be conducted under the VMP at regular intervals in the riparian and wetlands to ensure that a high biodiversity environment results from the activation of the site. We note that the NPWS and RFS Spring Gully burn, sought to be eliminated and replaced by the VMP entered the riparian areas of the Recreation Camp causing unacceptable damage to flora and reducing fauna habitat. The VMP will produce</p>	<p>YES</p>

DCP provision	Proposal	Complies
	a far superior environmental outcome in particular in providing improved habitat for fauna.	
4. Tree and Bushland Vegetation		
<p>1. The objectives of this section are:</p> <ul style="list-style-type: none"> a. To ensure the retention and protection of trees and bushland vegetation that are fundamental to the conservation of biodiversity in Sutherland Shire, and important to the maintenance of the scenic quality and established treed character of Sutherland Shire. b. To ensure trees in urban areas are managed in a way that reduces known risks to life and property. c. To ensure the retention and protection of valuable trees and vegetation on development sites and on adjacent property. d. To require the retention or restoration of vegetation on steep gradients or along waterways to assist in minimising slope instability and soil erosion. e. To ensure appropriate measures are adopted to eliminate environmental weeds. f. To ensure effective bushland regeneration. g. To ensure proper pruning of trees and vegetation. 	<p>An Ecological Assessment was completed by Cumberland Ecology and this is attached in Appendix 1. The clearing of vegetation and impacts on existing habitat have undergone significant assessment and the proposal is deemed appropriate on the site.</p> <p>The ecological impacts are considered acceptable and will be off set by the better outcomes under the VMP and Fauna Management Plan (FMP) both contained in the Plan of Management (PoM). (see Appendix 4.1 Plan of Management 2016 to the statement of environmental effects for DA 14/1238)</p>	YES
Chapter 5 – Environmental Risk		
1. Bush Fire		
<p>1. The objectives of this section are:</p> <ul style="list-style-type: none"> a. to reduce the likelihood of ignition of a building when subjected to bush fire attack b. to allow ancillary development that does not compromise the integrity of the asset protection zone. 	<p>A Bushfire Risk Assessment and a Bushfire Evacuation management Plan have been attached in Appendix's 1 and discussed in detail in Part 4.2.1 of this report. The APZ for the town of Bundeena will be maintained in a more ecologically sympathetic and sound manner through the VMP.</p>	YES
<p>Chapter 7 – Vehicular Access</p>	<p>The vehicle access to the site is proposed to be achieved over the Beachcomer Track extending from Beachcomer Avenue, Bundeena, through the RNP to the Old Depot site, thence through the Road within Sussex Street to the Recreation Camp.</p> <p>Under the NPWS' Access to Inholdings Policy (see Reference 1.24 NPWS Policy - Access to inholdings March 2006 to the statement of environmental effects for DA 14/1238) the granting of a licence would involve entering into a contract between the proponent and the NPWS (see paragraph 9 of the policy). This contract could relate to matters such as maintenance (see paragraphs 18 and 24) and other works. Such work would require its own environmental approval under Part 5 of the Environmental Planning and Assessment Act</p>	YES

DCP provision	Proposal	Complies
	1979, due to clause 94(1) of the State Environmental Planning Policy (Infrastructure) 2007 (see also Rydge v Byron Shire Council [2012] NSWLEC 155 [28]).	
Chapter 8 – Ecologically Sustainable Development		
8.1.a.1 Objectives for All Development		
<p>1. The objectives of this section are to:</p> <ul style="list-style-type: none"> a. achieve development that meets the needs of the present without compromising the ability of future generations to meet their needs, b. achieve development that improves quality of life both now and into the future, in a way that maintains the ecological processes on which life depends, c. ensure high quality ecologically sustainable development outcomes for the urban environment of Sutherland Shire, d. achieve development which retains and enhances the natural environment, and e. to ensure development of land is in accordance with the principles of Ecologically Sustainable Development, being: <ul style="list-style-type: none"> i. the 'precautionary principle', ii. inter-generational equity, iii. conservation of biodiversity and ecological integrity, iv. improved valuation, pricing and incentive mechanisms. 	<p>The road surface is semi permeable as to minimise stormwater runoff while providing a long lasting trafficable road surface that does not need regular surface maintenance with risk of causing ecological impacts.</p> <p>The road will provide all weather two-wheeled drive access for all authorised vehicles in accordance with the PoM.</p> <p>All stormwater will enter infiltrate through new infiltration soaks, with testing indicating that the geological profile supports infiltration volumes well in excess of the minimum Council requirements.</p>	<p>YES</p> <p>YES</p>
8.4 Groundwater Management		
<p>1. The objectives of this section are:</p> <ul style="list-style-type: none"> a. To maintain the natural groundwater hydrology b. To protect the quality of existing groundwater c. To maximise the quality of water recharging the groundwater/water table, d. To control and regulate landfill operations and leachates, e. To control and regulate groundwater usage, f. To control and limit impervious areas, g. To minimise cut and fill disturbances to ground water flows. 	<p>All water that falls on the site will be returned to the ground through infiltration soaks within Sussex Street and the Recreation Camp. It is therefore not considered that the proposed development will have any impact on the natural groundwater.</p>	<p>YES</p>
8.5 Stormwater Management		
<p>1. To minimise the impacts of excessive stormwater runoff and flooding of downstream properties.</p> <p>2. To control the volume of stormwater runoff from any site to reasonable pre-development levels.</p> <p>3. To preserve and enhance water bodies and riparian zones as natural systems.</p>	<p>As above.</p>	<p>YES</p>

5.0 Environmental Effects

5.1 Section 79C(1) – Matters for Consideration

Under the provisions of Section 79C(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development subject of the development application.

- (i) *the provisions of:*
 - (1) *any environmental planning instrument*
 - (2) *any draft environmental planning instrument that is or had been placed on public exhibition and details of which have been notified to the consent authority, and*
 - (3) *any development control plan*
- (iii) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (1) *any matters prescribed by the regulations that applied to the land to which the development relates*
 - (2) *any coastal zone management plan (with the meaning of the Coastal Protection Act 1979)*

- (a)(i) The key relevant planning instruments are the Sutherland Shire Local Environmental Plan 2006. The proposal has been assessed against all the relevant planning instruments (see Section 4.0) and is found to comply.
- (a)(ii) The Draft Sutherland Shire Local Environmental Plan applies to the site.
- (a)(iii) The proposal has been assessed against the relevant development control plan in Section 4.
- (a)(iiia) There are no planning agreements relevant to the application.
- (a)(iv) There are no relevant matters prescribed by the regulations.
- (a)(v) There are no coastal zone management plans relevant to the application.
- (iv) *The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality*

The environmental impacts of the proposal have been considered in Section 4. **Table 2** below provides further assessment of all potential impacts.

Table 2 Likely environmental impacts

Potential Impacts	Proposal
Access, Transport and Traffic	<p>The Minister for the Environment has been requested to provide a right of way via the already operational shared access Beachcomber Track, extending from the end of Beachcomber Avenue, based on the NPWS policy for access to inholdings.</p> <p>NPWS has asked for the facilities operational intent in order to quantify the projected use of the shared access.</p> <p>RVA has provided this operational intent in the PoM (see Appendix 4.1 Plan of Management 2016 to the statement of environmental effects for DA 14/1238) which is intended to become a formal part of the right of way.</p>

Potential Impacts	Proposal
	<p>Key points of the operational intent:</p> <ul style="list-style-type: none"> - There Recreation Camp provides no parking for guests or employees. The onsite parking is limited to the buses housed within the bushfire shelter for emergency evacuation purposes and the caretakers' vehicle. Access for guests and employees as detailed by the PoM is by foot unless collected at the gate in exceptional circumstances (a disabled guest subject to prior arrangements). - The PoM requires that the lack of vehicular access and parking must be communicated to prospective visitors guests and employees the absence of onsite parking and the preference of use of public transport to Bundeena or Cronulla in combination with the ferry service to and from Bundeena. This is already the single most used mode of transport of the main target market of Royal National Park visitors and Coast Track walkers as is documented in the NPWS Strategic Framework for the Coast Track (Appendix 1). - The right of way over the shared access will not to be used for free public access by visitors, guests, employees, deliveries and services. The PoM requires the facility will run its own goods pickup service instead of taking deliveries. The PoM requires the facility will primarily use a lightweight utility vehicles over the shared access. <p>A traffic report (see Appendix 3.3 Traffic Advice to the statement of environmental effects for DA 14/1238) has been prepared to assess the transport accessibility, traffic impacts and car parking of the proposal in the context of the operational intent.</p> <p>An engineer report (see Appendix 3.4 Road Engineer Report to the statement of environmental effects for DA 14/1238) has been prepared to assess the road surface suitability for all weather two wheel access for the proposal as required by PBP2006.</p> <p>An additional arborist report (see Appendix 3.5 Arborist report to the statement of environmental effects for DA 14/1238) has been prepared to assess the impact of required maintenance of the vegetation pruning on the trees adjacent the shared access to provide road width as originally designed and required by PBP2006.</p> <p>An ecological report (see Appendix 3.11 Ecological Impact Assessment Cumberland 2016 to the statement of environmental effects for DA 14/1238) has been prepared to also assess the broader ecological impact of required maintenance of the vegetation pruning adjacent the shared access to provide road width as originally designed and required by PBP2006.</p> <p>It is considered that the intended use of the shared access provides sufficient transport accessibility complies as road surface and has no significant tree or ecological or traffic or car parking impacts.</p>
<p>Public Domain, Visual and Streetscape</p>	<p>The proposed development will be barely visible through the canopy vegetation by both the residences fronting Beachcomber Av as well as walkers and cars on the clearing at the end of the Beachcomber Track and the Old Depot. The colour pallet will be agreed with the Consent authority with Council's expert planner stating at the section 34 conference that there was a preference for a mid to dark green for the tent walls and roofs. While the facility will be barely visible it is considered that the canopy retained on the neighbouring land will screen the road on the site.</p>

Potential Impacts	Proposal
Cultural Heritage	<p>An Aboriginal Heritage Due Diligence Assessment was prepared by RPS in the preparation of the project.</p> <p>While there are a number of sites and places identified in the vicinity of the site, none were identified during the desktop assessment nor during a site inspection within the confines of the site boundaries.</p> <p>A second more substantial 'due diligence' aboriginal heritage assessment has been carried out on the site by Mary Dallas Consulting Archaeologists and La Perouse Land Council representatives in January 2016. This assessment confirmed the findings of RPS and that no further assessments of aboriginal heritage are warranted (see Appendix 3.7 Aboriginal Heritage Due Diligence MDCA 2016 to the statement of environmental effects for DA 14/1238).</p>
Views	<p>There are no loss or views from private dwellings or any public road or public domain including the RNP, Beachcomber Track or the Old Depot site.</p> <p>It is anticipated that with vegetation clearing the road will be barely visible from the adjoining residential landholdings to the north of the Recreation Camp. It must be noted that the road will be at least 200m from the closest residential building on adjoining landholdings.</p> <p>The intention of the development is to create access to an accommodation facility within a bushland setting with only minimal visual interaction with the surrounding residential lands. As such the maximum vegetation will be kept and the canopy foliage of the larger trees downslope of the project will create vegetation screening of the project from the residential properties.</p> <p>The development has been situated on the site back from the slope of the land to reduce any visual impact on the adjoining land owners as much as possible. While the uninterrupted bushland views of the neighbouring landowners will be marginally interrupted, the overall impact of the proposal will result in a net positive outcome due to the ongoing maintenance of the natural vegetation. The impact on the views to the adjoining landowners is considered to be reasonable and appropriate in this instance.</p> <p>The zoning of the site has indicated the proposed use as appropriate for the site and the proposed location and design of the development adjacent to the southern boundary within the youngest vegetation area represents the landowners desire to create a highly sustainable and low impact facility.</p>
Bushfire	<p>The site is noted as constrained by bushfire threat. The Bushfire Risk Assessment by Sydney Bushfire Consultants (see Appendix 3.1 Bushfire Assessment and Recommendations to the statement of environmental effects for DA 14/1238) details a 'measure in combination' approach to bushfire risk management on the site. These measures include asset protection zones, access and egress, construction standards, water supply, property maintenance planning and evacuation planning (see part 4.2.1.4 of this statement).</p> <p>The measures in combination approach details a range of technical compliance installations and management techniques for a Special Fire Protection Purpose facility to which this development is defined under the PBP 2006.</p> <p>In addition to the measures in combination, a detailed site operation plan in the form of a Bushfire Evacuation Management plan also provides an additional level of security in that the facility cannot be used in catastrophic fire danger days and even on extreme fire danger days, clients will be taken off site and authorities advised.</p> <p>The proposed fire protection measures are considered to be appropriate in facilitating a Recreation Camp use as well as promoting an ecofriendly and safe environmental accommodation opportunity in Bundeena.</p>
ESD	<p>The project objectives are to create an overall sustainable development by ensuring that the development uses long lasting construction techniques and materials as well as having minimal impacts on the environments, both directly on the site and overall in terms of energy use.</p>
Biodiversity	

Potential Impacts	Proposal
	<p>An ecological impact assessment has been conducted by Cumberland Ecology (see Appendix 3.11 Ecological Impact Assessment Cumberland 2016 to the statement of environmental effects for DA 14/1238) which concluded: "The shift in location and redesign of the development footprint has resulted in minor reduction (<0.5 ha) in the area of vegetation to be cleared or partially cleared. Therefore the results of previous assessments conducted by RPS for threatened species and communities largely remain valid. The desktop assessments conducted by Cumberland Ecology concur with the findings of RPS (2014) report with regard to impacts on threatened species and communities.</p> <p>The proposed changes to the bushfire regime within the subject site under the VMP and FMP as included in the PoM, are unlikely to result in a significant improvements to the biodiversity values of the site when compared to the current bushfire regime (hazard reduction by regular fires). With the implementation of appropriate mitigation measures, the proposed conservation measures improve the biodiversity values in the medium and long-term.</p>
Waste Management	The overall management philosophy is to create a highly sustainable and minimal impact tourist facility on the site to the north of the road. Waste will be managed in accordance with the PoM under the Waste Management Plan.
Stormwater Management	All water that falls on the site will be infiltrated. The proposed development will have no adverse impact on the natural stormwater runoff.
Servicing (off-grid)	The proposed road is designed to be maintained off-grid therefore not requiring trenching or any other unnecessary disturbance to the local bushland environment. The facility will have no impact on the local; servicing infrastructure or capacity.
Amenity	The amenity of the adjoining property owners will not be impacted as a result of the proposed road.
Privacy	The proposed development is located in excess of 170m from the nearest residential house in Beachcomber Avenue. The new road will not be readily visible and there are no privacy impacts.
Open Space	The proposed development is located in a bushland setting and allows access to a proposed recreation camp on neighbouring site to provide its guests with ample opportunity to utilise the open space activities in the local area including the Royal National Park walking tracks and the public spaces of Bundeena.
Noise and Vibration	The project will not cause any noise or vibration impacts on the natural or built environment beyond some construction noise controlled by development consent conditions. The proposed road is located in excess of 170m from the nearest residential dwelling in Beachcomber Avenue. Construction will be over a relatively short period of time and works will occur during council imposed hours only.
Safety, Security and Crime Prevention	The activation of the site will further enhance the casual surveillance of the site. There was a recent incident that occurred on the site where a number of trees were vandalised. The activation of the site in accordance with local planning legislation objectives will reduce any potential for environmental vandalism on the site.
Social and economic Impact in Locality	<p>The road enables addition of an accommodation facility in the locality on neighbouring land that will not only result in an increase in employment in Bundeena but it will also attract visitors to the locality which in turn, are likely to visit other local businesses during their stay. Other local businesses will be promoted by the facility operators. The facility operators invite local business owners and operators to advertise in the reception tent with the aim of creating strong connections within the business community of Bundeena.</p> <p>The land owner and future business operator is excited about the prospect of living in Bundeena with his family and creating an environment that will enhance the local and tourist access to the Australian natural environment. The property owner intends on becoming an active member of the Bundeena community and fully supports the intent of many of the community groups that are highly active in the locality in promoting sustainability and creating opportunities to enhance the natural environment. It is clear from the level of detail in this application that the proposed development is highly eco-friendly which is in line with the social characteristics of the local community.</p>

Potential Impacts	Proposal
	The owner of the property recognises the ecological value of the area and proposes to enhance the quality of the vegetation in the locality both for environmental and commercial reasons. There may be an opportunity for the community to be involved in assisting in the rehabilitation of the wetlands back to a high quality EEC through removal of weeds from the wetland that are detailed in the Ecological Assessment prepared by RPS.

(v) *the suitability of the site for the development*

The site is suitable for the proposed development as it is consistent with the land use zone objectives and aims and objectives of both the Sutherland Local Environmental Plan 2006 and 2015 and Sutherland Development Control Plan 2006 for the reasons outlined above.

The development of the site has been critically assessed against the environmental constraints and opportunities of the site and in conclusion, the net impact of the development for the site will be both beneficial for the environment as well as for the social and economic characteristics of the local community.

(vi) *any submissions made in accordance with this Act or the regulations*

Any reasonable submission will be considered and suitably addressed.

(vii) *the public interest*

The above assessment demonstrates how the public interest has been achieved. The proposal facilitates the occupation of the vacant site for a use, which is permissible in the zone. It will not have any adverse impacts on traffic, views, amenity or the environment. It will provide social and recreational opportunities for the community and visitors alike. It is considered to be in the public interest.

6.0 Conclusion

This SEE demonstrated that the proposed short road linking the Old Depot to the Recreation Camp will have negligible impacts. The notable impact is the need to remove 21 juvenile Red Bloodwood trees. We note that these trees are within the APZ for the Bundeena Township and could be removed at any time to ensure the protection of Bundeena without consent and the locality is regularly burnt (a poor outcome for flora and fauna) to maintain the APZ for the Bundeena Township.

The site is noted as bushfire prone land however it is demonstrated in this statement that the combined methods and recommendations of the Bushfire Assessment and the Bushfire Evacuation Plan that the site can be safely operated as a road.

No culturally significant heritage sites were identified as a result a detailed Aboriginal Heritage Due Diligence Assessment and the site is zone E2 note E1 and has no heritage significance with land to the south of the site, the Old Depot zoned E2 and being a very degrade site.

Assessments of Significance and EPBC Significant Impact Assessments have been prepared for the Endangered Ecological Communities and threatened flora and fauna species that have potential to impacted upon by the proposal. These assessments concluded that the Endangered Ecological Communities, three threatened flora species and nine threatened fauna species would not be significantly impacted by the proposal.

The clearing of vegetation to facilitate the proposed development is not foreseen to result in adverse impacts on the views and amenity of the neighbouring residential properties due to the significant trees on the neighbouring land downslope of the proposal creating a year round vegetation screen.

The road enables the introduction of a caretaker on the Recreation Camp sited which will have positive CPTED outcomes, especially with respect to the management of the operational open space (the old Council sanitary depot), reducing vandalism, fires, dumping and unauthorised camping and other anti-social activities with the now RNP site.

As outlined in this SEE the proposed development is permissible with consent and meets the objectives of *Sutherland Shire Local Environmental Plan 2006* and 2015.

A separate DA and SEE and supporting expert reports address the Recreation Camp proposed to the north of the new Road.

The overall impact of the conjoined DAs on the locality is considered to demonstrably positive. The benefits will comprise an improved natural environment through care and maintenance of the natural landscape ,vegetation fauna (via VMP and FMP), and improved social environment through casual surveillance and ongoing neighbour relationship as well as an improved economic environment within Bundeena with the promotion of local businesses.

The Court as the consent authority may give favourable consideration to the grant of development consent for both.