

## Spring Gully 'eco' resort – further background & history.

- [www.springgully.org](http://www.springgully.org)
- [High Resolution Photos](#)
- [Video of '94 bush fire in Spring Gully](#)

Spring Gully, the location of the Bundeena Coast Eco-Lodge proposal, is one of the most bio-diverse areas within the Royal National Park. The NSW Office of Environment and Heritage (OEH) states, *"Spring Gully contains a rich mosaic of endangered ecological communities listed under the Threatened Species Conservation Act"*. OEH has also raised concerns about the use of the land for eco-tourism in advice to Sutherland Shire Council, noting the land's high bio-diversity values. The land is zoned Environmental Conservation.

The eco-resort proposal includes clearing over 430 mature native trees over an area equivalent to 12 residential housing blocks for an asset protection zone for bush fire protection of 12 tourists to be accommodated in 6 tents.

In 2014, then Sutherland Shire Mayor, Kent Johns, wrote to Members of Parliament stating *"The land is a logical extension of the Royal National Park. The land should be acquired by the State"*. Council's position was confirmed by current Mayor, Camelo Pesce in a letter to Friends of the Royal.

Then Minister for Planning, Rob Stokes wrote to Professor Don White, Chairperson, Nature Conservation Council of NSW advising *"Should the owner wish to sell the property I would be pleased to advocate for its purchase by Government if reasonable. I am aware of the values of the site."*

The 5.6 hectare parcel of land was originally gifted to the Scouts as community land during the subdivision of the adjoining residential area of Bundeena in 1963. The land was marketed as a "Recreation Area" on the land sale map. The land has always been considered a high bushfire risk and has remained undisturbed, pristine bushland and wetland. The land enjoyed rate free status for the fifty years it was owned by Scouts, despite remaining unused, because it was deemed public land under the Local Government Act.

In 2011 the National Parks and Wildlife Service (NPWS) wrote to Scouts inviting them to donate the land to the Foundation for National Parks and Wildlife for addition to the Royal National Park stating the land had high conservation value.

Instead, Scouts put the land up for sale. In 2013, Scouts refused a competitive purchase offer from the Foundation for National Parks and Wildlife, funded by the local community and sold the land to the developer who outbid the Foundation's offer by \$25,000. Ironically, \$25,000 was the Valuer General's valuation of the land at the time.

The land has no road access, is surrounded by the Royal National Park on three sides, and is mainly covered by the deep and highly erodible sands of the forested Jibbon Hill sand dune

which spills down into the steep gully to meet the wetlands below. The Bundeena township lies to the north of the wetlands. Jibbon Hill is the largest relic cliff dune and the only intact, naturally vegetated relic cliff dune remaining in the Sydney Basin.

Eureka award winning scientist, David Keith, Professor of Botany at UNSW and Senior Principal Research Scientist of the NSW Office of Environment and Heritage, conducted an independent review of the development proposal and found that potential impacts to six endangered ecological communities had not been adequately assessed. These are:

- Coastal Upland Swamp,
- Sydney Freshwater Wetland,
- Bangalay Sand Forest,
- Swamp Sclerophyll Forest,
- Eastern Suburbs Banksia Scrub (which has recently received a preliminary determination as critically endangered),
- Kurnell Dune Forest.

Professor Keith has determined that the unique bloodwood mallee found in Spring Gully forms part of the rare low forest form of Eastern Suburbs Banksia Scrub and that the occurrence on the development site is the only known example remaining transitioning from relic cliff dune into sandstone gully forest.

Hundreds of the dense and slender mallee bloodwoods will also be cleared from the development site for bushfire protection.

Every one of these mallee bloodwood stems bears scars from sugar glider feeding. Sugar gliders chew incisions through the corky bark of the bloodwoods to release the sweet red sap from the bloodwoods similar to the method people use to tap the syrupy sap from Maple trees. The dense forest provides the sugar gliders with protection from the local Powerful Owl (vulnerable) as well as feral predators.

In October 2014 dozens of these trees were mysteriously chopped down and ringbarked overnight in an event dubbed locally as the “Spring Gully Bloodwood Massacre”. The following month the ‘eco’ resort development proposal, located over the site of the bloodwood massacre, was lodged .

Dr Martin Schulz, whose 2011 fauna survey of the Royal National Park is the most comprehensive ever conducted, found that the development proposal fails to adequately assess potential impacts to seventeen threatened fauna species:

- Broad-headed snake,
- Swift parrot,
- Powerful Owl,
- Giant Burrowing Frog,
- Eastern pygmy-possum,
- Rosenberg’s goanna,
- New Holland Mouse,

- Australasian Bittern,
- Large-eared pied bat,
- Red-crowned toadlet,
- Greater broad-nosed bat,
- Little Lorikeet,
- Eastern Bentwing-bat,
- Varied Sittella,
- Black Bittern,
- Grey-headed flying-fox and
- Beautiful Firetail.

At the core of community concerns over the proposed 'eco' resort is bush fire risk and safety.

#### [VIDEO OF 1994 BUSH FIRE IN SPRING GULLY](#)

The Land and Environment Court has accepted the RFS bushfire safety approval. The RFS approval was based on an acceptance of the bushfire consultant's report commissioned by the developer. Questions have been raised, however, over the method used to calculate the steep slope of the site which was used to determine the size of an adequate area of tree clearing for the proposed Asset Protection Zone around the development.

"The highly creative manner in which the private bushfire consultant measured a fundamental metric, the slope of the site, and their interpretation of the RFS requirements for asset protection zone design, has been called into question by other experts and, in our opinion, exposes the design of the asset protection zone to potential failure in terms of protecting both human life and the environment," Da Silva states. He explains "Slope is a key metric because it affects the speed at which a wild fire spreads across the land. The RFS standards do not support locating asset protection zones on land which slopes at greater than 18 degrees because it is difficult to prevent fire spreading through the tree canopy on such steeply sloping land and difficult to manage the vegetation due to issues of soil stability and the risk of erosion. With this proposal the slope within the APZ exceeds 18 degrees in large areas and the soil is highly erodible comprising the deep sands of the relic cliff dune," he adds.

The asset protection zone approved by the RFS is designed to achieve a radiant heat exposure of 29 kilowatts per metre square to the perimeter of the proposed fire refuge building. Both the RFS and Land and Environment Court have accepted this design despite the RFS having published advice that current best practice for the protection of human life during evacuation of a fire refuge is for a maximum radiant heat exposure of 10 kilowatts per metre square.

It is generally accepted that the proposed access road to the development through the Royal National Park cannot provide safe access or evacuation during a bush fire. "The statement made by the proponent to the Court that any fire fighter '*stupid enough*' to go down the fire trail to the proposed development during a bush fire '*deserves to die*' has not been well received in the community", Da Silva added.

The proposal for road access through the Royal National Park to the proposed Bundeena Coast Eco-Lodge was first exhibited by NPWS in June this year. Due to a myriad of issues with both the exhibited material and the conduct of the public exhibition, a modified proposal was placed on public exhibition in July.

Most of the concerns the Spring Gully Protection Group raised during the first exhibition, however, were not addressed in the re-exhibition. "The notice of exhibition provided misleading information on basic facts such as the length, width and location of the proposed access road," states Da Silva. The Spring Gully Protection Group is also concerned that significant information such as the tree removal schedule detailing the more than 430 trees to be cleared from endangered ecological communities on-site, and site the plans for the 'eco'-resort were withheld from public exhibition. Furthermore, the group claims that diagrams were redacted from the bushfire consultant's report.

"The fact that the NPWS withheld information provided by the applicant, including the site diagrams referred to in the main proposal, and that some documents were not placed on public exhibition until only a few days before submissions closed, raises our concern as to whether the public were given a fair opportunity to gain a full understanding of the environmental impacts of the proposal", Da Silva states. He continues "In our opinion, exhibition of the road proposal by NPWS potentially mislead the public and lacked procedural fairness, hindering the public's ability to fully understand and comment on the proposal."

The Spring Gully Protection Group have also raised concern over the NPWS public exhibition of the proposed gift of five hectares of nearby land by the developer to the Minister as consideration for the proposed road access. The land being offered comprises unformed road reserves, a relic of the 1886 subdivision of the bushland to the south of present-day Bundeena, which was incorporated into the Royal National Park in 1979 to celebrate its Centenary year.

These unmade roads, which criss-cross through the park at Spring Gully, remain under private ownership. The developer claims to have entered into an agreement to purchase the land from the party it identifies as the owner of the unmade roads and has offered to gift the land to the Minister.

Rosemary Marzouk claims that the land belongs to her late Grandmother, Edith Lucy Wolstenholme, who died in 1947. Ms Marzouk claims to be the executrix of the Estate but does not, however, hold title to the land. She is also seeking compensation for the developer's plan to locate part of the asset protection zone for the 'eco' resort over the unmade road. Ms Marzouk's planned sale has caused dispute amongst Edith Wolstenholme's descendents with other members of the family strongly opposed to the 'eco' resort.

Then Minister for the Environment, Mark Speakman, advised the NSW Parliament last year that the NPWS does not recognise the Estate of Edith Wolstenholme as the owner of the unmade road reserves.

The Spring Gully Protection Group calls into question the decision by NPWS to exhibit the proposed gift of this land given that ownership of the land is in dispute. Furthermore, the group has obtained expert legal opinion that the proposed plan of subdivision of the unmade roads, which NPWS also exhibited, is illegal.

The Spring Gully Protection Group has obtained documents under freedom of information law (the Government Information Public Access Act, or GIPA Act) which reveal that internal approval to purchase the 'eco' resort site was made by NPWS in 2013 but that the purchase decision was not pursued when the then Acting Area Manager for the Royal National Park wrote an internal memo stating that the NPWS should avoid "compromising" then Minister for the Environment, Robyn Parker. While the context of this comment remains a mystery, documents obtained by the group reveal that the NPWS was involved in the developer's plans for a private commercial 'eco' resort on the land prior to Scouts sale of the land in 2013.

A report prepared for Sutherland Shire Council in 2013, marked "draft and confidential", which the Spring Gully Protection Group viewed under freedom of information law (the GIPA Act) ranked the former Scout land at the bottom of 25 potential tourist accommodation sites assessed. The highly environmentally sensitive and constrained site was scored 2 out of 10 for tourism accommodation potential.

Later in 2013, following the sale of the land to the developer, Sutherland Shire Council convened a stakeholder meeting seeking cooperation from NPWS over arrangements to make available an alternative, more environmentally suitable already cleared site to locate the fire refuge and associated asset protection zone required for the 'eco' resort proposal. The NPWS, however, walked away from those talks stating they do not do land deals.

Media Contact:

Mark Da Silva,  
Spokesperson,  
Spring Gully Protection Group,  
Sutherland Shire Environment Centre.  
0423 112 114  
02 9527 9327  
[mark.dasilva@springgully.org](mailto:mark.dasilva@springgully.org)

[www.springgully.org](http://www.springgully.org)  
[www.facebook.com/SpringGullyProtectionGroup](https://www.facebook.com/SpringGullyProtectionGroup)