



# Review of Environmental Factors

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## Observation Point

## Infrastructure upgrade

October 2021

# Review of Environmental Factors

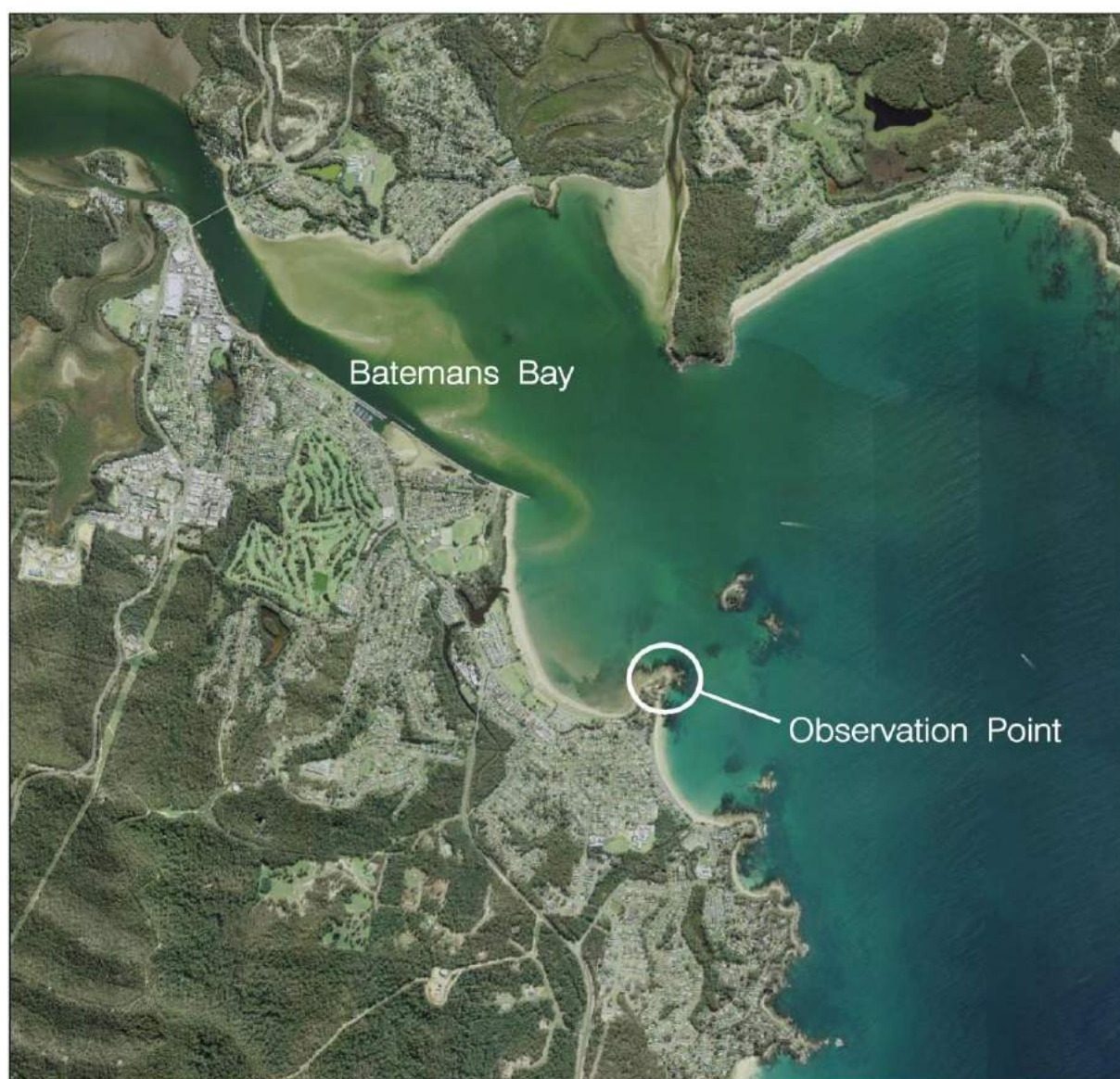
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# Proposal

Council proposes to upgrade the existing car park, paths, garden beds and viewing areas at Observation Point, Batemans Bay. The works are needed, as the headland infrastructure is aged, and natural areas are eroded. The new paths will also meet inclusive and accessibility guidelines. There are also many informal tracks which people use to access the views, which will be blocked off and rehabilitated. The second small car park will be turned into an Aboriginal interpretation/ garden picnic area and the entrance to the headland will be changed so that it has capacity for bus parallel parking.



**Image 1:** Location plan





**Image 2:** Existing car parking area

## Objective

The aim of the Project is to enhance the natural area by stopping erosion and runoff, improve the infrastructure by upgrading and formalising carparking & pathway areas. A viewing platform and 2 additional viewing areas will be constructed. Heritage features will be installed to highlight the history value of the area and the area will be revegetated with native species of plants.

## Justification

The works are required as the headland has become degraded and overgrown. The need to undertake works to improve environmental and visitor outcomes for this site was identified in the Eurobodalla Recreation and Open Space Strategy 2018, and this planning was conducted over 2019-20. The Eurobodalla Nature Based Tourism Feasibility Study 2019 emphasised the importance of the works to provide an environmentally protected, safe and accessible site in support of nature-based tourism in the region, including its fundamental link to the planned 23km Batemans Bay Coastal Headlands Walking Trail between Observation Point and McKenzies Beach.

# Description of works

## Works include:

- Formalising the entry road and car parking areas including constructing a bus park area
- Construction of pedestrian pathway linkages (both concrete and stabilised roadbase) to various locations throughout the reserve including the car parking areas and along the entry road to connect to the Observation Ave pathway and access to the Viewing Platform
- Construction of a viewing platform in the north-eastern extent of the reserve. (A geotechnical bore is required to determine a suitable foundation design for the viewing platform)
- Replace the existing north-eastern carpark area with a heritage focused interpretation area pathways, a picnic shelter and extensive native landscaping to create a greenspace environment
- Extension of a water supply line to the new landscaped picnic area for maintenance purposes
- Construction of 2 raised concrete viewing areas (western & southern)
- Installation of safety fences along sections of pedestrian pathways where deemed required



Figure 1. Proposed works





**Image 3:** Typical landscaping adjacent to pathways



**Image 4:** Typical stabilised DGS path



# Work Method Statement

## Pathways

- The pathways will be constructed typically close to the existing surface (with minimal excavation). The ground needs to be made clear of vegetation matter, roots etc. for a sufficient width. Some small bushes will need to be trimmed or removed
- Install formwork by hand
- In-fill with compacted DGS or concrete as required (compact DGS with roller/wacker packer).
- After path constructed, backfill to path edge with topsoil using bobcat or mini excavator & by hand
- Prepare ground and install small growing native vegetation & mulch adjacent to path

## Safety fencing (adjacent to specific sections of pathways)

Various sections along the concrete pathways are very close to the cliff edge and require safety fencing to prevent users from falling.

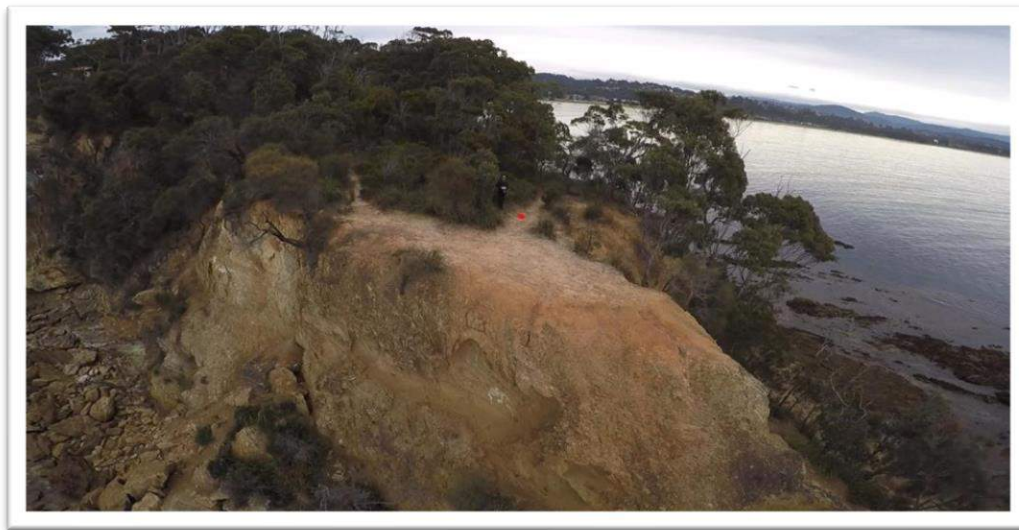
Typically, the fence will be constructed using Hardwood posts concreted into the existing ground @ 2.4m cts with PVC coated chain wire mesh attached. Epoxy coated galvanised pipe rails for mesh support. The concrete footing required would be 450mm x 450mm x 600mm deep. Spoil from the footings could be used for the rehabilitation work patching along the path. **Image 5:** Safety Fence (Style guide only)



**Image 5:** Safety Fence (Style guide only)

## Geotechnical investigations

To assess the structural requirements for the Viewing Platform foundation, a geotechnical bore hole will be required near the Viewing Platform area. Typically, the equipment used would be a small bore drilling rig fixed to a 1.5m wide mini excavator or similar. The rig would access the location via the 2m wide cleared area for the concrete path. Creating minimal disturbance to existing vegetation. Sediment control measures would be installed around the test area. The exact location for the test hole will be determined by the Geotechnical Engineer.



**Image 6:** Location for bore hole



**Image 7:** Mini excavator with drill rig attachment





**Figure 2:** Viewing platform

The Viewing Platform will be constructed using a cantilevered galvanised steel sub frame, fixed to reinforced concrete base blocks. Decking support will be galvanised bearers and joists and a combination of decking materials including fibre reinforced plastic grating and composite timber decking planks.

The reinforced concrete base support blocks (to be designed) would typically be cast in-situ. To key the structure into the existing ground they will require excavation (amount to be determined by the Structural Engineer).

The concrete would be pumped from concrete trucks parked in the carpark area. The steel support beams will be fabricated off site and brought in via the 2m wide path and placed using a small jib crane. The remainder of the structure would be manhandled via the path. The approach ramp will be constructed using treated pine sub structure (posts and bearers). Grated FRP mesh will cover the surface of both the ramp and Viewing Platform. Stainless steel handrail will be fixed to the ramp and Viewing Platform.

## Construction of car park

- Removal of vegetation, existing bitumen seal, topsoil and humic matter
- (this would be stockpiled for future re-use on this site)
- Box out access road and car park area
- Construct the concrete edge strip

- 'Select' fill placed and compacted to create a suitable subbase
- Road base material placed and compacted on the subbase to create the new pavement
- Car park and carriageway area will be sealed and line marked
- Install timber bollards to carpark
- All adjacent disturbed areas will be revegetated

## Heritage Interpretive area

- This area will be suitably levelled as required to maintain accessible grades for construction of pathways and the shelter slab
- The concrete slab for the shelter & concrete feature seating etc. will be formed up and constructed
- Large boulder features will be installed within the garden area
- Suitable signage and interpretive features will be installed
- Construct the stabilised DGS pathways within the garden areas
- Areas for garden beds will be prepared for planting
- Import soil and mulch for beds
- Install vegetation and cover with mulch



# Impacts and Mitigation

## Biodiversity

The works require minimal clearing and habitat disturbance as the majority of the construction area is bare earth partly sealed carpark with various informal pathways weaving throughout the headland.

To construct the paths, minimal vegetation clearing will be required. An estimated total area of 120m<sup>2</sup> will be cleared for the paths and 10m<sup>2</sup> for the Viewing Platform. No hollow baring trees will be removed. Logs from clearing small trees can be cut and placed on the ground. Crowns will be used on site to stabilise bare areas. Root balls and other waste materials will be taken to the Surf Beach Waste Management Facility.

## Heritage

The headland contains an Aboriginal site AHIM site no: 58-4-1343 and an AHIP is required to allow harm to objects. No works can take place until the AHIP is issued and once issued all Conditions must be adhered to during works. This AHIP permit has been granted, AHIP number 4725. The construction crew will need to be briefed on the AHIP by the Project Manager as part of induction. The Aboriginal Cultural Heritage Assessment Report has recommended that there will be areas that are protected from the proposed development. These areas will need to be fenced as 'no go zones' prior to construction. Monitoring by an Aboriginal representative will also be required during various stages of excavation works. The project Manager will arrange this monitoring with the local Aboriginal Land Council.

## Noise

There may be some noise disturbance to wildlife during construction, but this would only be temporary.

There will be noise and dust during construction and Council will notify all residents prior to construction. Council will use a water cart where necessary to suppress dust. All machinery will be turned off when not in use, rather than left idling and reversing manoeuvres will be reduced as much as possible to minimise nuisance noise to neighbouring properties. All works will be between Council normal operating hours.

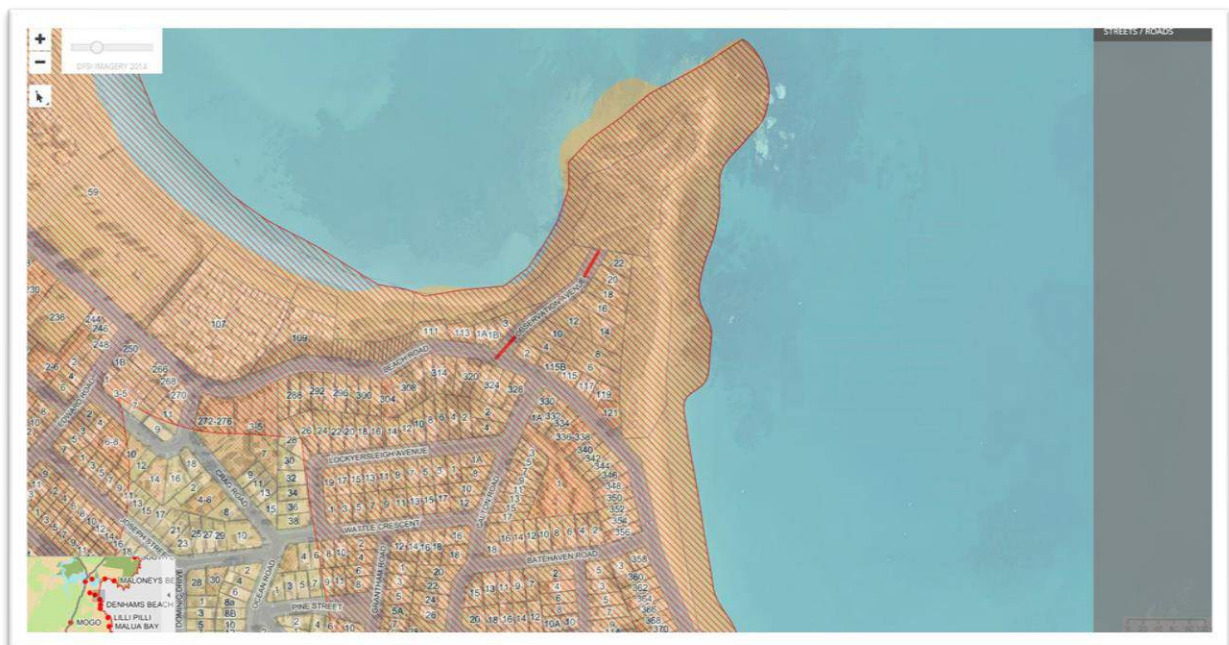
## Site rehabilitation

A large part of the works involve site rehabilitation, including the restoration and planting out of eroded areas and changing the existing northern car park area into a green area garden setting with a picnic shelter.

- a. During works, spread excess soil from works on eroded informal paths and eroded patches. Extra soil may also need to be brought in, this will need to be VENM classified soil, so that no foreign seeds or pathogens are brought to the headland.
- b. All bare areas are to be planted out with native plants and grasses which will require regular watering and maintenance by ESC Parks. No non-native plants are to be used as these may invade the neighbouring forest area.
- c. There is minimal excavation required for site rehabilitation works.

## Coastal Management SEPP 2018

The works are within the Coastal Use Area of the Coastal Management SEPP 2018 (Image 8) which requires special consideration of potential impacts on the access, amenity and heritage of the coastal area.



**Image 8:** Coastal Management SEPP 2018 – Coastal Use Area

## Access

There may be temporary disruptions to headland access during works however the car parking, viewing platform and path facility is likely to improve accessibility to the area by providing upgraded infrastructure. The viewing platforms will provide a safer means of taking in the views.



## Amenity

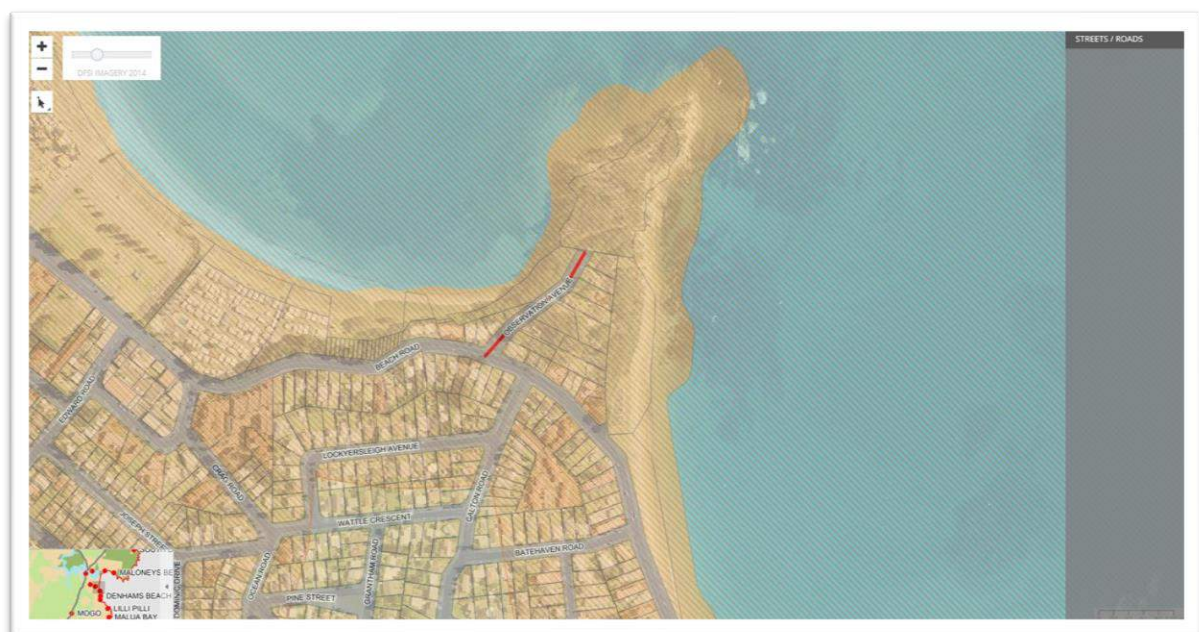
The amenity will be improved by the development by creating formal pathways and a viewing platform which will reduce the number of informal pathways currently degrading the headland.

## Heritage

There are no European heritage items listed on the Eurobodalla LEP, NSW State Inventory or the Commonwealth Heritage database within the footprint or adjacent to the development.

In pre-European times the headland would have been a campsite and lookout for Aboriginal people. Today, evidence of this occupation is found in the known midden site (which has been destroyed by the current car park), stone artefacts and ochre site on the headland. The car park upgrade works are unlikely to further harm the midden site as the works will not go below the ground surface level. The path and viewing platform works will cause partial harm to the stone artefacts on the headland. Council has been granted an AHIP permit, AHIP No. 4725, from Heritage NSW to allow the harm of certain Aboriginal objects.

The works are also within the Coastal Environment Area of the Coastal Management SEPP 2018 (Image 9) which is basically a strip of land 500m from the marine environment and requires special consideration of potential impacts on the biophysical, hydrological and ecological environments, environmental values and natural processes of that zone.



**Image 9:** Coastal Management SEPP 2018 – Coastal Environment Area.

## Biophysical

The biophysical environment is the living (biosphere) and non-living (atmosphere, lithosphere and hydrosphere) components of the environment. Part of the headland is sealed with a car park which would have had a detrimental effect on the life in the soil and the movement of water through the soil layer below the car park. However, Council will be replacing the north eastern carpark area with gardens and rehabilitating bare earth areas by planting trees, shrubs and native grasses which will improve the biophysical characteristics of the headland.

## Hydrological and Ecological environments

Hydrological environment refers to the physical movement of a body of water, including changes in water level, flow, and other dynamic processes such as surface runoff. The car park has been designed to follow the existing contours of the headland and should not change surface flows significantly.

The ecological environment refers to the interaction of living things. The land is semi cleared to forested and the upgrade has been designed to fit in with the forested surroundings. There will be very little clearing involved as part of the works and there will also be areas which will be replanted which will enhance the ecological value of the headland.

## Environmental value

As for the ecological value, the upgrade will fit in with the forested surroundings and not detract from the environmental value of the headland. The environmental value will be improved in places by the replacement of the old north eastern car park with a new garden space including rehabilitation works in bare areas all over the headland.

## Natural processes

The works are likely to restore the natural processes creating a stable vegetation system to the headland. Other natural processes like erosion of the crumbly cliffs are likely to continue.

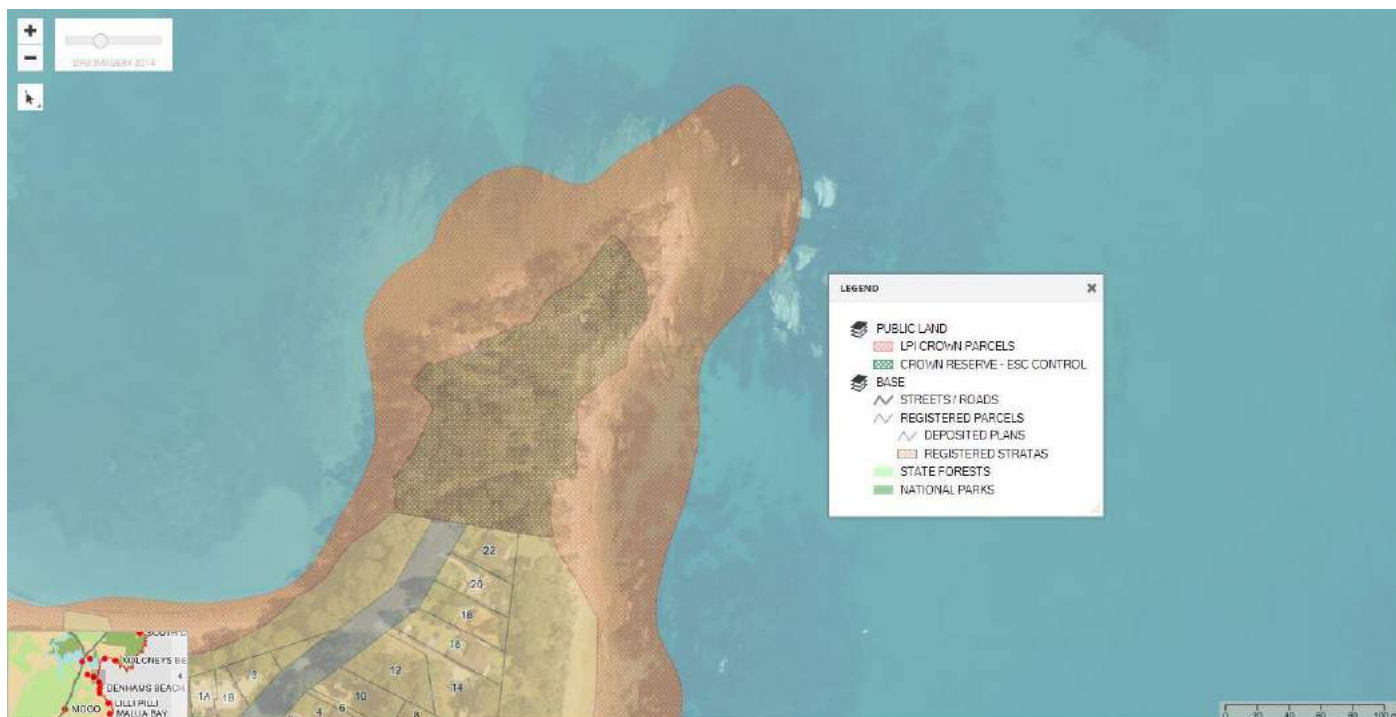


# Coastal Management SEPP 2018 Summary

In terms of how the development affects the coastal use and environmental aspects of Observation Head, the proposed works align very well with the aims of the SEPP which are to protect the natural values of the coastal zone and will provide an overall improvement to the natural value and processes of the coastal zone on Observation Point with many eroded areas restored with vegetation cover and the replacement of an old carpark with a new garden area.

## Land Tenure

Observation Point is Crown land with the inner section under ESC control and the outer section under Crown land control (Figure 13.)



**Image 10:** Crown land and ESC controlled Crown land boundaries.

## Crown Land

Because the headland is partly Crown Land under ESC control and partly Crown Land only, Council is required to gain a licence from NSW Crown Lands for construction on the Crown Land only part of the headland (Appendix A shows advice from Crown Lands). Crown Lands require a copy of the REF in order to assess the application for

licence. On completion of this REF, Council will be forwarding the application for a construction licence to Crown Lands.

## Native Title

ESC has done a Native Title check/notification on the Crown Land under ESC Control (Appendix C shows result of Schedule C Native Title enquiry ) and there were no comments issued from Native Title Corps. Crown Land will complete the Native Title check over the Crown land only section of headland.

## Aboriginal Land Claim

There is an Aboriginal Land Claim on the headland by Batemans Bay LALC and NSW LALC. NSW Crown Land has requested that ESC gain a Letter of Consent for construction from the BBLALC and the NSW LALC (Appendix A).

In late 2019 and early 2020, ESC Tourism and Recreation carried out consultation several times with BBLALC and Mogo LALC, who were supportive of the Draft Plans as shown in meeting minutes in Appendix D. ESC Infrastructure Services have also requested a letter of consent from BBLALC throughout 2020, but BBLALC said they need to hold a board meeting first and have been unable to hold the meeting due to COVID.

Going forward on this issue, ESC proposes to carry out construction based on the ESC Tourism and Recreation consultation supportive meeting minutes, and that the NSW Crown also accept these minutes as an indication of support for construction from the Aboriginal community.

# Planning Framework

The works are permissible under the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) and section 94 of the ISEPP permits development for the purpose of recreational infrastructure facilities to be carried out by or on behalf of a public authority without development consent on any land. Eurobodalla Shire Council is the proponent and determining authority.

This REF has been prepared in accordance with Sections 5.5 and 5.7 of the EP&A Act and Clause 228 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg) which requires Council to examine and take into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of that activity.



In accordance with the Environmental Planning and Assessment Act 1979, the following factors have been considered in assessing the likely impact of this activity on the environment.

## **Does the work proposed:**

### **a) Have any environmental impact on a community?**

The works will be carried out during normal Council operating hours from 7am to 4pm with the car park being closed to the public for periods during construction.

There is likely to be dust and noise during works, but works will be conducted in accordance with the ESC Construction Management Guide:

- Monday to Friday - 7am to 4pm
- Saturday - 8am to 1pm
- Sunday & Public Holidays - No works (other than inspection and essential work to maintain the road in a trafficable condition)



Any work outside of these hours would require appropriate advice to local residents, approval of the Divisional Manager Works and notification of the NSW EPA.

**b) Cause any transformation of a locality?**

Yes, there will be a positive transformation toward a more natural setting for the headland with bare eroded areas being replaced with vegetation and the old northern carpark replaced with a new garden picnic area. The car park and some of the existing paths will be formalised, whilst other paths will be revegetated and closed. The eroded viewing area will have a fenced viewing platform.

**c) Have any environmental impact on the ecosystems of the locality?**

**Headland**

Parts of the headland, such as the high use areas, have become degraded with erosion and require rehabilitation. The proposed works will improve these areas with new garden beds and renourishment and plantings of bare areas. The works do require some understorey vegetation clearing (approx. 120m<sup>2</sup> in total) to construct all the paths but there will be other areas which are currently cleared which will be planted out.

The vegetation community is Yellow stringybark- coastal grey box shrubby open forest on the coastal ranges, south east corner which is not overcleared.

**Clyde River**

The works are adjacent to the Clyde River and a Habitat Protection Zone of the Batemans Marine Park. The waterway will be protected from siltation by implementation of Standard erosion and sediment control devices as listed in the Blue Book (Soils and Construction, Volume 1, 4th Edition, Managing Urban Stormwater, Landcom, March 2004).

Council will implement the following measures to mitigate negative impacts on the waterway:

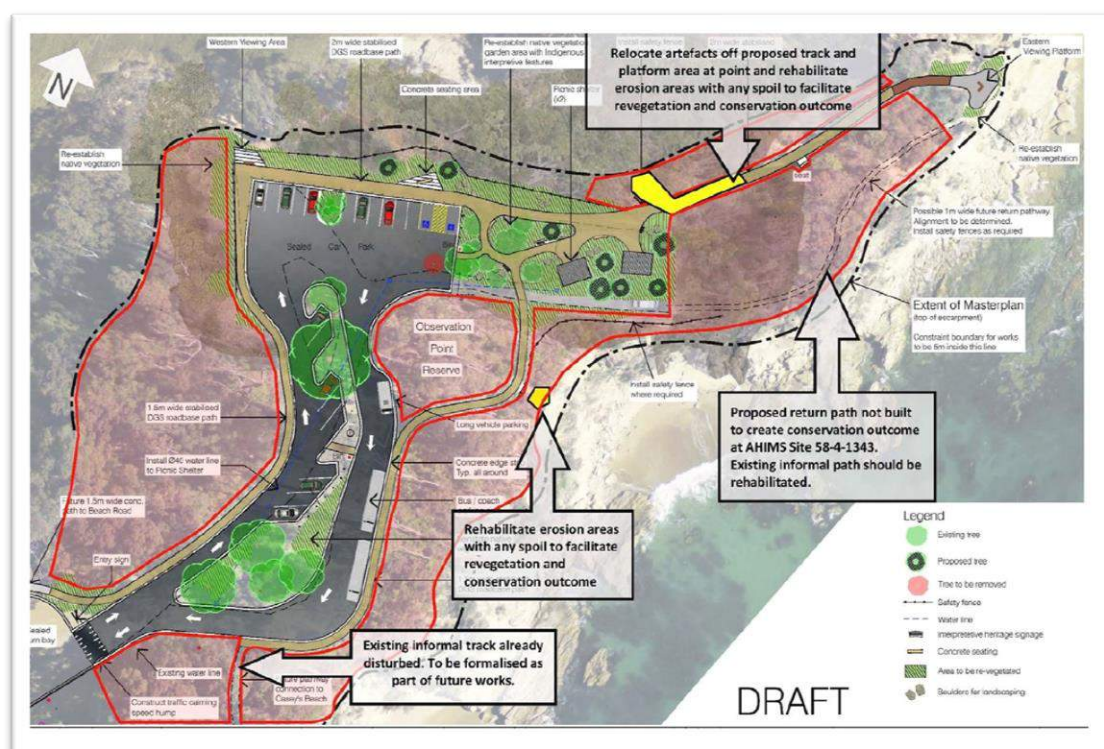
- Stockpiling to be 50m from the waterway
- Refueling of equipment to occur at the designated refueling site 50m from the waterway
- Spill kit to be onsite during works
- Bunding of stationery machinery working adjacent to the shore
- Designated concrete wash down basin near the refueling site
- Because Council is working in a natural setting, any fill material brought onto the headland will be VENM i.e.: free of contaminants, seeds and pathogens, including asbestos

**d) Have a reduction of the aesthetic, recreational, scientific or other environmental**

Council will be re-planting bare areas with trees and native vegetation to improve the aesthetic and environmental quality of the car park area.

There are no European heritage items listed on the Eurobodalla LEP, NSW State Inventory or the Commonwealth Heritage database within the footprint or adjacent to the development. In pre-European times the headland would have been a campsite and lookout for Aboriginal people. Today, evidence of this occupation is found in the known midden site (which has been destroyed by the current car park), stone artefacts and ochre site on the headland.

The car park upgrade works are unlikely to further harm the midden site as the car park works will not go below the ground surface level. The path and viewing platform works will cause partial harm to the stone artefacts on the headland and Council is seeking an AHIP (see boundary Figure 4) from Heritage NSW to allow the harm. This AHIP, AHIP 4725, was issued on the 5<sup>th</sup> March 2021. The ACHAR recommends certain areas on the headland be protected from further development which Council supports (red areas Figure 4).



**Figure 4:** AHIP boundary. Note red shaded areas are no development zones.

**f) Have any impact on the habitat of protected or endangered fauna (as per NPW Act 1974)?**

Unlikely as the works require removal of 120m<sup>2</sup> of undergrowth vegetation to form the 2m wide path to the viewing platform and some clearing for the carpark area. The vegetation on the headland will be enhanced by plantings and regular maintenance.

**g) Cause any endangering of any species of animal, plant or other form of life whether living on land, water or air?**

Land clearing is a listed Key Threatening Process under the NSW BC Act. There should be minimal impact to the environment during construction and all “no go zone” vegetation and Archaeological areas will be fenced prior to works starting. There will be 120m<sup>2</sup> of understorey vegetation, with no large trees, cleared for the path to the viewing platform. Two large trees will be removed from the car park but no other clearing is required.

**h) Cause any long-term effects on the environment?**

Potential short term impacts will be ameliorated by the implementation of an Erosion and Sediment Control Plan. There are many sheet erosion areas on the headland which require restoration. The site will be restored as part of the works to prevent and reduce long term erosion of the site and sediment entering the Clyde River.

**i) Cause any degradation of the quality of the environment?**

Unlikely as the works will improve the natural amenity of the forested areas.

**j) Cause any risk to the safety of the environment?**

The work aims to improve the safety standard of the car park by formalising the parking arrangements and improving access and manoeuvrability in the area. The paths and viewing platform will be fenced thus reducing the risk of falls from the cliff areas.

**k) Cause any reduction in the range of beneficial uses of the environment?**

The proposed works will enhance the current recreational amenity of the area with the improved access and parking arrangements and restoration of bare eroded areas.

**l) Cause any pollution of the environment?**

During construction there is potential for dirty water runoff from bare areas, but Council will prepare and implement an Erosion and Sediment Control Plan which will include measures such as the installation of sediment fences, silt traps in kerb and gutter,



protection of stockpiles and revegetation of bare areas immediately following works. If inclement weather is predicted all bare surfaces will be wrapped in white waterproof geofabric to minimise erosion.

**m) Have any environment problems associated with the disposal of waste?**

No spoil is to leave the site as it may contain Aboriginal artefacts. Any extra spoil will be reused on site as fill for restoration works for paths and bare eroded areas. All spoil will be stored on site in a designated area which will be protected by sediment control measures and at least 50m from the waterway. Other waste such as vegetation will be mulched and reused on site.

**n) Increase demands on resources (natural or otherwise) which are, or are likely to become, in short supply?**

No. Clean VENM fill, cement, decking, rock, gravel, and bitumen are the main materials required for the works and are not in short supply.

**o) Have any cumulative environmental effect with other existing or likely future activities?**

Unlikely as the works are an upgrade of existing infrastructure and require little land clearing. The viewing platform will improve the eroded headland by providing a formalised platform for viewing the water.

**p) Any impact on coastal processes and coastal hazards, including those under projected climate change conditions.**

The works are on a headland and above coastal erosional processes.

In accordance with the Environment Protection and Biodiversity Act 1999, the following factors have been considered in assessing the environmental impact of this activity.

**Does the proposed works:**

**a) Have any environmental impact on a World heritage property?**

No.

**b) Have any environmental impact on wetlands of international importance?**

No.

**c) Have any environmental impact on Commonwealth listed threatened species or ecological communities**

No

**d) Cause any environmental impact on Commonwealth listed migratory species?**

No.

**e) Does any part of the proposal involve a nuclear action?**

No.

**f) Have any environmental impact on a Commonwealth marine area?**

No.

**g) Have any direct impact on Commonwealth Land?**

No.

# Conclusion

The infrastructure upgrade and natural area enhancements will provide improved amenity and environmental quality of the headland. The headland is also an important place for the Aboriginal community and Council has consulted closely with the BBLALC and Mogo LALC during the planning phase to develop a plan of works which will protect the tangible and intangible values of the site and also allow improvements to existing infrastructure.

During construction there are several issues which will need to be managed as listed below:

## **Erosion and Sediment Control Plan (ESCP)**

The works require a ESCP which will need to include best practice controls and restoration as per the Blue Book to minimise dirty water runoff, as the works are in close proximity to a Habitat Protection Zone of Batemans Marine Park, which are sensitive receiving waters. There are heavy penalties, for contamination of watercourses, from the EPA under the POEO Act. All bare areas caused by construction will need to be restored with plantings prior to works finishing.

## **Construction Environmental Management Plan (CEMP)**

The works require a CEMP describing:

- the methods used during construction to manage environmental issues
- site plan showing which areas require vegetation and archaeological no go zone fencing
- Site plan showing site office, stock piling, machinery parking and concrete wash down areas
- Risk assessment environmental table

## **Vegetation restoration and rehabilitation**

Revegetation will include planting only native species of shrubs, grasses and groundcovers. Prior to works, removal of exotic species of flora will occur in the “no development areas” and be revegetated with native species. Rehabilitation will also include discontinued paths and eroded areas. Restoration works will also involve restoring the old car park and constructing a new picnic area. Restoration and rehabilitation works will increase the natural resilience of the area and enhance the overall native biodiversity of flora. Refer to appendix G for methodology and species list.

## **Aboriginal Heritage**

There is a known Aboriginal site on the headland which will require an AHIP to allow harm to the site. The works have been reduced to minimise the impact to the soil on the headland and many areas have been put aside in the ACHAR as “no development areas”. The path and



viewing platform works will cause partial harm to the artefacts on the headland. Council has been issued an AHIP from Heritage NSW to allow the harm. Monitoring of the area will also be required by an Aboriginal representative during particular stages of excavation works. This will be arranged by the Project Manager through the BBLACL.

### **Crown Land**

The headland is Crown Land partly under ESC control and partly under Crown Land control. Council is required to gain a licence from Crown Lands for construction on the Crown Land only part of the headland.

### **Native Title**

ESC has done a Native Title check/notification on the Crown Land under ESC Control and there were no comments issued. Crown Land will complete the Native Title check over the Crown land only section of headland.

### **Aboriginal Land Claim**

There is an Aboriginal Land Claim on the headland by Batemans Bay LALC and NSW LALC. NSW Crown Land has requested that ESC gain a Letter of Consent for construction from the BBLALC and the NSW LALC (Appendix A).

In late 2019 and early 2020, ESC Tourism and Recreation carried out consultation several times with BBLALC and Mogo LALC, who were supportive of the Draft Plans as shown in meeting minutes in Appendix D. ESC Infrastructure Services have also requested a letter of consent from BBLALC throughout 2020, but BBLALC said they need to hold a board meeting first and have been unable to hold the meeting due to COVID.

Going forward on this issue, ESC proposes to carry out construction based on the ESC Tourism and Recreation consultation supportive meeting minutes, and that the NSW Crown also accept these minutes as an indication of support for construction from the Aboriginal community.

# Declaration

This Review of Environmental Factors provides a true and fair review of the proposal in relation to its potential effects on the environment.



Mark Swadling

**Design Officer**

Date: 06/10/21

I have reviewed this REF and I consider that it adequately meets the requirements of the Environmental Planning and Assessment Act 1979, and no further assessment of this proposal is required.



Joshua Aschmann

**Environmental Officer**

Date: 06/10/21

## **Appendix A – Correspondence on Crown Land procedure**

Observation Point is Crown Land with part in ESC control and part in Crown Land control. The part in Crown Land control requires certain approvals as listed this Appendix A. The dot points in the Crown Land email below are expanded in the following Appendices B, C, D, and E.

RE: Observation Point development - Crown Boundaries

Sent: 28 May 2020 8:49 AM

From: Taylor Burch

To:

[Elsa Dexter;](#)

Hi Elsa

I can't see any licences over that area.

- a) ESC will need a Crown land licence before further construction over the Crown land (not including ESC control reserve)
- b) ESC will need to do the Native Title check/notification on the ESC Control Reserve
- c) Crown land will complete the Native Title over the Crown land that's not under ESC Control
- d) The LALC consent or withdrawal will need to be provided with licence application when submitted
- e) You will also need to attach the REF with licence application for Crown land to comply under Part 5 EP&A Act

Hope that information helps

Thank you

**Taylor Burch**  
**Senior Natural Resource Management Officer**

Crown Lands | Department of Planning, Industry and Environment

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**Appendix B** – Correspondence on Crown Land licence (list item a) ESC will need a Crown land licence before further construction over the Crown land (not including ESC control reserve)

**Appendix C**– Correspondence on Native Title process for ESC controlled land (list item b)  
ESC will need to do the Native Title check/notification on the ESC Control Reserve)

From: Tia Galvin

To: Elsa Dexter

Re: Native Title Advice - Observation Point

Thu 23/07/2020 3:31 PM

Land ID: 761

Dear Elsa

A notification was sent to NTS Corp on 23 June 2020 in regard to the above.

I advise we have received no response from NTS Corp within the 28 day period.

Please do not hesitate to contact Joanne Marbrow, Property Coordinator and Native Title Manager on 4474 1330 with any further queries.

Regards

**Tia Galvin**

Trainee

Property and Commercial Services

T 02 4474 7385 | E [tia.galvin@esc.nsw.gov.au](mailto:tia.galvin@esc.nsw.gov.au)

## **Appendix D – Minutes of meeting between Steve Picton of ESC Tourism and Recreation and BBLALC to discuss draft plans for Observation Point Upgrade**

Today I met with the following reps from Batemans Bay LALC: Alisha Davis (CEO), Les Simon and Bill Davis (members).

Their feedback as follows on the draft schematic plans

### **Hanging Rock**

- They are happy with the proposed developments and layout
- They asked if the remains of Hanging Rock can be placed at the location designated for interpretive installation (I feel that this is not feasible as the remains are in the original location on private land at the Hanging Rock Motel)
- Very pleased with rehabilitation of the dune area. This is/was a birthing area and important

### **Corrigan's**

- They are happy with the proposed developments and layout
- Include designated site for interpretive installation
- Acknowledge birthing areas along the foreshore and burials now below private and commercial properties south of Beach Rd

### **Observation Point**

- They are happy with the proposed developments and layout
- Artefacts and ochre gathering areas (confidential) on the W and NW cliffs – AHIP required particularly regarding any proposed stairs
- Reference Holmes Lookout as part of the series of signalling and lookout locations in the areas

The LALC look forward to contributing to the updated plans and the POM when they become available. (Council were unable to meet with the BBLALC due to COVID restrictions. Copies of the DRAFT POM and Observation Point Masterplan were sent to the BBLALC).

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Excerpt of stakeholder consultation notes from 3 Sept 2019, relating to the time spent with 4 members of the Walbunga Elders Group:

- Areas of most Aboriginal significance within and nearby to the study area are: Hanging Rock (original location), Observation Point, beach area and dunes to the south of break wall (birthing area and meeting place) and Joes Creek (area behind Batemans Bay High School).
- Casuarinas and the Lamandra reeds in Joes Creek are the most significant trees.
- Aboriginals used to eat the internal part of the 'pig face' plant that grows in the study area.
- Can use dandelion to draw out / heal wounds.
- Observation Point was used as a strategic location to "watch country" and look towards the mouth of the river. A key location for spotting fish and observing fishermen.
- Used to attend discos at the hall at Observation Point – they were served biscuits and cordial at the discos.
- View between Observation Point and Hanging Rock is also a significant view line.
- Would like to see less trampling of vegetation.
- Would like to see signage that explains 'bush medicine' and the significant plants to the local Aboriginal stakeholders.
- Would like the significance of Hanging Rock recognised and acknowledged – suggested accessing the photos, prints & newspaper articles in the Hanging Rock Motel (which we viewed).
- Consider Aboriginal links to boat building and sawmilling to be significant to the study area and surrounding area.
- Would like to see more BBQs near the children playground at Corrigan's Reserve and BBQs/ seating/ meeting place established at Observation Point.

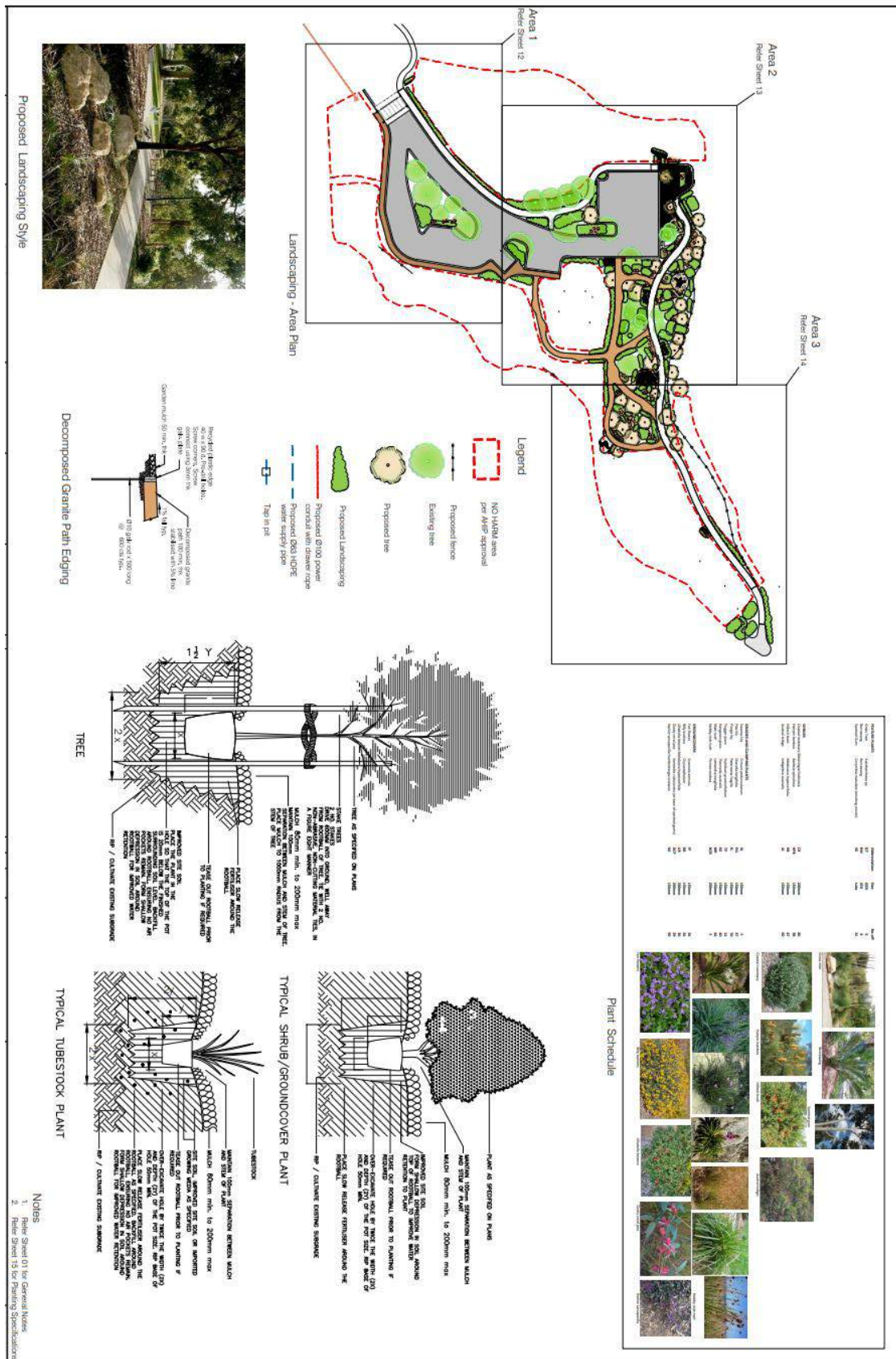


## Appendix E - Erosion and Sediment Control Plan





## Appendix F – Vegetation & Landscaping Arrangement Plan



## **Appendix G – Restoration and rehabilitation method & species list**

The natural areas will be treated with manual and chemical weed control for high risk and environmental weeds. The disturbed sites within the natural bushland areas (areas outside of the AHIP zone) will then be revegetated with tubestock in a mix of the following species:

*Dianella longifolia*

*Dianella caruelea*

*Lomandra longifolia*

*Poa spp.*

*Themeda australis*

*Westringa fruticosa*

*Melaleuca Hypericifolia*

*Banksia spinulosa*

*Acacia binerva*

*Acacia paradoxa*

*Indigofera australis*

*Correa alba*

The work will be undertaken by the Batemans Bay Local Aboriginal Land Council Work Crew.