



NSW NATIONAL PARKS & WILDLIFE SERVICE

Unicorn Falls Precinct in Mount Jerusalem National Park

Modification of a Determined Review of
Environmental Factors Addendum Report



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Environment, Energy and Science
Department of Planning, Industry and Environment
Locked Bag 5022, Parramatta NSW 2124
Phone: +61 2 9995 5000 (switchboard)
Phone: 1300 361 967 (Environment, Energy and Science enquiries)
TTY users: phone 133 677, then ask for 1300 361 967
Speak and listen users: phone 1300 555 727, then ask for 1300 361 967
Email: info@environment.nsw.gov.au
Website: www.environment.nsw.gov.au

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1. Overview

Current activity as determined under the Environmental Planning and Assessment Act

1. Construct a small camping area, carparks and toilets adjacent to Manns Road, approximately 1 kilometre north of the intersection with South Chowan Road.
2. Develop a day use area with a carpark, toilets and a walking track with formalised access to Unicorn Falls, adjacent to South Chowan Road.

Proposed modification to activity

1. The site at Manns Road, formerly proposed as a campground, will now become the main carpark for Unicorn Falls and trailhead for the multi-day walk. There will no longer be a campground as part of the visitor infrastructure improvements.
2. Deletion of the carpark and toilets at Unicorn Falls.

Note this addendum only applies to the Manns Road site as the footprint of the works at South Chowan Road (Unicorn Falls) has been reduced and impacts lessened by no longer providing facilities.

Justification for the modification

Following the public exhibition of the Unicorn Falls Precinct Master Plan, much of the feedback was to retain the character of the existing Unicorn Falls site as a low-key site. Many submitters raised concerns that the carpark capacity of the Unicorn Falls site was inadequate to act as both a trailhead for the Tweed Byron Hinterland Trails and for day visitors (only seven vehicle bays were proposed). Additional vehicles would be compromised in their ability to turn around if the carpark was full by the restrictive nature of the site. A submissions snapshot is included at Appendix 1.

The toilet and 7-vehicle carpark at Unicorn Falls will no longer be required. Only parking for a service vehicle, or for handicapped access, within the existing clearing will be retained.

A larger carpark was deemed necessary. Consequently, the Manns Road site was chosen for the visitor carpark, with visitors walking down South Chowan Road to Unicorn Falls instead.

Working largely within the proposed footprint at the Manns Road site, a 19-bay carpark has been designed which includes space for a reticulated vehicle. The number of trees to be removed with a DBH>30cm has been reduced from 18 to 9.

2. Modification of the Manns Road site

2.1 The current review of environmental factors

The Review of Environmental Factors (REF) has been prepared with reference to Landscape and Construction Drawings, dated 13 January 2020, at Appendix 5. The walking track shown connecting to the campground at Manns Road does not form part of this activity and has not been assessed in this REF.

The activity involves the construction of a camping area at Manns Road with three drive-in camp sites and four walk-in tent camp sites. Supporting infrastructure for the campground are a double stall composting toilet, an information shelter, carparking and road and pedestrian access to and

within the site. The day use facility at Unicorn Falls involves construction of a double stall toilet, a carpark and pedestrian pathway, two table seats and a walking track to the waterfall with stone steps.

The Landscape and Construction Drawings address all aspects of the project and include detailed drawings of the existing sites, demolition plans, detailed plans of the new facilities (including cross-sections, levels and grading plans) and set out plans. Detailed plans are included of the sealed vault pit toilet at Unicorn Falls, the information shelter, table seats, stone steps, bollards, dry stone walls and safety barriers. Notes to the plans address specific matters related to set out, levels, erosion and sediment control, sequence of works and demolition.

2.2 The scope of the modification

2.2.1 Modification description

Under this proposed modification, the activity will change only with regard to the formerly proposed camping area at Manns Road. This will be replaced by a carpark to act as the trailhead for the Tweed Byron Hinterland Trail and for walkers visiting Unicorn Falls (refer to Appendix 2 and 3). The overall footprint is larger (approx. 1700m² rather 1210 m² – see Appendix 4) but a more sympathetic design has enabled a reduction in the number of large mature trees that will need to be removed (from the original proposed 18 trees with a DBH >30cm down to 9 trees). As per the existing REF, temporary signage will be required for traffic management and to inform the public of the nature of the works being undertaken. Traffic management signage will be detailed in a traffic management plans which will be prepared by the contractor.

The proposed upgrade is scheduled to be completed before the end of 2021, with the tender awarded within six weeks of determination of the REF as modified by this addendum.

Category of modification

Category	Description	Action	Impact risk
B	Negligible modification as a minor variation to the activity description or method, work, application or equipment used that will result in either a positive or static environment benefit or negligible variation in the level of environmental impact that is virtually undetectable. Remains substantially the same activity.	Briefing note to determining authority with REF Addendum Report and revised determination notice referring to the modification.	Negligible

This modification is considered a Category B ‘negligible’ modification as it is minor variation to the type of activity relating to the scope and extent of works, with negligible impact risk.

2.2.2 Scope of modification to Review of Environmental Factors

Table 1 Modification table

Reference [section]	Current provision	Modified provision	Environmental value [Impact]
9.2	Native vegetation loss	Reduction in native vegetation loss	Biodiversity impacts reduced
Conclusion/Justification provided The modified design will reduce impacts on native vegetation and mature trees in particular. The number of trees required to be removed with a DBH>30cm will be reduced from 18 to 9 (see Appendix 3)			

2.2.3 Substantially the same activity

The larger footprint is offset by a bespoke design that has allowed a greater number of mature trees to be retained. All previous safeguards remain relevant.

2.2.4 Statutory concurrence and consultation requirements

Consultation for the REF was completed as follows:

- Everick Heritage undertook an Indigenous heritage assessment with members from the Tweed Byron Local Aboriginal Land Council
- Tweed and Byron Shire Councils have been consulted about the Tweed Byron Hinterland Trails Project
- The Parks and Reserves of the Tweed Caldera Plan of Management (2004) as amended (in 2010 and 2019) states:

Separate master plans are being developed to provide detailed information on the multi-day walking track route, Minyon Falls day use area, Unicorn Falls day use area and camping area, and visitor facilities in Wollumbin National Park. All master plans will be publicly exhibited and, once finalised, will guide the preparation of all environmental impact, cultural heritage, safety, social, financial and engineering assessments required by law and policy. Following public exhibition, the master plans may be adjusted to meet environmental assessment outcomes, consultation and local design issues but must still meet the requirements of this plan of management.

- A master plan (Unicorn Falls and Manns Road sites) was placed on public exhibition, and over 50 submissions received. The general intent of the submissions has led to design and use changes, necessitating this amendment to the REF for the Manns Road site.

There are no statutory consultations required in relation to the modification to the proposed activity.

2.2.5 Statutory approvals affected by the modification

The modification does not change any of the statutory approvals associated with the current REF and the activity.

2.2.6 Economic viability of the modification

The modification will reduce construction costs due to the large trees no longer required to be fallen and removed and simplified construction requirements (e.g., removing stone walling).

3. Statutory considerations

3.1 National Parks and Wildlife Act

The modification and the resulting variation to the activity are permissible under the *National Parks and Wildlife Act 1974* (NPW Act), as follows:

- The modification is consistent with the objects of the NPW Act (S.2A) as it will enhance opportunities for fostering public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation.
- The modification is consistent with the following reserve management principle for national parks
 - s.30E(2)(e) provision for sustainable visitor or tourist use and enjoyment that is compatible with the conservation of the national park's natural and cultural values

- the modification is consistent with the Parks and Reserves of the Tweed Caldera Plan of Management (2004) (as amended in 2010 and 2019).

3.2 Environmental Planning and Assessment Act

The modification and resulting variation to the activity will still comply with the *Environmental Planning and Assessment Act 1979* as the activity may be undertaken without development consent as it is on reserved land and is for a purpose authorised under the NPW Act (cl.65 Infrastructure SEPP). No other State Environmental Planning Policies (SEPPs) are relevant. The modification will reduce environmental impacts by retaining native vegetation.

Consideration of the Koala Habitat SEPP was addressed in the determined REF.

3.3 Other State or Commonwealth legislation considered

Section 3 of the determined REF addressed the following legislation:

- *Biodiversity Conservation Act 2016*
- *Rural Fires Act 1997*
- *Fisheries Management Act 1994*
- *Environment Protection and Biodiversity Conservation Act 1999* (Cwth)

The modification will not affect the application of any of these statutory instruments.

4. Impact assessment

4.1 Natural values

4.1.1 Biodiversity

Modification

The extent of impacts has been reduced from that documented in the determined REF, where the works required the removal of 18 mature trees. As noted, the loss of mature trees has now been reduced to nine for the modification and there is unlikely to result in any additional adverse risks to biodiversity that have not already been considered.

Tests of Significance ('5-part tests' under s7.3 of the *Biodiversity Conservation Act 2016*) were completed for 33 threatened fauna, one threatened plant and a threatened ecological community, and a key threatening process assessment undertaken. It was determined that the impacts of the activity could be managed by implementation of recommendations to safeguard the environment, minimise impact and avoid additional impacts. Compensatory actions were recommended to address unavoidable impacts.

Mitigation measures

The mitigation measures in the determined REF remain valid.

4.1.2 Environmental quality

Modification

The modification requires only minor or no substantial variation to the proposed works, location or methods compared to the approved proposal, other than the revised design for the carpark at Manns Road. As noted, this modification is concerned with the carpark only.

There is little likelihood of any additional risks to air quality, ambient noise, water quality, visual amenity and pollution which were not already considered in the determined REF. No additional residual impacts apply.

Mitigation measures

The mitigation measures of the determined REF require no modification

4.1.3 Geodiversity, landform, soils and hydrology

Modification

The modification requires only minor or no substantial variation to the proposed works, location or methods compared to the approved proposal, which would affect geodiversity, landform, soils and hydrology, other than the revised design for the carpark. As noted, this modification is concerned with the carpark only.

There is little likelihood of any additional risks (adverse or otherwise) to significant landscape features, soils and watercourses which were not already considered in the determined REF. No additional residual impacts apply.

Mitigation measures

The mitigation measures of the determined REF require no modification.

4.2 Cultural values

4.2.4 Aboriginal cultural heritage

Modification

The modification requires only minor or no substantial variation to the proposed works, location or methods compared to the approved proposal, which would affect Aboriginal cultural heritage (as determined via specialist assessment), other than the revised design for the carpark. The cultural values assessment covered the proposed extended footprint.

As previously noted, consultation with the local Aboriginal community was completed for the REF and no substantial issues were raised. As the modification is of a minor nature and within the existing survey footprint, no additional consultation is required.

Mitigation measures

The mitigation measures of the determined REF require no modification.

4.2.5 Historic heritage

Modification

The modification requires only minor or no substantial variation to the proposed works, location or methods compared to the approved proposal, which would affect historic heritage, other than the revised design for the carpark. As noted, this modification is concerned with the carpark only.

Mitigation measures

The mitigation measures of the determined REF require no modification.

4.3 Social values

Modification

The modification requires only minor or no substantial variation to the proposed works, location or methods compared to the approved proposal which may impact on property rights and values, amenity (due to noise, deposited dust, visual impacts, lights and traffic), or reduction or degradation of primary resources (e.g. water access, use or quality).

The modification is consistent with the general feedback received through the master planning process, and will have a positive impact on regional tourism and the local economy by improving service facilities at the trail head of the Tweed Byron Hinterland Trail (e.g. carparking, toilets, information).

Feedback to the draft master plan also included:

A number of residents and park neighbours voiced concerns that the expected increase in visitation would compromise their amenity and reduce local community wellbeing.

Concerns about visitor behaviour impacting the ‘untouched’ nature of Unicorn Falls.

Moving the carpark and trail head from the previously proposed at Unicorn Falls to Manns Road, increasing the carpark capacity, and closing South Chowan Road to vehicles so visitors walk the 1.3km to the falls, will help alleviate resident and neighbour concerns and assist in preserving Unicorn Fall’s sense of place.

The removal of proposed camp sites at the Manns Road site in the modification will be alleviated by the current upgrade and expansion of the Cutters Camp site at nearby Mebbin National Park.

Mitigation measures

The mitigation measures of the determined REF require no modification.

4.4 National Parks and Wildlife Service functions and operations

Modification

The proposed modification of the carpark would not negatively affect any NPWS infrastructure or critical operations in the locality with respect to the current level of impact.

Mitigation measures

No specific mitigation measures are necessary to avoid disruption to NPWS operations or damage to internal infrastructure.

5. Conclusion

The proposed modification will achieve the same initial objective of improving visitor facilities in the Unicorn Falls precinct, but with substantially reduced loss of mature native vegetation. All mitigation measures prescribed in the determined REF remain valid, and no additional approvals, permits or licences are required, and no additional statutory consultation is necessary.

Exhibition of the revised master plan, a targeted survey and personalised contact with key stakeholders will assist NPWS in explaining the modifications.

6. Revised technical reports, plans or designs

Attached as	Revised document title	Prepared by	Date
Appendix 1	Submissions snapshot. Public exhibition of Unicorn Falls draft master plan as part of the Tweed Byron Hinterland Trails project	Barbara Webster, NPWS	December 2020
Appendix 2	3706-1020-1 Manns Road Detailed Design	GeoLINK	5/11/2020
Appendix 3	3706-1024 C011-C012 Detailed Design Layouts mark-up	GeoLINK/ D. Moncrieff (NPWS)	26/05/2021
Appendix 4	Change in footprint, Manns Road	D. Moncrieff NPWS	28/05/2021