

Decision Statement for NPWS Proponents

REF CM9 file no. DOC25/17053

Title of proposal: **Cuttaburra NP establishment infrastructure works**
REF

Park name: **Cuttaburra NP**

Area/ NPWS Branch: **Bourke Area, Northern Inland Branch**

Proponent: **Melissa Hams, AM Bourke Area**

Based on the Review of Environmental Factors (REF) and any additional information obtained, and after having taken into account to the fullest extent possible all matters likely to affect the environment as a result of the proposed activity (in accordance with section 5.5 of the *Environmental Planning and Assessment Act 1979*), **I hereby determine that:**

Activity to proceed

Further information/assessment is not required:

- an Environmental Impact Statement (EIS) is not required as the activity is not likely to significantly affect the environment
- a Species Impact Statement (SIS) is not required as the activity is not proposed to occur on land that is part of an area of outstanding biodiversity value or critical habitat, and is not likely to significantly affect threatened species or ecological communities, or their habitats

The activity may proceed, subject to the conditions specified in the attached Schedule 1 and subject to any necessary approvals (if approval required under other legislation) being obtained first.

AND

Related matters


Further, it is considered that the proposed activity:

- ☒ **may / is unlikely to*** impact significantly on matters of **National Environmental Significance** under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- ☒ **may / is unlikely to*** impact significantly on **local council infrastructure**, including roads, water, sewer and stormwater, **local heritage items** listed by the council, and **flood patterns on flood liable land**.
 - ☐ a record of any required consultation with the appropriate council has been provided.
- ☒ **will / will not*** require certification to Building Code of Australia or Australian Standards in accordance with the NPWS *Construction Assessment Procedures*

Determination

NPWS Area Manager recommendation:

Name: Melissa Hams

Signature : 

Date: 07/03/2025

Determination by Director Park Operations, Northern Inland

I certify that I have reviewed and endorsed the contents of this REF document and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under section 170 of the EP&A Regulation, and the information it contains is neither false nor misleading.

Name: John Whittall

Signature: 

Date: 18/03/2025

Schedule 1: Conditions of Determination

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General information about this Determination

References to the REF

All references to the REF are references to the following documents:

Cuttaburra NP establishment infrastructure works REF

Responsibilities of the proponent

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

Explanatory notes to conditions in this determination

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

Determination conditions

B1. Administrative

Scope and duration of this determination

1. The proponent must have substantially commenced the activity within five (5) years from date of determination.
2. The activity must cease in its entirety, including the monitoring program within 5 years from date of activity commencement, unless alternative formal arrangements are in place with the Director, Northern Inland Branch.
3. This determination only applies to those parts of the activity as identified in the Review of Environmental Factors (REF) that will be undertaken within Cuttaburra National Park at the locations indicated in section 6. The proponent must determine whether any other approvals are required for any associated works that are to occur outside this area, including any works in other parts of the Cuttaburra National Park or outside Cuttaburra National Park.

Note: If the activity is not substantially commenced within the 5-year timeframe, this REF determination will be deemed lapsed. If this occurs the proponent must seek direction from the Director, NPWS Park Operations Northern Inland Branch as to whether a new REF must be submitted before the activity can proceed.

Emergency works

4. Notwithstanding any other conditions of this determination, in the event that emergency works are required, the proponent must take all reasonable steps to ensure that these occur as expeditiously as possible. Emergency works are generally works of a temporary and reversible nature which are urgently required to arrest an imminent threat to life, safety, public liability, and/or threat to fabric or property.
5. In the event that emergency works are undertaken the proponent must notify the Environment Line on 131555 as soon as practicable. Once notification has been made, the proponent must contact the Northern Inland Branch Director or delegate to seek direction on any further procedures to be implemented.

Undertaking the activity

6. The 'activity' detailed in the REF must be undertaken:
 - at the location identified in the REF
 - in accordance with the description of the activity and environmental safeguards or mitigation measures listed in the REF
 - as required or amended by the conditions of this determination.
7. In the event of any inconsistency between the REF and the conditions of this determination, the conditions of the determination shall prevail.
8. This determination, and the conditions of this determination, do not relieve the proponent of any obligation to obtain other statutory approvals necessary to undertake the activity, including but not limited to any approvals required under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.
9. The proponent must undertake the activity in accordance with the requirements of the *Work Health and Safety Act 2011*, including codes of practice adopted under the Act, and the Work Health and Safety Regulation 2017. Any contractors on the site are to have appropriate insurances, including public liability insurance.

Certification of building and infrastructure works prior to commencement

10. Prior to the commencement of building or infrastructure works, the proponent must ensure that proposed works are certified to comply with the Building Code of Australia (BCA) or relevant Australian Standards, if required by the OEH *Construction Assessment Procedure*. Evidence of compliance with the BCA, Disability (Access to Premises – Buildings) Standard, or Australian Standards must be submitted to the satisfaction of the Northern Inland Branch Director.
11. For those proposed works that do not require certification under the OEH *Construction Assessment Procedure*, the proponent must still ensure that the activity is undertaken in accordance with any relevant requirements of the BCA, Disability (Access to Premises – Buildings) Standards or Australian Standards, and is safe and fit for the intended purpose.

Management of asbestos-containing materials

12. Asbestos and asbestos containing material will be disposed of in a lawful manner.
13. The asbestos report attached to the REF will be provided to contractors prior to works commencing.
14. An Asbestos Register will be created and must be available to anyone involved in work at the site and updated if any asbestos is removed, disturbed, sealed or enclosed.

Availability of the REF and the determination notice

15. A copy of the Cuttaburra National Park infrastructure establishment works REF, this decision statement and the Construction Environmental Management Plan (CEMP) must be made available for inspection by all staff contractors or visitors to the construction site.

Note: To ensure that the activity is undertaken in accordance with the Cuttaburra National Park infrastructure establishment works REF and any terms expressed in this determination.

Discovery of unknown Aboriginal and historic heritage values

16. If, during the course of the activity:

- any Aboriginal objects, as defined under the National Parks and Wildlife Act, are uncovered or discovered; and/or
- any relics, as defined under the *Heritage Act 1977*, are uncovered or discovered

the proponent must cease work immediately and notify the Environment Line on 131555, unless the objects and/or relics are subject to the Aboriginal Heritage Impact Permit (AHIP) or a valid Heritage Permit. Work must not recommence until written advice to do so has been provided by NPWS.

If subject to an AHIP the conditions of the AHIP must be followed.

17. Unless explicitly covered by the REF, this determination does not authorise the disturbance or movement of any human skeletal remains. If, during the course of the activity, any human skeletal remains are located the proponent must:

- immediately cease the activity and not further harm these remains
- secure the area so as to avoid further harm to the remains
- notify the local police and Environment Line on 131555 as soon as practicable and at that time provide any available details about the nature and location of the remains
- notify the Northern Inland Branch Director or delegate, and
- recommence the activity only after receiving confirmation in writing from the local police or Heritage NSW that it is appropriate to do so.

Notification of environmental harm

18. The proponent or its employees (including any contractors) must notify NPWS of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident.

19. Notifications must be made by telephoning the Environment Line on 131555.

20. Once notification has been made the proponent must also contact the Northern Inland Branch Director or delegate to seek direction on any further procedures to be implemented.

21. The proponent must provide written details of the notification to NPWS within 7 days of the date on which the incident occurred.

Demolition

22. The proponent must carry out all demolition work in accordance with the provisions of relevant Australian Standards, including AS2601-2001 *Demolition of structures*.

23. Any demolition works involving asbestos materials must also comply with the *Protection of the Environment Operations (Waste) Regulation 2014* with regard to handling and movement of asbestos material.

24. All waste materials must be disposed of lawfully.

Certification on completion of works

25. Upon completion of building or infrastructure works, and prior to occupation of the building subject to those works or infrastructure works being made operational, the proponent must ensure that the completed works are certified to comply with the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards, or relevant Australian Standards as required by the OEH *Construction Assessment Procedure*. Evidence of compliance with the BCA, Disability (Access to Premises – Buildings) Standards, or Australian Standards must be submitted to the satisfaction of the Northern Inland Branch Director.

Site rehabilitation

26. Within 21 days of any area being damaged by vehicular or other access to the site, the proponent must repair and rehabilitate such land to the satisfaction of the Northern Inland Branch Director or delegate.
27. The proponent must only use locally sourced indigenous plant species for site restoration works, unless otherwise agreed in writing by the Bourke Area Manager or delegate.

Site Specific conditions (6.2.4 of REF)

28. Earthworks

- All contractors and NPWS staff working within the activity areas are to make appropriate enquiries to Dial Before You Dig prior to the commencement of all earthworks.
- Earth works include surface clearing, the digging of holes for signs and piers, and excavation to for the installation of a stock grid and septic. Suitable machinery will be used to ensure the digging of holes and excavations are as efficient as possible and causing the least amount of disturbance as possible.
- Excavation materials will be reused to rehabilitate areas or as fill elsewhere within the precinct.
- Where possible earthworks will not be commenced when a flood is predicted. However, once commenced, set up and implementation of sediment management devices, such as fencing, sand bags, catch drains and outlet protection structures should flooding be predicted. Work will not resume until the floodwater has passed, the ground has dried and the access road to the activity area is accessible.
- All vehicles and machinery accessing the activity areas are to be mechanically sound, and all plant and machinery used will be clean and free of soil, to prevent weed propagule spread within and nearby to the activity areas.
- All machinery work is to remain within the confines of the activity area.
- All machinery will have a spill kit, or at least a splash tray to contain all oil, fuels and chemical. In the event of spillage of oil, fuels and chemical, contaminated soil will be removed and disposed of accordingly at a landfill site. Refuelling of machinery occurs 40m away from any waterways and associated drainage lines.

29. Heritage

- Install ground level markers to identify the footprint of the original houses.
- Mark the three known sites identified in the Due Diligence report to avoid accidental disturbance.

30. Waste management

- Disposal of waste and decommissioned facilities is a significant issue.

- Where possible, practical and safe re-usable materials will be stockpiled for future use.
- Uncontaminated organic materials will be burnt on-site to reduce litter on-site and on the way to the Bourke tip.
- Asbestos and demolition materials will be disposed of in accordance with guidelines at facilities such as Bourke town tip.
- A scrap-metal merchant will be contacted to dispose of all metal waste, including car bodies etc as funds allow.
- Non-organic materials, uncontaminated with asbestos, will be managed and disposed of in a lawful manner.