



## Decision Statement for NPWS Proponents

REF file no.	DOC25/289137
Title of proposal:	Boundary management trail, fencing and dam decommissioning at Koonaburra National Park
Park name:	Koonaburra NP
Area/ NPWS Branch:	Central West Area / West Branch
Proponent:	Climate Change and Restoration Unit Manager

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:**

### 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.

### Related matters


Further, it is considered that the proposed activity:

- **is unlikely to** impact significantly on matters of **National Environmental Significance** under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- **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**.
- **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: Fiona Buchanan


Signature: 

Date: 24/2025

### **Determination by Director Park Operations, West Branch**

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: Darren Pitt

Signature: 

Date: 28/4/2025

# Schedule 1: Conditions of Determination

<b>Title of proposal:</b>	<b>Boundary management trail, fencing and dam decommissioning at Koonaburra National Park</b>
<b>Park name:</b>	<b>Koonaburra NP</b>
<b>Area/ NPWS Branch:</b>	<b>Central West Area / West Branch</b>
<b>Proponent:</b>	<b>Climate Change and Restoration Unit Manager</b>

## General information about this Determination

### *References to the REF*

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

- Review of environmental factors: Boundary management trail, fencing and dam decommissioning at Koonaburra National Park, March 2025 - DOC25/289137 (**REF**)
- Aboriginal Cultural Heritage Assessment Report: Boundary management trail, fencing and dam decommissioning at Koonaburra National Park, March 2025 - DOC25/289137-1 (**ACHAR**)
- Biodiversity Assessment Report: Boundary management trail, fencing and dam decommissioning at Koonaburra National Park, March 2025 - DOC25/289137-3 (**BAR**)

### *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.

### *Reference to NPWS officers in this determination*

The NPWS Branch Director may delegate any functions ascribed to the NPWS Branch Director in the determination to any other NPWS officer, including, but not limited to, the relevant NPWS Area Manager.

## Determination conditions

### GENERAL CONDITIONS

#### *Duration and scope of determination*

1. The proponent must have commenced the activity within 5 years from the date of determination<sup>1</sup>.
2. The activity must cease in their entirety, including rehabilitation of the activity footprint to the satisfaction of the NPWS Central West Area Manager, within 5 years from the date of

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<sup>1</sup> If the activity is not substantially commenced within this time, the proponent must seek direction from the NPWS Central West Area Manager as to whether a new REF must be submitted for determination before the activity may proceed.

commencement, unless alternative written arrangements are in place and are approved by the NPWS West Branch Director.

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 Koonaburra National Park at the locations indicated in the REF.

*Reasons<sup>2</sup>: To ensure that the activity is commenced and is completed within an appropriate timeframe.*

*To ensure that the activity is consistent with the consideration of potential environmental impacts in the REF and in accordance with relevant statutory approvals issued for the activity as described in the REF.*

### **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 West Branch Director or delegate to seek direction on any further procedures to be implemented.

*Reason: To arrest an imminent threat to life, safety, public liability, and/or threat to fabric or property.*

### **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 and Aboriginal Cultural Heritage Assessment Report (**ACHAR**)
  - as required or amended by the conditions of this determination and the Aboriginal Heritage Impact Permit (**AHIP**)
  - if undertaken by a contractor, in accordance with any requirements in the Scope of Works or works plan.
7. In the event of any inconsistency between the REF or Scope of Works and the conditions of this determination, the conditions of the determination and AHIP 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 ensure the activity is carried out 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 must demonstrate they have appropriate insurances, including public liability insurance.

*Reason: To ensure that the activity is undertaken in accordance with the REF as amended by the conditions of approval and that the activity is carried out by appropriately qualified individuals.*

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<sup>2</sup> 'Reasons' are included as a mechanism to explain the rationale of a condition to a proponent. The reason does not form a part of the condition but is included for clarity.

## PRIOR TO COMMENCEMENT OF ACTIVITY CONDITIONS

### ***Approvals and compliance***

10. Prior to the commencement of the activity, the proponent must obtain an AHIP issued under s 90 of the National Parks and Wildlife Act for the impacts specified in the ACHAR.
11. Prior to the commencement of the activity, the proponent, including any contractors, subcontractors and agents involved in undertaking the activity, must hold an on-site meeting with the Central West Area Manager (or their delegate).

*Reason:* To ensure confirmation of any site-specific arrangements for the undertaking of the activity.

### ***Aboriginal participation***

12. At least 21 days prior to the activity commencing the proponent must invite representatives from the Ngemba, Ngiyampaa, Wangaaypuwan, Wayilwan Aboriginal Corporation (as the registered Native Title Body Corporation) to monitor excavation and salvage works at sites specified in the approved AHIP.

*Reason:* To provide the Aboriginal community with an opportunity to monitor works in areas of cultural heritage significance.

## OPERATIONAL CONDITIONS

### ***Availability of REF determination and conditions***

13. A copy of the REF, this determination and attached schedule of conditions must be kept at the site to which the REF applies and published on the Planning Portal.
14. The REF, this determination and attached schedule of conditions must be produced to any authorised officer of NPWS who asks to see it.
15. The REF, this determination and attached schedule of conditions must be available for inspection by any employee or agent of the proponent working at the site.

*Reason:* To ensure that the activity is undertaken in accordance with the REF and in accordance with relevant statutory approvals.

### ***Aboriginal and historic heritage values***

16. An ACHAR has been prepared to understand the extent of impacts to Aboriginal cultural heritage as a result of the proposed activity. The proponent (including any contractors) must follow all safeguards and mitigation measures identified in the REF, ACHAR and AHIP including marking of 'no-go' areas to protect sites in proximity of the works.
17. An update report is to be provided to the Registered Aboriginal Parties (RAPs) specified in the ACHAR every 6 months which describes project progress.
18. 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 discoveredthe 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 or a valid Heritage Permit. Work must not recommence until written advice to do so has been provided by Heritage NSW.
19. 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 West 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.

*Reason: To protect cultural heritage values*

### **Biodiversity values**

20. A Biodiversity Assessment Report (**BAR**) has been prepared to understand the extent of impacts to biodiversity values as a result of the proposed activity. The proponent (including any contractors) must follow all safeguards and mitigation measures identified in the REF and BAR.
21. Prior to commencing clearing, the proponent must clearly mark the areas not approved for clearing via stakes or other suitable markers as identified in the REF.
22. All hollow-bearing trees within the clearing footprint are to be identified and marked. The removal of these trees must accord with the clearing protocol outlined in the REF and BAR.
23. If, during the course of undertaking the activity, the proponent becomes aware of the presence of threatened species or endangered ecological communities, or their habitats, that were not identified and assessed in the REF and which are likely to be affected by the activity, the proponent must:
  - immediately cease all work likely to affect the threatened species or endangered ecological communities, or their habitats
  - inform the NPWS West Branch Director or delegate and/or the local NSW DPIRD Fisheries office (for threatened fish) as relevant. Notification must be made as soon as practicable by phone, electronically or in writing, and
  - not recommence work likely to affect the threatened species or endangered ecological communities, or their habitats until receiving written advice from the NPWS West Branch Director and/or DPIRD Fisheries to do so.

*Reason: To minimise biodiversity impacts.*

### **Notification of environmental harm**

24. The proponent (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.
25. Notifications must be made by telephoning the Environment Line on 131555.
26. Once notification has been made the proponent must also contact the NPWS West Branch Director or delegate to seek direction on any further procedures to be implemented.
27. The proponent must provide written details of the notification to NPWS within 7 days of the date on which the incident occurred.

### **Equipment and materials storage**

28. The proponent must store any machinery, equipment or materials required for the activity in existing cleared areas away from known Aboriginal sites to be agreed in negotiations with the Central West Area Manager or their delegate.

29. Machinery, vehicles and other construction equipment must be cleaned (e.g. washed down) prior to entry into Koonaburra National Park to remove any soil or plant matter.

*Reasons: To reduce the risk of weed invasion and to ensure that equipment is stored and secured in suitable locations.*

### **Fire prevention and control**

30. If the Fire Danger Rating is High or above, works associated with a sparking or ignition source are to be managed according to any direction issued the NPWS Central West Area Manager or their delegate and firefighting equipment with a minimum of 400L of water must be present on site to extinguish fires.

31. Firefighting foams or gels are not to be used in firefighting operations within 50 metres of the edge of a creek, swamp or freshwater lake.

32. Machinery which may result in sparking or ignition must not be operated during a Park Fire Ban for Koonaburra National Park or a declared Total Fire Ban for the zone which includes Koonaburra National Park.

*Reasons: To establish adequate controls to manage the risk of the activity accidentally starting a fire.*

*To ensure that fire response is undertaken quickly and in such a way as to minimise environmental and cultural heritage impacts.*

### **Incident and emergency management**

33. During an emergency or incident, the proponent, including any contractors, must ensure that all reasonable steps to arrest an imminent threat to life (persons), property and/or the environment occur, by:

- enacting the relevant emergency procedures as specified in contractor induction meetings, job safety analysis (JSA), and/or safe work method statements (SWMS)
- notifying local NPWS staff and relevant emergency services, depending on the nature and severity of the event
- following immediate and initial directions given by an emergency services authority or the Central West Area Manager or their delegate
- enacting measures as instructed to protect or arrest damage to the environment or to the reserve and its infrastructure
- notifying NPWS in writing of the details of the emergency or incident and actions taken within 24 hours to the West Branch Director or their delegate
- recognising incidents involving hydrocarbon spills (oil and fuel) as an emergency with direct reporting to the Environment Line in 131555 and the Central West Area Manager or their delegate immediately.

### **Operational hours / Site access**

34. Work must only be conducted during daylight hours Monday to Sunday, subject to the availability of on-site field staff. Work may only occur outside these hours with prior written approval of the Central West Area Manager.

35. The proponent must take reasonable steps to limit restrictions on public access during the activity. Where access restrictions are required, such as in areas where works are under way, temporary barriers (e.g. brightly coloured tape and/or moveable barriers) and appropriate signage must be erected by the proponent around the work area prior to commencement.

*Reason: To minimise impacts on visitors to the park and park neighbours, and to support the safe undertaking of the activity.*

**Waste management**

36. Waste generated at the site from works undertaken as part of the activity must be managed in accordance with the *Protection of the Environment (Waste) Regulation 2014*.

*Reason: To ensure the appropriate management of waste material.*

*Explanatory note: For further information on managing waste see the EPA website*

**POST ACTIVITY CONDITIONS****Site rehabilitation**

37. Within 7 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 West Branch Director or delegate.

*Reason: To ensure that works sites are suitably rehabilitated following the completion of the activity.*