

Decision Statement for NPWS Proponents

REF CM9 file no.	DOC22/756324
Title of proposal:	Ngambaa proposed feral predator-free area: review of environmental factors
Park name:	Ngambaa Nature Reserve
Area/ NPWS Branch:	Coffs Coast Area/ North Coast Branch
Proponent:	Glenn Storrie

Based on the Review of Environmental Factors 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) being obtained first.

AND

Related matters

Further, it is considered that the proposed activity:

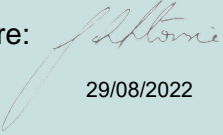
- unlikely to** impact significantly on matters of **National Environmental Significance** under the Commonwealth *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*.
- unlikely to** impact significantly on **local council infrastructure**, including roads, water, sewer and stormwater, **local heritage items** listed by the council, and **flood liable land**.
- a record of any required consultation with the appropriate council has been provided.

- will not** require certification to Building Code of Australia or Australian Standards in accordance with the NPWS *Construction Assessment Procedures*

Recommendation for determination

NPWS Area Manager recommendation:

Name: Glenn Storrie

Signature: 


Date: 29/08/2022

Determination

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.

Determination by Director Park Operations, North Coast Branch*

Name: Russell Madeley

Signature: 

Date: 4/10/2022

NEXT STEPS

If proposal to proceed:

- Provide determination notice to proponent
- Register determination outcome

If proposal not to proceed:

- Advise proponent, provide reasons and discuss alternatives (if applicable)
- Register determination outcome

Schedule 1: Conditions of Determination

REF DOC No. from CM9	DOC22/756324
Title of proposal:	Ngambaa proposed feral predator-free area: review of environmental factors
Proponent:	Glenn Storrie
Park name:	Ngambaa Nature Reserve
Area/ NPWS Branch:	Coffs Coast Area/ North Coast Branch

General information about this Determination

References to the REF

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

- Ecological assessment for Ngambaa Rewilding project
- Historic cultural heritage assessment for Ngambaa Rewilding
- Aboriginal cultural heritage assessment report (ACHAR)
- Hollow-bearing tree removal guidelines
- Review of reintroductions to Ngambaa NR

Responsibilities of the proponent

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

Transfer of REF determination

REF determinations are not transferable, except with the written approval of the NPWS Branch Director.

Inspection of work covered by this REF determination

NPWS staff not involved in the proposal's implementation may be asked by the relevant NPWS Branch Director, another senior executive or Area Manager to examine work undertaken as part of the activity at any reasonable time without notice.

Entry to land

The proponent is responsible for securing permission to enter land outside the land area identified in the REF (and subject to this determination) from the registered owner or occupier of that/those land/s.

Reference to NPWS officers in this determination

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

Explanatory notes to conditions in this determination

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

SCHEDULE 1: CONDITIONS OF DETERMINATION ISSUED {date}

GENERAL CONDITIONS

Duration and scope of determination

1. The applicant must have commenced the activity within 5 years from the date of determination¹.
2. This determination only applies to those parts of the activity as identified in the Review of Environmental Factors (REF) that will be undertaken within Ngambaa Nature Reserve. The applicant 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 Ngambaa Nature Reserve or outside Ngambaa Nature Reserve.

Emergency works

3. Notwithstanding any other conditions of this determination, in the event that emergency works are required, the applicant 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.
4. In the event that emergency works are undertaken the applicant must notify the Environment Line on 131555 as soon as practicable. Once notification has been made, the applicant must contact the North Coast Branch Director or delegate to seek direction on any further procedures to be implemented.

Undertaking the activity

5. The 'activity' detailed in the REF titled Ngambaa proposed feral predator-free area: review of environmental factors submitted to NPWS on 29 August 2022 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.
6. In the event of any inconsistency between the REF and the conditions of this determination, the conditions of the determination shall prevail.
7. This determination, and the conditions of this determination, do not relieve the applicant 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*.
8. The applicant 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 2011*. Any contractors on the site are to have appropriate insurances, including public liability insurance.
9. The applicant must provide the following to the North Coast Branch Director or delegate prior to commencement of the activity:

¹ If the activity is not substantially commenced within this time, the applicant must seek direction from the NPWS Coffs Coast Area Manager as to whether a new REF must be submitted for determination before the activity may proceed.

- the contact details and qualifications of a person who will be present on site to supervise the activity
- a list of tradespersons, contractors or subcontractors who will be involved in undertaking the activity. The list must include the trade licence number and information on the expertise and experience of the tradesperson or contractor.

PRIOR TO COMMENCEMENT OF ACTIVITY CONDITIONS

Approvals and compliance

10. Prior to the commencement of the activity, the applicant must comply with any other relevant requirements of this determination, including submission and approval of:
 - a construction environmental management plan (CEMP)
 - an incident management plan
 - an erosion and sediment control plan
 - s219 obstruct fish passage permit from Department of Primary Industries Fisheries
11. Prior to the commencement of the activity the applicant (including any employees, contractors, subcontractors and agents involved in undertaking the activity) must hold an on-site meeting with the Coffs Coast Area Manager (or their delegate).

Aboriginal participation

12. Recommendations of the Aboriginal Cultural Heritage Assessment Report (ACHAR) will be adhered to
13. All safeguards/mitigation measures specified in section 9.5 of the REF will be adhered to.

Construction Environmental Management Plan

14. A Construction Environmental Management Plan (CEMP) identifying the potential risks of the activity and how these will be managed must be prepared by the applicant and submitted to the North Coast Branch Director or delegate for approval at least 4 weeks prior to the commencement of the activity. The applicant must comply with all measures identified in the approved EMP. The plan must detail the environmental management procedures to be applied during and after the completion of the activity including, but not limited to, the following components:
 - location of active work and storage areas
 - measures to protect areas of environmental sensitivity including reporting and communication pathways
 - measures to protect Aboriginal Cultural Heritage including reporting and communication pathways
 - environmental safeguards, including water pollution controls, waste management, and management of hazardous substances
 - site rehabilitation including management of contaminated materials and soils
 - vehicle and pedestrian access arrangements, including parking
 - public safety, including location, design and timeframes of information signage and public relations media releases by the applicant

- contact protocols outlining procedures and any notifications to be given before works commence, together with contact details for the project manager and the NPWS Coffs Coast Area Manager and Ranger
- site induction and training arrangements
- site monitoring and reporting
- protocols for incidents and emergencies and contingency planning, including reporting pathways.

Incident and emergency preparedness and management

15. An Incident Management Plan must be prepared and kept on site by the applicant. The Plan must be submitted for approval of the North Coast Branch Director or delegate prior to the commencement of the activity. The applicant must implement the approved plan. The content of the plan must be developed in consultation with the Coffs Coast Area Manager and must detail procedures to be followed in the event of an emergency or similar event including bushfires. These procedures must include, but are not limited to, the following:

- measures to ensure all workers are made aware of the plan and its provisions and be trained in the use of emergency equipment and procedures for evacuation and seeking refuge
- equipment to be tested in accordance with manufacturer's recommendations during training of employees
- the plan is to be displayed in a prominent location and should clearly highlight recommended actions and 24-hour contacts
- the plan must be reviewed/updated at least every 6 months.

Signage and public notification

16. At least 14 days before the activity commences, the applicant must erect signs at the park entrance or in the immediate vicinity of the activity site, the size, location and content of which must be to the satisfaction of the NPWS Coffs Coast Area Manager. Signs must be visible and clearly identify the applicant and list:

- a description of the activity, reasons for undertaking the activity and duration of the activity
- the hours of operation
- a contact telephone number for public inquiries.

Stormwater, erosion and sediment controls

17. Prior to the commencement of the activity, the applicant must submit an erosion and sediment control plan for the approval of the Coffs Coast Area Manager. The plan must be prepared using the guidelines *Managing Urban Stormwater: Soils and Construction* (Landcom 2004)) and other relevant guidelines². The applicant must comply with the approved plan.

Vegetation management

18. Onsite inductions with contractors must provide information such as maps and GPS files to ensure vegetation management is contained within the defined corridor
19. The limits of vegetation management must be defined with stakes, bunting, temporary fencing or any other clear marking technique

² for example, the Field Guide for erosion and sediment control on unsealed roads, www.environment.nsw.gov.au/research-and-publications/publications-search/erosion-and-sediment-control-on-unsealed-roads

OPERATIONAL CONDITIONS

Availability of REF determination and conditions

20. A copy of the REF, this determination and attached schedule of conditions must be kept at the site to which the REF applies.
21. The REF, this determination and attached schedule of conditions must be produced to any authorised officer of NPWS who asks to see it.
22. The REF, this determination and attached schedule of conditions must be available for inspection by any employee or agent of the applicant working at the site.

Discovery of unknown Aboriginal and historic heritage values

23. 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 applicant 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 NPWS.
24. 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 applicant 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 North Coast 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.

Discovery of unknown biodiversity values

25. If, during the course of undertaking the activity, the applicant 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 applicant must:
 - immediately cease all work likely to affect the threatened species or endangered ecological communities, or their habitats;
 - inform the North Coast Branch Director or delegate and/or the local NSW DPIE Fisheries office (for threatened fish or marine vegetation matters) 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 NPWS and/or DPIE Fisheries to do so.

Notification of environmental harm

26. The applicant 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.

27. Notifications must be made by telephoning the Environment Line on 131555.
28. Once notification has been made the applicant must also contact the North Coast Branch Director or delegate to seek direction on any further procedures to be implemented.
29. The applicant must provide written details of the notification to NPWS within 7 days of the date on which the incident occurred.

Equipment and materials storage

30. The applicant must store any machinery, equipment or materials required for the activity in existing cleared areas or areas determined to be cleared in accordance with the REF.
31. Machinery, vehicles and other construction equipment must be cleaned (e.g. washed down) by the applicant prior to entry into Ngambaa Nature Reserve to remove any soil or plant matter.
32. At all times that the activity is not being undertaken, machinery, vehicles and equipment must be stored in a secure location with authorised access only.

Fire prevention and control

33. Machinery which may result in sparking or ignition must not be operated during a Park Fire Ban for Ngambaa Nature Reserve or a declared Total Fire Ban for the zone which includes Ngambaa Nature Reserve.

Mitigation methods and safeguards

Physical and chemical impacts

34. No artificial release of water into any drainage lines or watercourses
35. Ongoing visual monitoring of watercourses will take place throughout the activity
36. No fuels or chemicals will be stored within 100m or uphill of any watercourses or drainage lines
37. No temporary infrastructure such as traps associated with feral animal control will occur in drainage lines or watercourses
38. All machinery will be inspected to ensure in working order prior to mobilisation on site
39. All safeguards/mitigation measures specified in section 9.1 of the REF are to be adhered to

Biodiversity impacts

40. The clearing protocol for the removal of hollow-bearing trees (HBT) outlined in the REF must be followed
41. Habitat boxes or habitat hollows will be installed around the reserve to offset the loss of HBT's
42. Threatened species within 1m of the corridor will be marked and clearly avoided
43. All trees to be removed with a diameter at breast height (DBH) greater than 200mm will be felled, and repurposed around the reserve at coarse woody debris as described in Section 6.2 and 9.2 of the REF
44. All safeguards/mitigation methods specified in section 9.2 of the REF will be adhered to