



NSW National Parks and Wildlife Service

Decision statement for National Parks and Wildlife Service proponents

REF CM9 file no.:	DOC23/665856
Title of proposal:	Glow Worm Tunnel path and exit
Park name:	Wollemi National Park
Area/NPWS Branch:	Kanangra Area
Proponent:	Angela Lonergan, Area Manager Kanangra, National Parks and Wildlife Service

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* (EP&A Act), **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.

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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**
 - 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*.

Determination

NPWS Area Manager recommendation:

Name: Angela Lonergan

Signature:

Date: 11/08/2023

Determination by Director Park Operations, Blue Mountains Branch

I certify that I have reviewed and endorsed the contents of the 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: David Crust

Signature:

Date: 14/08/2023

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Schedule 1: Conditions of determination

REF DOC No. from CM9: DOC23/665856

Title of proposal: Glow Worm Tunnel path and exit

Proponent: Angela Lonergan, Area Manager Kanangra, NPWS

Park name: Wollemi National Park

Area/NPWS Branch: Kanangra Area, Blue Mountains Branch

General information about this Determination

References to the review of environmental factors

All references to the review of environmental factors (REF) are references to the following documents:

- *Glow Worm Tunnel path and exit: review of environmental factors*, NPWS, August 2023
- *Appendix A Tunnel path: detailed designs*, NPWS, March 2023
- *Appendix B Tunnel exit: refined concept designs*, Environmental Partnerships July 2023
- *Appendix C Flora and fauna assessment: Glow Worm Tunnel walking tracks and carparks upgrade works*, Wollemi National Park, KHS Ecology & Bushfire, August 2022
- *Appendix D Baseline report: infrastructure in the Glow Worm Tunnel*, Newnes, David Merritt, January 2022
- *Appendix E Impact assessment: infrastructure in the Glow-worm Tunnel*, Newnes, David Merritt, July 2023
- *Appendix F Preliminary investigations 2: Glowworm Tunnel survey*, Newnes, Wollemi National Park, Applied Ecology, 2021
- *Appendix G Glowworm Tunnel, Newnes Plateau, proposed pathway: statement of heritage impact*, Mountains Heritage, May 2023
- *Appendix H Section 60 and s 65A: delegated approval letter*, Heritage NSW, July 2023
- *Appendix I Letter RE: Glowworm Tunnel Precinct walking tracks, Newnes Plateau - Aboriginal heritage assessment*, Kelleher Nightingale Consulting, February 2023
- *Appendix J Glow Worm Tunnel: three sites quantitative risk assessment*, Jacobs Pty Ltd, April 2022
- *Appendix K EPBC Act protected matters report*, DCCEEW, January 2023.

Responsibilities of the proponent

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

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Determination conditions

Duration and scope of determination

1. The proponent must have commenced the activity within 5 years from the date of determination.
2. This determination only applies to those parts of the activity as identified in the REF that will be undertaken within Wollemi National Park at the locations indicated in Figure 1 of the *Glow Worm Tunnel path and exit: review of environmental factors*. 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 Wollemi National Park or outside Wollemi National Park.

Emergency works

3. 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.
4. In the event that emergency works are undertaken the proponent must notify the Environment Line on 131 555 as soon as practicable. Once notification has been made, the proponent must contact the Blue Mountains Branch Director or delegate to seek direction on any further procedures to be implemented.

Undertaking the activity

5. The 'activity' detailed in the REF must be undertaken:
 - a. at the location identified in the REF
 - b. in accordance with the description of the activity and environmental safeguards or mitigation measures listed in the REF, Section 9
 - c. 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 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*.
8. 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.

Prior to commencement of activity conditions

Approvals and compliance

9. Prior to the commencement of the activity, the proponent must obtain the following:
 - a. section 60 and section 65A of the *Heritage Act 1977* approval

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10. Prior to the commencement of the activity, the proponent must comply with any other relevant requirements of this determination, including submission and approval of:
 - a. a communication and incident response plan (condition 14)
 - b. an erosion and sediment control plan (condition 16).
11. Prior to the commencement of the activity the proponent (including any employees, contractors, subcontractors and agents involved in undertaking the activity) must hold an onsite meeting with the project manager (or delegate).

Certification of building and infrastructure works prior to commencement

12. For those proposed works that do not require certification under the *Construction assessment procedure*, the proponent must still ensure that the activity is undertaken in accordance with any relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards or Australian Standards and is safe and fit for the intended purpose.

Environmental management

13. The proponent must comply with all environmental management measures identified in the REF (specifically the safeguards and mitigation measures in Section 9).

Incident and emergency preparedness and management

14. A communication and incident response plan must be prepared prior to the commencement of the activity and kept on site by the proponent. The proponent must implement the plan. The content of the plan must detail procedures to be followed in the event of an emergency or similar event including bushfires.

Signage and public notification

15. At least 7 business days before the activity commences, the proponent must erect temporary signs at the park entrance or in the immediate vicinity of the activity site, detailing the location of closed areas. Signs must be visible and clearly identify the proponent and list:
 - a. a map of the activity area and closed areas for the activity
 - b. duration of the activity
 - c. a contact telephone number for public inquiries.

Erosion and sediment control

16. An erosion and sediment control plan must be prepared prior to the commencement of the activity and kept on site by the proponent. The proponent must implement the plan. The plan must be prepared using the guidelines *Managing urban stormwater: soils and construction* (Landcom 2004) and Section 5 'Tracks and related structures' of the *Parks facilities manual* as they apply to each specific location. The proponent must comply with the approved plan.

Vegetation management

17. The proponent must only clear vegetation identified in the REF and must maintain the ground cover vegetation.

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Operational conditions

Availability of REF determination and conditions

18. A copy of the REF, this determination and attached schedule of conditions must be kept at the site to which the REF applies.
19. The REF, this determination and attached schedule of conditions must be produced to any authorised officer of NPWS who asks to see it.
20. 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.

Discovery of unknown Aboriginal and historic heritage values

21. Should any Aboriginal objects be uncovered by the work, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974*.
22. The proponent must ensure that if substantial intact archaeological deposits and/or state significant relics or any other buried fabric such as works not identified in *Glowworm Tunnel, Newnes Plateau, proposed pathway: statement of heritage impact*, prepared by Mountain Heritage dated May 2023, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Discovery of unknown biodiversity values

23. If, during the course of undertaking the activity, the proponent becomes aware of the presence of threatened species or threatened 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:
 - a. immediately cease all work likely to affect the threatened species or threatened ecological communities, or their habitats
 - b. inform the Blue Mountains Branch Director or delegate and/or the local NSW Department of Primary Industries (DPI) 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
 - c. not recommence work likely to affect the threatened species or threatened ecological communities, or their habitats until receiving written advice from NPWS and/or DPI Fisheries to do so.

Notification of environmental harm

24. 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.
25. Notifications must be made by telephoning the Environment Line on 131 555.
26. Once notification has been made the proponent must also contact the Blue Mountains 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 National Parks and Wildlife Service within 7 days of the date on which the incident occurred.

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Equipment and materials storage

28. The proponent 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.
29. All machinery, equipment and materials brought onto the site must be clean of all soil material, which could carry soil pathogens or weed propagules, and contaminants.
30. 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.
31. Store all chemicals in appropriate bunding/storage systems.
32. Ensure appropriate spill kits, shovels and buckets are carried with the equipment, and if a small spill occurs quickly shovel the contaminated soil into the bucket and dispose of appropriately.

Fire prevention and control

33. Machinery or equipment which may result in sparking or ignition must not be operated during a park fire ban for Wollemi National Park or a declared total fire ban for the zone which includes Wollemi National Park.
34. The proponent must store fuel and other similar flammable materials, such as gas cylinders and paint, in appropriate fire-resistant storage containers.

Operational hours/Site access

35. Work can be conducted between the following hours: 6 am to 7 pm, 7 days a week.
36. Within the Glow Worm Tunnel, working hours per day must not exceed 8 hours.
37. 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 and appropriate signage must be erected by the proponent around the work area prior to commencement.
38. The proponent is to encourage staff and contractors involved in the activity to carpool to the site in light vehicles during the proposed activity.

Waste management

39. 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.
40. Removal of any asbestos-containing material must be undertaken in accordance with *Working with asbestos: guide 2008* published by the WorkCover Authority and relevant codes of practice released by SafeWork NSW.

Waterway protection

41. Except as may be expressly provided in any other condition of this determination, the proponent must comply with s 120 of the *Protection of the Environment Operations Act 1997*.

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Post-activity conditions

Site rehabilitation

42. 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 Blue Mountains Branch Director or delegate.
43. The proponent must only use locally sourced indigenous plant species for site restoration works, unless otherwise agreed in writing by the Kanangra Area Manager.

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