



Decision Statement for External Proponents

REF CM10 file no. DOC24/766513

Title of proposal: Reinstatement of Green Cape Lighthouse Project

Park name: Beowa National Park

Area/ NPWS Branch: Sapphire Coast South Coast Branch

Proponent: Australian Maritime Safety Authority (AMSA)

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 (the activity is not likely to significantly affect the environment)
- a Species Impact Statement (SIS) is not required (the activity is not proposed in any 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 has adequately addressed the matters listed in s.153D of the *National Parks and Wildlife Act 1974* (NPW Act)

The application for the activity may proceed, **subject to the conditions** specified in the attached Schedule 1 to be considered for the following necessary approvals (see [Endnote 1](#)) under the NPW Act or NPW Regulation and/or other relevant legislation:

- Consent under the NPW Regulation
- Licencing under s. 153D of the NPW Act
- NSW Heritage Act 1977 Section 60

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**.

Certification of building or infrastructure works

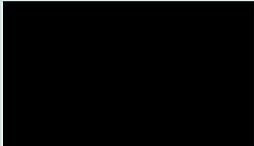
will require certification to Building Code of Australia or Australian Standards in accordance with the NPWS *Construction Assessment Procedures*

Determination

NPWS Area Manager recommendation:

Name: Jolyon Briggs

Signature:



Date: 3/10/2024

Determination by Director Park Operations, South Coast Branch*

I certify that I have reviewed and endorsed the contents of this Review of Environmental Factors document and, to the best of my knowledge, it is in accordance with the Environmental Planning and Assessment 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: Julie Peterson

Signature:



Date: 18/10/2024

Schedule 1: Conditions of Determination

REF No. DOC24/766513

Title of proposal: Reinstatement of Green Cape Lighthouse Project

Proponent: Australian Maritime Safety Authority (AMSA)

Park name: Beowa National Park

Area/ NPWS Branch: Sapphire Coast South Coast Branch

General information about this Determination

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

The NPWS reserves the right to examine work undertaken as part of the activity at any reasonable time.

Entry to land

The proponent is responsible for securing permission to enter land from the registered owner or occupier of the land or lands outside the land area identified in the REF and subject to this determination.

Reference to NPWS officers in this determination

The NPWS Area Manager or nominated contact officer may delegate any functions ascribed to them in the determination to another NPWS officer.

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

Submission of information to NPWS

All written requests and information required to be submitted to NPWS, are to be lodged at the following email address:

NPWS Contact Officer:

Jolyon Briggs

Team Leader Ranger, Sapphire Coast Area

[REDACTED]

[REDACTED]

CONDITIONS OF DETERMINATION

GENERAL CONDITIONS

Duration and scope of determination

1. The proponent must have commenced the activity within 5 years from the date of determination¹.
2. The activity must cease in their entirety, including decommissioning of the existing tower, within 2 years from the date of commencement.
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 Beowa National Park at the locations indicated in Figure 1-1 and 6–1.
4. The proponent must obtain a lease or licence under Part 12 of the National Parks and Wildlife Act 1974 (NPW Act) for the ongoing occupation and use of the site, which will incorporate these conditions..

Reasons²: 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

5. 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.
6. 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 NPWS contact officer 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

7. The 'activity' detailed in the REF titled reinstatement of Green Cape Lighthouse project submitted to NPWS on the 10 September, 2024, 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.
8. In the event of any inconsistency between the REF and the conditions of this determination, the conditions of the determination shall prevail.

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

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

9. Any changes to the proposed scope of works requires consultation, and potentially additional approval, with NPWS prior to changes occurring.
10. 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*.
11. 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.
12. The proponent must provide the following to the NPWS contact officer or delegate prior to commencement of the activity:
 - 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.

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.

PRIOR TO COMMENCEMENT OF ACTIVITY CONDITIONS

Approvals and compliance

13. Prior to the commencement of the activity, the proponent must obtain the following:
 - a consent under the National Parks and Wildlife Regulation 2019 (NPW Regulation) which must incorporate the conditions of this determination
 - approval under Section 60 *Heritage Act 1977*.
14. Prior to the commencement of the activity, the proponent must comply with any other relevant requirements of this determination.
 - an environmental management plan (Condition 17)
 - an asbestos management plan (Condition 18)

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

Certification of building and infrastructure works prior to commencement

15. 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. Evidence of compliance with the relevant Standards or the Structural Certification Form (or equivalent if names are changed) must be submitted to the NPWS contact officer via email.

Reason: To ensure that proposed building and infrastructure works comply with all necessary NPWS policy and statutory requirements

NPWS notification

16. The proponent must notify the NPWS contact officer in writing or by email at least 14 days prior to commencing the activity.

17. Prior to the commencement of the activity the proponent (including any employees, contractors involved in undertaking the activity) must hold an on-site meeting with the NPWS contact officer (or their delegate).

Reason: To ensure appropriate liaison with NPWS staff.

Environmental supervision

18. A designated environmental supervisor must be appointed for the activity to ensure that all mitigation measures are effectively applied. This person must have the authority to stop work if environmental harm or additional impact to the heritage site is likely. The environmental supervisor's details must be provided to NPWS at least 48 hours prior to the commencement or recommencement of the activity.

Environmental Management Plan

19. An Environmental Management Plan (EMP) identifying the potential risks of the activity and how these will be managed must be prepared by the proponent and submitted to the NPWS contact officer or delegate for approval at least 14 days prior to the commencement of the activity. The proponent 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:

- A designated environmental supervisor must be appointed for the activity to ensure that all mitigation measures are effectively applied. This person must have the authority to stop work if environmental harm is likely. The environmental supervisor's details must be provided to the NPWS contact officer prior to commencement of work
- 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
- stormwater, erosion and sediment controls, including stockpile management, dust suppression, management of runoff and sediment control measures
- 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 proponent
- contact protocols outlining procedures and any notifications to be given before works commence, together with contact details for the project manager and the NPWS contact officer
- site induction and training arrangements
- site monitoring and reporting
- protocols for incidents and emergencies and contingency planning, including reporting pathways.

Reason: To provide detailed site-specific guidance to minimise environmental risk from the activity.

Management of asbestos-containing materials

20. The proponent must establish an asbestos register and prepare an Asbestos Management Plan for all areas within the footprint of the activity. This plan will be

submitted to the NPWS contact officer or delegate for approval at least 14 days prior to the commencement of the activity, and will outline:

- the results of further asbestos materials survey
- safe work procedures and control measures, including signage and labelling
- incident and emergency procedures
- consultation arrangements, responsibilities and training details of workers doing asbestos work
- the identification of NPWS and the proponent's responsibilities after the completion of the activity regarding the maintenance of the asbestos register and ongoing management of any residual asbestos risks.

21. The Asbestos Management Plan must be available to anyone involved in work at the site and updated if any asbestos is removed, disturbed, sealed or enclosed.

Explanatory note: Refer to the EPA and SafeWork NSW websites for more information on management of asbestos material.

Signage and public notification

22. Prior to the commencement of the activity, the proponent 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 contact officer. Signs must be visible and clearly identify the proponent 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.

Reason: To support the safe undertaking of the activity and provide appropriate information to the public.

OPERATIONAL CONDITIONS

Availability of REF determination and conditions

23. A copy of the REF, this determination and attached schedule of conditions must be kept at the site to which the REF applies and produced for inspection when requested by any authorised officer of NPWS.

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

Discovery of unknown Aboriginal and historic heritage values

24. 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 or a valid Heritage Permit. Work must not recommence until written advice to do so has been provided by NPWS.

25. 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 NPWS contact officer 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

Discovery of unknown biodiversity values

26. 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 relevant NPWS contact officer or delegate. 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.

Reason: To minimise biodiversity impacts.

Notification of environmental harm

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

Heritage

31. All works must be conducted in accordance with the Section 60 approval and all proposed mitigation measures as outlined in REF and Heritage Impact Statement must be applied.
32. The approved activity must be conducted in accordance with the Section 60 approval granted 28th May, 2024 by the Heritage Council of NSW (HMS Application ID: 5673) and in accordance with all applicable mitigation measures in this Review of Environmental Factors.

Equipment and materials storage

33. All vehicles must only be parked within the designated staging/parking area described in the approved EMP or as instructed by NPWS. At no time must parking occur which blocks NPWS or NPWS visitor access to the general area.

34. The proponent must store any machinery, equipment or materials required for the activity in existing cleared and disturbed areas or areas identified in the EMP.
35. Machinery, vehicles and other construction equipment must be cleaned (e.g. washed down) by the contractor prior to entry into Beowa National Park to remove any soil or plant matter.
36. 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.

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

Incident and emergency preparedness

37. A suitable spill kit must be readily available in the event of an incident and staff must be adequately trained in its location and use.

Reason: To minimise the potential for pollutants to enter the surrounding environment.

Fire prevention and control

38. The proponent will check the fire danger rating conditions with RFS at the Bush Fire Information Line – 1800 NSW RFS (1800 679 737) and the NSW Fires Near Me website (<https://www.rfs.nsw.gov.au/fire-information/fires-near-me>) or Hazards Near Me App and under Extreme fire danger or greater conditions seek advice from the NPWS Contact Officer or delegate, or works should stop during periods of declared extreme fire danger or greater.
39. No works are to occur if the park has been closed. Please note Park closures can occur on Extreme or Catastrophic Fire Danger days.
40. Hot works or machinery which may result in sparking or ignition must not be operated during a Park Fire Ban for Beowa National Park or a declared Total Fire Ban for the zone which includes Beowa National Park.
41. The proponent must store fuel and other similar flammable materials, such as gas cylinders and paint, in appropriate fire-resistant storage containers. A spill kit must be on site and on hand within the work site.

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.

Demolition

42. The proponent must carry out all demolition work in accordance with the provisions of relevant Australian Standards, including AS2601-2001 *Demolition of structures*. 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.
43. The demolition of the existing tower must cause minimal impact to the existing concrete pad as this is being retained for potential future use and is required to be in good condition. If the existing pad is damaged during demolition to the point where it requires removal this will be the responsibility of the proponent (with additional consultation with NPWS).

Explanatory notes:

- i. Refer to the EPA website for more information on management of asbestos material
- ii. Certification of demolition work may be required under the NPWS Construction Assessment Procedures

Reason: To ensure that demolition works are carried out in accordance with relevant requirements.

Operational hours / Site access

44. Work must only be conducted between the following hours: 8am to 6pm Mondays to Fridays (except public holidays). Work may only occur on public holidays or weekends with prior written approval of the NPWS contact officer.
45. 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.
46. The proponent is to encourage staff and contractors involved in the activity to carpool to the site in light vehicles during the proposed activity.
47. Any requests to close or limit public access will need to be submitted in writing to NPWS 14 Days prior.

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

Helicopter Transport and Lifting

48. The proponent must ensure that any helicopter operations are approved by the NPWS Area Manager at least 2 weeks prior to commencement. Requests for approval must include dates of flying, flight path and contact information as well as any other information requested by the Area Manager.

Waste management

49. 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*.
50. Should 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.
51. Waste management on site, including storage provisions to mitigate windblown waste and schedule for regular waste removal should be included in the EMP.

Reason: To ensure the appropriate management of waste material.

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

Waterway protection

52. 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*.

Explanatory note: Section 120 states that a person who pollutes any water is guilty of an offence. Sections 121 and 122 provide that a person is not guilty of an offence if they are acting in accordance with a regulation or licence applicable to the activity.

Site rehabilitation

53. 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 NPWS contact Officer or delegate.

Reason: To ensure that any damaged areas are suitably rehabilitated in a timely manner.

POST ACTIVITY CONDITIONS

Notification to NPWS

54. A final report (with photos) must be provided to NPWS within 1 month of the completion or temporary cessation of the works.

Reason: To ensure that works have been undertaken in accordance with the conditions of approval.

Certification on completion of works

55. 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).

Reason: To ensure that completed building and infrastructure works are certified to comply with all necessary NPWS policy and relevant statutory requirements.

Explanatory notes:

- iii. Building works are as defined above, and include a change of use*
- iv. Infrastructure works are as defined above.*
- v. The process for obtaining certification is specified in the OEH Construction Assessment Procedure.*