



Determination Notice for NPWS proponents

Major projects

- Recommendation by Biodiversity and Conservation Project Manager
- Determination by Director South East Branch Biodiversity and Conservation (EPO11 and above)

Ref No. **Doc 19/699420**

Project Name: **Snowy Iconic Walk**

Reserve Name: **Kosciuszko National Park**

Proponent: **Southern Ranges Region NPWS**

Region/Area: **Southern Ranges Region/ Alpine-Queanbeyan Area**

Based on the 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 s.111 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 and is not likely to significantly affect threatened species or ecological communities, or their habitats).
- The activity may proceed subject to any necessary approvals (*if approval required*) being obtained first.
- The activity may proceed **subject to the conditions** specified in the attached Schedule 1, which will minimise the environmental impacts to best practice standards.

Related matters

Further, it is considered that the proposed activity:

EPBC Act

- The referral on matters of **National Environmental Significance** under the Commonwealth *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* is still under consideration

Note: the proponent is responsible for determining whether approvals are required under the EPBC Act, and obtaining them if necessary.

Local council matters

- 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 liable land.**

Note: if the proposal is likely to significantly impact on the above features, the State Environmental Planning Policy (Infrastructure) 2007 requires that the council is consulted **before** the activity is determined.

a record of any required consultation with the appropriate council has been provided.

Certification of building or infrastructure works


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

Biodiversity and Conservation Division sign-off

Major projects – determination

BCD Project Manager recommendation

Name: Miles Boak

Signature: 

Date: 15.10.2019.

BCD Director determination (EPO 11 and above)

Name: Michael Saxon

Signature: 

Date: 15.10.2019

NOTE: FOR RESERVES MANAGED BY A TRUST OR BOARD OF MANAGEMENT

As noted in section 4.5 of the *Determination Guidelines* where a reserve has a trust or a board of management, then that entity is the determining authority for certain approvals for the activity. In that situation, the REF, any determination report and a determination recommendation should be presented for final determination by the trust or board.

NEXT STEPS

If proposal to proceed:

- Provide determination notice to proponent
- Register determination

If proposal not to proceed:

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

**Schedule 1
Conditions of Determination**

Ref No. **Doc 19/699420**

Project Name: **Snowy Iconic Walk**

Reserve Name: **Kosciuszko National Park**

Proponent: **Southern Ranges Region NPWS**

Region/Area: **Southern Ranges Region/ Alpine-Queanbeyan Area**

General information about this Determination

Responsibilities of the applicant

The applicant 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 Regional Director.

Inspection of work covered by this REF determination

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

Entry to land

The applicant 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 OEH officers in this determination

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

Explanatory notes to conditions in this determination

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

Submission of information to the DPIE

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

Attention: Maggie Sutcliffe Senior Project Officer
 Southern Ranges Branch Alpine-Queanbeyan Area
 National Parks and Wildlife
 49 Kosciuszko Rd/ PO Box 2228
 Jindabyne NSW 2627
 Email magnolia.Sutcliffe@environment.nsw.gov.au

Determination conditions

GENERAL CONDITIONS

Duration and scope of determination

- 1) The applicant must have substantially commenced the activity within 5 years of the date of this approval¹.
- 2) This determination only applies to those parts of the activity that will be undertaken within Kosciuszko National Park as identified in *the REF Snowies Iconic Walk Kosciuszko National Park NPWS July 2019*. 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 the Kosciuszko National Park or outside the Kosciuszko National Park.

²Reasons: *To ensure that the activity is commenced within an appropriate timeframe.*

To ensure that the activity is undertaken in accordance with relevant statutory approvals.

Emergency Works

- 3) Notwithstanding any other conditions of this approval, in the event that emergency works are required to be undertaken by the applicant, 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 DPIE environment line on 131555 as soon as practicable. Once notification has been made the applicant must contact the NPWS Alpine-Queanbeyan Area Manager 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

- 5) The 'activity' detailed in the REF³ titled *Snowies Iconic Walk Kosciuszko National Park NPWS July 2019* submitted to BCD on 4 August 2019 must be undertaken:
 - at the location identified in the REF; and
 - in accordance with the description of the activity and environmental safeguards or mitigation measures listed in the REF; and
 - as required or amended by the conditions of this determination.

¹ If the activity is not substantially commenced within this time, the applicant must seek direction from DPIE 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 applicant. The reason does not form a part of the condition but can be included in the Determination Notice for clarity.

³ Any addendum or additional documentation that supports the REF should be referenced in this condition.

- 6) As amended by *Snowies Iconic Walk REF Submissions Review September 2019 Doc19/825282* that removes the proposed campsites in the original activity from the proposal to further reduce impacts and to ensure compliance with Kosciuszko National Park PoM.
- 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 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*.
- 9) The applicant must undertake the activity in accordance with the requirements of the *Occupational Health and Safety Act 2000*, including codes of practice adopted under the Act, and the *Occupational Health and Safety Regulation 2001*.

Environmental Management Plans

- 10) 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 NPWS Southern Ranges Regional Manager for approval prior to the commencement of the activity. The applicant must comply with all measures identified in the approved CEMP. 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:
 - o measures to protect areas of environmental sensitivity;
 - o location of active work and storage areas;
 - o vehicle and pedestrian access arrangements, including parking;
 - o environmental safeguards, including water pollution controls, waste management, and management of hazardous substances;
 - o contact protocols outlining procedures and any notifications to be given before works commence, together with contact details for the project manager and relevant NPWS officers (e.g. Ranger and Area Manager);
 - o site induction and training arrangements;
 - o site monitoring and reporting; and
 - o protocols for incidents and emergencies.

As described in the REF NPWS is to prepare specific documents to be appended to CEMP to capture the REF management actions and mitigation measure commitments of:

- o Establish unexpected threatened species finds protocol
- o Rehabilitation plan
- o Project-specific pest management strategy

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

- 11) Implement the *Snowies Iconic Walk Environment Mitigation Framework NPWS September 2019 19/832813* with committed specific mitigation actions and funding

Reason: NPWS is committed to rehabilitating / restoring appropriate areas on park as part of addressing impacts of walking track construction. The Environment Mitigation Framework commits funding from the project budget for this activity

Aboriginal and historic heritage

12) If during the course of the activity:

- any Aboriginal objects, as defined under the NSW NPW Act 1974, are uncovered or discovered; and/or
- any relics, as defined under the NSW Heritage Act 1977, are uncovered or discovered.

then the applicant must cease work immediately and notify the relevant Area Manager, unless the objects and/or relics are subject to a valid Aboriginal Heritage Impact Permit or Heritage Permit. Work must not recommence until advice to do so has been provided by the DPIE.

13) 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
- not disturb or move any of the remains
- notify the local police as soon as practicable and at that time provide any available details about the nature and location of the remains
- notify the Alpine-Queanbeyan Area Manager; and
- recommence the activity only after receiving confirmation in writing from the local police or DPIE that it is appropriate to do so.

Reason: To protect cultural heritage values

14) Implement the recommendations of *Snowy Mountains Iconic Walk Project, KNP Aboriginal cultural heritage assessment reports S. Feary and G. Niemoeller July 2017* that:

- An AHIP is required for a 700 metre section of the Bullocks Flat section of the realignment in the vicinity of site 61-3-0150 to allow for movement and/or harm to any objects found during the monitoring programme as described in 7.2.
- Further investigation through a due diligence process is recommended if there are to be significant deviations from the current development corridor.
- This report should be further modified to include the results of field survey for the new walking track from Charlotte Pass to Perisher once field survey and assessment has been completed. If objects are found and cannot be avoided, they should be included in the AHIP by way of a variation.
- It is recommended that this report is presented to the Kosciuszko National Park Aboriginal Working Group and circulated to Registered Aboriginal Parties for comment and feedback.

Reason: To protect cultural heritage values

