



NSW National Parks
& Wildlife Service
Office of Environment & Heritage

Determination Notice for External Proponents

Minor projects

- Recommendation by NPWS Area Manager
- Determination by NPWS Branch Director, Park Operations

Major projects

- Recommendation by allocated officer, Regional Operations Division
- Determination by Regional Operations Division Senior Team Leader (EPO12 and above) except projects needing s.151A lease – see note below

NOTE:

Where an activity requires a lease for a purpose listed in s.151A NPW Act then:

- **Minor projects** – are still determined by NPWS Branch Director, Park Operations unless the lease is for a period >15 years (in which case determination must be by the Executive Director, NPWS Park Operations)
- **Major projects** – must be determined by the Branch Director, Regional Operations.

This is because the REF Determination Report also satisfies the requirement for a report to be prepared for the Minister in relation to the assessment of projects requiring a lease under s.151A. The power to prepare this report has only been delegated to the Senior Executive Service. The power to approve leases is only delegated to SE Band 1 if the lease is for a period of less than 15 years.

REF No. REF311

Project Name: Ausgrid – Replace Underground Cable – Picnic Point to Revesby

Park Name: Georges River National Park

Area/ NPWS Branch: Greater Sydney – Royal Area

Proponent: Ausgrid

Based on the REF and any additional information obtained, attached at Schedule X (delete if not applicable), 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 (the activity is proposed on land that is not part of any area of outstanding biodiversity value and is not likely to significantly affect threatened species or ecological communities, or their habitats).

Proposals by OEH of the kind listed in s.151A, NPW Act (delete if not applicable)

NA the activity has adequately addressed the Director General's sustainability assessment criteria and the matters in s.151B, NPW Act where relevant.

Telecommunication proposals by OEH (delete if not applicable)

NA the activity has adequately addressed the matters in s.153D, NPW Act

Activities by OEH within Drinking Water Catchment (delete if not applicable)

NA the activity has adequately addressed the matters in the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.

- The activity may proceed subject to any necessary approvals (if approval required) being obtained first.
- The application for the activity may proceed (**without conditions**) to be considered for any necessary approvals (*see Endnote 1*) under the NPW Act or NPW Regulation or other relevant legislation:
- (list authorisations required)
- The application for the activity may proceed, **subject to the conditions** specified in the attached Schedule 1 – which will minimise the environmental impacts to best practice standards (*see Endnote 2*) – to be considered for any necessary approvals (*see Endnote 1*) under the NPW Act or NPW Regulation or other relevant legislation:

Determination

Minor projects – NPWS sign off

NPWS Area Manager recommendation:


Name: SHAUN ELWOOD

Signature: 

Date: 18.10.18.

Determination by Director Park Operations, Greater Sydney Branch

Name: Deon van Rensburg

Signature: 

Date: 22 October 2018

**NOTE: if the project requires a lease under s.151 for a period longer than 15 years, the determination must be by the Executive Director, NPWS Park Operations*

Major projects – Regional Operations Division sign off

Allocated officer's recommendation:

Name:

Signature:

Date:

Determination by Senior Team Leader /Director (EPO 12 and above):

Name:

Signature:

Date:

**NOTE: if the project requires a lease for a purpose under s.151A, NPW Act, the determination must be by the Branch Director, Regional Operations.*

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:

- Obtain final fee from proponent (if relevant) prior to release of determination
- Register determination
- Provide determination notice to proponent (preferably **concurrent with the approval** – see below)
- Prepare and issue **approval** to proponent (see Endnote 1 below), making sure the approval references the REF determination and any conditions (see Endnote 2 below)

If proposal not to proceed:

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

Endnotes

1. For external proponents the authorisation required will normally be in the form of a consent issued under the NPW Regulation or a lease, licence or easement issued under the NPW Act, by an officer with appropriate delegation.
2. If the activity is determined to proceed *subject to conditions* then it is assumed that specific reference to the conditions will be included in any required authorisation that is issued under the NPW Regulation or a lease, licence or easement issued under the NPW Act. If this is not the case consultation with the above signatory must occur.

Schedule 1: Conditions of Determination

REF No. REF311

Project name: Ausgrid – Replace Underground Cable – Picnic Point to Revesby

Proponent: Ausgrid

Park name: Georges River National Park

Area/ NPWS Branch: Greater Sydney – Royal 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 OEH Regional Manager.

Inspection of work covered by this REF determination

The OEH 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 OEH/NPWS Branch Director may delegate any functions ascribed to the OEH/NPWS Branch Director in the determination to another OEH 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.

Submission of information to the OEH

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

Attention: *Manager Royal Area*
National Parks and Wildlife Service / Office of Environment and
Heritage
PO Box 44
Sutherland, NSW, 1499

Determination Conditions

To ensure appropriate environmental safeguards are in place you will need to consider and include if necessary, any specific conditions (and reasons required) to reflect the type, scope and nature of the activity, its environmental context and likely environmental impacts.

Some common relevant conditions are given in the list of model conditions available at: <http://insite.environment.nsw.gov.au/Intranet%20Library/Documents/REFmodelConditions.doc>

The list is not exhaustive and conditions can be tailored, or other conditions included.

If a condition is not relevant to the circumstances of a specific proposal it should not be included.

Any important specific mitigation measures identified in the REF should be explicitly identified.

1. The applicant must have substantially commenced the activity within 5 years of the date of this approval.¹
2. This determination only applies to those parts of the activity that will be undertaken within Georges River National Park as identified in the REF. The applicant must determine whether any other approvals are required for any associated works occurring outside this area.

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 NPWS³ as soon as practicable and 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 REF Energy Australia – Replace Underground Cable – Picnic Point to Revesby submitted to NPWS on 13 July 2018 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
 - 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 NPWS as to whether a new CRA/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 part of the condition but can be included in the Determination Notice for clarity.

³ NPWS refers to the NSW National Parks and Wildlife Service

6. In the event of any inconsistency between the CRA/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 insurance, including public liability insurance.

Reasons: *To ensure that the activity is undertaken in accordance with the CRA/REF as amended by the conditions of approval.*
 To ensure that the activity is undertaken in accordance with all relevant statutory approvals.

PRIOR TO COMMENCEMENT OF ACTIVITY CONDITIONS

Approvals and Compliance

9. Prior to the commencement of the activity, the applicant must execute a Construction Agreement for the purpose of managing the construction activity and accepting the easement conditions. These easement conditions are to be included in the Deed of Easement following completion of works. The condition of this Determination must be referenced in the Construction Agreement.

Reason:: *To ensure that the activity is in accordance with all relevant statutory approvals and if required has the appropriate tenure.*

NPWS Notification

10. The applicant must notify via e-mail the NPWS Authorised Officer⁴ at least 7 days prior to commencing the activity.
11. N/A

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

Environmental Supervision

12. 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 NPWS at least 48 hours prior to the commencement of the activity.

Reason: *To minimise the risk of environmental harm.*

Environmental Management Plan

⁴ The NPWS Authorised Officer referenced in this determination will be identified in the approval letter which accompanies this determination.

13. An Environmental Management Plan (EMP) identifying the potential risks of the activity and how these will be managed must be prepared by the applicant and submitted to the NPWS Authorised Officer for approval at least 5 days 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:

- measures to protect areas of environmental sensitivity;
- location of active work and storage areas;
- vehicle and pedestrian access arrangements, including parking;
- environmental safeguards, including water pollution controls, waste management, and management of hazardous substances;
- site rehabilitation;
- 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 (eg. Ranger/Area Manager/Utilities Liaison Officer);
- site induction and training arrangements;
- site monitoring and reporting; and
- protocols for incidents and emergencies.

Note: The EMP may also incorporate any other specific management plans required by the conditions of this determination.

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

Incident and Emergency Management

14. An Incident Management Plan (IMP) identifying the potential risks of the activity and how these will be managed must be submitted to the NPWS Authorised Officer for approval at least 5 days prior to the commencement of the activity. The applicant must comply with all measures identified in the approved IMP. The plan must detail procedures to be followed in the event of an emergency or similar event including, but not limited to the following:

- Identification of incidents which could occur during the activity;
- the emergency response equipment which will be maintained on-site;
- measures to ensure all workers are made aware of the plan and its provisions and be trained in the use of the emergency equipment; and
- contact details for key staff including 24 hour contacts.

Reason: To ensure appropriate management of incidents and emergency situations.

Stormwater, Erosion and Sediment Controls

15. An Erosion and Sediment Control Plan must be submitted to the NPWS Authorised Officer for approval at least 5 days prior to the commencement of the activity. The plan must be prepared using the guidelines *Managing Urban Stormwater: Soils and Construction (Landcom 2004)* and relevant OEH guidelines including the NPWS publication *A Field Guide for Erosion and Sediment Control Maintenance Practices on Unsealed Roads* (April 2010) <http://www.environment.nsw.gov.au/resources/stormwater/120410unsealedroads.pdf>. The applicant must comply with all measures identified in the approved plan.

Reason: To ensure appropriate management of stormwater and to minimise the risk of environmental harm associated with erosion and sedimentation.

Vegetation Management

16. A Vegetation Management Plan (VMP) must be submitted to the NPWS Authorised Officer for approval at least 5 days prior to the commencement of the activity. The applicant must comply with all measures identified in the approved VMP. The plan must identify the precise extent, location and type of vegetation to be cleared, areas to be revegetated or regenerated at the conclusion of the activity and appropriate monitoring and treatment for weed growth. The applicant must only clear areas as identified in the approved VMP.
17. Prior to commencing clearing, the applicant must clearly mark the areas approved for clearing via stakes or other suitable markers identified in the Vegetation Management Plan.

Reason: To provide detailed site-specific guidance to minimise impacts on vegetation.

Traffic Management, Public Access and Signage

18. The applicant is to access the work site via the NPWS gates at eastern end of Burns Rd or southern end of Kennedy St. The applicant is to develop a Traffic Management Plan (TMP) for safe access/egress to these gates
19. The applicant must take reasonable steps to restrict public access to the worksite during the construction period.
20. At least 5 days prior to the commencement of the activity the applicant must erect signs at eastern cul-de-sac of Burns Rd and southern cul-de-sac of Kennedy St, that is visible and clearly marked and lists:
 - a description of the activity, reasons for undertaking the activity and a works schedule;
 - the hours of operation; and
 - a contact telephone number for public inquiries.

*Reason: To minimise impacts on traffic in the immediate vicinity of the works.
To support the safe undertaking of the activity and provide appropriate information to the public.*

Adjoining Leased/Licensed Areas

21. N/A

22. N/A

Reason:: To ensure that appropriate stakeholders or adjoining landowners are notified of the activity.

Certification of Building and Infrastructure Works prior to Commencement

23. N/A

24. N/A

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

Explanatory Notes:

- i) *Building works mean an activity that comprises:*

- erection of a building; or
 - demolition of a building or work; or
 - the doing of anything that is incidental to the erection of a building or the demolition of a building or work; or
 - a change of building use where there is a resulting change in the BCA classification applicable to the building.
- ii) Infrastructure works means any physical activity involved in the erection or alteration of on-park public or private assets and utility services, including demolition. Examples include car parks, roads, tracks, viewing platforms, landscaping, fencing, environment protection works and public utilities.
- ii) The process for obtaining certification is specified in the NPWS Construction Assessment Procedure.

OPERATIONAL CONDITIONS

Availability of REF Determination and Conditions

25. 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 CRA/REF and in accordance with relevant statutory approvals.

Equipment and Materials Storage

26. 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.
27. All vehicles and machinery must only be parked within the designated staging area described in the approved TMP/REF. At no time must parking occur which presents a danger to passing traffic.
28. 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.
29. All vehicles must be parked within the leased/licenced area and in a manner which does not endanger passing traffic.
30. All temporary site buildings and associated services must be located within the leased/licenced area. A location outside the leased/licenced boundary must only be used with the written approval of the NPWS Authorised Officer.
31. All site buildings and associated services must be removed at the completion of the activity except with the approval of the NPWS Authorised Officer.
32. All laydown/parking/staging areas must be returned to a condition consistent with that prior to the commencement of the activity.

Reasons: To ensure that equipment is stored and secured in suitable locations and that any damage from the storage of vehicles and equipment is repaired.

Fire Prevention

33. The applicant must ensure that fire-fighting equipment is provided on site during periods of declared high or greater fire danger.

34. Hot works and machinery which may result in sparking or ignition must not be used on a Total Fire Ban day without an exemption from the Rural Fire Service.
35. Hot works and machinery which may result in sparking or ignition may only be used during a Park Fire Ban with written permission from the NPWS Authorised Officer and subject to the following minimum fire suppression measures being available:
 - 400 litre tank full of water with a motorised pump
 - 50 metres of hose
 - Handtools such as rakehoes and shovels
 - Trained staff in appropriate attire (long sleeve and pants).
36. The applicant must store fuel and other similar flammable materials, such as gas cylinders and paint, in appropriate fire-resistant storage containers.

Reasons: To minimise fire risk.

Operational Hours / Site Access

37. Work must only be conducted between the following hours: 7am to 6pm Mondays to Fridays (except public holidays). Work may only occur on public holidays or weekends with prior written approval of the NPWS Authorised Officer – who will require notification to nearby residents.
38. The applicant must take reasonable steps to restrict public access during the construction period. Where access restrictions such as temporary barriers (e.g. brightly coloured tape and/or moveable barriers) are required, appropriate signage must be erected by the applicant around the work area prior to commencement.

Reason: To minimise noise impacts and support the safe undertaking of the activity.

Ground Disturbance and Topsoil

39. All excavated material must be stockpiled in an appropriate area, and banded at all times. Stockpiles must be covered if they are to remain on-site for longer than two weeks or during periods of expected high rainfall.
40. Any topsoil removed during excavation must be stockpiled for later reuse in rehabilitation of the work site.
41. Vehicles and machinery must only use the track/s described in the REF. New access tracks or re-opening of old tracks must not occur without NPWS approval.
42. Works must not be undertaken in wet weather if the proposed track surfaces and sites are going to be damaged by vehicles, equipment or works.
43. The activity must have appropriate erosion and sediment controls installed to adequately manage drainage.
44. Any areas including vehicular tracks which are damaged or disturbed in such a way that may lead to soil erosion must be stabilised immediately and rehabilitation undertaken within 7 days. NPWS must be contacted for assistance prior to repairs being undertaken. All repairs and rehabilitation must be to a standard satisfactory to the NPWS Authorised Officer.

Reason: To ensure topsoil is managed appropriately and ground disturbance is minimised.

Threatened Species/Fauna Protection

45. Prior to commencing vegetation clearing, the applicant must clearly mark the areas approved for clearing via stakes or other suitable markers identified in the Vegetation Management Plan.
46. N/A
47. If removal of a hollow-bearing tree is required consultation with NPWS must be undertaken prior to the works being undertaken.
48. All potential habitat trees must be checked after felling for any injured animals. A local wildlife rescue group must be contacted for assistance if injured animals are found.
49. Any deep excavations left open at night must be left with ramps or openings such that any fauna entering has a means of escape. Excavations must be checked each morning for any trapped animals.

Reason: To minimise biodiversity impacts

Site Rehabilitation

50. Disturbance to low growing species must be minimised during vegetation removal and ground cover retained.
51. Any restoration or rehabilitation works must only use locally sourced indigenous plant species, unless otherwise approved in writing by the NPWS Authorised Officer.
52. Any felled timber or vegetation must be dispersed throughout the adjacent environment to aid stabilisation of bare soils, enhance fauna habitat and reduce fire risk.

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

Exotic Species Management

53. All imported material must be from a source approved by NPWS and must not contain soil or vegetative matter.
54. All vehicles, plant and equipment must be washed down to remove any soil or plant matter prior to entering the reserve and when travelling from an area of known weed infestation to a new work area within the reserve.
55. The applicant is responsible for the control of any weed activity resulting from the works, for a minimum of three years post works or as long as any issues prevail.

Reason: To reduce the risk of weed invasion and to minimise biodiversity impacts.

Track Maintenance

56. Track Maintenance works must be undertaken in accordance with the NPWS publication *A Field Guide for Erosion and Sediment Control Maintenance Practices on Unsealed Roads (April 2010)*, unless otherwise approved by the NPWS Authorised Officer.

57. Any damage to NPWS roads/tracks must be repaired to a condition consistent with that prior to the commencement of works.

58. A pre-works inspection with NPWS must be undertaken prior to the commencement of the activity to document the current condition of the road/site.

Reason: To minimise soil disturbance and erosion and maintain the condition of tracks.

Building/Demolition

59. Concrete mixing or washout must not occur at the work site.

60. If concrete washout is to occur on-site the resultant effluent must be discharged to a fully lined impervious bunded container for later discharge offsite

61. N/A.

62. The applicant 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 Act 1997* and related regulations with regard to handling and movement of asbestos material.

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

Explanatory notes:

Refer to <http://www.environment.nsw.gov.au/waste/asbestos/index.htm> for more information on management of asbestos material

Certification of demolition work may be required under the NPWS Construction Assessment Procedures

Waste Management

63. Waste generated at the site from works undertaken as part of the activity must be managed in accordance with the *Protection of the Environment Operations Act 1997* and related regulations.

Reason: To ensure the appropriate management of waste material.

Explanatory Note:

For further information on managing waste see <http://www.environment.nsw.gov.au/waste/consult.htm>

Waterway Protection

64. Except as may be expressly provided in any other condition of this determination, the applicant must comply with section 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.

Incidents

Incident Management

65. 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.
66. The applicant or its employees (including any contractors) must notify the OEH⁵ Environmental Line service on 131555 of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident.
67. Once notification has been made the applicant must also contact the NPWS within 24 hours to seek direction on any further procedures to be implemented and provide written details of the incident within 7 days of the date on which the incident occurred to the NPWS Authorised Officer.

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

Aboriginal and Historic Heritage

68. 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 NPWS, 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 NPWS.

69. 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 further harm these remains
- secure the area so as to avoid further harm to the remains
- notify the local police and OEH's Environment Line on 131 555 as soon as practicable and at that time provide any available details about the nature and location of the remains
- notify the NPWS Authorised Officer; and
- recommence the activity only after receiving confirmation in writing from the local police or NPWS that it is appropriate to do so.

Reason: To protect cultural heritage values

Biodiversity Conservation

70. If, during the course of undertaking the activity, the applicant becomes aware of the presence of threatened species, populations or endangered ecological communities, or their habitats, that were not identified and assessed in the CRA/REF and which are likely to be affected by the activity, the applicant must:

⁵ OEH refers to the NSW Office of Environment and Heritage

- immediately cease all work likely to affect the threatened species, populations or endangered ecological communities, or their habitats;
- inform the NPWS or the local NSW Fisheries office 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, populations or endangered ecological communities, or their habitats until receiving written advice from NPWS and/or NSW Fisheries to do so.

Reason: To minimise biodiversity impacts.

POST ACTIVITY CONDITIONS

Certification on Completion of Works

71. N/A

72. A final report must be provided to NPWS within 1 month of the completion or temporary cessation of the works.

*Reason: To ensure that completed building and infrastructure works are certified to comply with all necessary OEH policy and relevant statutory requirements.
To ensure works have been undertaken in accordance with the conditions of this approval.*

Explanatory Notes:

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

Requirement to Establish Formal Easement

73. Prior to commencement of the Activity, the Proponent must execute a Construction Agreement (also referred in clause 9) for the purpose of managing the construction activity and accepting the easement conditions. These easement conditions are to be included in the Deed of Easement following completion of works. The condition of this Determination must be referenced in the Construction Agreement.

74. Within three months of completion of the works the Proponent must obtain an easement under section 153 of the *National Parks and Wildlife Act 1974*, in accordance with the provisions of the Construction Agreement.

75. The existing easement to the Proponent for underground cable affecting part of the land within the portion of Georges River National Park affected will be revoked pursuant to clause 8 of the Deed of Easement at the completion of the Activity and following the registration of the new easement.