

Review of Environmental Factors Determination Policy

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Strategic Pillar	Development & Environment
Responsible Branch	Development

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1 OUTCOMES

- 1.1 This policy outlines the determination process for Review of Environmental Factor assessments for relevant activities undertaken by or on behalf of Council.

2 POLICY

- 2.1 Council undertakes the provision, maintenance and refurbishment of public infrastructure and recreation assets, including:
- water
 - sewerage (wastewater)
 - roads
 - drainage
 - public buildings
 - public recreation facilities.
- 2.2 Meeting the infrastructure needs of a growing population over a large land area poses many challenges. This is complicated by the age and location of existing infrastructure.
- 2.3 Council delivers these projects as part of its capital works program. Some of these activities are not exempt and need an environmental assessment, but do not trigger the need for development consent.
- 2.4 Activities considered under Part 5, Division 5.1 of the *Environmental Planning and Assessment Act* (development permitted without consent) require a Review of Environmental Factors (REF) to be prepared.
- 2.5 This policy will outline the review and determination process for REF assessments for relevant activities undertaken for or by Council in the Queanbeyan-Palerang Regional Council area.

3 SCOPE OF THE POLICY

- 3.1 This policy provides direction on how assessments prepared under Part 5 of the *Environmental Planning and Assessment Act* will be reviewed and determined.

4 DEFINITIONS

- 4.1 Act – means the *Environmental Planning and Assessment Act 1979* (NSW).
- 4.2 Approval – means a permission, authority, consent, agreement or similar to the undertaking of a work with or without condition.
- 4.3 Infrastructure or recreation works – means any work carried out by Council or on behalf of Council including but not limited to roads, stormwater and drainage, water supply, wastewater management, restoration or revetment works of any kind, construction, demolition, modification or restoration of a public asset including recreational land.
- 4.4 Client team – the proponent, the area of Council doing the work subject to the Review of Environmental Factors.

- 4.5 Development without consent – Where Council is the proponent and where the assessment satisfies Part 5 of the Act and Section 228 of the Regulations the activities can proceed without Development Consent.
- 4.6 Environmental Planning Instrument – NSW legislation including State Environmental Planning Instruments or a Local Environmental Plan.
- 4.7 Project Team – staff at Queanbeyan-Palerang Regional Council managing the infrastructure or recreation works subject to the Review of Environmental Factors.
- 4.8 Safeguards or Mitigation Measures – process or infrastructure designed to reduce the impact or severity of a loss.
- 4.9 Site reference – street address, land identifier (Lot & DP) or geographic coordinates identifying where the activities are to occur.
- 4.10 State Environmental Planning Policies (SEPPs) - Policies prepared by the Department of Planning and Environment dealing with land use and urban and regional development in a state-wide context.

5 LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

5.1 Environmental Planning and Assessment Act 1979.

The Environmental Planning and Assessment Act 1979 (EP&A Act) and associated Regulation provide the framework for development and environmental assessment in NSW.

Where Council is the proponent for these capital works, the works can be assessed as 'development permissible without consent' under Part 5 of the EP&A Act. Council must satisfy Sections 5.5, 5.6 and 5.7 of that Act by examining, and taking into account to the fullest extent possible, all matters which are likely to affect the environment.

5.2 State Environmental Planning Policy (Transport & Infrastructure) 2021

The State Environmental Planning Policy (Transport & Infrastructure) 2021 (Transport & Infrastructure SEPP) aims to facilitate the delivery of infrastructure across NSW. It provides a simplified process for Council's infrastructure activities including how these can be assessed.

Much of the activities undertaken by, or for Council, fall within Chapter 2 - Infrastructure (essential services such as hospitals, roads, water supply, telecommunications and electricity networks).

5.3 Other Environmental Legislation

The *Biodiversity Conservation Act 2016* (BC Act), together with the *Biodiversity Conservation Regulation 2017* (BC Reg.) outlines the framework for addressing impacts on biodiversity from development and clearing.

It establishes a framework to avoid, minimise and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme (BOS). Where a proposal is anticipated to have a significant impact on the environment, including if the Biodiversity Offset Scheme is triggered, Council will be asked to determine these assessments. They are typically not done under delegation.

5.4 Appendix one includes a table of relevant Commonwealth and State environmental legislation.

6 ENVIRONMENTAL IMPACT ASSESSMENT

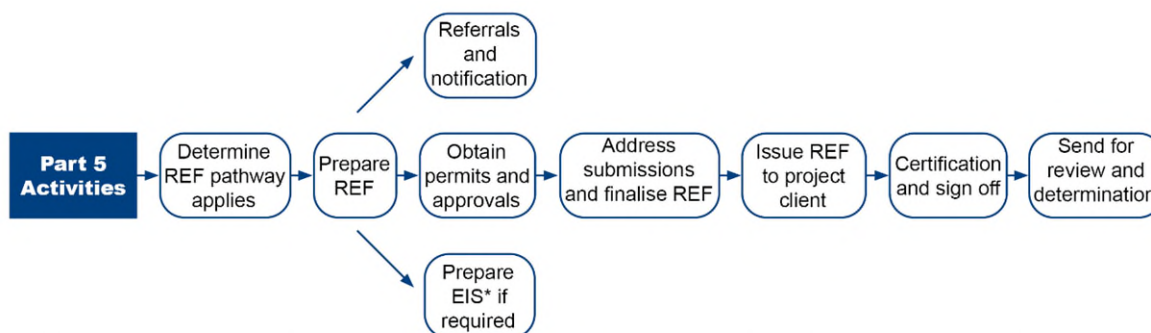
6.1 As a guiding principle, environmental assessments are founded on a hierarchical implementation strategy that firstly aims to avoid environmental impacts. Where avoidance is not achievable, then minimising and mitigating the impact so far as it is practicable to do so, or lastly mitigate or lessen the impact.

- Avoid – Council works projects are to avoid areas of high environmental value. Early consideration of the project constraints can help identify potential environmental impacts. Impacts may be avoided through project redesign or other factors such as the timing, staging or location of work activities. Ultimately, the aim is to avoid impacts by locating infrastructure works away from areas of known or potential high environmental or biodiversity values.
- Minimise – where the activity cannot feasibly or practicably avoid impacts on environmental values, measures are taken to reduce the duration, intensity and/or extent of impacts (including direct, indirect and cumulative impacts, as appropriate) to ensure that impacts are minimised as far as possible.
- Offset – after all practicable steps to avoid or minimise impacts have been implemented, measures to mitigate or lessen the impact on the site (during and post-construction) are to be evaluated and incorporated within the project design. Offsets are measures that compensate for residual adverse impacts.

7 ENVIRONMENTAL ASSESSMENT PROCEDURES

7.1 The EP&A Act provides for a range of classes of development in NSW. These categories determine if consent is required, who is the consent authority (e.g. Council, State Minister for Planning, Regional Planning Panel or a private certifier) and the level of documentation needed to support the application. The Act also sets out the level of assessment required for a particular type of development and whether approvals from other agencies are needed.

This Policy aims to clarify the assessment and determination for Part 5 Activities, as shown in the flow chart below.



*An Environmental Impact Statement will be required if proposed activity is likely to significantly affect the environment

7.2 Review of Environmental Factors (REF) under Part 5 of the Act

Environmental planning instruments (EPIs), such as local environmental plans (LEPs) and state environmental planning policies (SEPPs), are made under the EP&A Act to guide development.

Queanbeyan-Palerang Regional Council has a statutory responsibility to consider the potential environmental impacts of their activities under the EP&A Act. The environmental impact assessment process can assist in identifying and understanding the likely effects of these activities and help with sound environmental decision making.

Council undertakes a range of day-to-day activities that do not necessarily comprise works that require environmental assessment and approvals. For example, routine maintenance may be guided by standard operating procedures and safe work method statements that ensure works are undertaken safely and will not harm the environment.

The following are a range of activities that trigger an REF:

- road reconstruction requiring road pavement and road shoulder reconstruction and associated storm water drainage works
- demolition
- replacement of water and sewer mains where these are located within or adjacent to existing pipelines, are generally shallow (minimum cover) and small diameter.
- bridge and culvert replacement including works in waterways
- riverbank revetment projects
- new roads or road upgrades
- storm water upgrades
- new public buildings
- park and sports field upgrades.

7.3 Review of Environmental Factors assessment requirements

Projects undertaken under Part 5 are generally referred to as activities (not Development). Part 5, Division 5.1 of the EP&A Act requires the proponent for an activity to take into account a number of factors set out in the Environmental Planning and Assessment Regulation 2021 (EP&A Reg.).

Part 5, Division 5.1 of the EP&A Act and Clause 171(2) of the EP&A Reg. provide guidelines to ensure assessments under Part 5 include a comprehensive environmental assessment, and appropriate consultation. The assessment report is typically referred to as a Review of Environmental Factors report or REF.

Where a determining authority considers an activity is likely to 'significantly affect the environment' (EP&A Act cl 5.7), then an environmental impact statement (EIS) will need to be prepared.

The role of the REF is to ascertain whether an EIS is required. When an EIS is required, the EIS must take that investigation further and determine the potential extent and the mitigating measures available to manage or offset the impacts. Council will typically determine these assessments.

Part 5, Division 5.1 of the EP&A Act is not an approval in itself; it is a process obligation by which the determining authority must take into account to the fullest extent possible the impact of the activity prior to proceeding with the work.

It imposes a duty on determining authorities to "take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity". These matters are set out in Clause 171(2) of the EP&A Regulation 2021.

Clause 171 Factors:

- (2) If there are no environmental factors guidelines in force, the determining authority must take into account the following environmental factors—*
- (a) the environmental impact on the community,*
 - (b) the transformation of the locality,*
 - (c) the environmental impact on the ecosystems of the locality,*
 - (d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of the locality,*
 - (e) the effects on any locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations,*
 - (f) the impact on the habitat of protected animals (within the meaning of the Biodiversity Conservation Act 2016),*
 - (g) the endangering of a species of animal, plant or other form of life, whether living on land, in water or in the air,*
 - (h) long-term effects on the environment,*
 - (i) degradation of the quality of the environment,*
 - (j) risk to the safety of the environment,*
 - (k) reduction in the range of beneficial uses of the environment,*
 - (l) pollution of the environment,*
 - (m) environmental problems associated with the disposal of waste,*
 - (n) increased demands on natural or other resources that are, or are likely to become, in short supply,*
 - (o) the cumulative environmental effect with other existing or likely future activities,*

- (p) the impact on coastal processes and coastal hazards, including those under projected climate change conditions,*
- (q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,*
- (r) other relevant environmental factors.*

7.4 Community and stakeholder consultation

Public authorities are required to notify infrastructure and recreation works for legislative reasons as well as to satisfy other policy or procedural obligations. Where an environmental assessment requires approval or a permit under the Fisheries Management Act, Heritage Act, National Parks and Wildlife Act or Protection of the Environment Act the REF must be published on Council's website or the NSW Planning Portal.

The relevant Council Directorate that generates the project will manage the notification process.

Community and stakeholder consultation must be considered during the preparation of the final REF. For some projects, such as significant park and recreation facility upgrades, substantial community and stakeholder consultation may have occurred prior to progressing to the REF stage. For smaller projects, consultation may only be necessary through targeted notification prior to works commencing (e.g. in the case of night time road works, or temporary road closures).

7.5 Determination of Review of Environmental Assessments

An activity under Part 5 of the EP&A Act must not be commenced prior to both the REF being “determined” by an appropriately delegated staff member or Council, and the determination report, the relevant sign off pages and supporting documents being recorded in the Council’s electronic data/records system.

The signed determination report recognises Council has fulfilled its duty to consider the environmental impact of the activity pursuant to s. 5.5 of the EP&A Act. This includes certifying that the recommended environmental safeguards and mitigation measures proposed will ensure that the environmental impacts are not significant.

In practice, following certification by the author, a technical review is undertaken by the project client. Review and certification are then completed by an officer with appropriate delegations or Council itself. An example of the sign off page is provided at Appendix 3. This will form part of the ‘determined’ documents saved in TechOne.

The following is an overview of steps relevant to an REF determination:

<p>Project development</p> <p>Project team to develop project and confirm:</p> <ul style="list-style-type: none"> ○ The project can proceed as an REF under Part 5 based on the scope of works prepared. 	<p>Project Team</p>
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<ul style="list-style-type: none"> ○ Draft REF prepared which confirms project impacts are not significant and an EIS is not required. ○ Where a project is found to have a significant environmental effect, where it requires the preparation of an Environmental Impact Statement or where the design has a significant impact on the community, we will ask Council to adopt the design and place both design and REF on exhibition. ○ Save project design, Draft REF and supporting documents in CiAnywhere / Tech one. ○ Referral to public authorities undertaken as required for associated approvals or permits. ○ Advertise REF as required. ○ Any issues raised in submissions addressed in draft REF. ○ Prepare any relevant environmental management plans or recommendations of the REF. ○ Draft REF reviewed and certified by Project Team as meeting the project plan and relevant management plans or recommendations will be in place as and when required. ○ Draft REF and relevant documents referred to Delegate or Council for determination. 	
<p>Determination of REF</p> <p>The certification and signoff steps are:</p> <ul style="list-style-type: none"> ○ certification by the author that the REF provides a true and fair review of the proposed activity in relation to its likely effects on the environment, and assesses to the fullest extent possible all matters affecting or likely to affect the environment as a result of the proposed activity. ○ the REF is reviewed and signed off by the Project Team that the REF is a true assessment of the scope of works and that environmental safeguards and management actions will be implemented as proposed. ○ the REF is reviewed and signed off by the Delegate (under the Environmental Planning and Assessment Act, being staff of Development & Environment Directorate or Council) that the environmental safeguards and management actions will be implemented as proposed. ○ Where a project has previously been to Council due to its environmental or community significance, a report to Council to determine the REF will be made. ○ Any modification or changes to the project during construction are communicated to the Project Team for re-assessment if required. <p>Prior to determination the relevant reports, plans and documents are to be recorded in the Council's electronic data/records system.</p> <p>Sign off to be recorded in Council's electronic data/records system</p>	<p>Project Team, REF Author, Delegate under EP&A Act (currently in Development and Environment Directorate) or Council</p>

7.6 Changes to projects during and after assessment and approval

Changes to projects already assessed but not completed will require re-examination and re-evaluation to determine whether these changes would trigger legislative change or a new or increased effect on the environment.

An amended REF may be required as a result of a change to the project.

Appendix 1: Relevant environmental impact assessment legislation

Statutory context

Public authorities in NSW have a responsibility under the NSW *Environmental Planning and Assessment Act 1979* and Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* to consider the impacts of their activities on the environment.

Environmental planning legislation, planning instruments, policies and guidelines

A range of legislation, policies and guidelines apply to the assessment and management of environmental impacts of infrastructure works. Some common examples are outlined in Table 1 below.

Table 1: Relevant environmental planning legislation, instruments, policies and guidelines

Legislation, plans and policies	Discussion
Relevant environmental planning legislation	
<i>Environmental Planning and Assessment Act 1979</i> (EP&A Act)	<p>The EP&A Act defines categories of development including what is exempt development, development requiring development consent (including complying development), development that is an activity requiring environmental assessment under Division 5.1 and state significant infrastructure.</p> <p>Part 5 of the Act relates (in part) to activities undertaken by public authorities and their environmental assessment requirements.</p> <p>Section 5.5(1) requires that a determining authority, in its consideration of an activity, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity. Factors that must be taken into account concerning the impact of an activity on the environment are outlined in cl. 171 of the <i>Environmental Planning and Assessment Regulation 2021</i>. The determining authority for the purpose of an activity under Part 5 of the Act is Queanbeyan-Palerang Regional Council.</p>
<i>Biodiversity Conservation Act 2016</i> (BC Act)	<p>The <i>Biodiversity Conservation Act 2016</i> (BC Act), together with the <i>Biodiversity Conservation Regulation 2017</i> (BC Reg.) outlines the framework for addressing impacts on biodiversity from development and clearing. It establishes a framework to avoid, minimise and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme (BOS).</p> <p>The BOS applies to local development (assessed under Part 4 of the EP&A Act) that triggers the BOS threshold or likely to significantly affect threatened species, ecological communities or their habitats based on the test of significance in section 7.3 of the BC Act. The BOS is optional for activities under Part 5 of the EP&A Act.</p> <p>According to Clause 7.1(1) of the BC Reg. proposed development exceeds the BOS threshold for the purposes of Part 7 of the BC Act if it is, or involves:</p>

Legislation, plans and policies	Discussion
	<p>(a) the clearing of native vegetation of an area declared by clause 7.2 as exceeding the threshold, or</p> <p>(b) the clearing of native vegetation, or other action prescribed by clause 6.1, on land included on the Biodiversity Values Map (BVM) published under clause 7.3.</p> <p>If clearing and other impacts exceeds either trigger, the BOS applies to the proposed development including biodiversity impacts prescribed by clause 6.1 of the BC Reg.</p>
<p><i>Biosecurity Act 2015</i> (Biosecurity Act)</p>	<p>The broad objectives of the Biosecurity Act are to manage biosecurity risks from animal and plant pests and diseases, weeds and contaminants by:</p> <ul style="list-style-type: none"> • preventing their entry into NSW • finding, containing and eradicating any new entries • minimising the impacts of those pests, diseases, weeds and contaminants that cannot be eradicated through management arrangements. <p>The Biosecurity Act is administered by the Minister for Primary Industries.</p> <p>Amongst other things, the Biosecurity Act deals with livestock, crops and weeds and also includes a general biosecurity duty to ensure biodiversity risks are prevented, eliminated or minimised, so far as is reasonably practicable.</p>
<p><i>Crown Lands Act 2016</i> (CL Act) (e.g. General provisions related to licences)</p>	<p>Crown land is land set aside on behalf of the community for a wide range of public purposes including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services. The Minister has delegation to grant licences over a Crown reserve for the purpose of any facility or infrastructure or for any other purpose as determined. Crown Lands are the authority responsible for the management of Crown Land licences (CLL) which in relation to Council infrastructure works, typically include short-term licences, general licences and waterfront structure licences.</p>
<p><i>Fisheries Management Act 1994</i> (FM Act) (e.g. Part 7 Protection of aquatic habitats)</p>	<p>Under Part 7, Division 3, 4, and 8, a permit is required to carry out dredging and reclamation works on water land, harm marine vegetation and obstruct fish passage.</p>
<p><i>Heritage Act 1977</i> (Heritage Act)</p>	<p>The Heritage Act provides for the conservation of buildings, works, relics and places that are of historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance to the State. Matters protected under the Heritage Act include items listed on the State Heritage Register, the heritage schedules of local Council EPIs, and/or the conservation registers (or Section 170 Registers) of NSW state government agencies, as well as items subject to an Interim Heritage Order. The Heritage Act also provides for the protection of archaeological 'relics', being any deposit, object or material evidence that relates to the non-Aboriginal settlement of NSW and is of state or local heritage significance.</p> <p>Section 60 of the Heritage Act details the approval required for any action that would adversely affect an item that is subject to an Interim Heritage Order or a listing on the State Heritage Register. Section 139 provides for the protection of all relics making it an offence to</p>

Legislation, plans and policies	Discussion
	disturb or excavate land to discover, expose or move a relic, without permit issued by the Heritage Council of NSW. The Heritage Council may by order publish in the Government Gazette exceptions to the need to obtain a Section 139 permit. Section 146 requires that in the event a relic is discovered during the proposed works, whether or not a permit has been issued, the NSW Heritage Council must be notified, within a reasonable timeframe, of the location of the relic.
<i>National Parks and Wildlife Act 1974</i> (NP&W Act)	The NP&W Act is the primary legislation for the protection of aspects of Aboriginal cultural heritage in NSW. Part 6 of the NP&W Act provides specific protection for Aboriginal objects and places by making it an offence to harm them (Section 86). If "harm" to an Aboriginal object or place cannot be avoided, whether it is identified in the Aboriginal Heritage Information Management System (AHIMS), discovered during a survey or deemed likely to exist, the legislation requires an Aboriginal Heritage Impact Permit (AHIP), to be issued.
<i>Aboriginal Land Rights Act 1983</i> (ALR Act)	<p>The ALR Act establishes the NSW Aboriginal Land Council (NSWALC) and Local Aboriginal Land Councils (LALCs). The Act requires these bodies to:</p> <ul style="list-style-type: none"> • take action to protect the culture and heritage of Aboriginal persons in the Council's area, subject to any other law; • promote awareness in the community of the culture and heritage of Aboriginal persons in the Council's area. <p>These requirements recognise and acknowledge the statutory role and responsibilities of NSWALC and LALCs.</p> <p>The ALR Act also establishes the registrar, whose functions include, but are not limited to, maintaining the Register of Aboriginal Land Claims and the Register of Aboriginal Owners.</p>
<i>Protection of the Environment Operations Act 1997</i> (POEO Act)	Under the POEO Act it is an offence to cause harm to the environment in terms of waste disposal, water pollution, air pollution, noise pollution and land pollution.
<i>Rural Fires Act 1997</i> (RF Act)	All developments on land that is designated as bush fire prone have a legal obligation to consider bush fire and meet the requirements of <i>Planning for Bush Fire Protection</i> .
<i>Water Management Act 2000</i> (WM Act)	The WM Act requires an approval from NSW Water to carry out a controlled activity or aquifer interference activity. A controlled activity includes the carrying out of any works on waterfront land. However, Part 4, Division 2, Section 39A of the <i>Water Management (General) Regulation 2018</i> states that: the Minister may, on application for an exemption under this clause, exempt a relevant public authority from section 91B(1) of the Act in relation to the construction or use (or both) of a water supply work.
Relevant Environmental Planning Instruments	
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>The Transport and Infrastructure SEPP is the principal environmental planning instrument which prescribes public infrastructure as either:</p> <ul style="list-style-type: none"> • exempt development under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act). • development permitted with consent under Part 4 of the EP&A Act or

Legislation, plans and policies	Discussion
	<ul style="list-style-type: none"> development permitted without consent under Part 5 of the EP&A Act. <p>The SEPP also defines the consultation required with relevant public authorities during the assessment process and prior to development commencing.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021	<p>The Resilience and Hazards SEPP aims to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i>. Specifically, manage development in the coastal zone and protect the environmental assets of the coast.</p> <p>The clearing of coastal wetlands and littoral rainforests will also trigger a requirement for an assessment under the <i>Biodiversity Conservation Act 2016</i>. Namely, coastal wetlands and littoral rainforests mapped under the Resilience and Hazards SEPP are also types of land included on the Biodiversity Values (BV) Map.</p>
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)	<p>The Biodiversity and Conservation SEPP aims to:</p> <ul style="list-style-type: none"> protect the biodiversity values of trees and other vegetation in non-rural areas of the State. to preserve the amenity of non-rural areas of the State through preservation of trees and other vegetation. <p>Chapter 3 of the Biodiversity and Conservation SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population declines.</p> <p>Chapter 3, Part 3.2 applies to land zoned RU1 Primary Production, RU2 Rural Landscape and RU3 Forestry.</p>
Other relevant policies, guidelines and plans	
Council's Contaminated Land Policy	<p>The policy, amongst other things, aims to enable the effective on-going identification and recording of contaminated land issues, and minimise potential for adverse social (including environmental and public health issues) and economic impacts as a result of contaminated land issues.</p> <p>The approach to addressing these information requirements is often in the form of a preliminary contaminated land use assessment or a Preliminary Site Investigation in order to understand whether widespread contamination of the site is likely and if further investigations are warranted.</p>
Waste Management Guidelines	<p>To help waste generators classify the wastes they produce, the NSW Environment Protection Authority (EPA) has developed Waste Classification Guidelines. The guidelines are typically addressed by preparing a waste management plan for all waste generating proposals.</p>
Guidelines for Division 5.1 assessments	<p>Department of Planning & Environment guideline dated June 2022, or as amended.</p>

Appendix 2: Approvals required by other agencies

Approvals to undertake infrastructure works sometimes require an associated authority (e.g. approvals, licence, consent, permission or permit) under legislation other than the EP&A Act.

These approvals include a separate approval for activities permitted without consent under Part 5.

Some typical authorities that Council infrastructure works may require approvals from are below.

Authority	Instrument	Activities triggering an authority
NSW Department of Primary Industries – Fisheries	<i>Fisheries Management Act 1994:</i> <ul style="list-style-type: none"> Section 200 – permit to carry out works of dredging or reclamation. Section 205 – permit to harm (cut, remove, damage, destroy etc.) marine vegetation on public water land. Section 219 – permit to obstruct the free passage of fish. 	Bridge and causeway reconstruction including low level crossings, dams, that obstruct fish passages, river bank revetment and the like.
NSW National Parks and Wildlife Service	<i>National Parks and Wildlife Act 1974:</i> Aboriginal Heritage Impact Permit (AHIP) issued under Part 6, Division 2 where harm to an Aboriginal object or Aboriginal place cannot be avoided.	Excavation within an Aboriginal place of heritage significance.
NSW Department of Climate Change, Energy, Environment and Water	<i>Heritage Act 1977:</i> <ul style="list-style-type: none"> Section 60 relates to adverse effects on items subject to an interim Heritage Order or on the State Heritage Register; exemption from the requirement to obtain an approval under Section 57(2). Section 146 requires notification of the NSW Heritage Council upon discovery of a relic. 	Maintenance and renewal works to an item or conservation area of State heritage significance or discovery of a relic.
NSW Department Crown Lands	<i>Crown Land Management Act 2016:</i> <ul style="list-style-type: none"> Short-term activity – short-term licence. Licence to occupy and use Crown land – general licence 	<ul style="list-style-type: none"> Short-term licence: environmental protection and/or rehabilitation- for example eradication of noxious weeds or land regeneration. General licence: works within Crown Land reserves.
NSW Rural Fire Service	<i>Rural Fires Act 1997:</i> <ul style="list-style-type: none"> S. 100B authorisation for residential or rural residential subdivisions or special fire protection purposes. 	Building of certain class 1–9 buildings (pursuant to the Building Code of Australia) on land mapped as bushfire prone land.

Appendix 3 - Example REF signoff page

Certification (person preparing the assessment)	
I certify to the best of my knowledge that:	
<ul style="list-style-type: none"> a. this REF provides a true and fair review of the proposed activity in relation to its likely effects on the environment. It assesses to the fullest extent possible all matters affecting or likely to affect the environment as a result of the proposed activity. b. this REF has established that the activity is not likely to significantly affect the environment and an Environmental Impact Statement is not required. c. the REF has concluded that there will be no significant impacts on matters of national environmental significance or any impacts on Commonwealth land. d. the proposal should proceed subject to the implementation of all environmental safeguards and management actions identified in the REF and compliance with all other relevant statutory approvals, licenses, permits and authorisations. 	
<p>Note 1: Projects with unacceptable impacts are recommended not to proceed or be subject to further investigation and assessment in accordance with an Environmental Impact Statement process.</p>	
<p>Note 2: The imposition of environmental safeguards and management actions identified in the REF are to minimise any adverse impact the activity may cause and to give effect to the objectives of Part 5 of the Environmental Planning and Assessment Act, 1979.</p>	
Name	
Signature	
Position	
Date	

Project Team Signoff	
I confirm that:	
<ul style="list-style-type: none"> • the REF provides an accurate description of the project scope of works. • the mitigation measures proposed within the REF form part of the final project scope of works. • the mitigation measures proposed within the REF will be implemented as described during construction and operation of the works. • any changes to the project scope of works or disturbance footprint will be communicated to the delegate for further assessment (if required). 	
Name	
Signature	
Position	
Date	

**Review and Final Determination
(person with delegation to review and determine the assessment)**

I certify:

- to the best of my knowledge that based on the completed REF and my knowledge of the project, the assessment has been adequately completed, and the conclusion as to the likely environmental impact of the project is reasonable and the project can proceed subject to the relevant management measures and environmental safeguards and other relevant authorities described within the REF.
- that I have reviewed and endorsed the contents of this REF document and, to the best of my knowledge the information it contains is neither false nor misleading.

Name	
Signature	
Position	
Date	