



Schedule 1: Conditions of Determination

REF No.	DOC25/862239
Title of proposal:	Maintenance and operation of existing high ropes course and addition of new net park
Proponent:	WildNets Adventures, Newcastle
Park name:	Blue Gum Hills Regional Park
Area/ NPWS Branch:	Lower Hunter/Hunter Central Coast

General information about this Determination

References to the REF

All references to the REF are references to the following documents:

- DOC25/862239 Revised REF (V2)- Maintenance and operation of high ropes course and addition of new elevated net park Oct 2025 - WildNets - Blue Gum Hills RP
- DOC25/862197-1 Appendix 1 - Blue Gum Hills Biodiversity Assessment Report
- DOC25/862197-2 Appendix 2 - Blue Gum Hills AHIMS Search Result
- DOC25/862197-3 Appendix 3 - Blue Gum Hills EPBC Protected Matters Search - July 21st 2025(2)
- DOC25/862239-1 Sustainability Assessment - WildNets NetPark addition - Blue Gum Hills RP
- DOC25/726777 Tab 2- Sustainability Assessment - WildNets Lease/Licence - Blue Gum Hills Regional Park

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 Branch Director may delegate any functions ascribed to the NPWS Branch Director in the determination to another NPWS 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 NPWS

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

Attention: Area Manager
 National Parks and Wildlife Service
 npws.lowerhunter@environment.nsw.gov.au

Determination conditions

GENERAL CONDITIONS

Duration and scope of determination

1. The proponent must have commenced the activity within 5 years from the date of determination¹.
2. This determination only applies to those parts of the activity as identified in the Review of Environmental Factors (REF) that will be undertaken within Blue Gum Hills Regional Park (RP) at the locations indicated in Figure 3 of the REF. The proponent must determine whether any other approvals are required for any associated works that are to occur outside this area, including any works in other parts of Blue Gum Hills RP or outside Blue Gum Hills RP.

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

3. Notwithstanding any other conditions of this determination, in the event that emergency works are required, the proponent must take all reasonable steps to ensure that these occur as expeditiously as possible. Emergency works are generally works of a temporary and reversible nature which are urgently required to arrest an imminent threat to life, safety, public liability, and/or threat to fabric or property.
4. In the event that emergency works are undertaken the proponent must notify the Environment Line on 131555 as soon as practicable. Once notification has been made, the proponent must contact the Hunter Central Coast Branch Director 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

5. The 'activity' detailed in the REF 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 the Sustainability Assessment.
 - as required or amended by the conditions of this determination.

¹ If the activity is not substantially commenced within this time, the proponent must seek direction from the NPWS Lower Hunter 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 a proponent. The reason does not form a part of the condition but is included for clarity.

6. In the event of any inconsistency between the REF and the Sustainability Assessment and the conditions of this determination, the conditions of the determination shall prevail.
7. This determination, and the conditions of this determination, do not relieve the proponent of any obligation to obtain other statutory approvals necessary to undertake the activity, including but not limited to any approvals required under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.
8. The proponent must undertake the activity in accordance with the requirements of the *Work Health and Safety Act 2011*, including codes of practice adopted under the Act, and the Work Health and Safety Regulation 2017. Any contractors on the site are to have appropriate insurances, including public liability insurance.
9. The proponent must provide the following to the Hunter Central Coast Director 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

10. Prior to the construction of the net park, 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
11. Prior to the commencement of the activity, the proponent must comply with any other relevant requirements of this determination, including submission and approval of:
 - Environmental Management Plan.
 - Incident Management Plan
 - Written confirmation from Subsidence Advisory NSW that works are exempt or approved.
 - Notification to City of Newcastle of works and address any traffic or other concerns.
 - Submit detailed site/course plan and map, showing:
 - i. net and platform locations and attachment methods,
 - ii. existing pathways utilised for construction and ongoing operation of the net park,
 - iii. preferred colour palette for selected materials (note: colours must be compatible with the natural bushland environment).
12. Prior to the commencement of the any new construction the proponent (including any employees, contractors, subcontractors and agents involved in undertaking the activity) must hold an on-site meeting with the Lower Hunter Area Manager (or their delegate).

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

Certification of building and infrastructure works prior to commencement

13. 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, if required by the OEH *Construction Assessment Procedure*. Evidence of compliance with the BCA, Disability (Access to Premises – Buildings) Standard, or Australian Standards must be submitted to the satisfaction of the Hunter Central Coast Branch Director.
14. For those proposed works that do not require certification under the OEH *Construction Assessment Procedure*, the proponent must still ensure that the activity is undertaken in accordance with any relevant requirements of the BCA, Disability (Access to Premises – Buildings) Standards or Australian Standards, and is safe and fit for the intended purpose.

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*
 - *demolition of a building or work*
 - *the doing of anything that is incidental to the erection of a building or the demolition of a building or work*
 - *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.*
- iii. *The process for obtaining certification is specified in the OEH Construction Assessment Procedure.*

NPWS notification

15. The proponent must notify the NPWS Lower Hunter Area Manager in writing or by email at least 7 days prior to commencing the activity.

Reason: To ensure appropriate liaison with NPWS staff.

Environmental Management Plan

16. 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 Hunter Central Coast Branch Director or delegate for approval at least 15 business 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:
- location of active work and storage areas
 - measures to protect areas of environmental sensitivity including reporting and communication pathways
 - measures to protect European and Aboriginal Cultural Heritage including reporting and communication pathways for unexpected finds.
 - environmental safeguards, including sediment and erosion controls, weed hygiene, waste management, and management of hazardous substances

- site rehabilitation including management of contaminated materials and soils
- traffic management during construction, 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 Lower Hunter Area Manager and Ranger
- 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.

Incident and emergency preparedness and management

17. An Incident and Emergency Management Plan must be prepared and kept on site by the proponent. The Plan must be submitted for approval of the Hunter Central Coast Branch Director or delegate prior to the commencement of the activity. The proponent must implement the approved plan. The content of the plan must be developed in consultation with the Lower Hunter Area Manager and must detail procedures to be followed in the event of an emergency or similar event including bushfires. These procedures must include, but are not limited to, the following:

- measures to ensure all workers are made aware of the plan and its provisions and be trained in the use of emergency equipment and procedures for evacuation and seeking refuge
- equipment to be tested in accordance with manufacturer's recommendations during training of employees
- the plan is to be displayed in a prominent location and should clearly highlight recommended actions and 24-hour contacts
- the plan must be reviewed/updated at least every 12 months.

Reason: To ensure appropriate management of emergency situations including fire incidents.

Signage and public notification

18. At least 3 days before any construction activity commences, the proponent must erect signs in the immediate vicinity of the activity site. 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.

Publication of REF and decision statement

19. The REF, this decision statement and attached schedule of conditions must be published on the proponent's website or on the Planning Portal prior to the commencement of the activity or within a month of commencement.

Reason: To meet the requirements of section 171(5) of the EP&A Regulation 2021.

OPERATIONAL CONDITIONS

Availability of REF determination and conditions

20. A copy of the REF, this determination and attached schedule of conditions must be kept at the site to which the REF applies.
21. The REF, this determination and attached schedule of conditions must be available for inspection by any employee or agent of the proponent working at the site, and any 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

22. 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 discoveredthe 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.
23. Unless explicitly covered by the REF, 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 Hunter Central Coast Branch Director 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

24. 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 Hunter Central Coast Branch Director or delegate and/or the local NSW DPIRD Fisheries office (for threatened fish or marine vegetation matters) as relevant.
 - Notification must be made as soon as practicable by phone, electronically or in writing, and not recommence work likely to affect the threatened species or

endangered ecological communities, or their habitats until receiving written advice from NPWS and/or DPIRD Fisheries to do so.

Reason: To minimise biodiversity impacts.

Biodiversity management

25. The proponent is not permitted to clear vegetation or construct new pathways. Existing pathways must be utilised during the construction and operation of the activity.
26. The proponent must ensure that construction does not impact on any vegetation.
27. Proposed works must avoid fenced Green-thighed frog habitat where possible and minimise access and duration of any unavoidable works within fenced area.
28. The proponent must use best practice non-invasive Arborist approved tree attachment methods that balance participant safety and tree health.
29. An Arborist must inspect trees annually, including previously used structures and recommend tree health or habitat enhancement works where applicable.
30. Where required the proponent will install signage or barriers to prevent off-track access and protect understorey vegetation.
31. The proponent must:
 - implement weed and pathogen hygiene protocols in line with NSW Saving Our Species (2020) Hygiene Guidelines to prevent the spread of Phytophthora, myrtle rust, and invasive weeds.
 - Remove and dispose of weed material at an approved Newcastle City Council facility.
 - Conduct annual weed control by personnel accredited with the *Australian Association of Bush Regenerators (AABR)*.

Reason: To provide minimise biodiversity impacts

Tree risk management

32. In the event that a tree requires pruning or other management for safety reasons, all works must be completed in line with NPWS's Tree Risk Management Procedures. Any management of high-value trees (including mature or hollow-bearing trees, or trees in a threatened ecological community) will need to be justified with advice from a suitably qualified arborist that this is the only option available to manage the risk.
33. All tree works and platform/fixture installations to be supervised by a qualified arborist. No tree removal is permitted unless expressly approved in writing by NPWS; hazardous branch removal only as determined by arborist

Notification of environmental harm

34. 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.
35. Notifications must be made by telephoning the Environment Line on 131555.
36. Once notification has been made the proponent must also contact the Hunter Central Coast Branch Director or delegate to seek direction on any further procedures to be implemented.
37. The proponent must provide written details of the notification to NPWS within 7 days of the date on which the incident occurred.

Equipment and materials storage

38. The proponent must store any machinery, equipment or materials required for the activity in areas identified in the REF or existing cleared areas.
39. Machinery, vehicles and other construction equipment must be cleaned (e.g. washed down) by the proponent prior to entry into Blue Gum Hills RP to remove any soil or plant matter.
40. 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.

Operational hours / Site access

41. Construction 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 Lower Hunter Area Manager.
42. The proponent must take reasonable steps to limit restrictions on public access during construction activities. 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.
43. The proponent is to encourage staff and contractors involved in the activity to carpool to the site in light vehicles during the proposed construction activity.
44. The proponent must maintain public access and emergency egress route throughout construction.
45. No construction works to be undertaken during periods of heavy rain or strong winds.
46. The proponent must implement visitor capacity controls and operational procedures to manage visitor numbers (noting potential peak 300–400 visitors/day) to avoid detrimental impacts to the surrounding regional park and protect park values.
47. The proponent must monitor weather and suspend operations during hazardous weather conditions such as thunderstorms, catastrophic fire danger periods or under the direction of the Lower Hunter Area Manager or their delegate

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

Use of rainforest timbers

48. The proponent must not use rainforest timbers in undertaking the activity unless written approval is obtained from the Hunter Central Coast Branch Director.

Note: to gain approval to use rainforest timber the proponent must demonstrate:

- i. that no feasible alternatives exist, or
- ii. the rainforest timbers are to be obtained from a plantation source which has received appropriate industry and environmental certification.

Reason: To promote the use of sustainable construction materials in accordance with NPWS policies.

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. Removal of any asbestos-containing material must be undertaken in accordance with *Code of Practice: How to safely remove asbestos* published by SafeWork NSW.

Reason: To ensure the appropriate management of waste material.

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

Waterway protection

51. 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.

Threatened species 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 monitoring

53. The proponent must implement biodiversity monitoring described in the Biodiversity Assessment report including:
- pre-works surveys
 - short-term monitoring during works and post-works monitoring for tree health and any indirect fauna impacts.
54. The proponent must provide monitoring reports to the Lower Hunter Area Manager annually for the first 3 years after installation of the net park.

POST ACTIVITY CONDITIONS

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), Disability (Access to Premises – Buildings) Standards, or relevant Australian Standards as required by the OEH *Construction Assessment Procedure*. Evidence of compliance with the BCA, Disability (Access to Premises – Buildings) Standards, or Australian Standards must be submitted to the satisfaction of the Hunter Central Coast Branch Director.

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.*

Site rehabilitation

56. Within 7 days of any area being damaged by construction, vehicular or other access to the site, the proponent must repair and rehabilitate such land to the satisfaction of the Hunter Central Coast Branch Director or delegate.

57. The proponent must only use locally sourced indigenous plant species for site restoration works, unless otherwise agreed in writing by the Lower Hunter Area Manager.

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