

Decision Statement for Review of environmental factors: Sandy Point Road Landslide Remediation

REF CM10 file no.	DOC25/128846
Title of proposal:	Sandy Point Road Landslide Remediation
Park name:	Lansdowne Nature Reserve
NPWS Area:	Manning Great Lakes
NPWS Branch:	Hunter Central Coast
Proponent:	Tamara Campbell

Based on the Review of Environmental Factors (REF) and any additional information obtained, and after having taken into account to the fullest extent possible all matters likely to affect the environment as a result of the proposed activity (in accordance with section 5.5 of the *Environmental Planning and Assessment Act 1979*), I hereby determine that:

Activity to proceed

Further information/assessment is not required:

- an Environmental Impact Statement (EIS) is not required as the activity is not likely to significantly affect the environment
- a Species Impact Statement (SIS) is not required as the activity is not proposed to occur on land that is part of an area of outstanding biodiversity value or critical habitat, and is not likely to significantly affect threatened species or ecological communities, or their habitats

The activity may proceed, subject to the conditions specified in the attached Schedule 1 and subject to any necessary approvals (if approval required under other legislation) being obtained first.

Related matters


Further, it is considered that the proposed activity:

- ✓ is unlikely to* impact significantly on matters of **National Environmental Significance** under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- ✓ is unlikely to* impact significantly on **local council infrastructure**, including roads, water, sewer and stormwater, **local heritage items** listed by the council, and **flood patterns on flood liable land**.
- ✓ will not* require certification to Building Code of Australia or Australian Standards in accordance with the NPWS *Construction Assessment Procedures*

Determination

NPWS Area Manager recommendation:

Name: Tamara Campbell


Signature: 

Date: 11/03/2025

Determination by Director Park Operations, Hunter Central Coast Branch*

I certify that I have reviewed and endorsed the contents of this REF document and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under section 170 of the EP&A Regulation, and the information it contains is neither false nor misleading.

Name: Kylie Yeend

Signature: 

Date: 24/03/2025

Schedule 1: Conditions of Determination

REF DOC No. from CM10	DOC25/128846
Title of proposal:	Sandy Point Road Landslide Remediation
Proponent:	Tamara Campbell
Park name:	Lansdowne Nature Reserve
NPWS Area:	Manning Great Lakes
NPWS Branch:	Hunter Central Coast

General information about this Determination

References to the REF

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

- **DOC25/128846** – Sandy Point Road REF/EA/Permit/Appendices

Responsibilities of the proponent

The proponent is responsible for the manner in which the activity detailed in the REF, any permits and this determination is performed.

Explanatory notes to conditions in this determination

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

GENERAL CONDITIONS

Duration and scope of determination

The proponent must have commenced the activity within 5 years from the date of determination¹.

The activity must cease in their entirety, including rehabilitation of the activity footprint (Figure 1) to NPWS satisfaction, within two months from the date of commencement.

This determination only applies to those parts of the activity as identified in the Review of Environmental Factors (REF) that will be undertaken within Lansdowne Nature Reserve at the locations indicated in Map 1. 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 the Lansdowne Nature Reserve or outside Lansdowne Nature Reserve

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

Emergency works

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.

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.

Undertaking the activity

The 'activity' detailed in the REF must be undertaken:

1. at the location identified in the REF
2. in accordance with the description of the activity and environmental safeguards or mitigation measures listed in the REF
3. as required or amended by the conditions of this determination and the s205 Permit PN24/501 (DOC25/128965).

In the event of any inconsistency between the REF and the conditions of this determination, the conditions of the determination shall prevail.

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*.

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.

The proponent must provide the following to the Hunter Central Coast Branch Director or delegate prior to commencement of the activity:

1. the contact details and qualifications of a person who will be present on site to supervise the activity
2. 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.

PRIOR TO COMMENCEMENT OF ACTIVITY CONDITIONS

Approvals and compliance

Prior to the commencement of the activity, the proponent must comply with any other relevant requirements of this determination, including submission and approval of:

1. a construction environmental management plan (Condition 18)
2. an incident management plan (Condition 21)
3. an erosion and sediment control plan that meets the requirements of outcome 8 (b) of DOC25/128965 (Condition 25)
4. an acid sulfate soil management plan must be prepared by a suitably qualified person in accordance with the *Acid Sulfate Soil Assessment and Management Guidelines* (Acid Sulfate Soil Management Advisory Committee 1988) (Condition 26)

Prior to the commencement of the activity the proponent (including any employees, contractors, subcontractors and agents involved in undertaking the activity) must hold an on-site meeting with the Manning Great Lakes Area Manager (or their delegate).

Certification of building and infrastructure works prior to commencement

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

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.

NPWS notification

The proponent must notify the NPWS Manning Great Lakes Area Manager in writing or by email at least 7 days prior to commencing the activity.

Fisheries notification

A commence works notification form must be provided to ahp.central@dpi.nsw.gov.au and fisheries.compliance@dpi.nsw.gov.au at least 3 to 5 days prior to the commence of works authorised in the permit.

An active works notification form must be sent to ahp.central@dpi.nsw.gov.au at least 3 to 5 days before works are complete or machinery is removed from the site. Several colour photographs showing the work site and works completed to date must be included.

The post works notification form must be completed and sent to fisheries.compliance@dpi.nsw.gov.au and the Fisheries Contact Officer (ahp.central@dpi.nsw.gov.au) within 21 days of completion of the works at the site.

All notification forms are attached in (DOC25/128965).

Construction Environmental Management Plan

A Construction Environmental Management Plan (CEMP) 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 7 days prior to the commencement of the activity. The proponent must comply with all measures identified in the approved CEMP. The plan must detail the environmental management procedures to be applied during and after the completion of the activity including, but not limited to, the following components:

1. location of active work, no go areas and storage areas
2. measures to protect areas of environmental sensitivity including reporting and communication pathways
3. measures to protect Aboriginal Cultural Heritage including reporting and communication pathways
4. environmental safeguards, including water pollution controls, waste management, and management of hazardous substances
5. site rehabilitation including management of contaminated materials and soils
6. vehicle and pedestrian access arrangements, including parking
7. public safety, including location, design and timeframes of information signage and public relations media releases by the proponent

8. contact protocols outlining procedures and any notifications to be given before works commence, together with contact details for the project manager and the NPWS Manning Great Lakes Area Manager and Ranger
9. site induction and training arrangements
10. site monitoring and reporting
11. protocols for incidents and emergencies and contingency planning, including reporting pathways.

Incident and emergency preparedness and management

An Incident 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 Manning Great Lakes 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:

1. 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
2. equipment to be tested in accordance with manufacturer's recommendations during training of employees
3. the plan is to be displayed in a prominent location and should clearly highlight recommended actions and 24-hour contacts
4. the plan must be reviewed/updated at least once a month.

Signage and public notification

At least 7 days before the activity commences, the proponent must erect signs at the park entrance or in the immediate vicinity of the activity site, the size, location and content of which must be to the satisfaction of the NPWS Manning Great Lakes Area Manager. Signs must be visible and clearly identify the proponent and list:

1. a description of the activity, reasons for undertaking the activity and duration of the activity
2. the hours of operation
3. a contact telephone number for public inquiries.

Stormwater, erosion and sediment controls

Prior to the commencement of the activity, the proponent must submit an erosion and sediment control plan for the approval of the Manning Great Lakes Area Manager. The plan must be prepared using the guidelines *Managing Urban Stormwater: Soils and Construction* (Landcom 2004)) and other relevant guidelines². The proponent must comply with the approved plan. The plan must meet outcome 8(b) of DOC25/128965 which states *the sediment and erosion control plan must aim to achieve no visible turbid plumes reaching the waterway*, for any rainfall event up to a 1 in 2 year Annual Recurrence Interval (ARI).

² for example, the Field Guide for erosion and sediment control on unsealed roads, www.environment.nsw.gov.au/research-and-publications/publications-search/erosion-and-sediment-control-on-unsealed-roads

OPERATIONAL CONDITIONS

Availability of REF determination and conditions

A copy of the REF, this determination, any permits and attached schedule of conditions must be kept at the site to which the REF applies.

The REF, this determination, attached schedule of conditions and any permits must be produced to any authorised officer of NPWS who asks to see it.

The REF, this determination attached schedule of conditions and any permits must be available for inspection by any employee or agent of the proponent working at the site.

Discovery of unknown Aboriginal and historic heritage values

If, during the course of the activity:

1. any Aboriginal objects, as defined under the National Parks and Wildlife Act, are uncovered or discovered; and/or
 2. any relics, as defined under the *Heritage Act 1977*, are uncovered or discovered
- the proponent must cease work immediately and notify the Environment Line on 131555, unless the objects and/or relics are subject to the Aboriginal Heritage Impact Permit or a valid Heritage Permit. Work must not recommence until written advice to do so has been provided by NPWS.

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:

1. immediately cease the activity and not further harm these remains
2. secure the area so as to avoid further harm to the remains
3. 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
4. notify the Hunter Central Coast Branch Director or delegate, and
5. recommence the activity only after receiving confirmation in writing from the local police or Heritage NSW that it is appropriate to do so.

Discovery of unknown biodiversity values

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:

1. immediately cease all work likely to affect the threatened species or endangered ecological communities, or their habitats
2. inform the Hunter Central Coast Branch Director or delegate and/or the local NSW DPIE 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
3. not recommence work likely to affect the threatened species or endangered ecological communities, or their habitats until receiving written advice from NPWS and/or DPIE Fisheries to do so.

Notification of environmental harm

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.

Notifications must be made by telephoning the Environment Line on 131555.

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.

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

The proponent 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.

Machinery, vehicles and other construction equipment must be cleaned (e.g. washed down) by the proponent prior to entry into Lansdowne Nature Reserve to remove any soil or plant matter.

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.

Fire prevention and control

The proponent must ensure that at least 1000 litres of freshwater are provided on site at all times. Dedicated pumps must be positioned next to each water supply to service fire appliances or extinguish small fires that may start at the site. Each pump must have Storz fittings of 25mm and 38mm. Hoses of 25mm diameter with 30m length should be used for firefighting and hoses 38mm diameter and 10m in length should be used for filling of fire appliances. Workers at the sites must be able to operate these pumps to extinguish fires or transfer water into firefighting appliances.

Firefighting foams or gels are not to be used in firefighting operations in landscapes below 10 metres above mean sea level or within 50 metres of the edge of a creek, swamp or freshwater lake.

Machinery which may result in sparking or ignition must not be operated during a Park Fire Ban for Lansdowne Nature Reserve or a declared Total Fire Ban for the zone which includes Lansdowne Nature Reserve

The proponent must store fuel and other similar flammable materials, such as gas cylinders and paint, in appropriate fire-resistant storage containers.

Demolition

The proponent must carry out all demolition work in accordance with the provisions of relevant Australian Standards, including AS2601-2001 *Demolition of structures*. Any demolition works involving asbestos materials must also comply with the *Protection of the Environment Operations (Waste) Regulation 2014* with regard to handling and movement of asbestos material.

Operational hours / Site access

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 Manning Great Lakes Area Manager.

The proponent must take reasonable steps to limit restrictions on public access during the activity. Where access restrictions are required, such as in areas where works are under way, temporary barriers (e.g. brightly coloured tape and/or moveable barriers) and appropriate signage must be erected by the proponent around the work area prior to commencement.

The proponent is to encourage staff and contractors involved in the activity to carpool to the site in light vehicles during the proposed activity.

Topsoil

The proponent must ensure that during any excavation associated with the activity, contaminated soil will be managed as specified in the Environmental Management Plan. Uncontaminated topsoil will be removed and stockpiled in an area identified and agreed to in writing by the Manning Great Lakes Area Manager, and later re-spread across the disturbed area with the consent of the Manning Great Lakes Area Manager if the soil is deemed safe to re-use.

Waste management

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*.

Removal of any asbestos-containing material must be undertaken in accordance with *Working with Asbestos: Guide 2008* published by the WorkCover Authority and relevant codes of practice released by SafeWork NSW.

Waterway protection

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*.

POST ACTIVITY CONDITIONS

Certification on completion of works

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.

Site rehabilitation

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

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

Overview of the proposal



Figure 1 Overview of the proposal