



Government Gazette

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New South Wales

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Friday, 6 November 2020**

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Declaration of significantly contaminated land



Section 11 of the *Contaminated Land Management Act 1997*

Declaration No.20201115; Area No.3406

The Environment Protection Authority (EPA) declares the following land to be significantly contaminated land under s 11 of the *Contaminated Land Management Act 1997 (Act)*.

Land to which this Declaration applies

1. This Declaration applies to significantly contaminated land described as 77-81 Regent Street, Chippendale, identified as Lot 1 in DP58670 and 33-39 Wellington Street, Chippendale, identified as Lot 1 in DP78683 and Lot 2 in DP71577, within the local government area of City of Sydney Council. (Land).
2. A map of the Land is attached to this Declaration.

Significant Contaminants affecting the Land

3. The EPA has reason to believe that the Land is contaminated with the following substances (Significant Contaminants) in such a way as to warrant regulation as significantly contaminated land under the Act:
 - Chlorinated solvents including tetrachloroethene (PCE), trichloroethene (TCE), Cis 1,2-Dichloroethene (DCE), and vinyl chloride.

Nature of harm caused, or that may be caused, by the Significant Contaminants

4. The EPA has reason to believe harm has been caused by the Significant Contaminants, including:
 - (i) Soil, soil vapour and groundwater are contaminated with Significant Contaminants at concentrations exceeding guidelines that are protective of human health and the environment.
 - (i) The contamination is a result of the historic operation and handling of chemicals, and has migrated beyond the boundaries of the Land.
 - (ii) There are potential risks to human receptors through vapour inhalation and dermal contact under the current and approved land uses.

Matters considered before declaring the Land to be significantly contaminated land

5. Before making this Declaration, the EPA has taken into account relevant guidelines and each of the matters listed in s 12(1) of the Act with respect to the Significant Contaminants that the EPA believes cause the Land to be contaminated.
6. The EPA believes that the Land is contaminated, and that the contamination is significant enough to warrant regulation under the Act for the following reasons:
 - (i) Groundwater is contaminated with chlorinated solvents at concentrations exceeding guidelines that are protective of human health and the environment.

- (ii) Dissolved phase contaminants have been detected beneath the site, extending to sample locations both nearby and beyond the site boundary.
- (iii) The concentrations of chlorinated solvents in soil vapour beneath the site have been measured at concentrations above the criteria protective of human health in industrial/commercial scenarios. The limited indoor air monitoring has identified no immediate risk, however further assessment is needed.
- (iv) There are potential risks to occupants of nearby commercial and residential properties should the contamination continue to migrate from the site, and to those performing subsurface works or accessing underground utilities nearby the site through inhalation and direct contact.
- (v) Management of the contamination will be required to remove the contaminant source, prevent the ongoing migration of contamination from the site, and to mitigate identified risks to on-site and off-site receptors.

Further action to carry out voluntary management under the Act

7. The making of this Declaration does not prevent the carrying out of voluntary management of the Land by any person. Any person may submit a voluntary management proposal for the Land to the EPA.

Submissions invited

8. Any person may make a written submission to the EPA on:
- whether the EPA should issue a management order in relation to the Land; or
 - any other matter concerning the Land.

9. Submissions should be made in writing and sent to:

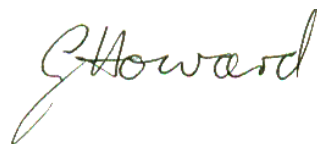
Email RegOps.MetroRegulation@epa.nsw.gov.au

or

Post Director Regulatory Operations Metropolitan South
Regulatory Operations Metropolitan
NSW Environment Protection Authority
Locked Bag 5022
PARRAMATTA NSW 2124

10. Submissions should be made by no later than **27 November 2020**.

11. Information on contaminated land management can be found on the EPA's website at:
www.epa.nsw.gov.au/your-environment/contaminated-land



GISELLE HOWARD
Director Regulatory Operations Metropolitan South

(by delegation)

Date of this Declaration: 2 November 2020

Further information about this Declaration

Management Order may follow

If management of the Land or part of the Land is required, the EPA may issue a Management Order under s 14 of the Act.

Amendment or Repeal

This declaration may be amended or repealed. It remains in force until it is otherwise amended or repealed. The subsequent declaration must state the reasons for the amendment or repeal (s 44 of the Act).

Information recorded by the EPA

Section 58 of the Act requires the EPA to maintain a public record. A copy of this significantly contaminated land declaration will be included in the public record and is available for access at the principal office of the EPA and on the EPA's website.

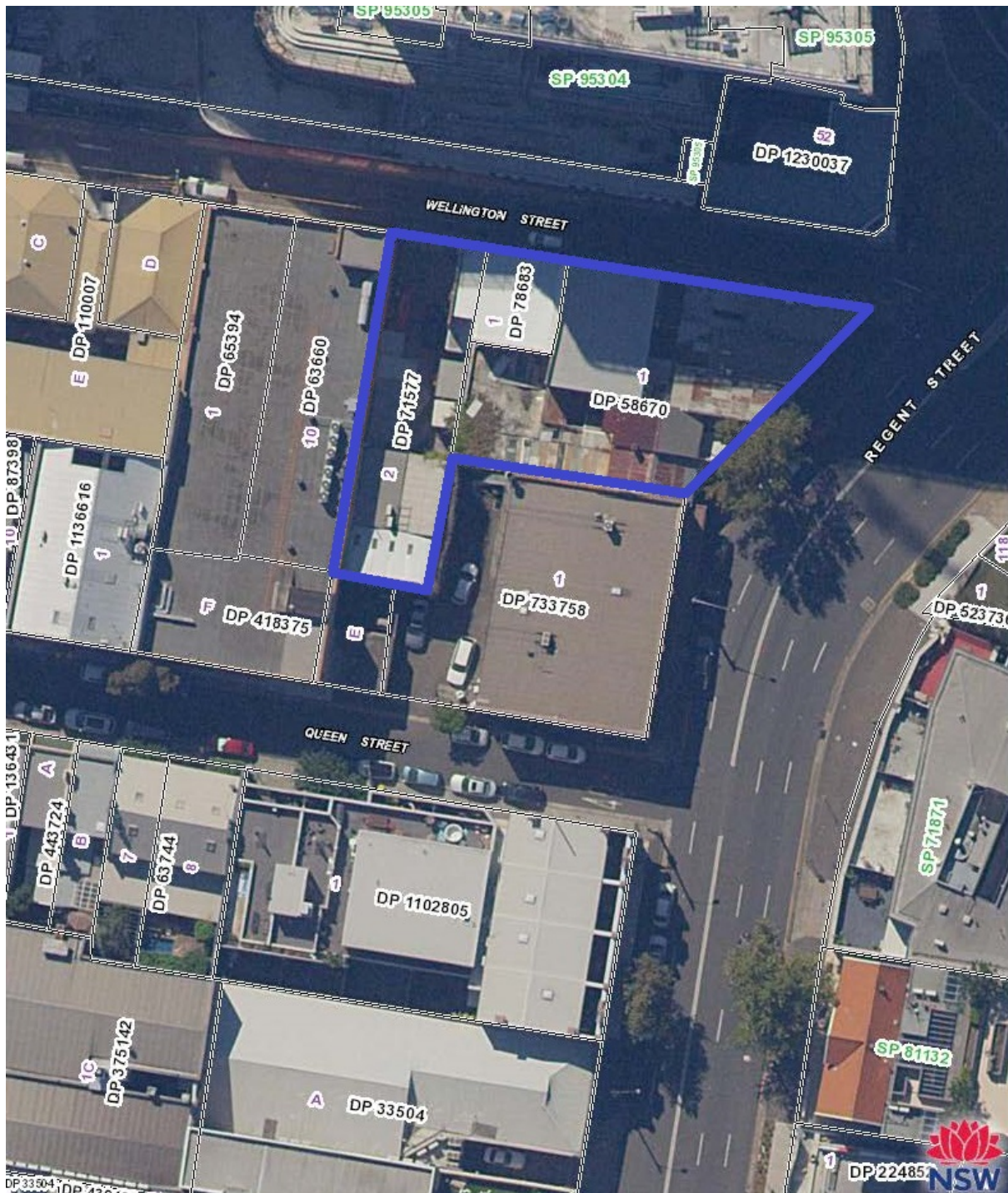
Information recorded by Councils

Section 59(a) of the Act requires the EPA to inform the relevant local Council as soon as practicable of this Declaration. Pursuant to s 59(2)(a) of the Act, land being declared to be significantly contaminated land is a prescribed matter to be specified in a planning certificate issued pursuant to s 10.7 of the *Environmental Planning and Assessment Act 1979*. The EPA is also required to inform the relevant Council as soon as practicable when the declaration is no longer in force. Pursuant to s 59(3) of the *Contaminated Land Management Act 1997*, if a Council includes advice in a planning certificate regarding a declaration of significantly contaminated land that is no longer in force, the Council is to make it clear on the planning certificate that the declaration no longer applies.

Relationship to other regulatory instruments

This Declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

The Land to which this Declaration applies is depicted by the blue line and includes Lot 1 in DP58670, Lot 1 in DP78683 and Lot 2 in DP71577. The original image was sourced from <https://maps.six.nsw.gov.au> and has been adapted by the NSW EPA.



ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Order under clause 6 of Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*

Under delegation from the Minister for Planning and Public Spaces, I declare the development specified in column 1 of the table in Schedule 1 to this Order on the land specified in the corresponding row in column 2 of the table in Schedule 1 to this Order to be State significant development under clause 6 of Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*, for the purposes of the *Environmental Planning and Assessment Act 1979* (the Act).

This Order takes effect upon publication in the *New South Wales Government Gazette*.

Dated: 3 November 2020

A handwritten signature in blue ink, appearing to read 'K T' followed by a long horizontal stroke.

Keiran Thomas

Director, Regional Assessments

SCHEDULE 1

Column 1	Column 2
Development	Land
Development known as the 'Avon and Beechworth Road residential development (MP 10_0219)', approved by the Land and Environment Court, under section 75J of the Act on 24 February 2016 (and as subsequently modified under 75W of the Act).	All land identified by Lot and DP references in Schedule 1 of the project approval to carry out the development known as the 'Avon and Beechworth Road residential development (MP 10_0219)' as in force on the date of this Order.