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NATIONAL PARKS AND WILDLIFE ACT 1974

REVOCATION OF PART OF THE LAND PROCLAIMED AS
BOYNE WILDLIFE REFUGE

I, the Honourable Margaret Beazley AC QC, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under section 68 of the *National Parks and Wildlife Act 1974*, with the consent of every owner and occupier do, by this my Proclamation revoke part of the land described as **Boyne Wildlife Refuge** and notified in Government Gazette No. 108 of 26th July 1985.

SIGNED and SEALED at Sydney this *2nd* day of *September* 2020


MARGARET BEAZLEY

Governor

By Her Excellency's Command



The Hon. Matthew Kean MP
Minister for Energy and Environment

GOD SAVE THE QUEEN!

Description

Land District – Morton

Council – Shoalhaven

County of St Vincent, Parish of Boyne, approximately 26.7 hectares, being Lot 12 of DP 827846, BCT DOC20/454630

Declaration of significantly contaminated land

Section 11 of the *Contaminated Land Management Act 1997*



Declaration No. 20201105; Area No. 3457

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 Lot 23 DP738226, Northern Beaches Local Government Area, 148 Pacific Parade, and part of Lot 14 DP6167 (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:
 - (i) Petroleum hydrocarbons including total recoverable hydrocarbons (TRH), and benzene, toluene, ethylbenzene and xylenes.

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) Petroleum hydrocarbons have entered soil and groundwater. Concentrations of Significant Contaminants in the groundwater exceed relevant guideline values and pose a potential risk to human health.
 - (ii) Concentrations of Significant Contaminants, including benzene, toluene, ethylbenzene, in groundwater exceed the relevant drinking water guidelines, degrading the groundwater and limiting its potential beneficial use.
5. The EPA has reason to believe harm may be caused by the Significant Contaminants, including:
 - (i) Free phase petroleum product is present in the sub-surface of the Land. It has the potential to act as an ongoing secondary source of groundwater contamination.
 - (ii) It is likely that the Significant Contaminants may migrate from the Land and cause further degradation of soil and groundwater. Further migration may complete exposure pathways and pose a risk to human health or the environment.

Matters considered before declaring the Land to be significantly contaminated land

6. 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.
7. 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) Petroleum products, including toxic constituents such as benzene, toluene, ethylbenzene and xylenes, are present in the sub-surface as light non-aqueous phase liquid and as high dissolved phase concentrations in the groundwater. This has degraded soil and groundwater.
 - (ii) High concentrations of the Significant Contaminants in groundwater, including TRH F1 and F2 fractions, benzene, toluene and ethylbenzene, exceed guideline values that are protective of human health and pose a potential risk.
 - (iii) It is likely that the Significant Contaminants may migrate from the Land. This has the potential to complete exposure pathways and pose a risk to human health or the environment.

Further action to carry out voluntary management under the Act

8. 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

9. 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.

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

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

or

Post

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

11. Submissions should be made by no later than **5:00pm on Monday, 12 October 2020**.

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

JAMES GOODWIN
Director Regulatory Operations Metropolitan
Environment Protection Authority

(by delegation)

Date of this Declaration: 14 September 2020

SERVICE BY REGISTERED POST

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.

Map – Declaration Area – United Service Station Dee Why – 148 Pacific Parade Dee Why – Lot 23 DP738226 and part Lot 14 DP6167
(SIX Maps image dated August 2018)

