



# *Government Gazette*

of the State of

New South Wales

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**Friday, 19 February 2021**

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# Declaration of significantly contaminated land



Section 11 of the *Contaminated Land Management Act 1997*

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**Declaration Number:** 20201120

**Area Number:** 2906

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).

## 1. Land to which this Declaration applies

This declaration applies to significantly contaminated land described as 1 Aston Road, Erina, NSW 2250 within the Central Coast Local Government Area (the Land).

The Land is located on Lot 22 in Deposited Plan (DP) 243187.

The land to which this declaration applies is shown on the attached map and is shaded blue.

## 2. Substances affecting the Land

The EPA has reason to believe that the Land is contaminated with the following substances (Substances) in such a way as to warrant regulation as significantly contaminated land under the Act:

- Total recoverable hydrocarbons (TRH F1 and F2 fractions);
- Benzene, toluene, ethyl benzene, xylenes and naphthalene (BTEXN);
- Volatile organic carbons (VOCs); and
- Per- and poly-fluoroalkyl substances (PFAS).

## 3. Nature of harm caused by the Substances

The EPA has considered the matters in s 12 of the Act before making this declaration. The EPA has reason to believe harm has been, or may be, caused by the Substances, including:

- contaminants of concern (CoC) including Total recoverable hydrocarbons (TRH F1 and F2 fractions), benzene, toluene, ethyl benzene, xylenes and naphthalene (BTEXN), volatile organic carbons (VOCs), and per- and poly-fluoroalkyl substances (PFAS) have been detected at the Site in soil and groundwater at concentrations above national guideline values for the protection of human health and the environment;
- there are potentially complete exposure pathways to the CoC for human and ecological receptors at the Site;
- there is a potential vapour intrusion risk to site workers from benzene concentrations found in soil and groundwater at the Site; and
- the CoC have migrated from the site in groundwater and may pose a risk to offsite human and ecological receptors.

## 4. Further action to carry out voluntary management under the Act

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.

## 5. Submissions invited

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.

Submissions should be made in writing and sent to:

Sam Waskett

Operations Officer – Regulatory Operations Metro North

4 Parramatta Square

12 Darcy St

Parramatta NSW 2150 Australia

or emailed to [RegOps.MetroRegulation@epa.nsw.gov.au](mailto:RegOps.MetroRegulation@epa.nsw.gov.au)

By not later than 12 April 2021

Yours sincerely



**ADAM GILLIGAN**

**Director Regulatory Operations**

(By delegation)

Date: 10 February 2021

## **Notes - 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 of Declaration**

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 instrument**

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.

# Declaration of significantly contaminated land



Section 11 of the *Contaminated Land Management Act 1997*

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**Image:** Area of proposed declaration is coloured and highlighted blue. This includes part of Lot 22 in DP 243187. The original image was taken from <https://maps.six.nsw.gov.au/> on 28 October 2020 and adapted by the NSW EPA.

**Order extending biodiversity certification of the  
Albury Local Environmental Plan 2010**

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I, Paul Grimes, Coordinator General, Environment, Energy and Science Group within the Department of Planning, Industry and Environment, extend the Albury Local Environmental Plan Biodiversity Certification by a period of up to five years, expiring on 24 February 2026.

This Order is made under clause 27 of Part 8 of Schedule 7 of the Act, continued by the operation of clause 43 of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* (NSW).

***Interpretation***

In this Order:

**Act** means the *Threatened Species Conservation Act 1995* (NSW); and

**Albury Local Environmental Plan Biodiversity Certification** means the biodiversity certification conferred under clause 25 of Schedule 7 of the Act by the Order published in the NSW Government Gazette on 25 February 2011, as amended by the Biodiversity Certification of Environmental Planning Instruments Order 2017 published in the NSW Government Gazette on 24 November 2017.

**Paul Grimes**  
**Coordinator-General**  
**Environment, Energy and Science**  
**Department of Planning, Industry and Environment**  
Acting under delegation from the Minister for Energy and Environment

Signed at Sydney, this 15<sup>th</sup> day of February 2021

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# Declaration of significantly contaminated land



Section 11 of the *Contaminated Land Management Act 1997*

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Declaration No. 20201118 Area No. 3404

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 2 in DP539330, City of Ryde, 436 to 484 Victoria Road Gladesville (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) Chlorinated hydrocarbons, including trichloroethene, cis-1,2-dichloroethene and 1,1-dichloroethene.

## 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) Groundwater and soil vapour are contaminated with the Significant Contaminants at concentrations exceeding guidelines that are protective of human health and the environment.
  - (i) 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.
  - (a) Soil vapour is contaminated with volatile chlorinated hydrocarbons at concentrations exceeding guidelines that are protective of human health.
  - (b) Groundwater is impacted by chlorinated hydrocarbons and has the potential to migrate offsite towards neighbouring industrial land.
  - (c) There are potential risks from the contamination to nearby users of the groundwater, or to persons working in enclosed/confined spaces or excavations on the site or immediately adjacent land.

### 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  
NSW Environment Protection Authority  
Locked Bag 5022  
PARRAMATTA NSW 2124

Submissions should be made by no later than **21 days after the date of this Declaration.**

10. Information on contaminated land management can be found on the EPA's website at:  
[www.epa.nsw.gov.au/your-environment/contaminated-land](http://www.epa.nsw.gov.au/your-environment/contaminated-land)



**JACINTA HANEMANN**  
**A/Director Regulatory Operations Metropolitan South**  
**Regulatory Operations Metropolitan**

(by delegation)

Date of this Declaration: 15 February 2021



## **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 shown shaded yellow and bounded by red, and identified as Lot 2 in DP539330. The original image was sourced from <https://maps.six.nsw.gov.au> and has been adapted by the NSW EPA.

