



Government Gazette

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Environment Protection Authority

Declaration of significantly contaminated land

(Section 11 of the *Contaminated Land Management Act 1997*)

Declaration Number 20211113; Area Number 3494

The Environment Protection Authority (EPA) declares the land identified in this notice as significantly contaminated land under the *Contaminated Land Management Act 1997* (“the Act”):

1. Land to which this declaration applies (“the land”)

This declaration applies to the following land in the City of Lithgow Local Government Area:

**Lot 2 and 3 in DP 1139982 and Lot 5 in DP 829137
located off 110 Skelly Road, Lidsdale 2790**

The land to which this declaration applies is shown on the attached figure.

2. Nature of contamination affecting the land

The EPA has found that the land is contaminated with the following substances (“the contaminants”):

- Metals and metalloids (including but not limited to boron, cadmium, chromium, copper, iron, mercury, manganese, nickel, lead and zinc)
- Acidic seepage/ drainage and salinity
- Sulfate, ammonia and fluoride
- Asbestos.

The contaminants have been detected in surface water, seepage water and groundwater on the land. Other contaminants may also be present.

3. Nature of harm that the contaminants have caused

The EPA has considered the matters in section 12 of the Act and has determined that the land is contaminated and that the contamination is significant enough to warrant regulation under the Act. The reasons for this determination are as follows:

- The substances within the ash deposits and other wastes have contaminated soils and surface waters on the land.
- The substances have migrated to the local groundwater and potentially to the down gradient off-site area of Sawyers Swamp Creek, which is a tributary of the Coxs River.
- The concentrations of the substances detected in groundwater and in Sawyers Swamp Creek exceed the criteria for protection of freshwater aquatic ecosystems and drinking water.
- There are water supply bores down gradient of the land and the land lies within the Sydney (Coxs River) Drinking Water Catchment.

- The nature and extent of down gradient and off-site contamination and the associated risks to the environment and human health require further investigation.
- The substances have the potential to continue to cause harm to surface waters and groundwater unless the land is managed and rehabilitated.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of voluntary management of the land and any person may submit a voluntary management proposal for the land to the EPA.

5. Submissions invited

The public may make written submissions to the EPA on:

- whether the EPA should issue a management order for the land; or
- any other matter concerning the land.

Submissions should be made in writing to:

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

or emailed to: RegOps.MetroRegulation@epa.nsw.gov.au

by not later than 19 September 2022.

JAMES GOODWIN
Director Regulatory Operations
NSW Environment Protection Authority

Date: 22 August 2022

NOTES:**Management order may follow**

If management of the site or part of the site is required, the EPA may issue a management order under section 14 of the Act.

Amendment/Repeal

This declaration may be amended or repealed. It remains in force until it is otherwise amended or repealed. The notice to amend or repeal the declaration must state the reasons for the amendment or repeal (section 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.

Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to section 10.7 of the *Environmental Planning and Assessment Act 1979* that the land is declared significantly contaminated land. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the section 10.7 certificate is no longer required.

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.

