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LAKE MACQUARIE CITY COUNCIL

Coastal Management Act 2016

Commencement of Lake Macquarie Coastal Management Program 2023

Notice is given under Section 17(4) of the *Coastal Management Act 2016*, that upon the publication of this Notice in this Gazette, the Lake Macquarie Coastal Management Program 2023 will commence.

Lake Macquarie City Council has prepared the Lake Macquarie Coastal Management Program 2023 (CMP) and received certification by the Minister for the Environment under Section 17(2) of the *Coastal Management Act 2016*.

The CMP presents a long-term plan for the management of the Lake Macquarie coastal zone to deliver sustainable environmental, social and economic benefits for the Lake Macquarie estuary, coastline, and Swansea Channel. It provides an integrated program of adaptable risk mitigation actions that are feasible, viable and acceptable for the community and Lake Macquarie City Council.

The CMP may be viewed on Lake Macquarie City Council's website at:
www.lakemac.com.au

For more information call (02) 49210333.

Dated 15 November 2023

MORVEN CAMERON
Chief Executive Officer
Lake Macquarie City Council

Declaration of significantly contaminated land



Section 11 of the *Contaminated Land Management Act 1997*

Declaration No. 20231109 ; Area No. 3566

The Environment Protection Authority (EPA) declares the following land to be significantly contaminated land under section 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 191 Miller Road, Chester Hill, NSW (Lot 82 DP 1282378) and 149 Orchard Road, Chester Hill, NSW (Lot 81 DP 1282378) within the local government area of Canterbury-Bankstown (“the 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 trichloroethene (TCE), cis-1,2-dichloroethene (cis-DCE), 1,1-dichloroethene (DCE), 1,1-dichloroethane (DCA) and vinyl chloride.

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

4. The EPA has considered the matters in s.12 of the Act and for the following reasons believes that the Land is contaminated, and that the contamination is significant enough to warrant regulation under the Act:
 - (i) The groundwater and soil vapour beneath the site has been contaminated by chlorinated solvents.
 - (ii) Concentrations of chlorinated solvents in groundwater exceed the ANZG (2018) freshwater criteria on the site, and the contaminated groundwater has migrated off-site towards Miller Road, Chester Hill.
 - (iii) 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 land use scenarios.
 - (iv) Management of the contamination is required to prevent the migration of groundwater and vapour contamination from the site and to mitigate against potential risks to on-site and off-site receptors.

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:

- Soil has been impacted by chlorinated hydrocarbons which is causing fugitive vapor emissions to be above the assessment levels.
- Groundwater has been impacted by chlorinated hydrocarbons that were used on the site while historical chemical manufacturing activities were taking place.
- The likely source of the contamination is former solvent drum storage, former wash down bays and a tank “the dome tank”. These areas require management to ensure the site is safe for useful purposes and prevent further migration of contamination offsite.
- The contamination may present risks to users of adjacent land if the contamination is not appropriately managed.

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 Operations
NSW Environment Protection Authority
Locked Bag 5022
PARRAMATTA NSW 2124

10. Submissions should be made by no later than **5:00pm on 4 December 2023**.

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



ADAM GILLIGAN
Director Operations

(by delegation)

Date of this Declaration: 13 November 2023

This Declaration is made by notice published in the NSW Government Gazette as required by s 11(2).

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 is described as 191 Miller Road, Chester Hill (also known as Lot 82 DP 1282378) and 149 Orchard Road, Chester Hill (also known as Lot 81 DP 1282378) to which this Declaration applies is shown in the diagram below as defined in the coloured lines as it forms the boundaries (aerial photo 2020).

