



# *Government Gazette*

of the State of

New South Wales

**Number 154–Environment**

**Thursday, 6 April 2023**

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# Declaration of significantly contaminated land

Section 11 of the *Contaminated Land Management Act 1997*

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Declaration No. 20221101; Area No. 3522

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 Lot 4 DP 830878, Lot 2 DP 814518 and public infrastructure lands (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) Lead;

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

4. The EPA has reason to believe harm may be caused by the Significant Contaminants, including:
  - (i) Elevated concentrations of lead and arsenic were found after completing shallow soil sampling on the Land and associated with activities related to the transport of material from the Lake George Mine; and
  - (ii) Potential harm may be caused to human health and the environment onsite due to the presence of contaminants.

### **Matters considered before declaring the Land to be significantly contaminated land**

5. Before making this Declaration, the EPA has considered 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. There is potential for harm to human health as the concentrations of lead and arsenic in the soil on the Land found to exceed the national guideline values for the protection of human health. There is potential for harm to the environment as the concentrations of lead, arsenic, copper and zinc in the soil were found to exceed the national guideline values for the protection of the environment
  - b. Lead is considered toxic, persistent and bio accumulative with concentrations exceeding the national guideline values for human health and the environment identified in the surface soils. While lead is the primary contaminant other heavy metals, including arsenic, cadmium, chromium, copper, nickel, zinc and mercury have also been noted, although at lower concentrations.
  - c. There are potentially complete exposure pathways for onsite industrial and recreational users and onsite ecological receptors.
  - d. The current use of the Land by industrial and recreational users may increase the risk of harm from the presence of contaminant on the Land.
  - e. The approved use of the adjoining land for residential and school purposes may increase the risk of harm caused by contaminants of the Land.
  - f. There is potential for contaminants to have migrated or are likely to migrate from the Land by way of airborne dust or mobilisation of sediment in surface runoff.

### **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** [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)

or

**Post** Manager  
Regulatory Operations – Regional South  
NSW Environment Protection Authority  
Locked Bag 5022  
PARRAMATTA NSW 2620

10. Submissions should be made by no later than **5:00pm on 28 April 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](http://www.epa.nsw.gov.au/your-environment/contaminated-land)



Cate Woods

**Director Regulatory Operations  
NSW Environment Protection Authority**

(by delegation)

Date of this Declaration: 4 April 2023

## **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.



**Image:** Area of proposed declaration is identified by a yellow hatch pattern. The proposed area of declaration includes Lot 4 DP 830878, Lot 2 DP 814518 and public infrastructure lands.