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Declaration of significantly contaminated land



Section 11 of the *Contaminated Land Management Act 1997*

Declaration No. 20231102; Area No. 3548

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 identified as Lot 1 DP1245460 at 30 Gloucester Boulevard Port Kembla (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 groundwater is contaminated with petroleum hydrocarbon-based light non-aqueous phase liquid and trichloroethene (Significant Contaminants) in such a way as to warrant regulation as significantly contaminated land under the Act.

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

4. The EPA has reason to believe harm has been, or may be, caused by the Significant Contaminants, including:
 - (i) Groundwater at the site is impacted by petroleum hydrocarbon-based light non-aqueous phase liquid and trichloroethene.
 - (ii) the contamination has the potential to impact on aquatic receptors of MM Beach.

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:
 - (i) Groundwater at the site is impacted by light non-aqueous phase liquid and trichloroethene contamination.
 - (ii) The source of the groundwater contamination is yet to be determined and must be identified and addressed.
 - (iii) The contamination has migrated from the site in a fractured bedrock aquifer and is expected to continue to migrate towards MM Beach unless appropriate management measures are undertaken.
 - (iv) The contamination has the potential to impact on aquatic receptors of MM Beach.

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
10. Submissions should be made by no later than 21 days after the date of this Declaration.
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 Regulatory Operations Metro South
Regulatory Operations Metropolitan

(by delegation)

Date of this Declaration: 7 May 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 notice 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

