



Government Gazette

of the State of

New South Wales

Number 233–Environment

Friday, 2 June 2023

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of the notice and can be used as a reference for that notice (for example, (n2019-14)).

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website (www.legislation.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal, see the Gazette page.

Declaration of significantly contaminated land



Section 11 of the *Contaminated Land Management Act 1997*

Declaration No. [20231104]; Area No. [3540]

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 DP 1176708, Anambah Road, Rutherford, NSW, 2320 and Western portion of Lot 1 DP 1243663 (Land).
2. A map of the Land is attached to this Declaration in Attachment 1.

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) Methane (CH₄)
 - (ii) Carbon dioxide (CO₂)

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 health impacts (methane at high concentrations displaces oxygen in air it can result in a range of symptoms which includes dizziness, headache, visual disturbance, palpitations, and confusion. Lack of consciousness or death may occur if exposure to oxygen below 16 per cent is prolonged), inhibit growth of ecological receptors or build-up of explosive gases inside buildings.

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:
 - Surface gas monitoring at the landfill site has shown a number of locations where methane concentrations were above the nominated assessment criteria of 500 ppm, with maximum concentrations up to 18,000 ppm
 - Remediation of the site is required, in particular measures to prevent ongoing migration of LFG from the site to surrounding properties. Management of surface water infiltration and leachate generation is also required. Management of methane is also recommended to minimise greenhouse gas emissions.

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 epa.northopsregional@epa.nsw.gov.au

or

Post Director
Regulatory Operations
NSW Environment Protection Authority
PO Box 488G
NEWCASTLE NSW 2300

10. Submissions should be made by no later than **5:00pm on 23 June 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



Steve Orr

**Director Regulatory Operations
NSW Environment Protection Authority**

(by delegation)

Date of this Declaration: 26 May 2023

By email

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

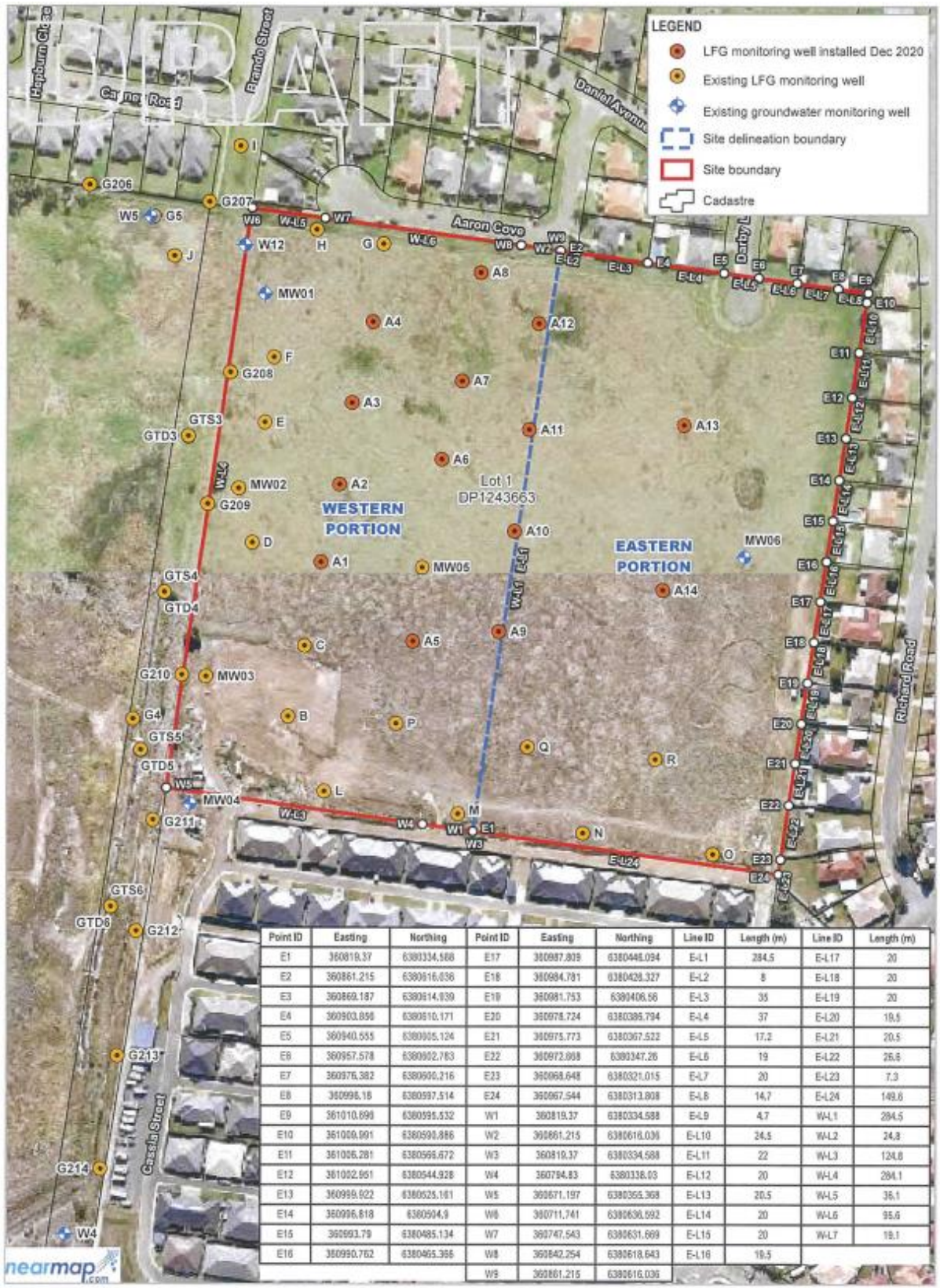
Section 59(a) of the Act requires the EPA to inform the relevant local Council as soon as practicable of this Declaration. Pursuant to s 59(2)(a) of the Act, land being declared to be significantly contaminated land is a prescribed matter to be specified in a planning certificate issued pursuant to s 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.

Attachment 1 – Site Map





Point ID	Easting	Northing	Point ID	Easting	Northing	Line ID	Length (m)	Line ID	Length (m)
E1	360819.37	6380334.568	E17	360987.809	6380448.094	E-L1	284.5	E-L17	20
E2	360861.215	6380816.838	E18	360984.781	6380428.327	E-L2	8	E-L18	20
E3	360869.187	6380814.839	E19	360981.753	6380408.58	E-L3	35	E-L19	20
E4	360903.898	6380810.171	E20	360978.724	6380389.794	E-L4	37	E-L20	19.5
E5	360940.555	6380905.124	E21	360975.773	6380367.522	E-L5	17.2	E-L21	20.5
E6	360957.578	6380902.783	E22	360972.808	6380347.26	E-L6	19	E-L22	25.8
E7	360976.382	6380900.216	E23	360968.648	6380321.015	E-L7	20	E-L23	7.3
E8	360996.16	6380897.514	E24	360967.544	6380313.808	E-L8	14.7	E-L24	149.6
E9	361010.898	6380895.532	W1	360819.37	6380334.588	E-L9	4.7	W-L1	284.5
E10	361000.991	6380893.886	W2	360861.215	6380618.038	E-L10	24.5	W-L2	24.8
E11	361006.281	6380895.872	W3	360819.37	6380334.588	E-L11	22	W-L3	124.8
E12	361002.951	6380844.928	W4	360794.83	6380338.03	E-L12	20	W-L4	284.1
E13	360998.922	6380825.181	W5	360871.197	6380365.368	E-L13	20.5	W-L5	35.1
E14	360996.818	6380804.9	W6	360711.741	6380638.992	E-L14	20	W-L6	95.6
E15	360993.79	6380485.134	W7	360747.543	6380631.689	E-L15	20	W-L7	18.1
E16	360990.762	6380465.386	W8	360842.254	6380618.643	E-L16	18.5		
			W9	360861.215	6380616.036				