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Notice to Amend Declaration of Significantly Contaminated Land

Section 11 and 44 of the *Contaminated Land Management Act 1997*



Amendment Notice No. 20244441; Declaration No. 20231103; Area No. 3491

Why is the EPA writing to you?

The Environment Protection Authority (EPA) has issued this notice (Amendment Notice) to amend Declaration of Significantly Contaminated Land No. 20231103 made on 16 April 2024 (Declaration). Further information is set out below.

BACKGROUND

1. The EPA has responsibility for administration and enforcement of the *Contaminated Land Management Act 1997* (Act) and has issued this Amendment Notice under s 11 and 44 of the Act to correct a minor typographical error.

Land to which this Amendment Notice applies

2. This Amendment Notice amends the area of land declared as significantly contaminated land from “Lot 111 DP1293015” to “Lot 111 DP1293105” which is consistent with SixMaps the NSW Spatial Services tool.
3. The Declaration applies to significantly contaminated land described as Part Lot 52 DP1204607, Lot 123 DP1290829 and Lot 111 DP1293105 located at Scenic Dive, Doyalson, NSW within the Central Coast Council Local Government Area (the Land).
4. A map of the Land is attached to this Amendment Notice. This map shows all lands that are declared as significantly contaminated under s 11 of the Act, by the Declaration and this Amendment Notice. No changes have been made to the map as a result of the typographical change.

Reasons for Amendment

5. The EPA believes that the area of the Land, amended by this Amendment Notice, is contaminated, and that the contamination is significant enough to warrant regulation under the Act for the following reasons:

A. Significant Contaminants affecting the Land

- i. 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:
 - a) Petroleum hydrocarbons including Total Recoverable Hydrocarbons (TRH), benzene, toluene, ethylbenzene, xylenes and naphthalene (BTEXN) (on Lot 111 DP1293105 only); and
 - b) Per- and polyfluoroalkyl substances (PFAS).

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

- i. The EPA has reason to believe harm has been caused by the Significant Contaminants, including:
 - a) Petroleum hydrocarbons including light non aqueous phase liquids (LNAPL) are present in soil and groundwater in locations on the Land at concentrations exceeding adopted human health and ecological investigation criteria, due to fuel loss from historical fuel

storage and distribution systems at the former Munmorah Power Station.

- b) PFAS contamination, resulting from historical firefighting and training activities at the former Munmorah Power Station is present in soil, groundwater and surface water at locations on the Land and in the adjacent Colongra Power Station site, at concentrations exceeding adopted human health and ecological assessment criteria.
- c) PFAS contamination has migrated from the Land into the Hammond Canal and there is the potential for hydrocarbon contamination in groundwater to migrate to the Hammond Canal.
- d) The Hammond Canal flows into Budgewoi Lake and Lake Munmorah and the Significant Contaminants may affect the health of ecological communities in the canal and these lakes.

C. Matters considered before declaring the Land to be significantly contaminated land

- i. Before making this Amendment Notice, 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.
 - ii. 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) Concentrations of Significant Contaminants are present in soil, groundwater and surface water exceeding adopted human health and ecological investigation criteria and represent an ongoing source of off-site contamination.
 - b) There is the potential for unacceptable risks to ecological receptors within the Hammond Canal, Budgewoi Lake and Lake Munmorah as there is evidence to indicate a complete exposure pathway to these receptors; and
 - c) Remediation of the Land is required to reduce these potential risks.
 - iii. Whilst exceedances of adopted human health criteria have been detected during investigations of the Land and adjacent land, further assessment of the PFAS and hydrocarbon contamination have demonstrated that the potential for any off-site risks from the contamination to human health are low.
 - iv. Management of contamination on site with respect to the future use of the Land and broader former Munmorah Power Station site will be considered under relevant planning legislation by the relevant planning authority.
 - v. PFAS contamination extends beyond the boundaries of the Land to which this declaration applies, although remediation of these areas is not identified as being needed. The EPA considers that monitoring of the adjacent land is likely to be required to validate the effectiveness of the remediation of the Land. Should future monitoring indicate that remediation of the Significant Contaminants is required outside of the Land to which this declaration applies, the area to which this declaration applies may be amended in accordance with s44 of the CLM Act.
6. Declaring the Land to be significantly contaminated 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.

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

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.

Submissions should be made in writing by no later than **5:00pm on 1 November 2024** and sent to:

Email info@epa.nsw.gov.au

or

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



CLAIRE MILES

A/ Director Operations

NSW Environment Protection Authority

(by delegation)

Date of this Notice: 10.10.2024

By email to: info@gpmco.com.au

INFORMATION ABOUT THIS NOTICE

Information recorded by the EPA

Section 58 of the Act requires the EPA to maintain a public record. A copy of this notice will be included in the public record and is available at the principal office of the EPA and on the EPA's website.

Information recorded by councils

Section 59(1)(b) of the Act requires the EPA to inform the relevant local council of this notice. A planning certificate issued under s 10.7 of the *Environmental Planning and Assessment Act 1979* must specify if the land to which the certificate relates is significantly contaminated land at the date when the certificate is issued. If a council includes advice in a planning certificate regarding a declaration of significantly contaminated land that no longer applies to the land, it is to make it clear on the planning certificate that the declaration no longer applies.

Relationship to other regulatory instruments

This notice 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.

Previous regulatory instrument

As of 1 July 2009, all current declarations of investigation area and declarations of remediation site are taken to be declarations of significantly contaminated land, all current investigation orders and remediation orders are taken to be management orders and all current agreed voluntary investigation proposals and agreed voluntary remediation proposals are taken to be approved voluntary management proposals.

Area of declaration is depicted by the red line and includes Part Lot 52 DP1204607, Lot 123 DP1290829 and Lot 111 DP1293105. The original image was taken from <https://maps.six.nsw.gov.au> and has been adapted by the NSW EPA.

