



Government Gazette

of the State of

New South Wales

Number 16 - Environment

Friday, 17 January 2025

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Declaration of significantly contaminated land

Section 11 of the *Contaminated Land Management Act 1997*

Declaration No. 20241105; Area No. 3564

The Environment Protection Authority (EPA) declares the following land to be significantly contaminated land under s 11 of the *Contaminated Land Management Act 1997* (the Act).

Land to which this Declaration applies

1. This Declaration applies to significantly contaminated land identified as Lot 13 DP657237, and part of Lot 12 DP202366 located at 266 and part of 268 Princes Highway, Fairy Meadow and Lot 3 DP252601 located at 28 Woodhill Street, Fairy Meadow (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 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 Contaminant, including:
 - (i) Groundwater at the site is impacted by petroleum hydrocarbon-based light non-aqueous phase liquid.
 - (ii) the contamination extends underneath a residential building on adjacent land.

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 Contaminant that the EPA believes caused 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. Although the primary contamination source – the Underground Petroleum Storage System (UPSS) – has been removed, petroleum hydrocarbon contamination is present in the groundwater beneath the site as light non-aqueous phase liquids (LNAPL) and dissolved phase petroleum hydrocarbons.
 - ii. The LNAPL plume has also been identified beneath an adjacent residential property (28 Woodhill Street) and requires management.
 - iii. While available information indicates that risks to current site users is considered low due to lack of complete exposure pathways, further assessment is required to assess the risk should site activities or land use change (for example, residential occupancy of the rear building at 28 Woodhill Street).

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: <https://www.epa.nsw.gov.au/your-environment/contaminated-land>.

ADAM GILLIGAN

Director Operations

Regulatory Operations Metropolitan

(by delegation)

Date of this Declaration: 6 January 2025

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

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 to which this Declaration applies is shown by the blue highlighted area and identified as Lot 13 DP657237, part of Lot 12 DP202366 and Lot 3 DP252601. The original image was sourced from <https://maps.six.nsw.gov.au> and has been adapted by the NSW EPA.



Proposed declaration area