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Declaration of significantly contaminated land

Section 11 of the *Contaminated Land Management Act 1997*

Declaration No. 20241104; Area No. 3540

The NSW 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 and Lot 1 DP 1063673, Anambah Road, Rutherford, NSW, 2320 within the local government area of Maitland (Land).
2. Maps of the Land are attached to this Declaration at **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) and that the contamination is significant enough to warrant regulation under the Act:
 - (i) Landfill gases, specifically methane and carbon dioxide.
 - (ii) Ammonia, nitrate and methane in landfill leachate and shallow groundwater.

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

4. The Significant Contaminants have been generated from the decomposition of landfill waste materials associated with the former use of the Land as a municipal landfill and are present at concentrations greater than adopted human health and ecological criteria.
5. The EPA has reason to believe that potential harm to human health may be caused in the event of the inhalation of the landfill gases by human receptors or through the build-up of landfill gases within nearby buildings and other nearby confined spaces which could create an explosive atmosphere. Routine monitoring has not detected elevated concentrations of landfill gases in nearby buildings and service pits that have been monitored, but further monitoring and assessment is required.
6. The EPA has reason to believe that potential harm to the environment could be caused in the event landfill leachate and shallow groundwater is impacting on surface waters that requires further monitoring and assessment.

Matters considered before declaring the Land to be significantly contaminated land

7. 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.

8. The EPA has reason to believe that the Land is contaminated, and that the Significant Contaminants are significant enough to warrant regulation under the Act for the following reasons:
1. Landfill gases are present at concentrations that exceed threshold levels for further investigation and action.
 2. Landfill leachate and shallow groundwater contain concentrations of ammonia and nitrate that exceed adopted ecological criteria, and elevated concentrations of dissolved methane have also been reported.
 3. Remaining landfill materials present an ongoing source of Significant Contaminants.
 4. There is the potential for off-site migration of landfill gases, and for landfill gases to accumulate in off-site enclosed spaces, including service trenches and nearby residences.
 5. Further monitoring and assessment is required to confirm ongoing risks to off-site receptors from landfill gases.
 6. Further assessment is required to identify if landfill leachate and shallow groundwater is impacting on surface water, and if there are potential ecological risks from migration beyond the site boundaries.
 7. Remediation and / or management will be needed to prevent the off-site migration of Significant Contaminants at concentrations that could pose harm to human health and the environment.
9. The Land is currently vacant and there are no identified on-site human receptors or buildings on the Land that are at risk from the Significant Contaminants. Management of contamination on the Land (including the Significant Contaminants) with respect to the future use of the Land should be considered under relevant planning legislation by the relevant planning authority.

Further action to carry out voluntary management under the Act

10. 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

11. 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.
12. Submissions should be made in writing and sent to:
- Email** info@epa.nsw.gov.au
13. Submissions should be made by no later than 21 days from the date of this notice.
14. Information on contaminated land management can be found on the EPA's website at:
www.epa.nsw.gov.au/your-environment/contaminated-land



David Gathercole
Director Operations
NSW Environment Protection Authority

(by delegation)

Date of this Declaration: 2 April 2025

By email: Malcolm.Adrien@maitland.nsw.gov.au

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 Maps

The Land to which this declaration applies is shown in the below three images, and is shaded yellow and bounded by red. The original images were sourced from <https://maps.six.nsw.gov.au> and have been adapted by the EPA.



Figure 1: Showing the boundary of the 'Land'



Figure 2: Showing the boundary of the 'Land' and Lot and DP identifiers for the northern-most portion of the Land.



Figure 3: ***Showing the boundary of the ‘Land’ and Lot and DP identifiers for the southern-most portion of the Land.***

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A NATURE RESERVE

I, the Honourable Margaret Beazley AC KC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below as part of **Queens Lake Nature Reserve**, under the provisions of Section 30A(1)(f) of the *National Parks and Wildlife Act 1974*.

Dated this 1st day of May 2024.

MARGARET BEAZLEY
Governor,
By Her Excellency's Command,

PENNY SHARPE
Minister for the Environment

Schedule

Land District – Port Macquarie LGA – Port Macquarie-Hastings

County of Macquarie, Parish of Queens Lake, 77.3 hectares, being Lot 120 DP754444.

Papers NPWS/EF20/30466

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A NATURE RESERVE

I, the Honourable Margaret Beazley AC KC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below as part of **Chambigne Nature Reserve**, under the provisions of Section 30A(1)(f) of the *National Parks and Wildlife Act 1974*.

Dated this 1st day of May 2024.

MARGARET BEAZLEY
Governor,
By Her Excellency's Command,

PENNY SHARPE
Minister for the Environment

Schedule

Land District – Grafton LGA – Clarence Valley

County of Fitzroy, Parish of Toothill, 478.93 hectares, being Lots 103 & 131 DP752844 and Lots 1 & 2 DP1144530.

Papers NPWS/EF14/7333