

# Notice to Amend Approved Voluntary Management Proposal



Sections 17 and 44 of the *Contaminated Land Management Act 1997*

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**Notice Number:** 20224425 **Area Number:** 3485

**Date:** 1 June 2022

To: Transport for NSW (ABN: 18 804 239 602)  
Level 3, 237 Wharf Road  
Newcastle NSW 2300

## 1. Why is the EPA writing to you?

The Environment Protection Authority (EPA) has issued this Notice to Amend Approved Voluntary Management Proposal (Amendment Notice) to notify you of amendments to the originally approved Voluntary Management Proposal No. 20211713 (Original VMP).

## 2. What are you required to do?

Please read this Amendment Notice carefully and comply with its conditions. If you have any queries about this matter, please contact the EPA.

## 3. Land to which this Amendment Notice applies

The land to which this Amendment Notice applies is Part of Lot 4425 of deposited plan (DP) 1217100, which has been defined area of the Captains Flat Rail Corridor, Captains Flat NSW, 2623.

## 4. Relevant information

The EPA is responsible for administration and enforcement of the *Contaminated Land Management Act 1997* (Act) and has issued this Amendment Notice under section 44 of the Act.

The Land was declared as significantly contaminated land on 22 April 2021 (Declaration No. 20211105) under s 11 of the Act.

The original VMP was issued under s 17 of the Act on 25 June 2021.

## 5. Reasons for the Amendment

The purpose of the amendment is to reflect updated timelines due to further investigation works required within the investigation and questions raised by the site auditor. The proposed amendments have also accounted for obtaining the necessary approvals, licences and permits to facilitate remediation.

In addition, the original VMP did not nominate asbestos as a listed contaminant in *Section 3: Substance affecting the Land*. Following the recent investigations and identification of bonded asbestos fragments within the rail corridor, this amendment will also include asbestos to reflect these findings.

The EPA is satisfied that the terms of the approved voluntary management proposal, as modified by this Amendment Notice, are appropriate.

This Amendment Notice is taken to be made under the same provisions of the Act as the Original Notice.

## 6. Amendment of Original Notice

### Revised VMP milestones

The amended deadlines for completion of works (and those works already completed) outlined in the Original VMP are specified below:

<b>Works</b>	<b>Comment or Revised Deadline</b>
<b>T1.</b> Detailed Site Investigation. (P1-P2)	Completed
<b>T2.</b> Development of an Interim Environmental Management Plan to mitigate risks from the Contaminants at or originating from the Site (P3)	Completed
<b>T3.</b> Development of a stakeholder/community engagement plan (P4)	Completed
<b>T4.</b> Determine future land use for the Site and assess remedial options to achieve intend use (P5 – P7)	31 August 2022
<b>T5.</b> Develop Remedial Action Plan (RAP) (P8)	31 October 2022
<b>T6.</b> Section B (B1 & B2) Site Audit Statements from the Auditor (P9)	31 December 2022
<b>T7.</b> Prepare Statement of Heritage Impacts (P10)	31 December 2022
<b>T8.</b> Develop Detailed Design & Engineering (P11)	31 December 2022
<b>T9.</b> Preliminaries required to implement remediation (P12) including planning permits and approvals and procurement	31 March 2023 (Subject to obtaining the necessary approvals, licences and permits)
<b>T10.</b> Implement Remediation (P13)	31 December 2023 (Subject to obtaining the necessary approvals, licences and permits)
<b>T11.</b> Complete validation reporting and Auditor review of remediation (P14-P15)	30 June 2024 (Subject to obtaining the necessary approvals, licences and permits)

The amended deadlines to provide reports to the EPA are specified below:

<b>Report</b>	<b>Comment or Revised Deadline</b>
<b>R1.</b> Detailed Site Investigation	Completed
<b>R2.</b> Environmental Management Plan for Contaminants at or from the site	Completed
<b>R3.</b> Stakeholder & Community Engagement Plan	15 June 2022
<b>R4.</b> RAP(s)	30 November 2022
<b>R5.</b> Section B1 and B2 Site Audit Statement	31 January 2023
<b>R6.</b> Validation Report(s)	30 September 2024

Report	Comment or Revised Deadline
R7. Section B4 Site Audit Statement(s) and Site Audit Report(s)	31 December 2024

### **Substances affecting the Land**

*Section 3: Substances affecting the Land* will include **asbestos** as a contaminant affecting the land in line with information provided within site investigation.

All other conditions in the Original Notice remain the same and continue to apply in conjunction with any amended and new conditions imposed under this Amendment Notice.



**JANINE GOODWIN**  
**Unit Head**  
**Regulatory Operations Regional**

(By delegation)

Date of this Amendment Notice: 1 June 2022

**NOTE:**

**Information recorded by the EPA**

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

**Information recorded by councils**

Section 59(1)(c) of the Act requires the EPA to inform the relevant local Council as soon as reasonably practicable after giving its approval for a voluntary management proposal relating to the Land to which this notice applies. Section 44(2)(d) of the Act outlines that an amendment of an approved voluntary management proposal is to be taken to be made under the same provisions as the original approved voluntary management proposal (namely, under s 17 of the Act). In these circumstances, and pursuant to s 59(2)(c) of the Act, the existence of an approved voluntary management proposal (or amended approved voluntary management proposal ) 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*. Pursuant to s 59(3) of the Act, if a Council includes advice in a planning certificate regarding an approved voluntary management proposal that no longer applies to the Land, it is to make it clear on the planning certificate that the notice no longer applies.

**Relationship to other regulatory instruments**

This Amendment 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.

**Preparation and approval of reports submitted to EPA to comply with this Amendment Notice**

Any report submitted to the EPA to comply with this voluntary management proposal must be prepared, or reviewed and approved, by a consultant certified by an EPA recognised scheme. A personalised electronic seal providing evidence of certification must be affixed alongside the certified person's details in the quality information section of a report.

Note: If a report submitted has not been prepared or reviewed and approved by a certified consultant, the EPA will not accept the report. The report will be returned to the regulated party to arrange for review and approval by a certified consultant.