

Declaration of significantly contaminated land



Section 11 of the *Contaminated Land Management Act 1997*

Declaration No. [20221108]; Area No. [3531]

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 1002813, 12 Braidwood Road, Goulburn, NSW, 2580 (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) Lead;
 - (ii) Chromium;
 - (iii) Trichloroethene (TCE);
 - (iv) Cis-1,2-dichloroethene (DCE).

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:
 - (i) Ingestion and dermal contact of lead to onsite workers and occupants;
 - (ii) Migration of chromium to offsite groundwater, potentially causing ecological harm;
 - (iii) Inhalation of vapours produced by chlorinated solvents.

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:

- Lead contamination in soil on the Land is widespread and at concentrations above the Health Investigation Level (NEPM (ASC) 2013). There is a potential risk to onsite workers and occupants from dust inhalation, ingestion and dermal contact of soils.
- Chromium concentrations in groundwater are present at levels above the Australian Freshwater Default Guideline Value in downgradient boundary wells. This may indicate a potential ecological risk to nearby ecological receptors including the Mulwaree River.
- Groundwater monitoring results from April 2022 detected chlorinated solvents. Further investigation is required to confirm the extent of chlorinated solvent contamination and assess any associated risks, including risks related to vapour intrusion.

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 RegOps.MetroSouth@epa.nsw.gov.au

or

Post Director
Regulatory Operations
NSW Environment Protection Authority
Locked Bag 5022
PARRAMATTA NSW 2124

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

Yours sincerely



ADAM GILLIGAN
Director Regulatory Operations
(by delegation)

Date of this Declaration: 14 February 2023

By email

This Declaration is made by notice published in the NSW Government Gazette as required by s 11(2).

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

