



DOC24/332245-11

Mr Tom Grosskopf
Transport for NSW
Locked Bag 928
NORTH SYDNEY NSW 2059

By email: officelandmngtrpar@transport.nsw.gov.au

**Finalised Amendment of Voluntary Management Proposal for Captains Flat Rail Corridor –
Copper Creek Road, Captains Flat**

Dear Mr Grosskopf

I refer to correspondence received from Transport for NSW (TfNSW) on 30 April 2024 requesting an amendment to the Voluntary Management Proposal (VMP) for the Captains Flat Rail Corridor (the site). The amendment was requested due to contractual difficulties with the UGL Regional Linx, the operator of the Country Regional Network.

The EPA has reviewed the proposed amendment and the timeframes and has approved the proposal. As such, the updated copy of the VMP will be published on the EPA's public record of notices issued under the *Contaminated Land Management Act 1997* (CLM Act). Please find attached the signed Amendment Notice No. 20244426 for your information and records.

For your information, the EPA has also informed Queanbeyan-Palerang Regional Council of the changes to the VMP, as required under the CLM Act.

If you have any questions or wish to discuss, please contact Amanda Fletcher on 131 555 or at info@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in cursive script that reads 'Janine Goodwin'.

Janine Goodwin
Unit Head
Operations 03.09.2024

Notice to Amend Approved Voluntary Management Proposal



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

Transport for NSW (ABN 18 804 239 602)
PO Box K659
Haymarket NSW 1240

Attention: Ms Joanne McLoughlin

Amendment Notice No. 20244426; Declaration No. 20211105; Area No. 3485

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 Notice of Approved Voluntary Management Proposal No. 20211713 issued on 25 June 2021 (Original VMP), and the amended Voluntary Management Plans 20224425 (first amended VMP) and 20234402 (second amended VMP). Further information is set out below.

What are you required to do?

Please read this Amendment Notice carefully and carry out the actions required. If you have any queries about the matter, please contact Amanda Fletcher on 131 555 or info@epa.nsw.gov.au.

BACKGROUND

- A. The EPA is responsible for administration and enforcement of the *Contaminated Land Management Act 1997* (Act) and has issued this Amendment Notice under s 17 and 44 of the Act.

Land to which this Amendment Notice applies

- B. The land to which this Amendment Notice applies is Part of Lot 4425 DP 1217100, Copper Creek Road, Captains Flat, which has been defined as the area of the Captains Flat Rail Corridor (Land).
- C. The Land was declared on 22 April 2021 as significantly contaminated land by Declaration No. 20211105 under s 11 of the Act. The Land has also been the subject an approved voluntary management proposal as specified in the Original Notice issued under s 17 of the Act.

Approved Party to which this Notice applies

- D. The Original Notice approved the voluntary management proposal, dated 25 June 2021, in respect of Transport for NSW (Approved Party). This Amendment Notice applies to the Approved Party.
- E. A copy of the Original Notice (No. 20211713) showing the required actions can be accessed on the Contaminated Land Record of Notices on the EPA's website at <https://apps.epa.nsw.gov.au/prclmapp/searchregister.aspx>.

Reasons for the Amendment

- F. The purpose of the amendment is to vary the VMP to extend the timeframes for the works. As a result of contractual difficulties with the operator of the Country Regional Network, TfNSW has reassessed their procurement strategy for the project, and engaged a consultant to deliver the scope of works for the Remediation Planning phase of the project. This has resulted in significant delays to the project.
- G. The contract for the works has been executed by TfNSW and the contractor, so the proposed milestone dates are likely to be achieved.
- H. The EPA is satisfied that the terms of the approved voluntary management proposal, as modified by this Amendment Notice, are appropriate.
- I. This Amendment Notice is taken to be made under the same provisions of the Act as the Original Notice.

AMENDMENT OF ORIGINAL NOTICE

The Original Notice is amended as set out below and has effect inclusive of these amendments.

1. Replace Conditions 3 and 4 in Part 3 Performance Schedule with the following amended conditions:

Amended Condition 3 Key milestones for investigation, remediation and other actions

All works set out in the proposal must be completed by the deadlines specified below:

Works	Deadline
T1. Execution of Third-Party Access Licence	30/06/2024
T2. Approval of Sampling and Quality Plan for Supplementary Site Investigation	31/07/2024
T3. Approval of Heritage Act section 57 Standard Exemption Record Keeping Form	30/11/2024
T4. Preparation of Statement of Heritage Impact	30/11/2024
T5. Preparation of Review of Environmental Factors	30/11/2024
T6. Approval of updated Remediation Action Plan	28/02/2025
T7. Approval of Detailed Site Survey	28/02/2025
T8. Approval of Geotechnical Investigation Report	28/02/2025
T9. Approval of Supplementary Site Investigation	31/03/2025
T10. Approval of Review of Environmental Factors	31/03/2025
T11. Approval of Biodiversity Management Plan	30/04/2025
T12. Preparation of Interim Audit Advice on Supplementary Site Investigation	30/06/2025
T13. Preparation of Interim Audit Advice on updated Remediation Action Plan	31/07/2025
T14. Approval of Detailed Design and Engineering	31/07/2025
T15. Preparation of s44 application for Remediation and Validation Phase	31/08/2025

Amended Condition 4 Reporting requirements and timeframe for submission of reports

The EPA must be provided with the following reports by the deadlines specified below:

Report	Deadline
R1. Sampling and Quality Plan for Supplementary Site Investigation	31/08/2024
R2. Supplementary Site Investigation and Interim Audit	31/07/2025
R3. Remediation Action Plan and Interim Audit Advice	31/08/2025
R4. s44 application for Remediation and Validation Phase	30/09/2025

2. 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.

J.Goodwin (e.signature)

Janine Goodwin

Unit Head

NSW Environment Protection Authority

(by delegation)

Date of this Notice: 03.09.2024

INFORMATION ABOUT THIS NOTICE

Management order

Under section 17(6) of the Act, the EPA may serve a management order in relation to significantly contaminated land the subject of an approved voluntary management proposal on an approved party to the proposal, if in the opinion of the EPA, the terms of the approved proposal are not carried out, or the management order relates to a matter that is not adequately addressed by the proposal, or its approval of the proposal was given on the basis of false or misleading information.

Cost Recovery

Section 34 of the Act allows the EPA to recover its costs in connection with assessing and settling the terms of, monitoring actions under, or seeking compliance with, an approved voluntary management proposal. The EPA may also recover the costs of any other matter associated with or incidental to these matters, or any other matter prescribed by the regulations.

Amendment or repeal

This notice may be amended or repealed by subsequent notices.

Cessation of the approved voluntary management proposal

A proposal ceases to be an approved voluntary management proposal if the EPA serves a notice in writing on each approved party stating that it is satisfied that the terms of the proposal have all been carried out or withdrawing its approval of the proposal. The proposal will cease at the time specified in the notice or if no time is specified, at the time the notice is served on each approved party.

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)(c) of the Act requires the EPA 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 the subject of an approved voluntary management proposal at the date when the certificate is issued. 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 proposal 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 environment protection legislation administered by the EPA.

Guidelines made or approved under s 105 of the Act

All the investigation or remediation works must be carried out in accordance with guidelines made or approved under s 105 of the Act. See <https://www.epa.nsw.gov.au/your-environment/contaminated-land/statutory-guidelines>.

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.

VOLUNTARY MANAGEMENT PROPOSAL UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997

Part 1

Preliminary Details

1. Proponent's Details

(a) Name and contact details

Trading as: Transport for NSW
ABN: 18 804 239 602

Phone: (02) 8202 2200
Fax: (02) 8202 2209
Email: Officelandmngtrpar@transport.nsw.gov.au
Postal address: PO Box K659 Haymarket NSW
Postcode: 1240
EPA licence number (if applicable): N/A

(b) Who the EPA should contact with technical enquiries about the proposal

Name: Joanne McLoughlin
Employer/Company: Transport for NSW
Position title: Project Manager – Land Management
Type of business: Government Organisation
Phone (business):
Phone (after hours):
Fax: N/A
Email:

Proponent: Transport for NSW

Site: Copper Creek Road, Captains Flats

Proposal Date: 15th February 2024

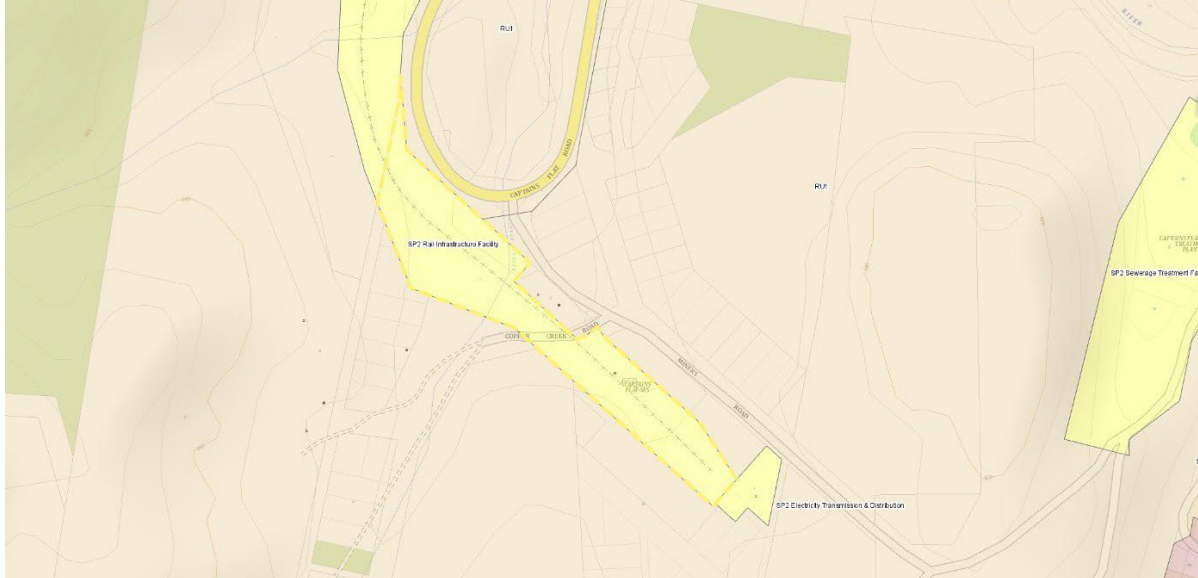
2. Site to which proposal applies

The site to which the proposal applies (“the site”) is:

Address: Copper Creek Road, Captains Flat NSW2623

Title Details: Lot 4425 DP 1217100

GPS Coordinates: Lat: -35.5895556, Long: 149.43730555555555



3. The contamination

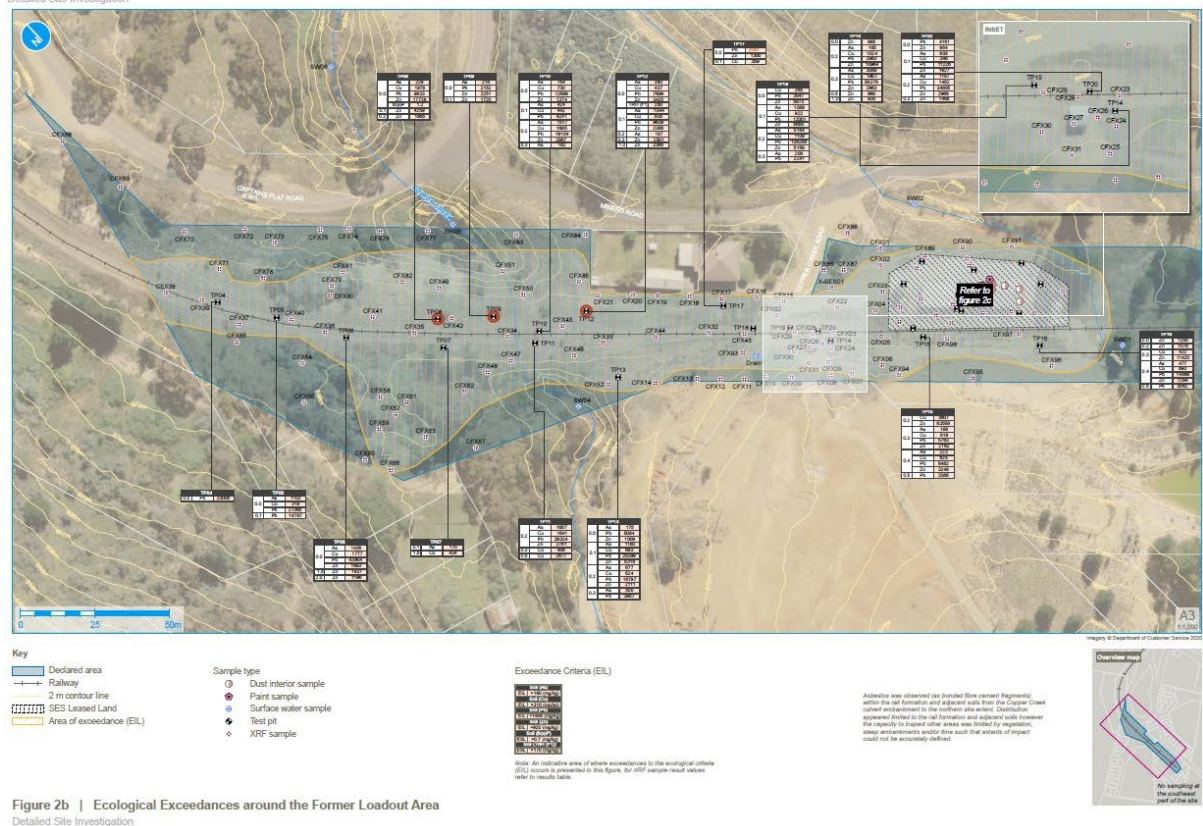
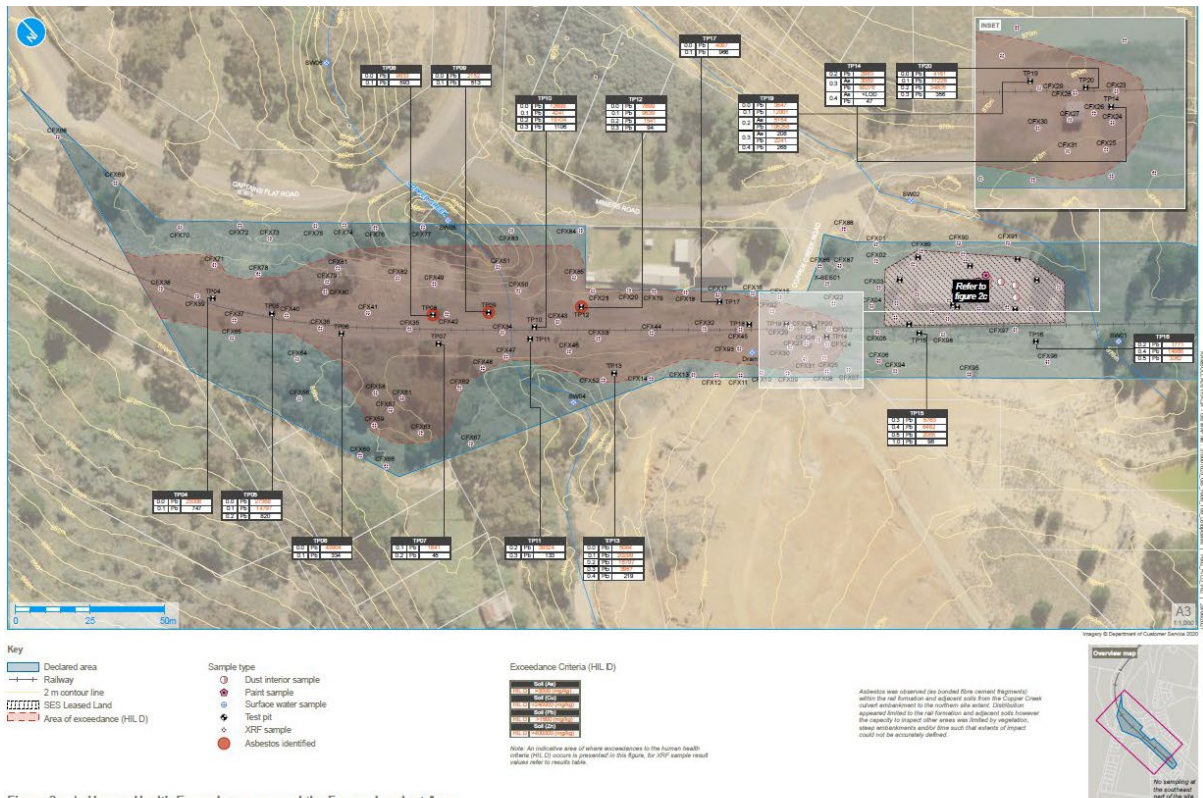
Soil and/or groundwater and/or surface water at the site are contaminated with substances and the contamination is significant enough to warrant regulation under the *Contaminated Land Management Act 1997*. The substances of concern (“the contaminants”) are:

- Lead and arsenic concentrations in soil within the rail corridor (Lot 4425 DP 1217100) exceed national guideline values for the protection of human health and the environment on the site and has caused lead at concentrations exceeding national guideline values for the protection of human health and the environment to adjacent land at 2 Copper Creek Road, Captains Flat (Lot 1 DP 572636).
- Concentrations of lead, cadmium, chromium, copper, nickel and zinc in surface water from the site exceeding the adopted health based and ecological criteria.

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Figure 3 | Surface Water and Sediment Contaminant Exceedance Summary
Detailed Site Investigation

4. The management proposal

The management proposal (“the proposal”) comprises:

- the information set out above;
- the actions, works and other components set out in the following documents:
 - Interim Environmental Management Plan for Contaminants at or from the Captains Flat Rail corridor – Rev 4 – October 2021
 - Detailed Site Investigation – Revision 6 – 20 April 2022
 - Communications Plan – 10 June 2022
 - Remediation Options Assessment – Rev 5 – November 2022
 - Remediation Action Plan – V4 – November 2022
- the undertakings set out in Part 2 of this document; and
- the performance schedule set out in Part 3 of this document

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Part 2

Undertakings Included in Voluntary Management Proposal

Explanatory Note:

Before the EPA can approve a voluntary management proposal under section 17 of the Contaminated Land Management Act 1997, it has a statutory obligation to satisfy itself that the terms of the proposal (as modified by any conditions to be imposed by the EPA) submitted to it under section 17 are appropriate. In addition to including an appropriate investigation plan, remedial action plan or other plan of management, to be acceptable to the EPA a proposal would usually include the undertakings set out below. These undertakings are important and will form part of the terms of the proposal. If the proposal is approved, they must be complied with in order for the EPA to be satisfied that the terms of the proposal have been carried out.

THE PROPOSAL INCLUDES THE FOLLOWING UNDERTAKINGS:

General

1. All works or activities carried out in connection with the proposal, including sampling and preparation of associated reports ("the activities"), will be carried out in accordance with applicable provisions of *State Environmental Planning Policy 55 – Remediation of Land* and any requirements imposed under it in relation to the activities.
2. All matters listed as relevant to a remediation action plan by the EPA's *Consultants reporting on contaminated land: Contaminated Land Guidelines* (2020) will be taken into account in the carrying out of the activities.
3. All the activities will be carried out consistently with guidelines made or approved under section 105 of the CLM Act.
(See www.epa.nsw.gov.au/clm/guidelines.htm)
4. All the activities will be carried out in compliance with applicable NSW environmental legislation, and in particular:
 - i) All the activities, including:
 - (1) the processing, handling, movement and storage of materials and substances used to carry out the activities; and
 - (2) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activitieswill be carried out in a competent manner;
 - ii) All plant and equipment installed at the site or used in connection with the activities:
 - (1) will be maintained in a proper and efficient condition; and
 - (2) will be operated in a proper and efficient manner.
5. All the activities at the site will be carried out in a manner that prevents or minimises the emission of dust, odour and noise from the site.
6. Waste generated or stored at the Site will be assessed and classified in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste*.
(See www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)

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7. All waste transported from the Site that is required by the *Protection of the Environment Operations (Waste) Regulation 2014* to be tracked must be tracked using the EPA's on-line tracking system or an alternative tracking system approved in writing by the EPA.

(See www.epa.nsw.gov.au/owt/aboutowt.htm)

8. The proponent will make this voluntary management proposal available to the public free of charge and consents to the EPA placing this proposal on its public website.
9. The proponent will make all documents referred to in, and required to be prepared under, this voluntary management proposal available to the public free of charge, unless the proponent identifies commercial-in-confidence or private/personal information (including information relating to a third party) within those documents. In these cases, the proponent will remove such information from the documents to make the documents suitable for public release.
10. The proponent will:
- i) prior to the implementation of the proposal provide for the EPA's approval a strategy for communicating about that implementation, particularly the actual management works, with members of the public who are likely to have a real interest in or be affected by that implementation; and
 - ii) implement the strategy as approved in writing by the EPA.

Monitoring, Record Keeping & Reporting

11. At least until the EPA has notified the proponent that the EPA no longer considers that the contamination is significant enough to warrant regulation under the *Contaminated Land Management Act 1997*, record and retain all monitoring data and information and provide this record to the EPA at any reasonable time if so requested by the EPA and as specifically provided under the proposal.

[Note: Specific details of monitoring and data reporting requirements, requirements for progress reports, etc are to be set out in the performance schedule in Part 3 of this document.]

12. The EPA will be informed in writing within 7 days of the proponent becoming aware of information or data indicating a material change:
- a) in conditions at the site, or
 - b) in its surrounding environment,
- which could adversely affect the prospects of successful management of the site or result in harm to the environment.
13. The EPA will be informed in writing within 7 days of the proponent becoming aware of any failure, either by the proponent or any other person, to comply with any term of the proposal.
14. If the proponent becomes aware that they will not meet a key milestone or reporting requirement, they must notify the EPA in writing at least 21 days before the specified deadline. The notification must include:
- a) detailed reasons for not meeting the milestone or requirement,
 - b) a revised time period within which the milestone or requirement will be met, and
 - c) a statement explaining why compliance action should not be taken.
15. The EPA will be informed in writing as soon as practicable of any notification by the proponent, its employees or its agents to an appropriate regulatory authority other

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than the EPA of any pollution incident at the site within the meaning of the *Protection of the Environment Operations Act 1997*.

(See <http://www.epa.nsw.gov.au/licensing/dutytonotify.htm>)

Performance Schedule

16. The performance schedule which is in Part 3 of this document will be adhered to.

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Part 3

Performance Schedule

1. Objectives of the proposal

The objectives of this proposal are to protect human health and the environment, and provide a plan to manage identified site contamination.

The proposal is to undertake investigations and the remediation of the contamination in two (2) phases:

- Phase 1 – Remediation Planning: this involves identifying and analysing the remediation options to support the land use; developing remediation action plan detailing the remediation implementation strategy and obtaining the necessary planning approvals to enable the remediation works
- Phase 2 – Remediation and Validation: this involves the delivery of the remediation action plan and validation that the remediation has met the objectives of this proposal.

This schedule relates to Phase 1. Phase 2 will be implemented on completion of Phase 1 to the satisfaction of the EPA. TfNSW will submit a s.44 for Phase 2 upon the completion of Phase 1.

The main objective of Phase 1 is to achieve the following outcome within the timeframes specified in the proposal:

01. Complete all outstanding investigations to enable the preparation of the Remediation Action Plan
02. Preparation of Remediation Action Plan and Detailed Design and Engineering
03. Obtain statutory approvals to deliver the Remediation Action Plan

2. Principal features of the proposal

The principal features of Phases 1 & 2 include, but are not limited to:

- a. Capital works
No Capital works

- b. Investigation / Remediation

P1. Remediation Planning

- (i) Investigate and prepare reports to close identified data gaps
- (ii) Update Remediation Action Plan (**RAP**)
- (iii) Develop Detailed Design and Engineering
- (iv) Prepare planning pathway (Statement of Heritage Impact) & Biodiversity Management Plan; and
- (v) Interim Auditor Advice (**IAA**) on RAP

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c. Monitoring

Hazard mitigation measures have been put in place to be protective of ecology through all works and to be protective of human health. Monitoring is required until a permanent remediation solution is identified.

- i. Quarterly monitoring to ensure fencing is substantially intact and signage remains clear.
- ii. Quarterly monitoring of Copper Creek Road rail crossing (airborne dust, sediment run-off, surface water discharge from site and evidence of excavation or other works non-compliant with the EMP).

An example of a performance schedule is set out on the next page.

3. Key milestones for investigation, remediation, and other actions

All works set out in the proposal must be completed by the deadlines specified below:

Works	Deadline
T1. Execution of Third-Party Access Licence	30 June 2024
T2. Approval of Sampling and Quality Plan for Supplementary Site Investigation	31 July 2024
T3. Approval of Heritage Act Section 57 Standard Exemption Record Keeping Form	30 November 2024
T4. Preparation of Statement of Heritage Impact	30 November 2024
T5. Preparation of Review of Environmental Factors	30 November 2024
T6. Approval of updated Remediation Action Plan	28 February 2025
T7. Approval of Detailed Site Survey	28 February 2025
T8. Approval of Geotechnical Investigation Report	28 February 2025
T9. Approval of Supplementary Site Investigation	31 March 2025
T10. Approval of Review of Environmental Factors	31 March 2025
T11. Approval of Biodiversity Management Plan	30 April 2025
T12. Preparation of Interim Audit Advice on Supplementary Site Investigation	30 June 2025
T13. Preparation of Interim Audit Advice on updated Remediation Action Plan	31 July 2025
T14. Approval of Detailed Design and Engineering	31 July 2025
T15. Preparation of s.44 application for Remediation and Validation Phase	31 August 2025

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4. Reporting requirements and timeframe for submission of reports

The EPA must be provided with the following reports by the deadlines specified below:

<i>Report</i>	<i>Deadline</i>
R1. Sampling and Quality Plan for Supplementary Site Investigation	31 August 2024
R2. Supplementary Site Investigation and Interim Audit Advice	31 July 2025
R.3 Remediation Action Plan and Interim Audit Advice	31 August 2025
R.4 s.44 application for Remediation and Validation Phase	30 September 2025

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Signature of proponent


This application for approval of this voluntary management proposal may only be signed by a person(s) with the legal authority to sign it. The various ways in which the application may be signed, and the people who may sign the application, are set out in the categories below.

Please tick (✓) the box next to the category that describes how this application is being signed.

If the proponent is:		The application must be signed and certified by one of the following:
an individual	<input type="checkbox"/>	the individual.
a company	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	the common seal being affixed in accordance with the <i>Corporations Act 2001</i> , or two directors, or a director and a company secretary, or if a proprietary company that has a sole director who is also the sole company secretary – by that director.
a public authority other than a council	<input type="checkbox"/> <input checked="" type="checkbox"/>	the chief executive officer of the public authority, or by a person delegated to sign on the public authority's behalf in accordance with its legislation (Please note: a copy of the relevant instrument of delegation must be attached to this application).
a local council	<input type="checkbox"/> <input type="checkbox"/>	the general manager in accordance with s.377 of the <i>Local Government Act 1993</i> ('LG Act'), or the seal of the council being affixed in a manner authorised under the LG Act.

I/We (the proponent):

- **apply for approval of the voluntary management proposal set out in this proposal and in any documents referred to in Part 1.4 of this proposal**
- **declare that the information in this proposal form (including any attachment or document referred to in Part 1.4 of this proposal) is not false or misleading.**

Signature		Signature	
Name (printed)	Tom Grosskopf	Name (printed)	
Position	Executive Director, Network and Assets	Position	
Date	30/04/2024	Date	

Seal (if signing under seal):

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