



DOC24/661013-3

Ms Vicki Oszko  
Director - Regional Property & Asset Renewal  
Transport for NSW  
PO BOX K659  
HAYMARKET NSW 1240

By email: [officelandmngtrpar@transport.nsw.gov.au](mailto:officelandmngtrpar@transport.nsw.gov.au)

23 August 2024

Dear Ms Oszko

**Approval of Voluntary Management Proposal  
*Contaminated Land Management Act 1997*  
Bungendore Rail Corridor and Station, Bungendore NSW**

Thank you for your correspondence providing the NSW Environment Protection Authority (EPA) with a Voluntary Management Proposal (VMP) dated 9 July 2024 for the management of the contamination at the Bungendore Rail Corridor and Station (Lot 4 DP 830878, Lot DP 814518 and public infrastructure lands) (the Site).

The EPA has reviewed the proposal and consider that the proposed works are an acceptable approach for managing contamination at the Site at this stage. As such, the EPA has approved the proposal and will publish a copy of the approved VMP on our public record of notices issued under the *Contaminated Land Management Act 1997* (CLM Act). Please find enclosed a signed Notice of Approval of Voluntary Management Proposal (Notice No. 20241706) issued under section 17 of the CLM Act, which includes the conditions of approval. The notice is available on the EPA's website at <https://apps.epa.nsw.gov.au/prclmapp/searchregister.aspx>

Any request to vary the terms of the proposal, such as an extension to a milestone date, must be made in writing to the EPA. The request should clearly set out the reason(s) why you think the variation should be granted. If you are requesting an extension to a milestone date, you should also nominate a revised timeframe by which the milestone will be achieved. The request must be made at least 21 days prior to the relevant milestone date in the proposal.

Please be advised that the EPA has informed Queanbeyan-Palerang Regional Council and the owners of adjacent properties of the decision to approve the VMP, as required under the CLM Act. Councils are required to specify on the planning certificate for the site issued under section 10.7 of the *Environmental Planning and Assessment Act 1979* that the site is subject to an approved VMP.

If you have any further questions about this issue, please contact Claudine Jeffery, on 131 555 or at [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au).

Yours sincerely

Matthew Rizzuto  
**A/Manager**  
**Regulatory Operations**

Enclosure: Notice of Approval of Voluntary Management Proposal

Phone 131 555  
Phone 02 9995 5555  
(from outside NSW)

TTY 133 677, then  
ask for 131 155

Locked Bag 5022  
PARRAMATTA  
NSW 2124

6&8 Parramatta  
Square 10 Darcy  
Street  
PARRAMATTA NSW  
2150

[info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)  
[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)  
ABN 43 692 285 758

# Notice of Approved Voluntary Management Proposal



Section 17 of the *Contaminated Land Management Act 1997*

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Transport for New South Wales  
PO Box K659  
Haymarket NSW 1240

Attention: Vicki Oszko  
Director – Regional Property & Asset Renewal

Notice No. 20241706; Declaration No. 20221102; Area No. 3522

## Why is the EPA writing to you?

The Environment Protection Authority (EPA) has issued this Notice of Approved Voluntary Management Proposal to notify you of approval of the voluntary management proposal (Proposal) submitted by you, subject to the conditions set out in this Notice. Further information is set out below.

## What are you required to do?

Please read this Notice carefully and comply with its conditions. If you have any queries about this matter, please contact Claudine Jeffery on [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au) or 131 555.

## BACKGROUND

- A. The EPA is responsible for administration and enforcement of the *Contaminated Land Management Act 1997* (Act) and has issued this Notice under s 17(3) of the Act.

## Land to which this Notice applies

- B. The Proposal relates to land described as Part Lot 2 DP814518 and Part Lot 4 DP 830878 and the rail corridor at Bungendore Station (Land). The Proposal, 9 July 2024, was submitted by Transport of NSW.

## Appropriate Terms of Proposal and other Considerations

- C. Prior to approval of the Proposal, the EPA has been satisfied that the terms of the Proposal, as modified by the conditions of this Notice, are appropriate.
- D. The EPA is also satisfied that Transport for NSW taken all reasonable steps to identify and find every owner and notional owner of the Land and every person responsible for significant contamination of the Land and given those persons identified a reasonable opportunity to participate in the formulation and carrying out of the Proposal on reasonable terms.

It is satisfied of these matters for the following reasons:

- (i) Transport for NSW are the owners of the land; and

- (ii) The person/party responsible for the contamination of the land no longer exists.

## NOTICE OF APPROVED VOLUNTARY MANAGEMENT PROPOSAL

The EPA approves the Proposal relating to the Land and submitted by Transport for NSW (Approved Party), subject to the following conditions.

1. The Proposal, as submitted by the Approved Party, is approved in the terms set out in Annexure A (Approved Proposal).
2. The Approved Party is to comply with each undertaking or term of *Part 2 Undertakings* of the Approved Proposal.
3. The Approved Party is to complete or otherwise comply with each feature, milestone, reporting or other term of *Part 3 Performance Schedule* of the Proposal by the date specified in the Approved Proposal.
4. A failure to satisfactorily complete any term of the Approved Proposal by the due date may be taken as a failure to carry out the terms of the Approved Proposal for the purposes of s 17(6) of the Act.
5. The Approved Party must make available for inspection by any person, free of charge, and provide a copy to any person for a reasonable fee, any document required to be prepared and submitted to the EPA under the Approved Proposal. It is not necessary to disclose:
  - (a) any information contained in those documents that relates to any manufacturing, industrial or commercially sensitive information, or working processes; or
  - (b) any personal information, within the meaning of the *Privacy and Personal Information Protection Act 1998* and *Privacy Act 1988*, contained in those documents.
6. Any report submitted to the EPA to comply with the Approved 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. Further information, and a list of contaminated land consultant certification schemes recognised by the EPA is available on the EPA's website at <http://www.epa.nsw.gov.au/your-environment/contaminated-land/managing-contaminated-land/engaging-consultant>.
7. Where the Approved Proposal requires an Approved Party or any other person to give a document to the EPA, that document may be given to the EPA by:

**Email**      info@epa.nsw.gov.au

or

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

Matthew RIZZUTO



**A/Manager  
NSW Environment Protection Authority**

(by delegation)

Date of this Notice: 23 August 2024

### **Further Information about this Notice**

#### **Continuing Offences**

Under s 108A of the Act, a Notice made under the Act that specifies a time by which, or period within which, a direction or other requirement in the Notice must be complied with continues to have effect until the direction or requirement is complied with. Where a time is not specified, the direction or requirement continues to have effect until it is complied with.

#### **Cost Recovery**

Section 34 of the Act allows the EPA to recover its costs in connection with assessing and settling the terms, 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 other matters prescribed by the regulations.

#### **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 for access 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 to inform the relevant local Council as soon as practicable after this Notice of Approved Voluntary Management Proposal has been served. Pursuant to s 59(2)(c) of the Act, Land being the subject to an 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* (EP&A Act). The EPA is required to inform the relevant Council as soon as practicable when the Notice is withdrawn or completed (s 59(1)(c) Act). Pursuant to s 59(3) of the Act, if a Council includes advice in a planning certificate regarding a Notice that no longer applies to the Land the subject of that Notice, it is to make it clear on the planning certificate that the Notice 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 environmental 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>.

**Amendment or Repeal**

This Notice may be amended or repealed by subsequent notices. Under s 44 of the Act, the subsequent notice must state the reasons for the amendment or repeal.

**Cessation of the approved voluntary management proposal**

This Notice will cease if the EPA serves a notice in writing on an approved party or approved parties, stating that it is satisfied that the terms of the Approved Proposal have all been carried out, or stating that it withdraws its approval of the proposal, at the time specified in the Notice or if no time is specified, at the time the EPA notifies each approved party of the cessation of the Approved Proposal.

**Management Order**

Under s 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.

**ANNEXURE A**  
**APPROVED VOLUNTARY MANAGEMENT PROPOSAL**

Dated: 23 August 2024

# 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:	<a href="mailto:Officelandmngtrpar@transport.nsw.gov.au">Officelandmngtrpar@transport.nsw.gov.au</a>
Postal address:	PO Box K659 Haymarket NSW
Postcode:	1240
EPA licence number (if applicable):	

##### *(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:	NA
Email:	

**Proponent:** Transport for NSW

**Site:** Majara Street, Bungendore NSW 2621

**Proposal Date:** 9 July 2024



## 2. Site to which proposal applies

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

**Address:** Majara Street, Bungendore NSW 2621

**Title Details:** Part Lot 2 DP 814518 and Part Lot 4 DP 830878 and the rail corridor at Bungendore Station

**GPS Coordinates:** Lot 2 DP 814518 – Latitude: -35.255381 Longitude: 149.44638

Lot 4 DP 830878 – Latitude: -35.253409 Longitude: 149.447117

Bungendore Railway station Access – Latitude: -35.256265 Longitude: 149.446373



## 3. The contamination

- Soil at the site is 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”) is Lead.

The contaminant is immediately adjacent to or within the rail ballast beneath the rail lines. The contamination exceeds HIL A, C & D and EIL as indicated in **Appendix 1**.

**Proponent:** Transport for NSW

**Site:** Majara Street, Bungendore NSW 2621

**Proposal Date:** 9 July 2024



The Rail Corridor Interim Environmental Management Plan (**IEMP**) and the Lake George Men's Shed Lead Management Plan (**LMP**) identified the following potentially complete Source-pathway-receptor Linkages:

- Onsite commercial / industrial worker and Lake George Men's Shed users through direct contact and/or dust inhalation.
- Onsite recreational users (rail patrons/ and/or members of the public using the Bungendore Station) through direct contact and/or dust inhalation.
- Trespassers through direct contact and/or dust inhalation.
- Offsite ecological receptors in surface water, noting the surface water has not been assessed.

#### **4. The management proposal**

The management proposal ("the proposal") comprises:

- a) the information set out above;
- b) the actions, works and other components set out in the following documents:
  - Rail corridor Preliminary Site Investigation – 10/09/2021
  - Station - Preliminary Site Investigation - ERM – dated 04/05/2022
  - Station & Corridor – Indoor Lead Dust Assessment – dated 15/03/2022
  - Bungendore Rail Corridor & Woolshed Siding Area – Interim Environmental Management Plan – ERM - dated 29/07/2022
  - Bungendore Station – Interim Environmental Management Plan - ERM – 23/08/2022
  - Lake George Men's Shed –Lead Management Plan – dated 28/02/2023
- c) the undertakings set out in Part 2 of this document; and
- d) the performance schedule set out in Part 3 of this document.

**Proponent:** Transport for NSW

**Site:** Majara Street, Bungendore NSW 2621

**Proposal Date:** 9 July 2024

## Part 2

### Undertakings Included in Voluntary Management Proposal

#### 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 (Resilience and Hazards) 2021* 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](http://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 activities will 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](http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm))
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](http://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,

**Proponent:** Transport for NSW

**Site:** Majara Street, Bungendore NSW 2621

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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 the EPA with the 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.

### **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.
- 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 seven (7) days of the proponent becoming aware of any failure, either by the proponent or any other person, to comply with any terms 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 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.

**Proponent:** Transport for NSW

**Site:** Majara Street, Bungendore NSW 2621

**Proposal Date:** 9 July 2024

# Part 3

## Performance Schedule

### 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 investigation and remediation activities in three (3) phases:

- Phase 1 – Detailed Site Investigation
- Phase 2 – Remediation Planning: this involves identifying and analysing the remediation options to support the preferred future land use; developing remediation action plan detailing the remediation implementation strategy and obtaining the necessary planning approvals to enable the remediation works
- Phase 3 – 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 only to Phase 1. Phase 2 and 3 will be implemented upon completion of Phase 1 to the satisfaction of the EPA.

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

- O1. Further investigations to determine the extent of contaminants on and off site including any potential risks to receptors.
- O2. Update the existing Interim Environmental Management Plan to manage any potential risks to receptors.

#### 2. Principal features of the proposal

The principal features of Phase 1 include, but are not limited to:

**a. Capital works**

No Capital works

**b. Investigation**

Undertake Detailed Site Investigation and update Interim Environmental Management Plan.

**c. Monitoring**

Rail Corridor & Woolshed Siding Area – Interim Environmental Management Plan:

- Quarterly Inspections to ensure the controls outlined in IEMP are in place and remain effective.

Station – Interim Environmental Management Plan

- Quarterly Inspections to ensure the controls outlined in IEMP are in place and remain effective.

**Proponent:** Transport for NSW

**Site:** Majara Street, Bungendore NSW 2621

**Proposal Date:** 9 July 2024

Lake George Men's Shed –Lead Management Plan (**LMP**) until the end of their lease.

- Record of when and who conducts cleaning will be kept in the cleaning record book and available for review as required.
- An annual inspection will be completed by UGLRL representatives to confirm the controls are still in place. The checks are to include:
  - Paint condition
  - Seal condition
  - Any ground penetrations
  - Presence of accumulated dust
- Periodically The Lake George Men's Shed President or delegate are to undertake monitoring to ensure that the requirements of the Lake George Men's Shed LMP are being followed
- At least 6 monthly UGLRL representative will do the following:
  - Check that cleaning is undertaken
  - That inspections for the condition of the building and surrounds are being undertaken
  - The condition of the building and surrounds
  - Other requirements within the LMP are being met e.g. no vegetable gardens have been created.

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

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

The Key Milestones and Reporting requirements outlined below are for Phase 1 only.

<b>Works</b>	<b>Deadline</b>
T1. Community & Stakeholder Engagement Plan - Complete	24/08/2023
T2. Completion of Detailed Site Investigation	30/05/2025
T3. Review and Update existing Interim Environmental Management Plans 1. Bungendore Station (Version 3) 2. Corridor & Woolshed siding (Version 4)	30/05/2025
T4. Prepare Interim Audit Advice on Detailed Site Investigation & Updated Interim Environmental Management Plans	31/07/2025

### 4. Reporting requirements and timeframe for submission of reports

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

<b>Report</b>	<b>Deadline</b>
R1. Community & Stakeholder Engagement Plan	31/08/2023 - Complete
R2. Detailed Site Investigation	31/07/2025
R3. Interim Environmental Management Plan/s	29/08/2025
R4. Interim Audit Advice for Detailed Site Investigation & Interim Environmental Management Plan	29/08/2025

### 5. Waste Management

No waste related reports will be submitted in Phase 1.

The contaminated material will be classified during Phase 2. TfNSW will prepare a waste disposal strategy as part of the remediation options assessment in Phase 2.

**Proponent:** Transport for NSW

**Site:** Majara Street, Bungendore NSW 2621

**Proposal Date:** 9 July 2024

All materials will remain onsite during Phase 1 of the VMP.

## **6. Site Auditor**

Andrew Lau has been engaged as Site Auditor.

**Proponent:** Transport for NSW

**Site:** Majara Street, Bungendore NSW 2621

**Proposal Date:** 9 July 2024

## 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 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	19/07/2024	Date	

Seal (if signing under seal):

**Proponent:** Transport for NSW

**Site:** Majara Street, Bungendore NSW 2621

**Proposal Date:** 9 July 2024