

# Notice to Amend Approved Voluntary Management Proposal



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

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Transport for NSW  
ABN 18 804 239 602  
PO BOX K659  
HAYMARKET NSW 1240

Attention: Victoria Oszko

Amendment Notice No.20254416; Declaration No.20221101; Area No. 3522

## 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. 20241706 issued on 23 August 2024 (Original Notice). 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 Claudine Jeffery at [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au) or 6229 7032.

## 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 Lot 2 DP 814518, Part Lot 4 DP 830878 and the rail corridor at Bungendore Station (Land).
- C. The Land was declared on 4 April 2023 as significantly contaminated land by Declaration No. 20221101 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 23 August 2024, in respect of Transport for NSW (Approved Party). This Amendment Notice applies to the Approved Party.
- E. A copy of the Original Notice (No. 20241706) 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 Voluntary Management Proposal (VMP) to extend the timeframes for the Phase 1 of the works. TfNSW have advised that due to difficulties in meeting the conditions required to access the rail corridor resulting in the milestone dates not being able to be achieved. Work is being undertaken to ensure the requirements are met and access is expected to be obtained by August 2025.
- G. The EPA is satisfied that the terms of the approved voluntary management proposal, as modified by this Amendment Notice, are appropriate.
- H. 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 condition:

### ***Amended Condition 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. Completion of Community & Stakeholder Engagement Plan	Completed 34/08/2025
T2. Completion of Detailed Site Investigation	28/02/2026
T3. Review and Update existing Interim Environmental Management Plans 1. Bungendore Station (Version 3) 2. Corridor & Woolshed siding (Version 4)	28/02/2026
T4. Prepare Interim Audit Advice on Detailed Site Investigation & Updated Interim Environmental Management Plans	30/04/2026

### ***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:

<b>Report</b>	<b>Deadline</b>
R1. Community & Stakeholder Engagement Plan	Completed 31/08/2025
R2. Detailed Site Investigation	31/05/2026
R3. Interim Environmental Management Plan/s	31/05/2026
R4. Interim Audit Advice for Detailed Site Investigation & Interim Environmental Management Plan	31/05/2026

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.



CLAUDINE JEFFERY

**A/Unit Head**

**Regulatory Operations**

(by delegation)

Date of this Notice: 10 June 2025

## 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:	<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:	<a href="mailto:joanne.mcloughlin@transport.nsw.gov.au">joanne.mcloughlin@transport.nsw.gov.au</a>

**Proponent:** Transport for NSW

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

**Proposal Date:** 9 April 2025

## 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 contaminants are 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**.

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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
  - Bungendore Rail Corridor – Sampling Analysis and Quality Plan (SAQP) for Detailed Site Investigation (DSI) - dated 13/12/2024
  - Bungendore Rail Corridor – Sampling Analysis and Quality Plan (SAQP) for Detailed Site Investigation (DSI) - updated 02/04/2025
  - Bungendore Rail Corridor – Interim Audit Advice (IAA) for Sampling Analysis and Quality Plan (SAQP) for Detailed Site Investigation (DSI) – dated 04/04/2025
- c) the undertakings set out in Part 2 of this document; and
- d) the performance schedule set out in Part 3 of this document.

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## 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

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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.

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

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# 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.

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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.

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T1. Completion of Community & Stakeholder Engagement Plan	Completed 34/08/2025
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### 4. Reporting requirements and timeframe for submission of reports

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### 5. Waste Management

No waste related reports will be submitted in Phase 1.

**Proponent:** Transport for NSW

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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.

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

## **6. Site Auditor**

Andrew Lau has been engaged as Site Auditor.

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

**Proposal Date:** 9 April 2025

## 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)		Name (printed)	
Position		Position	
Date		Date	

Seal (if signing under seal):

**Proponent:** Transport for NSW

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