

Ms Joanne McLoughlin
Transport for NSW
PO BOX K659
HAYMARKET NSW 1240

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

Finalised Amendment of Approved Voluntary Management Proposal – Captains Flat Rail Corridor and Former Station Masters Cottage

Dear Ms McLoughlin

I refer to the Voluntary Management Proposals (VMP) for the Captains Flat Rail Corridor (Declaration No. 20211105) and the Captains Flat Station Masters Cottage (Declaration No. 20221106). On 18 February 2025, Transport for NSW (TfNSW) requested to extend the VMP timeframes for both sites.

The extension of timeframes for the rail corridor was requested due to additional investigations and engineering that are required for the constructed containment cell at Lake George Mine, which is where the contaminated waste from the Captains Flat Rail Corridor and Former Station Masters Cottage will be disposed at.

The EPA understands that the Department of Primary Industries and Regional Development (DPIRD) have advised TfNSW that additional investigations and engineering are required for the containment cell. These additional works are required prior to the Captains Flat Rail Corridor Statement of Heritage Impact (SoHI) and Review of Environmental Factors (REF) being finalised.

Furthermore, the draft Remediation Action Plan (RAP) included the construction of a sandstone retaining wall along the Copper Creek culvert area. TfNSW has advised the EPA that the 30% Detailed Design and Engineering (DDE) has identified that the construction of the wall is not feasible or practical. The EPA understands that TfNSW are reviewing the remediation options for this area.

The EPA understands that TfNSW has no further comments on the s44 Amendments.

As such, the EPA has approved the amended proposals for both sites. The updated copies of the approved VMPs will be published on our public record of notices issued under the Contaminated Land Management Act 1997 (CLM Act). Please find enclosed the signed Notice of Approvals for Captains Flat Rail Corridor (Notice No. 20254413) and Captains Flat Station Masters Cottage (Notice No. 20254414) which amends the VMPs as outlined above.

For your information, the EPA has also informed Queanbeyan Palerang Regional Council of the changes to the VMPs, 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

Janine Goodwin

08.07.2025

Janine Goodwin

Unit Head

Operations - Central West and Southern Coast & Tablelands

Notice to Amend Approved Voluntary Management Proposal



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

Transport for New South Wales
PO Box K659
Haymarket, NSW 1240

Attention: Ms Joanne McLoughlin

Amendment Notice No. 20254413; 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 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 Amanda Fletcher on 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 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 (No. 20211713) 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 reflect updated deadlines for the actions listed in the VMP. The reason for the updated deadlines is due to the requirement for additional investigations and engineering to be undertaken on the containment cell in the Lake George (legacy) Mine. The further investigations are required prior to the Review of Environmental Factors and Statement of Heritage Impact being finalised.
- G. It has also been identified in the 30% Detailed Design and Engineering action, that the construction of a sandstone block over the culvert area near Copper Creek is not feasible or practical. As such, the remediation options for the culvert need to be reviewed.
- 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.

Previous timelines have been replaced with the following:

3. Key milestones for investigation, remediation and other actions

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

Task number	Task	Deliverable Due Date
T1	Execution of Third Party Access Licence	Completed 28 June 2024
T2	Approval of Sampling Analysis Quality Plan	Completed 28 June 2024
T3	Approval of s.57 Heritage Exemption	Completed 10 September 2024
T4	Preparation of Statement of Heritage Impact	31 January 2026
T5	Preparation of Review of Environmental Factors	31 May 2026
T6	Approval of updated Remediation Action Plan	30 June 2025
T7	Approval of Detailed Site Survey	Completed 29 November 2024
T8	Approval of Geotechnical Investigation Report	Completed 29 November 2024
T9	Approval of Supplementary Site Investigation	Completed 20 January 2025
T10	Approval of Review of Environmental Factors	31 May 2026
T11	Approval of Biodiversity Management Plan	Completed 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	30 September 2025
T14	Approval of Detailed Design and Engineering	31 December 2025
T15	Preparation of s44 application for Remediation and Validation Phase	30 June 2026

4. Reporting requirements and timeframe for submission of reports

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

Report Number	Report	Deliverable Due Date
R1	Sampling and Quality Plan for Supplementary Site Investigation	Completed 28 August 2024
R2	Supplementary Site Investigation and Interim Audit Advice	31 July 2025
R3	Remediation Action Plan and Interim Audit Advice	31 October 2025
R4	s.44 application for Remediation and Validation Phase	31 July 2026

Janine Goodwin (e-signature)

Janine Goodwin

Unit Head - Operations

NSW Environment Protection Authority

(by delegation)

Date of this Notice: 08.07.2025

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.