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Declaration of significantly contaminated land



Section 11 of the *Contaminated Land Management Act 1997*

Declaration No. 20211106; Area No. 3487

The Environment Protection Authority (EPA) declares the following land to be significantly contaminated land under s11 of the *Contaminated Land Management Act 1997* (Act).

Land to which this Declaration applies

1. This Declaration applies to significantly contaminated land at 331 – 335 Burns Bay Road, Lane Cove NSW 2066, within the Lane Cove City Council (the Land).
2. This declaration applies to the northern and central portion of the Land, described as Part Lot 8 in DP 1770, Part Lot 9 in DP1770, and Part Lot 10 in DP1770.
3. A map of the Land is attached to this Declaration.

Significant Contaminants affecting the Land

4. 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) heavy metals (chromium, copper, lead, mercury, nickel, zinc); and
 - (ii) polychlorinated biphenyls (PCBs).

Nature of harm caused, or that may be caused, by the Significant Contaminants

5. The EPA has reason to believe harm has been, or may be caused by the Significant Contaminants, including:
 - (i) degradation of soil as a result of historical dumping of waste material onto the Land; and
 - (ii) potential harm via dermal contact may be caused to human health.

Matters considered before declaring the Land to be significantly contaminated land

6. 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.
7. 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:
 - Significant Contaminants have already caused degradation of the Land;
 - potentially complete exposure pathways exist to sensitive receptors via dermal contact of Significant Contaminants;
 - Significant Contaminants were detected at concentrations above the relevant health investigation levels and ecological investigation levels for open space use; and

- the site is not suitable, in its current condition, to be used for its current approved zoning (public recreation and environmental conservation). Site remediation and management is required to address the detected contamination.

Further action to carry out voluntary management under the Act

8. 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

9. 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.

10. Submissions should be made in writing and sent to:

Email RegOps.MetroRegulation@epa.nsw.gov.au

or

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

11. Submissions should be made by no later than **5:00pm on 27 August 2021**.
12. Information on contaminated land management can be found on the EPA's website at:
www.epa.nsw.gov.au/your-environment/contaminated-land



Adam Gilligan
Director Regulatory Operations
NSW Environment Protection Authority
(by delegation)

Date of this Declaration: 27 July 2021

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.

This Declaration applies to the northern central portion of the Land bounded in red, identified as Part Lot 8 in DP1770, Part Lot 8 in DP1770, and Part Lot 10 in DP1770.

