



Government Gazette

of the State of

New South Wales

**Number 419–Environment
Friday, 15 September 2023**

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Declaration of significantly contaminated land



Section 11 of the *Contaminated Land Management Act 1997*

Declaration No. 20221102; Area No. 3512

The Environment Protection Authority (EPA) declares the following land to be significantly contaminated land under s 11 of the *Contaminated Land Management Act 1997* ("CLM Act").

Land to which this Declaration applies

1. This Declaration applies to significantly contaminated land described as 21 John Radley Avenue, Dural, NSW ("the Land"), within the local government area of Hornsby Shire Council.
2. The Land is described as Lot 40 in Deposited Plan (DP) 1007285.
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) Hazardous ground gases including methane and carbon dioxide.

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) Potential harm may be caused to human health or the environment by off-site migration of the contamination.

Matters considered before declaring the Land to be significantly contaminated land

6. Before making this Declaration, the EPA has considered 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:
 - hazardous ground gases generated from historical landfilling activities on site are present at concentrations which exceed the appropriate assessment criteria for the protection of human health, causing potential vapour inhalation risks to those performing subsurface works on the site;
 - the extent of elevated hazardous ground gases has not been delineated on-site and may be migrating beyond the site's boundaries; and

- further investigations or measures to prevent any future migration of hazardous ground gases to off-site receptors may be required.

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.MetroWest@epa.nsw.gov.au

or

Post

Rob Hogan
A/ Director Operations
NSW Environment Protection Authority
Locked Bag 5022
PARRAMATTA NSW 2124

11. Submissions should be made by no later than 5:00pm on Monday 2 October 2023.
12. Information on contaminated land management can be found on the EPA's website at:
www.epa.nsw.gov.au/your-environment/contaminated-land.



ROB HOGAN
A/Director Operations
NSW Environment Protection Authority

(by delegation)

Date of this Declaration: 8 September 2023

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.

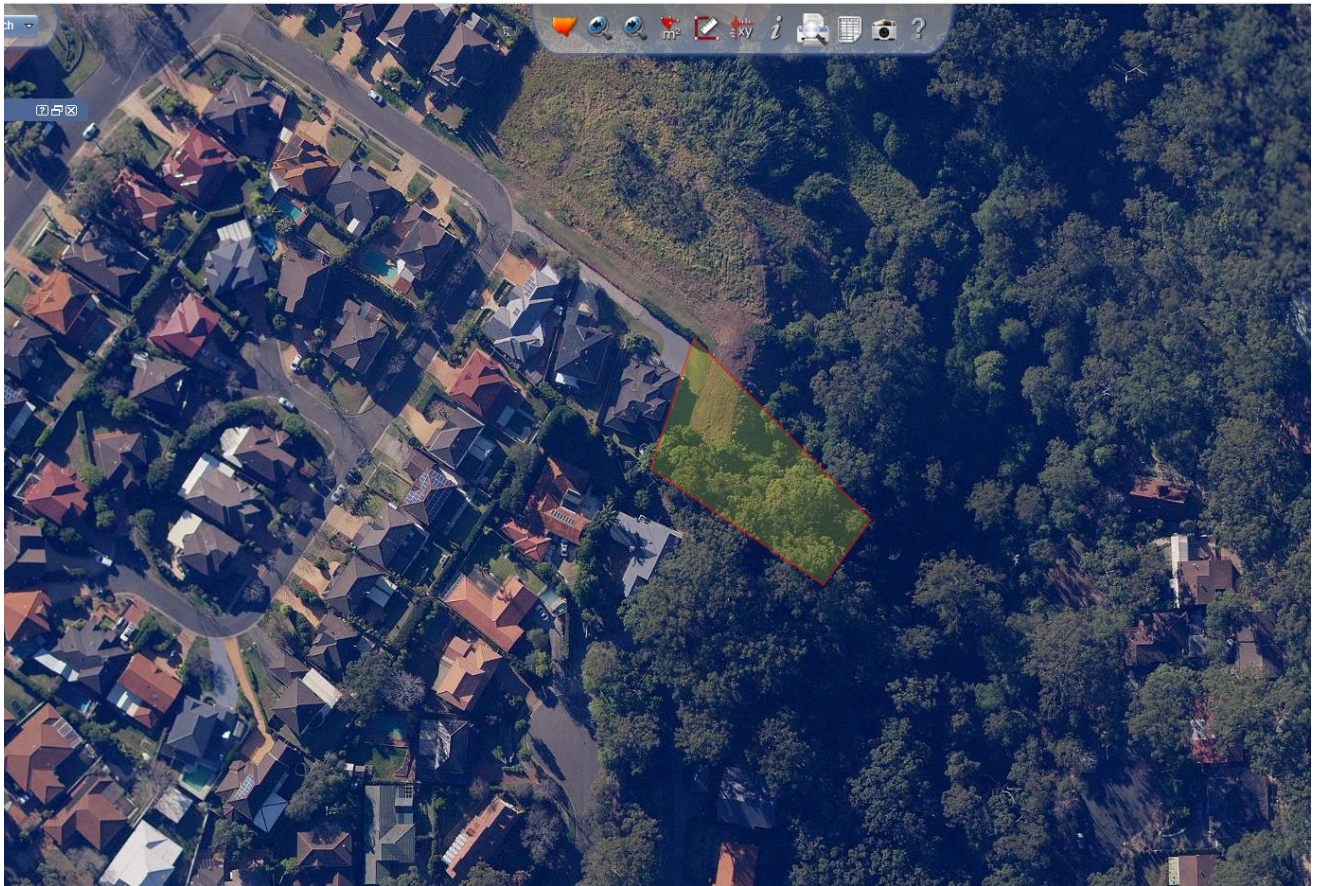
Information recorded by Councils

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.

The Land to which this Declaration applies is shown shaded in yellow, and identified as Lot 40 in DP 1007285. The original image was sourced from SixMaps.



Lot 40 in DP 1007285
21 John Radley Ave, Dural

Environment Protection Authority

Declaration of significantly contaminated land

(Section 11 of the *Contaminated Land Management Act 1997*)

Declaration Number 20211110; Area Number 3486

The Environment Protection Authority (EPA) declares the following land to be significantly contaminated land under the *Contaminated Land Management Act 1997* (“the Act”):

1. Land to which this declaration applies (“the land”)

This declaration applies to the following land in the Cumberland local government area:

Lot 2921 in DP 1084824 at 56-58 Mandoon Road Girraween 2145

The land to which this declaration applies is shown on the attached figure.

2. Nature of contamination affecting the land

The EPA has found that the site is contaminated with the following substances (“the contaminants”):

- Heavy metals and metalloids (including arsenic, cadmium, chromium VI, copper, mercury, manganese, nickel, lead and zinc)
- Ammonia
- Acidic seepage water/ drainage.

The contaminants have been detected in soils and groundwater beneath the site and have migrated off-site in groundwater. The contaminants have also been detected in ‘first flush’ stormwater collected in on-site stormwater pits.

3. Nature of harm that the contaminants have caused

The EPA has considered the matters in section 12 of the Act and for the following reasons has determined that the land is contaminated and that the contamination is significant enough to warrant regulation under the Act:

- The soils and groundwater beneath the site have been contaminated as a result of the existing site activity of hot dip galvanizing.
- The contamination has migrated off-site in groundwater beneath adjoining down gradient industrial properties towards Girraween Creek.
- The concentrations of contaminants in groundwater beneath the site and down gradient of the site exceed criteria for protection of freshwater aquatic ecosystems and recreational water use.
- The soil contamination beneath the site has the potential to provide an on-going secondary source of groundwater contamination and poses a risk to future site re-development.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of voluntary management of the site and any person may submit a voluntary management proposal for the site to the EPA.

5. Submissions invited

The public may make written submissions to the EPA on:

- whether the EPA should issue a management order for the land; or
- any other matter concerning the land.

Submissions should be made in writing to:

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

or emailed to: RegOps.MetroRegulation@epa.nsw.gov.au

by not later than Tuesday 3 October 2023



ROB HOGAN
A/ Director Operations
NSW Environment Protection Authority

Date: 5 September 2023

NOTES:**Management order may follow**

If management of the site or part of the site is required, the EPA may issue a management order under section 14 of the Act.

Amendment/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 (section 44 of the Act).

Information recorded by the EPA

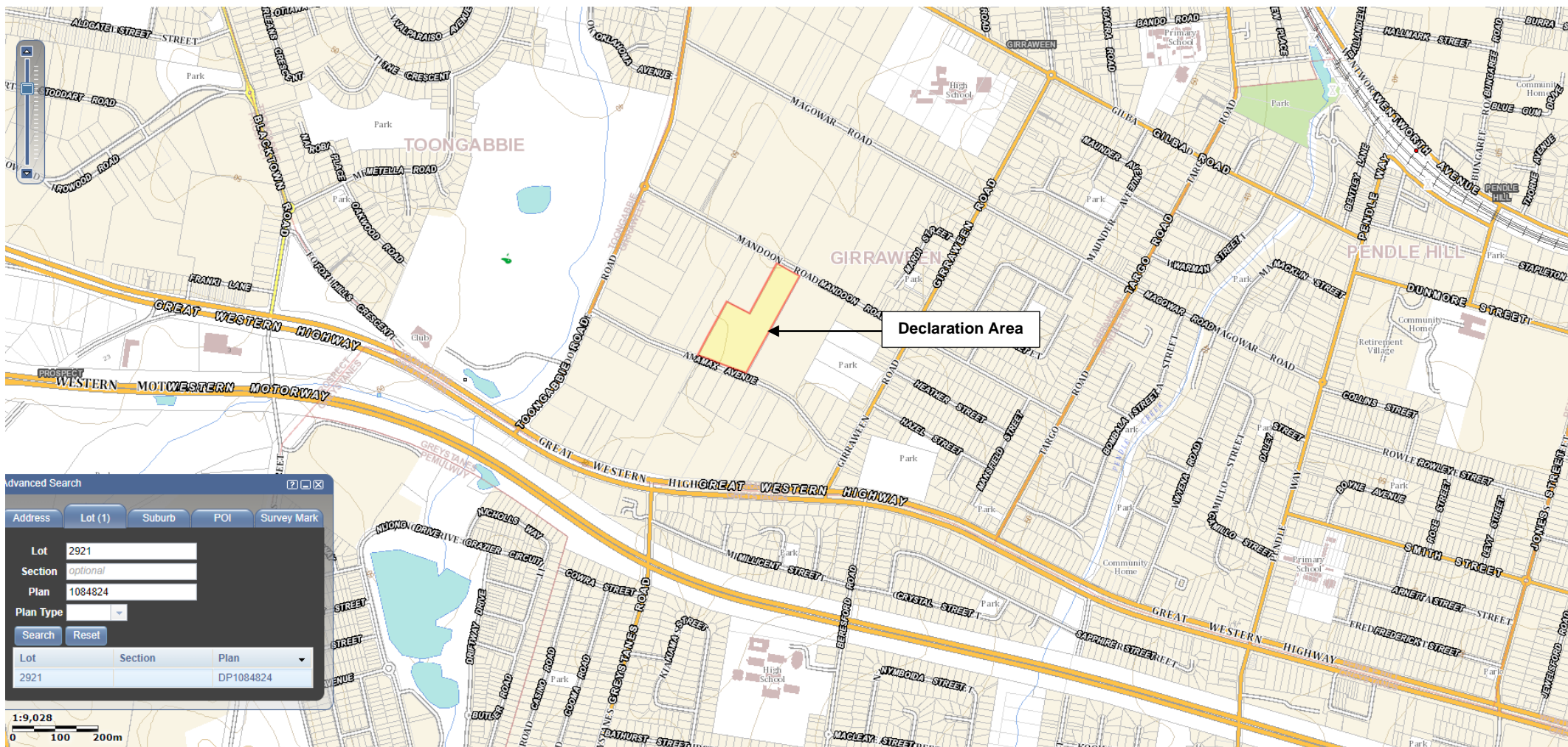
Section 58 of the Act requires the EPA to maintain a public record. A copy of this significantly contaminated land declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to section 10.7 of the *Environmental Planning and Assessment Act 1979* that the land is declared significantly contaminated land. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the section 10.7 certificate is no longer required.

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.



Land to which the declaration applies: 56-58 Mandon Road Girraween NSW 2145 (Lot 2921 in DP 1084824)

Source: NSW Government Spatial Services - Six Maps online mapping tool (accessed 15 April 2021)

Protection of the Environment Operations (Waste) Regulation 2014

Gazette notice for the revocation of the Asbestos and Waste Tyres Guidelines (October 2015) and adoption of the Asbestos and Waste Tyres Guidelines (September 2023)

I, Asela Atapattu, Director, Strategy and Policy, NSW Environment Protection Authority:

Revocation of existing guidelines

1. revoke the *Asbestos and Waste Tyres Guidelines* issued in accordance with clauses 76(10) and 79(10) of the Protection of the Environment Operations (Waste) Regulation 2014, which took effect on 1 October 2015 (NSW Government Gazette No 87 of 2 October 2015, pages 3161-3169).

Adoption of guidelines

2. adopt the Asbestos and Waste Tyre Guidelines (Version 2) set out in Schedule 1 of this notice, in accordance with clauses 76(10) and 79(10) of the Protection of the Environment Operations (Waste) Regulation 2014. This is to take effect on 19 September 2023.

Signed and dated:



Asela Atapattu
Director, Strategy and Policy
NSW Environment Protection Authority
By delegation

13 September 2023



Environment Protection Authority

Asbestos and Waste Tyres Guidelines

Version 2



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TTY users: phone 133 677, then ask
for 131 555

Speak and listen users:

phone 1300 555 727, then ask for 131 555

Email: info@epa.nsw.gov.au

Website: www.epa.nsw.gov.au

Report pollution and environmental incidents

Environment Line: 131 555 (NSW only) or info@epa.nsw.gov.au

See also www.epa.nsw.gov.au

ISBN 978 1 XXXXXX XX X

EPA 20XXPXXXX

September 2023

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1. Definitions

The following terms are used throughout these *Asbestos and Waste Tyres Guidelines* (the **Guidelines**). Any other terms, unless otherwise stated, take the same meaning as in the Protection of the Environment Operations (Waste) Regulation 2014 (the **POEO Waste Regulation**).

EPA: the New South Wales Environment Protection Authority.

EPA Fixed Plate: a fully functioning fixed plate approved by the EPA with a unique QR2id code and alphanumeric number for a particular premises to track Asbestos Waste.

Asbestos Waste: asbestos waste, where clause 79 of the POEO Waste Regulation applies to its transportation.

Waste Tyres: waste tyres, where clause 76 of the POEO Waste Regulation applies to their transportation.

Receiver: the occupier of any premises to which a load of Waste Tyres or Asbestos Waste is delivered.

Integrated Waste Tracking Solution: the online tool developed under contract for the EPA, the purpose of which is to report on the location and movement of hazardous waste throughout NSW, including Waste Tyres. The Integrated Waste Tracking Solution replaces the WasteLocate system for tracking intrastate movements of Waste Tyres from 19 September 2023.

WasteLocate: the online tool developed for the EPA for reporting on the location and movement of Asbestos Waste.

2. Introduction

These Guidelines contain legal requirements that consignors, transporters and receivers of Asbestos Waste and Waste Tyres must meet in addition to their obligations under the POEO Waste Regulation.

The Guidelines include general and specific user requirements for:

- (a) the Integrated Waste Tracking Solution to report on the location and movement of Waste Tyres; and
- (b) WasteLocate to report on the location and movement of Asbestos Waste.

These Guidelines, and the relevant clause(s) of the POEO Waste Regulation under which they are being made, are listed below:

1. **Guideline 1:** Prescribed form and manner (clauses 76(3)–(7) and (9) as well as 79(3)–(6) and (8) of the POEO Waste Regulation).
2. **Guideline 2:** Waste Tyres consignor requirements (clause 76(3)(g) of the POEO Waste Regulation).
3. **Guideline 3:** Waste Tyres transporter requirements (clause 76(6)(b) of the POEO Waste Regulation).
4. **Guideline 4:** Waste Tyre receiver requirements (clause 76(7)(d) of the POEO Waste Regulation).
5. **Guideline 5:** Asbestos Waste transporter requirements (clause 79(3)(f) of the POEO Waste Regulation).

6. **Guideline 6:** Asbestos Waste receiver requirements (clause 79(6)(c) of the POEO Waste Regulation).

These Asbestos and Waste Tyres Guidelines (Version 2) take effect on 19 September 2023.

2.1. Guideline 1: Prescribed form and manner

See clauses 76(3)–(7) and (9) as well as 79(3)–(6) and (8) of the POEO Waste Regulation.

This guideline sets out the prescribed form and manner to give information as required under the abovementioned provisions of the POEO Waste Regulation (prescribed form and manner).

Prescribed form and manner for giving information in relations to the location and movement of Waste Tyres (clause 76)

For any transportation of tyres that commences before 19 September 2023, all consignors, transporters and receivers of Waste Tyre must give information required under clause 76 of the POEO Waste Regulation using WasteLocate in accordance with the previous version of these guidelines published on 2 October 2015 in the Government Gazette No 87 of 2 October 2015 (p 3161) and amended on 31 July 2020 (amendment published in the Government Gazette No 166 of 31 July 2020 (p 3813)).

For any transportation of Waste Tyres that commences on or after 19 September 2023:

A consignor of Waste Tyres must:

- a) unless they are pre-registered, register on the Integrated Waste Tracking Solution following the instructions at <https://kpmgorigins.com/iwts> before the transport of any Waste Tyres; and
- b) provide the information they are required to give or cause to give under clause 76 of the POEO Waste Regulation and these Guidelines using the Integrated Waste Tracking Solution following the instructions at <https://kpmgorigins.com/iwts>.

A transporter of Waste Tyres must:

- a) unless they are pre-registered, register on the Integrated Waste Tracking Solution following the instructions at <https://kpmgorigins.com/iwts> no later than on the delivery of their first load of Waste Tyres; and
- b) provide the information they are required to give or cause to give under clause 76 of the POEO Waste Regulation and these Guidelines using the Integrated Waste Tracking Solution following the instructions at <https://kpmgorigins.com/iwts>.

Note: Consignors and transporters of Waste Tyres should refer to the information on how to register and use the Integrated Waste Tracking Solution available at <https://www.epa.nsw.gov.au/your-environment/waste/integrated-waste-tracking-solution>.

Prescribed form and manner for giving information in relations to the location and movement of Asbestos Waste (clause 79)

A transporter of Asbestos Waste must:

- a) register as a transporter of Asbestos Waste on WasteLocate following the instructions at wastelocate.epa.nsw.gov.au before any transport of Asbestos Waste; and
- b) provide the information it is required to give or cause to give under clause 79 of the POEO Waste Regulation and these Guidelines, on WasteLocate following the instructions at wastelocate.epa.nsw.gov.au.

A receiver of Asbestos Waste must display an EPA Fixed Plate at its premises on and from delivery of the first load of Asbestos Waste to its premises. This enables the receiver of Asbestos Waste to give information to the EPA under clause 79 of the POEO Waste Regulation.

A transporter of a load of Asbestos Waste must scan the receiver's EPA Fixed Plate through their mobile device upon delivery of each load. Scanning of the EPA Fixed Plate by the transporter for a load enables the receiver to meet its obligations under clause 79(6) of the POEO Waste Regulation for that load.

Note: Consignors, transporters and receivers of Asbestos Waste should refer to the information on how to register and use WasteLocate available at www.epa.nsw.gov.au/wasteregulation/transport-asbestos-tyres.htm.

2.2. Guideline 2: Waste Tyres consignor requirements

See clause 76(3)(g) of the POEO Waste Regulation.

This guideline sets out what information a consignor of Waste Tyres must provide to the EPA, in addition to the other information listed in clause 76(3) of the POEO Waste Regulation.

The consignor of Waste Tyres must provide the following information to the EPA on or after registration on the Integrated Waste Tracking Solution before the transportation of any Waste Tyres:

- a) primary telephone number (preferably mobile number) and email address of the consignor
- b) trading name or agency name of the consignor
- c) the Australian Business Number (**ABN**) for the consignor (if the entity has an ABN); and
- d) postal address of the consignor, if different from consignor's address.

The consignor of a load of Waste Tyres must provide the following information to the EPA using the Integrated Waste Tracking Solution before the transportation of any load of Waste Tyres:

- a) the type and quantity of Waste Tyres in the load; and
- b) the name of the transporter.

2.3. Guideline 3: Waste Tyres transporter requirements

See clause 76(6)(b) of the POEO Waste Regulation.

This guideline sets out what information a transporter of Waste Tyres must provide to the receiver when a load of Waste Tyres is delivered, in addition to the other information listed in clause 76(6) of the POEO Waste Regulation.

The transporter of Waste Tyres must cause the following additional information to be entered into the Integrated Waste Tracking Solution (following registration on that platform):

- a) the drivers licence number and mobile telephone number of the transporter's driver;
- b) the vehicle registration number of the vehicle used for the transport;
- c) the date of pick-up and drop-off; and
- d) the quantity and type of Waste Tyres in each load.

2.4. Guideline 4: Waste Tyres receiver requirements

See clause 76(7)(d) of the POEO Waste Regulation.

This guideline sets out what information a receiver of Waste Tyres must provide to the EPA, in addition to the other information listed in clause 76(7) of the POEO Waste Regulation.

If a load of Waste Tyres delivered to the receiver is not recorded as dropped off by the transporter of the Waste Tyres (**Untracked Movement**), the receiver must, where possible, provide the EPA the following information in relation to the load:

- a) the date and time of delivery of the load of Waste Tyres;
- b) the type and quantity of Waste Tyres delivered;
- c) the name and telephone number of the transporter;
- d) the name of the driver;
- e) the vehicle registration number of the vehicle driven by or on behalf of the transporter for the specific consignment; and
- f) the pick-up address of the Waste Tyres.

The receiver must provide the abovementioned information to the EPA:

- a) in writing using the form in Appendix 1 of these Guidelines, or a form that is substantively the same or via other methods approved by the EPA;
- b) within 7 calendar days after the end of the month in which the load was received; and
- c) via email to compliance.services@epa.nsw.gov.au, unless otherwise authorised by an EPA officer.

2.5. Guideline 5: Asbestos Waste transporter requirements

See clauses 79(3)(f) of the POEO Waste Regulation.

This guideline sets out what information a transporter of Asbestos Waste must provide to the EPA, in addition to the other information listed in clause 79(3) of the POEO Waste Regulation.

The transporter of Asbestos Waste must provide the following information to the EPA following registration on WasteLocate no later than on delivery of its first load of Asbestos Waste:

- a) name and address of the transporter
- b) mobile telephone number of the transporter's registered driver*
- c) email address of the transporter
- d) trading name or agency name of the transporter
- e) drivers licence number of the transporter's registered driver*
- f) postal address of the transporter, if different from transporter's address
- g) primary telephone number of transporter
- h) the ABN of the transporting company (if any); and
- i) WorkCover licence number of the transporter, if held.

**A transporter of Asbestos Waste can only select one driver per registration on WasteLocate.*

The transporter of a load of Asbestos Waste must provide the following information to the EPA using WasteLocate before the transportation of any load of Asbestos Waste commences:

- a) the type of Asbestos Waste in the load; and
- b) vehicle registration number of the vehicle driven by the transporter's registered driver for the specific consignment.

2.6. Guideline 6: Asbestos Waste receiver requirements

See clause 79(6)(c) of the POEO Waste Regulation.

This guideline sets out what information the receiver of Asbestos Waste must provide to the EPA, in addition to the other information listed in clause 79(6) of the POEO Waste Regulation.

If the receiver's EPA Fixed Plate is not scanned by the transporter when a load of Asbestos Waste is delivered to the receiver (**Unscanned Asbestos Load**), the receiver must provide the EPA the following information in relation to the load:

- a) the date and time of delivery of the load of Asbestos Waste; and
- b) the vehicle registration number of the vehicle driven by or on behalf of the transporter for the specific consignment.

The receiver must provide this information to the EPA:

- a) in writing using the form in Appendix 2 of these Guidelines
- b) within seven (7) calendar days after the end of the month in which the load was received; and
- c) via email to compliance.services@epa.nsw.gov.au, unless authorised otherwise by an EPA authorised officer.

Appendix A: Record of Untracked Movement – Waste Tyres

Details of receiver

Company name		Contact name	
Address of premises		Environment Protection Licence Number	
Australian Business Number (ABN)		Phone number	
Email address			

Record for [date] [month] [year] to [date] [month] [year]

Date of Delivery	Time of Delivery	Type of Waste Tyres	Quantity of Waste Tyres	Vehicle Registration Number	Transporter Name	Transporter Telephone No.	Driver Name	Pick Up Address

Submitted by:

Name	Position	Signature	Date

Appendix B: Record of Unscanned Loads – Asbestos Waste

Details of receiver

Company or agency name	
Contact name	
Address of premises	
Environment Protection Licence Number	
Australian Business Number (ABN)	
Phone number	
Email address	
Fixed Plate Number or Numbers (if more than one on premises)	

Record for [date] [month] [year] to [date] [month] [year]

Date of delivery	Time of delivery	Asbestos Waste	Vehicle Registration Number

Submitted by:

Name	Position	Signature	Date