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NATIONAL PARKS AND WILDLIFE ACT 1974

**REVOCATION OF PART OF THE LAND PROCLAIMED AS
WINDALLE WILDLIFE REFUGE**

I, the Honourable Margaret Beazley AC KC, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under section 68 of the *National Parks and Wildlife Act 1974*, do, by this my Proclamation revoke the Proclamation declaring the land described below as a wildlife refuge known as **Windalle Wildlife Refuge**, notified in Government Gazette No. 32 of 18 February 1983, to the extent it applies to the lands described below.

SIGNED and SEALED at Sydney this 24th day of April 2024

MARGARET BEAZLEY
Governor
By Her Excellency's Command

The Hon. Penny Sharpe MLC
Minister for the Environment

GOD SAVE THE KING!

Description

Council – Central Darling Shire

Approximately 34,383.5 hectares, being Lots 1 and 2 DP 34821, Lots 8, 9, 12, 13, 14 DP 754335, Lot 95 DP 760476, Lot 2212 DP 764219, Lot 3305 DP 765561, Lots 5694 DP 768594, Lot 5695 DP 768595 and Lot 5766 DP 768666.
BCT DOC23/772598

NATIONAL PARKS AND WILDLIFE ACT 1974

**REVOCATION OF PART OF THE LAND PROCLAIMED AS
GURNANG WILDLIFE REFUGE**

I, the Honourable Margaret Beazley AC KC, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under section 68 of the *National Parks and Wildlife Act 1974*, do, by this my Proclamation revoke the Proclamation declaring the land described below as a wildlife refuge known as **Gurnang Wildlife Refuge**, notified in Government Gazette No. 69 of 23 June 1967, to the extent it applies to the lands described below.

SIGNED and SEALED at Sydney this 24th day of April 2024

MARGARET BEAZLEY
Governor
By Her Excellency's Command

The Hon. Penny Sharpe MLC
Minister for the Environment

GOD SAVE THE KING!

Description

Council – Oberon

Approximately 53.2 hectares, being Lot 85 DP 753033 and Lot 902 DP 1218452.
BCT DOC23/772598

NATIONAL PARKS AND WILDLIFE ACT 1974

**REVOCATION OF PART OF THE LAND PROCLAIMED AS
FRANXTON WILDLIFE REFUGE**

I, the Honourable Margaret Beazley AC KC, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under section 68 of the *National Parks and Wildlife Act 1974*, do, by this my Proclamation revoke the Proclamation declaring the land described below as a wildlife refuge known as **Franxton Wildlife Refuge**, notified in Government Gazette No. 120 of 10 November 1972, to the extent it applies to the lands described below.

SIGNED and SEALED at Sydney this 24th day of April 2024

MARGARET BEAZLEY
Governor
By Her Excellency's Command

The Hon. Penny Sharpe MLC
Minister for the Environment

GOD SAVE THE KING!

Description

Council – Walgett Shire

Approximately 1,201 hectares, being Lot 3 DP 1216187, Lot 47 DP 39910, Lot 3 DP 752235, Lots 6, 7, 8, 13 and 42 DP 752243 and Lots 26, 35, 39, 41 and 42 DP 752265.
BCT DOC23/772598

NATIONAL PARKS AND WILDLIFE ACT 1974

**REVOCATION OF THE PROCLAMATION OF
KHYBER DOWNS WILDLIFE REFUGE**

I, the Honourable Margaret Beazley AC KC, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under section 68 of the *National Parks and Wildlife Act 1974*, do, by this my Proclamation revoke the Proclamation declaring the land described below as a wildlife refuge known as **Khyber Downs Wildlife Refuge**, notified in Government Gazette No. 6 of 17 January 1969 and No. 108 of 1 October 1971.

SIGNED and SEALED at Sydney this 24th day of April 2024

MARGARET BEAZLEY
Governor
By Her Excellency's Command

The Hon. Penny Sharpe MLC
Minister for the Environment

GOD SAVE THE KING!

Description

Council – Walgett Shire

Approximately 5,045.6 hectares, being Lot 4451 DP 767436 and Lot 3875 DP 766348.
BCT DOC23/772598

Declaration of significantly contaminated land

Section 11 of the *Contaminated Land Management Act 1997*

Declaration No. 20231103; Area No. 3491

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

Land to which this Declaration applies

1. This Declaration applies to significantly contaminated land described as Part Lot 52 DP1204607, Lot 123 DP1290829 and Lot 111 DP1293015 located at Scenic Dive, Doyalson, NSW within the Central Coast Council Local Government Area (the Land).
2. A map of the Land is attached to this Declaration.

Significant Contaminants affecting the Land

3. 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) Petroleum hydrocarbons including Total Recoverable Hydrocarbons (TRH), benzene, toluene, ethylbenzene, xylenes and naphthalene (BTEXN) (on Lot 111 DP1293015 only)
 - (ii) Per- and polyfluoroalkyl substances (PFAS)

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

4. The EPA has reason to believe harm has been caused, or may be caused, by the Significant Contaminants, including:
 - (i) Petroleum hydrocarbons including light non aqueous phase liquids (LNAPL) are present in soil and groundwater in locations on the Land at concentrations exceeding adopted human health and ecological investigation criteria, due to fuel loss from historical fuel storage and distribution systems at the former Munmorah Power Station.
 - (ii) PFAS contamination, resulting from historical firefighting and training activities at the former Munmorah Power Station is present in soil, groundwater and surface water at locations on the Land and in the adjacent Colongra Power Station site, at concentrations exceeding adopted human health and ecological assessment criteria.
 - (iii) PFAS contamination has migrated from the Land into the Hammond Canal and there is the potential for hydrocarbon contamination in groundwater to migrate to the Hammond Canal.
 - (iv) The Hammond Canal flows into Budgewoi Lake and Lake Munmorah and the Significant Contaminants may affect the health of ecological communities in the canal and these lakes.

Matters considered before declaring the Land to be significantly contaminated land

5. 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.
6. 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:
 - (i) Concentrations of Significant Contaminants are present in soil, groundwater and surface water exceeding adopted human health and ecological investigation criteria and represent an ongoing source of off-site contamination.
 - (ii) There is the potential for unacceptable risks to ecological receptors within the Hammond Canal, Budgewoi Lake and Lake Munmorah as there is evidence to indicate a complete exposure pathway to these receptors; and
 - (iii) Remediation of the Land is required to reduce these potential risks.
7. Whilst exceedances of adopted human health criteria have been detected during investigations of the Land and adjacent land, further assessment of the PFAS and hydrocarbon contamination have demonstrated that the potential for any off-site risks from the contamination to human health are low.
8. Management of contamination on site with respect to the future use of the Land and broader former Munmorah Power Station site will be considered under relevant planning legislation by the relevant planning authority.
9. PFAS contamination extends beyond the boundaries of the Land to which this declaration applies, although remediation of these areas is not identified as being needed. The EPA considers that monitoring of the adjacent land is likely to be required to validate the effectiveness of the remediation of the Land. Should future monitoring indicate that remediation of the Significant Contaminants is required outside of the Land to which this declaration applies, the area to which this declaration applies may be amended in accordance with s44 of the CLM Act.

Further action to carry out voluntary management under the Act

10. 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

11. 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.
12. Submissions should be made in writing and sent to:

Email info@epa.nsw.gov.au

or

Post Director Regulatory Operations – Metro North
NSW Environment Protection Authority
PO Box 488G
NEWCASTLE NSW 2300

13. Submissions should be made by no later than **21 days after the date of this Declaration**.

14. Information on contaminated land management can be found on the EPA's website at:
www.epa.nsw.gov.au/your-environment/contaminated-land



DAVID GATHERCOLE
Director Operations
Environment Protection Authority

26 April 2024

(by delegation)

Date of this Declaration:

[method of service]

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.

Area of proposed declaration is depicted by the red line and includes Part Lot 52 DP1204607, Lot 123 DP1290829 and Lot 111 DP1293015. The original image was taken from <https://maps.six.nsw.gov.au> and has been adapted by the NSW EPA.

