



Government Gazette

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Declaration of significantly contaminated land



Section 11 of the *Contaminated Land Management Act 1997*

Declaration Number: **20211105**; Area Number: **3485**

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)*.

1. Land to which this Declaration applies

This declaration applies to significantly contaminated land described as part of the former Captains Flat Rail Corridor, 1 Captains Flat Road, Captains Flat, NSW 2623 within the local government area of Queanbeyan-Palerang Regional Council (the Land). It is also referred to in some records as 1 Copper Creek Road, Captains Flat, NSW 2623.

The Land includes the following:

- Part Lot 4425 Deposited Plan (DP) 1217100

The land to which this declaration applies is indicated on the attached map¹ and is shaded yellow.

2. Substances affecting the Land

The EPA has reason to believe that the Land is contaminated with the following substances (Substances) in such a way as to warrant regulation as significantly contaminated land under the Act:

- Lead;
- Arsenic;
- Chromium;
- Copper;
- Nickel; and
- Zinc.

3. Nature of harm caused by the Substances

The EPA has considered the matters in s.12 of the Act before making this declaration. The EPA has reason to believe harm has been or may be caused by the Substances, including:

- lead and arsenic concentrations in soil within the rail corridor exceed national guideline values for the protection of human health;
- there are complete exposure pathways to contamination for persons using the rail corridor land for recreational purposes, as well as onsite maintenance workers;
- lead and arsenic concentrations exceeding human health guideline values are located to the boundary of residential land;
- lead, arsenic, chromium, copper, nickel and zinc were found within the rail corridor at concentrations exceeding ecological investigation levels; and
- there are potentially complete exposure pathways for onsite and offsite ecological receptors.

¹ The map is provided for indicative purposes only. It is acknowledged that the map may not accurately identify the boundaries of Part Lot 4425 Deposited Plan (DP) 1217100

4. Further action to carry out voluntary management under the Act

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.

5. Submissions invited

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.

Submissions should be made in writing and sent to:

Sam Waskett
Operations Officer – Regulatory Operations Metro North
4 Parramatta Square
12 Darcy St Parramatta NSW 2150

or emailed to RegOp.MetroRegulation@epa.nsw.gov.au

By not later than 14 May 2021.



22 April 2021

ADAM GILLIGAN
Director Regulatory Operations

Notes: 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 of Declaration

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.

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Image: The area of declaration forms Part Lot 4425 Deposited Plan (DP) 1217100. This is indicated by the red boundary and yellow shading.

The original image was taken from <https://maps.six.nsw.gov.au/> on 23 November 2020 and adapted by the NSW EPA.