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Declaration of significantly contaminated land



Section 11 of the *Contaminated Land Management Act 1997*

Declaration No. 20211101; Area No. 3478

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 734 Princes Highway, Kogarah NSW 2217, within the local government area of Bayside Council (the Land).
2. The Land is described as Lot 2 in Deposited Plan (DP) 659366, Lot 2 in DP659367 and Lot 1 in DP659365.
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) Petroleum hydrocarbons (mainly diesel products); and
 - (ii) Benzene.

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) Petroleum hydrocarbons and benzene have impacted soil and groundwater beneath the Land as a result of loss of fuel from the underground petroleum storage system (UPSS) associated with former service station operations.
 - (ii) Potential harm may be caused by the off-site migration of the contamination to human health or the environment.

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.
 - Soil and groundwater beneath the Land are contaminated with petroleum hydrocarbons from the former operation of the service station. The contamination has migrated beyond the boundaries of the Land.

- The contaminants have been identified to the north of the Land in groundwater and soil vapour at concentrations which are increasing, and in excess of criteria which is protective of human health.
- Although modelling has shown that the concentrations of volatile petroleum hydrocarbons beneath the adjacent residential apartment building are unlikely to pose an unacceptable risk to the occupants through inhalation, further investigation and confirmation is required.
- There are potential vapour inhalation and direct contact risks to those performing subsurface works or accessing underground utilities nearby the site.
- Further assessment is required to better understand the extent of the contamination to the north of the Land, and the potential risks to off-site receptors over the extent of the groundwater plume. Management may be required to prevent the further migration of contamination from the Land and to address any identified off-site risks.

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
 NSW Environment Protection Authority
 Locked Bag 5022
 PARRAMATTA NSW 2124

11. Submissions should be made by no later than **5:00pm on 4 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

JACINTA HANEMANN
Director Regulatory Operations

(by delegation)

Date of this Declaration: **7 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.

The Land to which this Declaration applies is shown shaded and bounded in blue, and identified as Lot 2 in DP659366, Lot 2 in DP659367 and Lot 1 in DP659365. The original image was sourced from nearmap.

