



Our reference: DOC19/460907-10

Mr Jeremy Bath
Chief Executive Officer
City of Newcastle Council
PO Box 489
NEWCASTLE NSW 2300

By email: mail@ncc.nsw.gov.au

Dear Mr Bath,

**Notice to amend declaration of significantly contaminated land
Caltex Newcastle Terminal and the adjoining "Building 33" - Wickham**

I wrote to you in March 2019 about our proposal to extend the declaration of the Caltex Newcastle Terminal, located at 156 Hannell Street, Wickham, as significantly contaminated land to include the adjoining "Building 33", located at 33 Annie Street, Wickham.

Declaration of significantly contaminated land extended

The notice to amend the declaration to extend it has now been issued. A copy is enclosed. The declaration will be published in the NSW Government Gazette giving interested parties the opportunity to make submissions to the EPA on matters concerning the declared land, including whether a Management Order should be issued under the *Contaminated Land Management Act 1997* (CLM Act).

Environmental Planning and Assessment Act 1979 (EP&A Act)

As required by section 59 (2) of the CLM Act, the declaration (as amended) must be noted on planning certificates issued under section 10.7 (2) of the EP&A Act. Please ensure Council's records are updated accordingly.

We will keep Council informed about our regulation of the declared area.

Please contact Sam Waskett on 4908 6865 or via email at sam.waskett@epa.nsw.gov.au if further information is required.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Arminda Ryan'.

24 July 2019

ARMINDA RYAN
Director Contaminated Land Management
Environment Protection Authority

Enclosure: Notice to amend declaration of significantly contaminated land



Notice to amend significantly contaminated land declaration

(Section 44 of the Contaminated Land Management Act 1997)

Declaration Number 20151106; Area Number 3392

1. Background

On 22 February 2016 the southwest portion of the Caltex Newcastle Terminal site at 156 Hannell Street, Wickham was declared as "significantly contaminated land" (declaration No. 20151106) due to the presence of a plume of separate phase hydrocarbons and dissolved-phase hydrocarbon contamination in groundwater which had been found to have migrated into the neighbouring property known as 33 Annie Street, Wickham.

Further site investigations and monitoring has identified that contamination from the declared land extends to beneath "Building 33" located on the 33 Annie Street site. The nature and extent of contamination beneath "Building 33" is such that the EPA has reason to believe that it is significant enough to warrant regulation under the *Contaminated Land Management Act 1997* (CLM Act). As such, Declaration No. 20151106 requires amendment to enable the regulation of the adjacent land.

2. Land to which this amendment applies

This amendment extends the declared area of the Caltex Newcastle Terminal site to include the land beneath "Building 33" on 33 Annie Street, Wickham ("the additional declared land") situated to the southwest of the Caltex Newcastle Terminal. The additional declared land is part of Lot 3 of DP 346352 within the Local Government Area of Newcastle City Council.

The amended declared area is shown in Figure 1 (attached).

3. Amendment

Pursuant to section 44 of the CLM Act, this notice amends the Declaration of significantly contaminated land No. 20151106, dated 22 February 2016, as follows:

1. Land to which this declaration applies ("the site")

This declaration applies to the land that is located at Part Lot 1 DP80877 and Part Lot 1 DP715007, and Part Lot 3 DP 346352. Lots 1 in DP80877 and DP715007 are commonly known as the Caltex Newcastle Terminal at 156 Hannell Street Wickham, and Part Lot 3 DP 346352 relates to land beneath "Building 33" at 33 Annie Street, Wickham.

All Lots are within the Local Government Area of Newcastle City Council. The amended declared site is shown on Figure 1 (attached).

4. Nature of the contamination affecting the additional declared land

The EPA has found that groundwater, soil and soil vapour at the additional declared land is contaminated with the following substances ("the contaminants"):

- Petroleum hydrocarbons (including Total Recoverable Hydrocarbons (TRH) predominantly in the C₁₀-C₄₀ carbon fraction range, and benzene, toluene, ethylbenzene and xylenes (BTEX)); and
- Polycyclic Aromatic Hydrocarbons (PAHs) (including naphthalene).

5. Nature of harm that the contaminants may cause

The EPA has considered the matters in section 12 of the CLM Act and has reason to believe that the additional land is contaminated and that the contamination is significant enough to warrant regulation under the CLM Act due to the following:

1. Groundwater and soil have been contaminated with petroleum hydrocarbons at concentrations exceeding guidelines that are protective of human health and/or the environment;
2. Whilst monitoring at 33 Annie Street Wickham indicates there is not currently an unacceptable risk to users of "Building 33", the presence of increased levels of volatile hydrocarbons and degradation products in groundwater means there are potential risks to occupants through vapour inhalation if site conditions change in the future. There are also potentially complete exposure pathways for intrusive maintenance workers through dermal contact; and
3. Remediation and/or management of groundwater and soil contamination is required to mitigate identified risks to receptors from contamination to groundwater, soil and soil vapour, and prevent further migration of groundwater contamination onto and from 33 Annie Street.

6. 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.

7. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue a management order in relation to the site; or
- Any other matter concerning the site.

Submissions should be made in writing to:

Director Contaminated Land Management
Environment Protection Authority
PO Box A290
SYDNEY SOUTH NSW 1232

or emailed to: contaminated.sites@epa.nsw.gov.au

by not later than 4 weeks from the date of this notice.



ARMINDA RYAN
Director Contaminated Land Management
Environment Protection Authority

(by delegation)

Date: **24 July 2019**

NOTE:

Information recorded by the EPA

Section 58 of the CLM Act requires the EPA to maintain a public record. A copy of this notice will be included in the public record.

Information recorded by councils

Section 59 of the CLM Act requires the EPA to give a copy of this notice to the relevant local council. The council may then make appropriate consequential modifications to the planning certificate issued in relation to the land to which this notice applies pursuant to section 10.7 of the *Environmental Planning and Assessment Act 1979*.

Previous regulatory instrument

As of 1 July 2009, all current declarations of investigation area and declarations of remediation site are taken to be declarations of significantly contaminated land, all current investigation orders and remediation orders are taken to be management orders and all current agreed voluntary investigation proposals and agreed voluntary remediation proposals are taken to be approved voluntary management proposals.

Figure 1



Image 1: The blue outline and shading shows the areas of land at 156 Hannell Street, Wickham and 33 Annie Street, Wickham which have been declared as significantly contaminated land under Declaration Number 20151106.

Image taken from <https://maps.six.nsw.gov.au/>, accessed 30 May 2019.

Outline of the areas of the Caltex Newcastle Terminal and 33 Annie Street declared as significantly contaminated



Image : The blue outline and shading shows the areas of land at 156 Hannell Street, Wickham and 33 Annie Street, Wickham which have been declared as significantly contaminated land under Declaration Number 20151106. Image taken from <https://maps.six.nsw.gov.au/> and amended by the NSW EPA.