

Environment Protection Authority (EPA)

**NOTICE OF APPROVAL OF VOLUNTARY MANAGEMENT
PROPOSAL**

(Section 17 of the *Contaminated Land Management Act 1997*)

Approval No.: 20191728
Approval Date: 6 December 2019
Area No.: 3409

The approved proposal consists of this approval document and the attached proposal, which comprises three Parts: Part 1 – Preliminary Details; Part 2 – Undertakings; and Part 3 – Performance Schedule.

Proponent: NSW Department of Planning, Industry and Environment
– Crown Lands

Site: Former Arsenic Poisons Factory, Jennings NSW

Proposal Date: 11 November 2019

BACKGROUND

The EPA is satisfied that the terms of the proposal, as modified by the conditions of this approval, are appropriate.

For the purposes of section 17(4) of the *Contaminated Land Management Act 1997* (CLM Act), the EPA is satisfied that the proponent has taken all reasonable steps to identify and find every owner and notional owner of the land and every person responsible for significant contamination of the land and given those parties identified an opportunity to participate in the formulation and carrying out of the proposal on reasonable terms.

The contents of Part 1, Part 2 and Part 3 of the attached proposal form part of the terms of the approved proposal.

For the purposes of section 9(1) of the CLM Act, the EPA has had regard to the principles of ecologically sustainable development in assessing and approving this Voluntary Management Proposal and has also sought the implementation of those principles in the management of the site under this approved proposal.

APPROVAL AND CONDITIONS

The EPA approves the proposal subject to the following conditions. These conditions form part of the terms of the approved proposal.

1. Each feature and milestone of the proposal is to be completed by the date specified in the proposal. Failure to satisfactorily complete any component by the due date for that feature or milestone may be taken as a failure to carry out the terms of the proposal for the purposes of section 17(6) of the CLM Act.
2. The proponent cannot recover contributions under Part 3 Division 6 of the CLM Act.
3. Make available for inspection by any person, free of charge, and provide a copy to any person for a reasonable fee, any document required to be prepared and submitted to the EPA under this voluntary management proposal. It is not necessary to disclose:
 - (i) any information contained in those documents that relates to any manufacturing or other industrial or commercial secrets or working processes; or
 - (ii) any personal information, within the meaning of the *Privacy and Personal Information Protection Act 1998*, contained in those documents.
4. Where this proposal requires the proponent or any other person to give a document to the EPA, that document may be given to the EPA:
 - (i) By delivering the document by hand to Level 14, 59 Goulburn Street, Sydney NSW 2000.
 - (ii) By posting the document to the Director Contaminated Land Management, PO Box A290 Sydney South NSW 1232.
 - (iii) By faxing the document to the Director Contaminated Land Management on (02) 9995 5930.
 - (iv) By emailing the document to contaminated.sites@epa.nsw.gov.au

ADDITIONAL INFORMATION

5. The EPA may still exercise any powers it has under the CLM Act, or any other legislation, in relation to the site.
6. The EPA may require the proponent to pay all or any costs incurred by the EPA in connection with any one or more of the following:
 - a. Assessing and settling the terms of the approved voluntary management proposal;
 - b. Monitoring action under the approved voluntary management proposal;
 - c. Seeking the compliance of the proponent with the approved voluntary management proposal;
 - d. Any other matter associated with, or incidental to, the matters set out in paragraphs a. to c. above.

Signed:



ROB HOGAN
Manager Contaminated Land Regulation
Environment Protection Authority
(by delegation)