



## Contaminated Land Policy

### Contents

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1. Scope
  2. Purpose
  3. Policy
  4. Definitions
  5. Procedure
- 

#### 1. Scope

This Policy forms the basis for the management of land, which is either contaminated or potentially contaminated in Council's local government area.

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#### 2. Purpose

The purpose of this Policy is to provide a framework to assist Council, residents and proponents of current and proposed development to respond positively and proactively to contaminated land based hazards and risks, both past and present in Council's local government area.

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#### 3. Policy

##### 3.1 Policy Objectives

Council is committed to ensuring that the use of contaminated land, or potentially contaminated land, minimises risk to the community and the environment by ensuring compliance with the requirements of laws and requirements relating to contaminated land management including the *CLM Act*, SEPP 55 and Planning Guidelines – Managing Land Contamination (1998) published by the Department of Urban Affairs and Planning (now Department of Planning and Environment)

The objectives of the policy are to:

- Ensure that changes of land use, or new development proposals, will not increase the risk to human health or the environment;
- Ensure that any redevelopment of land for sensitive uses considers the potential contamination of the land;

Contaminated Land Policy & Procedure		
Owner Manager City Assets and Environment	Area: City Assets and Environment	POL No: 337
Date of Commencement: 22 September 2014	Approval Authority: Council	Approved: 10 July 2017
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# CITY OF PARRAMATTA

- Avoid inappropriate restrictions on land that could otherwise be remediated; and
- Provide information to support decision-making and to inform the community.

## 3.2 Policy Statement

To achieve this, Council will:

- Maintain information on contaminated or potentially contaminated sites in Council's local government area on Council's records management system.
- Ensure that access to the information relating to contaminated land held in Council's records management system is made publically available in accordance with the Government Information (Public Access) Act 2009.
- Ensure that appropriate consideration of land contamination issues is made in the assessment of applications by Council concerning zoning, development proposals or any other planning related application by way of measures including:
  - Identification of the presence of, or the potential for contamination on the relevant land;
  - Consideration of the outcomes of any land contamination study or other report known to Council in respect of the relevant land;
  - Consideration of any remediation or abatement that has occurred on the relevant land; and
  - Applying the laws and requirements relating to contaminated land (including the CLM Act and SEPP 55).
- Develop and implement educational material and a communications strategy to translate the relevant aspects of this policy into operational guidelines for Council staff and other relevant users.

## 3.3 The Legislative Framework

The management of contaminated land is a shared responsibility between the EPA, the DP&E and Council.

Under the CLM Act, the EPA regulates contaminated sites that pose a significant risk of harm to human health or the environment.

The EPA:

- Administers the NSW site auditor scheme under Part 4 of the *CLM Act*;

Contaminated Land Policy & Procedure		
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# CITY OF PARRAMATTA

- Makes or approves guidelines for use in the assessment and remediation of contaminated sites; and Administers the public record of regulated sites under the CLM Act.
- Assesses development applications and provides planning advice on assessment of contamination and remediation of contaminated land for:

Under the EP&A Act, the DP&E:

- State significant development
- Integrated development, development requiring concurrence and development requiring referral to the DP&I; and
- Makes planning guidelines and policies for use in the assessment and remediation of contamination sites.

Contaminated or potentially contaminated sites that are not regulated by the EPA or DP&E will be managed by Council through land use planning processes that involve administrative decision making having regard to current planning instruments including SEPP 55, Parramatta Local Environmental Plan (LEP) 2011, Auburn LEP 2010, The Hills LEP 2012, Holroyd LEP 2013, Hornsby LEP 2013 and relevant Development Control Plans (DCP).

This policy is part of the framework within which Council operates to cause land (contaminated or potentially contaminated) to be occupied and used in a manner that does not pose an unacceptable risk to human health or the environment. The planning and development process that are undertaken within this framework will help to determine what remediation or abatement activities are required to ensure the land is suitable for the proposed use.

It is important to note that this policy is a land-based policy only.

Part 7A of the EP&A Act relieves Councils from liability in the performance of some planning authority functions in so far as they relate to contaminated land.

## Definitions

Contaminated land

Land in, on or under which any substance is present in a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long-term risk to human health or the environment

Remediation work

A work means a work in, on or under contaminated land, being a works that: removed the cause of the contamination of the

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Owner Manager City Assets and Environment	Area: City Assets and Environment	POL No: 337
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# CITY OF PARRAMATTA

land, dispersed, destroys, reduces, mitigates or contains the contamination of the land, eliminates or reduces any hazard arising from the contamination of the land

## Associated documents

Contaminated Land Procedure

City of Parramatta Asbestos Management Policy

City of Parramatta Asbestos Management Guidelines

Planning Guidelines – Managing Land Contamination (1998) published by Department of Urban Affairs and Planning

State Environmental Planning Policy No. 55

The Contaminated Land Management Act 1997

<b>Contaminated Land Policy &amp; Procedure</b>		
Owner Manager City Assets and Environment	Area: City Assets and Environment	POL No: 337
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# CITY OF PARRAMATTA

## ATTACHMENT 1

### ABBREVIATIONS

ANZECC	Australian and New Zealand Environment and Conservation Council
CLM Act	<i>Contaminated Land Management Act 1997</i>
DA	Development Application
DCP	Development Control Plan
DP&E	Department of Planning and Environment
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
ESD	Ecological Sustainable Development
LEP	Local Environment Plan
NEHF	National Environmental Health Forum
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RAP	Remedial Action Plan
SEPP 55	State Environmental Planning Policy No. 55 – Remediation of Land
Table 1	Table 1 - Some Activities that May Cause Contamination
UST	Underground Storage Tanks

<b>Contaminated Land Policy &amp; Procedure</b>		
Owner Manager City Assets and Environment	Area: City Assets and Environment	POL No: 337
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