

Contaminated Land

1. Objectives

The objectives of these controls are to:

- provide policy guidance for the management and remediation of contaminated land
- ensure best practice approaches are used for the remediation of contaminated lands
- provide a link between the development of land and land contamination.

2. Land Contamination

Land contamination is usually the result of past uses. It can arise from activities that took place on or adjacent to a site. This can be caused by a variety of land use practices as listed in these controls. When carrying out planning functions Council must consider the possibility that a previous land use has caused contamination of a site. This may pose a risk to the health of the community and environment.

To reduce this risk Council has sought to integrate planning and land contamination management by adopting the following key principles:-

- To consider the likelihood of contamination as early as possible in the planning process
- To identify an appropriate approach to the remediation of contaminated land
- Adopt a cautionary approach to land contamination
- Link the information available to Council about land contamination with the possible future development of land

To achieve these key principles these controls have been prepared having regard to the principle land use planning guidelines endorsed by NSW State Government *“Managing Land Contamination – Planning Guidelines”* prepared by the NSW Environment Protection Authority and the Department of Urban Affairs and Planning (1998). Other information and guidelines regarding assessing specific types of contaminated sites are available from the NSW Office of Environment and Heritage (previously NSW EPA) web site – www.environment.nsw.gov.au/clm/guidelines.htm

3. Implementation of Council Strategies

Council has adopted a number of strategies to deal with land contamination within the Shire based on implementing the key principles.

These strategies are:-

1. Adoption of the planning guidelines for managing land contamination as prepared by the Environment Protection Authority and the Department of Urban Affairs and Planning.
2. Restricting the use of land in the following ways:-
 - where contamination of land is unknown, no change in land use, which may increase the risk of harm, is permitted until the land has been investigated
 - where contamination causes an unacceptable risk of harm the use of the land is to be restricted
 - where remediation has reduced the risk to acceptable levels, no restriction on land use is necessary
3. Developing suitable standards for site auditing.
4. Developing suitable standards for remediation works.
5. Provide information to the community and identifying land that is contaminated on certificates issued under Section 149 of the *Environmental Planning and Assessment Act 1979*.

The details of these strategies are identified in **Table 1**.

4. Relevant Section C - Development Controls

The following other parts of *Section C – Development Controls* relevant to Contaminated Lands include:

- *Commercial Development*
- *Engineering Standards*
- *Industrial Development*
- *Large Lot Residential Development*
- *Multi Unit Housing*
- *Sewage Management*
- *Subdivision*
- *Temora Aerodrome Estate*
- *Village Development*

Table 1 – Council key strategies for the management of contaminated land

Strategy	Implementation of strategy
<p>Best practice Planning Guidelines Managing Land Contamination</p>	<p>Council has adopted the <i>Managing Land Contamination – Planning Guidelines</i> prepared by the Department of Urban Affairs and Planning and the Environment Protection Authority (1998). These guidelines operate in conjunction with <i>State Environmental Planning Policy No 55 – Remediation of Land</i>.</p> <p>This policy specifically identifies when:-</p> <ul style="list-style-type: none"> • Council is required to consider land contamination • Development consent is and is not required for remediation works • Advertising of development applications is required • Certain standards for remediation works apply
<p>Identifying land contamination activities</p>	<p>The following list of activities may cause land contamination.</p> <ul style="list-style-type: none"> • Acid/alkali plant and formulation Agricultural/horticultural activities Airports • Asbestos production and disposal Chemicals manufacture and formulation Defence works • Drum re-conditioning works Dry cleaning establishments Electrical manufacturing • Electroplating and heat treatment premises • Engine works Explosives industry Gas works • Iron and steel works • Landfill sites • Metal treatment • Mining and extractive industries • Oil production and storage • Paint formulation and manufacture Pesticide manufacture and formulation Power stations • Railway yards Scrap yards Service stations • Sheep and cattle dips • Smelting and refining • Tanning and associated trades • Waste storage and treatment Wood preservation

Strategy	Implementation of strategy
<p>Evaluation of land</p>	<p>The potential for contamination is often linked to past uses of land. Contamination is more likely to have occurred if the land is currently, or was previously zoned or used for industrial or agricultural purposes. An initial evaluation of land may be required to determine whether there is any risk of contamination.</p> <p>The following checklist forms the basis of an initial evaluation.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Have other investigations been carried out? <input type="checkbox"/> What activities have been approved? <input type="checkbox"/> What was the previous zoning of the land? <input type="checkbox"/> What is the land being used for now? <input type="checkbox"/> Are there any notices issued on the land? <input type="checkbox"/> Is there any evidence of contamination and what is the adjoining land used for? <p>This checklist should be used in conjunction with the list of activities in these controls that may cause contamination.</p>
<p>Site Investigation</p>	<p>Where land is or may be contaminated Council will restrict the future use of the land. To determine future land use action an appropriate level of investigation must be carried out. This is called a site investigation.</p> <p>A site investigation is carried out in 4 stages.</p> <p>Stage 1 – Preliminary investigation of the site Stage 2 – Detailed investigation of the site Stage 3 – A remedial action plan Stage 4 – Validation and monitoring</p> <p>Not every site will require the 4 stages. More detailed information on each stage of the site investigation is available from the <i>Managing Land Contamination Guidelines</i>.</p> <p>For remediation work in a site investigation development consent may be required prior to works commencing from Council.</p>
<p>Site Audit</p>	<p>A site audit is an independent review of any or all stages of a site investigation process conducted in accordance with the <i>Contaminated Land Management Act</i>. Only site auditors accredited by the NSW EPA can issue site audit statements.</p> <p>Council will require a site audit where:-</p> <ul style="list-style-type: none"> • the information provided with the site investigation is incorrect or incomplete • verification of the information provided with the site investigation is required in accordance with appropriate standards, procedures and guidelines • no internal resources are available for a technical review. <p>Site auditors will :-</p> <ul style="list-style-type: none"> • Be appointed by Council in consultation with OEH • Prepare a summary report for Council • Have their costs met by the proponent not by Council

Strategy	Implementation of strategy
<p><i>Standards for remediation</i></p>	<p>The Managing Land Contamination Guidelines provides standards for remediation work. To determine whether remediation work requires development consent <i>SEPP 55 – Remediation of Land</i> provides State wide controls for remediation. In conjunction with these State wide controls and the adopted guidelines the following additional standards apply to all remediation work within the Shire.</p> <ul style="list-style-type: none"> • Remediation works are to be carried out in accordance with the Noise Control Act • Contaminated material must not be deposited within local tips unless prior written approval is given by Council • A financial guarantee (i.e. bond) for damage to roads and public infrastructure is to be lodged with Council prior to the commencement of the remediation work. The value of this bond is to be determined by Council • All remediation works must comply with Council’s standards for erosion/sediment control and revegetation

Strategy	Implementation of strategy
<p>Public information and Section 149 Zoning Certificates</p>	<p>Information on contaminated land and the restrictions placed on that land by Council is extremely important. Council will provide information regarding any known land contamination or information that will assist to identify potential land contamination. Information to prospective purchasers on land that is or may be contaminated is an important. Council adopts the following approach for notation on 149 zoning certificates:-</p> <ul style="list-style-type: none"> • Where land is known to be contaminated and has not been remediated the following notation will appear on zoning certificates:- <p><i>“Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands, which have previously been used for certain purposes. Consideration of Council’s adopted policy and the application of provisions under relevant State legislation is warranted.”</i></p> <ul style="list-style-type: none"> • Where land is known to contain contaminants but has been remediated the following notation will appear on zoning certificates:- <p><i>“Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands, which are contaminated, or on lands which have been remediated for a specific use. Consideration of Council’s adopted policy and the application of provisions under State legislation is warranted”</i></p> <ul style="list-style-type: none"> • Where Council has no records on certain land to determine whether it is contaminated and therefore Council is unable to determine how this policy should apply the following notation will appear on zoning certificates:- <p><i>“Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands, which have previously been used for certain, purposes. Council” records do not have sufficient information about the previous use of this land to determine whether the land is contaminated. Consideration of Council’s adopted policy and the application of provisions under the relevant State legislation is warranted.”</i></p>