

CONTAMINATED LAND MANAGEMENT POLICY

POLICY OBJECTIVE

This policy provides a framework for the management of contaminated or potentially contaminated land in the Wentworth Shire Council.

1. POLICY STATEMENT

The intent of this policy is to identify how the management of contaminated land is integrated into Council's planning and development processes.

2. POLICY COVERAGE

This policy applies to all land in the Wentworth Shire Council.

3. STRATEGIC PLAN LINK

Objective: 4.0 Wentworth is a caring, supportive inclusive community that is informed and engaged in its future.

Strategy: 4.1 Provide strong and effective representation, leadership, planning decision-making and service delivery

4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Council	Wentworth Shire Council
EPA	Environment Protection Authority

5. POLICY CONTENT

When carrying out planning functions under the Environmental Planning and Assessment Act 1979, Council must consider the possibility that the previous and / or current land uses, and / or a nearby land use, has caused contamination of the site, and the potential risk to human health and the environment from that contamination.

Council shall not approve a Development Application or support a Planning Proposal unless it is satisfied on the basis of information available to it under this Policy that:

- a) Contamination has been considered
- b) If the land is contaminated, that the land is suitable in its contaminated state (or will be suitable following remediation) for all the uses permissible under the approval
- c) If the land is contaminated, that conditions can be placed in planning instruments or on development consents and approvals under Part 4 of the Environmental Planning and Assessment Act 1979 that will ensure any contaminated land can be remediated to a level appropriate to its intended use, prior to, or during the development stage.

Information to be disclosed on a Section 10.7(2) Planning Certificate is specified in the Environmental Planning and Assessment Regulation 2000 (Schedule 4) and s59(2) of the Contaminated Land Management Act 1997. Council therefore has a legal obligation to provide certain information through Section 10.7(2) Planning Certificates in relation to land contamination.

Section 10.7(2) Planning Certificates issued by Council are to:

- a) Contain information on matters prescribed under Section 59(2) of the Contaminated Land Management Act 1997 that are relevant to the property

CONTAMINATED LAND MANAGEMENT POLICY

- b) Identify whether or not any adopted policy of Council or any other public authority restricts the development of the land (the subject of the certificate) because of the likelihood of any risk of contamination
- c) Provide notations on the certificates where Council is aware of any other matter

Section 10.7(5) Planning Certificates issued by Council are to provide information that is provided to Councils by the NSW EPA in accordance with s 58 of the Contaminated Land Management Act, that is not already included in a s10.7(2) Planning Certificate.

If Council is aware that a site has been notified to the NSW EPA under S.60 of the Contaminated Land Management Act, but is currently in various stages of being reviewed by the NSW EPA to assess if the contamination is significant enough to warrant regulation, it will provide information to this effect on the s10.7(5) certificate.

Where Council has a Contaminated Land Information Management System in place, the following additional information included in the system will be provided on Section 10.7(5) Planning Certificates:

- a) Contamination category
- b) Any activities listed in Table 1 of the Planning Guidelines that Council records show have occurred on the land
- c) Any information to Council's knowledge, that indicates the property may be affected by emerging contaminants or contaminating activities of concern
- d) References to any site investigations included in the register
- e) Any notifications of remediation.

6. RELATED DOCUMENTS & LEGISLATION

Resilience and Hazards SEPP

Contaminated Land Management Act 1997

Contaminated Land Management Regulation 2013

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Local Government Act 1993

Local Government (General) Regulation 2021

Wentworth Local Environmental Plan 2011

7. ATTACHMENTS

DOC/18/210 – Adopted Policy and Procedure

Notes:

- a) Any reference to 'SEPP 55' should now be read as 'Resilience and Hazards SEPP'
- b) Any reference to 149 certificates should now be read as 10.7 certificates
- c) Any reference to 149(2) or (5) should now be read as 10.7(2) or (5).


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8. DOCUMENT APPROVAL

This Operational Policy has been approved and signed by the General Manager. All previous versions of the policy are null and void.

This policy may be amended or revoked by the General Manager at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed:.....

26 April 2022

General Manager Wentworth Shire Council

Date

