

1. 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. The objectives of this Policy will aim to ensure compliance with the requirements of the *Contaminated Land Management Act 1997*, *State Environmental Planning Policy (SEPP) 55 – Remediation of Land 2005*, *Managing Land Contamination: Planning Guidelines 1998* and the *Central NSW Regional Contaminated Land Policy*.

2. Objectives of the Policy

The objectives of this Policy are:

- To maintain a database of contaminated or potentially contaminated land and any information on remediation, abatement, or site audits of work on contaminated land undertaken in the Warrumbungle Shire Council area.
- Provide information to support decision making and to inform and liaise with the community
- Ensure that appropriate consideration of contamination issues is made during the rezoning and development assessment process.
- Ensure that changes to land use will not increase the risk to health or the environment.

3. Policy Scope

This policy applies to Councils Development Services Department and will be referenced in planning decisions for all contaminated or potentially contaminated land parcels within the shire area.

4. Background

This Policy forms the basis for the management of land, which is either contaminated or potentially contaminated, within the Warrumbungle Local Government Area.

The management of contaminated land is a shared responsibility between Office of Environment & Heritage (OEH) (which includes the Environment Protection Authority (EPA), the Department of Planning and Infrastructure (DP&I) and Council. The EPA is the regulatory arm of OEH.

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

The EPA:

- Regulates the appropriate investigation and clean-up of significantly contaminated land;
- Administers the NSW site auditor scheme under Part 4 of the Contaminated Land Management Act;
- Makes or approves guidelines for use in the assessment and remediation of contaminated sites;
- Administers the public record of regulated sites under the Contaminated Land Management Act.

Contaminated or potentially contaminated sites that are not regulated by the EPA will be managed by Warrumbungle Shire Council through land use planning processes, ie., SEPP 55, Warrumbungle LEP 2013.

Under the provisions of this policy, Warrumbungle Shire Council has adopted a framework to manage those sites which are contaminated or potentially contaminated, that do not pose an unacceptable risk to human health or the environment under its current or approved use. The planning and development process will determine what remediation or abatement is required to ensure the land is suitable for a different use. It is important to note that this policy is a land-based policy only.

Part 7A of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that planning authorities who act substantially in accordance with the SEPP 55 Guidelines are taken to have acted in good faith when carrying out planning functions.

5. Definitions

Refer to definitions as provided in the attached *Central West Regional Contaminated Land Policy*.

6. Policy Statement

6.1 Database of Contaminated or Potentially Contaminated Land

Council will develop and maintain a database of contaminated or potentially contaminated land within the local government area. Development of this database will be assisted by a community engagement program to identify contaminated or potentially contaminated land not known to Council. This database may not be a complete list, and will only identify properties known to Council which have a history of contamination, or that have been associated with uses that may have resulted in contamination. Persons should also make their own enquiries or investigations into whether land is contaminated, or potentially contaminated. The Database will also record details of any site remediation or abatement that has been undertaken, validation records, and audits of remediation work. Information regarding individual properties will be located in Council's Database. Any enquiries associated with a property should be checked against information contained within the Council Database.

6.2 Council's Decision Making Process

In determining all rezoning and development applications, Council must consider the possibility of land contamination and the implications it has for any proposed or permissible future uses of the land. A precautionary approach will be adopted as outlined in the attached *Central NSW Regional Contaminated Land Policy* to ensure that any land contamination issues are identified and dealt with early in the planning process.

6.3 Section 149 Planning Certificates

Section 59(2) of the Contaminated Land Management Act prescribes certain matters to be specified in a section 149(2) planning certificate as noted in the attached *Central NSW Regional Contaminated Land Policy*.

7. Responsibilities

Development Services

8. Associated Documents

This policy should be read in conjunction with the following:

- *Contaminated Land Management Act 1997*
- *Contaminated Land Management Regulation 2013*
- *Environment Planning and Assessment Act 1979*
- *Environment Planning and Assessment Regulation 2000*
- Central NSW Regional Contaminated Land Policy

9. Getting Help

Position: Manager Regulatory Services

Department: Development Services

Position: Town Planner

Department: Development Services

Position: Environment and Health Officer

Department: Development Services

10. Version Control

Review Date:

Staff Member Responsible for Review:

Policy Name	Action	Resolution No.	Date
Contaminated Land Policy	<i>Adopted</i>	278/1415	19 March 2015
Contaminated Land Policy	<i>Review</i>		1 April 2016
Contaminated Land Policy	<i>Review</i>	224/1617	16 March 2017