

Contaminated Land Policy

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Scope

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

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.

Policy

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 Infrastructure).

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

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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.

The Legislative Framework

The management of contaminated land is a shared responsibility between the EPA, the DP&I 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*;
- 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*.

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

Assesses development applications and provides planning advice on assessment of contamination and remediation of contaminated land for:

- 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.

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Contaminated or potentially contaminated sites that are not regulated by the EPA or DP&I will be managed by Council through land use planning processes that involve administrative decision making having regard to planning instruments including SEPP 55, Parramatta Local Environmental Plan (LEP) 2011, Parramatta Development Control Plan (DCP) 2011, Parramatta City Centre LEP 2007.

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 a 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.

Associated documents

Contaminated Land Procedure
Parramatta City Council Asbestos Management Policy
Parramatta City Council 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

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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&I	Department of Planning & Infrastructure
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

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Attachment 2 GLOSSARY

Category 1 remediation work	Remediation works that needs development consent
Category 2 remediation work	Remediation work that does not need development consent under SEPP 55
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
Council	means Parramatta City Council
Detailed investigation	An investigation to define the extent and degree of contamination, to assess potential risk posed by contaminants to health and the environment and to obtain sufficient information for the development of a remedial action plan if required
Independent review	An evaluation by an independent expert required by a planning authority of any information submitted by a proponent, conducted at the components expense
Initial evaluation	An assessment of readily available factual information to determine whether contamination is an issue relevant to the decision being made
Investigation order	An order by the EPA under the Contaminated Land Management Act to investigate contamination at a site or within an area
Notification of remediation	Prior notice of category 2 remediation work given to the council in accordance with SEPP 55
PLEP 2011	means the Parramatta Local Environmental Plan 2011.
PDCP 2011	means the Parramatta Development Control Plan 2011
Planning authority	A public authority or other person responsible for exercising a planning function
Planning function	Function exercised by a planning authority under the Environmental Planning and Assessment Act 1979.
Preliminary investigation	An investigation to identify any past or present potentially contaminating activities and to provide a preliminary assessment of any contamination
Remedial action plan	A plan which sets remediation goals and documents the process to remediate a site
Remediation order	A direction from the EPA under the Contaminated Land Management Act 1997

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Remediation site	A site declared by the EPA under the Contaminated Land Management Act as posing a significant risk of harm
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 land, dispersed, destroys, reduces, mitigates or contains the contamination of the land, eliminates or reduces any hazard arising from the contamination of the land
Site audit	An independent review by a site auditor of any or all stages of the site investigation process conducted in accordance with the Contaminated Land Management Act 1997
Site auditor	A person accredited by the EPA under the Contaminated Land Management Act 1997 to conduct site audits
Site audit statement	A certificate issued by a site auditor stating what use the land is suitable
Site audit summary report	A report containing the key information and the basis of consideration which leads to the issue of a site audit statement
Site history	A land use history of a site which identifies activities or land uses which may have contaminated the site, established the geographical processes within the site, and determines the approximate time periods over which these activities took place
Site investigation process	The process of investigating land which may be, or is, contaminated, for the purpose of providing information to a planning authority
Site specific planning application to rezone land	An application to rezone a specific parcel(s) of land to permit a change of land use.
Validation	The process of determining whether the objectives for remediation and any conditions development consent have been achieved

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Purpose

The purpose of this Procedure is to support Council's Contaminated Land Policy 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.

Procedure

1.0 COUNCILS DECISION MAKING PROCESS

In determining all rezoning, subdivision and development applications, Council must consider the possibility of land contamination and the implications it has on any proposed or permissible future uses of the land. A precautionary approach will be adopted to ensure that any land contamination issues are identified and dealt with early in the planning process.

1.1 Initial Evaluation

Council will conduct an initial evaluation as part of the development assessment process and rezoning process to determine whether contamination is an issue and whether sufficient information is available for Council to carry out its planning functions in good faith.

The initial evaluation will be based on readily available factual information provided by the applicant and information available to Council such as previous investigations about contamination on the land, previous zoning and uses of the subject land, and restrictions relating to possible contamination such as notices issued by the EPA. Council may also conduct a site inspection of the subject land as part of the general assessment of the application.

1.2 Council Procedures for Planning Proposals to Rezone Land

SEPP 55 requires Council to consider contamination issues in planning proposals to rezone land (including when Council is the proponent of the rezoning). Council will not

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include land in a zone that would permit a change of use of the land from the existing use unless:

- Council has considered whether the land is contaminated
- If the land is contaminated, Council is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used; and
- If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, Council is satisfied that the land will be so remediated before the land is used for that purpose.

In accordance with Clause 6(4) of SEPP 55 Council will require a preliminary investigation to be submitted with planning proposal applications to rezone land where the land concerned is:

- (a) *land that is within an investigation area¹;*
- (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out;*
- (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital-land;*
- (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out; and*
- (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

[Note: Table 1 in the Managing Land Contamination Planning Guidelines 1998 published by the Department of Urban Affairs and Planning (now Planning & Infrastructure NSW) & NSW Environment Protection Authority is reproduced in Appendix 1]

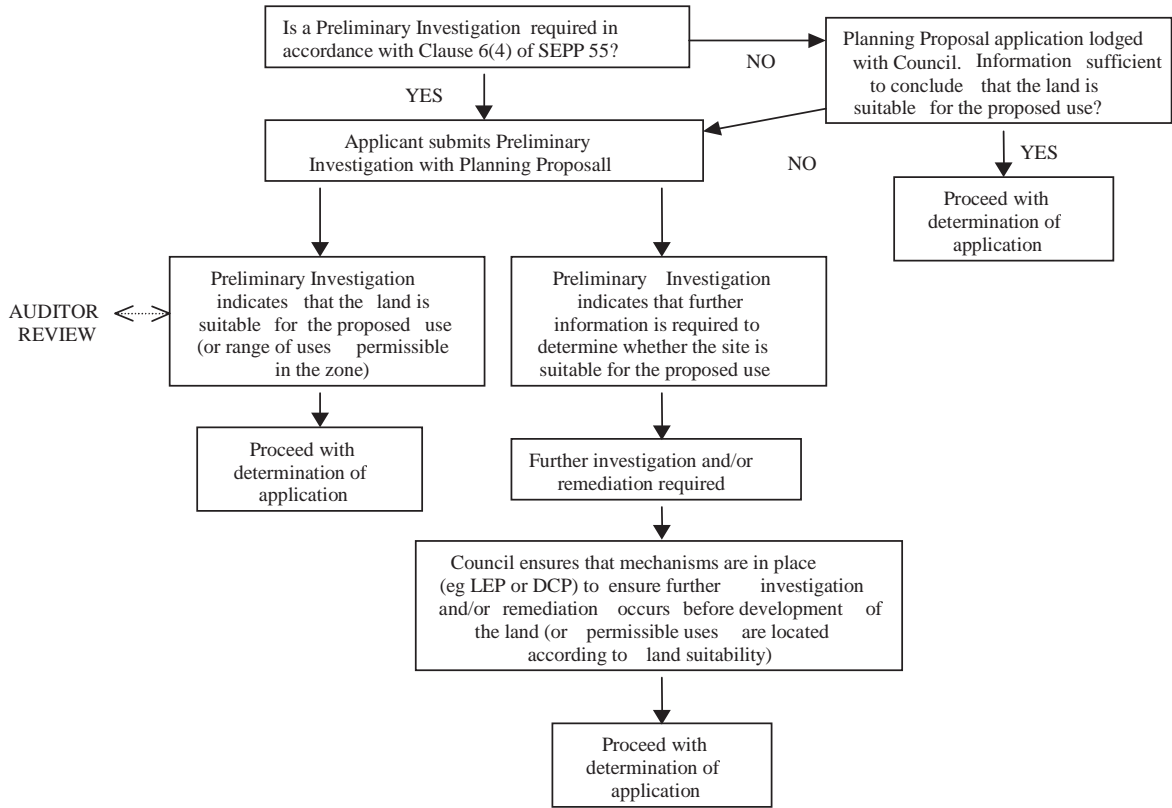
Investigation area means land declared to be an investigation area under Division 2 Part 3 of the CLM Act. The EPA may declare land to be an investigation area if it has reasonable grounds to believe that the land is contaminated with a substance in such a way as to present a significant risk of harm.

In addition to the requirements outlined in clause 6(4) of SEPP 55, Council will also require a preliminary investigation to be submitted if Council has reasonable grounds to believe the land may be contaminated because of the land's history, condition, or other information known to Council.

Council's procedure for considering land contamination issues for zoning or rezoning applications is shown in Figure 1.

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FIGURE 1: COUNCIL PROCEDURE FOR CONSIDERING LAND CONTAMINATION ISSUES FOR PLANNING PROPOSAL APPLICATIONS TO REZONE LAND



Note: Auditor Review refer to section 3.4

1.2.1 Site Specific Planning Proposal Application to Rezone Land

When Council receives a planning proposal application to rezone land for a specific land use, Council may also require a detailed investigation to be undertaken prior to Council determining the application.

1.2.2 General Planning Proposal to Rezone Land

When Council receives a planning proposal application to rezone land that covers more than one property, or Council itself proposes generalised rezoning, it may be difficult for Council to be satisfied that every part of the land is suitable for the permissible use(s) at the rezoning stage. In these circumstances Council may require a preliminary investigation to be undertaken and, may include provisions in the Local Environmental Plan or Development Control Plan to ensure that the potential for contamination and the suitability of the land for any proposed use is further addressed prior to the redevelopment of the land

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1.3 Council Procedures for Development Applications

The EP&A Act and SEPP 55 requires Council to consider the suitability of land for a proposed use or development. The proponent must consider contamination before lodging a development application. If contamination is, or may be, present the proponent must investigate the site and provide information to Council to enable Council to make a decision that a site is suitable or can and will be made suitable prior to use of the site. This decision is based on the information provided by a proponent. Council must not grant a consent for a proposed development unless Council is satisfied that the land is suitable for the proposed development (taking into account any remediation that may be required under the terms of the relevant consent itself).

A four stage site investigation and reporting process may need to be followed as outlined in the guidelines made under the CLMA. A proponent may need to provide the following information to show the land is suitable for the proposed use.

This may include one or more of the following:

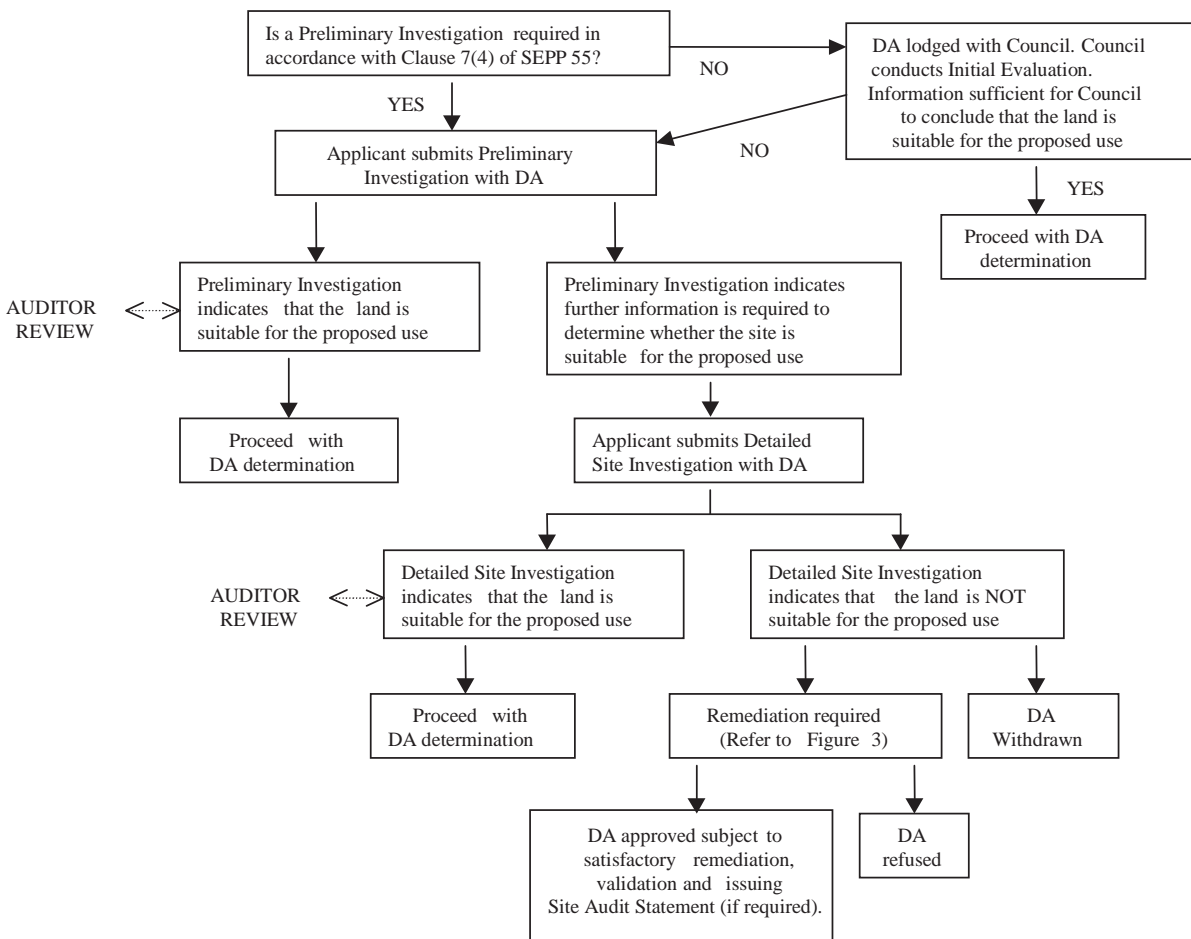
- A Preliminary Investigation (Stage 1)
- A Detailed Investigation (Stage 2)
- A Remedial Action Plan (Stage 3)
- Validation, Monitoring and Remediation reporting (Stage 4)

The following subsections outline when Council will require information relating to site contamination issues to be submitted with development applications.

Council's procedure for considering land contamination issues for development applications is shown in Figure 2.

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FIGURE 2: COUNCIL PROCEDURE FOR CONSIDERING LAND CONTAMINATION ISSUES FOR DEVELOPMENT APPLICATIONS



1.3.1 When does Council require a Preliminary Site Contamination Investigation?

A Preliminary Site Investigation must be undertaken for the land outlined in Attachment 3. The Preliminary Site Investigation must be prepared in accordance with Managing Land Contamination Planning Guidelines 1998 published by the Department of Urban Affairs and Planning (now Planning & Infrastructure NSW) & NSW Environment Protection Authority and any other guidelines made under Section 105 of the CLM Act. The Preliminary Site Investigation contains a detailed appraisal of the site’s history, as well as a site inspection and assessment. Where information on site contamination is limited, some soil sampling may be warranted.

SEPP 55 requires Council to consider contamination issues in determining development and subdivision applications. In accordance with clause 7(4) of SEPP 55, Council will require a preliminary investigation to be submitted with a subdivision or development application where the land concerned is:

- (a) Land that is Significantly Contaminated Land, as declared under the Contaminated Land Management Act 1997.
- (b) Land on which development referred to in Table 1 of the Managing Land Contamination – Planning Guidelines issued under State Environmental Planning Policy No.55 – Remediation of Land is being, or is known to have been, carried out (see appendix 1).

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- (c) *Land on which there is to be a change of use from industrial or commercial usage, to a more sensitive land use such as residential, educational, recreational, childcare, residential care accommodation or hospital usage.*
- (d) *Land where development referred to in Table 1 of the Managing Land Contamination – Planning Guidelines issued under State Environmental Planning Policy No.55 – Remediation of Land, may have occurred, or land where knowledge of previous land uses is incomplete.*

In addition to the requirements outlined in clause 7(4) of SEPP 55, Council may also require a preliminary investigation to be submitted when:

- Council has reasonable grounds to believe the land is contaminated / potentially contaminated because of the land’s history, condition, or other information known to Council.
- The site has been investigated and/or remediated but there is insufficient information available about the nature and extent of contamination and/or remediation, or the circumstances have changed.
- There are restrictions on, or conditions attached to, the use of the site by a regulatory or planning authority that are, or may be, related to contamination, but there is insufficient information available about the nature and extent of contamination.
- The site is adjoining land that has been associated with activities that may cause contamination listed in Appendix 1 and it is likely that this may have contaminated the subject premises.

The preliminary site contamination investigation shall be carried out in accordance with the requirements of the relevant EPA Guidelines. The proponent is responsible for engaging a suitability qualified consultant to undertake the preliminary site contamination investigation.

If Council is satisfied that the preliminary site contamination investigation justifiably concludes that the site is suitable for the proposed use, then Council will not require any further investigations to be conducted

1.3.2 When Does Council Require a Detailed Site Contamination Investigation

Council will require a detailed site contamination investigation to be undertaken where a preliminary site investigation indicates the presence of contamination or where there are gaps in information relating to the history of the site. A Preliminary and Detailed Site Investigation may be conducted together.

A Detailed Site Investigation shall be prepared in accordance with the Managing Land Contamination Planning Guidelines 1998 published by the Department of Urban Affairs and Planning (now Planning & Infrastructure NSW) & NSW Environment Protection Authority and any other guidelines made under Section 105 of the *Contaminated Land Management Act 1997*, the *National Environment Protection (Assessment of Site Contamination) Measure 1999* and the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000 (ANZECC 2000)*. If the contamination consists of asbestos, then the detailed site investigation must also be prepared in accordance with the appropriate *WorkCover NSW*, and *National Environment Protection Council (NEPC)* guidelines and any other relevant guidelines.

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The detailed site investigation must:

- Adequately investigate the extent and degree of contamination on site including soil and groundwater contamination.
- Assess the risk posed by the contaminants to human health and the environment.
- Provide a recommendation as to whether the land is suitable in its current state or if the land can be made suitable for the proposed land use following remediation. Recommendations must include feasible remediation options, if required.

Council may require a Site Audit Statement where it has required a detailed site investigation and that investigation concludes that the site is suitable for the proposed use and does not require remediation

1.3.3 When Does Council Require a Remedial Action Plan (RAP)?

Where the detailed site investigation indicates contamination in soil or groundwater above normal background levels for that area or above thresholds for health based investigation levels provided in the NSW EPA *Guidelines for the NSW Site Auditor Scheme* or other appropriate guidelines, and development consent is required for site remediation work, a remedial action plan will be required by Council.

The submission of a remedial action plan is mandatory if the remediation for which it is prepared is a category 1 remediation work and as such requires development consent (See chapter 3). Council will also require submission of a RAP if the remediation could be undertaken as a category 2 remediation work but the proponent seeks development consent. The RAP should be submitted with the development application for the remediation.

The remedial action plan must be prepared in accordance with the Managing Land Contamination Planning Guidelines 1998 published by the Department of Urban Affairs and Planning (now Planning & Infrastructure NSW) & NSW Environment Protection Authority and any other guidelines made under Section 105 of the *Contaminated Land Management Act 1997*, the *National Environment Protection (Assessment of Site Contamination) Measure 1999* and the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000 (ANZECC 2000)*. If the contamination consists of asbestos, then the remedial action plan must also be prepared in accordance with the appropriate *WorkCover NSW*, and *National Environment Protection Council (NEPC)* guidelines and any other relevant guidelines.

The remedial action plan must:

- Identify and assess a range of feasible remediation options and justification for the option(s) chosen for the site remediation.
- State the clean-up objectives for the site and set remediation goals suitable for the intended use of the site.
- Demonstrate how the applicant or their consultant proposes to reduce environmental and human health risks to acceptable levels and achieve the clean-up objectives for the site.
- Identify and include proof of any necessary approvals and licences required by regulatory authorities.

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Following the submission of the Remedial action plan, Council may:

- Require the works to be carried out and validated prior to the determination of the application in cases where the remediation of the site is uncertain or if risk to human health or the environment is significant, and/or
- Impose conditions on the development consent requiring the remediation and validation works to be undertaken prior to commencement of building and construction works, and/or
- Issue a deferred commencement consent for the proposed use where applicable, requiring remediation and validation to be carried out before other work commences, and/or
- Appoint a Site Auditor accredited under the NSW Site Audit Scheme to undertake a review of any or all stages of the site investigation, remediation or validation process in accordance with the *Contaminated Lands Management Act 1997*

1.3.4 When Does Council Require a Validation and Monitoring Report?

Where remedial works have been undertaken in accordance with the approved Remedial Action Plan, a Validation Report is required by Council after remediation works have been completed and prior to the commencement of building construction works.

The Validation Report is to be prepared in accordance with the Managing Land Contamination Planning Guidelines 1998 published by the Department of Urban Affairs and Planning (now Planning & Infrastructure NSW) & NSW Environment Protection Authority and any other guidelines made under Section 105 of the *Contaminated Land Management Act 1997*, the *National Environment Protection (Assessment of Site Contamination) Measure 1999* and the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000 (ANZECC 2000)* and must:

- Confirm whether the clean-up objectives set out in the Remedial action plan have been attained, or where there is no RAP, against standards endorsed by the EPA, and whether any further remediation work is required or restrictions on land use imposed.
- Confirm statistically (in accordance with the NSW EPA Sampling Design Guidelines) that the remediation works have satisfied clean-up criteria set for the site.
- Where targets have not been achieved, state reasons for such failure and propose additional site work that will achieve the original objectives or will enable the site to be made suitable for the proposed use. An additional Validation Report must be submitted to the satisfaction of Council when additional work is required to be carried out.
- Include information confirming that all licences, approvals, waste disposal requirements and development consents have been complied with.

In situations where full clean-up is not feasible or on-site containment of contamination is proposed, an Environmental Management Plan for the ongoing remediation or monitoring of the site is required by Council. The Environmental Management Plan must be prepared in accordance with Managing Land Contamination Planning Guidelines 1998 published by the Department of Urban Affairs and Planning (now Planning & Infrastructure NSW) & NSW Environment Protection Authority and any other guidelines made under Section 105 Guidelines made under Section 105 of the *Contaminated Land Management Act 1997* and the *National Environment Protection (Assessment of Site*

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Contamination) Measure 1999 and the Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000 (ANZECC 2000) and must include:

- Any ongoing management or monitoring measures required.
- The parameters to be monitored, the monitoring locations and the frequency of monitoring.
- Situations or conditions that activate particular management measures as set out in the Environmental Management Plan.
- Proposed time frame for completion of ongoing remediation or monitoring works.

Note: Council may require as a condition of development consent, the creation of a positive covenant under Section 88BE of the Conveyancing Act, 1919, on the title of the affected property. This covenant will ensure the ongoing approved Management Plan for the site is carried out in order to ensure the land is able to be used for its intended purpose

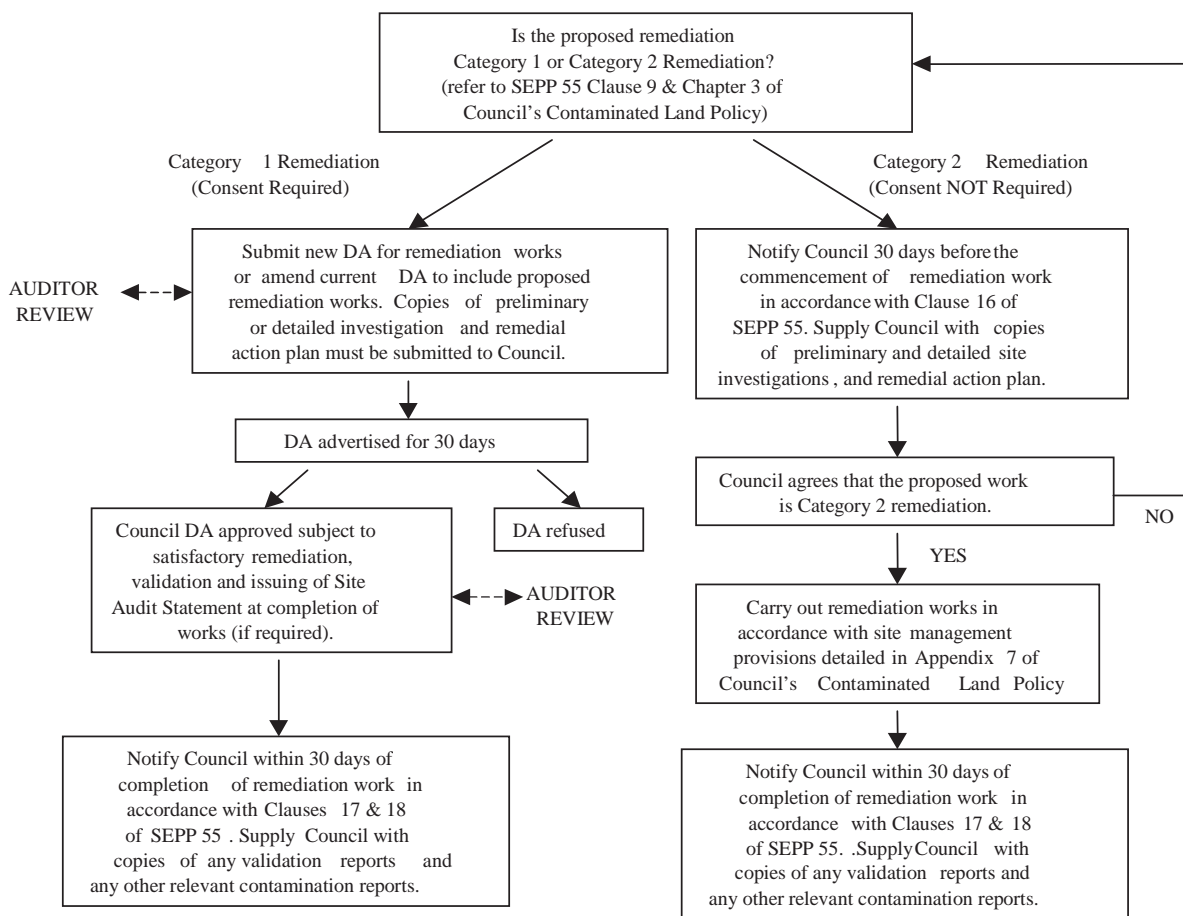
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2.0 COUNCIL'S REQUIREMENTS FOR REMEDIATION

Contaminated site remediation is classified into two categories under SEPP 55. Category 1 refers to remediation work that needs development consent under SEPP 55 and Category 2 refers to remediation work that does not. The integrated development provisions of the EPA Act may also apply. Each of these categories has different legislative and approval requirements and are outlined below.

Council's procedure for considering site remediation proposals is shown in Figure 3 below.

FIGURE 3: COUNCIL PROCEDURE FOR CONSIDERING SITE REMEDIATION PROPOSALS



Note Auditor Review refer to section 3.4

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2.1 Category 1 Remediation Work

Category 1 remediation work, as defined by Clause 9 of SEPP 55 is work that requires consent. Category 1 remediation work is advertised development for a period of 30 days pursuant to section 29(A) of the EP&A Act unless the remediation work is Designated Development or State Significant Development.

If remedial works constitute category 1 remediation work, the applicant may either amend their current development application to include a remediation proposal (if applicable) or withdraw the current development application and lodge a new and separate development application for the remediation works.

The planning processes for Category 1 remediation work that is designated development, state significant development or land declared to be significantly contaminated under the CLM Act is found in Appendix 4 and Appendix 5.

2.1.1 Controls for all Development identified as Category 1 Remediation Work

In accordance with Clause 9(f) of SEPP 55, Council specifies the following additional works as Category 1 remediation works:

- Remediation work involving treatment of groundwater.
- Remediation work on a site where off site migration of contaminants has occurred.

2.2 Category 2 Remediation Work

Category 2 Remediation Work is work that does not need consent under SEPP 55. Clause 14 of SEPP 55 provides a description of works classified as Category 2 Remediation Works.

Council must be notified in writing of Category 2 Remediation Works, 30 days prior to the works commencing under clause 16(2) of SEPP 55. Council requires the name and contact details of the contractor who is carrying out the works to be supplied and justification from the proponent why they consider that the work is category 2 remediation work by reference to clauses 9 & 14 of SEPP 55.

In addition, Council will require the following information to be submitted prior to the commencement of category 2 remediation works:

- Copies of any Preliminary Investigation, Detailed Investigation and Remedial Action Plan for the subject site.
- Contact details for the party responsible for ensuring compliance of remediation work with all relevant regulatory requirements (if different to remediation contractor).

Although consent is not required for Category 2 remediation work, Council will need to be satisfied that the site is suitable for the proposed use when considering any subsequent development applications for the subject site. Hence it is recommended that comprehensive records are maintained during the remediation and validation works for all sites for review by the Site Auditor.

The specific planning processes for Category 2 remediation work on land declared to be significantly contaminated under the CLM Act is found in Appendix 6.

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2.2.1 Site Management – Category 2 Remediation

Council has identified a number of site management provisions relating to the conduct of category 2 remediation. These provisions have been formulated to ensure that category 2 remediation work is carried out with appropriate controls to prevent an adverse impact on the environment or public amenity.

All category 2 remediation works in Council's local government area must be conducted in accordance with the site management provisions, which are found in Appendix 7.

3. INDEPENDENT SITE AUDITING

3.1 NSW Site Auditor Scheme

The NSW Site Auditor Scheme commenced on 1 June 1998. Site Auditors are experts who can provide an independent review of the work of a primary consultant conducted for all types of contaminated sites. Part 4 of the CLM Act allows the EPA to accredit suitably qualified and experienced individuals as site auditors.

All Council requests for a site audit (i.e. independent review) must be performed by a site auditor. An up-to-date list of site auditors can be obtained from the EPA's website www.environment.nsw.gov.au

3.2 Site Audits

Section 47(1) of the CLM Act defines a site audit as: *'an independent review:*

- (a) *that relates to investigation, or remediation, carried out (whether under this Act or otherwise) in respect of the actual or possible contamination of land, and*
- (b) *that is conducted for the purpose of determining any one or more of the following matters:*
 - (i) *the nature and extent of any contamination of the land,*
 - (ii) *the nature and extent of the investigation or remediation,*
 - (ii) *what investigation or remediation remains necessary before the land is suitable for any specified use or range of uses.'*

The NSW EPA have also prepared 'Guidelines for the NSW Site Auditor Scheme', which outline the NSW Site Auditor Scheme, the process of appointing site auditors, and the legal, administrative and technical directions and guidelines for site auditors and the preparation of site audits statements.

3.3 Site Audit Statements

A site audit statement provides a clear statement about what land use is suitable for the site, including any conditions on that suitability (e.g. to maintain capping). A site audit statement must comply with the requirements set out in section 53B of the CLM Act. When an accredited auditor is requested to conduct a site audit, they must also prepare a site audit statement.

Section 47(2) of the CLM Act states that *"a reference to a site audit carried out for the purposes of a statutory requirement is a reference to a site audit carried out in order to secure compliance with:*

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- (a) a requirement under this Act, or
- (b) a requirement imposed by State Environmental Planning Policy No 55 Remediation of Land or by any other environmental planning instrument made under the Environmental Planning and Assessment Act 1979 or by any development consent given under that Act, or
- (c) any other requirement imposed by or under an Act, unless it is carried out only in order to secure compliance with a legal obligation arising from an agreement or arising in such circumstances as the regulations may prescribe.”

A statutory site audit statement may only be issued by a site auditor for contaminated land. A copy of all statutory site audit statements must be given to the EPA and the planning authority (Council).

3.4 When Does Council Require a Site Audit?

Council may require a site audit to be undertaken **at any or all stages** in the site investigation process. In accordance with the planning guidelines, Council will require a site audit prepared by a site auditor for contaminated land if Council:

- *believes on reasonable grounds that the information provided by the applicant is incorrect or incomplete;*
- *wishes to verify whether the information provided by the proponent has adhered to appropriate standards, procedures and guidelines; or*
- *does not have the internal resources to conduct its own technical review.”*

The proponent will be informed by Council if a site audit is required after Council has conducted a review of contamination investigation reports and associated documents (e.g. development application) submitted to Council. The proponent is responsible for engaging a site auditor to perform a site audit and all associated costs. For sites which have complex issues associated with either the contamination assessment or remediation, it is wise to engage a site auditor in the initial stages of the assessment process.

3.5 What Should a Site Audit Cover?

The EPA ‘Guidelines for the NSW Site Auditor Scheme’ outlines what should be included in a site audit, however the guidelines state that in some situations, Council may also need to contribute to defining the scope of the site audit.

When Council requests a site audit, Council may also specify any issues that shall be included within the scope of the site audit. As well as requiring a site audit to address any issues raised in s. 47(1)(b) of the CLM Act, the following are examples of issues that Council may also request the site auditor to address:

- Has the contaminated land consultant complied with all EPA endorsed guidelines?
- What further investigations or remediation is required before the land is suitable for any specified use or range of uses?
- Whether the auditor considers that the proposed remediation is adequate, and if undertaken, will render the site to be suitable for the proposed use?
- Whether it can be concluded that there is no unacceptable off-site migration of contaminants, particularly via ground water?
- Whether the contamination conditions at the site are suitable for in-ground absorption of stormwater?

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The proponent or the site auditor or both should liaise with Council during the preparation of the site audit to ensure that the scope addresses the concerns raised by Council. Site audit statements may also carry conditions as stipulated by the site auditor. In this case, if the site audit statement is received prior to development of the site (as part of the planning process), Council will include the site audit conditions as conditions of consent. Site auditors must advise Council when they intend to include conditions onto site audit statements. This will particularly be the case for those conditions that require ongoing administration by Council. In this instance, the site auditor is required to liaise with Council prior to the finalisation of the conditions and before the release of the site audit statement. It is important for Council to have some level of input into the development of these conditions in order to ensure that implementation procedures are practical and achievable.

Before issuing a site audit statement, the site auditor must prepare and finalise a summary site audit report. The EPA 'Guidelines for the NSW Site Auditor Scheme' outlines what must be included in a site audit report. These reports should also be provided to Council with the site audit statement for its records. The summary site audit report may be an avenue for the site auditor to address any concerns raised or answer specific questions asked by Council.

4.0 COUNCIL RECORDS AND COMMUNITY INFORMATION

Council has an important role in supplying the community with information regarding land use history, land contamination and remediation.

Council also has statutory responsibilities relating to information disclosure under the EP&A Act and the CLM Act. This includes the function of issuing planning certificates under section 149(2) of the EP&A Act.

Section 149(5) of the EP&A Act permits a council to include in a planning certificate advice or other matters affecting the land of which it is aware. This topic is addressed further in section 4.1.3 of this policy.

The process of information collection about land contamination is ongoing. Information concerning contaminated land will be added to Council's records management system when development and subdivision applications are processed and when relevant information is provided to Council from other sources such as the EPA.

4.1 Section 149 Planning Certificates

Under section 149 of the EP&A Act, a person may request from Council a planning certificate containing advice on matters about the land. The information disclosed in a planning certificate is set out in section 149 of the EP&A Act and Schedule 4 of the Environmental Planning & Assessment Regulation 2000.

4.1.1 Information under section 149(2)

Section 59(2) of the CLM Act prescribes the following matters to be specified in a planning certificate issued under section 149 of the EP&A Act:

- (a) *that the land to which the certificate relates is significantly contaminated land - if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued;*

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- (b) that the land to which the certificate relates is subject to a management order - if it is subject to such an order at the date when the certificate is issued;
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal - if it is the subject of such an approved proposal at the date when the certificate is issued;
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order - if it is subject to such an order at the date when the certificate is issued;
- (e) that the land to which the certificate relates is the subject of a site audit statement - if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

Note. Section 53B of the CLM Act requires site auditors to furnish local authorities with copies of site audit statements relating to site audits for the purposes of statutory requirements.

4.1.2 Notifying restrictions on land use

The Environmental Planning and Assessment Regulation 2000 requires that a planning certificate must specify whether the land is affected by a policy adopted by Council that restricts the development of the land because of any risk.

All planning certificates issued by Council under section 149 of the EP & A Act will contain the following general clause or wording about the existence of a council policy to restrict the use of land:

Council has adopted by resolution a policy on contaminated land that applies to all land within the City of Parramatta. The Policy will restrict the development of the land if the circumstances set out in the policy prevail. A copy of the policy is available on Councils website at www.parracity.nsw.gov.au or from the Customer Service centre.

Where Council is aware of any further information relating to contamination of land, the following clause will be included in the planning certificate:

The land the subject of this certificate is potentially affected by contamination as indicated by Council's current information and records. As such Council is required to take this into account when determining any development application made in respect of the land. Persons should make their own enquires as to the contamination condition of the land. Further information is available by making an open file application by contacting Councils Customer Service Centre 9806 5050.

4.1.3 Information under section 149(5)

Where Council is aware of any further information relating to contamination, Council may include advice that relates to the following matters in a planning certificates under s149(5):

- A reference to any contamination investigations undertaken on the land
- A reference to any notifications of remediation
- Any notices or public positive covenants requiring the maintenance of remediation

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4.2 Access to Council Information

Members of the public may be interested in accessing information contained in Council records in relation to land contamination issues.

Council will provide information regarding contamination on individual parcels of land in accordance with the requirements imposed by section 149 of the EP&A Act.

Council will also disclose information in accordance with its obligations under the Government Information (Public Access) Act (GIPA) 2009. Council has an Access to Information Publication Guide July 2010 which outlines what information is publicly available and how it is accessed. The guide is available on Councils Website www.parracity.nsw.gov.au.

Requests for access to information held by Council on land contamination can be made by downloading and completing an Informal Access to Information Application Form from Councils website. The form may be submitted to Council by mail, fax, e-mail or in-person. Alternatively, attend Council's Administration Building, 30 Darcy Street, Parramatta or contact Council's Customer Service Centre by phone and ask for an Informal Access to Information Application Form.

Associated Documents

Contaminated Land Policy

Parramatta City Council Asbestos Policy

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

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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&I	Department of Planning & Infrastructure
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

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GLOSSARY

Category 1 remediation work	Remediation works that needs development consent
Category 2 remediation work	Remediation work that does not need development consent under SEPP 55
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
Council	means Parramatta City Council
Detailed investigation	An investigation to define the extent and degree of contamination, to assess potential risk posed by contaminants to health and the environment and to obtain sufficient information for the development of a remedial action plan if required
Independent review	An evaluation by an independent expert required by a planning authority of any information submitted by a proponent, conducted at the components expense
Initial evaluation	An assessment of readily available factual information to determine whether contamination is an issue relevant to the decision being made
Investigation order	An order by the EPA under the Contaminated Land Management Act to investigate contamination at a site or within an area
Notification of remediation	Prior notice of category 2 remediation work given to the council in accordance with SEPP 55
PLEP 2011	means the Parramatta Local Environmental Plan 2011.
PDCP 2011	means the Parramatta Development Control Plan 2011
Planning authority	A public authority or other person responsible for exercising a planning function
Planning function	Function exercised by a planning authority under the Environmental Planning and Assessment Act 1979.
Preliminary investigation	An investigation to identify any past or present potentially contaminating activities and to provide a preliminary assessment of any contamination
Remedial action plan	A plan which sets remediation goals and documents the process to remediate a site
Remediation order	A direction from the EPA under the Contaminated Land Management Act 1997

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Remediation site	A site declared by the EPA under the Contaminated Land Management Act as posing a significant risk of harm
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 land, dispersed, destroys, reduces, mitigates or contains the contamination of the land, eliminates or reduces any hazard arising from the contamination of the land
Site audit	An independent review by a site auditor of any or all stages of the site investigation process conducted in accordance with the Contaminated Land Management Act 1997
Site auditor	A person accredited by the EPA under the Contaminated Land Management Act 1997 to conduct site audits
Site audit statement	A certificate issued by a site auditor stating what use the land is suitable
Site audit summary report	A report containing the key information and the basis of consideration which leads to the issue of a site audit statement
Site history	A land use history of a site which identifies activities or land uses which may have contaminated the site, established the geographical processes within the site, and determines the approximate time periods over which these activities took place
Site investigation process	The process of investigating land which may be, or is, contaminated, for the purpose of providing information to a planning authority
Site specific planning application to rezone land	An application to rezone a specific parcel(s) of land to permit a change of land use.
Validation	The process of determining whether the objectives for remediation and any conditions development consent have been achieved

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TABLE 1 SOME ACTIVITIES THAT MAY CAUSE CONTAMINATION

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 (transformers)
electroplating and heat treatment premises
engine works
explosive 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

Note: It is not sufficient to rely solely on the above list to determine whether a site is likely to be contaminated or not. **This list is a guide only.** A conclusive status can only be determined after a review of the site history and, if necessary, sampling and analysis. This is reflected by Council's management of contaminated land and is addressed via the planning process.

Source: *Managing Land Contamination Planning Guidelines 1998*, by the Department of Urban Affairs and Planning & Environment Protection Authority.

The Department of Urban Affairs and Planning is now Planning & Infrastructure NSW.

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PLANNING PROCESS – CATEGORY 1 REMEDIATION - DESIGNATED DEVELOPMENT

- If the proposal is designated development and category 1 remedial works are required as part of the development, the Department of Planning & Infrastructure (DP&I) Director-General's requirements are sought for the environmental impact statement (EIS)
- Development Application (DA) prepared, including Remedial Action Plan (RAP) (and EIS if required)
- DA and RAP (and EIS if required) lodged with Council
- Council may request an audit of the RAP by a site auditor. Note: this is **not** mandatory
- DA and RAP advertised and submissions received
- If proposal is designated development and objections are received, these are sent to the DP&I for comment
- Council determines proposal (after DP&I comments have been received)
- Proposal carried out in accordance with approval
- Validation obtained from qualified expert at completion of remediation work
- Council notified of validation within a month of completion of work
- Council may request an audit of the validation by a site auditor. Note: this is discretionary and will be determined by Council officers on the circumstances surrounding each project.

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PLANNING PROCESS – CATEGORY 1 REMEDIATION

- LAND DECLARED TO BE SIGNIFICANTLY CONTAMINATED UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997 & STATE SIGNIFICANT DEVELOPMENT

- Land declared by EPA to be Significantly Contaminated
- Check SEPP (State and Regional Developments) 2011 Schedule 1 to determine if development is state significant.
- SEPP (State and Regional Developments) 2011, Schedule 1, defines which remediation is State Significant Development (SSD) as follows:

24 (1) Development for the purpose of remediation of land that is category 1 remediation work on significantly contaminated land if the work is required to be carried out under the Contaminated Land Management Act 1997 by a management order that requires:

- (a) the taking of action of the kind referred to in section 16 (d) or (g) of that Act, or*
- (b) the preparation of a plan of management that provides for the taking of any such action.*

- DP&I Director–General’s requirements sought for the Environmental Assessment (EA)
- Project application and draft EA prepared, including RAP, in consultation with EPA
- Application lodged with DP&I
- draft EA is checked for adequacy
- DP&I may request an audit of the DA of RAP by a site auditor.
Note: this is **not** mandatory DP&I sends copies of EA and RAP to EPA
- Project Application, final EA and RAP are advertised and submissions received
- Minister determines proposal, in consultation with EPA
- Proposal carried out in accordance with approval
- Validation obtained from qualified expert at completion of remediation work
- DP&I notified of validation within a month of completion of work
- DP&I sends copy of validation notice to Council and EPA
- DP&I may request an audit of the validation by the site auditor. Note: this is **not** mandatory.

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PLANNING PROCESS – CATEGORY 2 REMEDIATION – LAND DECLARED TO BE SIGNIFICANTLY CONTAMINATED UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997

- Site declared by EPA to be a remediation site
- Council notified of proposed remediation
- Proposal prepared, including RAP if required, in consultation with EPA
- Proposal lodged with EPA
- Proposal determined by EPA
- Proposal carried out in accordance with approval
- Validation obtained from qualified expert at completion of remediation work
- EPA notified of validation
- Council notified of validation within a month of completion of work.

Note: Derived from the Managing Land Contamination: Guidelines Consultation draft 2008

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SITE MANAGEMENT - CATEGORY 2 REMEDIATION

Council has identified a number of site management provisions relating to the conduct of category 2 remediation. These provisions have been formulated to ensure that category 2 remediation work is carried out with appropriate controls to prevent an adverse impact on the environment or public amenity.

All category 2 remediation works must be conducted in accordance with the site management provisions, which apply across the entire Parramatta Local Government Area. Category 2 remediation work that does not comply with the site management provisions outlined in this section will be classified as category 1 remediation work and will require consent (clause 9 (f), SEPP 55).

Development applications lodged for category 1 remediation works should identify any areas of non-compliance with the site management provisions and identify any alternative site management measures to be implemented.

Note: It is the responsibility of those remediating a site to ensure compliance with all relevant environmental legislation and regulations. Compliance with the site management provisions listed in this policy does not imply that all relevant environmental legislation and regulations have been complied with.

Non-compliance with relevant environmental legislation and regulations, such as the *Protection of the Environment Operations Act 1997* (POEO Act), may incur on-the-spot fines of up to \$1500 for minor offences, or fines up to \$1 Million and 7 years imprisonment for more serious offences.

Site Management Provisions

Legislation and Guidelines

All remediation work must comply with the requirements of:

- *The Contaminated Land Management Act 1997*
- The Managing Land Contamination Planning Guideline 1998
- SEPP 55 – Remediation of Land
- *The Protection of the Environment Operations Act 1997*

Remediation Proposal

The remediation works shall be carried out in accordance with the proposal submitted by [consultant] dated [date]. Inform Council of any variations to the proposed remediation work.

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Site Validation

Council must be provided with information regarding the validation of the site within one month of completion of the remediation works. This notification should take the form of a Validation Report and may address the following issues:

- Description and documentation of all works undertaken.
- Include results of validation testing and monitoring.
- Outline how all clean-up criteria and relevant legislation has been complied with.
- Determine the suitability of the site for the current or proposed use of the site.

Discovery of additional information during remediation

Council must be notified of any new information that comes to light during remediation that has the potential to alter previous conclusions regarding site contamination.

Hours of Operation

All remediation work shall be conducted within the following hours:

Monday - Saturday 7am - 6pm

No work is permitted on Sundays or Public Holidays

Soil and Water Management

The NSW Department of Housing Blue Book -Managing Urban Stormwater - Soil and Conservation- August 1998 outlines the general requirements for the preparation of a soil and water management plan. All remediation works shall be conducted in accordance with a soil and water management plan. A copy of the plan shall be kept on-site and made available to Council Officers on request. All erosion and sediment measures must be maintained in a functional condition throughout the remediation works.

Additional soil and sediment controls for development sites are found in PDGP 2011.

A summary of the soil and water management measures for category 2 remediation in relation to stockpiles, site access, excavation pump-out, landscaping, rehabilitation and bunding are discussed below:

(i) Stockpiles

- No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior Council approval has been obtained.
- All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- All stockpiles of soil or other materials likely to generate dust or odours shall be covered (where practical).
- All stockpiles of contaminated soil shall be stored in a secure area and be covered if

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remaining more than 24 hours (where practical).

(ii) Site Access

Vehicle access to the site shall be stabilised to prevent the tracking of sediment onto the roads and footpath. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shovelling, or a means other than washing, on a daily basis or as required. Soil washings from wheels shall be collected and disposed of in a manner that does not pollute waters.

(iii) Excavation Pump-out

All excavation pump-out water must also be analysed for suspended solid concentrations, turbidity, pH and any contaminants of concern, prior to discharge to the stormwater system. The analytical results must comply with relevant EPA and ANZECC standards for water quality.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

(iv) Landscaping/Rehabilitation

All exposed areas shall be progressively stabilised and revegetated or resealed on the completion of remediation works.

(v) Bunding

All land farming areas for hydrocarbon-contaminated soils shall be bunded to contain surface water runoff from the land farm areas and to prevent the leaching of hydrocarbons into the subsurface.

Noise

Category 2 remediation work shall comply with the Department of Environment & Climate Change (now NSW EPA) *Interim Construction Noise Guideline* (2009) for the management and control of construction site noise.

Vibration

The use of any plant and/or machinery shall not cause vibrations to be felt or capable of being measured at any premises.

Air Quality

(i) Dust Control

Dust emissions shall be confined within the site boundary. The following dust control procedures may be employed to comply with this requirement:

- Erection of dust screens around the perimeter of the site;
- Securely covering all loads entering or exiting the site;

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- Use of water sprays across the site to suppress dust;
- Covering of all stockpiles of contaminated soil remaining more than 24 hours (where practical); and
- Keeping excavation surfaces moist.

(ii) Odour Control

No offensive odours shall be detected at any boundary of the site during remediation works by an Authorised Council Officer. The following procedures may be employed to comply with this requirement:

- Use of appropriate covering techniques such as the use of plastic sheeting to cover excavation faces or stockpiles;
- Use of fine mist sprays;
- Use of a hydrocarbon mitigating agent on the impacted areas/materials; and
- Adequate maintenance of equipment and machinery to minimise exhaust emissions.

Records of volatile emissions and odours shall be logged, kept on-site and made available to Council Officers on request. Discharges from soil vapour extraction systems shall be regularly monitored in order to determine the mass of hydrocarbons that are being discharged to the atmosphere.

Contingency measures for the collection and treatment of hydrocarbon off gas shall be put in place prior to the commissioning of the soil vapour extraction systems. All discharge vents from soil vapour extraction systems (without treatment of hydrocarbon off gas), shall be located a minimum of 50 metres from any residential property boundary, road or recreational area. No material shall be burnt on-site.

Transport

All haulage routes for trucks transporting soil, materials, equipment or machinery to and from the site shall be selected to meet the following objectives:

- Comply with all road traffic rules;
- Minimise noise, vibration and odour to adjacent premises; and
- Utilise State Roads and minimise use of local roads.

Category 2 remediation work shall ensure that all site vehicles:

- Conduct deliveries of soil, materials, equipment or machinery during the hours of remediation work identified under ‘hours of operation’ in this policy.
- Securely cover all loads to prevent any dust or odour emissions during transportation;

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- Do not track soil, mud or sediment onto the road.

Hazardous Materials

Hazardous and/or intractable wastes arising from the remediation work shall be removed and disposed of in accordance with the requirements of the Environment Protection Authority (NSW EPA) and WorkCover NSW, together with the relevant regulations.

Under the *Protection of the Environment Operations Act 1997* (POEO Act) the transportation of Schedule 1 Hazardous Waste is a scheduled activity and must be carried out by a transporter licensed by the NSW EPA.

Disposal of Contaminated Soil

The disposal of contaminated soil shall have regard to the provision of both *the* POEO Act and Regulations and any relevant guidelines such as the Waste Classification Guidelines, 2008 (Department of Environment, Climate Change and Water) (Now NSW EPA)

Containment/Capping of Contaminated Material

No contaminated material shall be capped on the site that contains concentrations of contaminants that are statistically above the soil investigation levels for urban development sites in NSW, for the range of land use permissible on the subject site. For example, a site zoned commercial/industrial must not cap material that contains concentrations of contaminants statistically above the 'commercial or industrial National Environmental Health Forum (NEHF) "F" health-based investigation levels'. These soil investigation levels for urban redevelopment in NSW are listed in the EPA's 'Guidelines for the NSW Site Auditor Scheme'.

It should be noted that where the proposed remediation involves on site containment of contaminated material, the need for a continuing monitoring program should be assessed by both the proponent's consultants and Council. To ensure that future owners of the site are aware of the contaminated material and any going maintenance and/or monitoring, Council may impose a consent condition on any subsequent development application for the subject site, requiring a covenant to be registered on the title of the land, thereby giving notice of the existence of onsite containment of contaminated soil. The covenant may also bind the owners or any future owners to the responsibility of ongoing monitoring/ maintenance, and any future remediation works required.

Importation of Fill

Fill material must be sampled and validated (at its source if practicable), prior to it being imported onto a site. The validation must indicate that the material is free of contaminants or that contamination exists to a level appropriate for the intended use of the site (see below for appropriate methods of validation). Fill imported on to the site should also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of the validation of fill to be submitted with any future development applications for the site. Hence fill material may be validated by the following methods:

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- Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material or the known past history of the site where the material is obtained; and/or
- Sampling and analysis of the fill material should be conducted in accordance with the relevant EPA Guidelines, to ensure that the material is not contaminated.

Groundwater

A licence shall be obtained from the Department of Primary Industries (Office of Water) for approval to extract groundwater.

Prior to discharge to the stormwater system, site groundwater shall be analysed and treated for contaminants of concern, particularly those identified in preliminary or detailed site investigations. The analytical results must comply with relevant EPA and ANZECC standards for water quality. Under no circumstance shall polluted/ contaminated site water be allowed to discharge to the stormwater system.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Work, Health & Safety

It is the employer's responsibility to ensure that all site remediation works shall comply with all Work Health Safety Laws and Construction Safety Regulations of WorkCover NSW.

Removal of Underground Storage Tanks

The removal of underground storage tanks (UST) shall be undertaken in accordance with WorkCover NSW requirements and a validation report provided to Council in accordance with the provisions of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008*.

Contaminated Land Policy & Procedure		
Owner Manager City Assets and Environment	Area: City Assets and Environment	POL No: 337
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