

Why have a policy?

The management of contaminated land is the responsibility of your local Council or the NSW Environment Protection Authority (EPA).

Councils must consider land contamination for every development application (DA) or rezoning proposal it receives and will check their data and records relating to contaminated land for Section 10.7 certificates.

The Contaminated Land Policy helps Council to provide a considered approach to identifying potentially contaminated land, providing relevant information (to landholders, developers and purchasers), for assessing contamination and monitoring remediation.

What does the policy do?

The policy does several things, it:

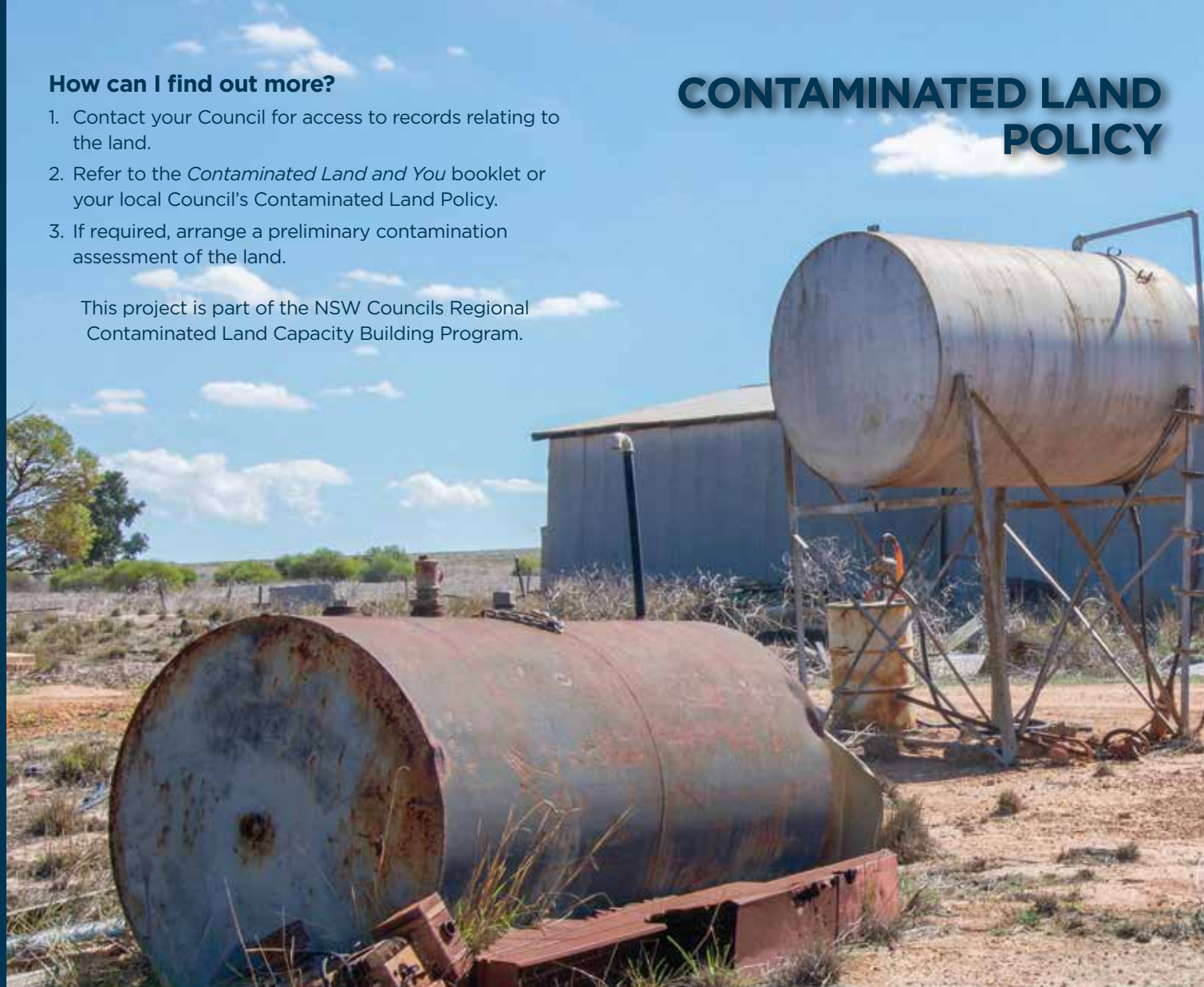
- Classifies land based on past land uses and site information;
- Defines what land requires contamination assessment prior to development;
- Defines what information is held about the land and how and to whom it is made available;
- Outlines DA and rezoning procedures for contamination assessment;
- Describes how Council will regulate the requirements of the Underground Petroleum Storage System legislation;
- Explains why contamination standards do not apply to waste and pollution incidents.

How can I find out more?

1. Contact your Council for access to records relating to the land.
2. Refer to the *Contaminated Land and You* booklet or your local Council's Contaminated Land Policy.
3. If required, arrange a preliminary contamination assessment of the land.

This project is part of the NSW Councils Regional Contaminated Land Capacity Building Program.

CONTAMINATED LAND POLICY



This project has been funded by the New South Wales Government through the EPA's Contaminated Land Management Program.



Supporting safe,
stable & sustainable
development in
Central West NSW

How do I obtain information about my land?

A section 10.7 certificate for a land parcel is a legal document that confirms the zoning and other controls that may affect development of the land. This certificate can be purchased from Council at any time and will provide advice regarding the status of the land under the Contaminated Land Policy as well as other information known at that time.

With regards to land contamination, Council may restrict the use of land by:

- Requiring some level of assessment or remediation before development can occur, or
- Requiring compliance with a management plan relating to land contamination.

There may also be other information about contamination included such as if there has been a Site Audit, if the site is regulated by the EPA under the *Contaminated Land Management Act 1997*, or if Council has any consultant's reports or remediation advice.

How does Council classify land?

Where Council is aware that land has been used for a potentially contaminating activity or land use, it will be identified in Council's Land Use Information System.

The land uses that are considered to be potentially contaminating land uses are identified in Appendix A of the Contaminated Land Policy. These uses may include contamination sources such as fuel and chemical storage, asbestos, agriculture where heavy chemical use occurs and waste.

Consultant's reports and Council's classifications relate to the time at which an assessment is undertaken. Any potentially contaminating use of the site after the site has been assessed may require additional assessment before development can be approved.

A consultant's report will generally make one or more of the following recommendations:

- The land is not contaminated and is suitable for development;
- The land may be contaminated and further detailed assessment is required;
- The land is contaminated and can be remediated;
- The land has been remediated and is suitable for certain developments;
- The land has been remediated and is suitable for certain developments on condition that certain things are or are not done on part or all of the land.

What do I need to know?

If your land, or the land you are buying, has been identified or restricted by the Contaminated Land Policy as noted on a Section 10.7 certificate, you will need to know:

What was the potentially contaminating land use?

Has any investigation or remediation been carried out and what was the result?

Are there any restrictions on the site?

Does a site management plan apply to the site and if so what are the obligations?

Restrictions will include either:

- The need to carry out a contamination assessment and/or remediation activities prior to undertaking development activities or changing the use of the land; or
- Complying with a Site Management Plan.

Details of the information Council has about the land will be found on the Land Use Information System. Council may have further information regarding the history of the contamination and prior assessments or remediation that has been carried out. In some cases the only information held will be a record of past or present land use that may have resulted in contamination (e.g. fuel tank, orchards, chemical storage, waste dumped, industrial use). Landholders and prospective buyers may gain access to this information.

