

Public Exhibition - Contaminated Land Policy

File No: S111706

Summary

The appropriate management and regulation of contaminated land is important to protect human health and the environment. Since contaminated land can restrict the development and certain uses of land, it has economic, legal and planning implications for the community and for regulatory authorities.

The City's Contaminated Land Policy has been drafted to provide a framework for the City to appropriately manage land contamination through land use planning and related processes.

Key principals contained within the 'Planning Guidelines State Environmental Planning Policy 55 – Remediation of Land' state that there is a need for planning authorities to adopt a policy approach that will provide strategic and statutory planning options for land contamination.

The Policy aligns with the requirements of the State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021 and Land Contamination Planning Guidelines (as amended).

The Policy will go on public exhibition prior to returning to a future meeting for Council consideration.

Recommendation

It is resolved that:

- (A) Council approve the draft Contaminated Land Policy, as shown at Attachment A to the subject report, for public exhibition; and
- (B) authority be delegated to the Chief Executive Officer to undertake minor editorial corrections prior to the exhibition of the draft Contaminated Land Policy

Attachments

Attachment A. Draft Contaminated Land Policy

Background

1. The appropriate management and regulation of contaminated land is important to protect human health and the environment. Since contaminated land can restrict the development and certain uses of land, it has economic, legal and planning implications for the community and for regulatory authorities.
2. Council typically manages land contamination through land use planning and related processes, using the powers provided to it under the Environmental Planning and Assessment Act 1979. This ensures that:
 - (a) the City maintains its legal obligations in planning and development assessment, in order to minimise risks from exposure to contaminated land
 - (b) the City acts in accordance with 'Planning Guidelines State Environmental Planning Policy 55 – Remediation of Land' to ensure compliance with Part 7A of the Environmental Planning and Assessment Act 1979, which states that planning authorities who act substantially in accordance with State Environmental Planning Policy 55 Guidelines are taken to have acted in good faith
3. Contaminated land and contaminated land potential is captured on the City's information systems, including notations on land and property planning certificates and spatial mapping.
4. The City's current Development Control Plan defers to State Environmental Planning Policy 55 for contamination. The development and consistent application of a local contaminated land policy by Council will provide a valuable tool to ensure and demonstrate adherence to planning requirements, as well as directly assist Council to act in "good faith" with its legislative obligations.
5. The draft Contaminated Land Policy aligns with the requirements of State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021 and Land Contamination Planning Guidelines (as amended).
6. The draft Contaminated Land Policy provides a framework for the City to:
 - ensure land use changes or development will not increase risk to human health or the environment
 - be satisfied that any contaminants are adequately remediated to ensure the land complies with relevant land use contamination criteria as required by law and is fit for intended purpose
 - avoid inappropriate restrictions on land use
 - provide information that supports decision making and to inform the community of the City's requirements
 - consider the potential for land to be contaminated when assessing and determining development applications
 - consider the potential for land to be contaminated when preparing planning proposals for rezoning, including when preparing planning proposals for which the City is the applicant

7. Upon implementation of the Contaminated Land Policy, it is intended that detailed guidelines consistent with the Policy will be developed across relevant Council operations.

Key Implications

Strategic Alignment - Sustainable Sydney 2030

8. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
 - (a) Direction 2 provides a road map for the City to become A Leading Environmental Performer - The policy will assist the City in managing land contamination and impact on air, water, land, natural resources, and human health.
 - (b) Direction 10 - Implementation through Effective Governance and Partnerships - The policy ensures that the city has a strategic policy framework combined with effective oversight, regulation, and accountability.

Environmental

9. The draft Contaminated Land Policy ensures appropriate management of contaminated land and impact on the environment.

Economic

10. Since contaminated land can restrict the development and certain uses of land the draft Contaminated Land Policy has economic, legal and planning implications for the community and for regulatory authorities.

Relevant Legislation

11. Environmental Planning and Assessment Act 1979
12. The draft Contaminated Land Policy aligns with the requirements of State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021 and the Land Contamination Planning Guidelines (as amended).

Financial Implications

13. There are no financial implications associated with this regulatory policy. Nil

Public Consultation

14. The draft Contaminated Land Policy will be put on public exhibition for 42 days for public comment.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Josh Bradshaw, Standards and Policy Manager