

Item 10.

Post Exhibition - Contaminated Land Policy

File No: S111706

Summary

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

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 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

On 27 June 2022, Council resolved that the draft Contaminated Land Policy be placed on public exhibition for a period of forty-two (42) days and for a further report to be submitted to Council following public exhibition with any recommended changes.

The City has now completed the public exhibition process. No submissions were received and no changes have been made to the Policy previously reviewed by Council.

This report is seeking Council's adoption of the draft Contaminated Land Policy.

Recommendation

It is resolved that:

- (A) Council adopt the Contaminated Land Policy, as shown at Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to make amendments to the Contaminated Land Policy in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

Attachments

Attachment A. Contaminated Land Policy

Background

1. Council manages land contamination through land use planning and related processes, using the powers provided to it under the Environmental Planning and Assessment Act 1979.
2. 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.
3. 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 and Council's legislative obligations, as well as directly assist Council to act in "good faith" with its legislative obligations.
4. The Policy aligns with the requirements of State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021 and Land Contamination Planning Guidelines (as amended).
5. The 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; and
 - 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.
6. 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.
7. Upon implementation of the Policy, it is intended that detailed guidelines consistent with the Policy will be developed across relevant Council operations.

Public Exhibition and Consultation

8. The draft Contaminated Land Policy was placed on public exhibition for forty-two (42) days from 15 July 2022 to 12 August 2022.

9. The policy was exhibited through the City of Sydney website with links to the Sydney Your Say website.
10. No submissions were received.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

11. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. 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 1 - Responsible governance and stewardship - The policy ensures that the city has a strategic policy framework combined with effective oversight, regulation, and accountability.
 - (b) Direction 2 - 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.

Environmental

12. The appropriate management of contaminated land is important to protect human health and the environment.

Economic

13. 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.

Relevant Legislation

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

GRAHAM JAHN AM

Director City Planning, Development and Transport

Josh Bradshaw, Standards and Policy Manager