

Item 4.

Adoption - Contaminated Land Policy

File No: S111706

Summary

The City's Contaminated Land Policy (Policy) provides 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.

The policy was adopted by Council 21 November 2022 and is due for review. The policy has been reviewed and remains fit for purpose with only minor edits required.

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 (with recommended changes in red or strikethrough text)

Background

1. The City's Contaminated Land Policy (Policy) provides a framework for Council to appropriately manage land contamination through land use planning and related processes.
2. The Policy was approved by Council on 21 November 2022 and is due for review.
3. This Policy aims to:
 - (a) ensure land use changes or development will not increase risk to human health or the environment;
 - (b) ensure 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;
 - (c) ensure land transferred or dedicated to the City of Sydney can be managed in the long term and will not add unnecessary financial, administrative or compliance burdens on the City;
 - (d) avoid inappropriate restrictions on land use;
 - (e) provide information that supports decision making and to inform the community of the City's requirements;
 - (f) consider the potential for land to be contaminated when assessing and determining development applications;
 - (g) 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; and
 - (h) provide transparency and consistency to minimise any legal and financial risk.
4. The policy has been reviewed to ensure that it reflects current legislation, state planning guidelines and regulatory best practice. Minor revisions have been made to the definitions table to remove references that are not directly referred to in the policy.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

5. 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.

Risks

- 6. City staff have considered the Policy and its continuing operation is within the City's risk tolerance and risk appetite. Where risks associated with activities can be effectively mitigated and there are reasonable benefits to the community, a minimal risk can be considered.

Environmental

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

Economic

- 8. 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

- 9. Environmental Planning and Assessment Act 1979.
- 10. The Policy aligns with the requirements of the NSW Managing Land Contamination Guidelines (1998) (developed by the Environment Protection Authority (EPA) and Department of Planning and Environment).
- 11. The Policy aligns with the requirements of State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021 and Land Contamination Planning Guidelines (as amended).

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