



## Council Policy

# Managing contaminated or potentially contaminated land within Lake Macquarie City

Version 8 - 11 April 2022

02 4921 0333 | [COUNCIL@LAKEMAC.NSW.GOV.AU](mailto:COUNCIL@LAKEMAC.NSW.GOV.AU)

126-138 MAIN ROAD SPEERS POINT NSW 2284 | BOX 1906 HUNTER REGION MAIL CENTRE NSW 2310

[LAKEMAC.COM.AU](http://LAKEMAC.COM.AU)

## Policy - External - Managing contaminated or potentially contaminated land within Lake Macquarie City

---

### Introduction

#### Purpose

Lake Macquarie City Council is committed to ensuring that the use of contaminated land, or suspected contaminated land, occurs in a way that minimises risk to the community and the environment. We do this by ensuring compliance with the requirements of the *Contaminated Land Management Act (1997)*, the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021 and the associated Managing Land Contamination: Planning Guidelines (SEPP55 Guidelines); The National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013) ASC NEPM), and relevant Council policies, procedures, and processes.

#### Scope

This policy applies to the management of contaminated or potentially contaminated land through the land use planning process including listed and draft environmental heritage items, or items that have Aboriginal/archaeological heritage significance, and is a land based policy only.

The management of contamination on public land is addressed in Council's Procedure – Management of Contaminated or Potentially Contaminated Land, and the Environmental Management Plan for Contaminated Land in Council's Control, which are closely aligned with SEPP (Resilience and Hazards) 2021, and relevant legislation, standards, and policies.

#### Policy statement

Council will responsibly and proactively respond to contamination hazards and risks, through the land use planning framework, and facilitate economic development of contaminated or potentially contaminated land. Proactive measures to prevent possible contamination can have significant environmental and financial benefits for Council and the community.

To achieve this, Council will:

1. maintain a database of contaminated or potentially contaminated land, and record any relevant information on remediation, abatement, or site audits of work undertaken in the Lake Macquarie City Council (LMCC) area
2. ensure information provided by the NSW Environment Protection Authority (EPA) in respect of the EPA Register of Significantly Contaminated Land (and other information as appropriate), or information held in Council's Contaminated or Potentially Contaminated Land Database (CPCL Database), is noted on any relevant section 10.7 (2) Planning Certificate, including advice that further information is available from Council
3. ensure appropriate consideration of contamination issues is made during the rezoning and development assessment process, including:
  - identification of the presence of, or the potential for, contamination on the land
  - consideration of the outcomes of any land contamination study
  - consideration of any remediation or abatement that has occurred on the land
  - the application of requirements set out in the *Contaminated Land Management Act (1997)*, SEPP (Resilience and Hazards) 2021, SEPP55 Guidelines, Ministerial Directions under the *EP&A Act*, *Lake Macquarie Local Environmental Plan (LEP 2014 (LMLEP))*,

## Policy - External - Managing contaminated or potentially contaminated land within Lake Macquarie City

---

Lake Macquarie DCP 2014 (LMDCP), *Lake Macquarie LEP 2004*, *Lake Macquarie LEP 1984*, and any applicable Development Control Plans, policies or guidelines

4. develop and implement educational material and a formal communications strategy to translate the policy into operational guidelines for Council officers and the community.

## Principles

### The legislative framework

This policy forms the basis for the management of land, which is either contaminated or potentially contaminated, within Lake Macquarie City.

The management of contaminated land is a shared responsibility between the EPA, NSW Planning and Environment (DPE), and Council - in very broad terms:

- the EPA, which uses its powers under the *Contaminated Land Management Act (1997)* to deal with site contamination that is significant enough to warrant regulation under the Act given the site's current or approved use
- local councils who deal with other contamination under the planning and development framework, including SEPP (Resilience and Hazards) 2021 and the SEPP55 Guidelines, on sites which, though contaminated, do not pose an unacceptable risk under their current or approved use. In these cases, the planning and development process determines what remediation is needed to make the land suitable for a different use.

Under the provisions of this policy, Council has developed a framework to manage contaminated or potentially contaminated land within the city in accordance with the *EP&A Act* and SEPP (Resilience and Hazards) 2021.

**Note - Schedule 6 of the *EP&A Act* provides that planning authorities that act substantially in accordance with SEPP (Resilience and Hazards) 2021 and related guidelines are taken to have acted in good faith when carrying out planning functions.**

## Objectives

The objective of this policy is to provide a framework to assist Council, residents and proponents of development to respond proactively to contaminated land based hazards and risks.

## Practices and procedures

### The decision making process

When carrying out planning functions under the *EP&A Act*, Council must consider the possibility that a previous land use, or an adjoining/nearby land use, has caused contamination of the site; as well as the potential risk to health or the environment from that contamination. The general principle of contamination management under SEPP (Resilience and Hazards) 2021, and the related guidelines, is that a precautionary approach be adopted when exercising a planning function, and that the identification of land contamination issues occurs at an early stage in the planning process in order to prevent harm and reduce delays and costs.

Upon receipt of an LEP amendment request or a development application, relevant staff undertake a review of the application to determine if the land warrants further investigation in relation to contamination. If this review identifies evidence of potential or actual contamination, further assessment of contamination will be conducted.

## Policy - External - Managing contaminated or potentially contaminated land within Lake Macquarie City

---

### Rezoning land

Ministerial Direction 4.4 under section 9.1 of the *EP&A Act* requires consideration of contamination issues when rezoning land. Council must determine, at an early stage in the development process, if a rezoning could allow a change of use that may increase the risk to health or the environment from contamination. Council must be satisfied that the land is suitable for the proposed use or can be remediated to ensure its suitability. This includes considering the history of land that is adjacent to the land being considered for rezoning, as this may have a bearing on the potential or effect of contamination to the land proposed for rezoning. A Stage 1 preliminary investigation will be required at the rezoning stage to assess if the land is potentially contaminated land.

Assessment of rezoning applications on contaminated land will be conducted in accordance with Council's Procedure – Potential for Contaminated Land – Guide for assessing LEP amendment requests.

### Development

SEPP (Resilience and Hazards) 2021 and section 4.15 of the *EP&A Act* require Council to consider the suitability of the site for the proposed development. The relevant DCP provides development guidelines when land has been identified as being contaminated.

Council and the EPA may apply conditions of consent that may limit or restrict the use of the land to ensure the delivery of appropriate outcomes on the land are not detrimental to the user's health or the environment.

Where land is known to be contaminated with atmospheric lead or black slag from the former Pasminco Cockle Creek Smelter, a streamlined approach for the assessment of residential soil contamination may be acceptable.

Assessment of development applications on contaminated land will be conducted in accordance with Council's Procedure – Management of Contaminated or Potentially Contaminated Land.

### Maintaining a record of remediation work

SEPP (Resilience and Hazards) 2021 requires the relevant consent authority be notified prior to, and at the completion of, remediation work. This notification is required regardless of whether or not consent is required. This information will be recorded in the Contaminated or Potentially Contaminated Land (CPCL Database) described further below. The database will record details of what work was done, such as any remediation or abatement, any validation and monitoring reports, any site audit statements, and any other relevant information.

### Site audits and third party consultant reports

A site audit is an independent review of a contaminated land consultant's work by a site auditor accredited by the EPA under the *Contaminated Land Management Act (1997)*.

A site audit statement is issued when it is determined by the site auditor that the land is suitable for specified uses based on the extent of contamination and the appropriateness of the investigation/remedial action, and environmental management plan.

A site auditor must be an independent third party, and is not permitted to be in partnership with, or employed by, the same person or company carrying out the contaminated site investigation. Council officers may request a site audit report and/or a site audit statement, during the development application and rezoning assessment process.

A third party review, is an independent review of contamination related documentation by a competent and qualified contamination consultant.

## Policy - External - Managing contaminated or potentially contaminated land within Lake Macquarie City

---

Council officers may request, or commission, a third party review of contamination related documentation at any stage of the remediation process, or otherwise as needed.

The site audit report and/or third party review report, shall be reviewed by Council staff for compliance with Council's requirements concerning contaminated land. If the documents do not meet Council's requirements, the author may be requested for further information or an additional report.

### Database of Contaminated or Potentially Contaminated Land

Council will maintain a Contaminated or Potentially Contaminated Land Database (CPCL Database) for land within the local government area.

The CPCL Database will identify properties known to Council, which have a history of contamination, or have been associated with uses that may have resulted in contamination. Council may not be aware of all properties that have a history of contamination. Private enquiries or investigations into whether land is contaminated, or potentially contaminated should be considered. The CPCL Database will record details of any site remediation or abatement that has been undertaken, validation records, and audits of remediation work as required by the SEPP55 Guidelines. Information regarding individual properties will be recorded in the CPCL Database. Any enquiries associated with a property should be checked against information contained within the CPCL Database.

### Contaminated land investigation threshold

The contaminated land investigation thresholds applied by Council are consistent with the Health-based Investigation Levels (HIL, Residential A) prescribed in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013) (ASC NEPM – Contaminated Land). The NEPM-Contaminated Land prescribes HIL thresholds for a range of contaminants and land uses.

### Duty to report contamination

The duty to report contamination to the EPA is a requirement under the *Contaminated Land Management Act (1997)*. The following parties are required to report contamination as soon as practical after they become aware of any contamination that meets the triggers for the duty to report:

- Anyone whose activities have contaminated land.
- An owner of land that has been contaminated.

It should be noted that although the above parties have the duty to report contamination, anyone can, at any time, report suspected contamination to the EPA.

Where Council considers contamination on a site triggers the duty to report under the *Contaminated Land Management Act (1997)*, and it is not clear if the polluter or site owner has reported the contamination, Council will notify the EPA for further action. Guidelines on reporting contamination under section 60 of the *Contaminated Land Management Act (1997)* can be found on the EPA website ([Duty to report contamination \(nsw.gov.au\)](https://www.epa.gov.au/duty-to-report-contamination)).

### Preventing contamination

The primary legislation governing the prevention and management of pollution incidents is the *Protection of Environment Operations (POEO) Act 1997*. The Regional Compliance Assurance Policy and Guidelines are available from the Hunter Joint Organisation of Councils that:

- encourage voluntary compliance
- provide guidance on best practice decision making principles
- assist Councils to minimise risks to the environment
- inform the community about Council's management of environmental compliance responsibilities.

## Policy - External - Managing contaminated or potentially contaminated land within Lake Macquarie City

---

These guidelines can be accessed at <http://www.hccrems.com.au/product/regional-compliance-assurance-policy-and-guidelines/>

### Section 10.7 Planning Certificates

The responsibility for investigating the potential for contamination during the sale of land rests with the vendor and purchaser, however Council will make available any relevant information held on potential contamination.

### Information under section 59(2) *Contaminated Land Management Act 1997*

Section 59(2) of the *Contaminated Land Management Act* prescribes specific matters to be provided in a section 10.7(2) planning certificate:

- (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;
- (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.

Council will stipulate 'YES/NO' against the above matters.

In addition to this, Council is also required to nominate whether the land is affected by a policy that restricts the development of the land because of a hazard.

Notations will be applied as a component of section 10.7(2) Planning Certificates at Question 7(e) (Council and other public authority policies on hazard risk restrictions) in the following cases:

#### **Notation 1**

Contaminated land:

Where land is known to have contaminants above the contaminated land investigation threshold levels for residential land uses, and no remediation or abatement activity has occurred, the following notation will apply:

*Council has adopted a policy for managing contaminated land. This may restrict development of contaminated or potentially contaminated land. This policy is implemented when zoning, development, or land use changes are proposed. Consideration of Council's adopted policy and applicable DCP, and the application of provisions under relevant State legislation is recommended. Some form of contamination has been confirmed on this site. Council can provide additional information from its records for this site on request.*

Note: This notation applies where **contamination has been confirmed** on site, in the form of a contamination report, and remediation and/or abatement has not occurred.

## Policy - External - Managing contaminated or potentially contaminated land within Lake Macquarie City

---

### Notation 2

Potentially contaminated land:

Where land has a previous site history which could have involved contaminants, or where the land is in the vicinity of a current or historic contamination source, and no chemical sampling of soil has occurred, the following notation applies:

*Council has adopted a policy for managing contaminated land. This may restrict development of contaminated or potentially contaminated land. This policy is implemented when zoning, development, or land use changes are proposed. Consideration of Council's adopted policy and applicable DCP, and the application of provisions under relevant State legislation is recommended. Further investigation may be required for this site.*

Note: This notation applies to properties that are in the vicinity of a known contaminating source, for instance the former Pasmenco Cockle Creek Smelter, and/ or where contamination is reasonably considered to have occurred on-site, but where **no formal soil contamination sampling has occurred**. The SEPP55 Guidelines provide a list of potentially contaminating industries that may be considered for this notation.

### Notation 3

Remediated and above the contaminated land investigation threshold levels:

Where contaminated land that has undergone some form of remediation or abatement, and contaminants on site are above the contaminated land investigation threshold levels, the following notation applies:

*Council has adopted a policy for managing contaminated land. This may restrict development of contaminated or potentially contaminated land. This policy is implemented when zoning, development, or land use changes are proposed. Consideration of Council's adopted policy and applicable DCP, and the application of provisions under relevant State legislation is recommended. Some form of contamination has been confirmed on this site. Council can provide additional information from its records for this site on request, including details of any remediation works that have occurred.*

Note: This notation applies where information is provided to Council, being a site audit statement, site audit report, Stage 4 validation report or Lead Abatement Strategy (LAS) report that confirms lead or other contaminants are **above contaminated land investigation threshold levels** as identified in the NEPM – Contaminated Land for residential land uses.

### Notation 4

Remediated and below the contaminated land investigation threshold levels:

Where land that was previously contaminated has undergone some form of remediation or abatement in anticipation of a particular use, or range of uses, and contaminant levels on site are below the contaminated land investigation threshold levels, the following notation applies:

*Council has adopted a policy for managing contaminated land. This may restrict development of contaminated or potentially contaminated land. This policy is implemented when zoning, development, or land use changes are proposed. Consideration of Council's adopted policy and applicable DCP, and the application of provisions under relevant State legislation is recommended. Some form of contamination was confirmed on this site in the past. Council can provide additional information from its records for this site on request, including details of any remediation works that have occurred. Information from a site audit statement, site audit report, or a Stage 4 validation*

## Policy - External - Managing contaminated or potentially contaminated land within Lake Macquarie City

---

*report indicate that contaminants are now below the contaminated land investigation threshold levels.*

Note: This notation applies where information is provided to Council, being a site audit statement, site audit report, or Stage 4 validation report that confirms lead or other contaminants are **below the contaminated land investigation threshold level** as identified in the NEPM – Contaminated Land for residential land uses.

### **Notation 5**

Below contaminated land investigation threshold:

Where land has a previous site history which could have involved contaminants, or is in the vicinity of a contamination source, and the land has undergone some form of testing (for example, participation in the Pasminco Lead Abatement Strategy, LAS) and found to be below the contaminated land investigation threshold level, the following notation applies:

*Council has adopted a policy for managing contaminated land. This may restrict the development of contaminated or potentially contaminated land. This policy is implemented when zoning, development, or land use changes are proposed. Consideration of Council's adopted policy and applicable DCP, and the application of provisions under relevant State legislation is recommended. Council can supply additional information from its records for this site on request, including tests that indicate that the level of certain contaminants are below the land investigation threshold level on the site.*

Note: This notation applies to properties that are in the vicinity of a known contaminating source, for instance the Pasminco Cockle Creek Smelter, and formal soil contamination sampling has occurred using the NEPM – Contaminated Land for residential land uses, and found that certain contaminants are below **the contaminated land investigation threshold level**.

### **Notation 6**

No clear site history:

Where Council records do not contain a clear site history for the land or there is inadequate knowledge of uses that have occurred on the land, the following notation applies:

*Council has adopted a policy for managing contaminated land. This may restrict the development of contaminated or potentially contaminated land. This policy is implemented when zoning, development, or land use changes are proposed. Council does not hold sufficient information about previous use of the land to determine whether the land is contaminated. Consideration of Council's adopted policy and applicable DCP, and the application of provisions under relevant State legislation is recommended.*

Note: This notation applies to all land in the city where Council records do not contain a clear site history, or where there are gaps in that information, so there is not sufficient information to have any certainty.

### **Additional information to be provided**

The following information should be provided in the form of a Property Contamination Information Summary in response to enquiries made to Council about the land, if data or information is held:

- Any activities listed in Council's, applicable DCP or the SEPP55 - Land Contamination: Planning Guidelines (Table 1) shown by Council's records as having occurred on the land.
- The results of any site investigations held by the Council.
- The results of any site abatement.

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.  
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.



## **Policy - External - Managing contaminated or potentially contaminated land within Lake Macquarie City**

---

- Any notifications of remediation.
- Copies of any site audit statements.

All information recorded and actions taken, such as remediation or abatement, will be held in Council's Contaminated or Potentially Contaminated Land Database in perpetuity as factual information about the land and made available to all enquirers.

Other information that may be relevant to an enquirer under section 10.7(5) or other enquiries made to Council about land in the CPCL Database should include any of the types of information that may be held by Council as listed in Attachment 1 of this Policy.

### **Limitations on information in section 10.7 Planning Certificates**

Council will specify in a planning certificate any limitations on the information regarding contamination contained in that certificate. Limitations may arise as a result of the purpose for which the information was collected by Council or provided to Council, or the reliability of the source of the information.

### **Review and evaluation**

The Policy for Managing Contaminated or Potentially Contaminated Land within Lake Macquarie City should be reviewed at least every four years.

## Policy - External - Managing contaminated or potentially contaminated land within Lake Macquarie City

### Controlled Document Information

#### Authorisation Details

<b>Folder No:</b>	F2008/01444-02	<b>TRIM Record No:</b>	D10205788
<b>Audience:</b>	External - This policy applies to all Council departments and the community		
<b>Department:</b>	Integrated Planning	<b>Officer:</b>	Manager Integrated Planning - Wesley Hain
<b>Key focus area(s):</b>	Unique Landscape		
<b>Review Timeframe:</b> Max < 4 years	2 years	<b>Next Scheduled Review Date:</b>	28 March 2024
<b>Authorisation:</b>	Adopted by Council - 11 April 2022		
<b>Authorisation - Council Adoption Date:</b>	11 April 2022		

#### Related Document Information, Standards & References

<b>Related Legislation:</b>	<i>Environmental Planning and Assessment Act, 1979 (EP&amp; A Act)</i> <i>Contaminated Land Management Act 1997 (CLM Act)</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>Lake Macquarie LEP 2014</i> <i>Lake Macquarie LEP 2004</i> <i>Lake Macquarie LEP 1984</i>	(Relationship/Context)
<b>Related Policies:</b>	Nil	(Relationship/Context)
<b>Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:</b>	Management of Contaminated or Potentially Contaminated Land – Procedure (F2006/01729) Potential for contaminated land – Guide for assessing LEP Amendment requests (F2006/01735) Environmental Management Plan for Contaminated Land in Council's Care and Control - Procedure (F2006/01729)	(Relationship/Context)
<b>Standards, COP's &amp; Other References</b>	<i>SEPP55 - Land Contamination: Planning Guidelines</i> <i>The National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013 ASC) NEPM</i> <i>ANZECC &amp; NHMRC 1992 - The Australian and New Zealand guidelines for the Assessment and Management of Contaminated Sites.</i> <i>Lake Macquarie DCP 2014</i> <i>Lake Macquarie DCP No.1 – Principles of Development</i> <i>Lake Macquarie DCP's 1984 as applicable</i>	(Relationship/Context)

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.  
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.

## Policy - External - Managing contaminated or potentially contaminated land within Lake Macquarie City

### Definitions

Term / Abbreviation	Definition
See Attachment 3 - Glossary	

### Consultation (update for each version created)

<b>Key Departments, Teams, Positions, Meetings:</b>	Integrated Planning, Environmental Systems, Business and Information Technology Solutions, City Works, Environmental Regulation and Compliance, Asset Management and Property and Business Development
---	--

### Version History

Version No	Date Changed	Modified By	Details and Comments
01	June 2009	G. Calcagno	Policy created
02	22 February 2010	G Calcagno	Amendments to policy following exhibition
3	Mar 2012	G Calcagno	Changed the word 'Register' to database Amendments to s.149 Planning Certificate notations and inclusion of an additional Notation; Amendments to State Agency names to reflect current titles throughout document.
4	March 2014	G Calcagno	No changes made
5	January 2016	G.Calcagno	Changes to reflect new LEP 2014, DCP 2014 and minor word changes to reflect legislative processes, and changes to State Agency names.
6	January 2017	L Sasse	No changes made
7	February 2018	G Calcagno	Revised Policy – changes to reflect legislative environment, restructure and rewording of sections in Policy, addition of two (2) Notations for s.10.7 Planning Certificates to reflect Lead Expert Working Group recommendations, removal of procedural elements in Policy, changes to notations to reflect EP& A legislative requirements.
8	March 2022	T Boyle	Document converted to new template. Minor word changes to the title of the policy and to reflect changes to procedure titles. <i>Reference to Procedure – Assessment of Development Applications on Contaminated or Potentially Contaminated Land removed from Practices and procedures: Development, as this procedure has not been finalised.</i> Reference to SEPP 55 changed to SEPP (Resilience and Hazards) 2021. Reference to SEPP 55 deleted from <i>Practices and procedures: Rezoning land</i> . The <i>EP&amp;A Act</i> Section 9.1 Ministerial Direction 4.4 now requires land contamination to be considered in rezoning. Minor changes to wording of Notations to reflect EPA recommendations issued December 2021. Minor changes to <i>Additional Information</i> section to reflect EPA recommendations issued December 2021 and Council's practice of issuing Property Contamination Information Summaries.

## **Attachment 1 – Information held in the Contaminated or Potentially Contaminated Land Database**

Information to be made available under section 10.7(5) Planning Certificates, or when an enquiry is made about land identified in the Contaminated or Potentially Contaminated Land Database, if Council holds the information:

- previous property descriptions, for cross-referencing purposes
- chronological land use history
- complaints about contamination or potentially contaminating activities and whether these were substantiated
- information from any initial evaluations
- information from any site investigations
- notifications of remediation or abatement
- any site audit statements
- previous zones and permissible uses, particularly uses listed in the applicable DCP
- approved Development Applications (DAs) and Building Applications (BAs) for uses listed within the applicable DCP or uses where contamination was an issue
- refused DAs and BAs where they have been refused on the basis of contamination-related issues
- rezoning requests approved and refused on the basis of contamination-related issues
- EPA declarations and orders under the *Contaminated Land Management Act* including Voluntary Management Proposals and resulting action

Copies of relevant documents such as remedial action plans may also be useful on the files in Council's Electronic Document Management System. The sources of information and the purpose for which it was collected should also be recorded. This includes the date of the information and the date on which it was recorded.

Much of this information will also be useful for exercising planning functions where contamination is not an issue.

## **Attachment 2 - Glossary**

**abatement** – means a barrier over affected areas to reduce exposure pathways, and may include a barrier over lead affected areas which contains the contamination on the land.

**approved voluntary management proposal** - means a voluntary management proposal that has been approved by the EPA under section 17 of the Contaminated Land Management *Contaminated Land Management Act* (1997) as modified by any conditions imposed by the EPA under that section.

**Assessment of site contamination** - means a set of formal methods for determining the nature, extent and levels of existing contamination and the actual or potential risk to human health or the environment on or off-site resulting from that contamination.

**audit report** - a report containing the key information and the basis of consideration which leads to the issue of a site audit statement.

**category 1 remediation work** - remediation work that needs development consent under SEPP (Resilience and Hazards) 2021 consent.

**category 2 remediation work** - remediation work that does not need development consent under SEPP (Resilience and Hazards) 2021.

**Competent and qualified contamination consultant** -:

Two contaminated land consultation certified schemes have recently merged:

The *Environment Institute of Australia and New Zealand (EIANZ) Certified Environmental Practitioners Scheme (CEnvP) Contaminated Land specialisation* and the *Site Contamination Practitioners Australia (SCPA) scheme* have merged to form a new '[Site Contamination' specialist certification](#) operating under CEnvP..

Council recognises this merged scheme, and continues to recognise the [Soil Science Australia \(SSA\) Certified Professional Soil Scientist Contaminated Site Assessment and Management \(CPSS CSAM\) certification](#) scheme.

**contaminated land** - land in, on or under which any substance is present at 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.

**contamination** - concentration of substances above that naturally present that poses, or is likely to pose, an immediate or long-term risk to human health or the environment.

**development control plan** – provides guidance to the development of land under the applicable Lake Macquarie DCP.

**Environmental Protection Authority (EPA)** – means the Environment Protection Authority constituted by the [Protection of the Environment Administration Act 1991](#).

**guideline** - means a guideline made or approved by the EPA under section 105 and for the time being having effect under that section.

**harm means** - in relation to the contamination of land, harm to human health or some other aspect of the environment (including any direct or indirect alteration of the environment that has the effect of degrading the environment), whether in, on or under the land or elsewhere.

**HIL means** – Health-based investigation level as provided by the *National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013 ASC NEPM)* which recommends a HIL of 300 mg/kg (300ppm) of lead in soil for residential land with a garden or accessible soil.

## Policy - External - Managing contaminated or potentially contaminated land within Lake Macquarie City

---

**independent review** - an evaluation by an independent expert required by a planning authority of any information submitted by a proponent, conducted at the proponent's expense.

**investigation area** - means land declared to be an investigation area by a declaration in force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

**Lead Abatement Strategy (LAS)** – a Strategy approved by the EPA which provides for a cap and cover approach to lead in soil to minimise human contact with the lead contaminant.

**local environmental plan (LEP)** – a council planning instrument which provides zoning and land use requirements throughout the LGA.

**management** - of land or of contamination of land means management in relation to the actual or possible contamination of the land, including investigation into the existence, nature and extent of contamination of the land and remediation of contaminated land.

**management order** - means an order under section 14 (1) under the *Contaminated Land Management Act*.

**National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013 ASC NEPM)** - a Measure made under section 14(1) of the Commonwealth Act and the equivalent provisions of the corresponding Acts of participating States and Territories.

**notification of remediation** - prior notice of a category 2 remediation work given to the council in accordance with SEPP (Resilience and Hazards) 2021.

**ongoing maintenance order** - means an order under section 28 (2) of the *Contaminated Land Management Act*.

**planning authority** - a public authority or other person responsible for exercising a planning function.

**potentially contaminated land** – land that may be contaminated with a concentration of substances above that naturally present that may pose or is likely to pose a potential or actual risk to human health or the environment such as uncontrolled and unidentified fill on land.

**remediation** of contaminated land includes:

- (a) preparing a long-term management plan (if any) for the land, and
- (b) removing, dispersing, destroying, reducing, mitigating or containing the contamination of the land, and
- (c) eliminating or reducing any hazard arising from the contamination of the land (including by preventing the entry of persons or animals on the land).

**significantly contaminated land** - means land described in a notice having effect under section 11 of the *Contaminated Land Management Act 1997*.

**Section 10.7 Planning Certificate** – a planning certificate issued under the *EP&A Act 1979* that provides information to owners and prospective purchases as to any restrictions on 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*.

**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 for what use the land is suitable.

## Policy - External - Managing contaminated or potentially contaminated land within Lake Macquarie City

---

**site history** - a land use history of a site which identifies activities or land uses which may have contaminated the site, establishes the geographical location of particular 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.

**Stage 1 Preliminary Investigation** - an investigation to identify any past or present potentially contaminating activities and to provide a preliminary assessment of any site contamination.

**Stage 2 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.

**Stage 3 Remedial Action Plan** - a plan which sets remediation goals and documents the process to remediate a site.

**Stage 4 Validation and Monitoring** – An investigation to determine whether the objectives for remediation and management of contamination have been achieved.

**voluntary management proposal**—see section 17 (1) of the *Contaminated Land Management Act*.