



November 2008

# Revised guidelines for managing land contamination Invitation to comment

## Background

In 1997, the NSW Government introduced a package of reforms to provide a comprehensive, consistent and whole-of-government approach to the management and remediation of contaminated land. The *Contaminated Land Management Act 1997* (CLM Act) and State Environmental Planning Policy (SEPP) No. 55—Remediation of Land represent complementary parts of that package.

Additionally, the 1998 *Managing Land Contamination: Planning Guidelines*, jointly prepared by the Department of Planning and the then Environment Protection Authority (EPA), were designed to assist planning and consent authorities to undertake their responsibilities under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In 2003 the former Department of Environment and Conservation (previously the EPA) initiated a review of the CLM Act. A parallel review by the Department of Planning of SEPP 55 and the associated planning guidelines has culminated in the current revision to the guidelines.

## What's New

Changes between the 1998 and the proposed 2008 guidelines have been in two main areas: changes in regulatory requirements and clarification of advice.

### Changes in regulatory requirements

The guidelines have been updated to reflect changes in the underlying regulatory framework since 1998. These include:

- the introduction of Part 3A of the EP&A Act and State Environmental Planning Policy (Major Projects) 2005. Clause 11 of SEPP 55 has been repealed. Category 1 remediation work on land which is a remediation site, which would previously have been State Significant Development, is now a Major Project (see Schedule 1, clause 28 of the Major Projects SEPP)

- amendments to the *Contaminated Land Management Act 1997* arising out of the Contaminated Land Management Amendment Bill 2008.

Note: At the time of writing, the Contaminated Land Management Amendment Bill 2008 was still before the Parliament. Details of the changes will be added to the guidelines, once they are finalised.

### **Clarification of advice**

The key changes include:

- the use of accredited site auditors and environmental consultants. Greater emphasis has been placed on the use of suitable qualified environmental consultants in those cases where there is not a statutory requirement to employ an accredited site auditor
- the role of Principal Certifying Authorities (PCAs) and Contaminated Sites Auditors
- further guidance on how to use section 149 certificates to manage contaminated sites
- assessment of the potential for contamination of a site as a result of the contamination of an adjacent land
- further advice on post-remediation site management and the use of Environmental Management Plans.

### **Submission of Comments**

Comments on the updated guidelines are welcomed.

The draft guidelines are available from the Department's website at:

**<http://www.planning.nsw.gov.au/asp/drafts.asp>**

Comments may be sent to:

Fred Fattal, Major Hazards Unit, NSW Department of Planning

Mail: GPO Box 39, Sydney NSW 2001

Phone: (02) 9228 6110

Fax: (02) 9228 6155

Email: [mhu@planning.nsw.gov.au](mailto:mhu@planning.nsw.gov.au)

Comments are invited until **Friday, 30 January 2009**.