

SEPP Review Program

Remediation of Land Planning Reform Package

Frequently asked questions

January 2018

Why is the current Remediation of Land SEPP, and its planning guidelines being reviewed?

Currently SEPP 55 is being reviewed as part of the NSW Government's broader review program that aims to ensure all State Environment Planning Policies, SEPPs, are up-to-date and relevant.

As well the current SEPP 55 and its associated *Managing Contaminated Land Planning Guidelines* have been in place for almost 20 years. Both need to be updated to respond to changes in federal and state legislation and policy, and to reflect new land remediation practices.

What are the benefits of the proposed new SEPP?

The new SEPP aims for the better management of remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works.

For remediation works that can be undertaken without development consent, the mandatory use of certified contaminated land consultants and standard operational requirements, will provide greater certainty for councils, planning authorities and the community, that remediation work is properly carried out and appropriately validated.

Provisions in the new SEPP

It is proposed the [new Remediation of Land SEPP](#) will:

- provide a state-wide planning framework for the remediation of land
- require consent authorities to consider the potential for land to be contaminated when determining development applications
- clearly list the remediation works that require development consent
- introduce certification and operational requirements for remediation works that can be undertaken without development consent.

How will the new SEPP categorise remediation works?

The new SEPP will continue to categorise remediation works into two categories:

- Category 1 remediation works that require development consent
- Category 2 remediation works that can be undertaken without development consent.

How will Category 1 remediation works be managed?

Category 1 remediation works will continue to be assessed and determined by the relevant consent authority.

The new SEPP will include a detailed list of Category 1 remediation works that can only be undertaken with consent. Examples of these works include remediation that involves large scale excavation of contaminated soil or onsite remediation.

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The new SEPP will continue to require that remediation works on environmentally sensitive land or carried out in association with designated development are undertaken only with development consent.

How will Category 2 remediation works be managed?

Operational requirements for category 2 remediation work that can occur without consent will be established to ensure they are carried out safely and with minimal environmental or amenity impacts.

Under the new requirements proponents will need to:

- engage a certified contaminated land consultant to verify the remediation works are Category 2 works
- notify council before work commences
- comply with standard operational requirements such as standard hours of operation
- provide council with a notice of completion, including validation from a certified contaminated land consultant that the remediation has been satisfactorily completed.

Considering contamination when rezoning land

The requirement for a planning authority to consider contamination issues when rezoning land will be given effect through a direction under [section 117 of the Environmental Planning and Assessment Act 1979](#).

Section 117 allows the Minister to give directions to councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft local environmental plans.

How does the current SEPP 55 work?

Currently SEPP 55 provides the assessment framework for the remediation of contaminated land and sets out the remediation works that require development consent.

It also requires councils and other planning authorities to consider the potential for land to be contaminated when making planning decisions such as:

- rezoning land
- determining development applications.

What consultation has taken place during the review?

The Department of Planning and Environment has worked closely with the Environmental Protection Authority during the review of the Remediation of Land SEPP. The department has also undertaken preliminary consultation with selected councils and contaminated land consultants.

How do I comment on the proposed SEPP?

Submissions on the Explanation of Intended Effect for the [proposed Remediation of Land SEPP](#) and draft guidelines close on 31 March 2018.

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Feedback on the Explanation of Intended Effect and draft planning guidelines is welcome until 31 March 2018.

[Make an online submission](#)

Write to:

Director, Housing Approvals and Policy
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

All submissions will be made public in line with the department's objective to promote and open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission.

Please read the [privacy statement](#).

The right to not publish selected submissions, in full or part, is reserved.

What happens next?

At the end of the exhibition period, the department will review submissions, consider all feedback on the proposed changes and prepare a report for the Minister for Planning.

After considering this report, the Minister may decide to make a recommendation to the Governor to make a new Remediation of Land SEPP.

Where can I find out more?

For more information email information@planning.nsw.gov.au or phone 1300 305 695.
Translation assistance is available. Call 131 450.