

Technical Manual

Contaminated Land Management



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City of
Newcastle

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1 Purpose

The purpose of this technical manual is to:

- Supplement CN's Contaminated Land Policy 2024 (the Policy) by providing detailed technical information relating to certain aspects of CN's planning functions;
- Provide a statement of policy to be followed by CN when exercising relevant planning functions in relation to land contamination;
- Provide local context for decision making that is generally consistent with the Contaminated Land Planning Guidelines notified under the Environmental Planning and Assessment Act 1979;
- Assist CN to exercise its functions relating to the development of contaminated land with a reasonable standard of care and diligence;
- Outline requirements for the carrying out of remediation work;
- Outline requirements for the investigation, remediation, validation and reporting on assets to be dedicated to CN; and
- Outline CN's provision of contaminated land information to the community.

2 Scope

This technical manual applies to:

- All CN staff involved in the planning, assessment and management of contaminated land and related information; and
- All development and land within CN's local government area.

Applicable Matters

This technical manual applies when preparing or determining a:

- Development Application (including modification) or an activity under Part 5 of the Environmental Planning and Assessment Act 1979;
- Local Environmental Plan;
- Development Control Plan; or
- Plan of Management for Community Land.

This technical manual also applies to:

- The carrying out of remediation works as defined in the relevant SEPP (State Environmental Planning Policy (Resilience and Hazards) 2021); and
- The recording and keeping of information relating to land contamination, and the furnishing of such information to the public, such as by the issue of Planning Certificates under section 10.7 of the EP&A Act.

SEPP (Resilience and Hazards) Remediation of Land

This technical manual specifies requirements in respect of 'Category 2 Remediation Work', as provided for under section 4.8(f) of State Environmental Planning Policy (Resilience and Hazards) 2021.

Category 2 Remediation Work does not require CN development consent however it is required to comply with the requirements of this technical manual.

3 Site Investigation Requirements

Reporting Requirements

The applicant is responsible for commissioning and paying for the site investigation process and submission of reports to CN, inclusive of any required revisions.

Contaminated land reports for any of these stages are to be prepared or reviewed and approved by an appropriately qualified and certified Environmental Consultant. The certification schemes recognised by NSW EPA and CN are:

- Environment Institute of Australia and New Zealand's (EIANZ) Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP) scheme;
- Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.

Reports submitted to CN must:

- Be a stand-alone document which clearly corresponds to a specific stage and meets the checklist elements in the NSW Government consultant guidelines for reporting on contaminated land;
- Be given a title which is consistent with the appropriate report stage e.g. 'Preliminary site investigation', 'Detailed site investigation' or 'Remedial action plan';
- Must not contain disclaimers or document password protection which prevent their use by CN for assessment purposes;
Be a final version (draft documents will not be accepted); and
- Be submitted as a single, electronic PDF document.

Site Audit Statements

CN may require the applicant to engage a Site Auditor and submit appropriate advice, when one or more of the following circumstances prevail:

- CN is of the view that the information provided by the applicant is or may be incorrect or incomplete; or
- CN seeks to verify that the information provided by the applicant adheres to appropriate standards, procedures and guidelines; or
- The contamination and/or remediation issues are complex and/or CN requires additional certainty that a site can be made suitable for a particular use(s) if remediated in accordance with a remediation plan.

The applicant is responsible for commissioning and paying for the site audit statement.

4 Dedication of Assets to CN

Site Investigation Requirements

Where an asset is to be dedicated to CN, a preliminary contamination investigation of the land by a suitably qualified environmental consultant is required to be submitted to CN for review.

If, after consideration of a preliminary contamination investigation of the land, there is nothing to suggest that the asset to be dedicated may be contaminated, or that further enquiry is warranted, further reference to this Policy is not required.

However, if after consideration of a preliminary contamination investigation of the land, there are indications that the land is contaminated, or that further enquiry is required, a

site investigation process in accordance with this Policy and the Contaminated Land Planning Guidelines is to be carried out.

Acceptable Soil Contaminations Levels

Unless otherwise justified and agreed to by CN, it must be demonstrated that an asset proposed to be dedicated to CN:

- Is not contaminated above the National Environmental Protection (Assessment of Site Contamination) Measure (NEPM) Health Investigation Level (HIL) and criteria outlined in Table 1 below;
and
- Has soil concentration levels that meets the general solid waste (non-putrescible) criteria as defined in NSW Government waste classification guidelines;
and
- Concentrations of contaminants that are above the investigation and screen levels and management limits stipulated in NSW Government contaminated land guidelines for the range of land uses permissible on the subject site.

Asset	NEPM Health Investigation Level (HIL)	Waste classification
Soil under roads	HIL 'F' (Commercial/Industrial)	General solid waste
Open space & footpath areas	HIL 'E' (Parks, recreational open space)	General solid waste
Other assets	Use appropriate HIL for most sensitive land use permissible under the zoning	General solid waste

Table 1 - Acceptable contamination and waste classification criteria for assets proposed to be dedicated to CN.

Investigation and Sampling of Road Areas

For the detailed investigation of road areas proposed to be dedicated to CN, the road must be regarded as a separate parcel of land for the purposes of the sampling design. Accordingly, an appropriate number of samples must be taken within the actual parcel of land to be dedicated to CN in order to adequately investigate/delineate contamination.

At a minimum, soil samples should be taken at 3 depths per sampling location to define the possible vertical extent of contamination including one surface sample and one at the depth of the lowest possible service.

The above is to be considered a minimum requirement and further samples may be required to adequately categorise contamination in accordance with NSW State Government approved sampling guidelines.

Remediation Standards for Public Assets

If remediation is required, public assets must be remediated to the standard specified above. Roads must be remediated to the depth of the lowest service at a minimum.

Open space areas and footpaths are to be remediated in such a way that future maintenance activities such as the accessing of services, tree planting, and landscaping, are not impacted by contamination.

If remediation of public assets cannot be achieved to CN's standards outlined in this Policy, CN may not accept dedication of the asset and other alternatives such as placing the asset under community title in accordance with the Local Government Act 1993 and the Community Land Management Act 2021 may be required.

Site Audit Statements

Should contamination of soil or groundwater remain at the site after remediation, or if CN believes it is otherwise necessary, then a site audit statement prepared by a NSW accredited site auditor may be required to be provided to CN for consideration prior to acceptance of the asset. The site audit would specifically address the portion of land to be dedicated to CN and state that it is suitable for its intended land use to the standards specified in Table 1.

Environmental Management Plan

Where an asset is to be dedicated to CN and contamination that exceeds the appropriate land use criteria has been identified in soil or groundwater following remediation, an Environmental Management Plan is to be prepared to the satisfaction of CN (and the Site Auditor where appropriate). The Plan is required to be submitted to CN and approved prior to dedication of the asset.

Ongoing Management Requirements

CN will not accept any active and ongoing contamination management requirements for a public asset unless it is demonstrated, and agreed by CN, that the standard outlined in this Policy will not be compromised.

5 Remediation Work

Category 1 Remediation Work

Category 1 remediation work:

- Is a special category of remediation work defined in the relevant SEPP.
- May only be carried out with development consent.
- Includes works that are carried out in a manner that is not consistent with the Policy and Technical manual.

For the purpose of the Policy and technical manual, Category 1 remediation works includes works which would require the implementation of an Environmental Management Plan (EMP) for long term management of contamination. For example, remediation works to cap and/or contain contaminated soil on the site would require long term management and the preparation of an EMP.

Category 2 Remediation Work

Category 2 remediation work is any remediation work that is not defined as Category 1 remediation work under the relevant SEPP.

Under the relevant SEPP, Category 2 remediation work may be carried out without development consent. However, if remediation work is carried out in a manner that does not comply with this Policy adopted under the Contaminated Land Planning Guidelines, such work is then classified as Category 1 remediation work.

Additional requirements (site management provisions) are specified in this Manual to ensure that Category 2 remediation works will not have an adverse impact on the environment or public amenity within the Newcastle LGA.

Category 2 Notification Requirements

In addition to the prior notice requirements outlined by the relevant SEPP, this Policy also requires the following information to be submitted to CN at least 14 days prior to the commencement of Category 2 remediation works:

- Copies of any associated Preliminary Investigation, Detailed Investigation and Remedial Action Plan for the subject site; and
- Contact details for the remediation contractor and party responsible for ensuring compliance of remediation work with all relevant regulatory requirements (if different to remediation contractor).

Following validation of completed remediation works, a Notice of Completion is to be submitted to CN in accordance with the relevant SEPP requirements. Failure to submit this information may negatively affect future development proposals for the subject land.

It is recommended that comprehensive records are maintained during the remediation and validation works for all sites.

Requirements for category 2 remediation work (site management provisions)

Category 2 remediation work must be carried out in accordance with the following required site management provisions. These provisions have been formulated to ensure that category 2 remediation work does not adversely impact on the environment or public amenity.

Note: These site management provisions have been adapted from the SSROC (1999) Model Policy on Contaminated Land, HJO (Jan 2020 MODEL Regional Contaminated Land Policy and DPE NSW (Jan 2018) Remediation of Land SEPP EIE.

All category 2 remediation works must be conducted in accordance with the site management provisions listed in this section. Category 2 remediation work that does not comply with the site management provisions outlined in this section will be classified as category 1 remediation work and will require development consent.

Development applications lodged for category 1 remediation works should identify any areas of non-compliance with the site management provisions listed below and identify any alternative site management measures to be implemented.

Note: It is the responsibility of those remediating a site to ensure compliance with all relevant environmental legislation and regulations. Compliance with the site management provisions outlined below does not imply that all relevant environmental legislation and regulations have been complied with. Non-compliance with relevant environmental legislation and regulations such as the Protection of the Environment Operations Act 1997 may incur on-the-spot fines for minor offences or more substantial fines and imprisonment for more serious offences.

Hours of Operation

All remediation work which is audible on residential premises must be conducted within the following hours:

- Monday - Friday 7am - 6pm
- Saturday 8am - 1pm

No work is permitted on Sundays or Public Holidays.

Soil and Water Management

All remediation works must be conducted in accordance with a Soil and Water Management Plan.

Appropriate State Government sediment and erosion guidelines must be implemented. The Managing Urban Stormwater: Soils and Construction 4th Edition – Vol. 1 (the 'Blue Book') published by Landcom, 2004 outlines CN's requirement for the preparation of a soil and water management plan.

The soil and water management measures for category 2 remediation work include stockpiles, bunding, excavation pump-out, landscaping/ rehabilitation and site access.

Appropriate erosion and sediment measures must be installed before commencement of remediation and appropriately maintained throughout the remediation works.

A copy of the plan is to be kept on-site and made available to CN Officers on request.

Stockpiles

All stockpiles of soil or other materials:

- Must not be placed on footpaths or nature strips unless prior CN approval has been obtained
- Must be placed away from drainage lines, gutters or stormwater pits or inlets
- Likely to generate dust or odours must be covered

All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours. (A secure area is addressed by the requirement for **Site Security** below.)

If landfarming techniques are being employed, alternative control measures and contingencies must be put in place to address the potential for odour and dust impacting off-site.

Bunding

All landfarming areas for hydrocarbon contaminated soils are to be banded to contain surface water runoff from the land farm areas and to prevent the leaching of hydrocarbons into the subsurface. All surface water discharges from the banded areas to CN's stormwater system must comply with relevant NSW State Government endorsed standards and guidelines for water quality as applicable to the contaminants and the receiving waters

Site Access

Vehicle access to the site must be stabilised to prevent the tracking of sediment onto the roads and footpath. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shovelling, or a means other than washing, on a daily basis or as required. Soil washings from wheels must be collected and disposed of in a manner that does not pollute waters.

Excavation Pump-out

All excavation pump-out water must also be analysed for suspended solid concentrations, pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant NSW State Government endorsed standards and guidelines for water quality as applicable to the contaminants and the receiving waters. Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from the Hunter Water Corporation, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Landscaping/Rehabilitation

All exposed areas must be progressively stabilised and/or revegetated to prevent dust and erosion on the completion of remediation works.

Protection of Trees

Trees on the site must not be removed, lopped or otherwise trimmed without the prior approval of CN.

Trees to be retained on the site must be protected from damage to their foliage and root systems. Suitable measures may include erecting fences or barriers to keep earthmoving equipment and heavy vehicles well clear of trees.

Building and Demolition Work

Development consent may be required from CN for any associated building or demolition work.

Noise

Category 2 remediation work must comply with appropriate NSW State Government construction noise guidelines.

All equipment and machinery must be operated in an efficient manner to minimise the emission of noise.

Vibration

The use of any plant and/or machinery must not cause vibrations in excess of the relevant NSW State Government guidelines and Australian Standards, on any premises.

Dust Control

Dust emissions must be confined within the site boundary. The following dust control procedures must be employed to comply with this requirement:

- Erection of dust screens around the perimeter of the site
- Securely covering all loads entering or exiting the site
- Use of water sprays across the site to suppress dust
- Covering of all stockpiles of contaminated soil remaining more than 24 hours
- Keeping excavation surfaces moist.

Asbestos

Works involving the potential disturbance of asbestos containing materials must be carried out in strict accordance with SafeWork NSW requirements.

Site Security

The site must be secured to prevent unauthorised access by means of an appropriate fence.

Odour Control

No offensive odours must be detected at any boundary of the site during remediation works by an authorised CN Officer relying solely on sense of smell. The following procedures may be employed to comply with this requirement:

- Use of appropriate covering techniques such as the use of plastic sheeting to cover excavation faces or stockpiles
- Use of fine mist sprays
- Use of a hydrocarbon mitigating agent on the impacted areas/materials
- Adequate maintenance of equipment and machinery to minimise exhaust emissions.

Regular odour surveys should be undertaken (when remediation works are likely to create odorous emissions) at the boundary of the site to check for offensive odours and to ensure proactive action is taken whenever required.

Groundwater

Any contamination assessment should address the potential for contamination of groundwater at the site to have occurred. Any work below the water table requires a licence from the NSW State Government under Part 5 of the Water Act 1912, and the Water Management Act 2000. These works include bores for water supply, testing and monitoring, and any extraction. If groundwater at the site is found to be contaminated then the appropriate NSW State Government agency is to be notified. Any remedial actions proposed for the site to remediate

contaminated groundwater should consider monitoring provisions and the NSW State Government groundwater policies.

Copies of all Groundwater Investigations (Preliminary and Detailed) and the Remedial Action Plan for the site are to be submitted to the appropriate NSW State Government department 14 days prior to the commencement of works.

Groundwater must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant NSW State Government guidelines and standards for water quality.

Other options for the disposal of groundwater include disposal to sewer with prior approval from the Hunter Water Corporation, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Excavation and Backfilling Work

All excavation and backfilling work must be carried out by competent in accordance with the requirements of the relevant NSW State Government agencies, including the publication titled NSW Government Code of Practice Excavation Work (January 2020).

If it is necessary to excavate adjacent to an adjoining building or structure, and the excavation work may damage or impair the stability of the building or structure, the person proposing to carry out the work must:

- Take all necessary precautions to protect the building or structure from damage, including any shoring or underpinning where appropriate
- Provide details of the proposed work to the adjoining owner at least seven (7) days before the works commence.

Burning of Materials

No materials are to be burned on site.

Notification of Adjacent Owners and Occupiers

The occupiers of all adjacent premises (including across the road from the site) must be notified of the proposed remediation works at least two days prior to the commencement of any work.

Transport

All haulage routes for trucks transporting soil, materials, equipment or machinery to and from the site must be selected to meet the following objectives:

- Comply with all road traffic rules
- Minimise noise, vibration and odour to adjacent premises
- Utilise State Roads and minimise use of local roads.
- Conduct deliveries of soil, materials, equipment or machinery during the hours of remediation work identified above under Hours of Operation
- Securely cover all loads to prevent any dust or odour emissions during transportation
- Do not track soil, mud or sediment onto the road.

The principal remediation contractor must develop a Transport Management Plan to comply with the above requirements. The Plan is to be held on site and is to be made available to an authorized officer of CN on request.

Hazardous Materials

Hazardous and/or liquid wastes arising from the remediation work must be removed, stored and disposed of in accordance with the requirements of the relevant NSW State Government agencies, together with the relevant legislation including:

- Protection of the Environment Operations Act 1997 and Regulations
- Work Health and Safety Act 2011 and Regulations.

Documentary evidence verifying that all wastes have been classified and disposed of appropriately must be included in the Monitoring and Validation report for the site.

Disposal of Contaminated Soil

The disposal of contaminated soil must have regard to the provision of both the Protection of the Environment Operations Act 1997 and Regulations and relevant state agency waste guidelines.

Any queries associated with the off-site disposal of waste from a contaminated site should be referred to the appropriate NSW state government agency. If contaminated soil or other waste is transported to a site unlawfully, the owner of the waste and the transporter are both guilty of an offence.

Importation of Fill

Fill material must be validated (at its source if practicable), prior to being imported onto the site. The validation must indicate that the material is free of contaminants (i.e. comprises Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM)) or as otherwise approved by the NSW EPA, or the relevant resource recovery exemptions and orders. Fill imported on to the site should also be compatible with the existing soil characteristic for site drainage purposes.

Fill material may be validated by one or both of the following methods:

- The fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material or the known past history of the site where the material is obtained
- The fill should be sampled and analysed in accordance with the relevant EPA Guidelines, to ensure that the material is not contaminated.

Documentary evidence verifying that any fill material has been appropriately validated must be included in the Validation Report for the Site.

Site Signage and Contact Numbers

A sign displaying the contact details of the remediation contractor (and site manager if different to remediation contractor) must be displayed on the site adjacent to the site access, including a contact phone number that will be answered 24 hours a day, 7 days a week. This sign must be clearly legible from the street and be displayed for the duration of the remediation works.

Removal of Underground Storage Tanks

The removal of underground storage tanks must be undertaken in accordance with the requirements of all relevant NSW State Government Agencies including SafeWork NSW. The tank removal must be conducted in accordance with all relevant standards, guidelines, codes of practice and legislation including the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008.

Containment/Capping of Contaminated Soil\Groundwater (involving long term EMP)

Remediation works which would require the implementation of an Environmental Management Plan (EMP) for long term management of contamination are not permitted as Category 2

remediation works. Remediation works of this kind are considered to be Category 1 works under the Policy and include:

- Remediation works where contaminated soil or groundwater is to be contained, encapsulated or capped on the site and the concentrations of contaminants are above the investigation and/or screening levels/management limits stipulated in NSW Government contaminated land guidelines for the range of land uses permissible on the subject site.
- A site zoned commercial/industrial with a remediation plan to encapsulate or cap soil containing concentrations of contaminants above the National Environmental Protection (Assessment of Site Contamination) Measure (NEPM) for commercial or industrial health investigation levels.

Note: Approval to contain or cap contaminated soil or groundwater on a site (with a proposed long term EMP) can be sought through a development application to CN (category 1 remediation).

Toilet Facilities

Before site work and/or demolition work commences, toilet facilities are to be available or provided at the work site and maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet is to:

- Be a standard flushing toilet connected to a public sewer; or
- Have an on-site effluent disposal system approved under the Local Government Act 1993; or
- Be a temporary chemical closet approved under the Local Government Act 1993.

Archaeology Discovered During Excavation

If any object of interest due to its age or association with the past is uncovered during the course of the work:

- All work must stop immediately in that area; and
- The Office of Environment and Heritage must be advised of the discovery.

Note: Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1977 may be required before further work can continue.

Aboriginal Objects Discovered During Excavation

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- All excavation or disturbance of the area must stop immediately; and
- The person making the discovery must advise the Chief Executive (within the meaning of the National Parks and Wildlife Act 1974) of the discovery in accordance with section 89A of that Act.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

6 Information Management

Supply of information

Information about land contamination held within CN's records is to be supplied to the public only by the following means:

- By issuing Planning Certificates (upon application by any person, and subject to payment of the prescribed fee)
- By providing access to documents in accordance with the Government Information (Public Access) Act 2009 (GIPA Act).
 - Site investigation reports (including preliminary investigation reports, detailed

investigation reports, remedial action plans, validation and site monitoring reports) or any other contamination assessment reports prepared by consultants

- Site audit reports
- Site audit statements.

Planning Certificates - Prescribed Information

CN provides information on planning certificates under section 10.7(2) of the EP&A Act, as prescribed by Item 10 - Schedule 2 of the Environmental Planning and Assessment Regulation 2021 and section 59(2) of the Contaminated Land Management Act 1997.

Planning Certificates are to include the following prescribed information:

- Whether any of the land is affected by an adopted policy that restricts the development of the land because of the likelihood of contamination.

Planning Certificates are also to include the following statements to the extent that the information has been provided to CN by the NSW State Government at the date the Certificate is issued:

- The land is significantly contaminated land - if the land (or part of the land) is significantly contaminated.
- The land is subject to a management order - if it is subject to such an order.
- The land is the subject of an approved voluntary management proposal - if it is the subject of such an approved proposal.
- The land is the subject to an ongoing maintenance order - if it is subject to such an order.
- The land is the subject of a site audit statement - if a copy of such a statement has been provided at any time to CN.

Planning Certificates - Additional Information

CN also provides additional information on planning certificates, where an applicant has requested (and paid for) this additional information under section 10.7(5) of the EP&A Act.

CN is to disclose factual information relevant to contamination such as land history, assessment, testing and remediation.

The contamination information provided within the 10.7(5) certificate may include:

- A site investigation report, site audit report, or any other contamination assessment report relates to the land - if that information is held by CN at the date the certificate is issued.
- Details of the author, title and date of a contamination report.
- A statement that any person relying on the certificate is advised to examine and consider the contents of each report.
- Whether CN is in possession of records evidencing that a potentially contaminating activity may have been conducted on the land.
- Whether CN has identified that the land may be affected by soil or groundwater contaminant migration originating from nearby land.
- A Notice of Completion for remediation works under the relevant SEPP has been received by CN and relates to the land - if such notice has been received by CN at the date the Certificate is issued. The information is to include details of the date, subject matter and informant.

Where contaminated land records are provided within a 10.7(5) certificate, CN will include a statement that any person relying on the certificate is advised to make their own investigations as to whether the land is affected by elevated concentrations of soil or groundwater contaminants.

7 Definitions

Applicant

A person or body seeking to carry out development on land.

Category 1 Remediation Work

Remediation work that requires development consent under the relevant SEPP. Category 1 remediation work is defined in the relevant SEPP.

Category 2 Remediation Work

Remediation work that does not need development consent under the relevant SEPP. Category 2 remediation work is all other work not defined as Category 1 in the relevant SEPP.

Note: This Policy contains specific requirements relating to when category 2 remediation works are defined as category 1 remediation works as provided for under section 4.8(f) in the SEPP (Resilience & Hazards) 2021.

Community Land

Land that is classified as community land under the Local Government Act 1993. Community land is a public asset owned and/or managed by CN and is required to be used and managed in accordance with a plan of management.

Contaminated Land

Contaminated land is defined within the Contaminated Land Management Act 1997.

Contamination of land, for the purposes of this Act, means the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.

The definition in this Act contains further clarification.

Contaminated Land Planning Guidelines

Guidelines listed under section 105 in the Contaminated Land Management Act 1997 and notified under Schedule 6 in the Environmental Planning and Assessment Act 1979.

This Policy has been prepared in accordance with these Guidelines, or whichever is in force at the time of adoption.

CN

City of Newcastle, the trading name of Newcastle City Council.

Detailed investigation

An investigation to define the extent and level of contamination, to assess potential risk posed by contaminants to human health and the environment, and to obtain sufficient information for the development of a remedial action plan if required.

Reporting requirements for a detailed investigation are outlined in NSW EPA statutory contamination guidelines.

Development

Development is defined in the Environmental Planning and Assessment Act 1979.

Environmental Management Plan (EMP)

An EMP, means a plan which addresses the integration of environmental mitigation and monitoring measures for soil, groundwater and/or hazardous ground gases throughout an existing or proposed land use. The contents of an EMP are set out in the NSW EPA Contaminated Land Guidelines - Consultants reporting on contaminated land.

Planning Certificate

A certificate issued under section 10.7 in the Environmental Planning and Assessment Act 1979, providing information about planning and other matters relating to a specified parcel of land.

Planning Certificates are of two types:

- A 'basic certificate' containing the matters prescribed under Section 10.7(2) [that is, the matters referred to in Schedule 2 of the Environmental Planning and Assessment Regulation 2021 and Section 59(2) of the Contaminated Land Management Act 1997]
- A 'full certificate' containing additional information provided under Section 10.7(5) as well as the matters referred to above.
- Under the Conveyancing (Sale of Land) Regulation 2022 (Schedule 1), only a 'basic certificate' containing the matters prescribed under Section 10.7(2) must be attached by the vendor to any contract for the sale of land.

Preliminary Investigation

Preliminary investigation is defined in section 4.3 in the relevant SEPP and refers the reader to the Contaminated Land Planning Guidelines.

Reporting requirements for a preliminary investigation are outlined in NSW EPA statutory contamination guidelines.

Relevant SEPP

The State Environmental Planning Policy (SEPP) that is relevant to the assessment of contaminated land. At the time of adoption of this Policy, the relevant SEPP is identified as State Environmental Planning Policy (Resilience and Hazards) 2021.

Remedial Action Plan

A plan which sets remediation goals and documents the process by which it is proposed to remediate a site. Reporting requirements for a remedial action plan are outlined in NSW EPA statutory contamination guidelines.

Remediation

Remediation is defined in section 4.3 in the relevant SEPP.

Site audit

Site audit is defined in the Contaminated Land Management Act 1997. A site audit is undertaken by an independent site auditor with accreditation under the Act.

Site Audit report

A report prepared by a site auditor containing key information and considerations concerning the conduct and findings of a site audit.

Site Audit Statement

A written statement by a site auditor that summarises the findings of a site audit. Site audit statements are prepared according to a standardised format prescribed by NSW EPA statutory contamination guidelines.

Site Auditor

A person accredited under the Contaminated Land Management Act 1997 as a site auditor.

Site Investigation Process

The process of investigating land that is or may be contaminated. The purpose of the site investigation is to provide CN with sufficient information for it to make an informed decision as to whether it should authorise a proposed change of use of land. A site investigation may include up to four stages:

Stage 1—Preliminary investigation

Stage 2—Detailed investigation

Stage 3—Remedial action plan

Stage 4—Validation and site monitoring.

Site Investigation Report

Includes one or more of the following;

- a preliminary investigation report,
- detailed investigation report,
- remedial action plan;
- and
- validation and site monitoring report.

Validation and Site Monitoring

The process of determining whether the objectives for remediation and any conditions of development consent have been achieved. Reporting requirements for validation and site monitoring are outlined in NSW EPA statutory contamination guidelines.