

COFFS HARBOUR DEVELOPMENT CONTROL PLAN 2013

COMPONENT D2 CONTAMINATED LAND MANAGEMENT

Applies to

All land in the Coffs Harbour local government area.

Note that Local Environmental Plan 2013 has been deferred in some locations of the Local Government Area. This Development Control Plan does not apply to those deferred locations.

Date adopted by Council

8 August 2013

Effective Date

2 October 2013

Amendments

Nil

Disclaimer

The hyperlinks to various State or Federal Government legislation have been included in this Development Control Plan in good faith and were current at the time that this document was prepared.

Applicants, landowners and any person(s) using the hyperlinks should ensure that the relevant legislation or policy is the most up-to-date version. This information may be obtained from the relevant government authority administering the legislation.

This Component provides the relevant requirements for the management of land contamination in the Coffs Harbour Local Government Area.

D2.1 CONTAMINATED LAND MANAGEMENT

Council must consider whether land is contaminated when assessing a development application.

If the land is contaminated, Council must be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. If the land requires remediation (to be made suitable for any purpose for which the development is proposed to be carried out), Council must be satisfied that the land will be so remediated before the land is used for that purpose.

This component provides details of the information to be supplied to Council during the development application process.

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D2.1.1 Objectives

1. To ensure that the likelihood of land contamination is considered as early as possible in the planning and development process.
2. To ensure that changes in land use will not increase the risk to health or the environment.
3. To ensure that site investigations and remediation works are carried out in a satisfactory manner, and where appropriate, are independently verified by site audits.

D2.1.2 Controls

a) General

- i) Development of land that is suspected to be potentially contaminated is to be undertaken in accordance with Coffs Harbour City Council's [Contaminated Land Management Policy](#). Specific requirements for development applications are outlined in (b)-(e) below:

b) Preliminary Site Contamination Investigation

- i) Council will require a preliminary investigation (referred to as an Initial Site Investigation in s.2 NSW EPA Guidelines for Assessing Banana Plantation Sites, 1997) be submitted with development applications for subdivision and/or residential accommodation where past and/or present banana growing land is identified on all or part of the land.

Note: Council will conduct an initial evaluation as part of the development assessment process to determine whether contamination is an issue, and whether sufficient information is available for Council to carry out its planning functions in good faith.

The initial evaluation will be based on readily available factual information provided by the applicant and information available to Council such as previous investigations about contamination on the land, previous zoning and uses of the subject land, and restrictions relating to possible contamination such as notices issued by the NSW Environment Protection Authority (EPA).

An initial evaluation must be carried out regardless of the nature of the proposed use or any current use. The onus is on the proponent to ensure that the information included in any planning proposal/development application is sufficient to enable Council to make a decision.

- ii) Where contaminating activities are suspected to have or have had the potential to impact upon land proposed to be developed, sampling and analysis is likely to be required to confirm and support any conclusion reached from the site history appraisal.

Note: Refer to the draft Contaminated Land Management Policy, especially Section 7, with regard to Councils Records and Community Information.

- iii) The preliminary site contamination investigation shall be carried out in accordance with the requirements of the relevant Guidelines made or approved by the NSW EPA in accordance with the Contaminated Land Management (CLM) Act. The proponent is responsible for engaging a suitably qualified consultant to undertake the preliminary site contamination investigation. In addition, the proponent is responsible for all costs borne in engaging the consultant (and site auditor, if requested by Council).

Note: If Council is satisfied that the preliminary site contamination investigation justifiably concludes that the site is suitable for the proposed use, then Council will not require any further investigations to be conducted.

c) Detailed Site Contamination Investigation Requirements

- i) Council will require a detailed site investigation to be undertaken when the results of the preliminary investigation demonstrate the potential for, or existence of, contamination which may render the proposed use of the land unsuitable; or where Council is not satisfied with the content or completeness of the Stage 1 investigation. In some cases Stage 1 and Stage 2 investigations may be combined where the land is known to contain or has contained a potentially contaminating activity.
- ii) The detailed site contamination investigation shall be carried out in accordance with the requirements of the relevant Guidelines made or approved by NSW EPA in accordance with the CLM Act. The proponent is responsible for engaging a suitably qualified consultant to undertake the investigation, and for all costs borne in this engagement.
- iii) The detailed site contamination investigation should include a statement which describes whether the site is suitable for the proposed use, or if remediation is necessary to make the site suitable for the proposed use. If remediation is required, the report is to list the feasible remediation options available to remediate the site.

d) Remedial Action Plan (RAP) Requirements

- i) Council will require the submission of a RAP if the detailed investigation concludes that the land is not suitable for the proposed use in its present state. Prior to determining the development application, Council must be satisfied that remedial measures have been, or will be, undertaken in accordance with the submitted RAP to make the site suitable for its proposed use. The RAP shall be prepared in accordance with the requirements of the relevant Guidelines made or approved by NSW EPA in accordance with the CLM Act.

e) Validation and Monitoring Report Requirements

- i) Council will require a validation and monitoring report to be submitted after remediation works have been completed, and prior to the commencement of any construction works.