

USING THE STANDARD REMEDIAL ACTION PLAN

Fact Sheet

The Standard Remedial Action Plan (Standard RAP) has been prepared by Council to simplify the development application (DA) process for development on residential land impacted by legacy contamination from the former Pasminco Cockle Creek smelter.

The Standard RAP streamlines the process for residential land contaminated by the smelter, reducing costs and allowing increased flexibility for the applicant.

You can find a copy of the Standard RAP [here](#).

WHAT IS THE STANDARD RAP?

The Standard RAP is a free template remediation plan that outlines how a property impacted by legacy contamination from the Pasminco Cockle Creek smelter can be remediated during development. It replaces the need for applicants to engage a contaminated land consultant to prepare a Detailed Site Investigation (DSI) and site-specific remediation action plan.

WHO CAN USE THE STANDARD RAP?

The Standard RAP applies to:

1. Residential properties in the Lead Abatement Strategy area (Figure 1) that have been contaminated by lead oxide fallout
2. Residential properties in Lake Macquarie that have been contaminated by black slag

WHY DOES COUNCIL REQUIRE REMEDIATION?

When assessing a development application, Council is required by **State planning laws** to consider whether the property is contaminated. If a property is contaminated, Council must ensure the property is suitable for its intended use, or that it will be made suitable by remediation.

HOW DO I KNOW IF I NEED TO REMEDIATE MY PROPERTY?

Council maintains a database of contaminated properties in Lake Macquarie. All properties in the Lead Abatement Strategy area are assigned one of the following 'contamination notations' according to the information held in Council records:

Notation 1	Contaminated land
Notation 2	Potentially contaminated land
Notation 3	Remediated and above contaminated land threshold
Notation 4	Remediated and below contaminated land threshold
Notation 5	Below contaminated land threshold

Contamination notations are shown on each property's **Section 10.7 Planning Certificate**.



Figure 1 - the Lead Abatement Strategy area

Properties with **Notation 1 or 3** have contamination levels that are confirmed to be above the contaminated land threshold, and therefore remediation will be required during development.

Properties with **Notation 2** are assumed to be contaminated until testing shows otherwise. Further consideration of contamination will be required during development.

Properties with **Notation 4 or 5** have contamination levels below the contaminated land investigation threshold, and are not required to consider contamination during development.

You can use **Council's Property Enquiry Tool** to view conditions that apply to a property, including the contamination notation. Contamination notations are listed under the "Minor Conditions" heading.

For properties with Notation 1 or 3 in the Lead Abatement Strategy area, you can choose to use the Standard RAP or use the standard assessment process outlined in "Developing on contaminated land in Lake Macquarie".

For properties with Notation 2, you can either opt to assume the property is contaminated and use the Standard RAP, or carry out a Detailed Site Investigation (DSI).

DETAILED SITE INVESTIGATION

While the standard requirements for a Detailed Site Investigation (DSI) can be extensive, if the property is within the Lead Abatement Strategy area, a detailed site history will not be required, as the contamination source is well understood. The contaminated land consultant preparing the DSI will still need to include testing for heavy metals and a land use suitability statement.

If a DSI shows contamination levels below the investigation thresholds, and the land is suitable for its intended use, remediation will not be required and the contamination notation for the property will be updated by Council.

HOW DO I USE THE STANDARD RAP?

When submitting a development application to Council, you need to indicate in your application that you plan to use the Standard RAP to remediate the property. If the development is approved, a condition of consent will be included requiring the remediation works to be carried out during construction. An additional condition of consent will require the Validation Report and Long Term Environmental Management Plan to be completed prior to the issue of the occupation certificate.

The key steps to using the Standard RAP are as follows:

Define the site

The applicant needs to define the site to be remediated. This can be either the entire residential property, or the portion of the property to be developed.

This gives the applicant some choice over how much of the site they wish to be remediate.

Note, where a lot is proposed to be subdivided the 'site' is the whole of the newly formed lot(s).

For example, if a development application is submitted to add one bedroom to an existing property, the applicant can choose to remediate only the footprint of the additional bedroom, or they can choose to remediate the whole site.

It should be noted that where the site is defined as a portion of the lot and contamination on the remainder of the lot is not being addressed, the contamination status of the property will not change.

Choose your remediation method

The Standard RAP provides three options for remediation:

1. Excavation and off-site disposal of contaminated soil at a waste facility
2. Capping of contaminated soil under a concrete slab or permanent hardstand paving, and implementation of a Long Term Environmental Management Plan
3. A combination of the above two

A detailed method for each remediation option is provided in Section 9 of the Standard RAP.

Validation Reporting

Prior to an Occupation Certificate being issued, a Validation Report will need to be submitted to Council showing the remediation works have been completed in accordance with the Standard RAP.

The Validation Report must be completed by a **suitably qualified contaminated land consultant**. Council suggests contacting a consultant prior to starting works to discuss the reporting requirements.

DOES USING THE STANDARD RAP CHANGE MY PROPERTY'S CONTAMINATION STATUS?

Remediating your property using the Standard RAP may result in a change to your property's contamination status. Any change will be determined by your property's contamination notation and the remediation option you choose. See the following examples.

Example 1: Your property has Notation 1 – Contaminated land, and you opt to remediate the entire lot by removing all contaminated soil and disposing of it off-site. Following the completion of the work and submission of a Validation Report, Council would change the property's contamination status to Notation 4 – Remediated and below threshold. This would mean no further development restrictions apply to the property in relation to contamination.

Example 2: Your property has Notation 3 – Remediated and above contamination investigation threshold, and you have submitted a development application to build an additional bedroom. You opt to remediate only the footprint of the new bedroom by capping the contaminated material on-site beneath the new slab. While this area of the lot has been remediated, the remainder of the lot has not. Therefore, the contamination status of the property has not changed and the contamination notation will remain Notation 3. If the owner submits a development application in future, contamination will still need to be addressed.

MORE INFORMATION

Lead Mitigation Grants Program

The NSW EPA and Council provide financial assistance to residents living in the LAS area who are impacted by contamination, via the Lead Mitigation Grants Program.

Useful Links

LMCC Standard Remedial Action Plan

[Living Safely with Lead factsheet](#)

[Developing on Contaminated Land in lake Macquarie factsheet](#)

[Procedure for Acceptance of Lead Contaminated Soil at the Awaba Waste Management Facility](#)

NSW EPA – **Engaging a Consultant**

State Environmental Planning Policy (Resilience and Hazards) 2021 - NSW Legislation

Managing Contaminated Land Planning Guidelines

NEED FURTHER ASSISTANCE?

 4921 0333 @ COUNCIL@LAKEMAC.NSW.GOV.AU