

Lake Macquarie has a long industrial past, including activities like coal mining, lead smelting, energy production and operation of a RAAF air base at Rathmines. These activities and other industrial uses have resulted in the contamination of a number of sites across the city.

When developing on contaminated land, some additional requirements apply. It is important to understand how you may be impacted.

Please note, if you are planning to develop on a residential property that is impacted by lead contamination or black slag from the former Pasmenco Smelter, please see our factsheet 'Using the Standard Remedial Action Plan'.

## WHY DOES COUNCIL REQUIRE REMEDIATION?

When assessing a development application, Council is required by **State planning legislation State Environmental Planning Policy (Resilience and Hazards) 2021** - NSW Legislation to consider whether the property is contaminated. If the property is contaminated, Council must ensure the property is suitable for its intended use, or will be made suitable by remediation.

## HOW DO I KNOW IF MY PROPERTY IS AFFECTED BY CONTAMINATION?

Council maintains a database of contaminated properties in Lake Macquarie. Properties in Lake Macquarie can be assigned one of the following contamination notations according to the information held in Council records.

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

Properties with Notations 1 and 3 are known to be contaminated. Properties with Notation 2 have been impacted by a past land use that may have caused contamination, but the contamination levels are unknown. For these properties, contamination will need to be addressed in any development application in accordance with the information below.

Properties with a Notation 4 have been remediated and are below the contaminated land investigation criteria.

Properties with Notation 5 have been tested and are below the contaminated land investigation criteria. For properties with Notation 4 or 5, contamination does not need to be addressed in any development application.

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.

## WHAT IS REQUIRED WHEN DEVELOPING ON CONTAMINATED LAND?

When assessing a development application, **Council is required by State planning laws (State Environmental Planning Policy (Resilience and Hazards) 2021 - NSW Legislation)** to consider if the land is suitable, or if it can and will be made suitable, for the proposed development. In order to make this assessment, the State planning laws outline the following stages for contamination assessment:

### 1. Preliminary Site Investigation

A Preliminary Site Investigation (PSI) identifies any past or present contamination sources and provides a preliminary assessment of the site. If the site is already known to be impacted by past contaminating activities, this stage may not be required and the applicant can go straight to Stage 2.

### 2. Detailed Site Investigation

A Detailed Site Investigation (DSI) defines the nature, extent and degree of contamination, and assesses the risk posed by contamination to health and the environment. The findings of a DSI will determine if remediation is required.

### 3. Remedial Action Plan

A Remedial Action Plan (RAP) outlines how the site will be remediated.

### 4. Validation Report

Following remediation, a Validation Report is to be prepared. The Validation Report must demonstrate the site has been remediated in accordance with the RAP and the site is suitable for its proposed use.

If contaminants have been managed on-site, a Long Term Environmental Management Plan will also be required.

Each of these stages will need to be completed by a suitably qualified contaminated land consultant. The NSW Environmental Protection Agency (EPA) provides guidance for **engaging a contaminated land consultant, including details of consultant certification schemes.**

The PSI, DSI and RAP (if required), will typically need to be submitted in support of a development application. If the development is approved and remediation is required, 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.

Note: the PSI, DSI and RAP must include a land use suitability statement to indicate whether the land is suitable for its proposed use.

### Site Audit Statement

A site audit statement is prepared by an EPA-accredited site auditor. The site audit statement certifies that a PSI, DSI, RAP and/or Validation Report has been carried out in accordance with EPA guidelines and confirms the land is suitable for its proposed use.

Council may require a site audit statement for complex contamination or to confirm the suitability of a PSI, DSI, RAP or Validation Report.

## WILL MY PROPERTY'S CONTAMINATION NOTATION CHANGE?

Council will update a contamination notation based on the findings of a report from a suitably qualified contaminated land consultant. If the information supports a change in notation to Notation 4 or 5, no further development restrictions will apply in relation to contaminated land.

If contaminated material has been managed on-site (e.g. in a containment cell), the property will be assigned Notation 3 and the property will be subject to the conditions of a Long-Term Environmental Management Plan.

## MORE INFORMATION

### Useful Links

[Living Safely with Lead factsheet](#)

[Using the Standard Remedial Action Plan 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?

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