

Contaminated Land: Frequently Asked Questions (FAQs)

1. Why does Council have a Contaminated Land Policy?

Under NSW State guidelines Councils are strongly recommended to have a policy to provide clear guidance about dealing with land that may be impacted by contamination. Similar to other issues like heritage, flooding, bushfire or biodiversity, identifying and provide guidance around potentially contaminated land provides more certainty for landholders and those wishing to buy or develop the land.

2. What is a Contaminated Land Register or Land Use Information System?

The Register is a list of property details (address, lot and DP) and potentially contaminating land use activities that are known to have occurred on that land or if contamination is known to exist. The Information System includes the Register and integrates it into Council's mapping, property and database so that it becomes part of Council's normal property and development assessment process and ensures that it is accessible.

3. Why has my property been listed on a Land Use Information System?

Council has adopted a policy to deal with land that may be impacted by potentially contaminating land uses. The policy provides a framework for land where potentially contaminating land use activities occurred, or where contamination is known to be present, can be listed on the system. This helps landholders, developers, purchasers and Council staff to deal with any possible risks from development or other activities on the land. Council has conducted an extensive search of historic and current land use information and your land has been identified as a site where a potentially contaminating land use has occurred in the past or is occurring now.

4. What are potentially contaminating land uses?

These are activities that are considered by Government agencies and Councils as having a higher risk of leaving contamination on the land, such as petrol stations, factories, sheep dips, old workshops, chemical use, land filling and waste disposal. Some contaminants may exist in the soil or water years and even decades after the activity stopped. There are over 60 land uses identified and these are listed in your Council's Contaminated Land Policy.

5. My land is listed on the Land Use Information System, does that mean it is automatically classed as contaminated?

No. The risk of contamination is based upon the land use history. Some activities are known to leave contaminants in the soil or groundwater more than others and site investigations sometimes find no contamination. Listing the property on the register or information system ensures that current and future owners or developers are aware of the risk of finding contamination and can plan for that.

6. I have been told that my property is listed on Land Use Information System, what do I have to do?

There is nothing that needs to be done right now if you are not building, developing or selling your land. The Contaminated Land Policy provides guidance on what happens when you lodge a Development Application (DA) or sell your land. Further information is provided below, in the policy or on Council's website. You may decide to undertake further investigations into the potential for contamination before selling, or you may sell the land

with the information being provided to potential purchasers. If you want to find out if your land is impacted by contamination, it is best to speak to a certified contamination consultant – please read FAQ #13. If contamination is known to be present on your land, please read FAQ #11.

7. How many other properties have been identified?

Council treats this information as confidential and does not provide sensitive information about your or other properties to other parties unless it is required for development or sale purposes or in the public interest, such as when contamination occurs outside on public land or is impacting neighbouring properties. Historically, activities that could leave chemicals or other pollutants occurred on land without appropriate controls or consideration for the environmental impact. Environment laws improved over time, but due to these past activities various properties in the local government area have been identified as having a history of potentially contaminating land use activities. Council will continue to assess the information and update its register as required.

8. How much does it cost to test the soil on my land?

It depends. Contamination investigation methods are governed by state guidelines to ensure that the process is conducted correctly. Costs vary depending upon the size of the land, the local conditions and the extent of investigation. It is best to discuss with Council what is needed for your situation and obtain quotes from several certified consultants before you decide.

9. I want to sell my land that is listed on the Land Use Information System, do I need to do anything?

Potential purchasers will generally request a planning certificate from Council before buying a property. Planning certificates (issued by Council under section 10.7 of the Environmental Planning & Assessment Act 1979) may include information about the property being affected by a policy or that Council has other relevant information relating to the land, including the land use activities. You may decide to undertake further investigations into the potential for contamination before selling, or you may sell the land with the information being provided to potential purchasers.

10. I want to develop my land that is listed on the Land Use Information System, do I need to do anything?

Depending upon the information already available and the proposed development, Council may ask for a Site Investigation or Remediation to be conducted before approving a development application to ensure that the site is suitable for the proposed use. The risk arises when the use of that land changes to a more sensitive land use, or when soil is excavated, disturbed or taken off site. The risk is to future residents, visitors or workers, builders or maintenance workers and this risk needs to be assessed and dealt with prior to a development being approved. If contamination is at a level that triggers the duty to report to the NSW EPA, the EPA may require specific action. Refer to the duty to report information and guidance on NSW EPA [website](#).

11. An investigation has found contamination on my land. What happens now?

It depends upon what you are doing with your land, and the level of contamination. The policy requires that further investigation be conducted before approving a development

application. Remediation may also be required to ensure that the land is safe for the proposed use or future users. Land that is classed as Significantly Contaminated is regulated by the [NSW Environment Protection Authority](#) and you may be directed to undertake action to ensure that risks are managed. It is the duty of the landowner and polluter to notify the NSW EPA if certain triggers are met, as outlined in the information and guidance on their [website](#). If you are not proposing to develop or sell the land that has levels below the criteria for the current land use, you are not required to do anything now, however you may wish to get professional advice about potential health or environmental risks from the contamination that was found.

12. Can I remove my property from the Land Use Information System?

Properties are listed on a register due to the risk of contaminating coming from current or past activities. Properties can only be removed if it can be shown that the potentially contaminating land use did not occur on that land. When contaminated land is remediated restrictions on use or development are generally removed, however the property is still listed on the information system to ensure that future landholders, developers or Council staff are aware of the past activities. Maintaining the land on the register also accounts for any future change to the criteria for safe limits for contaminants. Each site and situation is different so speak with your Council to discuss your particular situation.

13. Where can I find someone to test my land?

Council requires that Site Investigations are conducted by a consultant, certified through two recognised schemes: [Site Contamination Specialist \(CenvP SC\)](#) or [Certified Professional Soil Scientist \(CPSS CSAM\)](#). You can also refer to the [NSW EPA](#) website that has links to professional organisations and further advice about engaging a consultant. Use these links to find a certified consultant who is able to conduct an investigation on your land, and remember to obtain more than one quote to ensure you are getting the best deal for your situation.

14. Where can I find more information about contamination?

Council has information about contamination on its [\[website\]](#). The NSW Environmental Protection Authority also has a range of information resources on the [NSW EPA website](#). Please also contact your Council [\[relevant department\]](#) to discuss any further questions you may have about contamination.