

Business Pollution Prevention Fact sheet

Do you have contamination on your land?

Land contamination is most often the result of past uses. It can arise from activities that took place on or adjacent to a site and be the result of improper chemical handling or disposal practices, or accidental spillage's or leakages of chemicals during manufacturing or storage. Activities not directly related to the site may also cause contamination; for example, from diffuse sources such as polluted groundwater migrating under a site or dust settling out from industrial emissions. If you carry out any of the activities listed below or any of these activities have taken place on your land in the past, then your land may be contaminated.



Under section 60 of the *Contaminated Land Management Act 1997* anyone whose activities have contaminated land (and owners of land who become aware, or ought reasonably to be aware, that the land has been contaminated) must notify the EPA as soon as practicable after becoming aware of the contamination, if the contamination meets certain criteria. For further information on the duty to report contamination see the EPA's "[Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997](#)"

Failure to inform the EPA can result in fines of up to \$250,000 for individuals and \$1 million for corporations.

Potential Contaminating Activities

- acid or alkali plant and formulation
- agricultural or horticultural activities
- airports
- asbestos production and disposal
- chemicals manufacture and formulation
- defence works
- drum reconditioning works
- dry cleaning establishments
- electrical manufacturing (transformers)
- electroplating and heat treatment processes
- engine works
- explosives industry
- gas works
- iron and steel works
- wood preservation
- landfill sites
- metal treatment
- mining and extractive industries
- oil production and storage
- paint formulation and manufacture
- pesticide manufacture and formulation
- power stations
- railway yards
- scrap yards
- service stations
- sheep and cattle dips
- smelting and refining
- tanning and associated trades
- waste storage and treatment

Are you causing contamination now?

Most businesses have the potential to cause contamination with the chemicals and fuels they use. Leaks, spills and other discharges of these materials damage not only the surrounding

soils but can also travel from your land to neighbouring properties and creeks via ground water and surface water flows.

Under the *Protection of the Environment Operations Act 1997* there are severe penalties that can be imposed for a range of environmental offences including water pollution. Penalties for water pollution can be up to \$5 million. In addition, on the spot fines of \$8000 per offence may apply.

Preventing contamination

Contamination can be avoided by proper handling, storage and disposal of your materials. For more information please refer to Information sheet: "Storage of Liquids."

If a spill or leak does occur then contamination can be minimised by undertaking an immediate and thorough clean-up procedure. For more information please refer to Information sheet: "Spill Clean-up Procedures."

What happens when you try to sell your land?

Council now keeps records of information it receives about premises with contamination issues, including complaints, council investigations and past land uses. This information can be supplied to the public including potential purchasers in planning certificates and by application under the *Government Information (Public Access) Act 2009*.

More information

If you are concerned about contamination on your land then you can contact:

- Environment Protection Authority (EPA) Ph: 131555
- Your local "Environmental Consultant" in the yellow pages

For more information about Council's Policy on contaminated land you can access section 5.02 (Land Contamination) of the Newcastle Development Control Plan (DCP) 2012 on Council's website:

http://www.newcastle.nsw.gov.au/data/assets/pdf_file/0012/203232/Section_5.02_Land_Contamination.pdf

Acknowledgments: Department of Urban Affairs and Planning and Environment Protection Authority (1998) *Managing Land Contamination: Planning Guidelines*, DUAP, Sydney.

