



State Environmental Planning Policy No 55—Remediation of Land (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Infrastructure and Planning. (S04/00430/PC)

CRAIG JOHN KNOWLES, M.P.,
Minister for Infrastructure and Planning

State Environmental Planning Policy No 55— Remediation of Land (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy No 55—Remediation of Land (Amendment No 1)*.

2 Aims of Policy

The aims of this Policy are:

- (a) to clarify the application of clause 6 of *State Environmental Planning Policy No 55—Remediation of Land* to land subject to a zoning or rezoning proposal, and
- (b) to provide for councils to be notified of the completion of all remediation works to which that Policy applies, and
- (c) to facilitate the remediation of land in accordance with a “clean-up notice” given by the Environment Protection Authority under the *Protection of the Environment Operations Act 1997*.

3 Land to which Policy applies

This Policy applies to all land within the State and, in so far as it facilitates the remediation of land, to the land to which Notice No 1030236 dated 26 September 2003 given by the Environment Protection Authority under section 91 of the *Protection of the Environment Operations Act 1997* applies.

4 Amendment of State Environmental Planning Policy No 55— Remediation of Land

State Environmental Planning Policy No 55—Remediation of Land is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Contamination and remediation to be considered in zoning or rezoning proposal

Insert “of a class identified in subclause (4)” after “land” where firstly occurring in clause 6 (2).

[2] Clause 6 (3)

Omit “the land concerned”.

Insert instead “land of a class identified in subclause (4)”.

[3] Clause 6 (4)

Omit “land concerned is”.

Insert instead “following classes of land are identified for the purposes of this clause”.

[4] Clause 17 Guidelines and notices: all remediation work

Omit “a category 1” from clause 17 (2).

[5] Clause 21

Insert after clause 20:

21 Clean-up notice remediation—special provision

- (1) This Policy does not apply to or in respect of anything done for the purpose of complying with a clean-up notice, except as provided by this clause.
- (2) Any development or activity carried out for the purpose of complying with a clean-up notice:
 - (a) may be carried out without development consent, and
 - (b) to the extent that it involves carrying out any remediation work, must be carried out in accordance with clause 17 (1) (paragraph (c) excepted).

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Schedule 1 Amendments

- (3) In this clause, *clean-up notice* means:
- (a) a notice given under section 91 of the *Protection of the Environment Operations Act 1997* that is specified in Schedule 1, or
 - (b) if a notice so specified has been varied under section 110 of that Act, the notice as varied for the time being.
- (4) If this clause is inconsistent with another State environmental planning policy, a regional environmental plan or a local environmental plan (whether made before or after this clause), this clause prevails, subject to section 36 (4) of the Act.

[6] Schedule 1

Insert at the end of the Policy:

Schedule 1 Specified clean-up notices

(Clause 21)

Notice No 1030236 dated 26 September 2003 and addressed to
Orica Australia Pty Ltd

BY AUTHORITY
