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PAGE 1: CONTACT FOR FURTHER INFORMATION

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Q5: What does the term BROWNFIELD mean in your country?

There is no particular definition of brownfield land used in New South Wales (NSW). The common usage of the term "Brownfields" and CABERNET definition above is consistent with the meaning of brownfield land in NSW.

Q6: Is the presence of contamination essential for a site to be considered a brownfield site?

No

Q7: Are brownfields managed through the normal processes applying to land development, or are there are alternative processes or laws that are specific for managing (and developing) brownfields? Please detail the legal framework that is used/applied for managing brownfields. If this is different from the framework normally applied, please detail the key differences.

Brownfield sites are managed through the normal planning development process. Most sites would be managed by local councils applying the State Environmental Planning Policy No. 55 – Remediation of Land and Managing Land Contamination (SEPP 55) under the Environmental Planning and Assessment Act 1979. These sites, although contaminated, would generally not pose an unacceptable risk to human health or the environment for their use prior to redevelopment and the planning and development process will determine what remediation is needed to make the land suitable for a different and normally a more sensitive use.

Sites that are significantly contaminated would be regulated by the EPA under the Contaminated Land Management Act 1997. These sites generally pose an unacceptable risk to human health or the environment under their current, or currently approved, use and the contamination needs to be addressed regardless of whether the site is being redeveloped.

Q8: Is there a specific inventory of sites that meet the above definition of a brownfield (as opposed to inventories / registers of contaminated sites)?

No

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Q9: Please provide details such as a web link.

Respondent skipped this question

Q10: How often is the brownfields inventory updated and by which authorities/organisation(s) (e.g. national – Department or Ministry, specific organisation [e.g. land registry/ site inventory, public development enterprise, etc.], regional – regions, provinces, states, autonomías, etc., local – municipality)?

Respondent skipped this question

Q11: What is the extent of brownfields in your country (e.g. number of hectares)?

Unknown

Q12: Is this a very minor percentage or a significant percentage of the total land that is being developed?

Minor percentage

Q13: Of the potentially available Brownfields, what percentage is being developed over the next 5 year period?

Respondent skipped this question

Q14: Is there any evidence that the extent of brownfield land is growing, stable or reducing over time?

Reducing,
Please give details
The extent of brownfield land is reducing over time with environmental regulation preventing the creation of new brownfield sites and as land values are increasing, particularly in Sydney, an increasing proportion of such sites are being remediated and redeveloped.

Q15: What is the typical time taken for developing a brownfield site?

Between 5 and 10 years

Q16: Is this different from the time taken for developing large areas of greenfields land? If there is significant difference, why is this?

No,
If there is significant difference, why is this?
Unknown as there are many factors influencing the time required to develop brownfield and greenfield sites. Brownfield sites may require complex remediation, however, greenfield sites frequently require significant new infrastructure and time for the government to release new land.

PAGE 5: Further details

Q17: If there is a law/policy/regulation regarding brownfields, what are the key principles of this (e.g. integration with land planning legislation / regulation, fit for use vs. land uses, management tools such as restriction of uses)?

There is no particular policy or law related to brownfield site redevelopment in NSW, however, all redevelopment involving site contamination is guided by the State Environmental Planning Policy No. 55 – Remediation of Land and Managing Land Contamination (SEPP 55) under the Environmental Planning and Assessment Act 1979.

Q18: Are there legal, policy or regulatory imperatives that require brownfields redevelopment / reuse, or limit the amount of development that can take place on greenfield sites?

No,
If yes please give details
There are no specific policies that encourage brownfields development, however the NSW Department of Planning and Environment can strategically rezone land from industrial zoning to higher density residential or commercial zonings to facilitate the redevelopment of highly contaminated sites. The redevelopment of Rhodes Peninsula and Barangaroo are examples of this.

Q19: Are there financial incentives (such as tax breaks, or grants, national / regional special funds) that encourage brownfields redevelopment? For example: State of Wisconsin (United States) Ready for Reuse Grant and Loan Program Ready for reuse loans and grants are used for environmental cleanup of hazardous substances or petroleum at brownfields throughout Wisconsin. Loan and grant funds can be used for eligible costs incurred during the grant or loan agreement period for cleanup of contamination from hazardous substances or hazardous substances commingled with petroleum. Loans. All loans are zero interest and are for long-term projects. Applicants should give strong consideration to applying for larger loan amounts (\$250,000 or greater). Grants. The maximum grant amount is \$200,000 per site. Grants will be awarded to projects that can be completed in two years. Grant applicants must own the property. Financial requirements. Loan and grant applicants must provide a minimum of 22 percent of the requested funds as a match contribution. Other state or local (but not federal) grants may be used as match “provided that the grant and loan periods overlap, the grants are for eligible cleanup activities and those activities will be incurred during the same time period.” Source: Kovalick, Walter W., Jr.; Montgomery, Robert H.. 2014. Developing a Program for Contaminated Site Management in Low and Middle Income Countries. World Bank Group, Washington, DC. © World Bank.

No

Q20: If the brownfields involve land or groundwater contamination, can the future uses of land or groundwater be restricted for an area or precinct of land, so as to reduce the level of remediation / clean up that is required? For example:a. Can land be zoned to a less sensitive use such as commercial or park that requires less remediation? b. Can groundwater extractive use be prohibited so that the groundwater does not need to be cleaned up / remediated for extractive use? c. Can development of the land have a restriction as to the a particular type of building (eg buildings with water proof and vapour proof basements or floor slabs) to limit the requirement for clean-up / remediation?

Under the planning development process land contamination is managed based on suitability for use. Remediation is required to a level that makes the land suitable for use and it may also require the use of a site auditor who can certify land use suitability.

Local councils when applying State Environmental Planning Policy No. 55 – Remediation of Land and Managing Land Contamination (SEPP 55) and associated guidelines for rezoning land will consider information on contamination to locate uses according to land suitability.

Local councils when considering development applications can apply conditions to a development consent specifying particular uses or where structures are located within a site to minimise risk and can require certain controls on construction methods, operation, and environmental management to minimise risk.

Q21: Are financial mechanisms [e.g. bonds, warranty, insurance, financial guarantee, etc.] required to ensure that remediation / clean-up will be carried out to the level required, or to address any problems that might appear later? If possible, please detail the existing financial tools and/or give reference/weblink.

Financial assurances can be required by the EPA under division 6A of the Contaminated Land Management Act 1997 for remediation actions required under a management order. Management orders are a statutory instrument directing a person to remediate or undertake other appropriate management actions in relation to significantly contaminated land. There are no similar provisions in the Environmental Planning and Assessment Act 1979. Local councils apply development consent conditions to ensure that the remediation will be carried out to the required level.

Q22: If the brownfields involve land contamination, is the design of a brownfield redevelopment plan determined on the basis of locating less sensitive land uses on contaminated ground, and more sensitive land use on land that is not contaminated or is less contaminated?

This is determined on a case by case basis. If the value of remediated land at a site is high enough a significantly contaminated site can be remediated to be suitable for the most sensitive land use (such as residential). This is generally the case in Sydney as large financial returns on multi-unit residential developments can justify the high costs of remediation. The redevelopment of Rhodes Peninsula is an example of this.

Q23: How is community consultation involved in determining the design of the development?

Community consultation is part of the development consent process under section 79 of the Environmental Planning and Assessment Act 1979. This includes placing the development application and any accompanying information on public exhibition for at least 30 days and notifying interested parties.

Q24: Does your jurisdiction have any particular brownfield sites that are good examples of how brownfield sites can be restored to more productive use? (provide a link to case study or no more than half a page summary of the site and approach taken).

Sites include Rhodes Peninsula and Barangaroo (currently being completed), and Pasminco Cockle Creek near Newcastle.

PAGE 6: CRUCIAL DEVELOPMENTS IN THE FUTURE

Q25: Are there any particular problems associated with developing brownfields (particularly those that involve land and groundwater contamination) that need to be improved/addressed (e.g. funding, liability management, organisational issues, achieving closure on land or groundwater remediation / clean up)?

Yes,

If yes please give details
For complex brownfields sites there can be a limited guidance and the first time use of different remediation technologies can lead to a lengthy planning approval process and delays in remediation.

Q26: If it is apparent that there are solutions to these problems and work is being undertaken to address these problems, please advise the nature of this.

In Sydney the increasing sophistication of the remediation industry and adoption of internationally proven remediation technologies has increased competence in dealing with the challenges of brownfield remediation projects.

There is also a growing capability in engaging with stakeholders about the risks and mitigation measures for controversial and complex remediation projects.

Q27: Are there research and development needs to address the problems arising with brownfields?

Australia has the benefit of drawing on the remediation experience and technologies available in North America and Europe and fine tuning these technologies for local situations. The work of the Cooperative Research Centre for Contamination Assessment and Remediation of the Environment (CRCCARE) and a number of the leading Universities carrying out a range of research and development projects has also enhanced the knowledge and remediation technologies available in Australia.

PAGE 7: REFERENCES

Q28: Please give most important references (documents, website, projects, and case studies) that could be relevant for explaining your national approach

In Australia there is no national approach to the remediation and management of land contamination; each jurisdiction has its environmental and planning laws and they are not consistent. However, there is a push towards national harmonisation of contaminated land management under the Council of Australian Governments (COAG). The following references relate to site assessment where there is a national approach:

- Cooperative Research Centre for Contamination Assessment and Remediation of the Environment (CRCCARE)
<http://www.crccare.com/>
 - National Environment Protection (Assessment of Site Contamination) Measure (NEPM)
<http://www.scew.gov.au/nepms/assessment-site-contamination>
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