

22.14 POTENTIALLY CONTAMINATED LAND POLICY

Where the Policy Applies

This policy applies to land which has potential for contamination this includes land identified in Table 1. It does not apply to land included in the Register of Contaminated Land prepared by the Environment Protection Authority and land covered by the Environmental Audit Overlay in the *Darebin Planning Scheme* (refer to Clause 45.03).

Policy Objectives

- To enable the issue of land contamination to be considered prior to the use or development of land to ensure proposed uses and developments are suitable.
- To require remediation of contaminated land to a level that is compatible with the desired future uses of the site.
- To protect community and the environment through the long-term management of contaminated land in the City.

Policy

It is policy to:

- Encourage owners and developers to test for contamination of soil and ground-water prior to the sale, re-use or redevelopment of all land which is known, or suspected, to have been used for rubbish and waste disposal, the manufacturing, storage and sale of petroleum products and dangerous chemicals, manufacturing activity which potentially used such products in their processes or other potentially contaminating uses (that would fall within the uses identified within High Potential and Medium Potential under Table 1 of *Potentially Contaminated Land General Practice Note*, DSE, June 2005)
- Work with land owners and the community to explore the best method for dealing with contamination which has been confirmed by soil testing, including exploring optimum non-sensitive land use options, together with methods of containing or removing contaminated material.
- Require site testing to be carried out to EPA requirements prior to approval of the use of any land for any activity involving concentrated numbers and play of infants and young children
- Require a Site Assessment to be prepared for any application on land which has potential for contamination based on previous land use or zoning.

Site Assessment

An application for use or to construct or carry out works must be accompanied by A Site Assessment of the land, prepared by a member of the Australian Contaminated Land Consultants Association (Victoria) Inc. The Responsible Authority may request the site assessment be reviewed by a suitably qualified environmental auditor nominated by the Responsible Authority and at the cost of the owner/developer.

The Site Assessment must include as a minimum:

1. purpose and aims of the study
2. credentials of person undertaking the study
3. site location and current and proposed layout plans of uses and development on site(to scale)
4. description of existing and historical land uses of surrounding properties
5. details of the known geology of the general site area
6. the current and previous zoning, ownership and activities carried out on the site (through reviews of aerial photography, historical resources, council planning, building and rating records, titles searches, oral history of previous land owners or occupiers, etc).

7. an inspection of the site to identify evidence of contamination or historical activities that may give rise to contamination (eg. fuel tanks) and photographic evidence such as photographs, aerial photographs, etc.
8. details of any previous assessment work, EPA registers, audits for surround properties,
9. an opinion on the level and nature of contamination (if any), how much is present and how it is distributed and where contamination is considered to be present or likely:
 - a) details of any clean up, construction, ongoing maintenance, monitoring or other measures in order to effectively manage contaminated soil (if any) that is present within the site (management measures);
 - b) a statement on whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

Policy References

Note: The requirements of “Ministerial Direction No. 1 - Potentially Contaminated Land” also apply.