



Site Contamination Management Policy 2020-2024

Version 1, June 2020



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Policy governance

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Department Environmental Sustainability

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Council

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Peter Smith

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Stakeholder review and engagement:

The following departments have been engaged in the preparation of the Policy: Project Services, Occupational Health and Safety, Asset Management and Property, Environmental Sustainability, Planning, Organisational Performance, Finance, Digital Technology Systems and Customer Experience and Transformation.

The following departments reviewed the Policy: Environmental Sustainability, Communications and Engagement, Organisational Performance and Asset Management and Property.

Relevant Legislation:

[Environment Protection Act 2017](#)

Associated Strategic Direction #:

Strategic Direction 4: We are growing and keeping our character

Associated Instruments:

[Site Contamination Risk Register](#)

[Site Contamination Risk Register User Guide](#)

Site Contamination Communications and Engagement Plan – TBC

[Greencap Consulting DRAFT Site Contamination Management Plan](#)

[CoPP Risk Management Framework 2018 V3](#)

Supersedes:

[City of Port Phillip Soil Contamination Management Policy 2004](#)

Review History:

Name	Content Manager File Reference	Date	Description of Edits
Site Contamination Management Policy 2020-2024	E74139/20	13/05/2020	Compilation of draft Policy
ELT feedback	E74139/20	02/06/2020	Expansion of 'Outcomes' to include those beyond compliance. Updates to 'Responsibilities'. Better articulation of record keeping Inclusion of 'Communication and engagement' section.

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Purpose

The [Environment Protection Act 2017](#) (as amended 2018) (**EP Act**) comes into effect on 1 July 2021. The EP Act sets out duties for landholders to manage the risks associated with contaminated land, over which they have management or control.

The Site Contamination Management Policy 2020-2024 (**Policy**) sets out the City of Port Phillip's (**Council**) compliance requirements to effectively and proactively manage the risks associated with the contaminated land for which it has management or control.

The associated Site Contamination Risk Register (**Risk Register**) is a register of all land for which Council has management or control and includes for each site associated site and contamination information.

The Risk Register includes risk rankings and procedures for assigning contamination risk in a consistent way which aligns with Council's Risk Management Framework, and describes the process by which sites should be assessed to:

- identify contamination
- be prioritised for additional assessment
- manage contaminated sites to reduce exposure of contamination to humans and environment.

Together, the Policy and Risk Register will allow Council to manage site contamination by:

- Providing the framework to understand and make informed decisions about managing contamination risks under the EP Act.
- Informing the development of assessment, testing and management strategies for sites over which Council has management or control.
- Maintaining an up-to-date database of Council managed or controlled sites and their potential environmental liabilities to enable forecasting potential future requirements.

Outcomes

1. Compliance with legislation

Council will be compliant with all relevant legislation relating to contaminated land.

The Policy aligns with the EP Act which requires that Council proactively manage contamination for land over which it has management or control. The EP Act includes seven duties which state these requirements:

General Environmental Duty (GED)

This duty requires a person engaging in an activity which may give rise to risks of harm to human health, or the environment from pollution or waste, to minimise those risks so far as reasonably

practicable. The GED is similar in intent to existing duties under the [Occupational Health & Safety Act 2004](#).

Duties to Notify and Manage Contaminated Land

These duties require notification to EPA Victoria (**EPA**) of certain contaminated sites (with contamination above a certain threshold, to be established in the Environment Protection Regulations 2020), and to manage risks of harm to human health and environment from contamination. This applies to all landholders (owners, managers and/or occupiers), regardless of who was at fault, or when contamination took place.

More information on the contaminated land duties is available in EPA guidance document, [Manage contaminated land](#).

Duties to Notify and Respond to Pollution

These duties require notification to EPA of pollution incidents and to respond to any harm caused, for a leak, spill or other unintended or unauthorized deposit or escape where material harm is caused or threatened.

Duties to Manage Waste (Disposal of Industrial Waste and Duties for Priority Waste)

These duties apply to managing industrial waste, including waste soil, and to ensure it only goes to a lawful place (i.e. authorised to receive it), and that the waste is tracked. This applies to the waste generator, transporter and receiver. The EP Act also outlines a Waste Framework with categories for Priority Wastes, including contaminated soil.

2. Council is kept safe and informed

Council staff and contractors will be kept safe from the risks of contamination via proactive assessment and effective management of contaminated land, training in, and adherence to, Work Standard Procedures and by being informed of existing and new contaminated land.

3. Community are kept safe and informed

Our community will be kept safe from the risks of contamination via proactive assessment and effective management of contaminated land. They will be informed of their own legislative duties and of existing and new contamination on Council land and how this is being managed.

4. Protection of the natural environment

Land over which Council has management or control will be proactively assessed and managed to protect our natural environment from the risks of contamination, including the development of our soil contamination profile to improve tracking of potential movement of contamination.

5. Preservation of reputation

Council's reputation as an organisation which manages its legal obligations and its commitments to community in relation to contaminated land will be maintained.

6. Prevention of major financial impacts

Proactive assessment of land over which Council has management or control will inform planning of works and assist in the prevention of major financial impacts associated with contamination.

7. Management of corporate information

Information relating to contamination of land over which Council has management or control will be managed in accordance with Council's [Records Management Policy](#), and be accessible to relevant Council staff.

Definitions

Table 1: Definitions of Terms

Term	Definition
Assessment	A scientific evaluation, conducted by a suitably qualified person, of the nature and extent of contamination of land to understand risks to human and environmental health.
Contamination/site contamination	Contamination consists of specific chemicals that can pollute air, soil and/or water. When these chemicals contaminate soil, this is known as site contamination. This can come in the form of contaminated groundwater, contaminated soil or as soil vapour.
Duty holder	The person, or persons, in management or control of land are 'duty holders' under the contaminated land duties.
Environment Protection Act 2017 (as amended 2018) (EP Act)	The State of Victoria's environmental protection law. The EP Act 2017 comes into effect on 1 July 2021, superseding the Environment Protection Act 1970.
'Management or control'	'Management or control' relates to whether a person can exercise power over the land. For example, when a person: holds a legal interest in the land, such as an owner, leaseholder or committee of management, or has access to the land or use of the land.
Standard Operating Procedure (SOP)	A set of written instructions that document a routine or repetitive activity that are followed within a workplace.
Safe Work Method Statement (SWMS)	A legal document that outlines high-risk activities carried out within a workplace, the hazards that may arise from these

	activities and safety measures put in place to control the risks.
Remediation	Process of treating, either on-site or off-site, contaminated land.
Testing	The process of conducting an assessment.
Work Standard Procedures	Internally developed instruments that provide detailed information on a topic outlining specific steps Council should take to complete their work to ensure consistency, business continuity, meeting legislative/compliance requirements, and risk management obligations. SOPs and SWMS are examples of Work Standard Procedures.

Responsibilities

Table 2: Responsibilities of Roles

Role	Responsibility	Reporting to	Frequency
Council	Adoption of the Policy.	NA	Upon adoption
Councillors	Ensure all complaints, feedback and enquiries received by members of the community are directed via the appropriate channel for prioritisation and resolution.	NA	Ongoing
CEO (upon delegation from Council)	Approval of editorial edits and edits in line with changes to legislation and associated guidance to the Policy.	Council	As required
Executive Leadership Team (ELT)	<ul style="list-style-type: none"> Endorses edits for approval by the CEO. Conduct internal reviews where requested. Provide leadership to the Project Sponsor. Approval of reporting to EPA. 	CEO	As required
Project Sponsor	<ul style="list-style-type: none"> Accountable for the success of the Policy. Monitors tracking and reporting of the Policy. Makes decisions regarding Policy implementation via Project Control Group (PCG). 	ELT	As per PCG schedule
Managers	<ul style="list-style-type: none"> Provide advice when required by Coordinators/Team Leaders. Conduct internal reviews where requested. 	ELT	As required

Role	Responsibility	Reporting to	Frequency
	<ul style="list-style-type: none"> Support a culture of continuous improvement and compliance to ensure safety to humans and the environment. Resolve escalated complaints, feedback and enquiries received by members of the community. 		
Coordinators/ Team Leaders	<ul style="list-style-type: none"> Resolution of complaints, feedback and enquiries received by members of the community, and escalation where necessary. Participate in internal reviews where requested. Support a culture of continuous improvement and compliance to ensure safety to humans and the environment. Provide, or provide access to, training to support Council staff and contractors to ensure compliance and safety to humans and the environment. 	Managers	As required
Site Contamination Management Officer (SCMO)	<ul style="list-style-type: none"> Implementation of the Policy, in collaboration with relevant internal departments. Monitoring and reporting on the implementation of the Policy. Identifying relevant site-specific stakeholders and communicating with them. Tracking Risk Register impacts on the annual budget and project portfolio build. Development and implementation of the Site Contamination Communications and Engagement Plan. Adding or updating site specific information to the Risk Register. Quality control of the Risk Register. Producing relevant and required reports from the Risk Register. Development and implementation of Work Standard Procedures relating to site contamination in collaboration with relevant departments. 	PCG and/or Coordinator Waste Futures	Ongoing/as required
SCMO or relevant Project Manager OR Environmental consultants, managed by the	<ul style="list-style-type: none"> Scoping and specifying site investigation, remediation or monitoring and management tasks. Obtaining and evaluating quotations for investigation, remediation or monitoring and management tasks. Project management of commissioned investigation, remediation or monitoring and management tasks. 	Coordinator Waste Futures, or relevant Manager or Project Manager	Ongoing/as required

Role	Responsibility	Reporting to	Frequency
SCMO/Project Manager			
Project Managers	Tracking the movement of soil to/from Council managed land or projects.	Managers and SCMO	As required
OHS Department	<ul style="list-style-type: none"> Ensuring occupational health and safety risks related to site contamination are incorporated into Council’s Safety Management System. Participation in the development of Work Standard Procedures relating to site contamination. 	SRIA	As required

Scope

This Policy applies to all Council staff and contractors carrying out, or responsible for, works involving intrusive ground works (those involving breaking of earth) on land over which Council has management or control. This includes, but is not limited to, parks maintenance, construction and public space redevelopment.

Alignment to Council Plan 2017-2027

The Policy, and associated instruments, relate to Strategic Direction 4 of the Council Plan 2017-2027, We are growing and keeping our character, and delivers on the third priority of Outcome 4.1, to manage site contamination.

Out-of-scope

This Policy is not intended to inform or guide works involving intrusive ground works on private land.

Implementation

The implementation of the Policy will be coordinated by the Site Contamination Management Officer (**SCMO**), whose work will be guided by an annual implementation plan. The annual implementation plan will be developed at policy adoption, and again following each annual review of the Policy.

The annual implementation plan will include:

Site testing

In year 1 only:

- Updates to the Risk Register with new soil contamination reports received from October 2019 to current.
- Development of a soil tracking database for contaminated soil that is moved off-site.
- Integration of the Risk Register into Council's Asset Management System and/or Geographic Information System.
- Development of guidance to inform future proactive site assessment and testing schedule.

In year 1 and ongoing:

- Development and delivery of a proactive site assessment and testing schedule for priority sites, as identified by the Risk Register and in line with Council's works programs.
- Updates to the Risk Register as new soil contamination reports are received.
- Updates to the soil tracking database for soil moved off-site that does not go to landfill.
- Participation in Council's annual works program development.

Communication and Engagement

In year 1 only:

- Development of the Site Contamination Communications and Engagement Plan (**CE Plan**).
- Development of a training package for Council staff and contractors for the new SWMs and SOPs.

In year 1 and ongoing:

- Implementation of the CE Plan.
- Engagement with relevant Council staff and contractors (i.e. Citywide, Fulton Hogan) about their responsibilities under the EP Act and Policy.
- Delivery of training for Council staff and contractors in Work Standard Procedures relating to site contamination.

Occupational health and safety

In Year 1 only:

- Development of SWMS and SOPs for Council staff and contractors for soil testing and disposal.

In Year 1 and ongoing:

- Guiding the implementation of Work Standard Procedures for Council staff and contractors for soil testing and disposal and updating them as needed.

Other

- Updating the Policy as new legislative requirements and/or guidance becomes available, e.g. from EPA.

Site Contamination Management Officer

The Site Contamination Management Officer (**SCMO**) will be responsible for the development, delivery, monitoring and reporting on the Policy's annual implementation plan, including coordination of the proactive site testing schedule.

The SCMO will require experience and knowledge in contaminated land assessment, testing and management, and will provide professional advice to Council staff. As such, they will be a resource for all teams within Council in dealing with site contamination.

This includes but is not limited to: notifying EPA of any sites exceeding contamination limits, as per the Duty to Notify, consulting with Project Managers on site contamination related matters, participating in Project Control Groups as required, providing guidance to operational staff to ensure Work Standard Procedures are being followed.

Communication and engagement

Council is committed to transparent communication and engagement with EPA, staff, contractors and community regarding site contamination.

As such, Council commits to:

1. Fulfilling all our legislative obligations relating to site contamination, including notifying EPA of contamination above thresholds determined in guidance documents.
2. Informing Council staff, contractors and community of any existing contaminated land over which it has management or control, the type and extent of this contamination, potential impacts and how it is being managed.
3. Informing Council staff, contractors and community of any newly discovered contaminated land over which it has management or control, the type and extent of this contamination, potential impacts and how it will be managed.
4. Informing Council staff, contractors and community when new contamination occurs on land over which Council has management or control over, the type and extent of this contamination, potential impacts and how it will be managed.
5. Informing community of their own legislative duties relating to contaminated land, offering advice and guidance where appropriate.

The CE Plan will define key stakeholder groups and will then detail key messages for each group and the appropriate methods, techniques and timing to enable effective communication and engagement.

The CE Plan will be developed using Schedule B8 of the ASC NEPM, [Guideline on Community engagement and risk communication](#).

Project specific CE Plans will continue to be utilised by Project Managers. It is not intended that the Site Contamination CE Plan supersede these nor make them redundant.

Project specific CE Plans will include site and project specific information and engagement techniques for individual cases of contamination related to sites which Council are in management or control over.

Induction and training

The SCMO will be responsible for inducting relevant Council staff and contractors to the Policy, Operating Guidelines and Risk Register, and will deliver the relevant associated training as per the annual implementation plan.

Document control

The Policy and Risk Register (including completed site assessments / testing reports), Work Standard Procedures and CE Plan will be accessible and stored within Council's document management system.

If the Policy requires updates, this may be undertaken by the SCMO and must be approved by the CEO (upon delegation by Council). These may include, but are not limited to:

- Editorial updates.
- Updates reflecting changes and/or updates to legislation, standards, or policies and guidance, applicable to contaminated land management, including:
 - EP Act and Regulations
 - National Environmental Protection (Assessment of Site Contamination) Measure (**ASC NEPM**) as amended 2013 and updated over time
 - the Cooperative Research Centre for Contamination Assessment and Remediation of the Environment (**CRC CARE**) technical reports
 - State Environment Protection Policies (**SEPPs**)
 - Australian Standards (**AS**)
 - International Organization for Standardization (**ISO**) standards.

Editing of the Risk Register shall be restricted to the SCMO.

Review

The Policy will be subject to annual desktop reviews from date of commencement and an end-of-lifespan review. These will be undertaken by the SCMO in consultation with relevant Council departments and will include a report on tracking towards achievement of [Outcomes](#).

The schedule of review is noted in [Policy Governance](#).

Monitoring and Reporting

The SCMO will be responsible for monitoring and reporting on the delivery of the Policy where relevant, and when requested, to: EPA, Council, ELT, SRIA and PCGs. Reporting may include, but is not limited to:

- notifying EPA (and Council) of any sites exceeding contamination limits, as per the Duty to Notify
- status of activities in the implementation plan
- status and results of proactive testing schedule
- impacts on operational activities and project budgets
- compliance with OHS obligations.

In addition to other monitoring and reporting, each [Outcome](#) will be monitored throughout the year and reported on annually as per the schedule of review.

Measures of progress/success for each Outcomes are defined as follows:

Outcome	Description	Measure of progress/success	Residual risk
1. Compliance with legislation	Council will be compliant with all relevant legislation relating to contaminated land.	Council complies with all duties under the EP Act and records no breaches.	Insignificant
2. Council is kept safe and informed	Council staff and contractors will be kept safe from the risks of contamination via proactive assessment and effective management of contaminated land, training in, and adherence to, Work Standard Procedures and by being informed of existing and new contaminated land.	No Council staff or contractor experiences harm because of contamination on Council land. No Council staff or contractor records a breach of any Work Standard Procedure relating to contaminated land. Council staff and contractors are informed of new and existing contaminated land, and associated risks as will be defined in the C&E Plan.	Insignificant
3. Community are kept safe and informed	Our community will be kept safe from the risks of contamination via proactive assessment and effective management of	No community member experiences harm because of contamination on Council land. Community will be informed of the Policy and their duties, and	Insignificant

Outcome	Description	Measure of progress/success	Residual risk
	contaminated land. They will be informed of their own legislative duties and of existing and new contamination on Council land and how this is being managed.	of existing and new contamination on Council land and how this is being managed as will be defined in the C&E Plan.	
4. Protection of the natural environment	Land over which Council has management or control will be proactively assessed and managed to protect our natural environment from the risks of contamination, including the development of our soil contamination profile to improve tracking of potential movement of contamination.	Contamination on land which Council has management or control over that causes environmental harm will not have an ongoing effect.	Insignificant
5. Preservation of reputation	Council’s reputation as an organisation which manages its legal obligations and its commitments to community in relation to contaminated land will be maintained.	Council achieves Outcomes 1 to 4. Council resolve all community complaints relating to site contamination in a timely manner.	Minor
6. Prevention of major financial impacts	Proactive assessment of land over which Council has management or control will inform planning of works and assist in the prevention of major financial impacts associated with contamination.	Council’s proactive site testing schedule effectively identifies contamination and is used to inform planning of works.	Moderate
7. Management of corporate information	Information relating to contamination of land over which Council has	Council records no breaches of the Records Management Policy.	Insignificant

Outcome	Description	Measure of progress/success	Residual risk
	management or control will be managed in accordance with Council's Records Management Policy , and be accessible to relevant Council staff.		

Relevant policy, regulations or legislation

Below is a summary of the primary legislation related to site contamination assessment and management in Victoria. There will be some updates when the Environment Protection Act 2017 comes into force along with subordinate legislation, Environment Reference Standards and Industrial Waste Framework.

Environment Protection Legislation and Regulations, Victoria

- [Environment Protection Act 1970](#) and Regulations¹
- State Environment Protection Policies (SEPPs) for [Prevention and Management of Contamination of Land \(PMCL\)](#) and [SEPP \(Waters\)](#)
- [Environment Protection Act 2017](#) and [Environment Protection Amendment Act 2018](#) (especially Part 3.5—Duties relating to contaminated land, Parts 1 and 2)
- Environment Protection Regulations 2020 (to be proclaimed)
- Environment Reference Standards (to be proclaimed).

Contaminated Soil – Policy and Guidance, Victoria

- [PFAS and EPA: Publication 1836](#)
- [Contaminated Soil Management on Major Infrastructure Sites](#)²
- [Asbestos-contaminated soil](#)
- [Planning Practice Note 30, Potentially Contaminated Land](#)
- [Assessing the soil in children's services – guidelines for environmental consultants.](#)

¹ Current Act and Regulation in force until commencement of EP Act 2017, expected on or before 1 July 2021.

² Not generally relevant to most Council sites but may provide some guidance for large projects.

Waste Soil Management (Off-Site Disposal)

- [Environment Protection Act 2017](#)
- [Waste classification assessment protocol](#)
- [Waste disposal categories](#)
- [Environment Protection \(Industrial Waste Resource\) Regulations 2009³](#)
- [Industrial Waste Management Policy \(Waste Acid Sulphate Soils\)](#)
- [IWRG621 Soil Hazard Categorisation and Management.](#)

On-site soil assessment and management - Commonwealth guidance

- [National Environment Protection \(Assessment of Site Contamination\) Measure](#), as amended in 2013
- [CRC CARE 2011, Health screening levels for petroleum hydrocarbons in soil and groundwater](#)
- [PFAS National Environmental Management Plan.](#)

Water - Groundwater and Surface Water (onsite and offsite)

- [Water Act 1989](#)
- [State Environment Protection Policy \(Waters\)⁴](#)
- [Guidelines for water quality management – National Water Quality Management Strategy \(NWQMS\)](#). Includes guidelines for:
 - Drinking Water; Fresh & Marine Water; Recreational Water; Groundwater
 - Recycled Water; Effluent Management; Sewerage System Management; Urban Stormwater.

Trade Waste (Discharge to Sewer)

- [South East Water Trade Waste Management Policy.](#)

Works in Roads and Road Reserves

- [Road Management Act 2004](#)

³ These Regulations/policies to be superseded by new Environment Protection policies and Waste Framework.

⁴ Likely to be superseded when new EP Act comes into force; but will remain a “state of knowledge” and best practice until new guidance is available.

- [Road Management \(Works and Infrastructure\) Regulations 2015](#)
- [Management of Infrastructure in Road Reserves Code Of Practice](#)
- [Worksite Safety – Traffic Management Code Of Practice](#)
- [Operational Responsibility for Public Roads Code Of Practice.](#)

Other environment-related legislation

Commonwealth

- [Environment Protection and Biodiversity Conservation Act 1999](#)
- [Environment Protection and Biodiversity Conservation Regulations 2000.](#)

Victoria

- [Flora and Fauna Guarantee Act 1988](#) (as amended 2019) and Regulations
- [Catchment and Land Protection Act 1994](#)
- [Biological Control Act 1986 \(as amended 2019\)](#)
- [Protecting Victoria's Environment – Biodiversity 2037 is Victoria's plan to stop decline of native plants & animals and improve the natural environment.](#)

Occupational Health and Safety, Dangerous Goods, Chemical Storage & Handling

- [Victorian Occupational Health and Safety Act 2004](#) and [Regulations 2017](#)
- [Dangerous Goods Act 1985](#) and [Dangerous Goods \(Storage and Handling\) Regulations 2012](#)
- [Worksafe Victoria - Dangerous Goods Storage and Handling Code of Practice 2013](#)
- [Worksafe Victoria - Hazardous Substances Compliance Code 2019](#)
- [Worksafe Victoria - Managing asbestos in workplaces Compliance Code 2018.](#)