

# Council Policy

<b>Council policy title:</b>	<b>Contaminated and Potentially Contaminated Land</b>
<b>Council policy owner:</b>	Director Corporate Services
<b>Adopted by:</b>	Bayside City Council
<b>Date adopted:</b>	18 September 2018
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<b>Document Reference</b>	DOC/18/134246

## 1. Policy intent

To provide a framework for Council as land owner, land manager and as Responsible Authority to manage contaminated and potentially contaminated land in the Bayside municipality. Council will take a risk based approach that takes into account the potential for land to be contaminated, the hazard associated with potential contamination and the level of potential exposure to human health and the environment.

## 2. Policy Purpose

The policy provides a framework for Council to manage risks associated with contaminated land to human health and the environment in the Bayside municipality, taking into account Council's role as both:

- Land owner and manager
- Planning and responsible authority for the administration of the Bayside Planning Scheme under the *Planning and Environment Act 1987* (PE Act)

The objectives of the policy are to support

- Council operating in accordance with requirements of the statutory framework (the *PE Act* and the *Environment Protection Act 1970*) for the management of contaminated land.
- Improved understanding and communication of roles and responsibility of Council with regards to managing Council owned and managed land and in land use planning decisions.
- Council effectively applying, communicating and monitoring planning system requirements in accordance with the policy
- Ongoing maintenance of information relevant to contaminated and potentially contaminated land by Council

### 3. Glossary - Definitions and Abbreviations

Term	Meaning
<b>SEPP</b>	State Environment Protection Policy
<b>Detailed site investigation (DSI)</b>	is required when the results of the preliminary investigation indicate that contamination is present or is likely to be present and the information available is insufficient to enable site management strategies to be devised. ( <i>National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)</i> ).
<b>Potentially contaminated land</b>	means land used or known to have been used for industry, mining, or the storage of chemicals, gas, wastes or liquid fuels (if not ancillary to another use of land) as defined in Minister's Direction No.1 as amended from time to time under section 12(2)(a) of the <i>Planning and Environment Act 1987</i> (noting that Other land uses and activities may also give rise to contamination of land). <i>State Environment Protection Policy (Prevention and Management of Contamination of Land)</i> .
<b>Preliminary site investigations (PSIs)</b>	usually include a desktop study to collect basic site information and identify the site characteristics (site location, land use, site layout, building construction, geological and hydrogeological setting, historical land uses and activities at the site), a site inspection and interviews with current and past owners, operators and occupiers of the site and preparation of a report. ( <i>National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)</i> ).
<b>Sensitive use:</b>	consisting of land used for residential use, a child care centre, pre-school, or primary school. A sensitive use may occur in an area of High density (where development makes maximum use of available land space and there is minimal access to soil) or in other lower density areas (where there is generally substantial access to soil). ( <i>State Environment Protection Policy (Prevention and Management of Contamination of Land)</i> ).

### 4. Scope

Applies to all land within the boundaries of the Bayside municipality.

Applies to all operations, works or changes of use of Council owned or managed land

Applies to applications for planning permits

Applies to land which may be assessed for an Environmental Audit Overlay based holding a moderate or high risk of being contaminated where the existing zoning of the land may permit establishment of sensitive uses without the need for a Planning Scheme Amendment or a Planning Permit.

### 5. Policy statement

Council intends to manage potential land contamination to ensure:

- Unacceptable risks to human health and the environment are minimised; and
- Contamination is managed as required to enable the beneficial use (as determined in accordance with the relevant *State Environment Protection Policy (SEPP)*) of the land or groundwater.

Council will adopt a risk-based approach to managing contaminated and potentially contaminated land as a land owner and manager and as a Responsible Authority. This approach will take into account:

- The potential for land to be contaminated.

- The hazard associated with potential contamination (public safety, health or environmental impacts of contaminants).
- The level of exposure to potential contamination (pathways for people or the environment to be exposed to contaminants).
- Assessment of sensitivity of use against potential contamination.
- The cost and efficacy of treatment options for managing contamination.
- Appropriate uses that ensure the land is fit for purpose.
- Consideration of Planning Controls such as Planning Scheme Amendments, and more specifically Environmental Audit Overlays (EAOs).

## 6. Roles & Responsibilities

**Council's** role as a Planning Authority includes consideration of:

- planning scheme amendments; and more specifically
- introduction of Environmental Audit Overlays (EAOs).

**Council's** role as a Responsible Authority includes consideration of:

- applications for planning permits.

**Manager Commercial Services** – maintaining contaminated land data for Council owned and managed properties

**Manager Statutory Planning** – oversee Council responsibility for regulating the planning, use and development of potentially contaminated sites as a Responsible Authority

**Manager Urban Strategy** – implementing EAOs into the Bayside Planning Scheme where appropriate for contaminated or potentially contaminated sites

**Manager City Works** – responsible to ensure capital works projects on Council owned or managed sites minimise the risk of harm of or from contamination.

**All staff** – review and where appropriate provide updated information in relation to Council owned or managed sites on contamination, potential contamination or remedial works to maintain an accurate reflection of potential contamination risk to Council. Incorporate review the Contaminated Land register prior to undertaking works, approvals.

## 7. Monitoring, evaluation & review

- The policy will be reviewed every four years.
- All contaminated or potentially contaminated land issues addressed in accordance with the Policy and in line with the associated procedures
- Procedure effectively utilised to provide a risk based approach to managing potentially contaminated or contaminated sites.

## 8. Related documents

<b>Policies</b>	Bayside Planning Scheme
<b>Strategies</b>	Property Strategy
<b>Procedures</b>	Contaminated or potentially contaminated land management
<b>Guidelines</b>	

**Please note:** This policy is current as at the date of approval. Refer to Council's website ([www.bayside.vic.gov.au](http://www.bayside.vic.gov.au)) or staff intranet to ensure this is the latest version.