

GUIDANCE FOR UNDERTAKING PRELIMINARY CONTAMINATION INVESTIGATIONS FOR DEVELOPMENT / LEASE VARIATION PURPOSES

Context

The Environment Protection Authority (EPA) [Contaminated Sites Environment Protection Policy 2017](#) (CSEPP) states 'A site assessment would normally be required where there is a change to the lease purpose, or land use where the past use of the land may have caused contamination'.

Further the [Planning and Development Act 2007](#) requires the 'decision-maker' to consider the suitability of the land when deciding on a development application for a development proposal, including a lease variation. The land's suitability from a contamination perspective must be considered in the process.

The EPA will generally require a preliminary or more detailed site investigation where:

- a more sensitive land use at the site is being proposed; or
- potentially contaminating activities are being undertaken or have been undertaken on the land; or
- the historical uses of the site or historical activities at the site are unknown or unclear.

Preliminary Site Investigation (PSI)

Any site investigation undertaken under this guidance must be performed by a suitably qualified environmental consultant specialising in contaminated sites assessment and in accordance with the [National Environment Protection \(Assessment of Site Contamination\) Measure 1999 \(updated 2013\)](#) (ASC NEMP) and CSEPP.

The preliminary site investigation report should identify all past and present potentially contaminating activities at the site of interest.

The PSI must contain, amongst other things, the following elements:

- a review of historic aerial photographs held by Surveying and Spatial Data, Environment, Planning and Sustainable Development Directorate (contact 13 22 81);
- a [Contaminated Land Search](#) of records held by the EPA;
- a [Search of Groundwater Bore Records](#) held by the EPA;
- a review of historic plans and/or records (including the site's building file) held by ACT Government and Commonwealth Government Departments;

- a review of current and former uses of the site;
- a review of heating methods utilised at the site including an inspection, to identify the presence or otherwise of above ground and/or underground fuel storage tanks and other potentially contaminating activities;
- a review of dangerous substances storage at the site;
- discussions with current and past land managers, lessees and site users;
- a site inspection; and
- identification of potential contaminant types based on site uses, site history and building records.

Where proposals include the demolition of a building and associated infrastructure, the proponent should undertake a search of the records particularly regarding dangerous substances (e.g., asbestos, fuel and chemical storage, lead paint and PCB electrical equipment). A Hazardous Materials Survey must be undertaken in accordance with the requirements of Section 8.1 of the EPA's [Hazardous Materials Environment Protection Policy 2022](#).

An appraisal of the site history is fundamental to the preliminary assessment process and should be used to assess potential site contamination. It is important to review and assess all relevant information about the site, including information obtained during a site inspection. Where a complete site history clearly demonstrates that site activities have been non-contaminating, there may be no need for further investigation or site sampling. However, where potentially contaminating activities are suspected or known to have occurred, or if the site history is incomplete, it may be necessary to undertake a preliminary sampling and analysis program to assess the need for a detailed investigation.

Where geotechnical or other investigations identify fill on a site further investigation may be required. Initially fill should be considered potentially contaminated until demonstrated otherwise. This is due to the historic practice of disposing of builder's waste, which could contain asbestos and other contaminants, within the fill.

Reporting

The preliminary site investigation report must be prepared in general accordance with the guidelines endorsed by the EPA as detailed in the CSEPP.

The report must include comment on each of the elements listed above and provide clear guidance on the condition of the site, provide a preliminary assessment of site contamination, include an assessment of the need for further investigations and, where appropriate, provide a clear statement as to the site's suitability, from a contamination perspective, for its permitted uses under the Territory Plan. If each of the elements listed above are not considered, clear justification as to their exclusion must be provided in the report.

To ensure the EPA's report quality requirements for site investigation reports are satisfied it is strongly recommended that consultants utilise the procedures and checklists contained in relevant EPA endorsed guidelines and/or publications. Examples include the ASC NEMP, the elements of this Information Sheet and the NSW EPA [Consultants reporting on contaminated land, Contaminated Land Guidelines, 2020](#). A completed copy of the checklist(s) should be appended to the relevant report.

In the event that contamination is found, further investigations should be undertaken in accordance with the guidelines detailed in the CSEPP.

Where land is contaminated in such a way as to present or be likely to present a significant risk of harm to human health and/or a significant risk of material or serious environmental harm as defined in the [Environment Protection Act 1997](#) (the Act) there is a requirement under section 23A of the Act to report the contamination to the EPA – see the CSEPP for further details and template for report.

All reports must be submitted in accordance with the [Information sheet 11 - EPA Report Submission Requirements](#).

For more information

Contact the Office of the EPA by calling Access Canberra on 13 22 81 or go to www.accesscanberra.act.gov.au

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Further Information | Phone: Access Canberra on 13 22 81 | Email: contaminatedsites@act.gov.au | Web: www.accesscanberra.act.gov.au

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