CONTEXT
The Environment Protection Authority’s (EPA) Contaminated Sites Environment Protection Policy 2009 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 site investigation:

> where the land the subject of the development proposal is not currently being used for a sensitive land use and a more sensitive land use at the site is now being proposed or
> where potentially contaminating activities are being undertaken or have been undertaken on the land or
> where the historical uses of the site or historical activities at the site are unknown or unclear.

PRELIMINARY SITE INVESTIGATION
Any site investigation undertaken under this guidance must be performed by a suitably qualified environmental consultant specialising in contaminated sites assessment. The preliminary site investigation report should identify all past and present potentially contaminating activities at the site of interest.

In the ACT elements to be included in the report are:

> a review of historic aerial photographs held by Surveying and Spatial Data, Environment and Planning Directorate (EPD) (contact 02 6207 1923)
> a Contaminated Land Search of records held by the Environment Protection Authority
> a bore search of records held by the Environment Protection and Water Regulation
> a review of historic plans and/or records (including the site’s building fi held by other 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
> 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 in regard to Dangerous Substances (e.g. asbestos, fuel and chemical storage, lead paint and PCB electrical equipment).

For buildings constructed prior to 2004 this must also include a Hazardous Materials Survey. The Hazardous Materials Survey should be undertaken in accordance with the requirements of Section 8.1 of the EPA’s Hazardous Materials Environment Protection Policy, November 2010.

An appraisal of the site history is fundamental to the preliminary assessment 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 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.

In this context, where fill is found it should be initially assessed as potentially contaminated. This is due to the historic practice of disposing of builder’s waste as fill which could contain asbestos material along with other contaminants.

Should a geotechnical investigation find fill on a site, further investigations by method of trenching should be undertaken. At these fill sites the geotechnical investigations should include an assessment for hazardous materials. This aspect is normally specifically excluded from geotechnical investigations unless requested. This is in part due to the sampling density required for geotechnical investigations is far less than that required for an environmental assessment for contamination purposes.

Where investigation of large areas, such as greenfield redevelopment areas or redevelopment of urban infill, do not identify fill an unexpected finds protocol should be incorporated into the contract documentation. This conservative approach is taken to ensure the contractors are aware of the appropriate management practices for the management of contamination in the event builder’s spoil or other contaminants are detected.

The preliminary site investigation report must be prepared in general accordance with the guidelines endorsed by the EPA as detailed in the Contaminated Sites Environment Protection Policy, November 2009 (CSEPP) made under the Environment Protection Act 1997 (the Act).

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 and include an assessment of the need for further investigations. If each of the elements listed above are not considered clear justification as to their exclusion must be provided in the 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 there is a requirement under section 23A of the Act to report the contamination to the EPA – see the CSEPP for further details.