

Contaminated Land Policy

VERSION NO.	<i>Version 1</i>
APPROVAL	Council
	<i>Date: 24 March 2025</i>
TRIM REFERENCE	25/23035
REVIEW	1 April 2028
RESPONSIBLE EXECUTIVE	Chief Finance Officer
POLICY TYPE	Council
POLICY OWNER	Manager Property Services

REVISION RECORD	Version	Revision Description
-----------------	---------	----------------------

1. Purpose

Council manages and owns over 6,000 m² of land within the municipality of Kingston. Some of this land has been and/or is known to have been used for activities that may have caused contamination. It is Council's responsibility to manage its land in such a way as to minimise the risk of harm to the community and the environment from any contamination that may be present on its land so far as reasonably practicable.

This Policy:

- sets out the broad objectives to assist Council Officers in managing contamination on Council Land; and
- aims to align Council activities and management processes with and not derogate from the duties outlined in the EP Act in regard to contaminated land.

2. Scope

This Policy applies to all *Council Land* and should be read in conjunction with the Kingston Council Contaminated Land Framework.

3. Governance principles and Council Plan alignment

3.1. Governance principles

Principle (a) - Council actions are to be made and actions taken in accordance with the relevant law.

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Principle (g) - the ongoing financial viability of the Council is to be ensured.

3.2. Council Plan alignment

This Policy aligns with the Council Plan and the EP Act and supports the strategic directions and strategies of Council by:

- providing the community with safe access to previously underutilised contaminated land for public open space;
- assisting the delivery of the Chain of Parks and enhancement of the Green Wedge whilst ensuring the safety of the community and the local environment; and
- promoting the early identification of risks associated with contaminated land, such that infrastructure can be designed in a way that is appropriate to the site conditions.

4. Policy details

Key objectives - relevant Council officers should, where applicable to their role and legislation:

4.1. Proactive management

Identify land that is potentially contaminated within the municipality through a screening process and ensure the information is accessible to all Council staff through appropriate tools.

4.2. Risk mitigation

Assess and manage the human health and environmental risks associated with land contamination and associated land uses and development.

4.3. Informed decisions

Adopt a data-driven approach to land management, basing land use and development decisions on environmental conditions and contamination information.

4.4. Practicable solutions

Manage the risks associated with contaminated land to ensure appropriate restrictions and conditions placed on land uses and projects.

5. Key stakeholders

5.1. General

- Council (as the entity)
- Councillors
- Council staff

5.2. Contaminated Land Coordination Group

A Contaminated Land Coordination Group (**CLCG**) has been established to guide the contaminated land governance process and to facilitate collaboration across the Council. The CLCG includes representatives from the following Council Departments:

- Property Services
- Open Space
- Infrastructure
- City Strategy
- City Development
- Legal

6. Internal and external assessments

6.1. Risk Assessment

This policy has been assessed by the Governance Risk & Integrity Department.

6.2. Delegation and authorisation (compliance framework)

Refer to Council's Instruments of Delegations.

6.3. Gender Impact Assessment

A Gender Impact Assessment is not required for this Policy.

6.4. Privacy Impact Assessment

A Privacy Impact Assessment is not required for this Policy.

6.5. Human Rights Charter

This Policy has been reviewed against and complies with the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

7. Roles and responsibilities

Role	Responsibility
Council staff	<ul style="list-style-type: none">Engage the Property Services Department in the initial planning stages of Council projects to aid in the identification of contaminated land.Notify the Property Services Department where potential contamination is encountered or suspected during work on Council Land.Use environmental data and contaminated land information to inform decisions.Manage any external contractors in accordance with this Policy and the Framework.Contact the Property Services Department for queries related to this Policy or other contaminated land management issues within Council.
Contaminated Land Coordination Group (CLCG)	<p>Informs how contaminated land is managed at Council, assists in the development of frameworks, strategies, policies, and procedures relating to contaminated land.</p> <p>Responsible for the implementation, monitoring and review of this Policy.</p>
Contaminated Land Officer (Property Services)	<p>Provides advice to Council staff and contractors regarding the management of contaminated land on Council Land.</p> <p>Completes ad hoc site work (sampling and inspection), training, inductions, and reporting relating to the management of contamination on Council Land.</p> <p>Ensures appropriate register of contaminated Council Land is maintained (e.g. Intramaps).</p>

Property Services Department	<p>Provides management advice to Council staff and contractors that are engaging in Council projects involving potentially contaminated land.</p> <p>Accommodates the engagement of an external consultants from the Environmental Consultancy Panel List (CON-20/057) where necessary.</p> <p>Engages other Council Departments for assistance in identifying current and historic contaminated land e.g City Strategy.</p>
-------------------------------------	--

8. Related documents

8.1. Legislation

- *Environment Protection Act 2017* (Vic)
- *Environment Protection Regulations 2021* (Vic)
- *Planning and Environment Act 1987* (Vic)

8.2. Documents and resources

- EPA Victoria Publication 1821.1: Local Government – Guide to preventing harm to people and the environment, dated May 2021
- DTP Planning Practice Note 30 (PPN30): Potentially Contaminated Land, dated July 2021
- Ministerial Direction No.1, Potentially Contaminated Land, as amended 27 August 2021

9. Definitions

Term	Definition
<i>Council</i>	Kingston City Council
<i>Council Land</i>	All land within the municipality of Kingston, where Council is the owner or manager, of the land including roads and reserves
<i>DTP</i>	Department of Transport and Planning Victoria
<i>EPA</i>	Environment Protection Authority Victoria
<i>EP Act</i>	<i>Environment Protection Act 2017</i> (Vic)
<i>EP Regulations</i>	<i>Environment Protection Regulations 2021</i> (Vic)