

Soil reuse guidelines

VicTrack Property Group guideline

Document information

Doc ref no	D/15/23898[v3]
Controlled doc no	PR-GL 004
Approved	26 March 2024
Review	26 March 2026
Version	V3.0

Contents

1. Introduction	1
1.1. Overview	1
1.2. Purpose	1
2. Definitions	2
3. Principles and legislation	5
3.1. VicTrack's principles of soil management	5
3.2. Key legislation and regulations	5
3.2.1. EPA waste hierarchy	5
3.2.2. The General Environmental Duty (GED)	6
3.2.3. The duty to manage contaminated land	6
3.2.4. The duty to notify notifiable contamination	6
3.2.5. Waste duties	7
3.2.6. Permissions	7
4. Procedure for soil reuse application	8
4.1. Contractual requirements	8
4.2. Application process for soil reuse	8
4.2.1. Stage 1 – Planning	8
4.2.2. Stage 2 – Environmental assessment	10
4.2.3. Stage 3 – VicTrack's review	14
4.2.4. Stage 4 – Approval	15
4.2.5. Stage 5 – Assurance and completion	15
4.3. Soil reuse register and documentation	15
5. Responsibilities and accountabilities	16
6. Legislative and regulatory framework	17
7. Reference documents	18
8. Document review and approval	18
9. Document history	18
10. Review period	18
Attachment A	19

1. Introduction

1.1. Overview

These Soil Reuse Guidelines (Guidelines) provide guidance to anyone undertaking activities involving the movement, retention or reuse of soil, including soils meeting the definition of “Fill Material”, on VicTrack owned land (or land known to be transferred to VicTrack) or across VicTrack’s site boundaries (Soil Reuse).

Any Soil Reuse on VicTrack land requires approval by VicTrack prior to the soil movement occurring.

Soil Reuse must be conducted in such a way as to meet your Duty to Manage contaminated land and General Environmental Duty (GED) where applicable under the *Environment Protection Act 2017 (Act)*, and that no adverse impact to environmental values (previously “beneficial uses”) of land occurs or has the potential to occur. Environmental values of land to be protected, unless otherwise proven to be precluded, include:

- human health
- maintenance of ecosystems
- aesthetics (site amenity or function impacts, such as the creation of unsightly earth mounds or structures that sterilises VicTrack land from future use)
- production of food, flora and fibre.

Soil Reuse should be conducted in such a way that the condition of the land, nearby surface water and underlying groundwater are protected from the detrimental effects of contamination and existing contamination is cleaned up or otherwise managed accordingly to protect the environmental values of land.

Ongoing maintenance/management requirements or transfer of waste management responsibility should also be considered.

Soil Reuse should not be proposed simply to avoid off-site disposal costs associated with excess soils generated during site works.

These Guidelines are not intended to override or replace any statutory obligations or requirements which exist in relation to the movement of contaminated or potentially contaminated soils. VicTrack expects full compliance with the relevant statutory and regulatory regime.

1.2. Purpose

The key purpose of these Guidelines is to clearly outline VicTrack’s expectations for any party intending to undertake Soil Reuse on VicTrack land (or land known to be transferred to VicTrack).

In particular, these Guidelines contain the following information:

- Brief overview of relevant legislation and guidance for soil management within Victoria, as applicable to potential reuse or retention of contaminated or potentially contaminated soils or Fill Material. **Note: the reuse of ‘asbestos containing soils’ is not permitted on VicTrack land**
- Guidance to applicants on Soil Reuse procedures and decision making
- A Soil Reuse flow chart (**Attachment A**)

- The Soil Reuse application process, accessible on VicTrack’s website.

These Guidelines do not intend to address management measures to be adopted when handling potentially contaminated soils on VicTrack land. In this regard, VicTrack’s *Environmental management plan – Guidelines on the management of potentially contaminated land (PR-GL 003)* or the applicant’s Site-specific Construction Environmental Management Plan (CEMP) should be referred to.

2. Definitions

Definitions commonly used throughout this document are provided in the following table.

The following terms should be read in conjunction with the VicTrack Soil Reuse flow chart provided as **Attachment A**.

Table 1. Definitions

Term	Definition
Acid Sulfate Soil	Naturally occurring soils, sediments or rocks containing metal sulfides which, on or after exposure to oxygen, generate acid, which may cause acidification of land and groundwater.
Applicant	This includes but is not limited to VicTrack employees, contractors, rail operators, tenants, licensees, and personnel or contractors who wish to undertake activities involving the movement, retention or reuse of potentially contaminated soils or soils meeting the definition of ‘Fill Material’ on VicTrack land or land known to be transferred to VicTrack or across VicTrack site boundaries.
Asbestos in Soil	Soils which contain asbestos materials, fibres or friable asbestos. These soils <u>cannot be reused</u> under any circumstances (other than those set out below). Where non-friable asbestos containing material (ACM) (e.g. cement sheet fragments) can be removed and abated, so far as reasonably practicable, VicTrack may permit reuse of the remaining (abated) soils. Typically ACM must be abated by engaging a Class A Licensed Asbestos Removalist and suitably qualified Occupational Hygienist to clean up asbestos impacted soils and dispose of the ACM to licensed landfills, and to provide a clearance certificate (sign-off) for the works.
Asset Owner	The owner of an asset/service located within VicTrack land as per the Asset Ownership Agreement/Licence/Lease.
Contaminated Land	Has the meaning given in section 35 of the Act, namely: <i>“Land is contaminated if waste, a chemical substance or a prescribed substance is present on or under the surface of the land, and the waste, chemical substance or prescribed substance -</i> <i>(a) is present in a concentration above the background level.</i> <i>(b) creates a risk of harm to human health or the environment.”</i>

Term	Definition
Engineered Facility	<p>An Engineered Facility is a structure designed and created to contain contaminated soil in a manner to manage human health and/or environmental risks.</p> <p>Essentially an on-site containment cell, such a facility would likely comprise features such as an impermeable liner, a leachate catchment system, geotechnically stable structure, capping and have a regime in place to ensure its ongoing management.</p> <p>Construction of an Engineered Facility requires a development licence from Environment Protection Authority (EPA), as well as a financial assurance.</p>
Environmental Values	<p>Environmental values are uses, attributes or functions of the environment, identified as being important in Victoria which therefore require maintaining and protection from pollution and waste. The identification of what environmental values are applicable at a Site is based on zoning and likely land uses and relevant environmental values requiring maintenance and protection are specified in the Environment Reference Standard.</p> <p>Examples of environmental values that may require protection include: human health, aesthetics, maintenance of ecosystems, buildings and structures, ambient air and waters.</p>
Fill Material	<p>Soil with contaminant concentrations not exceeding the upper limits for fill material contaminant concentrations specified in <i>EPA Publication 1828.2 – waste disposal categories – characteristics and thresholds</i> and which does not contain asbestos.</p>
Permanent Rail Infrastructure	<p>Infrastructure that has potential value to a railway related organisation and that is required for an operational railway related purpose, such as formations for railway tracks, stations, station forecourts or rail bridges, or relates to the physical components of the transport network.</p>
Potentially Contaminated Soil	<p>Soils including uncontrolled fill, which is likely to be contaminated due to historical use and activities.</p>
Project Boundary	<p>Has the meaning in the <i>Environment Protection Regulations 2021</i> (Regulations) namely:</p> <ul style="list-style-type: none"> • a single area of land identified in a document as part of a planning scheme amendment under the <i>Planning and Environment Act 1987</i> made on or after 1 July 2021; or • land that relates to public works within the meaning of the <i>Environment Effects Act 1978</i>.
Service	<p>Underground, aboveground or at grade infrastructure that may include high pressure gas distribution and transmission pipelines; low and high voltage electrical distribution and transmission lines; oil, petroleum, aviation jet fuel, crude oil, natural gas and other petrochemical fuel lines; drains, sewers, culverts; monitoring wells; telecommunication towers, huts, antennas, conduits.</p> <p>May also incorporate major infrastructure being a particular type of asset owned by an Asset Owner located within VicTrack land.</p>

Term	Definition
Site	<p>For the purpose of Soil Reuse, without traversing a public road, a “Site” refers to land defined by:</p> <ul style="list-style-type: none"> • For VicTrack’s tenants: the leased areas/lots you lease • For non-tenants or railway train operators: <ul style="list-style-type: none"> - within the same parcel of land/land title (or land parcel proposed to be transferred to or vested in VicTrack); or - within the same railway precinct or no greater than 200 m within an adjacent railway precinct (whichever is closer to the soil generating location). • Within the same Project Boundary.
Soil Aesthetics Quality	<p>Refers to the aesthetics (non-chemical, i.e. discolouration, inert waste, staining, odour) quality of the soil, as well as the soil type (e.g. sand, clay, fill, etc.).</p> <p>For soil to be suitable for reuse, it must be consistent with the Soil Aesthetics Quality in the area where soil placement is proposed.</p>
Soil Chemical Quality	<p>Refers to the concentrations of potential contaminants within soil including leachability. Soil Chemical Quality can be assessed through analytical testing conducted by a National Association of Testing Authorities (NATA) accredited laboratory. For soil to be suitable for reuse, including those materials which are placed at the surface, the Soil Chemical Quality must be:</p> <ul style="list-style-type: none"> • assessed in accordance with the requirements of Victorian guidelines (including National Environment Protection (Assessment of Site Contamination) Amendment Measure (NEPM) 2013 and the Environment Reference Standard) • consistent with the soil quality in the area where soil placement is proposed.
Soil Management Plan (SMP)	<p>Developed by the applicant, the SMP provides details for the handling, transport, placement and management of reused soil.</p>
Soil Reuse	<p>Refers to movement, including placement of:</p> <ul style="list-style-type: none"> • potentially contaminated soil where the soil volume is greater than 5 m³; or • fill material, where the soil volume is greater than 500 m³ (excludes reuse of Fill Material where it is used as part of permanent infrastructure) <p>from the original <i>in-situ</i> location to another area on the Site or within Project Boundary.</p>

3. Principles and legislation

3.1. VicTrack's principles of soil management

VicTrack is committed to the effective management of its land and supports government legislation, regulation and principles on contaminated soil management. Whilst striving to improve the condition of the environment, VicTrack understands that a balanced approach is required to manage the financial impacts of projects along with risks of harm to the environment and human health to meet the expectations of its key stakeholders.

VicTrack's key principles in managing Soil Reuse are to:

- ensure the protection of the environment and people's health
- support the highest and best use of land by not restricting its use in the future
- ensure there is no impact on existing services either during or post soil placement
- adopt best industry practice
- minimise ongoing management costs associated with the management of contaminated land/soil
- where possible, support EPA's waste hierarchy (Section 3.2.1)
- support sustainable outcomes
- support state government projects which wish to reuse soil where possible, to encourage cost-effective management of soil.

3.2. Key legislation and regulations

There are several regulatory mechanisms by which contaminated soil, including the assessment, management and reuse of such materials, is managed within Victoria. These legislative tools and guidance documents have been considered in the development of these Guidelines and are listed in Section 6. Key legislative duties are summarised below.

It is the responsibility of the parties using these Guidelines to ensure that the assessment, management and reuse of contaminated soil complies with all relevant legislation and regulations.

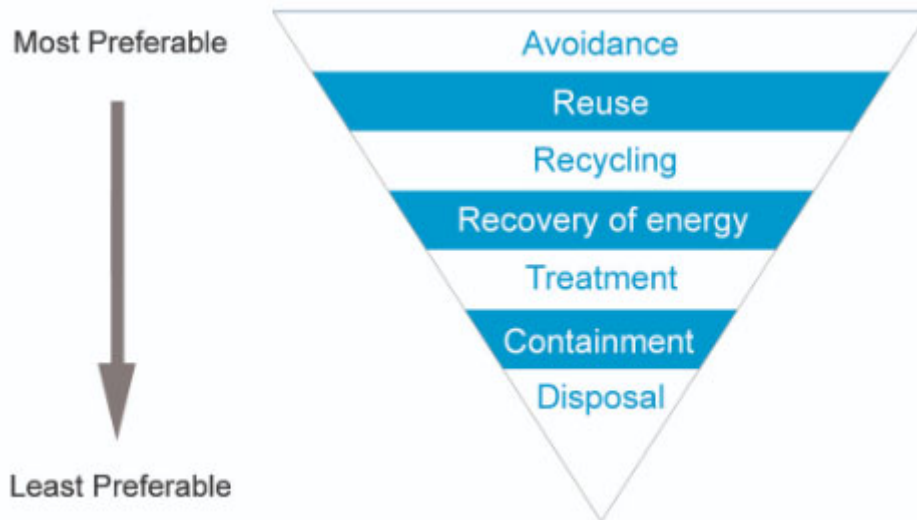
The Act provides the overarching legislative framework for:

- the protection of human health and the environment from pollution and waste
- a general environmental duty to minimise risks of harm to human health and the environment from pollution or waste
- a permission scheme, including for waste
- a framework for the management of waste
- waste and resource recovery.

3.2.1. EPA waste hierarchy

Contained within the Act are 11 principles of environment protection, including the waste hierarchy.

The waste hierarchy lists the following order of preference for management of waste, so far as reasonably practicable from most preferable to least preferable:



3.2.2. The General Environmental Duty (GED)

The GED applies to risks arising from activities that may disturb or exacerbate contamination, causing someone to be exposed to contamination. It will be necessary to have systems in place to identify, assess and minimise risks that might arise from disturbing or exacerbating contamination when undertaking Soil Reuse so far as reasonably practicable.

3.2.3. The duty to manage contaminated land

The duty to manage contaminated land will apply:

- in relation to land that is contaminated (as defined in section 35 of the Act)
- to the person who is in management or control of the contaminated land.

where there are reasonably practicable actions that can be taken to minimise the risks of harm to human health or the environment from the contaminated land.

This duty requires a person who is in management or control of contaminated land to minimise the risk of harm to human health and the environment from contaminated land so far as reasonably practicable. In certain circumstances, Soil Reuse may be an appropriate and proportionate response to manage risks posed by the soil which has originated from contaminated land. However, there may be other actions required to comply with this duty where it applies.

3.2.4. The duty to notify notifiable contamination

There are numerous circumstances where a person in management or control of contaminated land has a duty to notify the EPA of certain contamination. In the Soil Reuse context there is a specific requirement to notify the EPA where retention of contaminated soil occurs if certain circumstances arise including:

- the contaminated soil will be contained on-site in a structure designed for less than 1,000 m³; or
- contaminated soil of any volume is relocated from one part of a contaminated site to another and **not** contained in an Engineered Facility and retention is an appropriate risk management response under the duty to manage.

3.2.5. Waste duties

The Act establishes distinct waste and contaminated land obligations and in certain situations one or both sets of obligations may need to be complied with.

Where excavated soil originates from contaminated land and it is surplus (i.e. there is no opportunity to reuse it, such that it is not needed when viewed objectively) and is therefore a “waste” within the meaning of the Act, there are several duties arising (See Chapter 6 of the Act and Chapter 4 of the Regulations) including:

- a duty to classify soil in accordance with the Act and Regulations (i.e. to assign it a category of fill material/priority waste/reportable priority waste)
- where the soil is to be transported off-site, ensure that the soil is transported to, and received at a place authorised to receive it (lawful place). This will be particularly relevant where soil is moved across cadastral boundaries as it can be a factor which tends to support soil being waste.

3.2.6. Permissions

In certain circumstances, permissions will be required to be obtained from the EPA under the Act as part of the Soil Reuse process including:

- to retain excavated soil which has come from contaminated land (other than Fill Material i.e., Category A, B, C and D waste soil) in an Engineered Facility designed to contain >1,000 m³ and to prevent further contamination (development licence required – L02 activity). An EPA Site Management Order for long-term maintenance of environmental controls, assessment and monitoring may be triggered as part of this L02 activity
- to contain Category D waste soil generated at a site within Project Boundary (i.e. on separate cadastral land to the source site but under the same management or control of the source site) (permit required – A17 activity). **Note: reuse of Category D waste soil is not permitted off-site**
- where soil which is deemed a “waste” is stockpiled temporarily at different sites for off-site disposal and there is between 5 m³ and 5,000 m³ stored at any time, registration required – A13c activity. For volume greater than 5,000 m³, registration A13b activity will be required.

The responsibility to obtain the EPA permissions falls on the applicant.

4. Procedure for soil reuse application

4.1. Contractual requirements

These Guidelines are only applicable for specific applications for Soil Reuse on VicTrack land or land known to be transferred to VicTrack and do not detract from, or replace, contractual (e.g. lease/licence/access) requirements. All conditions which are incorporated into any contractual document such as a licence or lease agreement held with VicTrack should be considered and met prior to requesting approval for Soil Reuse.

4.2. Application process for soil reuse

Prior to excavating and moving soil, the applicant is required to plan the works appropriately in accordance with the requirements of these Guidelines.

A flow chart to support planning and decision making on the appropriateness of a particular application for Soil Reuse has been developed and is provided as **Attachment A** Soil Reuse Flow Chart and the Soil Reuse application can be lodged online via VicTrack's website. The Soil Reuse Flow Chart should be used to guide applicants through the minimum requirements for Soil Reuse on VicTrack land. The Soil Reuse application and approval process is divided into five stages:

1. Planning
2. Environmental assessment (soil chemical quality and soil aesthetics quality)
3. VicTrack's review
4. Approval
5. Assurance and completion

The scope of planning, assessment, management and works is dependent on the scale of the reuse program being proposed. Proposals for reuse of large volumes of contaminated soils, or Soil Reuse in sensitive environments will require more detailed consideration by VicTrack prior to approval being granted for reuse.

VicTrack will require copies of any EPA permissions and may also require a SMP to be developed and submitted to VicTrack for review and approval, prior to the Soil Reuse works commencing.

The following sections provide further details regarding the five stages, which should be read in conjunction with the Soil Reuse Flow Chart.

4.2.1. Stage 1 – Planning

Works should be appropriately planned prior to requesting approval from VicTrack for Soil Reuse.

Soil Reuse should not be proposed simply to avoid off-site disposal costs associated with excess soils generated during site works and should consider EPA waste hierarchy where practicable.

Table 2 describes the key planning aspects that need to be considered for a Soil Reuse application, also referenced in the Soil Reuse Flow Chart.

Table 2. Planning for soil reuse

Flow Chart Item	Information
1 – Does the material contain soil	<p>For the purpose of Soil Reuse, the material proposed for reuse contains:</p> <ul style="list-style-type: none"> • Soil • Soil fines • Ballast fines <p>A soil reuse application is not required for ballast. Ballast can be classified as recycled aggregate (natural rock) and be reused under Victorian Government Gazette No. S 302 (2021), <i>EPA Determination – Specifications Acceptable to the Authority for Receiving Recycled Aggregate</i>. Other construction materials that can be classified as recycled aggregates are for example concrete and natural rock.</p>
2 – Is the soil proposed to be reused from VicTrack land	<p>The soil proposed to be reused must be sourced from existing VicTrack land.</p>
3 – Is the soil required for genuine use	<p>Soil Reuse must be genuine, that is, clean fill would otherwise be required to be imported to the Site for use. The Soil Reuse must provide genuine benefits to the environment and the Site. Creation of unsightly earth mounds or structures that sterilises VicTrack land from future use is not permitted. Soil Reuse should not be proposed simply to avoid off-site disposal costs associated with excess soils generated during site works.</p>
4 – Is soil proposed to be reused from the same Site or Project Boundary	<p>VicTrack permits the movement of soil within the same Site or Project Boundary. See Definitions of Site and Project Boundary in the Definitions section of this document.</p> <p>While VicTrack may permit movement of soil across other (VicTrack owned) lots (e.g. to enable movement of materials along a rail corridor but not around a barrier such as a railway station), soil movement should not occur on public roads or through non-VicTrack owned land without appropriate authorisation under the Act (e.g. through a permission) and ensuring it goes to a place authorised to receive it (lawful place).</p>
5 – Soil volume	<p>Volume is for any individual or aggregate volume of soil that may be disturbed as part of works.</p> <p>Soil Reuse should be conducted in such a way that minimises risks to human health or the environment and to otherwise comply with the GED and duty to manage contaminated land where applicable.</p> <p><i>Decision based on volume:</i></p> <hr/> <p>≤ 5 m³ potentially contaminated soil ≤ 500 m³ Fill Material; or Reuse of Fill Material as part of permanent rail infrastructure.</p> <p>The above volumes do not require a Soil Reuse application.</p> <p>For these volumes and reuse within permanent rail infrastructure, the flow chart should still be referred to ensure that the reuse is consistent with VicTrack requirements and complies with the Act and Regulations and any other environmental obligations.</p>

Flow Chart Item	Information
	<p>> 5 m³ but < 1,000 m³ potentially contaminated soil</p> <p>> 500 m³ Fill Material (excluding reuse as part of permanent rail infrastructure)</p> <p>For soil volumes greater than 5 m³ but less than 1,000 m³ for potentially contaminated soil and greater than 500 m³ for Fill Material, VicTrack approval is required.</p>
	<p>> 1,000 m³ potentially contaminated soil</p> <p>If the soil volume is greater than 1,000 m³ then reuse may trigger the requirement for soil to be placed in an Engineered Facility which will require a development licence under the Act, if soil is contaminated. It is required to manage the risk of harm caused by the contaminants in the soil. Further discussion must be had with VicTrack in this regard.</p>
6 – Environmental impact	<p>Maintenance of ecosystems is a protected environmental value for all Sites within Victoria, in accordance with the Environment Reference Standard. Protection of ecosystems includes but is not limited to the protection of features such as native flora and fauna, soil microbial processes and water bodies on, below and off-site.</p> <p>Consideration should also be given to the requirement for cover layers/barrier and surface treatment to prevent creation of dust, soil erosion, surface water run-off, etc.</p>
7 - Services	<p>The impact to services (underground services such as telecommunication, pipelines, conduits, etc.) must be considered and under no circumstances should any soil placement, either during or post construction, be placed over an existing utility service without the written consent from the Asset Owner.</p> <p>To identify services on VicTrack land, reference to VicTrack's <i>Identification of Services Procedure (VT-SP 153)</i> should be made.</p>
8 – Site use	<p>Soil Reuse should not occur in such a way that future site use is restricted. Such restrictions may include reduced site access, reduced available land area or restrictions on future developments.</p> <p>Features that may impact on site use include steep embankments, large mounds, unfilled ditches or depressions, poorly planned placement of landscaped features, backfilling not meeting engineered fill specifications etc.</p>

4.2.2. Stage 2 – Environmental assessment

The next stage of the Soil Reuse process is to gain an understanding of the soils' chemical and aesthetics composition to enable an assessment of its suitability for reuse.

Table 3 below outlines in more details the key considerations for assessing soil quality and soil management requirements as outlined in the Soil Reuse Flow Chart.

Table 3. Assessment of soil reuse

Flow Chart Item	Information
9 – Chemical quality	<p>Soil is assessed as chemically suitable for reuse if concentrations of potential contaminants are below the thresholds for all relevant criteria in the NEPM (2013). Relevant criteria include health investigation levels (HILs), health screening levels (HSLs), ecological investigation levels (EILs) and ecological screening levels (ESLs) for under different land use settings.</p> <p>Assessment of soil quality should involve a desktop exercise, Preliminary Site Investigation (PSI) and soil sampling. Soil sampling should be conducted in accordance with relevant EPA guidance.</p> <p>Soil that may be unsuitable for reuse, or would at a minimum require a more detailed assessment or management, may exhibit the following characteristics:</p> <ul style="list-style-type: none"> • Acid sulfate soils • Asbestos containing soils • Soil containing PFOA (perfluorooctanoic acid) and PFOS (perfluorooctane sulphonate) • Specific hazard characteristics as defined in Table 1 of EPA Publication 1828.2. These include priority wastes which may be explosive, flammable, corrosive, emit flammable gases, etc. • Contaminants present are potentially leachable, as per the contaminant concentration thresholds in Table 2 of EPA Publication 1828.2, and therefore represent a potential risk to the groundwater quality beneath the Site. <p>Further assessment of these soils to assess whether the potential impacts may be manageable and therefore suitable for reuse may include the following:</p> <ul style="list-style-type: none"> • Additional soil investigations including leachability testing • Contaminant fate and transport modelling to assess potential risks to groundwater at the site • Completion of a site-specific Human Health and/or Ecological Risk Assessment • Development of a SMP. <p>All soil quality assessments should be undertaken by a suitably qualified and experienced environmental consultant, and should be undertaken in accordance with the requirements of the NEPM (2013), <i>EPA Industrial Waste Resource Guidelines IWRG702</i> and other associated Australian guidance (Section 6). Material which is contaminated (i.e. exceeds Fill Material upper limits, Table 3 of EPA Publication 1828.2) may require appropriate assessment and/or engineered controls, with approval by VicTrack and other key stakeholders, prior to reuse being permitted.</p> <p>Note: Applications of soil reuse which consist of asbestos in soil will not be considered by VicTrack.</p>
10 – Lithological type	<p>Soil proposed for reuse should be of a similar quality to the soil in the area where it is to be placed. This will require, as a minimum, preparation of borehole logs with data on soil type, aesthetic characteristics, lithologies, etc.</p>

Flow Chart Item	Information
<p>11 – Visual amenity (aesthetics) quality</p>	<p>Soil proposed for reuse should be of a similar quality (or better) to the soil in the area where it is to be placed. This will require, as a minimum, the following works:</p> <ul style="list-style-type: none"> • Preparation of soil borehole logs with information on soil type, lithologies, aesthetic characteristics, etc. • Confirmation that there is no odours or staining in the soil which may be offensive to the senses of human beings • Confirmation that no inert wastes are present within the soil to be reused, or outline the proposed procedure to remove wastes from soil prior to reuse. <p>Soil Reuse must not result in features that substantially modify the surrounding landform (i.e. large mounds), compromise the geotechnical suitability of the site or affect the amenity of the area.</p> <p>Consideration should also be given to the requirement for cover layers/barrier to protect site amenity and surface treatment to prevent soil erosion, creation of dust, run-off following significant rainfall events, etc.</p>
<p>12 – General Environmental Duty (GED)</p>	<p>Soil reuse activities and the longer-term proposed management of reused soil must satisfy the GED.</p> <p>The GED requires that a person who is engaging in an activity that may give risk to risk of harm to human health or the environment from pollution or waste must minimise those risks, so far as reasonably practicable.</p> <p>Soil reuse activities and the final placement design must ensure so far as reasonably practicable risks to human health and environment, both on and offsite are minimised.</p> <p>These include:</p> <ul style="list-style-type: none"> • use and maintenance of plant, equipment, processes and systems in a manner that minimises risk from pollution and waste • existing contamination disturbance or exacerbation is avoided or minimised • use and maintain risk management systems • handle, store, use or transport substances in a manner that minimises risk • provide training and information to the persons.

Flow Chart Item	Information
13 – Engineered facility	<p>If the <u>volume is >1,000 m³</u> and the soil contains contaminants that are mobile, leachable, volatile, or potentially acutely toxic, it is likely that the Soil Reuse would require an Engineered Facility.</p> <p>If an Engineered Facility is required for the proposed Soil Reuse then the proposal is likely to be rejected by VicTrack as:</p> <ul style="list-style-type: none"> the requirements of the Regulations are likely to be triggered a development licence and provision of financial assurance may be required by EPA. <p>No applicant is to approach EPA to discuss such a proposal without VicTrack's prior approval and/or involvement.</p> <p>Note: Only under exceptional circumstances would VicTrack likely approve the use of its Site by a third party for onsite retention of contaminated soil in an Engineered Facility, and this would likely entail ongoing responsibilities for the applicant around management of the Engineered Facility, including management of failures in the facility (e.g. leakage).</p> <p>For any volume of soil which meets the following criteria:</p> <ul style="list-style-type: none"> Has been excavated Is determined to be a "waste" Is classified as Category D waste soil in accordance with EPA Publication 1828.2 Is proposed to be contained within a VicTrack site although on a different land title and falls within the definition of a "Project Boundary" <p>an EPA permit may be required.</p>

An appropriate PSI and soil assessment report presenting the outcomes of the environmental assessment which includes the analytical results for soil to be reused and the soil at proposed area of reuse should be prepared in accordance with relevant guidance.

Soil Reuse may trigger the need for a planning permit where it occurs on land with certain applicable planning controls, e.g. flood prone zone, heritage overlays, planning overlays and special building overlays. When surface levels are changed, approvals from the local Council may be required. It is the responsibility of the applicant to ensure that the proposed Soil Reuse complies with the planning scheme of the proposed area of reuse.

Appropriate/engineered compaction of the soil, suitable for the proposed future use may also be required.

4.2.2.1. Management of soil during soil reuse activity

A SMP may be required to ensure that the Soil Reuse works occur in a manner consistent with VicTrack and regulatory requirements and to demonstrate compliance with the duties under the Act. The SMP should outline roles and responsibilities for the tracking, handling, transport, placement and management of reused soil, as well as how existing features (e.g. biodiversity, services, etc.) will be managed during the placement of the soil.

The SMP should outline the following key items:

- Roles and responsibilities for implementing the plan
- Details regarding soil volumes, soil quality, and locations of impacted soils

- Details of where existing assets are located and how the placement of soil proposed impacts the existing assets and how the protection of these assets will be managed
- Specific surface treatments to be applied to prevent dust, erosion, etc.
- Appropriate occupational health and safety requirements for identified contamination to ensure worker protection, including training, inductions, and the appropriate procedures for handling and disposal of the soil and wastes
- Administrative controls or ongoing monitoring to limit contamination exposure to Site occupants or to ensure future potential risks are acceptable
- Requirements and responsibilities for ongoing monitoring and management
- Provisions for regular updating, as required.

Potentially, not all Soil Reuse proposals by applicants will require the preparation of a SMP.

4.2.2.2. Management of soil – post containment

In situations where the Soil Reuse is proposed to incorporate physical barrier systems, administrative controls or ongoing monitoring to limit contamination exposure to Site occupants or to ensure future risks are acceptable, a post containment SMP may be required. VicTrack will advise if a post containment SMP is required to be developed for the Site. The applicant will remain responsible for implementation of any ongoing management requirements unless negotiated otherwise with VicTrack.

4.2.3. Stage 3 – VicTrack’s review

The following documentation is required to be prepared and submitted to VicTrack for review and final approval:

- Lodgement of soil reuse application on VicTrack’s website
- Design drawings for placement of soil to be reused showing all Site features, depths, etc.
- PSI and soil assessment reports which include the analytical results for soil to be reused and soil at proposed area of reuse
- If applicable, documentation of where the cover over the top of existing services has been changed and evidence of written approval of increased soil surface levels from the Asset Owner
- SMP (if required)
- Post containment SMP/Operational and Maintenance management plan (if required)
- Any other information pertinent to VicTrack’s review, such as flora and fauna, cultural heritage assessments and associated EPA and Council planning approvals, if such details are identified as necessary.

The applicant must submit their Soil Reuse application, along with the supporting information on <https://victrack.com.au/get-help/soil-reuse>. VicTrack will review the information and provide ‘in-principle’ support/final approval as to whether the applicant can proceed with the Soil Reuse works at the Site.

If the information does not satisfy VicTrack’s requirements then VicTrack may either request the applicant to revise their application or attend a meeting to discuss the application further.

4.2.4. Stage 4 – Approval

Following final approval from VicTrack as outlined above, the Soil Reuse/relocation by the applicant may proceed at the Site. The applicant must ensure that works proceed in the manner as agreed to by VicTrack and/or in accordance with the SMP as approved by VicTrack.

4.2.5. Stage 5 – Assurance and completion

VicTrack may undertake an assurance audit of the approved Soil Reuse/relocation works at any time during the works and/or after the works have been completed. The assurance audit may include:

- auditing processes against the SMP
- collecting soil verification samples.

If the assurance audit findings suggest inappropriate handling, management and/or placement of the soils, then VicTrack will require the applicant to either amend the process in accordance with the approved Soil Reuse conditions. Or VicTrack will revoke the approval of the Soil Reuse submission and require the applicant to remove all soil from the Site.

4.3. Soil reuse register and documentation

VicTrack holds a Soil Reuse register which contains key documentation pertaining to Soil Reuse applications and approvals. The register is managed by VicTrack's Environment Services Group (ESG) and contains the following records of information pertaining to the applications:

- Details of all applications for Soil Reuse on-Site
- Tracking of which reuse applications are approved or rejected, and justifications for the decision-making process
- Generic and site-specific conditions for approval
- Tracking of approved SMPs developed for Soil Reuse
- Record of EPA, local Council and/or other stakeholder approvals or conditions for Soil Reuse.

5. Responsibilities and accountabilities

Table 4. Key stakeholders and responsibilities

Role	Responsibility
Applicant	<p>Adherence with conditions of lease/licence agreement, contracts or any other overarching agreements in place with VicTrack.</p> <p>Inform and liaise with VicTrack in relation to any proposed Soil Reuse activities, prior to works occurring.</p> <p>Communicate and engage with other regulatory agencies such as local Council and EPA or rail operators, if and when required.</p> <p>Engagement with VicTrack is required prior to any submission to the EPA for Soil Reuse on VicTrack land.</p> <p>Complete works (if approved) in accordance with VicTrack conditions/requirements and relevant environmental legislation and regulations.</p> <p>Provisions for any ongoing management of reused soil, where required.</p> <p>Provision of all relevant documentation to VicTrack.</p>
Environment Protection Authority (EPA)	<p>Provide guidance on interpretation and application of EPA legislation, regulations and guidelines.</p> <p>Engage with stakeholders for large or complex Soil Reuse projects e.g. major infrastructure projects.</p> <p>Review and approve applications for EPA permissions.</p>
Local Council	<p>Manage and approve planning permit applications, as required.</p>
Rail operator	<p>Ongoing management of any reused soil, if such management is required on VicTrack land that is part of the rail infrastructure lease. Applicant will seek such approval from Rail Operator beforehand and provide the proof to VicTrack.</p>
VicTrack	<p>Respond to Soil Reuse applications within 4-6 weeks.</p> <p>Provide consistent and clear advice to applicants on reuse procedures.</p> <p>Submit Soil Reuse applications through the VicTrack Land Use Review Panel internally, where required.</p> <p>Provide conditions for reuse, where approved.</p>
Other stakeholders	<p>Applicant to engage with other stakeholders, as required.</p> <p>Examples of stakeholders may include the utility or “Asset Owner” of a pipeline, which may be impacted by the proposed reuse of soil.</p>

6. Legislative and regulatory framework

Acts of legislation, standards or regulations to which this document relates:

- Dangerous Goods Act 1985
- Environment Protection Act, 2017
- Environment Protection Regulations 2021
 - Industrial Waste Resource Guidelines IWRG702 Soil Sampling, 2009
- Environment Reference Standard, 2021
- EPA Publication 1669.4 – Interim position statement on PFAS, 2020
- EPA Publication 1820.1 - [Construction - guide to preventing harm to people and the environment](#), 2021
- EPA Publication 1827.2, Waste classification assessment protocol, March 2021
- EPA Publication 1828.2 – Waste disposal categories – characteristics and thresholds, 2021
- EPA Publication 1834.1 – Civil construction, building and demolition guide, 2020
- EPA Publication 1894, Managing soil disturbance, September 2020
- EPA Publication 1915 – Contaminated land policy, 2021
- EPA Publication 1940 – Understanding section 35 of the Environment Protection Act, 2021
- EPA Publication 1968.1 – Guide to classifying industrial waste, 2021
- EPA Publication 1977.1 - [Guide to the duty to manage contaminated land](#), 2022
- EPA Publication 1992 – Guide to the Environment Reference Standard, 2021
- EPA Publication 2008.2 - [Guide to the duty to notify of contaminated land](#), 2022
- EPA Publication 2010 - [Potentially contaminated land - A guide for business](#), 2021
- EPA Publication 655.1 – Acid Sulfate Soil and Rock, 2009
- Heads of EPAs Australia and New Zealand (HEPA), PFAS National Environmental Management Plan, version 2.0, 2020
- Ministerial Direction No. 1 – Potentially Contaminated Land, 2021
- National Environment Protection (Assessment of Site Contamination) Amendment Measure (NEPM) 2013
- Occupational Health and Safety Regulations 2017.

Before use of the above EPA publications, applicants are encouraged to check that the relevant document has not been updated or replaced. Details can be obtained from the EPA's website: [Publications | Environment Protection Authority Victoria \(epa.vic.gov.au\)](https://www.epa.vic.gov.au/publications).

7. Reference documents

These Guidelines should be read and applied in conjunction with the following documents:

Document ID	Document Title
VT-SP 153	VicTrack procedure – Identification of services
PR-GL 003	Environmental management plan – Guidelines on the management of potentially contaminated land

8. Document review and approval

Delegation	Name	Position	Version	Date
Owner	Cheaying Ooi	State Projects Advisory Environmental Manager	3.0	8 March 2024
Reviewer	Narelle Simmons	Group Manager Environment	3.0	15 March 2024
Approver	Andrew Santana	Executive General Manager Property	3.0	26 March 2024

9. Document history

Version	Amendment Description	Author	Date
1.0	Document creation	Lyndal Gibbs	7 October 2016
2.0	Update of guidelines to include: <ul style="list-style-type: none"> inclusion of new contaminants of concern update of aesthetics values to be protected update of references to legislation inclusion of reuse of Fill Material. 	Cheaying Ooi	7 October 2020
3.0	Update of guidelines to reflect: <ul style="list-style-type: none"> requirements of <i>Environment Protection Act 2017</i> revision of soil reuse flow chart changes to online soil reuse application. 	Cheaying Ooi Narelle Simmons	15 March 2024

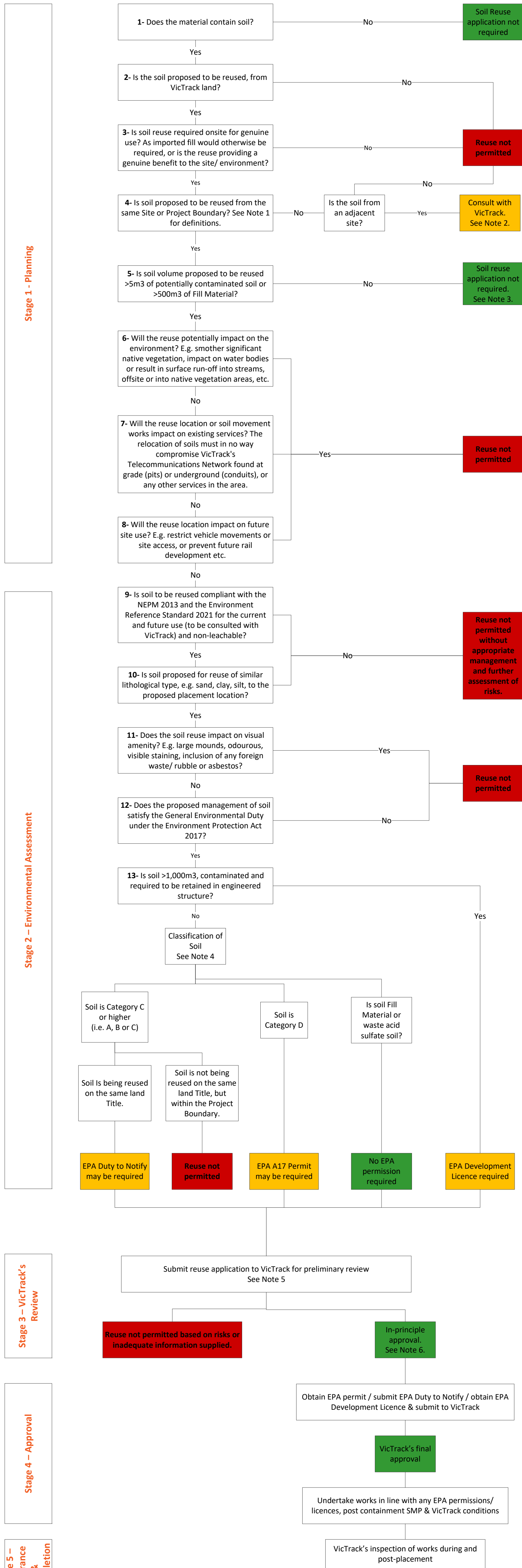
10. Review period

This guideline will be reviewed at least every two (2) years by the Document Owner, or amended as appropriate.

The content of this document is uncontrolled when printed. The current version of this document is available on The Loop (for VicTrack's internals).

Attachment A – VicTrack Soil Reuse Flow Diagram

(this flow chart must be read in conjunction with the VicTrack Soil Reuse Guidelines PR-GL 004)



Note 1 - Site is defined as, without traversing on a public road and meets one of the following definitions:

- For VicTrack's tenants: The leased areas/lots you lease
- For non-tenants or railway train operators:
 - Within the same parcel of land/land title (or land parcel proposed to be transferred to or vested in VicTrack); or
 - Within the same railway precinct, or no greater than 200m within an adjacent railway precinct (whichever is closer to the soil generating location).
- Within the same Project Boundary.

Project Boundary is defined as:

- a single area of land identified in a planning scheme amendment under the Planning and Environment Act 1987; or
- land that relates to public works within the meaning of the Environment Effects Act 1978.

Additional EPA permission is required for contaminated soil reuse within Project Boundary.

Note 2 - Additional EPA permissions may be required.

Note 3 - Soil is to be used in a manner consistent with the requirements of the Environment Protection Act 2017 to minimise risks to human health and the environment and Fill Material Determination as gazetted 18 June 2021 No. S 301.

Note 4 - Surplus soil is classified in accordance with Victorian EPA Publication 1828.2.

Note 5 - Soil Reuse application to VicTrack for review and approval. Supporting documents to include:

- Post-containment SMP, if not Fill Material
- PSI (if have)
- Soil assessment report
- Review of planning overlays to determine if planning permits are required

Note 6 - VicTrack in-principle approval is subject to:

- EPA permission being issued by EPA prior to works
- All documents to the satisfaction of VicTrack