

# Statement of Environmental Requirements when terminating occupation on VicTrack land

VicTrack Property Management guideline

## Document information

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## 1. Purpose

The overall purpose of the Statement of Environmental Requirements (**SoER**) is to detail VicTrack's minimum requirements on what is required to demonstrate that a tenant's or licensee's (or tenant's or licensee's (as relevant) predecessor in title (whether under a previous lease or an assignment or by other means)) (**Occupant**) activities have not adversely impacted the land, or caused harm to human health and the environment during the Occupant's occupation.

This document provides information on the following:

- A framework for environmental requirements arising at the end of a lease or licence as relevant (**Occupation Agreement**), including a checklist of environmental requirements that need to be considered by the Tenant when vacating;
- How an Occupant can identify whether their industry or activities undertaken are considered to be a potential contaminating activity;
- The minimum requirements on how to ensure the nature and extent of any risks to values within the Environmental Reference Standards, 2021 (made under section 93 of the Environment Protection Act 2017) are assessed, cleaned-up and managed;
- Expectations for assessing and remediating contamination the Occupant caused;
- Expectations for informing EPA of notifiable contamination; and
- Expectations of VicTrack in relation to managing residual impacts, if any.

This document does not provide information contained in any specific Occupation Agreement and is subject to the Occupation Agreement between VicTrack and the Occupant.

## 2. Context

VicTrack leases and licences land to third parties for various land uses including rail operations, petroleum storage and use, grain storage, cultivation, heritage purposes or general business use, to name a few. When waste and chemicals that are used or generated from use of VicTrack land pollute land or water, they can contaminate soil and groundwater or even surface water and this can pose a risk to people and the environment.

While in occupation of the land, the Occupant has a responsibility under the general environmental duty obligations of the Environment Protection Act 2017 to understand the risks from its activities and to reduce the risk of harm to human health and the environment from its activities, pollution or waste. In addition, under law there are also the following duties:

- **Duty to respond to harm**, by taking steps to clean up and restore the environment if pollution occurs (e.g. respond to a leak or spill);
- **Duty to notify of an event**. If a pollution event causes or threatens harm to human health or the environment, contact the Environment Protection Authority Victoria (EPA) on 1300 372 842 as soon as practicable;
- **Duty to manage contamination** and minimise contamination risks from potentially contaminated land. If the Occupant suspects contamination, there is a duty to investigate to understand risks;
- **Duty to notify of certain contamination**. This duty applies as soon as the Occupant becomes aware or ought to have been aware of notifiable contamination. This is discussed further in Section 3.4

- **Duty relating to industrial waste**, such that the Occupant must identify and classify industrial waste, then can only deposit industrial waste at a location that is authorised and agrees to receive the industrial waste.
- **Duties relating to priority waste**, such that the Occupant must take all reasonable steps to ensure the waste is contained and cannot escape, and before disposing to landfill, investigate if the waste can be re-used or recycled. The Occupant has a duty to record priority waste details and provide information to the EPA.

The Occupant can read more about the duties on the EPA Victoria website: [epa.vic.gov.au](http://epa.vic.gov.au).

Where the Occupant's activities conducted on VicTrack land during the occupation term have had potential to cause harm to human health and/or the environment, or have caused harm (e.g. caused contamination to soil or groundwater), at the conclusion of the occupancy the land is required to be restored to a state as close as practicable to the state it was in at the start of the occupancy.

This SoER has been prepared to provide guidance to Occupants who are proposing to vacate VicTrack land on what is required to demonstrate that their activities have not adversely impacted the land, or caused harm to human health and the environment during their occupation. It also sets out VicTrack's expectations around environmental assessment, site clean up and ongoing management when adverse impacts have occurred or had the potential to occur as a result of the Occupant's, operations or activities.

There may also be contractual obligations contained within the relevant Occupation Agreement that stipulate assessment and clean-up of pollution / contamination at the end of the Occupation Agreement.

### 3. Guide for end of occupation requirements

#### 3.1. General

When an Occupation Agreement comes to an end a process of consideration of environmental matters should be followed. A general framework for end of occupation assessment and clean up requirements is outlined in **Attachment 1**, with further detailed explanation of this process provided below.

The process outlined in Attachment 1 generally follows the elements of the guidance provided in the Potentially Contaminated Land Planning Practice Note 30, July 2021 (Planning Practice Note) and is intended to be completed as part of formally ending an Occupation Agreement.

##### 3.1.1. SoER Checklist

A checklist is provided in **Attachment 2**, which will assist the Occupant in complying with this SoER. This checklist must be provided to VicTrack at the time of application to surrender the Occupation Agreement.

Following receipt of the request to terminate the Occupation Agreement, VicTrack will review the checklist and any supporting documentation (e.g. reports, validation certificates) and provide confirmation to the Occupant as to whether:

- The information provided is / is not sufficient; or
- Additional investigation is required; or
- The Occupant's request for termination of an Occupation Agreement is granted from an environmental perspective.

## 3.2. Removal of Infrastructure / Contaminant Sources

Prior to vacating the site, the Occupant shall remove all above ground and below ground infrastructure at the site, such that the land is returned to the original condition prior to Occupation Agreement commencement. This normally includes, but is not limited to:

- Removal of wastes, debris and stockpiles of soil or rubbish from the site (offsite disposal to a location authorised to receive the wastes)
- Demolition of buildings and infrastructure (owned by the Occupant) and appropriate removal and offsite disposal of asbestos containing materials and other hazardous building materials. Note: If VicTrack agrees to take on an asset owned by the Occupant, VicTrack will likely request the Occupant to provide an asbestos and hazardous materials survey prepared by a suitably qualified asbestos hygienist for the asset. If any asbestos or hazardous materials are identified in the survey of the asset, the findings will be discussed with VicTrack.
- Removal of all primary infrastructure (e.g. tanks, interceptors, waste pits, fuel/oil pipelines etc.) installed by the Occupant (note: removal and validation of fuel/chemical pipelines that extend beyond the site boundary is also required (subject to operational rail requirements), or any fuel/chemical pipeline that may have been associated with the Occupant's use of VicTrack land)
- Decommissioning of the Occupant's groundwater bores installed at the site (if requested by VicTrack)

During removal of infrastructure that could be a potential source of contamination, validation sampling is required, see Section 3.3 for more information. The validation sampling program should be considered as part of the removal of infrastructure program of works.

Adequate documentation in the form of an industry standard verification or clearance report should be provided to VicTrack in the case of removal of any tanks or waste/building/soil containing or potentially containing asbestos materials.

Where excavation has occurred, unless agreed, the site is to be returned to its original condition which may include clean fill backfill material and suitable compaction to allow for future use.

Where bulk excavations occur, compaction will be requested to geotechnical/engineered standards to allow for future use. Evidence from a suitably qualified consultant must be provided to VicTrack upon completion of the works to provide verification that the site has been suitably compacted in accordance with relevant Australian Standards (e.g. AS 1289.5.1.1:2017) and provide evidence that any soil imported is certified clean fill in accordance with EPA regulations.

### 3.2.1. Underground petroleum storage systems

Where an underground petroleum storage system (**UPSS**) has been installed and subsequently removed by the Occupant, the validation and documentation requirements of the decommissioning process as detailed in EPA Publication 888.4 "The design, installation and management requirements for underground petroleum storage systems (UPSSs)" (as amended) must be provided to VicTrack. The associated fuel pipeline network and any bowser(s) must also be appropriately removed and validated via collection of soil samples.

## 3.3. Environmental Assessment

The following steps for environmental assessment must be followed. Further details can be found in **Attachment 1**. Detailed technical guidance for consultants can be found in the National Environment Protection Measure Schedules (e.g. Schedule A – Recommended general process for assessment of

site contamination, and Schedule B – General guidelines for the assessment of site contamination), as well as relevant EPA publications.

Any environmental reports or plans prepared for the site must have reliance granted to VicTrack.

### 3.3.1. Determine potential for contamination

Prior to the Occupation Agreement being formally brought to an end, the Occupant is required to consider the nature of their activities during the course of the occupation period and determine the potential or risk for contamination. The Occupant is required to have regard to the Planning Practice Note to make this assessment (see below), and VicTrack will advise the Occupant whether it agrees with the Occupant’s conclusion.

Where an activity undertaken by the Occupant is considered to be a ‘high’ or ‘medium’ risk of contamination as identified in Table 1 then further action is required by the Occupant as outlined in this document.

**Table 1. Sites potential for contamination based on activity#**

Potential For Contamination	Land Use Activity
<b>High Risk</b>	<p>Abattoir, abrasive blasting, airport/aviation infrastructure, asbestos production/disposal, asphalt manufacturing, automotive repair/engine works/detailing works, battery manufacturing /recycling, bitumen manufacturing, boat building/maintenance, bus depot*, breweries /distilleries, brickworks, briquette depot*, chemical** manufacturing/storage/blending (**chemical may include dyes, adhesives, acids, explosives, pesticides, herbicides, foams, flocculants, fungicides, paints, solvents, pharmaceutical solvents, photography, plastics, rubber, soap, detergents, oils, hydrocarbons, chlorinated hydrocarbons), chemical treatment/destruction facilities, cement manufacture, ceramic works, coke/coal works, compost manufacturing, concrete batching, council works depot, defence works, drum re-conditioning facility, dry cleaning, electrical/electrical components manufacture, electricity generation/power station, electroplating, explosives industry, fibreglass reinforced plastic manufacture, fire training*, fertiliser manufacture or storage, food manufacturing*, foundry, fuel storage depot, gasworks, glass manufacture, iron and steel works, landfill sites / waste depots, lime works, materials recycling and transfer stations, mass animal burial on agricultural sites, medical waste storage*, metal coating/electroplating, metal finishing and treatments, metal smelting/refining/finishing, mining and extractive industries, oil or gas production/refining, bulk oil/lubricant storage*, pest control depots, pharmaceutical / healthcare production*, printing shops, pulp or paper works, railway yards, refuelling*, shooting or gun clubs, scrap metal recovery, service stations/fuel storage, sewage treatment plant, ship building/breaking yards, shipping facilities – bulk (rate &lt;100 t/day), stock dipping sites, spray painting*, tannery (and associated trades), textile operations, timber preserving/treatment, tyre manufacturing, underground storage tanks, utility depots, waste treatment/incineration/disposal, wool scouring.</p> <p>The following instances are also considered high risk*:</p> <ul style="list-style-type: none"> <li>• Pollution incident or notifiable incident to the EPA (in accordance with the Environment Protection Act)</li> <li>• Notifiable contamination to the EPA</li> </ul>
<b>Medium Risk</b>	<p>Identified by certain types of activities carried out on the land, which may be incidental to the main site activity. The nature of the products used or stored, the quantity stored, and the location of use or storage should be considered. Such activities might include:</p>

- Above ground chemical or fuel storage
- Market gardens
- Waste disposal such as illegal dumping
- Stockpiles of imported fill
- Agriculture - commercial use of pesticides, biosolid application to land, farm waste disposal
- Car/truck wash\*

**Table Notes: #Taken from the Planning Practice Note. The items with an asterisk (\*) show modifications made to the text in this note by VicTrack.**

### 3.3.2. Evidence of environmental assessment for low risk activities

If the following circumstances exist, the Occupant must provide VicTrack with a letter from an appropriately qualified person, or a person approved of by VicTrack, in relation to the condition of the site:

- No 'high' or 'medium' risk activity is identified
- There is no evidence of illegal dumping of wastes, or the spillage of chemicals or substances, or environmental incidents
- There has been no soil imported onto the site or stockpiling of soils on the site
- There are no reported complaints to VicTrack, EPA or another relevant authority in relation to such matters.

The letter should provide evidence (e.g. photographs of the final site condition) and must include a clear statement demonstrating that the site is not contaminated and suitable for ongoing use. The letter should also confirm if the Occupant has complied with requirements of any existing environmental management plan for the site. VicTrack will also make a determination as to whether the activities undertaken at the site are not classified as a 'high' or 'medium' risk activity. In some cases, VicTrack may request the Occupant provide supporting documentation such as a planning permit, licence or other permits and conditions that supports their use of the land during their period of occupation.

### 3.3.3. Evidence of environmental assessment for 'medium' or 'high' risk activities

#### 3.3.3.1. Initial Environmental Review

Where a 'high' or 'medium' risk activity has been conducted by the Occupant during the period of occupation, or soil or other granular material has been imported onto the site, then the Occupant must provide VicTrack with an Initial Environmental Review incorporating a Preliminary Site Investigation to determine the potential for land contamination.

The Initial Environmental Review must include the following as a minimum:

- Site description
- Site inspection and interview findings
- Site history review (VicTrack can make available relevant records, on request) including historical aerial review, plans, property and lease records

- Site plan(s) depicting site features and areas of environmental concern (e.g. location of tanks, chemical/fuel storage areas, soil stockpiles, industrial waste, observed staining, wash bays, interceptors, pipelines)
- Site photographs
- Assessment if the Occupant has complied with requirements of any available environmental management plan (this may be a site operational environmental management plan prepared by the Occupant and/or pre-existing contamination environmental management plan prepared by VicTrack or the Occupant) or environmental improvement plan/clean up plan for the site
- Assessment if the Occupant has complied with any permission requirements from the EPA during its term of occupation in accordance with its Occupation Agreement
- Assessment of the potential for contamination as a result of the Occupant's activities or infrastructure
- Conceptual site model
- An assessment if the site is likely suitable for future use under the relevant planning scheme or as determined by VicTrack
- A determination if any ongoing management is likely required
- Determination if a Detailed Environment Review is required (see below Section 3.3.3.2), identification of data gaps and recommendations for further investigation

### 3.3.3.2. Detailed Site Investigation

If one or more of the following scenarios exist, the Occupant must contact VicTrack to discuss the completion of a Detailed Site Investigation:

- The potential for primary pollutant sources (e.g. underground storage tanks, interceptors, bulk storage and handling of dangerous goods or hazardous materials such as fuels or solvents) to pollute soil and/or groundwater
- Spills or environmental incidents with potential to cause harm
- Any manufacturing process undertaken at the site that had the potential to modify site conditions or produce potential pollutant sources (e.g. cement manufacturing)
- There has been asbestos contamination at the site (e.g. from building demolition, uncontrolled fill)
- Soil with a volume of greater than 5 m<sup>3</sup> has been imported (or illegally dumped) during the period of occupation that has not been previously approved by VicTrack<sup>1</sup> and is proposed to be left at the site
- Substantial site modification has occurred (e.g. excavation and relocation of soils).

The Detailed Site Investigation must include an intrusive investigation of soil, groundwater and/or soil vapour sufficient to target sources of contamination and assess the condition of the land, and interpretation to address the nature of the issues identified. This review may involve multiple stages of assessment and if required the development and implementation of a clean-up plan to reduce any ongoing risks (refer to Section 3.5).

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<sup>1</sup> Where this was not approved by VicTrack in writing via the soil reuse application process, or where a clean fill certificate or evidence that it was clean fill was not provided to VicTrack and approval given in writing for the importation



The scope of the Detailed Site Investigation must be discussed with and provided to VicTrack for review prior to implementation. If this is not undertaken, the Occupant risks VicTrack rejecting the Detailed Site Investigation and requiring additional information during the latter stages of assessment or clean up to supplement the investigations. Environmental assessment criteria is to be applied based on the future use under the relevant zoning or as determined by VicTrack, with consideration of any planning policies, precinct plans, masterplans and the site setting.

The Detailed Site Investigation must be undertaken by a qualified environmental consultant, approved of by VicTrack, and undertaken in accordance with any relevant requirements of the documents set out in Section 4 and with the minimum requirements below.

The Detailed Site Investigation must include the following as a minimum:

- Site description
- Brief summary of the Initial Environmental Review report, or where no Initial Environmental Review report has been undertaken, include the requirements of the Initial Environmental Review described above in Section 3.3.3.1
- Assessment of the nature and extent of contamination
- Assessment of primary and secondary sources of contamination (including any infrastructure such as chemical/fuel pipelines that extend beyond the site boundary that may have been associated with the Occupant's use of VicTrack land)
- Comparison of results with any baseline or snapshot environmental site assessments, including assessment if the extent of the Contamination is no greater than at the date the Occupant commenced occupation
- An assessment if the site has been or is likely to have been contaminated by the Occupant's operations/activities
- An assessment if the site is suitable for future use (including sub-surface workers) under the relevant zoning or as determined by VicTrack
- A determination if any ongoing management is required (refer to Section 3.7)
- Site plan(s) depicting sampling locations and exceedance plans, where relevant

In some cases and depending upon VicTrack's requirements, the Detailed Environmental Review may only be formalised upon the Occupant completing an Environmental Audit at the site in accordance with obligations under the Environment Protection Act 2017.

### **3.3.3.3. Supplementary Site Investigations**

Supplementary Site Investigations are to be undertaken to fill data gaps identified. For example, if the results of an investigation indicate that contamination has been identified that was caused or contributed to by the Occupant, the contamination must be delineated to the extent practicable, including determination if pollution has or is migrating offsite. As new information becomes available, the conceptual site model should be updated.

If the contamination has the potential to pose unacceptable risk to human health or the environment (on or off site), then further assessment needs to be carried including a risk assessment, see Section 3.3.3.4 below.

Contamination identified on site may be a notifiable contamination to the EPA, refer to Section 3.4 for further details.

Contamination caused or contributed to by the Occupant must be cleaned up, as per Section 3.5.

#### **3.3.3.4. Risk Assessment**

A risk assessment may also be required in order for a conclusion to be reached on the suitability of the site for future use.

The Occupant must ensure that the residual impact and risk to the environment (e.g. from contaminated soil or groundwater) can be reasonably managed and not place limitations on activities or use of the site that are inconsistent with the allowable land use under the planning scheme, VicTrack's requirements under the Occupation Agreement, or the condition of the site prior to the period of occupation (if known).

### **3.4. Notifiable contamination**

The Environment Protection Act 2017 requires certain types of contamination to be notified to the EPA by the person in management or control of the land, called notifiable contamination. Under the Environment Protection Act 2017, the Occupant has a duty to notify EPA as soon as the Occupant becomes aware or ought to have become aware of notifiable contamination.

The thresholds and descriptions of notifiable contamination are defined in Part 2.1 of the Environment Protection Regulations 2021 and include the following areas that may be notifiable:

- Soil contamination, including if it has moved or is likely to move onto adjacent land
- Friable asbestos in or on soil
- Actual or likely contamination of groundwater or surface water that is being used or may be used
- Presence of any non-aqueous phase liquid in soil, surface water or groundwater
- Soil vapour contamination above certain thresholds
- On site retention of soil (other than fill material) from contaminated land sourced on-site that is not an activity for which an environmental permission is required

Please refer to the Environment Protection Regulations 2021 and EPA Victoria for further information and a complete description of notifiable contamination.

Where notifiable contamination is present:

- If the contamination is agreed to be pre-existing to commencement of the Occupant's use or occupation of VicTrack land, VicTrack will notify the EPA that the land is contaminated
- Where the contamination has been caused or contributed to by you or your organisation (or your predecessor, including by assignment), you must first inform VicTrack of that contamination, and then you will be required to notify the EPA that the land is contaminated.

Further details surrounding notifications for contamination can be found in EPA Publication 2008.1 Notifiable contamination guideline: Duty to notify of contaminated land, found on EPA Victoria's website.

### **3.5. Clean up of Pollution**

If contamination has been identified on the site or off site that was caused or was likely caused or contributed to by the Occupant, the Occupant must prepare and submit a Clean-Up Plan to VicTrack,

which once agreed is to be implemented. The contamination must be delineated and then cleaned up to the extent practicable via appropriate methods of removal and/or remediation.

Clean-up targets must be approved by VicTrack and must consider the future use under the relevant zoning or as determined by VicTrack, with consideration of any planning policies, precinct plans, masterplans and the site setting. Following engagement with VicTrack, VicTrack will provide the Occupant with relevant guidance in writing for clean-up objectives for the relevant site.

Where clean-up has been completed and polluted groundwater remains at the site, then the Occupant must consider the elements of EPA Publication 840.2 “The Clean-up and Management of Polluted Groundwater”, such that it is demonstrated that groundwater at the site has been cleaned up to the extent practicable (**CUTEP**).

Where soil removal and backfill is required, suitable compaction is required to allow for future use.

Where bulk excavations occur, compaction will be requested to geotechnical/engineered standards to allow for future use. Evidence from a suitably qualified consultant must be provided to VicTrack upon completion of the works to provide verification that the site has been suitably compacted in accordance with relevant Australian Standards (e.g. AS 1289.5.1.1:2017) and provide evidence that any soil imported is certified clean fill in accordance with EPA regulations.

It is noted that in general VicTrack does not accept a Occupation Agreement to be terminated where risks have not been adequately demonstrated as acceptable or are not well understood, including under the following circumstances:

- Pollution caused or contributed to by the Occupant remains on site that may pose a risk to future users of the land
- Pollution caused or contributed to by the Occupant limits use of the land under the relevant planning scheme for the site, or requires vapour barrier solutions to allow for future use
- The pollution or site is subject to an EPA notice or site management order
- The site is subject to an environmental audit
- Pollution caused or contributed to by the Occupant has migrated offsite and is posing a potential risk to offsite receptors
- Pollution caused or contributed to by the Occupant has not been delineated or not enough data has been collected to demonstrate trends (i.e. declining or stable)
- Potentially contaminating infrastructure remains on site (or offsite that were associated with the Occupant’s activities e.g. fuel pipelines that may extend from the leased site to a former rail siding located off site but within VicTrack land).

In any of the above cases, it is likely that further assessment and remediation is required until the land is in an acceptable condition.

### **3.6. Contaminated Soil Reuse on Site**

VicTrack does not generally agree to the reuse of contaminated soils onsite.

Where site clean-up proposes to involve the remediation of and relocation of potentially contaminated soils onsite, or the management of potentially contaminated soils onsite, this must be discussed with VicTrack prior to planning.

In some cases, VicTrack may agree to the reuse of soils onsite on the basis that a number of criteria are met, including but not limited to:

- A beneficial use is realised
- No risk to future site users
- The highest and best use of the land is not restricted
- No or limited ongoing management requirements
- EPA permissions have been obtained (where relevant) and there are no conditions from the EPA within the permission that require ongoing management or are onerous to VicTrack.
  - EPA permissions are required for:
    1. Containment on a project site of Category D waste soil generated at that project site
    2. On site retention of contaminated soil (other than fill material) in a structure designed to contain at least 1000m<sup>3</sup> of the soil and to prevent further contamination
  - EPA must be notified (as notifiable contamination) for:
    1. On site retention of soil (other than fill material) from contaminated land sourced on-site that is not an activity for which an environmental permission is required
- In some cases, financial compensation

Further guidance on VicTrack's approach to the reuse of contaminated soils on site can be found in VicTrack's *Soil Reuse Guidelines PR-GL 004*.

### 3.7. Ongoing Management

Where it is not practicable to clean up / remove all the pollution at the site and it has been shown that the residual pollution poses no risk to future onsite receptors and/or current or future offsite receptors, then an Environmental Management Plan (EMP) will be required for the site for ongoing management of the pollution. This would apply to situations where physical barrier systems, administrative controls or ongoing monitoring is required to limit worker and visitor exposure to the identified contamination or ensure future risks are acceptable. This may also apply as a result of an EPA permission condition.

The requirement for and development of the EMP shall be discussed and agreed with VicTrack prior to submitting to VicTrack for approval. It is VicTrack's preference to not have ongoing management obligations as this may limit future use of the land.

Any EMP must be reviewed and approved by VicTrack prior to implementation and include the following elements:

- Outline the responsibilities for implementing the plan
- Detail worker training, induction and familiarisation with site issues and the appropriate handling and disposal of chemicals, wastes and pollutants
- Specify appropriate occupational health and safety requirements for identified contamination to ensure worker protection
- Ongoing monitoring and management requirements
- Provide for regular updating of the EMP as use of the site or works procedures or raw materials used change

It is unlikely that all Occupants and Occupation Agreements will require the preparation of an EMP. VicTrack will indicate if an EMP is required.

The Occupant will normally remain responsible for the implementation of any ongoing management requirements unless negotiated with and agreed to by VicTrack. Any ongoing access arrangements will need to be formalised with VicTrack.

#### 4. Legislative and regulatory framework

It is the responsibility of the party vacating the site to ensure all works comply with relevant legislative requirements and guidance, and to determine whether any approvals or consents are required in connection with any works undertaken on the land.

This SoER is not intended to override or replace any statutory obligations or requirements which exist in relation to dealing with pollution or contamination that the Occupant may have caused on the land. VicTrack expects full compliance with the relevant statutory and regulatory regime in relation to such dealings.

Acts of legislation, standards or regulations to which this document relates (or as amended):

- *Environment Protection Act 2017*
- Environment Protection Regulations, 2021
- Environmental Reference Standards including:
  - Ambient air
  - Ambient sound
  - Land
  - Water
- Occupational Health and Safety Act, 2004
- Occupational Health and Safety Regulations 2017
- Dangerous Goods Act 1985
- Dangerous Goods (Storage and Handling) Regulations, 2012
- National Environment Protection (Assessment of Site Contamination) Measure 1999, as amended by the National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013
- Australian Standard (AS 4482.1) - Guide to the Investigation and Sampling of Potentially Contaminated Soil, Part 1: Non-volatile and Semi-volatile compounds (Standards Australia, 2005)
- Australian Standard (AS 4482.2) - Guide to the Sampling and Investigation of Potentially Contaminated Soil, Part 2: Volatile Substances (Standards Australia, 1999)
- Australian Standard (AS 1289.5.1.1:2017) – Soil Compaction and density tests (Standards Australia 2017)
- EPA Publications including:
  - 480 – Environmental guidelines for Major Construction Sites, 1996
  - 668 – Hydrogeological Assessment (Groundwater Quality) Guidelines, 2006
  - 669 – Groundwater Sampling Guidelines, 2000
  - 701 – Sampling and analysis of waters, wastewaters, soils and wastes, 2009

- 878 – Classification for contaminated soil, 2002
- 888.4 – The design, , installation and management requirements for Underground Petroleum Storage Systems (UPSSs), 2015
- 1589 – Contaminated soil – treatment and disposal, 2015
- 1684 – Landfill gas fugitive emissions monitoring guideline, 2018
- 1698 – Liquid storage and handling guidelines, 2018
- 1730 – Solid storage and handling guidelines, 2019
- 1828.2 – Waste disposal categories – characteristics and thresholds, 2021
- 1968.1 - Guide to classifying industrial waste, 2021
- 1991 - Responding to harm caused by pollution, 2021
- 2001.1 – Guidance for the clean-up and management of contaminated groundwater, 2021
- 2008.1 - Notifiable contamination guideline: Duty to notify of contaminated land, 2021
- Ministerial Direction No 1 – Potentially Contaminated Land, 2001
- Planning Practice Note 30, Potentially Contaminated Land, 2021
- Worksafe Publications, including:
  - Industry Standard Contaminated Construction Site – Construction and Utilities, 2017
  - Asbestos-contaminated soil – Guidance Note, 2010
- AS 5488.1-2019 Classification of subsurface utility information

Before use of EPA publications, readers are encouraged to check that the relevant document has not been updated or replaced. Details can be obtained from the EPA Victoria’s website: [epa.vic.gov.au](http://epa.vic.gov.au).

## 5. Reference documents

This procedure should be read and applied in conjunction with the following documents:

Document ID	Document Title
<b>VT-SP 153</b>	Identification of services procedure
<b>PR-GL 003</b>	Environmental management plan – when working on VicTrack land
<b>PR-GL 004</b>	Soil Reuse Guidelines
	Any site specific management plans
	Your lease agreement

## 6. Document review and approval

Delegation	Name	Position	Version	Date
<b>Owner</b>	Narelle Simmons	Group Manager Environment	3.0	29 March 2022

<b>Reviewers</b>	Narelle Simmons	Group Manager Environment	3.0	29 March 2022
	Luda Dektyarev	Legal Counsel	3.0	26 July 2022
<b>Approver</b>	Narelle Simmons	Group Manager Environment	3.0	27 July 2022

## 7. Document history

Version	Amendment description	Author	Date
<b>Version 1.0</b>	New document	Lyndal Gibbs	2012
<b>Version 2.0</b>	Added quality control to the document. Changed title. Updated new formatting, Section 3 and included soil reuse requirements. Addressed items raised by Legal review.	Lyndal Gibbs	30 Jun 2015
<b>Version 3.0</b>	Updated regulations, references, reporting requirements, flowchart	Madelyn Nunn	16 March 2022

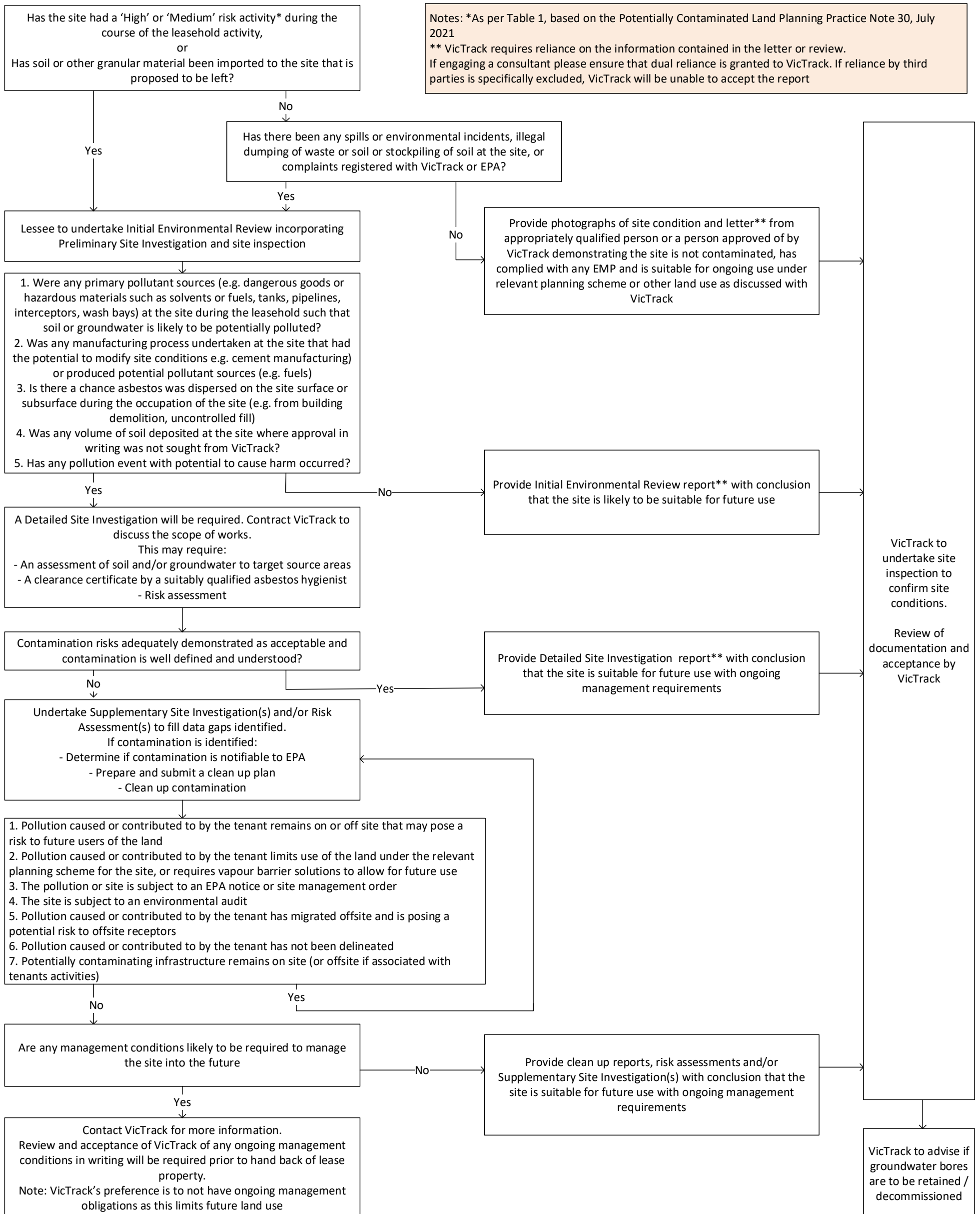
## 8. Review period

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

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# Attachment 1. End of Occupation Assessment Framework

## End of Occupation Assessment Framework





## Attachment 2. Occupation Termination Checklist

### End of Occupation Checklist

Item	Description	Response (Y / N / NA)	Supporting Documentation Available (e.g. report)
<b>End of Occupation Potentially contaminating Infrastructure Removal</b>	Have all primary sources (e.g. tanks, fuel/oil pipelines, waste, asbestos debris) been safely and appropriately removed and verified (including associated infrastructure that may extend offsite)?		
	Has the site surface and subsurface been restored to its original condition?		
	Where excavation has occurred, has compaction occurred appropriate to allow for future use?		
<b>End of Occupation Activity Assessment</b>	Based on the land use activities, which of the following have been completed: Letter from a suitably qualified person		
	Initial Environmental Review		
	VicTrack confirm need for Detailed Site Investigation or Environmental Audit		
	Detailed Site Investigation or Environmental Audit		
<b>Post Assessment Site Condition</b>	Risk assessment and/or Clean Up Plan		
	If contamination is identified that was caused by the tenant, does the contamination meet the definition of notifiable contamination under the Environment Protection Act, 2017, and has EPA been notified?		
	Clean-up to the extent practicable		
	Is the site suitable for future use?		
<b>Post Assessment Environmental Management Plan</b>	Is an Environmental Management Plan required?		
<b>Post Assessment Environmental Management</b>	Are there any ongoing management obligations required to be passed onto VicTrack?		
<b>Environmental Reports</b>	Has reliance been granted to VicTrack for all reports associated with site assessment, clean up and ongoing management?		
<b>Groundwater Wells</b>	Have you received notification from VicTrack that all groundwater wells or soil vapour bores are required to be decommissioned or retained by VicTrack for future monitoring?		

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Item	Description	Response (Y / N / NA)	Supporting Documentation Available (e.g. report)
<b>VicTrack Confirmation</b>	Have you received notification from VicTrack that all necessary reviews have been completed and that VicTrack agrees that the site has been cleaned up to a satisfactory condition?		