



30 September 2021

Attention:  
Brydon King  
Borough of Queenscliffe

**SOIL AND GROUNDWATER MANAGEMENT IN PREPARATION FOR THE PROPOSED REDEVELOPMENT OF 204-206 POINT LONSDALE ROAD, POINT LONSDALE VIC 3225, PLANNING PERMIT APPLICATION: 2021/048**

Dear Brydon,

**Introduction and Purpose**

On behalf of David McDonald Builder, proponent for the proposed redevelopment of 204 – 206 Point Lonsdale Road, Point Lonsdale (the site) (current permit application 2021/048), this letter outlines our intended approach to managing soil and groundwater at the site, in preparation for the proposed redevelopment.

The purposes of this letter are to:

1. provide The Borough with the applicant's position and intended approach in regard to Planning Practice Note 30 – Potentially Contaminated Land (July 2021); and
2. to seek The Borough's agreement with this intended approach as the basis for addressing potential contamination within the planning permit.

**Condition of the Site**

- Accompanying the planning permit application we have previously provided The Borough with a copy of Landserv's environmental report titled 'Detailed Site Investigation, Point Lonsdale Service Station, 200-204 Point Lonsdale Road, Point Lonsdale, Victoria (Landserv 2020). This is the second soil and groundwater investigation to be carried out at the site, the site having first been investigated by Contaminated Land and Water Environmental Risk Assessment Pty Ltd in 2012.
- As reported by Landserv (2020) significant contamination was not detected at the site in either in the soil or groundwater and the condition of the site has not changed measurably since the 2012 investigation, which had similar findings.

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- Prior to Landserv's site investigation, the site met the Ministerial Direction No. 1 definition of potentially contaminated land because it is 'used or known to have been used for the storage of liquid fuel'.
- However, based on Landserv's investigation, the site is not 'contaminated land' in accordance with the Environment Protection Act 2017 (EP Act), which states that:

*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—*

*(a) is present in a concentration above the background level; and*

*(b) creates a risk of harm to human health or the environment.*
- As reported in Landserv 2020, we consider the present risk to on-site and off-site users as well as other environmental receptors to be negligible. Accordingly, the site does not presently, in Landserv's opinion, 'create a risk of harm to human health or the environment' and is not therefore 'contaminated land' as defined by the EP Act. Further, the intended site preparation works and controls outlined below will ensure no material risk of harm is posed for the proposed use of the land for residences.

### **Proposed Site Preparation**

- In preparation for the proposed redevelopment of the site, the applicant intends to demolish the existing above ground buildings and infrastructure and excavate and remove underground fuel infrastructure, including existing drainage and the oil / water interceptor trap.
- Given that the site is an operating service station site, soils in inaccessible areas such as tank pit backfill sand and soils near and beneath product lines and bowsers may be impacted by petroleum hydrocarbons. As is usual practice when decommissioning a service station, the intention is to routinely manage potentially impacted soil and groundwater as part of the site preparation, at the time the underground tanks, product lines and bowsers are removed.
- The site decommissioning for all sub-surface infrastructure is to be carried out under supervision by experienced Landserv environmental scientists / engineers, applying appropriate methods for managing soil and groundwater and collecting / analysing validation samples to ensure the suitability of the site for residential and other sensitive land uses.
- Adopting a standard industry approach to the site decommissioning and site preparation on behalf of David McDonald builders, Landserv intends to ensure that the associated risks to workers remain negligible during the remediation works and at the end of the decommissioning – that there remains no significant residual risk to future residential occupants of the site. A site validation report is to be produced to document this.
- At no stage of site preparation or development will the site meet the EP Act definition of contaminated land (i.e. land with conditions that create a risk of harm to human health or the environment).

### **Planning Practice Note 30 (PPN30) and Zoning**

- No planning scheme amendment is required for this application as the existing mixed use zoning is understood to provide for the proposed land use. None of the environmental audit triggers relating to a PSA therefore apply to this site.
- The investigation carried out by Landserv aligns with a 'contaminated land investigation conducted by suitably qualified environmental consultant' as described in PPN30 and was completed in accordance with the National Environment Protection (Assessment of Site Contamination Measure 1999 (ASC NEPM) – as is required by PPN30, including evaluation of the site condition against the State Environment Protection Policy (Prevention and Management of Potentially Contaminated Land) (the 'Land SEPP').
- For potentially contaminated land PPN30 recommends that proposals involving sensitive use 'allow' for either an environmental audit or preliminary risk screen assessment (PRSA).
- However, the investigations in 2012 and 2020 have shown that it is not actually contaminated.

### **Applicant's Position Statement in Regard to the Potential for Contamination**

- Ministerial Direction No. 1 – Potentially Contaminated Land is not considered to apply to this site, given that two site investigations have shown that the site is not contaminated.
- The applicant acknowledges, however, a general requirement under Clause 65.01 of the Victorian Planning Provisions, for the Responsible Authority (RA) to consider any significant effects the environment, including the contamination of land may have on the use or development before deciding on an application (and PPN30 requires this to be documented).

### **Intended Controls**

- The applicant intends to implement the following controls, which we believe should address the general responsibilities of the RA in regard to Clause 65.01. The applicant is of the opinion that these controls would form a reasonable basis for conditions within the planning permit:
- During the demolition, remediation and construction work, the applicant intends to apply environmental management measures in accordance with EPA Publications:
  - EPA Publication 275 Construction techniques for sediment pollution control;
  - EPA Publication 1834 Civil construction, building and demolition guide; and
  - EPA Publication 888.4 The design, installation and management requirements for underground petroleum storage systems (UPSS).
- The applicant intends to prepare and provide The Borough with a Construction Environmental Management Plan (CEMP) for its review and approval prior to any site preparation work including demolition work commencing. The CEMP will include at least the following:
  - Demolition controls including standard identification, removal and auditing for asbestos containing materials prior to any other demolition work.
  - A thorough and diligent approach to controlling all risks to the environment during the site preparation phase, right through the construction phase until completion.

- Standard controls for construction projects such as controlling dust, noise and surface water run-off.
  - Robust processes for removing all of the underground fuel tanks, lines, bowzers and any other below-ground infrastructure such as drains and the interceptor trap.
  - Removal of any contaminated soil encountered beneath the underground fuel tanks and other structures removed.
  - If any contaminated soil is discovered beneath the fuel tanks when they are removed, installation and sampling of a new groundwater monitoring well through the base of the tank pit after all contaminated soil is removed, to validate the absence of groundwater contamination, in conjunction with another full monitoring episode of the existing groundwater monitoring wells.
  - Classification and appropriate disposal off-site of any excess soil.
  - Validation of the environmental quality of any soil and rock to be imported to site for backfilling excavations, site preparation, construction or landscaping purposes.
  - Validation sampling of soil in the base and wall excavations after below-ground infrastructure and any impacted soil have been removed, to validate that all soil remaining on the site is suitable for residential use.
- The applicant also intends to prepare and provide The Borough with a Site Validation Report (SVR) after the fuel infrastructure and all contaminated soil is removed from the site. The SVR will:
    - Document all of the remediation and soil validation sampling results; and
    - Confirm the suitability of the site for sensitive use after completion of the site preparation work.
    - The SVR will be provided for The Borough's approval prior to construction commencing.

### **Sequencing of Permit Conditions:**

Thankyou for recently providing the applicant with a copy of correspondence from EPA Victoria (EPA Ref REQ0001011, addressed to Dinah O'Brien, Borough of Queenscliffe, dated 21 July 2021).

We acknowledge EPA's recommendation to give careful consideration to the need for an environmental Audit for the site. Our response to this is that an Audit will have substantial time and cost implications for the applicant and as stated above, we do not believe one should be necessary given the condition of the site as confirmed independently by two separate investigations.

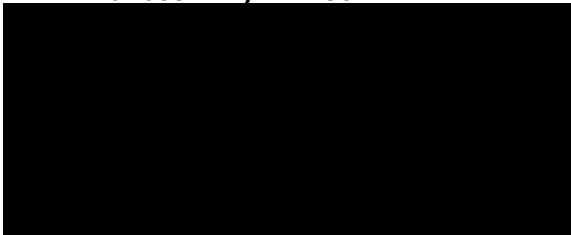
If, however, the Borough sees fit to require an Environmental Audit, we request that you consider the sequencing of planning requirements such that impacts to the applicant are minimised. Specifically, we request that you consider the following:

- If an Audit can be addressed as a Planning Permit Condition, the applicant will have greater certainty for the development project than if an Audit is required prior to the Permit being issued.
- As outlined in PPN30 *the environmental audit system is legislated under the Environment Protection Act 2017, and provides for the appointment of environmental auditors by EPA, and a system of preliminary risk screen assessments (PRSA) and environmental audits.* If an Audit is required, it will be helpful if the Permit Conditions can provide for demolition and

site remediation works to proceed prior to the PRSA / Audit. Doing so will allow the applicant an opportunity to complete the remediation and site validation prior to the Auditor's PRSA. The Auditor may subsequently be more likely to deliver a PRSA finding that the site is low risk and therefore a full Audit is not required.

We trust that The Borough will take this information into account in considering the permit application. Queries may be directed to Damien Chappell on 0488 940084 and we are available to meet in person (Covid permitting) or via video conferencing upon request.

Yours faithfully,  
**Landserv Pty Limited**



Principal Environmental Scientist