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| Guideline for conducting preliminary risk screen assessments |



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# Purpose of this guideline

## Introduction

This guideline applies to Preliminary Risk Screen Assessments (PRSAs) conducted under Division 2 of Part 8.3 of the *Environment Protection Act 2017* (the EP Act 2017)*.* It has been issued under section 203 of the EP Act 2017 to assist environmental auditors appointed under Division 1 of Part 8.3 of the EP Act 2017 (‘environmental auditors’) to conduct PRSAs and prepare PRSA statements and reports. Guidance is also provided to environmental auditors on what to consider when determining whether an environmental audit is required as the outcome to the PRSA.

Under the Victorian planning framework, the PRSA is an assessment option for compliance under *Ministerial Direction No. 1 – Potentially Contaminated Land* (MD No. 1) and the Environmental Audit Overlay. Further detail on the situations where a PRSA is a recommended process in the planning framework is provided in Section 2 of [*Planning Practice Note 30: Potentially Contaminated Land*](https://www.planning.vic.gov.au/policy-and-strategy/planning-for-environment-protection/contaminated-land-and-planning)(PPN30).

Upon completion of a PRSA statement and report, section 205(2) of the Act requires that these be provided to the relevant planning authority and responsible authority within the meaning of the *Planning and Environment Act 1987* (referred to as planning and responsible authorities throughout this Guideline). The Environment Protection Authority (EPA or the Authority) expects that PRSAs will be primarily undertaken as a part of the planning process, however, may also be used in other scenarios where the likelihood of contaminated land and requirement for an environmental audit, are being assessed.

EPA may also provide specific guidance to environmental auditors, as requested, to clarify any provisions in this guideline.

This guideline may be replaced, amended, or updated periodically. EPA will endeavour to ensure that any update of this guideline is provided to EPA appointed environmental auditors. Reference should also be made to EPA’s website (<https://www.epa.vic.gov.au/>) for the most recent version of this guideline and more information on the environmental audit system.

## Legal status

It is a requirement under section 190(2) of the Act that an environmental auditor have regard to this guideline and any other guidelines issued by the Authority under section 203 of the Act, any relevant Environment Reference Standard (ERS 2021), any relevant compliance code, and any prescribed matter when carrying out any function of an environmental auditor under the EP Act 2017 or any other legislation.

Failure to have regard to these guidelines may be considered by EPA in determining whether to reappoint a person as an environmental auditor, or in considering the revocation or suspension of an appointment. Refer to the [*Environmental auditor guidelines for appointment and conduct* (publication 865)](https://www.epa.vic.gov.au/about-epa/publications/865-12) for further information.

## Intended audience

This guideline has been prepared by EPA for environmental auditors. However, it may also be useful for other parties involved in the PRSA process, such as:

* Planning authorities or responsible authorities and other statutory authorities
* landowners, occupiers of land and others who engage an environmental auditor to conduct a PRSA (for example homeowners who are considering house renovations where an Environmental Audit Overlay exists and prospective purchasers or land)
* suitably qualified environmental professional[[1]](#footnote-1) who are performing a role in the PRSA process.

# What is a PRSA?

A PRSA is a screening assessment that reviews information regarding the past use and activities undertaken at a site to consider the likelihood of the presence of contaminated land.

Under section 204(2) of the EP Act 2017, the purpose of a PRSA is:

1. to assess the likelihood of the presence of contaminated land; and
2. to determine if an environmental audit is required; and
3. if an environmental audit is required, to recommend a scope for the environmental audit.

Section 35 of the EP Act 2017 defines land to be contaminated, subject to limited exclusions in section 35(2), 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 at a concentration above the background level; and*

*(b) creates a risk of harm to human health or the environment.’*

In defining what is considered contaminated land in accordance with section 35 of the EP Act 2017 it is important to note:

* The expression ‘risk of harm’ in the context of section 35 is akin to the word ‘hazard’. It is the presence of a chemical substance or waste that has an inherent characteristic capable of causing harm. The expression should not be confused with ‘unacceptable risk of harm’.
* Interpretation is not determined by the current land use alone (e.g., when more sensitive uses are permitted under the current or proposed zoning).

[*Understanding section 35 of the Environment Protection Act* (publication 1940)](https://www.epa.vic.gov.au/about-epa/publications/1940)should be consulted for information on how to interpret the definition of contaminated land.

A PRSA is expected to follow an assessment process consistent with that of the Preliminary Site Investigation (PSI) outlined in the *National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM), as amended from time to time*.

A PRSA may only be conducted by an environmental auditor. It results in a PRSA statement which must be accompanied by a PRSA report (see section 3.3.3). When reading a PRSA statement and report it is important to understand the use, or proposed use, of the site for which the environmental auditor has formed their opinion on.

A PRSA will often be used to inform a planning decision, as per relevant planning provisions, which include the cl 45.03 (the Environmental Audit Overlay) and cl 13-04-1S (Contaminated and potentially contaminated land); and MD No. 1. It is important to understand the context in which the PRSA has been undertaken as it may be linked to a specific development plan and may not apply in other situations.

## Roles in the PRSA process

Section 204 (1) in the EP Act 2017 states that a person may engage an environmental auditor to conduct a PRSA. When a PRSA is requested by a planning authority or responsible authority, the authority needs to satisfy itself that the PRSA meets the planning framework requirements.

For example, there are situations when the requirement for a PRSA does not apply as outlined in the Victorian Planning Provision cl 45.03-1, the Environmental Audit Overlay. There is an exemption in cl 45.03-1 that a PRSA (or an environmental audit) is not required if the proposed 'buildings and works are associated with an existing sensitive use, secondary school or children’s playground… and the soil is not disturbed'. The intention of this exemption, for example, is for the installation of solar panels or a TV antenna or painting etc. on a residential property that has an Environmental Audit Overlay.

It is not the environmental auditor’s role to determine when a PRSA is required, however EPA expect environmental auditors to be familiar with the planning framework. Should an environmental auditor have any concerns with a PRSA request, the environmental auditor should engage with the planning authority or responsible authorityto discuss these concerns before commencing the PRSA.

Information on when a PRSA is exempt or required under the planning framework can be found here: <https://www.planning.vic.gov.au/policy-and-strategy/planning-for-environment-protection/contaminated-land-and-planning>

A PRSA can only be conducted by an environmental auditor who is appointed in the category of contaminated land. However, the gathering of information to be reviewed in the PRSA can be undertaken by a suitability qualified environmental consultant in the form of a PSI or undertaken directly by the environmental auditor.

This is a variation from the traditional role of environmental auditors in contaminated land, which has been to review investigations and clean-up work undertaken by others to make an assessment about the suitability of a site for an intended or proposed use.

## Difference between a PRSA and an environmental audit

It is important to understand that a PRSA and PRSA statement is different to an environmental audit. It is not an environmental audit statement that describes suitability of land use as outlined in Section 211 of the EP Act 2017. The PRSA cannot be used to replace an environmental audit where an environmental audit is required. The PRSA is a screening assessment used to assess the *likelihood of the presence of contaminated land*[[2]](#footnote-2) (which includes consideration of whether a risk of harm is likely to be present, refer to section 35 of the Act) and to determine if an audit is required (refer to section 204(2) of the EP Act 2017). Where an environmental audit is required, the PRSA will recommend the scope for that audit.

In contrast to the PRSA, when undertaking an environmental audit to assess the suitability of land use, the environmental auditor will assess the *nature and extent of the risk of harm* to human health or the environment from contaminated land. The environmental auditor will make recommendations on measures to manage the risk of harm to human health or the environment and include recommendations to manage the contaminated land (refer to section 208 (2) of the EP Act 2017). Refer to [*Guidelines for conducting environmental audits* (publication 2041)](https://www.epa.vic.gov.au/about-epa/publications/2041-environmental-audits-guideline) for further information on environmental audits.

## Are PRSA’s always followed by environmental audits?

A PRSA is not a necessary first step before an environmental audit is undertaken. It is a process that may assist in resolving uncertainty about the likelihood for land to be contaminated, and whether there is the need for an environmental audit to be conducted.

If the PRSA finds that the site is likely to be contaminated land, the environmental auditor will need to consider whether further assessment of the site is required to consider the risk that may be posed by the contamination to the use or proposed use of the site. If this is the case, then an environmental audit is expected to be required.

If the PRSA finds contaminated land is not likely to be present at the site for the current or proposed use, then the environmental auditor may conclude that an environmental audit is not required. When undertaking a PRSA, it is important to understand the use or proposed use for the site of which the PRSA was undertaken. For example, the PRSA may be limited to a specific proposed use to support a planning permit application. Whilst a PRSA statement may provide that an environmental audit is not required as an outcome of that specific site use, there may be other future proposed uses that do require an environmental audit. Section 206 of the EP Act 2017 outlines what is included in the PRSA statement, and it is important to always read a PRSA statement carefully to understand for which purposes it applies.

## Proceeding with an environmental audit without completing a PRSA?

If an environmental auditor has been requested to conduct a PRSA, and it is clear that the outcome is the need for an environmental audit, it is not necessary to complete a PRSA. However, where the PRSA has been completed at the request of a responsible authority or planning authority, the Authority should be engaged to ensure they approve of the approach.

For example, there may be several lines of evidence indicating likely contamination in soil and groundwater at a site that poses a potential risk to the future development. An environmental auditor, in discussion with their client may decide it is appropriate to go straight to an environmental audit. However, if the site had a planning permit requiring a PRSA, then it would be the relevant planning authority who would advise if the PRSA was required to be completed.

# PRSA process

This section steps you through the process of conducting a PRSA.

## Preparing the PRSA scope

Section 206(1)(a) of the EP Act 2017 outlines what must be included in the PRSA scope. It is important that the scope of a PRSA is clearly defined at the outset of the assessment. The scope must include the following:

1. the site[[3]](#footnote-3) in respect of which the assessment was conducted; and
2. the use or proposed use for which the site is being assessed; and
3. the elements of the environment assessed; and
4. the standards considered in the assessment; and
5. any assumptions made by the environmental auditor during the assessment or any limitations on the assessment; and
6. any exclusions from the assessment and the rationale for these exclusions.

### Identifying the PRSA site

The PRSA should adequately identify the site that is the subject of the assessment, including:

* the municipality;
* the common description of the site, for example, lot number, street and locality name; and
* an accurate and reproducible description of the parcel of land, for example:
	+ standard parcel identifiers[[4]](#footnote-4);
	+ details of the title, if the site is part of a lot for which a Certificate of Title is registered; or
	+ a plan prepared by a licensed surveyor, defining the site in terms of bearings and distances (in metres to the second decimal place) from a permanent mark (datum point) as registered and available from Land Victoria.
* Description and plan of the proposed development, if established.

A PRSA site boundary should correspond to existing or proposed parcel boundaries. Some PRSA sites may be split into one or more sub-areas for the purpose of issuing separate PRSA statements. Each sub-area boundary should also align to existing or proposed parcel boundaries. No single sub-area should be smaller than any lot size in an existing or proposed subdivision.

Where such parcel boundaries are proposed rather than existing, it is recommended that advice from the responsible or planning authority making a decision on the application or scheme amendment is sought before commencing.

EPA recognises that in some specific cases the above requirements may be considered overly restrictive. In such cases the approach can be discussed with EPA.

### Defining the site use, proposed use or proposed development

When defining the scope, it is important to document the use, proposed use or proposed development for which the PRSA applies. Reference should be made to the land use categories in clause 11 of the ERS 2021. The use or proposed use of the site may include one of the following:

* the current land use;
* proposed land use(s);
* a proposed rezoning (for example triggering MD No. 1 or where a planning authority otherwise considered it appropriate to require a PRSA to be undertaken); or
* a proposed development.

In the case that the PRSA is triggered by a planning permit application or approved planning permit, the auditor should include this information in the PRSA and PRSA statement. The PRSA will then be linked to the use and the proposed use and/or development as described in that planning permit application.

The land use categories in the ERS 2021 are:

1. Parks and reserves, including national parks, state parks, state forests, nature conservation reserves and wildlife reserves;
2. Agricultural, including rural areas involved in agricultural or horticultural practices;
3. Sensitive use, including land used for residential use, a childcare centre, pre-school, or primary school, being either:
4. high density, where development makes maximum use of available land space and there is minimal access to soil; or
5. other (lower density), where there is generally substantial access to soil;
6. Recreation/open space, including general open space and public recreation areas;
7. Commercial, including land used for commercial and business activities, other than land within the industrial category;
8. Industrial, including land used for utilities and industrial activities.

Refer to the [Guide to the Environment Reference Standard (publication 1992)](https://www.epa.vic.gov.au/about-epa/publications/1992) for further explanatory detail.

It should also be noted that children's playgrounds and secondary schools are treated in the same way as sensitive uses for planning decisions under MD No. 1 (updated 27 Aug 2021).

Assessments of potential risks to human health resulting from contamination should be done in accordance with Section 3, Schedule B7 of the NEPM. The generic land uses considered in developing the health investigation levels (HILs) are:

HIL A – Residential scenario with garden/accessible soil (home-grown produce <10% fruit and vegetable intake and no poultry; includes childcare centres, pre-schools, primary schools.

HIL B – Residential with minimal opportunities for soil access; includes dwellings with fully and permanently paved yard space such as units, high-rise buildings and apartments.

HIL C – Public open space scenario, including parks and playgrounds, playing fields (e.g., ovals), secondary schools and foot paths.

HIL D – Commercial/industrial scenario, including shops, offices, factories and industrial sites.

These HILs have been derived for the above land use scenarios based on long-term exposures for the most sensitive receptor populations exposed. The HILs do not specifically address short‑duration exposures that may occur during construction and maintenance of a site (including intrusive works), and these should be addressed on a site-specific basis. It is important to consult with section 3.2 of Schedule B7 of the NEPM to understand the descriptions of each land use scenario and how to apply on the PRSA site.

There may be cases where the use or proposed use is unclear. In the absence of confirmation from the person who requested the PRSA, the assessment should consider the current or proposed land use zoning. It should also consider the uses that are permitted to determine the above land use category.

PRSA's may consider the specific developments proposed and should provide development plans and a description of the proposed development. PRSA statements must not be conditional or include recommendations to be implemented. There may be occasions where the specific design of a development may have limited influence on the outcome of the PRSA. This may include consideration of potential specific exposure pathways.

Where a specific development is assessed, but changes to the development are proposed after completion of a PRSA, the environmental auditor should be engaged to determine if this would impact the conclusions regarding likelihood of contaminated land being present and whether an environmental audit is required.

### Elements of the environment and environmental values

The PRSA is undertaken to assess the likelihood of the presence of contaminated land and whether an environmental audit is required to determine if the potential contamination may prevent or restrict the use and / or the proposed use. Therefore, it is expected that the environmental auditor will assess the land (including buildings or any other structures) and water environments (groundwater and surface water, including sediment). In doing this, the environmental auditor must consider the environmental values for these elements of the environment.

Environmental values are uses, attributes or functions of the environment that are set out in the ERS 2021. All environmental values for the land and water environments that apply to the use or proposed use of the site must be considered (refer to the [Guide to the Environment Reference Standard (publication 1992)](https://www.epa.vic.gov.au/about-epa/publications/1992)  for further information). These environmental values should be identified at the commencement of the PRSA. If the environmental auditor considers that an environmental value doesn’t apply, justification for its exclusion should be included in the PRSA report.

### Other required scope items

The scope must include the standards considered in the assessment. It is also recommended that all guidelines considered are also included in the scope. The environmental auditor must document any assumptions made during the assessment. Limitations must be clearly documented as well as any exclusions and associated rationale for any exclusions. In some situations, there may be other reports available for the site. The environmental auditor must satisfy themselves that they can rely on those reports and should identify them in the PRSA (along with any assumptions and/or the limitations associated with such reports, as relevant). Please also refer to section 6 of this Guideline in respect of limitations of a PRSA (including in respect of findings and outcomes from the work completed by others).

## Conducting the assessment

The assessment of the likelihood of the presence of contaminated land undertaken in a PRSA, including whether such contamination is likely to be present, which may prevent or restrict the use and / or proposed use of the site, is expected to be based on the NEPM PSI process.

Some of the key sections of the NEPM regarding the PSI process have been included in Appendix A. These key sections include, but are not limited to:

* Schedule B2, Section 2.1 – Preliminary Site Investigation; and
* Schedule B2, Section 3 – Preliminary Investigation.

The collection of information to be reviewed by an environmental auditor in a PRSA can be completed either by:

* an EPA appointed environmental auditor; or
* in part by a suitably qualified environmental consultant (e.g., completion of the PSI).

For example, the assessment components (desktop assessment, site characteristics, sampling) required for the PRSA may be done by an environmental consultant through completing a PSI report. The environmental auditor would then review this report and complete any additional information gathering they see necessary, inspect the site, and issue the PRSA report and PRSA statement.

The PRSA should be undertaken in a way that if an environmental audit is required, the PRSA can be used as the basis for further investigation and scoping of the environmental audit.

An environmental auditor should seek to obtain information on the level of prior assessment completed as early as practicable. In some instances, the level of prior investigation may be such that an environmental audit is required and a PRSA is not appropriate (e.g., where detailed site investigation works or remediation of contaminated land has been undertaken).

### Assessment to be completed by an environmental auditor or environmental consultant

An assessment of the site, consistent with the methodology of the NEPM PSI process, is to be completed by an environmental auditor or an environmental consultant. The assessment is expected to include:

* a desktop study, including a review of the site history;
* a site inspection and sampling (performed by the environmental consultant and/or environmental auditor);
* development of an initial conceptual site model (CSM);
* an assessment of the likelihood of the presence of contaminated land; and
* consideration of the need for further (detailed) assessment of the site.

### Steps for the environmental auditor

In their conduct of the PRSA, an environmental auditor is expected to undertake the following:

* a site inspection;
* a review of the PSI report produced by an environmental consultant (if not done by the environmental auditor), and completion of additional assessment or filling of information gaps if considered necessary;
* an assessment, based on the information reviewed, whether the site is likely to be contaminated land;
* determine whether further assessment of the site in an environmental audit is required to consider the risk of harm that may be posed by the contamination to the use or proposed use of the site, and recommend a scope for any required environmental audit; and
* prepare a PRSA statement and a PRSA report (see sections 3.3.2 and3.3.3).

Where an environmental consultant is involved, the environmental auditor doesn’t need to ask them to fill any noted data gaps. Instead, the environmental auditor may build upon the environmental consultant’s work themselves to enable completion of the PRSA. For example, undertaking additional or updated desktop assessment information if required. Alternatively, the environmental auditor can request that the consultant address the data gaps and amend their report.

When reviewing a PSI report from an environmental consultant, the environmental auditor will need to make their own evaluation of the information provided and come to their own conclusions.

### Identifying activities

Activities that are currently or have historically been undertaken on the site, and which may have led to contamination of the land and/or groundwater at the site (including both onsite and offsite activities) should be identified.

Identification of activities should draw on all available information about the site or in proximity to the site. This will include the information normally collated for a PSI, as well as the results of any site investigations or remediation work that has been previously undertaken on the site and on nearby properties.

When assessing this information, the environmental auditor will need to consider and comment on the reliability of the information in their PRSA report.

### Sampling

As outlined in the NEPM, delineation of contamination is not undertaken in a PSI and therefore should not be undertaken in a PRSA. For some situations there may be limited sampling undertaken to confirm that an environmental audit is not necessary.

For a PRSA, any sampling should only be undertaken to assist the environmental auditor to confirm their view that the site is *unlikely* to be contaminated land, as opposed to sampling the site because of identified indicators of contaminated land. Where a sampling program for a PRSA is proposed, the hypothesis to be tested should be that the site does not require an environmental audit. Where desktop assessment and site inspection indicates a high likelihood for contaminated land, EPA expects that any sampling required would be undertaken as part of an environmental audit, not during the PRSA.

Table 2 of the PPN30 lists land uses with potential to contaminate land. The environmental auditor should consider Table 3 of the PPN30 when assessing sites with a high likelihood for contaminated land (‘Type A sites’), where proceeding directly to an environmental audit is recommended.

EPA may provide specific guidance to environmental auditors as requested to clarify any provisions regarding sampling in this guideline.

Some example scenarios of situations that may arise following a thorough desktop assessment and site inspection are outlined in the table below.

Table 1: Example sampling scenarios

| Scenario | Sampling outcome |
| --- | --- |
| A history of non-contaminating activities is identified and there is no other evidence or suspicion of contamination. | Preliminary sampling should not be automatically required. |
| There is evidence to suggest that potentially contaminating activities have been undertaken but their nature suggests they are unlikely to have led to contaminated land at site. | Limited sampling to confirm the absence of contaminated land can be considered. |
| There is evidence to suggest that contaminated land would be present at site, and further investigation via gridded or detailed sampling is needed to understand the nature and extent of the contamination and quantify potential risks (e.g., as per NEPM); or some form of clean up/validation (e.g., removal of an underground storage tank) will be necessary to minimise risks. | No sampling required. The appropriate PRSA outcome is the requirement for an environmental audit.  |
| There is evidence to suggest that potentially contaminating activities have been undertaken but their nature suggests they are unlikely to have led to contaminated land at site. Sampling has been completed prior to engagement of the environmental auditor and confirm this. | Preliminary sampling should not be automatically required. Limited sampling during the environmental auditor engagement to confirm the absence of contaminated land can be considered. |
| There is evidence suggesting that contamination has occurred (on-site or offsite). Sampling has been undertaken prior to engagement of the auditor. The sampling does not indicate the presence of contaminated land. | If the site is still considered likely to be contaminated land, additional sampling should not be completed. Where additional sampling would be required, the appropriate PRSA outcome is the requirement for an environmental audit. |
| The site a very large property where only a small portion is likely to be contaminated (e.g., a farm with a sheep dip in one area). The PRSA has been requested for the purposes of spatially scoping an environmental audit requirement. | The proposed audit area should align with either existing or proposed planning boundaries.The environmental auditor would need to ensure a suitable area is covered to ensure it captures the area of likely contamination. Sampling may be undertaken to demonstrate absence of contamination. |

Any sampling and analysis plan will be based on specific potentially contaminating activities identified during the desktop assessment and site inspection. Sampling should be targeted sampling only, focussing on the specific locations where these activities occurred or may have caused an impact. This is in line with the approach of a PSI under the NEPM. A grid-based sampling program is not considered acceptable in a PRSA. NEPM Schedule B2, Section 6 – Sampling Design also provides information on designing appropriate sampling plans.

Since sampling should be targeted only, careful consideration should be given to any assessment of imported fill material. For example, sampling is only appropriate in situations where fill is considered to be isolated to a portion of the site rather than widespread, or to confirm the fill material is re-worked at the site or locally derived natural material.

Sampling should be limited to a single event, except in circumstances where suspected erroneously elevated testing results are reported. If a single additional sampling event does not resolve the issue, further sampling should not be considered under the PRSA. The appropriate outcome would be that an environmental audit is required.

Sampling or assessment of groundwater is not expected to form a routine part of the PRSA process. If an environmental auditor believes groundwater sampling or assessment is required, this should be determined based on the likely source (on-site or offsite) of contamination. It should also consider whether there is an existing or likely exposure pathway in the context of the existing or proposed land use.

The most likely scenario where groundwater sampling may be appropriate, is where the desktop review and site inspection indicate that groundwater contamination may be present due to an offsite source only (e.g., regional contamination of groundwater), and sampling is likely to confirm that such contamination would not prevent or restrict the use or proposed use of the site.

For issues related solely to pathways involving vapour and an offsite source, soil vapour sampling may be an appropriate proxy for groundwater sampling as this may better replicate the exposure pathway.

Situations where groundwater sampling is not considered to be appropriate include:

* potential sources of groundwater contamination (on-site or offsite) are not identified from the desktop assessment and site inspection.
* where there are indications from the desktop review and site inspection that groundwater contamination has occurred that may prevent or restrict the use or proposed use of the site, and limited groundwater sampling is unlikely to change this conclusion. Sampling should not be undertaken and the appropriate PRSA outcome is the requirement for an environmental audit.
* where the desktop review and site inspection suggest that groundwater contamination may be present due to an on-site source, sampling should not be undertaken and the appropriate PRSA outcome is the requirement for an environmental audit.

### Identification of contamination through sampling during a PRSA

If contamination is identified on the site as part of a PRSA, actions to remove or change the state of the environment to reduce or limit the effect of such contamination is not an acceptable activity as part of the PRSA (for example this includes any form of cap, barrier, separation layer or temporary or ongoing management requirements). However, removal of inert material, which is aesthetically unsuitable for the land use is acceptable for the purposes of a PRSA.

### Completing the assessment phase

On completion of the assessment phase of a PRSA, the environmental auditor will have concluded:

* whether the site is likely to be contaminated land;
* whether such contamination, if likely to be present, may prevent or restrict the use and or proposed use and therefore if the site requires further assessment through an environmental audit; and
* if an environmental audit is required, set out the proposed scope of this environmental audit.

## PRSA outcomes

The PRSA identifies the likelihood of contaminated land being present for a current use or proposed use. Unless the environmental auditor has explicitly stated that there is no environmental audit required for *any* land uses, it is important to be aware of the land use against which the site has been assessed. Any decision on other land uses not assessed in the PRSA may warrant the need for another PRSA. In summary, there are three possible outcomes of a PRSA that an environmental auditor will reach:

1. Unlikely that contaminated land is present, and no environmental audit is required
2. Likely that contaminated land is present, but no environmental audit is required
3. Likely that contaminated land is present, and an environmental audit is required.

1. Unlikely that contaminated land is present, and no environmental audit is required

The assessment has found it unlikely that the site is contaminated land. Therefore, an environmental audit would not be required for the use or proposed use of the site identified in the PRSA.

This outcome is in line with the definition of contaminated land in the EP Act 2017. Under section 35(1)(b), the definition requires that the concentration of waste or prescribed substances be present in a concentration above the background level *and* create a risk of harm to human health or the environment. If an assessment finds it unlikely that the site is contaminated land, no assessment of a created risk of harm to human health or the environment in an environmental audit would be necessary.

Whilst no environmental audit is required, it is important to understand that the PRSA outcome is limited to the use or proposed use identified in the PRSA and is not a statement of suitability of land use for other purposes. If no environmental audit has been recommended, the applicant should speak with the planning authority or responsible authority to determine the next steps to ensure further works do not trigger a new requirement for assessment work.

1. Likely that contaminated land is present, but no environmental audit is required

An environmental audit may not be required where the assessment has found that the site is likely to be contaminated land, however the contamination is expected to be at levels that will not prevent or restrict the use or proposed use of the site. As a result, no further assessment is necessary. In those circumstances, section 39 of the EP Act 2017 still requires that a person in management or control of contaminated land must minimise risks of harm to human health and the environment from the contaminated land so far as reasonably practicable.

An example of a situation where an environmental audit may not be required is when the site is, or is likely to be, contaminated land due only to the presence of contaminated groundwater. An environmental audit shouldn’t be required where contamination is limited to groundwater which:

* is or is likely to be contaminated by an offsite source only; and
* has no human health exposure pathway in the context of the proposed land use e.g., exposure pathways are limited to extractive groundwater use (no potential vapour exposure) and extractive use is not a requirement of the proposed land use.

If land (which includes groundwater) is contaminated, the duty to manage contaminated land applies. Refer to Section 39 of the EP Act 2017 and [*Assessing and controlling contaminated land risks; A guide to meeting the duty to manage for those in management or control of land* (publication 1977).](https://www.epa.vic.gov.au/about-epa/publications/1977)

1. Likely that contaminated land is present, and an environmental audit is required

The site is likely to be contaminated land and the *use or proposed use* of the site may be prevented or restricted when considering the environmental values that apply (see section 3.1.3).

The results of the assessment for the PRSA have indicated that there is, or is likely to be, contamination present that requires further assessment through an appropriately scoped environmental audit. The work undertaken as part of the PRSA process can be used in the environmental audit.

Where large sites are planned to be sub-divided into smaller lots, e.g., agricultural sites. It may be appropriate for an environmental auditor to provide multiple PRSA statements for the one site. This could include a statement recommending no environmental audit and a statement(s) recommending an environmental audit(s) and/or to recommend different audit scopes for different portions of the larger site.

Note that the boundary of the statement areas must be tied to current or proposed future planning boundaries. One current or proposed lot area cannot have both an area recommending an environmental audit and another area recommending no environmental audit. Where such parcel boundaries are proposed rather than existing, advice from the responsible or planning authority making a decision on the application or scheme amendment should be sought before commencing.

### Environmental audit scope

Where further assessment through an environmental audit is required, the proposed environmental audit scope is to be developed in accordance with the [*Guidelines for conducting environmental audits* (publication 2041)](https://www.epa.vic.gov.au/about-epa/publications/2041-environmental-audits-guideline)*.*

Proposing a scope for the required environmental audit does not lock that scope in. Under the Act[[5]](#footnote-5), the environmental auditor conducting an environmental audit triggered through a PRSA has an opportunity to amend that scope.

### PRSA statement

A PRSA statement is the key outcome of a PRSA and consists of a short-form statement that summarises the key information relating to the PRSA and the environmental auditor’s assessment as to the need for an environmental audit.

Multiple PRSA statements may be applied to a site being assessed. However separate PRSA statements should cover areas or sub areas that are no smaller than the corresponding lot in any existing or proposed subdivision. This allows for a part of a site being assessed to require an environmental audit and other areas of a site to not require an environmental audit. Where such parcel boundaries are proposed rather than existing, it is recommended that advice is sought from the responsible or planning decision maker before commencing.

The intent of the PRSA statement is to provide a concise and clear outcome of the PRSA for interested parties (for example, duty holders, potential vendors, planners).

Under section 206 of the EP Act 2017, the statement must include:

1. The scope of the assessment including:
	* identification of the site on which the assessment was undertaken;
	* the use or proposed use for which the site was assessed;
	* the elements of the environment assessed;
	* the standards considered in the assessment; and
	* any assumptions made in the assessment or any limitations on the assessment; and
	* any exclusions from the assessment and rationale for those exclusions; and
2. the result of the environmental auditor’s assessment on whether an environmental audit is required, or not; and
3. the proposed scope of the environmental audit (if required); and
4. details of the person who engaged the environmental auditor to conduct the PRSA; and
5. sign-off by the environmental auditor; and
6. the environmental auditor’s contact details; and
7. any other prescribed matter (at the time of drafting this Guideline, no other matter is presently prescribed).

Environmental auditors should prepare the PRSA statement using the [*preliminary risk screen assessment statement form* (F1031.1)](https://www.epa.vic.gov.au/about-epa/publications/f1031)*.* This form expands on some of the required information specified in the Act to provide a clear picture of the PRSA that has been conducted. It also allows for environmental auditors to include other information regarding the site (refer to section 3.3.6).

### PRSA report

The PRSA report is the comprehensive document that accompanies the PRSA statement. The PRSA report will include all observations and assessment made by the environmental auditor. It will also include the basis for any conclusions made about the likelihood of contaminated land being present.

The PRSA report is expected to be informative and complete, with information displayed in a format that is easy to interpret and understand. It should be clear that the PRSA report is the work of the environmental auditor and has been prepared by them (and their support team), rather than a PRSA report from the company employing the environmental auditor. Therefore, the PRSA report is to be signed by the environmental auditor.

The PRSA report must include a review of the information collected in the PRSA and the reasons for the findings in the PRSA statement[[6]](#footnote-6). The PRSA report should provide justification for why it was concluded that an environmental audit was or was not required.

All documents and information to support the PRSA findings is expected to be included in the PRSA report. An outline of and justification for any assumptions, limitations or exclusions related to the PRSA (as presented in the PRSA statement) should also be discussed in the PRSA report.

The format and content of the PRSA report should follow the guidelines set out in Appendix B.

PRSA reports are considered as part of the Environmental Auditor Quality Assurance (QA) Program. The QA program is detailed in [*Environmental auditor guidelines for appointment and conduct* (publication 865).](https://www.epa.vic.gov.au/about-epa/publications/865-12)

### Timing and manner of PRSA submission

The PRSA report should be completed and provided to the person who engaged the environmental auditor at the same time as the PRSA statement.

Environmental auditors must provide a copy of the PRSA report and statement to the Authority and the relevant planning authority and responsible authority within five business days of completing them[[7]](#footnote-7).

The PRSA statement and report should be submitted to EPA via the EPA portal on EPA’s website, in a digital PDF format, in accordance with [*Environmental auditor guidelines – Provision of statements and reports for environmental audits and preliminary risk screen assessments* (publication 2022).](https://www.epa.vic.gov.au/about-epa/publications/2022)

### The Authority may review the environmental audit scope

Where the PRSA statement states that an environmental audit is required, EPA may review the scope of the environmental audit and endorse the scope or determine a revised scope[[8]](#footnote-8).

### Other information

Where information related to the condition of the site arises during the PRSA, which has no bearing on the outcome of the PRSA, but which the environmental auditor would like to draw attention to, this should be noted in the section of the PRSA statement titled ‘Other information’.

Examples (non-exhaustive list) of this information are:

* the presence of a structure on the site that contains or may contain (due to its age) hazardous building materials, where the environmental auditor assessed during the PRSA that such building materials are not likely to indicate the presence of contaminated land;
* minor aesthetic issues, such as the presence of inert materials, where the environmental auditor has determined that these issues do not require further assessment to consider if a risk is posed to the use or proposed use of the site; and
* the presence of naturally elevated concentrations of contaminants in the groundwater which are considered typical of the natural groundwater quality surrounding the site.

# Amending, withdrawing or issuing a new PRSA statement

## Amendments

An environmental auditor may amend a PRSA statement, to correct:

1. any clerical mistake or unintentional error or omission; or
2. any figure that is miscalculated; or
3. any misdescription of any person, thing or property[[9]](#footnote-9).

In each of the above cases there should be no change to the outcome of the PRSA.

The environmental auditor should make any corrections directly on each copy of the statement and must initial and date each change (whether manually or electronically).

The environmental auditor must send a copy of the amended PRSA statement to EPA, as well as the relevant planning authority and the responsible authority, within five business days of amending it[[10]](#footnote-10). An amended copy should also be forwarded to the requester of the PRSA.

Resubmission of the amended PRSA statement to EPA should be made via email to the Environmental Audit Unit inbox (environmental.audit@epa.vic.gov.au) or a suitably secure file transfer service. The EPA portal cannot be used for a resubmission.

## Withdrawal

An environmental auditor may withdraw a PRSA statement if they believe that the statement is incorrect[[11]](#footnote-11). An example of this may be where the environmental auditor becomes aware, following completion of the PRSA, of additional information regarding the site that means the PRSA outcome was not correct at the time of issue of the statement. For example, if an underground storage tank (UST), buried material etc. was found, this would trigger further actions from the landowner.

Issue of an incorrect statement may be considered by EPA when reviewing an environmental auditor’s appointment in accordance with the [*Environmental auditor guidelines for appointment and conduct* (publication 865).](https://www.epa.vic.gov.au/about-epa/publications/865-12) In addition, it is an offence to issue a misleading PRSA statement or PRSA report under the Act[[12]](#footnote-12).

If an environmental auditor withdraws a PRSA statement, EPA must be notified within five business days of the withdrawal. EPA also requires that the environmental auditor notifies the relevant planning authority and the responsible authority within the meaning of the *Planning and Environment Act 1987* within five business days[[13]](#footnote-13).

The environmental auditor should also:

* notify the requestor;
* recover all copies of the PRSA statement and the associated PRSA report, to the extent practicable, except for any copies held by EPA (EPA reserves the right to retain copies of any withdrawn statement and associated report); and
* to the maximum extent practicable, advise parties that may have relied on the PRSA statement of its withdrawal.

Where an environmental auditor withdraws a PRSA statement, the environmental auditor may:

1. conduct another PRSA and issue a new PRSA statement; or
2. issue a new PRSA statement[[14]](#footnote-14).

If an environmental auditor is for any reason unable to perform the functions and duties of an environmental auditor during the environmental auditor’s appointment, EPA may withdraw the PRSA statement issued by the environmental auditor that is incorrect[[15]](#footnote-15). If EPA withdraws an incorrect PRSA statement it will, within five business days of the withdrawal, notify the relevant planning authority and the responsible authority of the withdrawal[[16]](#footnote-16). If the relevant planning authority and the responsible authority have not been sent a copy of the PRSA statement, they do not need to be notified of its withdrawal[[17]](#footnote-17).

## Issue of a new PRSA statement

A new PRSA statement that is issued by an environmental auditor following the withdrawal of a statement, must be dated with the new date of issue.

If an environmental auditor has issued a new PRSA statement, they must within five business days of issuing it, send a copy of the new statement to EPA, as well as the relevant planning authority and the responsible authority[[18]](#footnote-18).

## Changed conditions

An environmental auditor is not required to withdraw or amend a PRSA statement where the condition of the site changes following completion of the PRSA. For example, such changes may occur because of works or waste disposal at the site.

An environmental auditor may be requested to undertake a second PRSA to account for the changed conditions. This would be regarded as a new PRSA, and the environmental auditor would need to comply with all applicable requirements in the completion of this PRSA.

# Environmental auditor conflict of interest

## Conduct of a PRSA

The conduct of a PRSA should not involve the environmental auditor reviewing work or reports previously prepared by the environmental auditor or their employing company, where such past work or reports involved the environmental auditor or their company considering the likelihood of the site being contaminated land.

However, where past reports or work are unrelated to the potential contamination of the site (for example geotechnical investigations), the environmental auditor is not precluded from undertaking a PRSA on that basis alone.

Further information on conflicts of interest to be avoided by environmental auditors in undertaking PRSA and environmental auditing functions is provided in [*Environmental auditor guidelines for appointment and conduct* (publication 865).](https://www.epa.vic.gov.au/about-epa/publications/865-12)

## Environmental audit required by the PRSA

If an environmental auditor has recommended an environmental audit through a PRSA, they are not precluded from conducting this environmental audit. EPA does not consider it a conflict of interest for the environmental auditor to conduct both the PRSA and subsequent environmental audit. This is in view of the different purposes and outcomes of a PRSA and environmental audit, and because an environmental audit, where required as the outcome of a PRSA, is the necessary second stage of work that a PRSA has led to.

Environmental auditors should, however, make their own assessment as to the appropriateness of conducting the environmental audit and manage any actual or perceived conflict of interest that may arise from this.

# Limitations

The environmental auditor should not disclaim responsibility for the findings and outcome of the PRSA on the basis that they have relied on the work of others (such as previous site investigations completed at the site or neighbouring properties). It is the role of the environmental auditor to confirm that the data they are relying on is reliable.

A PRSA must be capable of being relied on not only by the person who engaged the environmental auditor to issue the PRSA statement and report, but also by EPA, planning authorities and by responsible authorities.

The PRSA report may include a section that provides information about the uncertainties associated with the PRSA process.

# References

* [*Contaminated land: Understanding section 35 of the Environment Protection Act 2017* (publication 1940)](https://www.epa.vic.gov.au/about-epa/publications/1940)
* [*Environmental auditor guidelines for appointment and conduct* (publication 865)](https://www.epa.vic.gov.au/about-epa/publications/865-12)
* [*Environmental auditor guidelines – Provision of statements and reports for environmental audits and* preliminary risk screen assessments *(publication 2022)*](https://www.epa.vic.gov.au/about-epa/publications/2022)
* ([*https://www.epa.vic.gov.au/about-epa/publications/2022*](https://www.epa.vic.gov.au/about-epa/publications/2022))
* Environment Reference Standard 2021 (<http://www.gazette.vic.gov.au/gazette/Gazettes2021/GG2021S245.pdf>)
* [*Guidelines for conducting environmental audits* (publication 2041)](https://www.epa.vic.gov.au/about-epa/publications/2041-environmental-audits-guideline)
* [*Guide to the Environment Reference Standard* (publication 1992)](https://www.epa.vic.gov.au/about-epa/publications/1992)
* Ministerial Direction No. 1 – Potentially Contaminated Land 2021 (<https://www.planning.vic.gov.au/guide-home/the-role-of-the-minister#Current_Ministerial_directions-101707-3>)
* [National Environment Protection (Assessment of Site Contamination) Measure 1999](https://www.legislation.gov.au/Details/F2013C00288) (Commonwealth) (legislation.gov.au/Details/F2013C00288)
* Planning Practice Note 30: Potentially Contaminated Land (DELWP, 2021) (<https://www.planning.vic.gov.au/__data/assets/pdf_file/0027/97164/PPN30-Potentially-contaminated-land.pdf>)
* Victoria Planning Provisions clause 45.03 Environmental Audit Overlay (<https://planning-schemes.api.delwp.vic.gov.au/schemes/vpps/45_03.pdf?_ga=2.96852892.2072061071.1621413478-1671832850.1621413478>)

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# Appendix A – Key sections of the NEPM

Extract from Schedule B2, Section 2.1, page 2-3 Preliminary Site Investigation

*Preliminary site investigations (PSIs) usually include a desktop study to collect basic site information and identify the site characteristics (site location, land use, site layout, building construction, geological and hydrogeological setting, historical land uses and activities at the site), a site inspection and interviews with current and past owners, operators and occupiers of the site and preparation of a report.*

*The preliminary investigation should be sufficient to:*

* *identify potential sources of contamination and determine potential contaminants
of concern*
* *identify areas of potential contamination*
* *identify potential human and ecological receptors*
* *identify potentially affected media (soil, sediment, groundwater, surface water, indoor air).*

*The findings of the PSI are used to develop an initial CSM. The PSI report should clearly identify any significant data gaps and include an assessment of the accuracy of the information collected.*

*It is not necessary to delineate any contamination at the PSI stage. Limited sampling may be included in a PSI, providing sufficient information is available to compile an appropriate site health and safety plan. Any investigations undertaken, however, should be confined to areas where potentially contaminating activities have occurred and involve a site history-based sampling plan.*

*This schedule provides guidance on the scope of preliminary investigations. Reference may also be made to AS 4482 and more generally to ASTM E1527–05 for information on the various elements which may be included in a preliminary site investigation.*

*If thorough preliminary investigation shows a history of non-contaminating activities and there is no other evidence or suspicion of contamination, further investigation is not required.*

Extract from Schedule B2, Section 3 Preliminary Investigation

*The purpose of collecting basic site information is to identify potential contaminants, potentially affected media and potential areas of contamination by reviewing the site history, physical setting including local geology and hydrogeology, and site conditions. The information collected is used to develop an initial CSM of the site.*

*A site inspection should be undertaken to complement the findings of the desktop study and site history and to identify any additional relevant site information. It is recommended practice to conduct interviews with current site owners and occupiers and, where practicable, previous site owners and occupiers.*

*It is essential that the location of the site and the significant features involved in its history be accurately and clearly identified. The PSI report should clearly identify any significant data gaps and include an assessment of the accuracy of the information collected.*

# Appendix B – Contents of a PRSA report

The PRSA report is expected to include:

* an executive summary, that includes the table of information outlined in [Environmental auditor guidelines – Provision of statements and reports for environmental audits and preliminary risk screen assessments (publication 2022)](https://www.epa.vic.gov.au/about-epa/publications/2022)
* details of the site assessed (e.g., address and property title details)
* the current and proposed use and development (including any relevant plans)
* the elements of environment assessed
* land zoning information
* completion date of the PRSA statement and report
* background on why the PRSA is being undertaken
* details of the scope and methodology for the PRSA, including whether the PRSA has considered land uses that are existing or proposed
* summary of historical land use activities on and offsite
* site inspection observations and information on contamination that is present or is likely to be present
* list of documentation reviewed
* an opinion on the quality and completeness of prior assessment(s) of the site, including details of investigator, laboratory, sampling and analytical methods and type of assessment undertaken (if applicable)
* description and outline of the initial conceptual site model with consideration of potential source - receptor - pathway linkages
* assessment of the condition of the site, including:
	+ the likelihood of contaminated land based on the PSI level of assessment undertaken
	+ if sampling was undertaken, a comparison of any site-specific sampling data against relevant screening criteria
	+ assessment of possible impacts on environmental values associated with the use or proposed use of the site
* determination of whether an environmental audit is required, providing justification as to why an environmental audit was or was not required. Also:
	+ if an environmental audit is required, the environmental auditor must provide an environmental audit scope
	+ where an environmental audit is required, consider the need to graphically present on a site plan the area(s) of concern or those that require further assessment
	+ comment on the presence of, or potential for, offsite contamination
	+ the presence of groundwater contamination at the site that is associated with offsite regional sources of contamination which is not to affect any relevant likely or existing environmental values of the site.
* details of involvement of the environmental auditor’s support team in the conduct of the PRSA
* any other pertinent details of the PRSA, including (but not necessarily limited to):
	+ the standards and guidelines considered
	+ any assumption or limitations made
	+ any exclusions from assessment, including environmental values. Any exclusions must be fully documented and justified. Any exclusions should not interfere with the ability of the PRSA to inform the decision of the need for an environmental audit.

Where the assessment (desktop assessment, site characteristics, sampling (if required), reporting) required for the PRSA has been undertaken by a suitably qualified environmental consultant, the PRSA report should include the environmental auditor’s opinion on the environmental consultant’s conclusions in relation to these matters.

Accessibility

Contact us if you need this information in an accessible format such as large print or audio.
Please telephone 1300 372 842 or email contact@epa.vic.gov.au

Interpreter assistance



If you need interpreter assistance or want this document translated, please call 131 450 and advise your preferred language. If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service.



   

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1. **suitably qualified professional’** means a type of profession identified by an environmental auditor or responsible or planning authority (as relevant) to undertake a specific type of work, with qualifications, expertise and/or relevant industry experience that the environmental auditor and/or responsible or planning authority is satisfied makes the individual capable of performing the specific type of work. It may be (but is not limited to) an environmental consultant, environmental auditor, type of engineer or specialist. [↑](#footnote-ref-1)
2. Contaminated land as per section 35 of the Act and EPA publication 1940. [↑](#footnote-ref-2)
3. Site means specified land or a specified parcel of land (refer to section 3(1) definition of 'site' in the EP Act). [↑](#footnote-ref-3)
4. Reference to a standard parcel identifier such as lot on title plan, or volume and folio numbers of a title registered with the Registrar of Land Titles under the *Transfer of Land Act 1958,* or a parcel of land, a memorial of the conveyance of which, containing a description of the said land, has been registered with the Registrar of Land Titles under the *Property Law Act 1958*. [↑](#footnote-ref-4)
5. Section 208(4) of the Act [↑](#footnote-ref-5)
6. Section 207 of the Act [↑](#footnote-ref-6)
7. Section 205 of the Act [↑](#footnote-ref-7)
8. Section 206(2) of the Act [↑](#footnote-ref-8)
9. Section 213(2) of the Act. [↑](#footnote-ref-9)
10. Section 213(4) of the Act. [↑](#footnote-ref-10)
11. Section 213(1) of the Act. [↑](#footnote-ref-11)
12. Section 215 of the Act. [↑](#footnote-ref-12)
13. Section 213(3) of the Act [↑](#footnote-ref-13)
14. Section 213(1) of the Act. [↑](#footnote-ref-14)
15. Section 213(5) of the Act. [↑](#footnote-ref-15)
16. Section 213(6) of the Act. [↑](#footnote-ref-16)
17. Section 213(7) of the Act. [↑](#footnote-ref-17)
18. Section 213(4) of the Act [↑](#footnote-ref-18)