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ABSTRACT SPECIFICATIONS

Title: Progress towards a strategic approach for the identification and approval of redevelopment on potentially contaminated sites.

Subtitle: You just approved a sensitive landuse where?!?

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Abstract:

Transition of a site to a more sensitive use from a statutory planning perspective involves assessment to confirm the land is fit for the intended use. However, planning “triggers” are separate from the assessment of risk and financial value specific to transactions. Are we expecting too much of the current decision makers, in many cases council's statutory planners, to be able to identify whether a site is appropriate for its intended use? A strategic approach is required to improve the outcome of these complex and multi-stakeholder transactions.

The Victorian Auditor General's Office (VAGO) Audit Report (2011), “Managing Contaminated Sites” concluded that, “The Department of Planning and Community Development (DPCD), the Environment Protection Authority (EPA) and councils are not effectively managing contaminated sites, and consequently cannot demonstrate that they are reducing potentially significant risks to human health and the environment to acceptable levels.”

A major reform of the contaminated land management processes in Victoria may have been anticipated following the 2011 VAGO Audit Report and the Potentially Contaminated Land Advisory Committee Report, 9 March 2012. However, it appears that the opportunity for an integrated approach across approvals stakeholders has not been fully deployed and environmental assessment is not prioritised during strategic planning.

Transactional due diligence is often driven by the principle, caveat emptor, “let the buyer beware”. Recent examples and those cited in the 2011 VAGO Audit Report indicate that adequate environmental information is not necessarily accessible to decision makers and that current practices do not consistently identify environmental concerns or liability for

unsophisticated buyers or developers. Are existing statutory and mechanisms such as published guidelines sufficient to identify environmental issues? Recent history would suggest the answer is "no".