

An aerial photograph of a city skyline at sunset. The sun is low on the horizon, creating a warm orange glow across the sky and reflecting off the city's surfaces. The sky is filled with soft, wispy clouds. A large, semi-transparent pink triangle is centered over the image, containing the text "Welcome To APA Workshop" in white. The city below is densely packed with buildings, with the Willis Tower (formerly Sears Tower) being a prominent landmark on the left side of the frame.

Welcome
To
APA Workshop

APA Professional Workshop No.3

Emerging Market – Commercial and Industrial Development

How to achieve cost saving with geotechnical and environmental investigation

Scott Emmett

National Manager Geotechnical Engineering
Intrax Consulting Group

How does the latest environmental legislation update impact developments

Jean Meaklim

Principal Consultant / Immediate Past President
Greencap / ACLCA Victoria

Opportunities and risks associated with contamination

Max Lam

Director / Chairman
Riskcom / Australasia Property Advisory Association



Australasia Property Advisory
association
澳亚地产咨询协会

APA Seminar

16 April 2019

New Environmental
Legislation in Victoria –
How will it apply to you?
*What are your duties and
actions?*

GREENCAP
Going Further in Managing Risk

Jean Meaklim
*Senior Principal
Risk Assessment
(Health & Environment)*

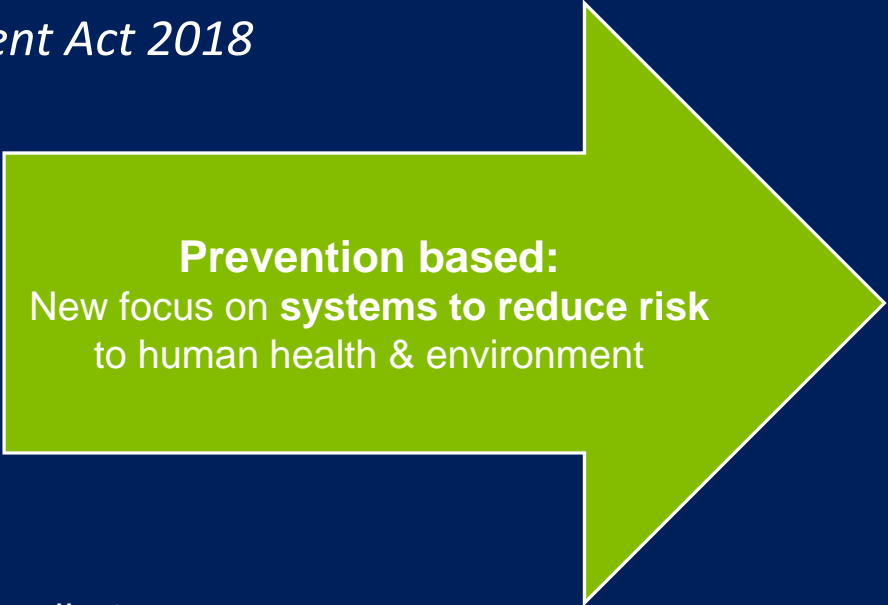


Greencap is proudly part of the Wesfarmers Industrial and Safety group



New Environment Protection Amendment Act 2018

- Getting ready for 1 July 2020



Prevention based:
New focus on **systems to reduce risk**
to human health & environment

- Not waiting to react to damage or to manage pollution.



Framework of 7 Duties

1. **General environmental duty (preventative duty)**
2. **Duty to notify of event**
3. **Duty to respond to harm and restore**
4. **Duty to notify of contamination**
5. **Duty to manage contamination**
6. **Duty to manage industrial waste disposal**
7. **Duties for priority waste**



Duties scheme – How does this work?

For Duty Holders (e.g. businesses, land owners, developers)

- **Start by understanding your activities**
- **Work out which duties may apply**
- **Search out guidance, understand industry practice**
- **Follow prescriptions where set (e.g. regulations)**
- **Adopt changing norms and ‘best practice’**



General Environmental Duty – similar to OHS Duty

A person who is engaging in an activity that may give rise to risks of harm to human health or the environment from pollution or waste must **minimise** those risks, *so far as reasonably practicable*."

- **Minimise** means to eliminate the risks (so far as reasonably practicable) and if not, reduce the risks.
- Risk-based approach
- Modelled on the OHS Act



General Environmental Duty

What is 'reasonably practicable' ?

It depends on:

- a) the likelihood of the hazard or risk occurring;
- b) the degree of harm that would result if the hazard or risk eventuated;
- c) what the person concerned knows, or ought reasonably to know, about the hazard or risk and ways of eliminating or reducing it;
- d) the availability and suitability of ways to eliminate or reduce the hazard or risk;
- e) the cost of eliminating or reducing the hazard or risk.

OTHER DUTIES – NOTIFY & RESPOND TO POLLUTION

Duty to notify EPA of pollution incidents AND to respond to any harm from incident

For leak, spill or other unintended or unauthorised deposit or escape

Where *material harm* is caused or threatened

Sanctions for non-compliance



OTHER DUTIES – NOTIFY & MANAGE CONTAMINATED LAND

Duty to notify EPA of certain Contaminated Sites AND to manage risks from contaminated land

Tell EPA if you have contamination present above the specified threshold

- Minimise risks of harm to human health and environment from contamination
- Does not matter who is at fault or when contamination took place



OTHER DUTIES – MANAGE WASTE

Duty to ensure industrial waste only goes to a place authorised to receive it

Waste generator, transporter and receiver

Extra offences - Repeat waste offenders

False & misleading information

Priority Wastes – Hazardous, mismanaged

Requirements: storage, handling, isolation, containment

Beware of “illegal” waste dumps – on vacant sites

Incompatible types, fire/explosion/contamination risks



www.theage.com.au/national/victoria/the-tipping-point-illegal-dumping-swamps-the-waste-industry-20170806

www.heraldsun.com.au/news/victoria/waste-crackdown-authorities-seize-more-illegal-chemical-dumps/20190415



General Environmental Duty – what does it mean to you?

Everyone will have different “duties” based on different hazards & risks

- Type of site – operational or closed site? Active ongoing hazard or legacy risk?
- Type of risk and magnitude of risk?
- Acute or immediate hazard – is it having an immediate or noticeable impact? OR
- A more chronic or less obvious hazard?
- What information do you have about your site? And its potential hazards?
- **What information SHOULD you have?**

GED EXAMPLE – MANAGING WASTE

We all have a duty to manage waste!

Different types of Waste

Construction &
Demolition waste



Asbestos



GED – MANAGING WASTE

Manufacturing site – chemical drums

(clean or dirty?)

Leaking?? Bunded?



Waste soil -
clean or dirty?



Wastes to air

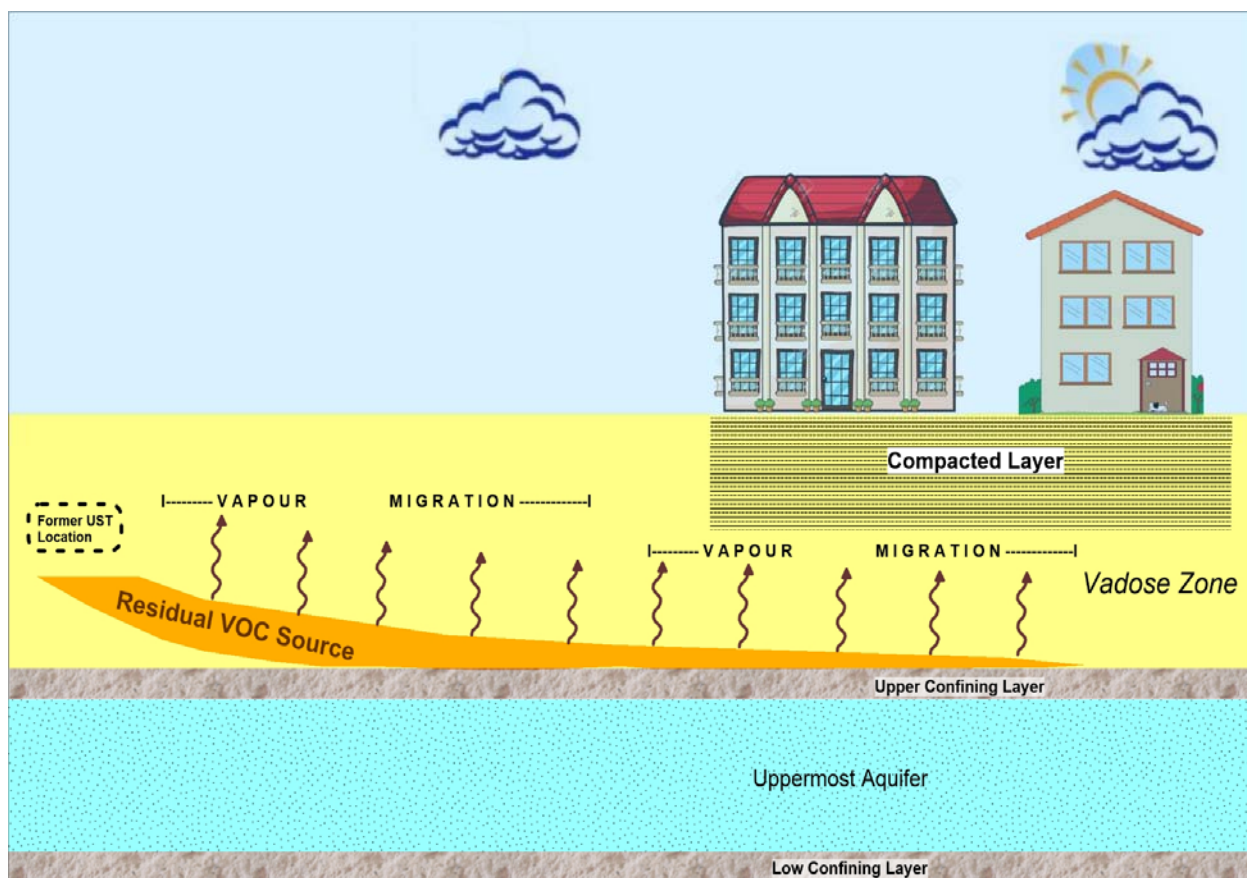
GED – MANAGING WASTE

“Invisible” waste/
contamination

Possibly legacy issue – e.g.

Solvents in soil or groundwater

- Maybe from historical activities
- onsite or offsite?



Waste soil -



OVERALL:

- A business needs to: – identify, assess and control risks
- Ensure all substances are handled, stored, used or transported in a manner that minimises the risks to human health and the environment
- Provide information, instruction, supervision and training etc. to any person engaging in an activity to make sure they can comply with GED.

Resources

[www.epa.vic.gov.au/our-work/
publications/publication/2019/march/1695-1](http://www.epa.vic.gov.au/our-work/publications/publication/2019/march/1695-1)



Resources

Assessing and controlling risk for business

Attachment: example hazard and risk register

Note: This hazard register is appropriate for low risk businesses. High-risk or large businesses may need to adopt a more complex register.

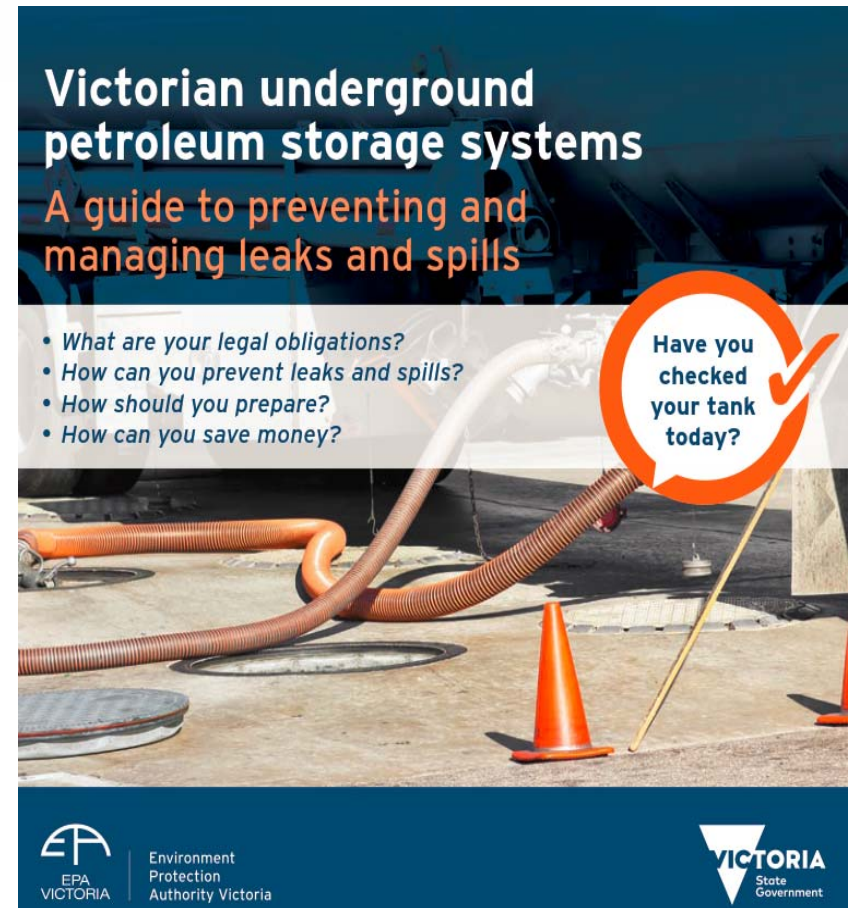
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No.	Hazard	Potential harm	Risk assessment			Existing controls	What further controls are required?	Actions		
			Consequence	Likelihood	Risk rating			Action by	Due date	Date complete

Resources

www.epa.vic.gov.au/our-work/publications/publication/2018/february/1670

Covers leak detection, monitoring, DG management, waste management, training



Want to know more?

Greencap offers environmental training and capacity building programs customised to your workforce in areas such as:

- General environmental awareness
- Environmental regulation
- Contaminated soils
- Hazardous substances management
- Monitoring and sampling
- Biodiversity offset scheme training
- Asbestos awareness
- Crystalline silica awareness
- Dangerous goods awareness



Greencap Services Overview – Expert Services



Thank You.

QUESTIONS?



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Opportunities and Risks Associated with Contamination

April 2019

Definition?

Environmental contamination is the introduction into water, air and/or soil of microorganisms, chemicals, toxic substances, wastes or waste water in a concentration that makes the medium (water, air and/or soil) unfit for its next intended use (consumption, crop production, habitation). This definition also applies to surfaces of objects, buildings and various household and agricultural use products.



Put Contamination in Context of Who/ What and Where ?

- Developer
- Site Operator/ User
- Land Owner
- Historical Site Use
- Proposed Site Use
- Known Contamination
- Experience
- Knowledge of the Process
- Location of site and others

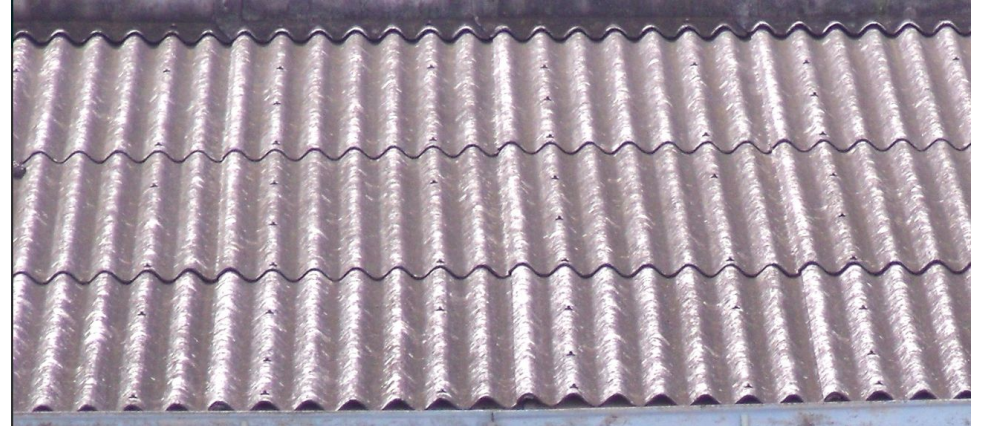
Every person sees the same risk differently

















Thank You

Appreciations

Australasia Property Advisory Association



Contact Us:

Email Contacts

Apa.association.panel@gmail.com

Website

<http://apaassociation.com.au/>

Social Media

<https://www.linkedin.com/company/australasia-property-advisory-association/>

An aerial photograph of a city skyline at sunset. The sun is low on the horizon, creating a warm, golden glow across the sky and city. The sky is filled with soft, wispy clouds. A large, semi-transparent pink triangle is centered over the image, containing the text "Thank You For Attending APA Workshop". The city below is densely packed with buildings, with the Willis Tower (formerly Sears Tower) prominently visible on the left side of the frame. The overall mood is serene and appreciative.

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