

DIT:Planning Reform Submissions

From: Ruth Keogh
Sent: Tuesday, 24 November 2020 1:09 PM
To: DIT:Planning Reform Submissions
Subject: Feedback on draft Practice Direction for Site Contamination Assessment

Hi,
Thank-you for the opportunity to provide feedback on the draft *Practice Direction for Site Contamination Assessment*.

My comments are as follows:

- Section 4 – Interpretation:
 - Adjacent land – I think that 60 m is not far enough when considering possible groundwater contamination from surrounding sites – many groundwater plumes (e.g. hydrocarbons, solvents etc.) exceed 60 m in length and I would suggest that, instead of the term “adjacent land”, the document should refer to “surrounding land”.
 - Class 3 activity – there is a typo: “class 1 **of** class 2” should be “class 1 **or** class 2”
 - Detailed site investigation – the three stated DSI purposes are actually the site contamination audit purposes (as per Section 4 of EPA (2019) *Guidelines for the Site Contamination Audit System*) – although they are not actually incorrect, they don’t specifically mention the assessment of risks to human health/the environment and a better definition could be based on the basis of the second paragraph in Section 2.2 of Schedule B2 of the ASC NEPM (1999), particularly as it refers to the NEPM
 - Exposure – when assessing exposure pathways we normally consider the environment as well as human exposure; also the examples provided make no mention of potential groundwater or vapour exposure pathways
 - Notification of site contamination of underground water – although it is stated here (and at numerous other places in the document) that Section 83A notifications (and GPAs) are shown on the SA Property and Planning Atlas, I have been unable to find them on this website whereas they are available on both the EPA and Location SA websites – has the SA Property and Planning Atlas been incorrectly cited? I would suggest either changing the references or, if they are in the SA Property and Planning Atlas, providing more direction on how to find them
 - Preliminary Site Investigation – as with the DSI, the definition is quite poor – I would suggest that a better definition could be developed based on the ASC NEPM (1999)
 - In addition, no definitions have been provided for
 - Groundwater Prohibition Area (GPA)
 - Potentially Contaminating Activity (PCA)
 - Certified Site Contamination Practitioner
- Part 2 (5) – Step 1: Land Use Sensitivity Hierarchy
 - Item 1 should include “child care facility” – whereas a child care facility can include babies and toddlers, “pre-school” implies ages of between about 3 and 5
 - Item 4 should list the types of educational facilities – is this specifically referring to secondary schools, universities and/or TAFE facilities?
- Part 2 (6) – Step 2:

- There are numerous instances of where *Preliminary Site Investigation* should be immediately followed by the word “report” – e.g. (1)(A)(i), (3) first line etc.
- (3) The statement that a “*Preliminary Site Investigation* should be sufficient to provide a preliminary assessment of whether site contamination **exists**” should be modified to state “**may exist**” – as most PSIs don’t involve any intrusive investigations, they may only give an indication of whether site contamination could be present (based on PCAs)
- (8) the word “**the**” is missing from “*where the site is...subject of a notation*”
- Part 2 (7) – Step 3:
 - (1) same comment as (3) above
 - (3) the reason provided for undertaking a Detailed Site Investigation (DSI) is not strictly correct as “site remediation strategies” are not necessarily required every time a DSI is undertaken – a DSI is generally the intrusive site works phase undertaken to determine whether site contamination is actually present (not just suspected on the basis of the PSI results), to assess potential risks to human health and the environment and, if warranted, also identify appropriate remediation/management measures.
 - (6) how does the existing EPA referral process documented in the *Planning, Development and Infrastructure (General) Regulations 2017* and Part 9 of the *Planning and Design Code* line up with the Class 1 to 3 activities detailed in this document – I would suggest that the referral process needs to be based directly on the identification of Class 1/2 activities having occurred on a site combined with the proposed land use (i.e. depending on its sensitivity) but this doesn’t appear to be the case?
 - (7) in the last bullet point there is no mention of sensitive receptors including the environment (i.e. with respect to the development of a CSM)
- Attachment 2: I think there are numerous activities listed here as Class 2 PCAs that have as much potential to cause site contamination as those listed as Class 1 PCAs in Attachment 1 and I am unsure why such a distinction has been made
- Attachment 4:
 - Part 1 – there should be allowance to state whether investigations did not strictly accord with the ASC NEPM (1999) and justify why not
 - Part 2(b) – why is it limited to a Class 1 activity on adjacent land? – there are numerous Class 2 activities (e.g. an airport, fire training areas (just auditing one at the moment which has caused extensive groundwater PFAS contamination), motor vehicle repair/maintenance (e.g. solvent use), works depots etc.) that can cause groundwater impacts extending beyond site boundaries
 - The footnote reference to fill material assumes that, if contaminated, it is only of potential concern in terms of worker health & safety during site development and can be managed by a CEMP – in fact, I have assessed/audited numerous sites where contaminated fill material is the main site contamination issue under a sensitive land use and requires specific management measures (e.g. full paving of a site so that no exposure can occur). As the identification of site contamination (Parts 2 and 3) are based solely on whether Class 1 to 3 activities and/or a Section 83A notification have occurred, the potential for contaminated fill material has not been appropriately dealt with.
- Also:
 - just confirming that an audit can only be requested by a planning authority when an EPA referral has occurred and the EPA has requested an audit? – that is my understanding from the document so, if that is not correct, some further clarification is required; and
 - this document doesn’t clearly indicate the relevance of subdividing PCAs into classes 1 to 3 (except maybe in the declaration section where I have issues, as detailed above) and how this can be used by the planning authorities – are there other document/s to be developed that will do this?

Hope my comments are of some assistance.

Best wishes, Ruth



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