

## DIT:Planning Reform Submissions

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**From:** [REDACTED]  
**Sent:** Thursday, 17 December 2020 11:03 PM  
**To:** DIT:Planning Reform Submissions  
**Subject:** Draft Planning and Design Code - Site Contamination

**Categories:** John

Hello,

I have read through and considered parts of the draft Planning and Design Code related to Site Contamination Assessment issued for consultation in November 2020 and offer the following feedback:

### Housing Renewal

**DTS/DPF 21.1 Deemed-to-Satisfy Criteria/ Designated Performance Feature in relation to Performance Outcome PO 21.1 (Page 858)** – It is unclear how item (d) can provide a safe environment for a sensitive land use. This is because, for example, even if there is a site contamination audit report less than 5 years old stating site contamination does not exist and there has been no other class 1 or class 2 activity undertaken since completion of the audit report, if the person completing the site contamination declaration form states that they consider site contamination exists then this is probably the case and could result in impact of the health of future residents. For example, the person completing the form may state that Animal Burial (a class 3 activity) has been undertaken on the site in the last year which has resulted in site contamination in the form of explosive concentrations of methane, then no matter what an earlier site contamination audit report might indicate the residents would be at risk if remediation measures are not implemented. Also it is apparent that (d) (ii) just relates to activities that have “*taken place at the land*” over a period of up to 5 years since completion of an audit report and does not consider adjacent land from which gross contamination could potentially migrate onto the site.

Furthermore, site contamination audit reports are often only valid at the time of signing as they relate to conditions and if relevant, Development Applications submitted, at that time. To simplify the Code, I suggest reference to site contamination audit reports is deleted. If a site contamination audit report already exists for the site, a certified site contamination practitioner should identify this as part of the Preliminary Site Investigation. The information within the audit report could then be utilised to simplify the investigation process, but a certified site contamination practitioner should also give due consideration to changes in site conditions since audit completion and complete the site contamination declaration form on that basis.

### Site Contamination

**DTS/DPF 1.1 Deemed-to-Satisfy Criteria/ Designated Performance Feature in relation to Performance Outcome PO 01.1 (Page 881)** – For reasons stated above, it is unclear how item (d) can ensure land is suitable for use.

### Part 9.1 Referral Body: Environment Protection Authority Site Contamination (Page 959-960)

It is indicated that the South Australian Property and Planning Atlas shows notifications of site contamination of underground water and Groundwater Prohibition Areas. To my knowledge this is currently not the case, however these notifications and areas are currently shown on the Government’s [Location SA Viewer](#) website. These references will require amendment if it is intended not to also include this information on the Property and Planning Atlas in the future.

It is apparent from the Code that if a site contamination audit report has been completed in the last 5 years with one of the statements indicated and no subsequent class 1 or class 2 activity then there would be no referral to the EPA. For reasons stated above, this could result in a development proceeding that could put the future site occupants at risk.

It is unclear what "Item X" of Schedule 9 clause 3 of the Regulations relates to.

Please feel free to contact me if you wish to discuss any of the above comments.

Kind regards,

**Dr David Tully**

Director

Contaminated Land Solutions Pty Ltd

