



Introduction

Section 42 of the *Planning, Development and Infrastructure Act 2016* allows the State Planning Commission (the “Commission”) to issue practice directions for the purposes of the Act. Generally, practice directions specify procedural requirements or steps in connection with a matter arising under the Act. In certain cases, the Act requires a particular matter to be addressed or dealt with by a practice direction.

This Practice Direction is being made by the Commission to support the operation of section 4, and Part 7 (Development assessment—general scheme), Part 9 (Development assessment—Crown Development) and Part 10 (Development assessment and approval—related provisions) of the Act in relation to the assessment of site contamination.

Section 4 of the Act sets out some rules that relate to a *change in the use of land*, which is a form of *development* under the Act. This Practice Direction sets out procedural requirements that apply in relation to the assessment of potential site contamination when land use changes to a *more sensitive use*. Because site contamination is linked to land use, bringing about a change in land use can cause site contamination (under section 103D(2) of the *Environment Protection Act 1993* and regulation 51 of the *Environment Protection Regulations 2009*) even though the person who brought about the change of use may not be the original polluter.

Practice direction

Part 1 – Preliminary

1 – Citation

This practice direction may be cited as the *State Planning Commission Practice Direction (Site Contamination Assessment)*.

2 – Commencement of operation

This practice direction will come into operation on the day on which it is published on the SA planning portal.

3 – Objects of practice direction

The objects of this practice direction are to:

- (a) safeguard community health by providing a consistent State-wide planning approach to site contamination assessment; and
- (b) specify site contamination assessment steps that must be taken whenever land use is proposed to be changed (including an application for land division) to a *more sensitive use*; and
- (c) ensure land is suitable, or will be made suitable, for the intended use(s) where a *more sensitive use* of land is proposed.

4 – Interpretation

In this practice direction, unless the contrary intention appears—

Act means the *Planning, Development and Infrastructure Act 2016*;

adjacent land in relation to other land, means land that is no more than 60 metres from the other land;

class 1 activity means a potentially contaminating activity in Attachment 1 undertaken in the course of a business;

class 2 activity means a potentially contaminating activity in Attachment 2 undertaken in the course of a business;

class 3 activity means a potentially contaminating activity in Attachment 3 undertaken in the course of a business, but does not include a class 1 or class 2 activity;

detailed site investigation, in relation to land, means an investigation, conducted in accordance with the *National Environment Protection (Assessment of Site Contamination) Measure 1999* and the guidelines issued from time to time by the EPA, into—

- (a) the nature and extent of any site contamination present or remaining on or below the surface of the land; and
- (b) the suitability of the land for the proposed use; and
- (c) what remediation (if any) is necessary for the proposed use;

EPA means the Environment Protection Authority;

exposure in relation to site contamination means an exposure pathway that a contaminant takes from its source to reach a human population, such as incidental ingestion of surface soil or indoor dust, indoor and outdoor inhalation of dust, or consumption of home grown produce;

human population in relation to site contamination means a receptor (for example a child resident or adult employee);

more sensitive use in relation to land—see clause 5;

National Environment Protection (Assessment of Site Contamination) Measure 1999 means the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (prepared under the *National Environment Protection Council Act 1994* of the Commonwealth), as in force from time to time;

non-sensitive use in relation to land, means use of the land other than a sensitive use;

notification of site contamination of underground water means a notification made under section 83A of the *Environment Protection Act 1993* as shown on the South Australian Property and Planning Atlas;

Note—The South Australian Property and Planning Atlas (the SAPPA) shows notifications of site contamination of underground water and Groundwater Prohibition Areas.

preliminary site investigation, in relation to land, means an investigation, conducted in accordance with the *National Environment Protection (Assessment of Site Contamination) Measure 1999* and the guidelines issued from time to time by the EPA, into the existence or possible existence of site contamination on or below the surface of the land;

remediation has the same meaning as in the *Environment Protection Act 1993*;

sensitive use has the same meaning as in the *Environment Protection Act 1993* and comprises land uses specified in item 1 or 2 in the table in clause 5(2)(b) of this Practice Direction;

site contamination has the same meaning as in the *Environment Protection Act 1993*;

site contamination audit has the same meaning as in the *Environment Protection Act 1993*;

site contamination audit report has the same meaning as in the *Environment Protection Act 1993*;

site contamination audit statement has the same meaning as in the *Environment Protection Act 1993*;

site contamination consultant has the same meaning as in the *Environment Protection Act 1993*.

Part 2 – Site contamination assessment steps

5 – Step 1: Land use sensitivity (meaning of *more sensitive use*)

- (1) A Relevant Authority when assessing a development for a *more sensitive use* of land against the Planning and Design Code must not grant Planning Consent unless it has considered whether *site contamination* exists or may exist on the land in accordance with this Practice Direction.
- (2) For the purposes of determining whether a change of use of land (under section 4 of the Act) constitutes a change to a *more sensitive use* of the land, the Relevant Authority must have regard to—
 - (a) the land use sensitivity hierarchy set out in the table in subclause (b) (subject to the qualifications under subclause (c));
 - (b) the land use sensitivity hierarchy represented in the following table with the sensitivity level decreasing on a scale from the most sensitive use specified in item 1 to the least sensitive use specified in item 7:

LAND USE SENSITIVITY HIERARCHY			
Item	Land use scenario	Typical exposure and human populations	
1	Residential (soil access) Preschool / Primary school	Access to ground soils in a garden or playground by young child and adult residents / students	Sensitive uses
2	Residential (limited or no soil access) Residential care facility	Limited or no access to ground soils in a garden, including an aged care or other residential care facility, by the elderly, adult and child residents	
3	Open space	Frequent, short duration recreational exposure to ground soils by children and adults	Non-sensitive uses
4	Educational Hospitals Tourist Accommodation Community Use	Usually short duration exposure to soil and dust by a broad range of human populations (including those with vulnerable physiology)	
5	Commercial (no chemical use)	Limited access to soils and dust by adult employees	
6	Primary production Commercial (chemical use, storage or waste)	Potentially limited adult employee access to chemical substances in soils or dust (where chemicals are central to the land use such as intensive horticulture, petrol stations or dry cleaners), or activities likely to generate chemical waste	
7	Industrial	Limited access to chemical substances in soils or dust by adult employees	

- (c) the following qualifications apply in relation to the land use sensitivity hierarchy set out in the table in subclause (b):
 - (i) land use terms represent generic land use scenarios to enable classification of development for the purpose of *site contamination* assessment;

- (ii) mixed use developments adopt the most sensitive use in the hierarchy;
- (iii) if the use of land changes from a land use specified in an item in the table to another use specified within the same item (e.g. from tourist accommodation to a hospital: both uses falling within item 4), the change of use will not be taken to constitute a change to a *more sensitive use*
- (iv) the *Commercial (no chemical use)* land use scenario relates to shops, offices, consulting rooms and similar land use scenario where chemical use is not central to the land use;
- (v) the non-sensitive land uses specified at items 3 to 7 (inclusive) of the table do not constitute an exhaustive list of *non-sensitive use*. Where a generic land use scenario is not captured in the table, in determining whether a change in the use of land constitutes a change to a *more sensitive use* of the land, the relevant authority must have regard to—
 - a. the sensitivity of the *human populations* proposed to be using the land following the change of use; and
 - b. the risk of *exposure* of those populations to chemicals from *site contamination* following the change of use.
- (d) in circumstances where there is no current use of the land (and existing use rights do not apply to the land), the proposed use will be taken to be a *more sensitive use*, other than where the proposed use is industrial.

6 – Step 2: Investigations (site contamination reports)

- (1) If an application for planning consent (including an application for land division) involves a change of use of the land to a ***more sensitive use*** on land at which *site contamination* exists or may exist as a result of—
 - (A) a *class 1 activity* (including where a *class 1 activity* exists or previously existed on *adjacent land*), *class 2 activity*, *class 3 activity* or a *notification of site contamination of underground water* as shown on the South Australian Property and Planning Atlas (including where such a notification exists on *adjacent land*), then the application must be accompanied by—
 - (i) a *preliminary site investigation*, unless a *site contamination audit report* has been prepared in respect of the land and the report satisfies clause 6(2) of this Practice Direction, and
 - (ii) a written statement, certified by a site contamination consultant, of the details required by the *site contamination declaration form* (see [Attachment 4](#)); and/or
 - (B) a notation under section 103P of the *Environment Protection Act 1993* on the relevant title that a site contamination audit report has been prepared in respect of the land, then the application must be accompanied by—
 - (i) a copy of the certificate of title, deposited plan or other instrument evidencing title in relation to the land.
- (2) A relevant authority cannot require an applicant to provide a site contamination audit report (under clause 6(1)(A)(i)), however an applicant can provide a site contamination audit report at their discretion where—
 - (A) A *site contamination audit report* has been prepared under Part 10A of the *Environment Protection Act 1993* in relation to the land within the previous 5 years which states that—

- (i) site contamination does not exist (or no longer exists) at the land; or
- (ii) the land is suitable for the proposed use or range of uses (without the need for any further remediation); or
- (iii) where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been carried out or will be carried out (and the applicant has provided a written undertaking that the remediation works will be implemented in association with the development)

and

(B) no other *class 1 activity* or *class 2 activity* has taken place at the land since the preparation of the *site contamination audit report* (as demonstrated in a *site contamination declaration form*).

(3) A *preliminary site investigation* must be prepared by a *site contamination consultant*.

A *preliminary site investigation* should be sufficient to:

- identify potential onsite and offsite sources of contamination (known as potentially contaminating activities)
- determine potential contaminants of concern
- identify areas of potential contamination
- identify potentially affected media (i.e. soil, water and vapour).

A *preliminary site investigation* usually includes:

- a desktop study to identify site characteristics - site location, site layout, building construction, geological and the hydro-geological setting
- a site history - identifying historical owners/ operators/occupiers, land uses and activities
- a site inspection - to validate anecdotal evidence or historical information and to identify additional evidence of potential *site contamination*
- interviews with site owners, operators and/or occupiers
- preparation of a report.

The *preliminary site investigation* should be sufficient to provide a preliminary assessment of whether *site contamination* exists.

(4) Potentially contaminating activities are classified into risk classes:

- (i) *class 1 activities* (high risk) – see [Attachment 1](#)
- (ii) *class 2 activities* (medium risk) – see [Attachment 2](#)
- (iii) *class 3 activities* (low risk) – see [Attachment 3](#).

(5) When undertaking a *preliminary site investigation* a *site contamination consultant* must provide a written statement of the details required by the *site contamination declaration form* (see [Attachment 4](#)). The *site contamination declaration form* must be provided to the relevant authority.

(6) The *site contamination declaration form* provides an indication of the existence or possible existence of *site contamination* on or below the surface of the land including a map showing the location or possible location of identified potentially contaminating activities. The *site contamination declaration form*, completed by an appropriately qualified and experienced *site contamination consultant*, can be relied upon to inform the assessment process and to determine whether a referral to the EPA is required.

(7) The *site contamination declaration form* provides for a *site contamination consultant* to submit a statement on whether the subject site is impacted by a *notification of site contamination of underground water on adjacent land*.

- (8) The *site contamination declaration form* provides for observations where the subject site is located within a Groundwater Prohibition Area as shown on the South Australian Property and Planning Atlas, and where the site is subject of a notation under section 103P of the *Environment Protection Act 1993* on the relevant title that a *site contamination audit report* has been prepared in respect of the land.
- (9) If an application for planning consent envisages the undertaking or development in stages (in accordance with s.119 (12) of the Act) the *site contamination declaration form* can be provided for separate stages.

7 – Step 3: Assessment

- (1) The *preliminary site investigation* should be sufficient to provide a preliminary assessment of whether *site contamination* exists.
- (2) If the *site contamination declaration form* states that site contamination is unlikely to exist and the subject site is not located within a Groundwater Prohibition Area as shown on the South Australian Property and Planning Atlas, or subject of a notation under section 103P of the *Environment Protection Act 1993* on the relevant title that a *site contamination audit report* has been prepared in respect of the land, then the site is deemed to be suitable for the proposed use for the purposes of planning consent.
- (3) A *detailed site investigation* is required when the results of the *preliminary site investigation* indicate that *site contamination* is present, or is likely to be present, and there is insufficient information to enable *site remediation* strategies to be developed. A *detailed site investigation* must be prepared by a *site contamination consultant*.
- (4) The *detailed site investigation* should identify the nature of the contamination and outline its lateral and vertical extent. Where necessary a *detailed site investigation* may provide the basis for the development of a suitable *remediation* strategy to ensure the land is suitable for use.
- (5) A relevant authority cannot require an applicant to submit a *detailed site investigation* or a *site contamination audit report* where an EPA referral is required. Where an EPA referral is not prescribed a relevant authority cannot require a *site contamination audit report*.
- (6) Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017* and Part 9 of the Planning and Design Code set out the prescribed circumstances for an EPA referral.
- (7) When a referral is triggered the EPA would have regard to a range of factors in deciding the most appropriate person to determine site suitability (i.e. *site contamination consultant* or *site contamination auditor*), including:
 - site specific information
 - the identified activity risk classes
 - the nature of the proposed use(s), and
 - the conceptual site model (critical to understanding the relationship between the source of contamination, potential *exposure* and *human populations*).

The overall purpose of the referral is to ensure an appropriate and proportionate assessment of potential *site contamination*.

8 – Step 4: Site Suitability

- (1) A Relevant Authority can issue Planning Consent upon receipt of a statement of site suitability from a *site contamination consultant*.
- (2) A *site contamination consultant* statement must be clearly qualified as to the existence of *site contamination* by specifying the land uses that were taken into account in forming that opinion as required by Section 103ZA of the *Environment Protection Act 1993*.

- (3) Where *remediation* works are necessary to make the site suitable, and providing the site *remediation* plan forms part of the application, a statement of site suitability must be provided to the Relevant Authority prior to the issue of the Certificate of Occupancy, or where such a certificate is not prescribed before occupation of the development.
- (4) Where an application for land division requires *remediation* works to make the site suitable, and providing the site *remediation* plan forms part of the application, a statement of site suitability must be provided to the Relevant Authority prior to the issue of the Land Division Certificate.
- (5) In circumstances where *site contamination* exists or may exist on a site, but cannot be determined in accordance with clause 7(3) and (4) of this Practice Direction due to building structures occupying the entire site (or portions of the site where *site contamination* exists or may exist), the Relevant Authority can issue Planning Consent subject to a condition that a statement of site suitability is provided prior to the issue of Development Approval.
- (6) Where clause 8(5) applies but *remediation* works are necessary to make the site suitable, and providing the site *remediation* plan forms part of the application, a statement of site suitability must be provided to the Relevant Authority prior to the issue of the Certificate of Occupancy, or where such a certificate is not prescribed before occupation of the development.
- (7) Clauses 8(1) to (6) inclusive are subject to any direction from the EPA given in accordance with section 122 of the Act and clause 7(7) of this Practice Direction.

Attachment 1—Class 1 potentially contaminating activities

1—Interpretation

In this Schedule, unless the contrary intention appears—

listed substance has the same meaning as in the [Environment Protection Regulations 2009](#);

resource recovery has the same meaning as in the [Environment Protection Act 1993](#);

waste has the same meaning as in the [Environment Protection Act 1993](#);

treatment has the same meaning as in the [Environment Protection Act 1993](#).

2—Class 1 activities

The activities specified in column 1 of the following table (as described in column 2), undertaken in the course of a business, constitute class 1 activities:

Activity	Description
Asbestos disposal	Disposal of asbestos or asbestos products
Defence works	Operation of military defence establishments (including training areas)
Drum reconditioning or recycling works	Operation of works for reconditioning or other treatment of metal or plastic drums
Dry cleaning	Operation of premises for dry cleaning
Electrical or electronics component manufacture	Manufacture of electrical or electronics components
Explosives or pyrotechnics facilities	Operation of facilities for manufacture of explosives or pyrotechnics
Fertiliser manufacture	Manufacture of agricultural fertiliser
Fire extinguisher or retardant manufacture	Manufacture of fire extinguishers or fire retardants
Fire stations	Underground storage of fuel at fire stations
Foundry	Manufacture of metal products by injecting or pouring molten metal into moulds
Gasworks	Operation of gasworks or gas holders
Iron or steel works	Operation of works for manufacture of iron or steel
Landfill sites	Operation of sites for disposal of waste to land
Listed substances—activities involving listed substances	Manufacture, production (including as a by-product or waste) or resource recovery of a listed substance or product containing a listed substance Storage, at discrete business premises, of— (a) 500L or more of a liquid listed substance; or (b) 500kg or more of a listed substance other than a liquid.

Activity	Description
Metal coating, finishing or spray painting	Finishing, treating or coating of metal (including anodising, galvanising, pickling, electroplating, heat treatment, powder coating, enamelling and spray painting)
Metal processing, smelting, refining or metallurgical works	Operation of works for melting (by means of furnace) of ferrous or non-ferrous metal or smelting or reduction of ores to produce metal
Motor vehicle manufacture	Manufacture of motor vehicles
Oil recycling works	Operation of works for recycling of oil
Oil refineries	Operation of works for refining of crude petroleum oil or shale
Paint manufacture	Manufacture (including blending, mixing and formulation) of paint
Pest control works	Operation of premises for storage of pesticides or filling or washing of tanks used in pest control operations
Plastics manufacture works	Operation of works for manufacture (including blending, mixing and formulation) of plastics or plastic components (excluding processing and moulding of plastics manufactured elsewhere)
Printing works	Operation of printing works
Railway operations	Railway operations within the meaning of Schedule 1 Part A clause 7(2)(a) of the Environment Protection Act 1993
Rubber manufacture or processing	Manufacture or processing of rubber or rubber products
Service stations	Operation of retail fuel outlets
Tannery, fellmongery or hide curing	Operation of works for preservation or treatment of animal skins or hides
Tyre manufacture or retreading	Manufacture or retreading of tyres
Waste depots	Reception, storage or treatment (including recycling) of waste or other matter or disposal of waste to land or water
Wood preservation works	Operation of works involving treatment or preservation of timber using chemicals

Attachment 2—Class 2 potentially contaminating activities

1—Interpretation

In this Schedule, unless the contrary intention appears—

listed substance has the same meaning as in the [Environment Protection Regulations 2009](#);

resource recovery has the same meaning as in the [Environment Protection Act 1993](#);

waste has the same meaning as in the [Environment Protection Act 1993](#);

treatment has the same meaning as in the [Environment Protection Act 1993](#).

2—Class 2 activities

The activities specified in column 1 of the following table (as described in column 2), undertaken in the course of a business, constitute class 2 activities:

Activity	Description
Abrasive blasting	Operation of works for abrasive blast cleaning or disposal of abrasive blasting material (including mobile abrasive blasting works and abrasive blast cleaning carried out in fully enclosed booths but excluding abrasive blast cleaning undertaken for residential purposes)
Agricultural activities	Any of the following activities undertaken in the course of agriculture: (a) burial of animals or parts of animals; (b) burial of waste or other matter; (c) irrigation using wastewater; (d) intensive application or administration of a listed substance to animals, plants, land or water (excluding routine spraying, in accordance with manufacturers' instructions, of pesticides used in broad-acre farming)
Airports, aerodromes or aerospace industry	Operation of premises for commercial or charter aircraft take-off and landing or manufacture, repair or maintenance of commercial or charter aircraft or aircraft equipment
Animal dips or spray race facilities	Operation of animal dips or spray race facilities
Asphalt or bitumen works	Operation of works for manufacture of asphalt or bitumen
Battery manufacture, resource recovery or disposal	Assembly, disassembly, manufacture or resource recovery of batteries (excluding storage of batteries for sale)
Breweries	Production of beer by infusion, boiling or fermentation
Bulk shipping facilities	Operation of facilities for bulk handling of agricultural crop products, rock, ores, minerals or liquid organic chemical substances to or from wharf or wharfside facility (including sea-port grain terminals)

Activity	Description
Cement works	Operation of works for production of cement clinker or grinding of cement clinker using argillaceous and calcareous materials
Ceramic works	Operation of works for manufacture of tiles, pipes, pottery goods, refractories or other ceramic products
Coke works	Production, quenching, cutting, crushing or grading of coke
Compost or mulch production or storage	Production or storage of compost, mulch or garden soils
Dredge spoil disposal or storage	Disposal of dredge spoil onto land or storage of dredge spoil
Electrical substations	Operation of electrical substations
Electrical transformer or capacitor works	Operation of works for manufacture, repair, storage or disposal of electrical transformers, capacitors or associated equipment or fluids
Fibreglass manufacture	Manufacture of fibreglass products
Fire training areas	Operation of premises for fire training involving the use of liquid fuel, fire accelerants, aqueous film forming foam or similar substances
Fuel burning facilities	Burning of solid or liquid fuel (including for generation of power or steam at rate of heat release exceeding 1MW)
Furniture restoration	Restoration of furniture
Glass works	Operation of works for manufacture of glass products
Hat manufacture or felt processing	Manufacture of hats or processing of felt
Incineration	Incineration within the meaning of Schedule 1 Part A clause 3(1) of the Environment Protection Act 1993
Laboratories	Operation of laboratories
Metal forging	Forging of metal products
Mineral processing, metallurgical laboratories or mining or extractive industries	Chemical or physical extraction or processing of metalliferous ores, storage of mining or exploration waste (for example, in tailings dams, overburden or waste rock dumps) mining or processing of minerals or operation of laboratories or pilot facilities for processing or testing of minerals
Mirror manufacture	Manufacture of mirrors
Motor vehicle racing or testing venues	Operation of facilities designed and used for motor vehicle competitions or motor vehicle speed or performance trials
Motor vehicle repair or maintenance	Operation of premises for repair or maintenance of motor vehicles or parts of motor vehicles (including engine reconditioning works)
Motor vehicle wrecking yards	Operation of yards for wrecking or dismantling of motor vehicles or parts of motor vehicles
Pulp or paper works	Operation of works for manufacture of timber pulp or paper
Railway operations	Railway operations within the meaning of Schedule 1 Part A clause 7(2)(b) and (c) of Act

Activity	Description
Scrap metal recovery	Recovery (including cleaning) of scrap metal
Ship breaking	Wrecking or dismantling of ships
Spray painting	Spray painting other than spray painting of metal
Textile operations	Manufacture or dyeing of fabrics or materials
Transport depots or loading sites	Operation of transport depots or loading sites
Vessel construction, repair or maintenance	Operation of works or facilities (whether on water or land) for construction, repair or maintenance of vessels
Wastewater storage, treatment or disposal	Storage (including in tanks, lagoons and ponds) or treatment of wastewater or disposal of wastewater to land or water
Water discharge to underground aquifer	Direct discharge of water from surface of land to underground aquifer
Wetlands or detention basins	Operation of bodies of water less than 6 metres deep for collection and management of stormwater or other wastewater for urban amenity, flood mitigation or ecological or other environmental purposes
Woolscouring or wool carbonising works	Operation of works involving cleaning or carbonising of wool other than in course of handicraft business where wool is further processed for retail sale
Works depots	Operation of works depots by councils or utilities

Attachment 3—Class 3 potentially contaminating activities

1—Interpretation

In this Schedule, unless the contrary intention appears—

waste has the same meaning as in the [Environment Protection Act 1993](#).

2—Class 3 activities

The activities specified in column 1 of the following table (as described in column 2), undertaken in the course of a business, constitute class 3 activities:

Activity	Description
Acid sulphate soil generation	Oxidation of iron sulphide in potential acid sulphate soil material (sulphidic material) resulting in formation of actual acid sulphate soil material or sulphuric material
Agricultural activities	Agricultural activities (including horticulture)
Animal burial	Burial of animals or parts of animals other than in the course of agriculture
Animal feedlots	Operation of confined yards or areas for holding of animals and feeding of animals principally by mechanical means or by hand
Animal saleyards	Operation of yards at which cattle, sheep or other animals are gathered and confined for the purpose of their sale, auction or exchange (including associated transport loading facilities and associated wastewater disposal)
Brickworks	Production of bricks (including glazing of bricks)
Charcoal manufacture	Manufacture of charcoal
Coal handling or storage	Handling of coal, coke or carbonaceous material by any means or storage of coal, coke or carbonaceous reject material
Concrete batching works	Operation of works for production of concrete or concrete products manufactured by inclusion of cement, sand, rock, aggregate or similar materials
Curing or drying works	Operation of works for smoking, drying or curing meat, fish or other edible products by application of heat or smoke
Desalination plants	Operation of desalination plants
Glazing	Glazing of ceramics or pottery
Lime burner	Manufacture (by means of kiln) of cement or lime from limestone (including associated storage of waste or other matter)
Mushroom farming	Farming of mushrooms
Vermiculture	Cultivation of earthworms for production of earthworms or earthworm castings
Wineries or distilleries	Operation of works for processing grapes or other produce to make wine or spirits

Attachment 4— Site contamination declaration form

(Drafting note—the site contamination declaration form is to be prescribed by the Chief Executive for the purposes of the *State Planning Commission Practice Direction (Site Contamination Assessment)*. The form is to be made available via the SA Planning Portal)

Site contamination declaration form

Council area of *[insert name of council area]*

Regarding the land comprised in Certificate(s) of Title Register Book Volume *[insert Register Book Volume and Folio number(s), Lot Number, Deposited Plan, Hundred and Locality or Suburb]* (the **subject land**)

I *[insert name of site contamination consultant / certified site contamination practitioner]*, a site contamination consultant / certified site contamination practitioner, certify the following details:

Part 1—Investigations

- (a) I have relied on the following reports to complete this statement: *[insert details of reports relied on]*;
- (b) Investigations were conducted in accordance with the *National Environment Protection (Assessment of Site Contamination) Measure 1999*.

Part 2—Site contamination unlikely to exist (for the purposes of planning consent)*

- (a) A potentially contaminating activity (as listed in the *State Planning Commission Practice Direction (Site Contamination Assessment)*) is not known to have occurred on the subject land;
- (b) A class 1 activity (as listed in the *State Planning Commission Practice Direction (Site Contamination Assessment)*) is not known to have occurred on adjacent land.

Part 3—Site contamination exists or may exist*

- (a) site contamination exists or may exist on or below the surface of the land as a result of a class 1 activity (including where a class 1 activity exists or previously existed on adjacent land), class 2 activity, class 3 activity (as listed in the *State Planning Commission Practice Direction (Site Contamination Assessment)*), or notification of site contamination of underground water (as shown on the South Australian Property and Planning Atlas) including where such a notification exists on adjacent land;
- (b) the site contamination originated or is likely to have originated—
 - (i) on the subject land*—
 - (A) as a result of the following activities carried on there *[insert details of the class 1, class 2 or class 3 activity or activities or notification of site contamination of underground water]*;
 - (B) at the following location: *[insert or attach a map showing the site(s) or possible site(s) of those activities]*; or
 - (ii) on adjacent land (i.e. class 1 activity or notification of site contamination of underground water (as shown on the South Australian Property and Planning Atlas))*—
 - (A) as a result of the following activities carried on there *[insert details of the class 1 activity or activities]*;
 - (B) at the following location: *[insert or attach a map showing the site(s) or possible site(s) of those class 1 activities]*; and

- (C) the subject site is impacted by a notification of site contamination of underground water originating from adjacent land: *[insert or attach details of relevant investigations]*.

Part 4—Observations*

The subject land is located on land within a *[select any that apply]*—

- Groundwater Prohibition Area (as shown on the South Australian Property and Planning Atlas)
- subject of a notation under section 103P of the *Environment Protection Act 1993* on the relevant title that a site contamination audit report has been prepared in respect of the land.

Date *[insert date]*

Signature of site contamination consultant / certified site contamination practitioner *[insert signature]*

Name of consultant's company or business *[insert name of consultant's company or business]* / *[accreditation body and number]*

Notes—

1. Investigations found the existence of 'fill or soil importation' on-site (i.e. importation, to a premises of a business, of soil or other fill originating from a site at which another potentially contaminating activity has taken place pursuant Schedule 3 of the *Environment Protection Regulations 2009*). Fill or soil importation is not a potentially contaminating activity for the purposes of the *State Planning Commission Practice Direction: (Site Contamination Assessment)*, but remains a potentially contaminating activity under the *Environment Protection Regulations 2009*. The EPA's Industry Guideline on '*Construction environmental management plans (CEMP)*' provides assistance on meeting the obligations of the *Environment Protection Act 1993*. *
2. It is an offence to provide false or misleading information on this Form. Maximum penalty: \$20 000 pursuant to section 217 of the *Planning, Development and Infrastructure Act 2016*.

* *Delete whichever is inapplicable*