



This practice direction is issued by the State Planning Commission under sections 42 and 127 of the *Planning, Development and Infrastructure Act 2016*.

## 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 provides that a particular matter may be addressed or dealt with by a practice direction.

Section 4 of the Act sets out rules that relate to a change in the use of land, which is a form of development under the Act. This practice direction is part of a scheme that provides for requirements that apply in relation to the assessment of potential site contamination when land use changes to a more sensitive use or where a land division proposes a 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.

In particular, this practice direction sets out some forms and related requirements that will support various requirements under the *Planning, Development and Infrastructure (General) Regulations 2017* when a relevant authority is considering an application for planning consent where the application proposes a change in land use to a more sensitive use or, in the case of land division, the application proposes a sensitive use. This practice direction also provides specified conditions (pursuant to section 127(1)(b) of the Act) for development authorisations where remediation may be necessary before occupation or use of land the subject of the application.

## Practice direction

### Part 1 – Preliminary

#### 1 – Citation

This practice direction may be cited as the *State Planning Commission Practice Direction 14 (Site Contamination Assessment)*.

#### 2 – Commencement of operation

This practice direction will come into operation on 19 March 2021.

#### 3 – Objects of practice direction

The objects of this practice direction are:

- (a) to support site contamination assessment steps that must be taken when land use is proposed to be changed to a more sensitive use or, with respect to land division, where a sensitive use is proposed, and there is reason to believe that site contamination exists or may exist because of various activities or conditions; and
- (b) to set out forms and other requirements that are contemplated by provisions of the *Planning, Development and Infrastructure (General) Regulations 2017* that relate to assessment and remediation of site contamination in connection with applications for planning consent; and
- (c) to specify conditions that will apply in connection with a planning consent for land that may be subject to site contamination; and
- (d) to provide guidance and other information associated with the assessment and remediation of site contamination.

#### 4 – Interpretation

In this practice direction, unless the contrary intention appears—

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

**EPA** means the Environment Protection Authority;

**exposure** in relation to site contamination means an exposure pathway that a chemical substance 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;

**class 1 activity** means a class 1 activity specified in Schedule 1 undertaken in the course of a business;

**class 2 activity** means a class 2 activity specified in Schedule 1 undertaken in the course of a business;

**class 3 activity** means a class 3 activity specified in Schedule 1 undertaken in the course of a business, other than an activity that is also a class 1 or class 2 activity;

**human population** in relation to site contamination means a human 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;

**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 online atlas and search facility established under section 50 of the Act (known as the South Australian Property and Planning Atlas (SAPPA)) shows sites that are subject to notification of site contamination of underground water and Groundwater Prohibition Areas under ‘Layers’ then navigate to ‘Planning and Building’ > ‘Planning Reference’.

**potentially contaminating activity** means a class 1 activity, class 2 activity or class 3 activity;

**relevant regulations** means those parts of the *Planning, Development and Infrastructure (General) Regulations 2017* that are concerned with site contamination or potential site contamination;

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

**sensitive use** is a use described in item 1 or 2 of the land use sensitivity hierarchy table in clause 5, subject to clause 6;

**Note**—Section 14 of the Acts Interpretation Act 1915 provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

## Part 2 – Land use sensitivity

### 5 – Land use sensitivity

- (1) Subject this clause, for the purposes of determining whether a change in land use is to a more sensitive use for the purposes of the relevant regulations and the Planning and Design Code, the relevant authority must have regard to the land uses specified in the land use sensitivity hierarchy in Table 1.
- (2) In the event that the proposed or existing land use is not specified in Table 1, the relevant authority must have regard to:
  - (a) the sensitivity of the human populations proposed to be using the land following the change in use; and
  - (b) the potential for exposure of those populations to chemicals from site contamination following the change of use.
- (3) In the event of inconsistency, the level of sensitivity of a land use in Table 1 prevails.
- (4) Table 1 sets out the level of sensitivity in classes of land use that are represented in items 1 to 7 decreasing on a scale from the most sensitive uses specified in item 1 to the least sensitive uses specified in item 7.

**TABLE 1: Land Use Sensitivity Hierarchy**

Item	Land use	Description and examples
1	Residential class 1	Domestic residential
	Educational premises class 1	Pre-school or primary school premises
2	Residential class 2	Commercial aged care or other residential care facility
3	Open space/recreation area	Parks, playgrounds, playing ovals and other recreational areas in the open
4	Educational premises class 2	Secondary school premises, university or other tertiary educational premises
	Hospitals	Hospitals and hospices where persons with vulnerable physiology typically reside
	Tourist Accommodation	Hotels, motels and other forms of tourist accommodation
	Community centre	Land used for social, recreational or educational purposes for local community, but not including school premises or university or other tertiary educational premises or indoor recreation centres

Item	Land use	Description and examples
5	Commercial class 1	Shops, offices, consulting rooms and the like
6	Primary production  Commercial class 2	Agriculture, including horticulture and intensive animal keeping  Petrol stations, dry cleaners warehouses and other commercial uses (other than Commercial class 1)
7	Industrial	Light, service, general or special industry

(5) The following qualifications apply in relation to Table 1:

- (a) the land use sensitivity classification for a mixed or multi-use proposal will be taken to be that of the most sensitive use of the uses to which the proposed development relates;
- (b) if the land use changes from a use represented in an item in the table to another use represented within the same item (for example 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;
- (c) if the proposed or previous land use is not represented in the land use sensitivity hierarchy, the use closest in nature to the use specified in the hierarchy should be considered;
- (d) in circumstances where there is no current land use, the proposed use will be taken to be a more sensitive use, other than where:
  - (i) the immediate previous use was for a residential purpose; or
  - (ii) the relevant allotment was lawfully created for a residential purpose; or
  - (iii) the proposed use is industrial.

## 6 – Definition of sensitive use

For the purpose of the definition of **sensitive use** in the relevant regulations, and clause 2A(1)(b) of Schedule 8 of those regulations, a use will not be regarded as a sensitive use in the case of land division if the allotment has already been lawfully created for a residential purpose.

## Part 3 – Class 1, 2 and 3 activities

### 7 – Classification of activities

Class 1, 2 and 3 activities are defined in Schedule 1.

**Note**—In the tables in Schedule 1, unless the contrary intention appears, the term ‘listed substance’ has the same meaning as in the [Environment Protection Regulations 2009](#); and the terms ‘resource recovery’, ‘waste’ and ‘treatment’ have the same meaning as in the [Environment Protection Act 1993](#).

## Part 4 – Forms

### 8 – Site contamination declaration form

- (1) A site contamination declaration form under the relevant regulations must be in the form set out in Schedule 2.
- (2) If an application for planning consent envisages the undertaking of development in stages (in accordance with section 119 (12) of the Act), a site contamination declaration form can be provided for separate stages.

### 9 – Preliminary site investigation report

- (1) A preliminary site investigation report under the relevant regulations must be sufficient to:
  - (a) identify potential onsite and offsite sources of contamination (known as **potentially contaminating activities**); and
  - (b) determine potential chemical substances of concern; and
  - (c) identify areas of potential contamination; and
  - (d) identify potentially affected media (being soil, water and vapour).
- (2) A preliminary site investigation report usually also includes:
  - (a) a desktop study to identify site characteristics - site location, site layout, building construction, geological and the hydro-geological setting; and
  - (b) a site history - identifying historical owners/operators/occupiers, land uses and activities; and
  - (c) a site inspection - to validate anecdotal evidence or historical information and to identify additional evidence of potential site contamination; and
  - (d) interviews with site owners, operators and/or occupiers.
- (3) A preliminary site investigation report must be sufficient to provide an assessment of whether site contamination exists, may exist or is unlikely to exist.

### 10 – Statement of site suitability

A statement of site suitability under the relevant regulations and this practice direction must be in the form set out in Schedule 3.

## Part 5 – Guidance associated with referral to EPA

### 11 – Guidance associated with referral to EPA

- (1) When a referral is triggered, the EPA should have regard to a range of factors in deciding the most appropriate person to determine site suitability (that is, a site contamination consultant or a site contamination auditor), including the following:
  - (a) site specific information; and
  - (b) the identified potentially contaminating activities; and
  - (c) the nature of the proposed use or uses; and
  - (d) the conceptual site model (which is critical to understanding the relationship between the source of contamination potential exposure and human populations) where relevant.

- (2) The overall purpose of the referral is to ensure that an appropriate and proportionate assessment of site contamination or potential site contamination occurs.

## **Part 6 – Conditions**

### **12 – Change of use where remediation is required after the issue of planning consent – section 127(1)(b) of Act**

If a relevant authority is satisfied that a site is suitable for its intended use subject to remediation being undertaken and the relevant authority issues a planning consent without the remediation work having been carried out, the consent must be subject to Condition A, B or C as relevant:

*Condition A: Where a certificate of occupancy is required*

*A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.*

*Condition B: Where a certificate of occupancy is not required*

*A person must not occupy the building for the purpose authorised under the development approval [insert development application number] until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.*

*Condition C: Where the application does not involve building work*

*A person must not use the relevant site for the purpose authorised under the development approval [insert development application number] until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.*

### **13 – Land division where remediation is required after the issue of planning consent – section 127(1)(b) of Act**

If a relevant authority is satisfied in relation to proposed land division that a site is suitable for its intended use subject to remediation being undertaken and the relevant authority issues a planning consent without the remediation work having been carried out, the consent must be subject to the following condition:

*A land division certificate under section 138 of the Planning, Development and Infrastructure Act 2016 must not be issued until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.*

## **Part 7 – Related matters**

### **14 – Guidance associated with level of investigation**

- (1) A site contamination declaration form and a preliminary site investigation report should be sufficient to provide an assessment of whether site contamination exists, may exist or is unlikely to exist.

- (2) No further assessment of site contamination is required for the purposes of planning consent if:
- (a) the site contamination declaration form indicates that site contamination is unlikely to exist and the land is not located in a groundwater prohibition area; or
  - (b) the land is subject to 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 relation to the land within the previous 5 years and:
    - (i) the report states that—
      - (A) site contamination does not exist (or no longer exists) at the land; or
      - (B) the land is suitable for the proposed use or uses (without the need for any further remediation); or
      - (C) where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been undertaken or will be undertaken (and the applicant has provided a written undertaking that the remediation works will be undertaken in association with the development); and
    - (ii) 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 declared in the site contamination declaration form).



## Schedule 1 – Class 1, 2 and 3 activities

### 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	<p>Manufacture, production (including as a by-product or waste) or resource recovery of a listed substance or product containing a listed substance</p> <p>Storage, at discrete business premises, of—</p> <p>(a) 500L or more of a liquid listed substance; or</p> <p>(b) 500kg or more of a listed substance other than a liquid.</p>
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

Activity	Description
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 <a href="#">Environment Protection Act 1993</a>
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

## 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: <ul style="list-style-type: none"> <li>(a) burial of animals or parts of animals;</li> <li>(b) burial of waste or other matter;</li> <li>(c) irrigation using wastewater;</li> <li>(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)</li> </ul>
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

<b>Activity</b>	<b>Description</b>
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)
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 <a href="#">Environment Protection Act 1993</a>
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)

<b>Activity</b>	<b>Description</b>
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 the <i>Environment Protection Act 1993</i> .
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

### **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:

<b>Activity</b>	<b>Description</b>
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)

<b>Activity</b>	<b>Description</b>
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

## Schedule 2 — Site contamination declaration form

<p><b>Site contamination declaration form</b></p> <p>Council area: [insert name of council area]</p> <p>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, also provide commonly known street address] (the <b>subject land</b>)</p> <p>I [insert name of site contamination consultant / site contamination auditor], a site contamination consultant / site contamination auditor, certify the following details:</p>
<p><b>Part 1—Investigations</b></p> <p>(a) I have relied on the following reports to complete this statement: [insert details of reports relied on];</p> <p>(b) Investigations were conducted in accordance with the <i>National Environment Protection (Assessment of Site Contamination) Measure 1999</i>. (ASC NEPM) [if investigations were not conducted in strict accordance with the ASC NEPM state why not]</p>
<p><b>Part 2—Site contamination unlikely to exist (for the purposes of planning consent)*</b></p> <p>(a) A potentially contaminating activity (as defined in the <i>State Planning Commission Practice Direction 14 (Site Contamination Assessment)</i>) is not known to have occurred on the subject land;</p> <p>(b) A class 1 activity (see the <i>State Planning Commission Practice Direction 14 (Site Contamination Assessment)</i>) is not known to have occurred on adjacent land.</p>
<p><b>Part 3—Site contamination exists or may exist*</b></p> <p>(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 (see the <i>State Planning Commission Practice Direction 14 (Site Contamination Assessment)</i>), 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;</p> <p>(b) the site contamination originated or is likely to have originated—</p> <p>(i) on the subject land*—</p> <p>(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];</p> <p>(B) at the following location: [insert or attach a map showing the site(s) or possible site(s) of those activities]; or</p> <p>(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))*—</p> <p>(A) as a result of the following activities carried on there [insert details of the class 1 activity or activities];</p> <p>(B) at the following location: [insert or attach a map showing the site(s) or possible site(s) of those class 1 activities]; and</p> <p>(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].</p>

**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 / site contamination auditor

*[insert signature]*

Name of consultant's or auditor's company or business

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

*\* Delete whichever is not applicable*

**Note 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*. \*

**Note 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*.

## Schedule 3 — Statement of site suitability form

<b>Statement of site suitability form</b>
Development application number <i>[insert number]</i>
Council area of <i>[insert name of council area]</i>
Regarding the land comprised in Certificate(s) of Title Register Book Volume <i>[insert Register Book Volume and Folio number(s), Lot Number, Deposited Plan, Hundred and Locality or Suburb, also provide commonly known street address]</i> (the <b>subject land</b> )
I <i>[insert name of site contamination consultant / site contamination auditor]</i> , a site contamination consultant / site contamination auditor, certify the following details:
<b>Part 1—Investigations</b>
(a) I have relied on the following reports to complete this statement: <i>[insert details of reports relied on, and attach relevant site contamination declaration form(s)]</i> ;
(b) The investigations documented in the above reports were conducted in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM) <i>[if investigations were not conducted in accordance with the ASC NEPM state why not]</i> .
<b>Part 2—Remediation*</b>
(a) Remediation works have been undertaken in accordance with: <i>[insert details of remediation plan(s) forming part of development application]</i> .
<b>Part 3—Site suitability</b>
(a) I consider the site is suitable for the proposed land use(s):
i. <i>[insert proposed land use(s)]</i>
ii. ...
iii. ...
<i>[subject to any specific remediation requirements which should be referenced in any attached report(s) etc.]</i>
I understand that I must clearly qualify any statement of my opinion as to the existence of site contamination at the site by specifying the land uses that were taken into account in forming that opinion (section 103ZA of the <i>Environment Protection Act 1993</i> ).
Date <i>[insert date]</i>
Signature of site contamination consultant / site contamination auditor <i>[insert signature]</i>
Name of consultant's company or business <i>[insert name of consultant's or auditor's company or business] / [accreditation body and number]</i>
<small>* Delete whichever is not applicable</small>
<b>Note</b> —It is an offence to provide false or misleading information on this Form. Maximum penalty: \$20 000 pursuant to section 217 of the <i>Planning, Development and Infrastructure Act 2016</i> .