

Site Contamination Assessment

This fact sheet is designed to assist relevant authorities and applicants for development approvals to navigate the processes required to investigate and assess site contamination risks.

The process for considering site contamination in development assessment (“the scheme”) is set out in [State Planning Commission Practice Direction 14 \(Site Contamination Assessment\) 2021](#), the Planning, Development and Infrastructure (General) Regulations 2017, and the Planning and Design Code. While this Fact Sheet is not a substitute for reading the relevant practice direction, regulations, policies and rules, it is designed to provide an overview of the key steps involved in assessing site contamination.

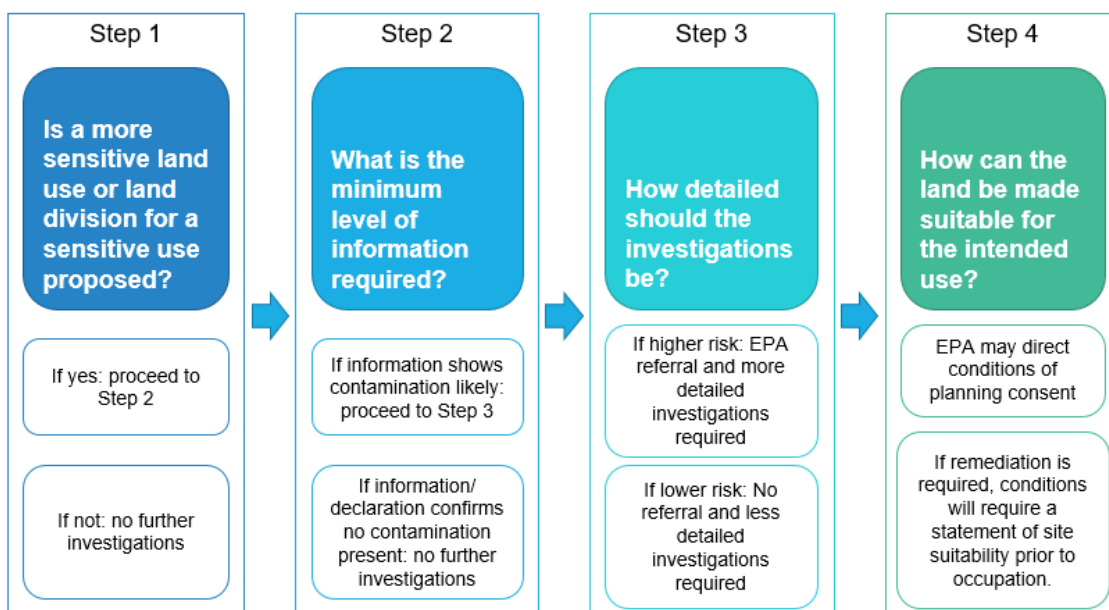
The processes in the scheme are only relevant in circumstances where a change to a more sensitive land use, or a land division for the purposes of a sensitive use, is proposed. The scheme does not apply to a proposal to either carry on an existing approved land use, or a change in land use to a less or equally sensitive use.

The purpose of the scheme is to ensure land can be made suitable for its intended use, protect human health and to ensure site contamination does not impact on the use of the land or alter the fundamental nature of the proposal.

The scheme ensures that a Site Contamination Audit Report can only be requested for higher risk applications, and only by the Environment Protection Authority (EPA).

Four main assessment steps are established by this scheme (also see Figure 1):

Figure 1: A conceptual representation of the assessment steps described by the relevant regulations and Practice Direction 14 (Site Contamination Assessment).



1. Determine land use sensitivity at lodgement

The relevant authority will determine whether a development application involves either:

- (a) a proposed change in land use to a more sensitive use (as specified in the Land Use Sensitivity Hierarchy of the Practice Direction), or
- (b) whether a division of land involves a sensitive use (except where the allotment has already been lawfully created for a residential purpose).

Any other type of application (e.g. development not involving a change in land use, development involving a change to an equally or less sensitive land use, or a division of land not involving a sensitive use):

- (a) will not require referral to the EPA regarding site contamination, and
- (b) cannot be subject to a further information request from a relevant authority in relation to site contamination investigations.

2. Determine the minimum information requirements at lodgement

If through Step 1, a relevant authority determines that a proposed change in use constitutes a change to a more sensitive land use, or a land division which involves the proposed use of land for a sensitive use, the applicant will be required to provide a minimum level of documentation to the relevant authority upon lodgement of the development application. In simple terms, this will include:

- (a) a site contamination declaration form,
- (b) and either:
 - (i) a Preliminary Site Investigation report (PSI), or
 - (ii) a Site Contamination Audit Report (SCAR) where one already exists for the subject land that is less than 5 years old.

The format and content of these documents are further explained in the Practice Direction.

3. Determine the level of investigation and whether an EPA referral is required

Where the documentation demonstrates that site contamination is unlikely to exist on the development site, no further action is required at this stage.

Alternatively, where the preliminary site investigation report indicates that site contamination is present, or there is insufficient information to determine that the site is suitable for its intended use, one of two actions may be taken:

- (a) a relevant authority may request a Detailed Site Investigation report (DSI) if further information about the extent and nature of contamination (and, where necessary, any suitable remediation strategy) is required; or

- (b) a referral to the EPA may be required in accordance with the requirements of Part 9 of the Code and Schedule 9 of the relevant regulations.

Further guidance on the processes associated with a referral to the EPA is provided in the Practice Direction.

4. Determine site suitability, apply conditions and issue planning consent

A relevant authority will ensure that the site of a proposed development is made suitable for its intended use.

For applications that are not referred to the EPA, this is usually possible through provision of a site contamination consultant statement of site suitability. The format of this statement is provided in the Practice Direction.

In circumstances where a relevant authority is satisfied that a site can be made suitable for its intended use subject to remediation being undertaken by the proponent, the relevant authority may attach certain standard conditions of planning consent, as prescribed in the Practice Direction.

For applications subject to an EPA referral, the EPA may direct the relevant authority to include conditions of planning consent regarding whether a site contamination consultant or a site contamination auditor is required to determine site suitability.

5. Training

Training for councils and practitioners is being developed and will be available once the new planning system is implemented.

Need more help?

For technical enquiries relating to site contamination referral and the application of Practice Direction 14 please contact the EPA at (08) 8204 9075 or email epa.planning@sa.gov.sa.