

# Summary – site contamination referral decision-making framework

Issued June 2021

*EPA 1122/21: This information sheet provides a summary of how the EPA will make decisions on development application referrals for prescribed site contamination assessment purposes under the [Planning, Development and Infrastructure Act 2016](#).*

## Introduction

The Environment Protection Authority (EPA) is a referral body for site contamination assessment under the [Planning, Development and Infrastructure Act 2016](#) (PDI Act).

The purpose of the referral is to ensure that an appropriate and proportionate assessment of site contamination or potential site contamination occurs, and for the EPA to determine, based on risk, whether a site contamination consultant or site contamination auditor is the most appropriate practitioner to provide a statement of site suitability for the proposed land use(s).

A site contamination consultant<sup>1</sup> is defined in the *Environment Protection Act 1993* (EP Act) as a person other than a site contamination auditor<sup>3</sup> (auditor) who for fee or reward, assesses the existence or nature or extent of site contamination.

Site contamination auditors are senior and experienced professionals accredited by the EPA, who undertake the independent review (site contamination audit) of assessment and/or remediation work carried out by consultants.

Site contamination referrals must be accompanied by:

- a a site contamination declaration form
- b a preliminary site investigation (PSI) report
- c a copy of the certificate of title in relation to the land, and
- d any site contamination audit report that has been prepared in relation to the land.

Additional investigations, in the form of a detailed site investigation (DSI) and/or a site specific risk assessment (SSRA), may be required to determine if the preconditions for audit have been met. The EPA may request further information (RFI) when the nature and extent of site contamination is not clearly documented, and/or where there is insufficient information provided to decide on the need for remediation.

[Appendix 1](#) outlines how the EPA will determine the appropriate practitioner to provide a site suitability statement.

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<sup>1</sup> Section 3(1) of the EP Act and referred to in regulation 3(1) of the PDI Regulations

<sup>3</sup> 'Site contamination auditor' is defined in section 3(1) of the EP Act

The referral provides direct access to EPA scientific expertise to ensure the community is protected from historic pollution, and for the development sector to have a clear and consistent pathway to approval particularly for certain higher risk brownfield development scenarios.

For more details refer to the EPA [Site contamination referral decision-making framework](#).

## Development application referral triggers

An EPA referral is required (subject to certain exemptions) under two parts of schedule 9, of the [Planning, Development and Infrastructure \(General\) Regulations 2017](#) (PDI Regulations):

- 1 Clause 3, Item 9A–Site contamination–land use (change in the use of land to a *more sensitive use*<sup>4</sup> specified by the [Planning and Design Code\\*](#)), and
- 2 Clause 3, Item 9AB–Site contamination–land division (involving the division of land if the application proposes a sensitive use<sup>5\*</sup>).

\* Where site contamination exists or may exist at the land because of one or more of the following circumstances (Figure 1):

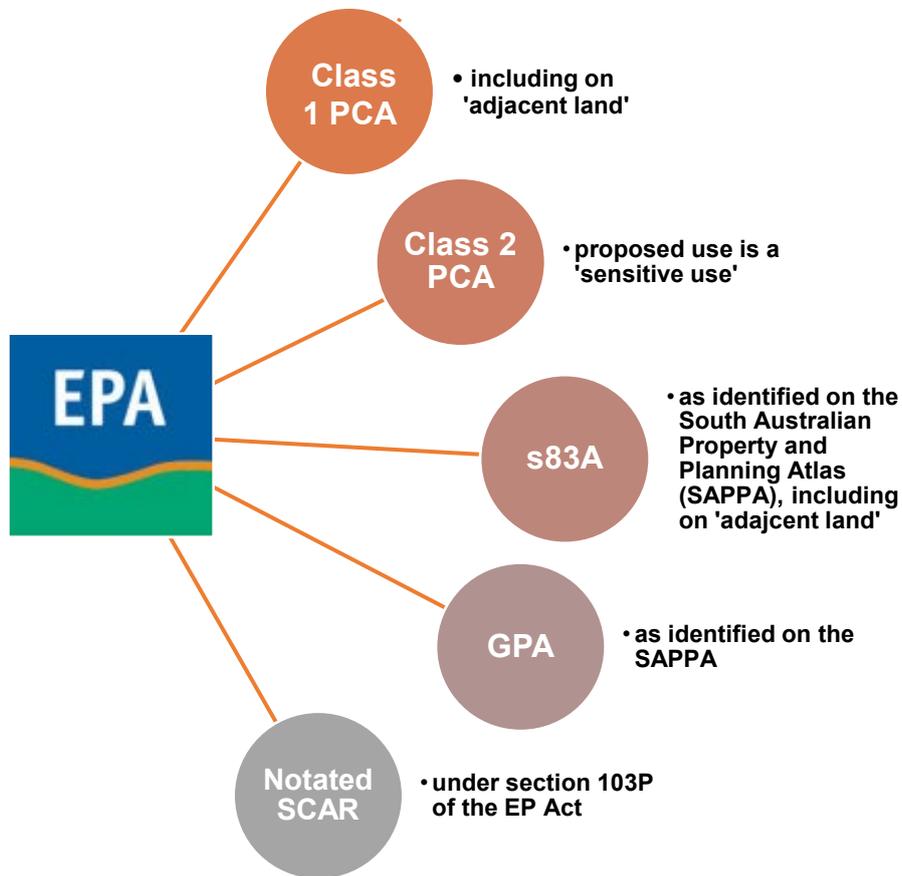


Figure 1 Referral triggers

<sup>4</sup> 'More sensitive use' means a change in the use of land that is determined to constitute a change to a more sensitive use of the land in accordance with the [site contamination practice direction](#) in section 3(1), PDI (General) Regulations.

<sup>5</sup> 'Sensitive use' means a use described in item 1 or 2 of the land use sensitivity hierarchy table in the [site contamination practice direction](#) unless, in accordance with that practice direction, the use is not to be regarded as a sensitive use in the particular circumstances in section 3(1), PDI (General) Regulations.

## Further information

### Legislation

[Online legislation](#) is freely available. Copies of legislation are available for purchase from:

Service SA Government Legislation Outlet  
Adelaide Service SA Centre  
108 North Terrace  
Adelaide SA 5000

Telephone: 13 23 24  
Facsimile: (08) 8204 1909  
Website: <https://service.sa.gov.au/12-legislation>  
Email: [ServiceSAcustomerservice@sa.gov.au](mailto:ServiceSAcustomerservice@sa.gov.au)

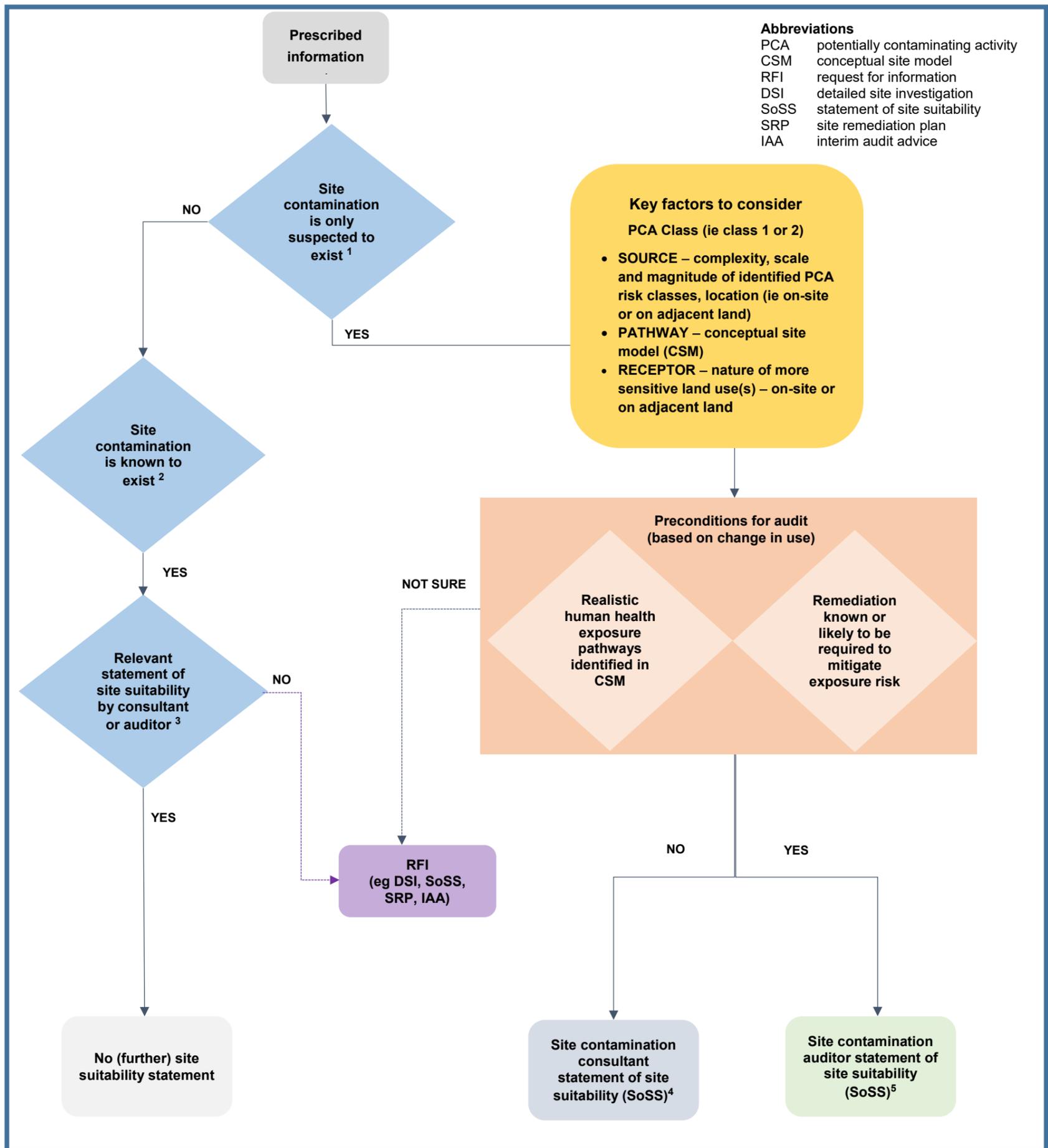
### General information

Environment Protection Authority  
GPO Box 2607  
Adelaide SA 5001

Telephone: (08) 8204 2004  
Facsimile: (08) 8124 4670  
Freecall: 1800 623 445 (country)  
Website: <https://www.epa.sa.gov.au>  
Email: [epainfo@sa.gov.au](mailto:epainfo@sa.gov.au)

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# Appendix 1 EPA determination of appropriate practitioner to provide statement of site suitability



## Notes

- <sup>1</sup> The EPA only suspects site contamination to exist at the site because potentially contaminating activities (PCAs) have taken place – ie the circumstances at section 103H(1)(b) of the *Environment Protection Act 1993* (EP Act) exist.
- <sup>2</sup> The EPA is satisfied that site contamination exists at the site – ie the circumstances at section 103H(1)(a) of the EP Act exist.
- <sup>3</sup> Subject to preconditions for audit.
- <sup>4</sup> Where remediation is not necessary – SoSS provided to the EPA prior to ‘Direction’ where reasonable to do so.
- <sup>5</sup> Where remediation is necessary – SRP must be submitted to EPA prior to ‘Direction’ (including through IAA) with SoSS provided via directed condition consistent with regulations 3(6), 89(2)(c) and 103(3a) where relevant, and Part 6 Conditions of [Practice Direction 14—Site Contamination Assessment 2021](#).