



Environment Protection Authority
 GPO Box 2607 Adelaide SA 5001
 211 Victoria Square Adelaide SA 5000
 T (08) 8204 2004
 Country areas 1800 623 445

EPA Reference: PDI 1060

3 February 2025

State Planning Commission
 GPO Box 1815
 ADELAIDE SA 5001
Mollie.oconnor@sa.gov.au

Dear Mollie O'Connor

EPA Development Application Referral Response

Development Application Number	24029819
Applicant	Square Mile Properties Pty Ltd c/- MasterPlan
Location	162-166 Gouger Street, Adelaide SA 5000 (CT 5604/494, CT 5604/493, CT 5604/492 & CT 5604/495) 168 Gouger Street, Adelaide SA 5000 (CT 5083/168)
Proposal	Mixed-use building up to 16 levels in height, comprised of 107 dwellings with podium car parking and three (3) ground level shops

This development application ('DA') was referred to the Environment Protection Authority ('EPA') by the State Planning Commission in accordance with section 122 of the *Planning, Development and Infrastructure Act 2016*, Schedule 9(3) (9A) of the *Planning, Development and Infrastructure (General) Regulations 2017* and Part 9.1 of the *Planning and Design Code*.

The following response is provided in accordance with section 122(5)(b)(ii) of the *Planning, Development, and Infrastructure Act*.

PROPOSAL

The relevant authority has determined that the application proposes a change in the use of land to a more sensitive use, having regard to the Land Use Sensitivity Hierarchy of the [State Planning Commission Practice Direction 14 \(Site Contamination Assessment\) 2021](#) ('Practice Direction 14').

The Site Contamination Declaration Form ('SCDF') submitted with the DA (prepared by Joe Pedicini of Environmental Projects and dated 19 August 2024) identifies site contamination exists or may exist (for the purposes of planning consent) as a result of the following potentially contaminating activities ('PCAs'):

- onsite:
 - Printers - Class 1 PCA
 - Mechanics - Class 2 PCA, and

- on adjacent land:
 - Printers - Class 1 PCA
 - Paint works - Class 1 PCA
 - Metal coating, finishing or spray painting - Class 1 PCA
 - Mechanics - Class 2 PCA
 - Furniture restorers - Class 2 PCA
 - Laboratories - Class 2 PCA, and
 - Metal forging - Class 2 PCA.

The EPA has undertaken a review of the following site contamination information provided with the DA:

- *Preliminary Site Investigation - Site History, 162-168 Gouger Street, Adelaide, South Australia* dated 19 August 2024, prepared by Environmental Projects ('the PSI report').

The following report was subsequently provided in response to the EPA's request for further information and has also been reviewed:

- *Preliminary Site Investigation - Site History, 162-168 Gouger Street, Adelaide, South Australia* dated 13 January 2025, prepared by Environmental Projects ('the revised PSI report').

The EPA does not hold any other information directly relevant to the subject site or the DA.

SITE CONTAMINATION ASSESSMENT

The purpose of this referral is to ensure that an appropriate and proportionate assessment of site contamination occurs to ensure land is suitable, or can be made suitable, for the proposed use. Through the referral, the EPA provides direction to the relevant authority on whether they must consider the advice of either a site contamination consultant or a site contamination auditor regarding site suitability.

The EPA's [Site contamination referral decision-making framework](#) describes how the EPA makes decisions on referred DAs and outlines the preconditions which must exist for a site contamination audit ('audit').

The available and relevant information has been reviewed by the EPA taking into account relevant legislation and guidelines provided in *the National Environment Protection (Assessment of site contamination) Measure 1999* ('the ASC NEPM') and the EPA publication [Guidelines for the assessment and remediation of site contamination \(2019\)](#).

The EPA notes the following in relation to the reviewed information:

- The desktop assessment of historical activities, as documented in the revised PSI report, was unable to confirm that a Class 1 activity has been undertaken onsite, as the company Lovelock Luke Pty Ltd that formerly operated at the site has been deregistered. In the absence of further information and adopting a precautionary approach, the EPA has assumed that both Class 1 and Class 2 activities have been undertaken, as justified by the points below.
- The soil vapour sampling events are identified in the revised PSI report to have been undertaken within the onsite buildings, however the revised PSI report failed to include the following expected components:
 - the documentation of a site inspection that includes the areas within onsite structures

- interviews with current and historical property owners/occupants and nearby residents (noting that the current owner also owned the property during the period when Lovelock Luke Pty Ltd most recently leased the site), and
 - historical certificates of title.
- These absent components of the revised PSI report remain important data gaps in the information provided with the DA in relation to site specific information the EPA has regard to. Adequate intrusive investigations are appropriate to be undertaken in the absence of sufficient desktop investigations, however the field notes relating to the soil vapour sampling events indicate that soil vapour fieldwork was not carried out in accordance with the fieldwork methodology as demonstrated by the following examples:
 - The methodology identified that appropriately low sampling rates would be maintained with minimum sampling durations of one hour. Sampling durations ranged from 9 to 20 minutes, indicating that flow regulators may not have been operating correctly.
 - The timing of sampling appeared to coincide with purging and shut-in leak testing. This is further demonstrated by the contamination of samples with chemical compounds associated with leak testing (isopropyl alcohol) and/or purging of the vapour bore and sampling equipment.
 - As a result of the high concentrations of isopropyl alcohol in most of the samples, the laboratory limits of reporting were increased such that the limits of reporting exceeded the adopted screening criteria. As a result, it is unclear whether the concentrations of some contaminants of interest at the site exceed the screening criteria.
 - Due to the sampling issues identified above, the EPA has a low level of confidence in the adequacy of the soil vapour assessment and considers that the results may not accurately represent soil vapour conditions at the site.
 - The revised preliminary Conceptual Site Model ('CSM') identifies those contaminants associated with historical and current site activities potentially present complete human health exposure pathways for future residents, and construction workers. The EPA considers that there is insufficient data to support the assessor's conclusion that risks to future receptors from site contamination are low.
 - In accordance with Schedule B2 of the ASC NEPM, for the assessor to conclude that the vapour intrusion/emission pathways are unlikely to be active or present a significant risk, multiple lines of evidence must be demonstrated. This requires the assessor to present several reasoned lines of evidence as to why the pathway is considered inactive/unlikely to present a significant risk.
 - The EPA suspects that site contamination exists as a result of activities historically undertaken at the site over an extended period of time.
 - Further assessment is required, based on the proposed land uses, to address the data gaps identified above and to inform the need for remediation in order to make the site suitable for the proposed land uses.
 - The EPA considers that triggers for a site contamination audit have been demonstrated to exist.

CONCLUSION

Based on the available information, the EPA is reasonably satisfied (consistent with the EPA guideline [Site contamination referral decision-making framework](#) dated July 2021), that the preconditions for audit exist based on the proposed land use(s) taking into account:

- the risk class of the PCAs identified at the site
- the length of time the PCAs have occurred on the site
- the suspected or known site contamination at the site
- the likelihood of realistic human health exposure pathways for the proposed sensitive use, and
- the likely need for remediation to mitigate exposure risk for the proposed sensitive use.

The EPA is reasonably satisfied, taking into account the known information including:

- the site's history
- the types of PCAs undertaken on-site and adjacent to the site, and
- the nature of associated chemical substances and their behaviour in the environment,

that by undertaking and completing a site contamination audit, and preparing a site contamination audit report, a site contamination auditor will be able to confirm the suitability of the site for the proposed land use in a Statement of Site Suitability.

Consistent with EPA advice, an audit should be commissioned as early as possible, prior to (or at the same time as) the engagement of the consultant and preferably before any assessment and/or remediation of site contamination is carried out at a location. This is normally expected to improve the efficiency of the assessment, remediation, and audit processes.

DIRECTION

The relevant authority is directed to attach the following conditions to any approval:

1. 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 any required remediation has been undertaken and the land is suitable for the proposed use.
2. For the purposes of the above condition and regulation 3(6) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the statement of site suitability must be issued by a site contamination auditor, informed by a completed site contamination audit report prepared in accordance with Part 10A of the *Environment Protection Act 1993*.

The following note provides important information in relation to the development and is requested to be included in any approval:

- The applicant/owner/operator is reminded of the general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

If you have any questions about this response, please contact Niall Stephen on (08) 8204 2078 or Niall.stephen@sa.gov.au

Yours faithfully

Melissa Chrystal
Delegate
ENVIRONMENT PROTECTION AUTHORITY