



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 1061

24 March 2025

State Planning Commission
 GPO Box 1815
 ADELAIDE SA 5001
Daniel.marotti@sa.gov.au

Dear Daniel Marotti

EPA Development Application Referral Response

Development Application Number	23012013
Applicant	Otello Projects c/- URPS
Location	46 Unley Road, Unley SA 5061 (CT 5564/801)
Proposal	Mixed use building, comprising 15 dwellings, office and car parking and removal of one significant tree

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 this DA 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'). Dwellings are also defined by Practice Direction 14 to be a 'sensitive use'.

The Site Contamination Declaration Form ('SCDF') submitted with the DA (prepared by Dr Ruth Keogh of Land and Water Consulting and dated 21 April 2023) identifies site contamination exists or may exist (for the purposes of planning consent) as a result of the following:

- Class 1 potentially contaminating activities ('PCAs') on adjacent land:
 - several dry-cleaning facilities
 - a metal coating, finishing or spray-painting business
 - a service station
 - a tyre retreading and/or vulcanising business, and
 - a printing works.

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

- *Preliminary Site Investigation 42-46 Unley Road, Unley, South Australia, Otello Projects*, April 2023, prepared by Land and Water Consulting, dated 21 April 2023 ('the PSI report').

The following reports were subsequently provided in response to the EPA's request for further information and have also been reviewed:

- *Letter to Ms Zoe Steele, Development Manager, Otello, RE: 42-46 Unley Road, Unley, Results of Soil Vapour Testing*, (Reference: MM-02B Otello 42-46 Unley Road_DR001) signed by Dr James Fox, dated 12 February 2025, and
- *Construction Environmental Management Plan (Version 2) 4-46 Unley Road, Unley, South Australia, Otello Projects*, prepared by LWC, dated 17 February 2025 ('the CEMP').

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 \(2019\)](#).

Following the review of the available information, the following matters have been identified by the EPA:

- The subject site was used for various unspecified commercial purposes from pre-1935 to present. Most recently it has been used for offices, a showroom, and general storage. No PCAs were identified as having occurred onsite.
- The site is proposed to be developed as a ground floor commercial tenancy with upper level residential apartments and a ground level carpark.
- The PSI report identified that multiple Class 1 PCAs have been undertaken within 60 metres of the site, and that these could have resulted in groundwater contamination with volatile contaminants which could represent a potential source of vapour intrusion for future indoor air spaces onsite.
- The PSI report recommended a passive soil vapour assessment be undertaken and a CEMP was prepared for the site.
- In January 2025, soil vapour sampling was undertaken onsite to assess potential soil vapour contamination at the site.

- No significant concentrations of volatile contaminants were detected in any of the four sub-slab vapour pins, and all concentrations were below laboratory limits of detection and criteria for residential land use.
- The site contamination consultants conclude that there is no indication that site contamination exists at the site that would impact the proposed land use.
- However, as site soils have not been assessed, the consultants note that the CEMP developed for the site should be implemented to account for any potential soil contamination or unexpected finds.

CONCLUSION

Based on the available information, the EPA considers:

- site contamination has not been found to exist
- realistic human health exposure pathways have not been identified based on the proposed land use, and
- remediation in the form of implementation the CEMP is necessary to mitigate potential exposure risk during the construction phase.

The EPA is satisfied, based on the information available, that it has been demonstrated the preconditions for audit have not been met based on the proposed land use.

Further, the EPA is of the opinion that sufficient information has been provided which reasonably demonstrates the site can be made suitable for the proposed use, subject to a statement of site suitability, using the form required by Practice Direction 14, by an appropriately qualified and experienced site contamination consultant.

DIRECTION

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

1. Construction works must be undertaken in accordance with the *Construction Environmental Management Plan (Version 2) 4 - 46 Unley Road, Unley, South Australia, Otello Projects* (prepared by LWC and dated 17 February 2025) and must be overseen by a suitably qualified and experienced site contamination consultant.
2. A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability (in the form described by *Practice Direction 14: Site Contamination Assessment 2021*) is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.
3. 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 consultant.

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