



Environment Protection Authority
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EPA Reference: PDI-1411

30 April 2026

Phil Mabbs
 State Planning Commission
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Dear Phil Mabbs

EPA Development Application Referral Response

Development Application Number	25038676
Applicant	Southern Cross Care
Location	3 SPENCE AV, MYRTLE BANK 1 SPENCE AV, MYRTLE BANK 380 GLEN OSMOND RD, MYRTLE BANK
Proposal	Retirement Facility and Ancillary Community Hub, Alterations and Additions to State Heritage Place and Tree Damaging Activity

This application 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 Site Contamination Declaration Form submitted with the development application (prepared by Ben Dearman of Ennovo, dated 24 October 2025) identifies site contamination exists or may exist (for the purposes of planning consent) as a result of:

- the following activities onsite:
 - Class 2 - former cemetery: historical operations within the western portion of the site
- the following activities on adjacent land:
 - Class 1 - Petrol Station.

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 development applications and outlines the preconditions which must exist for a site contamination audit ('audit').

The following reports were subsequently provided in response to a request for further information by the EPA and has also been reviewed:

- *Preliminary Site Investigation and Targeted Environmental Assessment - Carmelite Aged Care, Glenn Osmond Rd and Cross Rd, Myrtle Bank, South Australia* dated 13 March 2026 and prepared by Ennovio (the revised PSI report).
- *Construction Environmental Management Plan - Carmelite Aged Care, Glenn Osmond Rd and Cross Rd, Myrtle Bank, South Australia* dated 12 March 2026 and prepared by Ennovio (the CEMP).

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* and the EPA publication [Guidelines for the assessment and remediation of site contamination \(2019\)](#). In preparing this advice, the EPA has also had regard to the requirements described in [Practice Direction 14 Site Contamination Assessment 2021](#) (Practice Direction 14).

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

- The revised PSI report includes a targeted soil assessment across the former cemetery portion of the site, with the site contamination consultant concluding that site contamination has not been identified in soils within this area in the context of the proposed residential/open space land use.
- The revised PSI report additionally includes soil vapour and indoor air investigations to assess potential inhalation risks to future occupants from volatile chemicals in groundwater, potentially originating from an adjacent service station, with all results reported below laboratory detection limits or the adopted guideline.
- The CEMP includes a remediation strategy for the previously identified shallow soil impacts in the southern portion of the site (known as the BH06 hotspot), involving excavation and offsite disposal of impacted near-surface soils, followed by validation of the underlying surface and preparation of a remediation validation report.

CONCLUSION

Based on the available information, the EPA understands:

- Site contamination is considered to exist.
- Realistic human health exposure pathways are considered to exist based on the proposed land use.
- Remediation is or remains necessary to mitigate exposure risk based on the proposed land use.

The EPA is reasonably satisfied that while site contamination has been determined to exist, realistic human exposure pathways have been identified and remediation is considered necessary; based on the information provided and other key factors, it has been adequately demonstrated the preconditions for audit have not been met for the proposed land use.

The EPA considers 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 completed by an appropriate practitioner.

DIRECTION

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

1. Remediation works must be undertaken in accordance with the *Construction Environmental Management Plan - Carmelite Aged Care, Glenn Osmond Rd and Cross Rd, Myrtle Bank, South Australia*, prepared by Ennovo (dated 12 March 2026) 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 are reminded of its 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 Tudor Taylor on (08) 8429 9652 or email tudor.taylor@sa.gov.au.

Yours sincerely

Helen Malone
Delegate
ENVIRONMENT PROTECTION AUTHORITY