



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 1041

1 November 2024

State Planning Commission
 GPO Box 1815
 ADELAIDE SA 5001
Attention: Tegan Lewis

tegan.lewis@sa.gov.au

Dear Tegan Lewis

EPA Development Application Referral Response

Development Application Number	24029287
Applicant	Buckingham Arms Development Pty Ltd C/- URPS
Location	9 Walkerville Terrace, Gilberton SA 5081 CT 6290/988 Plan Parcel: D1458 AL6 (+13 more locations)
Proposal	Construction of a 10-level, mixed use building (comprising commercial/retail tenancies, serviced apartments and dwellings), basement carparking, installation of rooftop solar panels and the refurbishment of a Local Heritage Place.

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

This DA proposes a change in the use of land to a more sensitive use in that the current use is a hotel and car park and the proposed development involves the construction of a 10-level, mixed use building (comprising commercial/retail tenancies, serviced apartments and dwellings) and the refurbishment of a Local Heritage Place.

The Site Contamination Declaration Form ('SCDF') submitted with the DA (prepared by Carlo Echevarria of Agon Environmental and dated 23 July 2024) identifies site contamination exists or may exist (for the purposes of planning consent) as a result of:

- the following potentially contaminating activities ('PCAs') on adjacent land:
 - Class 1 PCA - Service Stations, and

- Class 1 PCA - Dry Cleaning.

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 EPA has considered the following reports and documents lodged with the DA:

- *Due Diligence Environmental Assessment - Former Buckingham Arms 1 to 9 Walkerville Terrace Gilberton, South Australia*, prepared by Agon Environmental and dated 7 November 2023 ('the due diligence report'), and
- *Construction Environmental Management Plan, Former Buckingham Arms 1-9 Walkerville Terrace, Gilberton, South Australia - Citify Group*, dated 15 November 2023. prepared by Agon Environmental ('the CEMP').

The EPA has reviewed and considered the above reports taking into account the relevant guidance provided in the *National Environment Protection (Assessment of site contamination) Measure 1999* and the EPA's [Guidelines for the assessment and remediation of site contamination \(2019\)](#).

The EPA has also taken into account the following information considered to be directly relevant to the application and proposed change in land use:

- Site contamination reports prepared in support of previously lodged DAs at the same site (DA 23015883 and DA 24017574).

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

- The EPA understands the development relates to a change in land use to a more sensitive land use, specifically from commercial to mixed use commercial and residential class 1.
- The due diligence report indicates that the site contamination identified at the site is limited in nature, posing low risk to future receptors at the site under the proposed land use.
- Residual soil impacts which may exist at the site with the potential to impact construction and intrusive maintenance workers during the development phase of the works will be managed through the implementation of the CEMP.

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: Site Contamination Assessment 2021](#), by an appropriately qualified and experienced site contamination consultant.

CONCLUSION

Based on the information submitted with the DA and the information held by the EPA, the EPA is satisfied that the site could be made suitable for the proposed use subject to the directed conditions below.

Further to the above, a suitably qualified and experienced site contamination consultant is the most appropriate site contamination professional to determine site suitability.

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, Former Buckingham Arms 1-9 Walkerville Terrace, Gilberton, South Australia - Citify Group*, dated 15 November 2023 prepared by Agon Environmental 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.

If a certificate of occupancy is not required pursuant to regulation 103 of the *Planning, Development and Infrastructure (General) Regulations 2017*, a person must not occupy the building for the purpose authorised under the development approval until a statement of site suitability 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 Stephen Both, Senior Environmental Planner, on (08) 8204 1112 or email Stephen.Both@sa.gov.au .

Yours faithfully

Melissa Chrystal
Delegate

ENVIRONMENT PROTECTION AUTHORITY