



Environment Protection Authority
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EPA Reference: PDI-1389

3 December 2025

Jason Cattonar
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Dear Jason Cattonar

Development Application Information Request

Development Application Number	25036473
Applicant	Malvern Development SA Pty Ltd
Location	Unit 1-15 259 -269 Unley Road, Malvern (CT 5151/175) Unit 1-15 259 -269 Unley Road, Malvern (CT 6126/704) Unit 1-15 259 -269 Unley Road, Malvern (CT 5151/176) Unit 1-15 259 -269 Unley Road, Malvern (CT 5151/175) Unit 1-15 259 -269 Unley Road, Malvern (CT 6145/798)
Proposal	Eight-level, mixed use development including dwellings, shop, office, pool and basement parking

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* ('PDI Act'), Schedule 9(3)(9A) of the *Planning, Development and Infrastructure (General) Regulations 2017* and Part 9.1 of the *Planning and Design Code*.

The purpose of this referral is for the EPA to provide 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, after taking in to account the nature and extent of site contamination and any required remediation.

The EPA's [Site contamination 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'). Prior to directing conditions the EPA must be satisfied that the site can be made suitable for the proposed use.

The Site Contamination Declaration Form submitted with the development application (prepared by Brent Harvey of Fyfe Pty Ltd and dated 17 September 2025) identifies site contamination exists or may exist (for the purposes of planning consent) as a result of:

- the following activities onsite:

- Ownership of the site by petroleum companies, potentially triggering: Listed substances—activities involving listed substances.
- the following activities on adjacent land:
 - Listed substances—activities involving listed substances, Metal coating, finishing or spray painting and dry cleaning.

The EPA has undertaken a review of the following site contamination information provided in support of the development application:

- *Multi Storey Residential Development 259 - 269 Unley Road, Malvern, Preliminary Site Investigation Report* dated 24 September 2025 prepared by Fyfe Pty Ltd (the PSI report).

The EPA does not hold any other information directly relevant to the site subject to the development application.

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). In preparing this advice, the EPA has also had regard to the requirements described in [Practice Direction 14 Site Contamination Assessment 2021](#).

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

- The PSI report identifies one Class 1 and Class 2 activity having occurred on-site, along with multiple Class 1 activities on adjacent land.
- The PSI report included a limited soil investigation comprising three soil bores within accessible areas of the site. Current building footprints restricted access, preventing full site characterisation. Analytical results indicated that all contaminants of potential concern (COPC) were below the adopted human health and ecological screening criteria at the three assessed locations.
- The documented Conceptual Site Model (CSM) identifies potential human health exposure pathways for future residents and construction workers. The PSI report also highlights multiple data gaps relating to the limited assessment completed.
- The site contamination consultant has recommended within the PSI report that further detailed site investigations be undertaken to address the identified data gaps.

The EPA considers that further information is required to demonstrate the site can be made suitable for the proposed use and to determine the appropriate practitioner to prepare the statement of site suitability.

Having regard to the information provided with the application and the EPA's understanding of the site with reference to Schedule A of the ASC NEPM and relevant EPA guidelines, further information is required:

- in relation to a CSM relevant to the proposed land use
- to reasonably determine the existence, nature and extent of, any site contamination at the site

- to reasonably inform the need for and devise (if needed) risk-based remediation strategies for the proposed land use
- to ensure that the appropriate and proportionate assessment of site contamination or potential site contamination to determine whether the site can be made suitable for the intended use occurs.

The EPA considers, based on the information available, that further Tier 1 and/or Tier 2 investigations consistent with the ASC NEPM and EPA guidelines are appropriate.

REQUEST FOR INFORMATION

Therefore, as provided for by section 122(3) of the PDI Act, the EPA requires the following additional information to complete its assessment.

1. Detailed site investigations

A report of detailed site investigations (DSI) prepared by an appropriately qualified and experienced site contamination consultant in accordance with the *National Environment Protection (Assessment of Site Contamination) Measure 1999* and the EPA publication [Guidelines for the assessment and remediation of site contamination](#) (2019), where the PSI indicates site contamination is identified as being suspected or known to exist.

The DSI must address any identified issues and must be sufficient to identify:

- a. the nature and extent of any site contamination present or remaining on or below the surface of the land
- b. the likely suitability of the land for the proposed use
- c. what remediation (if any) is necessary for the proposed use.

2. Site Remediation Plan

A Site Remediation Plan (SRP) prepared by a site contamination consultant in accordance with the EPA publication *Guideline for the assessment and remediation of site contamination* (2019), where remediation is identified as being or remaining necessary.

The EPA expects that following preparation of the SRP, verification of its implementation would be provided by an appropriately qualified and experienced site contamination consultant in the form of a Remediation and Validation Report, in order to support the final statement of site suitability for the intended land use by the appropriate practitioner, to be determined by the EPA.

Please upload the further information to the PlanSA portal within six months of this request.

There may be a need to request subsequent information to clarify items requested above and/or if your response introduces new matters that require further detail.

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

Hayley Riggs
Delegate
ENVIRONMENT PROTECTION AUTHORITY