

Guide

Draft Site Contamination Framework For the South Australian Planning System



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Strategic Drivers

The Government is committed to:

- a bold agenda of urban renewal and reinvigoration of existing urban areas to create neighbourhoods that are vibrant, mixed-use, walkable and healthy
- the protection and sustainable management of our environment to ensure safe, healthy communities
- the reduction of unnecessary or poorly targeted regulatory processes, to ensure outcomes are optimised at the least cost.

This requires that site contamination be effectively addressed through a number of policy, regulatory and program responses. One of these responses is the planning system.

In relation to site contamination, the planning system will provide:

- fairness, simplicity and certainty; and,
- a risk-based approach to consideration of risks to citizens in the vicinity of a site with contamination.

Site contamination is a complex and broad issue impacting on large areas of land across the State, and the planning system is but one part of the Government's integrated approach to the management of site contamination.

The role of the planning system in relation to site contamination is to ensure that as far as is practically possible, land is not developed for a more sensitive use unless or until site contamination risks have been considered and appropriate cost-effective remediation measures put in place.

Site contamination will be addressed in the planning system via a risk-management approach, which allows for progressive certainty in to be delivered in the development process within the lowest prudent cost and time parameters.

It is recognised that site contamination may arise that is not identified or identifiable via the planning system. As a result, notwithstanding the operation of this framework, it remains incumbent upon the person who is the proponent of the change in use to ensure the subject land is made suitable for the intended use.

Approach

This framework addresses itself to the planning system established under current legislation. The Government has announced preparation of new legislation, and the Framework will be given effect via the new legislation as and when it comes into operation.

Objective

The objective of the Site Contamination Framework is to ensure that land that is being developed for a more sensitive use does not move from one stage in the development process to the next without clear measures being in place to ensure that site contamination either:

- has been appropriately addressed; or
- will be appropriately addressed at or before occupation of development.

To achieve this, the level of investigation (and the remediation actions required) will be matched to the magnitude of the risk and the stage in the development process.

Trigger

Site contamination is addressed in the planning system only when *both* of the following apply:

- statutory processes for conferring changed development entitlements under the *Development Act 1993* or the *Urban Renewal Act 1995* are initiated; and
- those processes would have the effect of conferring upon land the right or ability to move to a use that is more sensitive than that which currently exists, or which can currently lawfully be undertaken, on the land.

Site contamination is widespread across Greater Adelaide and must frequently be addressed regardless of whether or not these two conditions apply. In these situations, the Environment Protection Authority (EPA) is the lead agency in addressing site contamination outside the planning system.

Stages in Development

The stages in the development process can be characterised as:

- changing the Planning Strategy – setting directions and targets for long term spatial planning, including via related documents such as spatial frameworks, structure plans and Strategic Directions Reports (Sections 22 and 30, *Development Act 1993*)
- changing development rules – either by amending zoning via Development Plan Amendments (Sections 24-28, *Development Act 1993*) or by preparing a precinct plan (Sections 7I and 7J, *Urban Renewal Act 1995*)
- development assessment - determining whether and how to grant planning consent (Sections 32-42, *Development Act 1993*¹ and Section 7K, *Urban Renewal Act 1995*)
- construction (undertaking works on land)
- occupation (commencing use)

The Site Contamination Framework recognises that landowners and applicants require as much confidence as possible about their ability to move to future development stages in order to be able to commit investment (often significant) to site investigations and remediation measures.

Therefore the Framework aims to provide certainty about *what* is required (i.e. the nature and extent of investigations and works), while providing landowners with maximum flexibility (within prudent regulatory parameters) about *when* those works are undertaken.

Investigations

The levels of investigation (from least to most exhaustive) are:

- a planning evaluation
Undertaken by a planning authority as part of a standard merit assessment process. Planning evaluations usually include a review of property files, satellite imagery and other data available on previous uses of the land, historic titling and land use approvals, enforcement notices, orders and environmental licensing.

¹ This framework relates to the general scheme of development assessment, where either a Council or the Development Assessment Commission is the relevant authority, because the majority of assessments follow this pathway.

- preliminary site investigation (PSI)
Must be prepared by a qualified site contamination consultant². A PSI includes a desk top study to collect basic information and identify the site characteristics (site location, land use, site layout, building construction, geological and hydro geological setting, historical land uses and activities at the site), a site inspection and interviews with current and past owners, operators and occupiers of the site and preparation of a report. For further details refer to the NEPM³.
- detailed site investigation (DSI)
Must be prepared by a qualified site contamination consultant². A DSI is required when results of the PSI indicate that contamination is present or is likely to be present and the information available is insufficient to enable site management strategies to be observed. Potential or actual contamination will usually require further delineation.
- site contamination audit report (SCAR), including the option of interim audit advice
Must be prepared by an EPA accredited site contamination auditor² The SCAR is the most rigorous, comprehensive site contamination assessment in South Australia. The EPAs guidelines on auditing prescribe what information is required to be reported upon in the preparation of a SCAR or interim audit advice.

The EPA, in consultation with the Department of Planning, Transport and Infrastructure (DPTI) and key stakeholders, will prepare guidelines specifying the criteria for these investigations and the classes of person accredited to prepare them.

Risk

The magnitude of risk is primarily derived from:

- the sensitivity of the proposed use relative to the existing use; and
- the nature of previous (and current) contaminated land use and activities (PCLUAs) undertaken on the land (or on adjacent land).

Use Sensitivity

Use sensitivity refers to the propensity of the use to bring humans into contact with site contamination. Sensitive uses are those defined in the *Environment Protection Act 1993*:

- residential
- pre-school
- primary school

Sensitivity then moves through a spectrum of progressively less sensitive uses:

- uses of low sensitivity include secondary school or university educational establishments, open space, farming, horticulture
- non-sensitive uses include industrial, commercial, office, bulky goods and retail

While land division does not itself comprise a use of land, it is often the precursor to land use change.

² As recognised and accredited under a scheme officially recognised by the EPA.

³ Schedule A, National Environment Protection (Assessment of Site Contamination) Measure 1999.

Development legislation in South Australia requires the planning authority, when assessing applications for land division, to be satisfied that the allotments created will be suitable for the intended use by the time development occurs on the land.

Accordingly, applications for land division will trigger the Site Contamination Framework wherever the authority needs to satisfy the test of use suitability. **Put simply: a land division that proposes allotments that are intended for a more sensitive use than that which currently exists or is approved for the site will trigger the operation of the Site Contamination Framework, regardless of the current zoning.**

Previous Uses

This Framework establishes a number of risk classes based on previous uses of the land that are linked to referral triggers and information requirements at various stages of the development process.

Following consideration of a desktop evaluation, PSI or DSI, the planning authority will decide if the land has been subject to a class of potentially contaminating land use or activity.

PCLUA risk classes (from lowest to highest risk) and key development assessment implications are:

- PCLUA Class 3 (low risk) – development applications will be dealt with by the relevant planning authority with no ability to refer to, or obtain advice from, the EPA and no ability to require a SCAR
- PCLUA Class 2 (moderate risk) – applications will be referred to the EPA when the proposal involves moving to a sensitive use (residential, pre-school or primary school) and advice by the EPA on the level of investigation and assessment is required. This includes the option of a SCAR, which can only be required at the direction of the EPA after due consideration of the reports provided by the qualified site contamination consultant. It is likely that in most cases for Class 2 PCLUA and a sensitive use, a SCAR will be required.
- PCLUA Class 1 (high risk) – applications will always be referred to the EPA.

PCLUAs and risk classes are indicated in the attached table *Potentially Contaminating Land Uses and Activities*.

DPTI, in consultation with the EPA and key stakeholders, will prepare and regularly update guidelines to assist planning authorities in the interpretation and application of the PCLUA list.

The Framework

Changing the Planning Strategy

Changes to the planning strategy (and preparation of any related documents) will consider the likely nature and extent of site contamination investigations and/or policy measures that will be required before land can be made available for development.

The planning strategy (and related documents such as spatial frameworks, structure plans and Strategic Directions Reports) will provide broad guidance about how investigation should be dealt with in subsequent stages of the process.

A limited and general amount of information will be required at the planning strategy stage about the presence (or otherwise) of contamination risks, because there is ample opportunity to investigate and address these issues at subsequent stages.

Government is committed to urban renewal and red tape reduction. This creates an onus on all parties to ensure that land is made available for the intended purpose in the most efficient fashion. Once land is designated for future urban development or renewal in the planning strategy, the question is not *whether* the land can be made suitable for development, but *how*.

Changing a local Development Plan (Rezoning)

Overview

Zoning rules define the purposes for which land can be developed (subject to securing any required consents).

Generally these rules will be found in the relevant Development Plan, but they may also reside in a precinct plan (adopted under the *Urban Renewal Act 1995*). A Development Plan Amendment (DPA) is a statutory rezoning instrument used to change a Development Plan under the *Development Act 1993*. This Site Contamination Framework addresses itself to the DPA process because virtually all changes to development rules follow the DPA pathway.

This Site Contamination Framework adopts a risk-based approach, which aims to establish zoning policy measures (together, in cases of very high risk, with other non-zoning measures) that will ensure site contamination is investigated and remediated to the extent necessary at or before the development on the land is occupied.

Where the DPA involves a zoning change that will enable more sensitive uses to take place, the authority preparing the DPA (either Council or the Minister) will engage the EPA early in the DPA process to obtain advice on the nature and extent of investigations required. The scope of those investigations will not be subsequently expanded unless significant unforeseen risks are identified during the investigation process.

The EPA, in consultation with DPTI and key stakeholders, will develop guidelines to provide clarity and certainty on the nature and extent of investigations required for different types of zoning change and different classes of PCLUA.

In the vast majority of cases, rezoning will be able to proceed subject to appropriate zoning policy measures (see below) being established that ensure site contamination can be addressed at the development assessment stage.

In some high risk cases, other (non-zoning) measures will also be required (see below). Investigations, policy measures and other measures (if required) will be spatially differentiated – that is, they will apply only to land identified as being subject to contamination risk, with the balance of the land proceeding to rezoning outside of the site contamination framework.

At the low end of the risk spectrum:

- where it can be established that no PCLUAs have taken place on land; or
- where the likelihood of PCLUAs having taken place on the land is low; then rezoning can proceed and no zoning policy measures will be required to deal with site contamination.

At the high end of the risk spectrum:

- where land is, or is likely to be, significantly contaminated; then specific requirements will be developed on a case-by-case basis to ensure that rezoning can proceed subject to appropriate zoning policy and other measures.

A SCAR or interim audit advice will not be required as a pre-requisite to rezoning other than in exceptionally high risk circumstances (to be determined on a case-by-case basis by the EPA by reference to guidelines) where it is not possible to be confident that remediation works can be secured at development assessment stage by means of zoning policy or other measures.

The EPA, in consultation with DPTI and key stakeholders, will prepare guidelines to define the (very rare) situations in which a SCAR or interim audit advice may be required during the rezoning process.

Where a SCAR is prepared during the rezoning process, zoning policy measures (refer below) and if necessary other non-zoning policy measures (refer below) will be used to ensure that planning-related audit conditions will be satisfied during the development process (audit conditions that are not planning-related will be dealt with by the EPA using its powers under the *Environment Protection Act 1993*).

Decision/Action Sequence

1. *Will the proposed rezoning enable more sensitive uses to be approved than those which currently exist, or which can be approved, for the land under the current zoning?*

if YES: proceed to 2 below

if NO: no further actions required, land can proceed to rezoning outside of this Site Contamination Framework

2. *Are there investigations available (PSI, DSI, SCAR or interim audit advice) which indicate that the site is (or can be made) suitable for the intended use, and no PCLUAs have since been undertaken on the land?*

if YES: no further actions required, land can proceed to rezoning subject to zoning policy measures (refer below) and if necessary other policy measures (refer below) that will ensure that conditions or requirements of these reports will be satisfied during the development process

if NO: the planning authority undertakes a planning evaluation to identify the use history of the land and indicators of contamination risk

3. *Is it clear, or likely, based on the planning evaluation, that PCLUAs have been undertaken on the land?*

if NO: no further actions required, land can proceed to rezoning without zoning policy measures

if YES: a qualified site contamination consultant undertakes a PSI in relation to the areas of land that are (or are likely to be) subject to previous PCLUAs

4. *Does the PSI provide sufficient information to enable the identification of zoning policy measures that will ensure future investigation and/or remediation?*

if YES: identify zoning policy measures to apply to affected land (refer below), rezoning can then proceed

if NO: identify additional (non-zoning) measures (refer below) on a case-by-case basis that will accompany zoning measures and allow the rezoning to proceed

Zoning Policy Measures

Zoning policy measures will be identified by the party preparing the DPA (either Council or the Minister) in consultation with the EPA based on a standard suite of policy wording that will be included

in the SA Planning Policy Library (SAPPL). DPTI, in consultation with the EPA and key stakeholders, will develop appropriate content for insertion into the SAPPL.

Zoning policy measures will ensure that development assessment authorities are aware of contamination risks and can require that they be investigated and addressed during assessment and/or construction stages.

The “menu” of zoning policy measures (listed from low-risk situations to high-risk situations) includes:

- general policies (such as the SAPPL hazard module and/or the zone desired character statement) to alert planners to any need for contamination investigations at assessment stage
- applying specific controls (including zone, policy area and/or overlay provisions) in defined contamination-affected areas which will ensure that risks are mitigated or managed, i.e. by;
 - directing non-sensitive land uses to contamination-affected areas
 - precluding basements in areas potentially subject to vapour intrusion
 - requiring installation of vapour barriers
- requiring that development in defined contamination-affected areas not occur unless/until site contamination risks are investigated and appropriate measures applied
- removing land from the scope of the rezoning if site contamination risks cannot be appropriately understood/resolved.

Other (Non-Zoning) Measures

In situations of very high risk, it may be necessary to accompany zoning measures with other requirements to ensure that contamination will be addressed prior to occupation of development. These measures may include:

- preparing a DSI for contamination-affected areas
- reaching an understanding with the EPA about the exercise of their powers under the Environment Protection Act 1993 to address matters that are beyond the scope of the planning system
- entering into binding agreements with the planning authority (i.e. Land Management Agreements or other contractual arrangements) to undertake further investigations or works or to control the use or development of the land to a greater level than is possible via either the development assessment system or the Environment Protection Act 1993
- in exceptionally high risk cases (determined by the EPA in accordance with guidelines, as above), the preparation of a SCAR or interim audit advice.

Development Assessment

Overview

Development assessment is the process by which approvals are granted that enable the development of land for specific purposes.

This Site Contamination Framework addresses itself to the general scheme of development assessment, where either a Council or the Development Assessment Commission is the relevant authority making an ‘on merit’ decision, because this pathway accounts for the vast majority of

assessment processes undertaken.

Alternative procedures to equivalent effect will be applied within Government to ensure site contamination continues to be addressed in assessment of major developments or projects, Crown development and public infrastructure proposals and electricity infrastructure proposals.

This Site Contamination Framework adopts a risk-based approach to development assessment which aims, by a process of progressively more detailed investigations (if required), to ensure that contamination risk is (or will be) addressed to the required level at or before the occupation of development on the land wherever a more sensitive use is proposed.

Any investigations or requirements relating to site contamination will be spatially differentiated – that is, they will apply only to land identified as being subject to contamination risk, with the balance of the land proceeding through development assessment outside of the site contamination framework.

It is recognised that it is usually more cost effective to investigate and/or remediate site contamination during the construction phase, and therefore the use of conditions of consent, reserved matters, staged approvals and/or interim audit reports will be encouraged so that approval can be granted with confidence that required actions will be subsequently undertaken.

Low risk development applications (PCLUA Class 3) will be dealt with by the relevant planning authority with no ability to refer to, or obtain advice from, the EPA. Applications of this type may (at the discretion of the relevant authority and after the authority has prepared a desktop evaluation) be subject to a request for a DSI or PSI prepared by a qualified site contamination consultant. However a SCAR or an interim audit advice cannot be required under this site contamination framework in relation to Class 3 PCLUAs.

Moderate risk proposals (PCLUA Class 2) will be subject to referral to the EPA when the proposal involves moving to a sensitive use (residential, pre-school or primary school). The EPA (but not the relevant authority) may require that further investigation be undertaken in the form of a DSI or a SCAR on the basis of the reports from the qualified site contamination consultant.

High risk proposals (PCLUA Class 1) will always be subject to referral to the EPA. In these cases, the EPA will decide upon the level of investigations and assessment required. This may be a qualified site contamination consultant report or a SCAR depending on the use proposed and the risk. A SCAR or interim audit advice can only be required at the direction of the EPA and only in relation to Class 1 PCLUAs or Class 2 PCLUAs that are subject to proposals to move to a sensitive use.

Where land is affected by PCLUAs of a number of risk classes, the proposal will be treated according to the process applying to the highest risk class. Once again, this will be spatially differentiated such that only the area subject to the relevant PCLUA is captured at a higher level of referral or investigation.

Outside of these parameters it will not be possible to:

- refer matters to, or obtain advice from, the EPA; or
- require that an applicant provide a SCAR or interim audit

It is noted however that if the authority becomes aware of new information which indicates the presence of previously unforeseen Class 1 or Class 2 PCLUAs then this could trigger referral to the EPA of an application that has previously been treated as a Class 3 PCLUA.

It is not envisaged that audit completion will ever be required prior to issue of planning consent.

Decision/Action Sequence

1. *exclusions:*

There is no requirement to consider site contamination in the development assessment process if:

- the application does not involve a more sensitive use than that which is currently possible (either under the existing use rights that apply to the land, or pursuant to an existing approval); or
- a SCAR or interim audit advice has previously been prepared which concludes the site is or can be made suitable for the intended use, no PCLUAs have since been undertaken on the land and the applicant provides a written undertaking that the recommendations of the report have been or will be implemented.⁴

2. *requirements at lodgement:*

WHERE

- the applicant is aware that the land has previously been used for a PCLUA⁵; or
- the relevant authority considers, having undertaken a desktop evaluation⁶, that a PCLUA has been undertaken on the land

THEN (unless specified exclusions apply):

- the applicant must retain a qualified site contamination consultant to prepare and lodge PSI to identify the nature, extent, location and timing of any PCLUA that has been, or is likely to have been, undertaken on the land⁷

The relevant authority will then identify the PCLUA class based on the information provided in the PSI.

- a. *Class 1 PCLUAs (per PSI): authority required to refer proposals to the EPA*
Class 2 PCLUAs (per PSI): authority required to refer proposals to the EPA in defined circumstances⁸

A referral to the EPA with power of direction applies where:

- the proposal involves a fully enclosed building within 500m of an existing or closed landfill;
or

⁴ In which case the undertaking becomes part of the application and the applicant is bound to implement these measures if the application is approved. The authority also has the option of using conditions of consent to reinforce this undertaking.

⁵ A declaration as to the known PCLUA history of the land will be required on the DA form.

⁶ The planning evaluation must be undertaken by the relevant authority and cannot be required from the applicant. Notwithstanding that, an applicant has the option of providing, should they wish to do so, a site history report or a PSI to assist the authority in their evaluation.

⁷ Schedule 5 will require a PSI to be submitted where the planning authority has undertaken a desktop evaluation and advised the applicant that it considers a PCLUA has been undertaken on the land.

⁸ If the proposed use is a 'sensitive use' as prescribed by the *Environment Protection Act 1993*

- the site of the proposed development includes land that the PSI (obtained from the applicant pursuant to 2 above) indicates has been, or is likely to have been, used for a Class 1 PCLUA (with exceptions to be specified); or
- the site of the proposed development includes land that the PSI (obtained from the applicant pursuant to 2 above) indicates has been, or is likely to have been, used for a

Class 2 PCLUA and the proposal involves moving to a sensitive use (residential, pre-school or primary school)

Referral to the EPA is not possible outside these parameters.

3. EPA to assess referred applications and may request further information

The EPA will consider, and provide comment in relation to, only those parts of the land and/or proposal as are affected by site contamination. In those cases, the EPA may require the applicant to supply reasonable additional information based on the EPA's evaluation of site contamination risks.

The EPA, in consultation with DPTI and key stakeholders, will prepare guidelines to provide transparency and consistency on:

- whether and how additional levels of investigation will be requested
- the nature and extent of those investigations
- the class of person that may undertake these investigations
- encouraging the use of conditions of consent, staged consents, reserved matters and/or interim audit advice

The EPA's referral response will be based on the EPA's assessment of risk and may provide:

- no comment
- advice (non-binding)
- direction (binding)

The EPA will have four weeks in which to respond to the referral. This will be extended by two weeks in the event that the EPA is required to review a SCAR or an interim audit advice submitted by the applicant.

The *Development Act 1993* specifies that, if the EPA does not comment within the prescribed period, it will be assumed that the EPA has no comment to make.

Wherever possible, the EPA will encourage the use of conditions of consent, reserved matters, staged consents and interim audit reports are used to enable early certainty about site remediation and to minimise delays and costs in the assessment process.

The EPA will not require completion of a SCAR prior to issue of planning consent. It may however require interim audit advice to seek assurance the site is able to be remediated and made suitable for the intended use⁹.

4. Class 3 PCLUAs (per PSCI): relevant authority may request further information

Where the proposed development includes land that the PSI indicates has been, or is likely to have been, used for a Class 3 PCLUA, the relevant authority may request that the applicant retain a

⁹ A SCAR or interim audit advice can only be required at the direction of the EPA and only in relation to Class 1 PCLUAs or Class 2 PCLUAs that are subject to proposals to move to a sensitive use.

qualified site contamination consultant to provide a DSI.

The EPA, in consultation with DPTI and key stakeholders, will prepare guidelines to assist authorities in determining when and how to require a DSI.

The authority cannot request additional site contamination information outside these parameters unless it becomes aware of new information during the assessment process which conclusively demonstrates the presence of previously unforeseen PCLUAs or other significant site contamination risks (for example, that contamination is migrating onto the subject land from adjacent land).

The authority cannot require a SCAR or interim audit advice unless it has been directed to do so by the EPA. Such a direction can only be issued in relation to a Class 2 PCLUA and a sensitive use (residential, pre-school or primary school) or a Class 1 PCLUA. Therefore, a SCAR or interim audit cannot be required in relation to a Class 3 PCLUA.

5. *Other contamination risks:*

Where the planning authority becomes aware of significant contamination risks that have not been identified by the processes outlined above (including contamination that may not originate from a PCLUA or which may originate from other land), they are obliged to deal with the matter according to the assessment framework applying to the proposal. Such matters may include the presence of contaminated fill that exists on-site or the potential for acid sulphate soil to be generated during construction.

It will not be possible in these circumstances to formally refer the matter to the EPA through the planning process or to require a SCAR as a pre-requisite to the granting of development consent. However, non-statutory advice may be sought from the EPA Site Contamination Team. If the EPA considers a SCAR is required they will take action under the *Environment Protection Act 1993* as necessary. Those processes exist outside the scope of the development system and the Site Contamination Framework.

Construction Stage

It is envisaged that, in the vast majority of cases, the process of remediation and/or installation of mitigation measures will take place during the construction phase because of the efficiencies that can be obtained.

Where site contamination exists there is a need to ensure adequate construction programming occurs. This will require the preparation of a Construction Environment Management Plan (CEMP) for the site. The CEMP will address matters of appropriate treatment for any on-site contamination. This may include addressing site contamination outside that discovered during the planning process, including the importation of contaminated fill or the generation of acid sulphate soils.

During construction contamination not previously identified through the assessment process may be encountered. In these circumstances the developer and/or the planning authority should contact a qualified site contamination consultant or Site Contamination Auditor and ensure compliance with their obligations under the *Environment Protection Act 1993*.

The EPA, in consultation with DPTI and key stakeholders, will prepare guidelines regarding the preparation and use of Construction Environment Management Plans and other construction-phase measures and the situations in which they may be required. This will include guidance for developers and planning authorities on what steps must be taken when unknown and unassessed contamination is encountered.

Attachments

Potentially Contaminating Land Uses and Activities (PCLUAs)

Site Contamination Framework For the South Australian Planning System

Potentially Contaminating Land Uses and Activities (PCLUAs)

This framework establishes a number of risk classes based on previous uses of the land that are linked to referral triggers and information requirements at various stages of the development process. The planning authority will decide if the land has been subject to a class of potentially contaminating land use or activity following consideration of a *desktop evaluation*, *preliminary site investigation* or a *detailed site investigation* report.

Potentially Contaminating Land Uses and Activity (PCLUA) and the associated risk classes are classified in the below table.

Class and reference	Land use/activity common term	Definition	Threshold
Class 1			
1.1	Chemical manufacture, storage, blending or mixing	Manufacture or storage of liquid organic chemical substances in underground or aboveground tanks or vessels at a discrete premises	<ul style="list-style-type: none"> a) Where tanks are/were used equal to or greater than 5000L each b) Including laboratories, paint, pharmaceuticals, plastics, rubber c) Excluding package storage for retail sale and domestic storage of oil for heating All undertaken in the course of a business ¹
1.2	Dry cleaning	Operation of premises for dry cleaning	<ul style="list-style-type: none"> a) Excluding 'shop-fronts' only All undertaken in the course of a business
1.3	Gasworks	Operation of manufactured gas plants or gas holders	All undertaken in the course of a business
1.4	Service stations	Operation of retail fuel outlets	All undertaken in the course of a business

¹ A business is defined as one's occupation, profession, or trade or the purchase and sale of goods in an attempt to make a profit, a person, partnership, or corporation engaged in this. A business includes one that is not carried on for profit or gain and any activity undertaken by government or a public authority.

Class 2			
2.1	Abattoir/fish processing	Operation of slaughtering works for the production of meat or meat products for human or animal consumption; operation of works for scaling, gilling, gutting, filleting, freezing, chilling, packing or otherwise processing of fish (as defined in the Fisheries Management Act 2007) for sale.	All undertaken in the course of a business
2.2	Abrasive blasting	Operation of commercial works for abrasive blast cleaning or disposal of abrasive blasting material	a) Including mobile abrasive blasting works and abrasive blast cleaning carried out in fully enclosed booths b) Excluding abrasive blast cleaning undertaken for residential purposes
2.3	Airports or aerodromes	Operation of premises for commercial runways and aprons, repair or maintenance of commercial or charter aircraft or aircraft equipment	All undertaken in the course of a business
2.4	Animal dips or spray race facilities	Operation of animal dips or spray race facilities	All undertaken in the course of a business
2.5	Animal feedlots/sale yards	Operation of confined yards or areas for holding of animals and feeding of animals principally by mechanical means or by hand	All undertaken in the course of a business
2.6	Asphalt or bitumen work and bulk storage	Operation of works for manufacture of asphalt or bitumen	All undertaken in the course of a business
2.7	Battery manufacture, storage and recycling/disposal	Assembly, disassembly, manufacture or recycling of batteries	a) Excluding storage of batteries for sale
2.8	Breweries/wineries/distilleries	Production of beer by infusion, boiling or fermentation and/or the operation of works for processing grapes or other produce to make wine or spirits	All undertaken in the course of a business

2.9	Bulk coal handling or storage	Handling of coal, coke or carbonaceous material by any means or storage of coal, coke or carbonaceous reject material	a) Bulk handling or storage only
2.10	Bulk shipping facilities	Operation of facilities for bulk handling of agricultural crop products, rock, ores, minerals or liquid organic chemical substances to or from wharf or wharfside facility (including sea-port grain terminals)	a) Bulk handling or storage only
2.11	Cement works	Operation of works for production of cement clinker or grinding of cement clinker using argillaceous and calcareous materials	All undertaken in the course of a business
2.12	Charcoal manufacture	Manufacture of charcoal	All undertaken in the course of a business
2.13	Chemical manufacture, storage, blending or mixing	Manufacture or storage at a discrete premises of the business of— (A) less than 5000 litres of a liquid organic chemical substance; or B) less than 500 kilograms of a listed substance other than a liquid.	a) Including where tanks/vessels are/were used less than 5000L each b) Including laboratories (including clandestine drug laboratories), paint, pharmaceuticals, plastics, rubber c) Excluding package storage for retail sale
2.14	Coke works	Production, quenching, cutting, crushing or grading of coke	All undertaken in the course of a business
2.15	Compost or mulch production or storage	Production or storage of compost, mulch or garden soils	a) Excluding package storage for retail sale All undertaken in the course of a business
2.16	Concrete batching plant	Operation of works for production of concrete or concrete products manufactured by inclusion of cement, sand, rock, aggregate or similar materials	a) Including large batching plants established for construction (such as a wind farm) and then decommissioned b) Excluding small scale mobile plants
2.17	Curing and drying works	Operation of commercial works for smoking, drying or curing meat, fish or other edible products by application of heat or smoke	a) Excluding domestic kilns

2.18	Drum reconditioning works	Operation of works for reconditioning or recycling of metal or plastic drums	All undertaken in the course of a business
2.19	Electrical/electrical components manufacture	Manufacture of electrical or electronics components	All undertaken in the course of a business
2.20	Electrical power stations and substations	Operation of electrical substations	All undertaken in the course of a business
2.21	Electrical transformer or capacitor works or maintenance	Operation of works for manufacture, repair, storage or disposal of electrical transformers, capacitors or associated equipment or fluids	All undertaken in the course of a business
2.22	Engine works, reconditioning or maintenance	Operation of premises for repair or maintenance of motor vehicles or parts of motor vehicles for business purposes	a) Including engine reconditioning works
2.23	Explosives or pyrotechnics facilities	Operation of facilities for manufacture of explosives or pyrotechnics	All undertaken in the course of a business
2.24	Fertiliser manufacture	Manufacture of agricultural fertiliser	All undertaken in the course of a business
2.25	Fibreglass manufacture	Manufacture of fibreglass products	All undertaken in the course of a business
2.26	Fire station and fire training areas	Underground storage of fuel at fire stations or operation of premises for fire training involving the use of liquid fuel, fire accelerants, aqueous film forming foam or similar substances	All undertaken in the course of a business
2.27	Foundry operations	Manufacture of metal products by injecting or pouring molten metal into moulds	All undertaken in the course of a business
2.28	Fuel burning facilities (such as glazing, brick or ceramic works)	Burning of solid or liquid fuel	a) Including for generation of power or steam at rate of heat release exceeding 1MW
2.29	Furniture restoration	Operation of commercial premises for the restoration of furniture	All undertaken in the course of a business
2.30	Glass manufacture	Operation of works for manufacture of glass products	All undertaken in the course of a business

2.31	Gun, pistol or rifle range	Operation of facilities for shooting competitions, practice or instruction (being shooting involving propulsion of projectiles by means of explosion)	a) Excluding indoor facilities
2.32	Hat and felt manufacturing facilities	Manufacture of hats or processing of felt	All undertaken in the course of a business
2.33	Iron or steel works	Operation of works for manufacture of iron or steel	All undertaken in the course of a business
2.34	Waste Landfills	Operation of sites for disposal of waste onto or into land	a) Including disposal of asbestos or asbestos products b) Including filling of pug holes, depressions in land, water courses etc
2.35	Lime burner or kiln	Manufacture (by means of kiln) of cement or lime from limestone	a) Including associated storage of waste
2.36	Market gardens, orchards, glass houses and intensive agriculture / horticulture – chemical storage, mixing or disposal areas	Operation of premises for horticulture or broad scale agriculture - chemical storage, mixing or disposal areas	a) Including large scale carcass disposal/burial of animals or parts of animals; burial of other waste; irrigation using wastewater; chemical storage/mixing/wash down areas b) Excluding domestic wastewater disposal and irrigation of purple pipe water (refer to class 3 below)
2.37	Metal coating, finishing or spray painting (e.g. electroplating)	Finishing, treating or coating of metal in the course of a business	a) Including anodising, galvanising, pickling, electroplating, heat treatment, powder coating, enamelling and spray painting
2.38	Metal processing, smelting, refining or metallurgical works	Operation of works for melting (by means of furnace) of ferrous or non-ferrous metal or smelting or reduction of ores to produce metal	All undertaken in the course of a business

2.39	Mineral processing, mining or extractive industries	Chemical or physical extraction or processing of metalliferous ores, storage of mining or exploration waste (for example, in tailings dams, overburden or waste rock dumps) mining or processing of minerals or operation of laboratories or pilot facilities for processing or testing of minerals	a) Excluding borrow pits where virgin quarry material has been sourced
2.40	Motor vehicle manufacture, testing, racing or maintenance	Manufacture of motor vehicles or operation of facilities designed and used for motor vehicle competitions or motor vehicle speed or performance trials or maintenance of motor vehicles	All undertaken in the course of a business
2.41	Motor vehicle wrecking yards	Operation of yards for wrecking or dismantling of motor vehicles or parts of motor vehicles	All undertaken in the course of a business
2.42	Oil recycling works Oil refineries	Operation of works for recycling of oil or operation of works for refining of crude petroleum oil or shale	All undertaken in the course of a business
2.43	Pest control works	Operation of premises for storage of pesticides or filling or washing of tanks used in pest control operations	a) Including the depot premises of a pest control business b) Excluding pest/termite treatment of properties
2.44	Printing works	Operation of printing works	All undertaken in the course of a business
2.45	Pulp or paper works	Operation of works for manufacture of timber pulp or paper	All undertaken in the course of a business
2.46	Railway operations (including rail lines, yards and maintenance facilities)	Operation of premises that include railway activities	a) Including rail lines, yards and maintenance facilities b) Excluding operations associated with mine, slipway, crane-type- runway, purpose of horse-drawn trams, purpose for static display, forms part of an amusement park

2.47	Road transport terminals/intermodal facilities	Operation of premises for the storage and bulk handling of goods for transport by road or rail	a) Including the servicing or repairs of vehicles
2.48	Scrap metal recovery	Operation of premises for the commercial recovery of scrap metal	a) Including cleaning
2.49	Ship breaking	Wrecking or dismantling of ships	All undertaken in the course of a business
2.50	Ship building or maintenance	Operation of works for the building or maintenance of ships	a) Including slipway
2.51	Tannery, fellmongery or hide curing	Operation of works for preservation or treatment of animal skins or hides	All undertaken in the course of a business
2.52	Textile manufacture or dyeing	Manufacture or dyeing of fabrics or materials	All undertaken in the course of a business
2.53	Tyre manufacture or retreading or recycling	Manufacture or retreading of tyres	All undertaken in the course of a business
2.54	Vermiculture	Cultivation of earthworms for production of earthworms or earthworm castings	All undertaken in the course of a business
2.55	Waste, recycling, incineration, transfer station	Reception, storage or treatment (including recycling) of waste or disposal of waste to land or water	a) Including recycling, asbestos or asbestos products b) Excluding can and bottle recycling
2.56	Waste management via onsite containment	Storage of waste or contaminated material through onsite containment	All undertaken in the course of a business
2.57	Wastewater storage, treatment or disposal	Storage (including in tanks, lagoons and ponds) or treatment of wastewater or disposal of wastewater to land or water	a) Including recycling b) Excluding domestic wastewater disposal and purple pipe water
2.58	Wetlands or detention basins	Operation of bodies of water for collection and management of stormwater or other wastewater for urban amenity, flood mitigation or ecological or other environmental purposes	a) Where water is less than 6 metres deep at any given time
2.59	Works or transport depots (such as council, utilities)	Operation of transport depots, works depot (such as Council or utilities etc) or loading sites	All undertaken in the course of a business

2.60	Wood preservation works	Operation of works involving treatment or preservation of timber using chemicals	All undertaken in the course of a business
2.61	Wool scouring or wool carbonising works	Operation of works involving cleaning or carbonising of wool	a) Excluding in the course of a handicraft business where wool is further processed for retail sale

Class 3			
3.1	Market gardens, orchards, glass houses and intensive agriculture / horticulture – growing areas	The plant growing areas of horticulture or broad scale agriculture sites	a) Excluding large scale carcass disposal/burial of animals or parts of animals; burial of other waste; irrigation using wastewater (excluding domestic wastewater disposal and irrigation of purple pipe water); chemical storage/mixing/wash (refer to class 2 above)