

South Australia

Land and Business (Sale and Conveyancing) (Site Contamination) Variation Regulations 2009

under the *Land and Business (Sale and Conveyancing) Act 1994*

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Part 1—Transitional provisions

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Land and Business (Sale and Conveyancing) (Site Contamination) Variation Regulations 2009*.

2—Commencement

- (1) Subject to subregulations (2) and (3), these regulations will come into operation on 1 September 2009, immediately after the commencement of Schedule 1 clause 2 of the *Land and Business (Sale and Conveyancing) Variation Regulations 2009*.
- (2) The following provisions will come into operation on 1 March 2010:
 - (a) Part 3 of these regulations;
 - (b) Schedule 1 Part 1 clause 3 of these regulations.
- (3) The following provisions will come into operation on 31 August 2010:
 - (a) Part 4 of these regulations;
 - (b) Schedule 1 Part 1 clause 4 of these regulations.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Land and Business (Sale and Conveyancing) Regulations 1995* to take effect on 1 September 2009

4—Variation of Schedule 1—Contracts for sale of land or businesses—forms

- (1) Schedule 1, Form 1, Schedule, Division 1—after the item relating to section 93 of the *Environment Protection Act 1993* insert:

section 93A—Environment protection order relating to cessation of activity that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order:
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- (2) Schedule 1, Form 1, Schedule, Division 1—after the item relating to section 100 of the *Environment Protection Act 1993* insert:

section 103H—Site contamination assessment order that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order: Amount of charge on the land (if known):
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section 103J—Site remediation order that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order: Amount of charge on the land (if known):
section 103N—Notice of declaration of special management area in relation to the land (due to possible existence of site contamination)	*YES/NO	Date of notice: Date of Gazette in which notice published: Description of area or areas to which the notice relates:
section 103P—Notation of site contamination audit report in relation to the land	*YES/NO	Date of notation: Note— Site contamination audit reports are kept by the EPA in the public register under section 109 of the <i>Environment Protection Act 1993</i> .
section 103S—Notice of prohibition or restriction on taking water affected by site contamination in relation to the land	*YES/NO	Date of notice: Date of Gazette in which notice published: Description of the water to which the notice relates: Particulars given in the notice of the site contamination affecting the water:

- (3) Schedule 1, Form 1, Schedule, Division 2, items headed "**†Particulars relating to environment protection**"—delete the items and heading and substitute:

†Particulars relating to environment protection

1—Interpretation

- (1) In this and the following items (items 1 to 6 inclusive)—

domestic activity has the same meaning as in the *Environment Protection Act 1993*;

environmental assessment, in relation to land, means an assessment of the existence or nature or extent of—

- (a) site contamination (within the meaning of the *Environment Protection Act 1993*) at the land; or
- (b) any other contamination of the land by chemical substances,

and includes such an assessment in relation to water on or below the surface of the land;

EPA means the Environment Protection Authority established under the *Environment Protection Act 1993*;

pre-1 July 2009 site audit, in relation to land, means a review (carried out by a person recognised by the EPA as an environmental auditor) that examines environmental assessments or remediation of the land for the purposes of determining—

- (a) the nature and extent of contamination of the land by chemical substances present or remaining on or below the surface of the land; and
- (b) the suitability of the land for a particular use; and
- (c) what remediation is or remains necessary for a particular use,

but does not include a site contamination audit (as defined below) completed on or after 1 July 2009;

pre-1 July 2009 site audit report means a detailed written report that sets out the findings of a pre-1 July 2009 site audit;

prescribed commercial or industrial activity—see item 1(2);

prescribed fee means the fee prescribed under the *Environment Protection Act 1993* for inspection of, or obtaining copies of information on, the public register;

public register means the public register kept by the EPA under section 109 of the *Environment Protection Act 1993*;

site contamination audit has the same meaning as in the *Environment Protection Act 1993*;

site contamination audit report has the same meaning as in the *Environment Protection Act 1993*.

- (2) For the purposes of this and the following items (items 1 to 6 inclusive), each of the following activities (as defined in Schedule 1 Part 1 of the *Environment Protection (Site Contamination) Regulations 2008*) is a prescribed commercial or industrial activity:

abrasive blasting	acid sulphate soil generation	agricultural activities
airports, aerodromes or aerospace industry	animal burial	animal dips or spray race facilities
animal feedlots	animal saleyards	asbestos disposal
asphalt or bitumen works	battery manufacture, recycling or disposal	breweries
brickworks	bulk shipping facilities	cement works
ceramic works	charcoal manufacture	coal handling or storage

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coke works	compost or mulch production or storage	concrete batching works
curing or drying works	defence works	desalination plants
dredge spoil disposal or storage	drum reconditioning or recycling works	dry cleaning
electrical or electronics component manufacture	electrical substations	electrical transformer or capacitor works
electricity generation or power plants	explosives or pyrotechnics facilities	fertiliser manufacture
fibreglass manufacture	fill or soil importation	fire extinguisher or retardant manufacture
fire stations	fire training areas	foundry
fuel burning facilities	furniture restoration	gasworks
glass works	glazing	hat manufacture or felt processing
incineration	iron or steel works	laboratories
landfill sites	lime burner	metal coating, finishing or spray painting
metal forging	metal processing, smelting, refining or metallurgical works	mineral processing, metallurgical laboratories or mining or extractive industries
mirror manufacture	motor vehicle manufacture	motor vehicle racing or testing venues
motor vehicle repair or maintenance	motor vehicle wrecking yards	mushroom farming
oil recycling works	oil refineries	paint manufacture
pest control works	plastics manufacture works	printing works
pulp or paper works	railway operations	rubber manufacture or processing
scrap metal recovery	service stations	ship breaking
spray painting	tannery, fellmongery or hide curing	textile operations
transport depots or loading sites	tyre manufacture or retreading	vermiculture
vessel construction, repair or maintenance	waste depots	wastewater treatment, storage or disposal
water discharge to underground aquifer	wetlands or detention basins	wineries or distilleries
wood preservation works	woolscouring or wool carbonising works	works depots (operated by councils or utilities)

2—Pollution and site contamination on the land—questions for vendor

- (1) Is the vendor aware of any of the following activities ever having taken place at the land:
- (a) storage, handling or disposal of waste or fuel or other chemicals (other than in the ordinary course of domestic activities)?
 - (b) importation of soil or other fill from a site at which—
 - (i) an activity of a kind listed in paragraph (a) has taken place; or
 - (ii) a prescribed commercial or industrial activity (see item 1(2) above) has taken place?

*YES/NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (2) Is the vendor aware of any prescribed commercial or industrial activities (see item 1(2) above) ever having taken place at the land?

*YES/NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (3) Is the vendor aware of any dangerous substances ever having been kept at the land pursuant to a licence under the *Dangerous Substances Act 1979*?

*YES/NO

If YES, give details of all dangerous substances that the vendor is aware of and whether they were kept at the land before or after the vendor acquired an interest in the land:

- (4) Is the vendor aware of the sale or transfer of the land or part of the land ever having occurred subject to an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?

*YES/NO

If YES, give details of each sale or transfer and agreement that the vendor is aware of:

- (5) Is the vendor aware of an environmental assessment of the land or part of the land ever having been carried out or commenced (whether or not completed)?

*YES/NO

If YES, give details of all environmental assessments that the vendor is aware of and whether they were carried out or commenced before or after the vendor acquired an interest in the land:

Note—

These questions relate to details about the land that may be known by the vendor. A "YES" answer to the questions at items 2(1) or 2(2) may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

A "YES" answer to any of the questions in this item may indicate the need for the purchaser to seek further information regarding the activities, for example, from the council or the EPA.

3—Licences and exemptions recorded by EPA in public register

Does the EPA hold any of the following details in the public register:

- (a) details of a current licence issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—
- (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act)?

*YES/NO

- (b) details of a licence no longer in force issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—
- (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act)?

*YES/NO

- (c) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to operate a waste depot at the land?

*YES/NO

- (d) details of a licence issued under the repealed *Waste Management Act 1987* to operate a waste depot at the land?

*YES/NO

- (e) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to produce waste of a prescribed kind (within the meaning of that Act) at the land?

*YES/NO

- (f) details of a licence issued under the repealed *Waste Management Act 1987* to produce prescribed waste (within the meaning of that Act) at the land?

*YES/NO

Note—

These questions relate to details about licences and exemptions required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions—

- in the case of a licence or exemption under the *Environment Protection Act 1993*—
 - the purchaser may obtain a copy of the licence or exemption from the public register on payment of the prescribed fee; and
 - the purchaser should note that transfer of a licence or exemption is subject to the conditions of the licence or exemption and the approval of the EPA (see section 49 of the *Environment Protection Act 1993*); and
- in the case of a licence under a repealed Act—the purchaser may obtain details about the licence from the public register on payment of the prescribed fee.

A "YES" answer to any of these questions may indicate that a ***potentially contaminating activity*** has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

The EPA will not provide details about licences to conduct the following prescribed activities of environmental significance (within the meaning of Schedule 1 Part A of the *Environment Protection Act 1993*): waste transport business (category A), waste transport business (category B), dredging, earthworks drainage, any other activities referred to in Schedule 1 Part A undertaken by means of mobile works, helicopter landing facilities, marinas and boating facilities or discharges to marine or inland waters.

The EPA will not provide details about exemptions relating to—

- the conduct of any of the licensed activities in the immediately preceding paragraph in this Note; or
- noise.

4—Pollution and site contamination on the land—details recorded by EPA in public register

Does the EPA hold any of the following details in the public register in relation to the land or part of the land:

- (a) details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the *Environment Protection Act 1993*)?
*YES/NO
- (b) details of site contamination notified to the EPA under section 83A of the *Environment Protection Act 1993*?
*YES/NO

- (c) a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register?
*YES/NO
- (d) a copy of a site contamination audit report?
*YES/NO
- (e) details of an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?
*YES/NO
- (f) details of an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
*YES/NO
- (g) details of an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
*YES/NO
- (h) details of a notification under section 103Z(1) of the *Environment Protection Act 1993* relating to the commencement of a site contamination audit?
*YES/NO
- (i) details of a notification under section 103Z(2) of the *Environment Protection Act 1993* relating to the termination before completion of a site contamination audit?
*YES/NO
- (j) details of records, held by the former South Australian Waste Management Commission under the repealed *Waste Management Act 1987*, of waste (within the meaning of that Act) having been deposited on the land between 1 January 1983 and 30 April 1995?
*YES/NO

Note—

These questions relate to details required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the public register on payment of the prescribed fee.

5—Pollution and site contamination on the land—other details held by EPA

Does the EPA hold any of the following details in relation to the land or part of the land:

- (a) a copy of a report known as a "Health Commission Report" prepared by or on behalf of the South Australian Health Commission (under the repealed *South Australian Health Commission Act 1976*)?
*YES/NO
- (b) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
*YES/NO
- (c) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
*YES/NO
- (d) a copy of a pre-1 July 2009 site audit report?
*YES/NO
- (e) details relating to the termination before completion of a pre-1 July 2009 site audit?
*YES/NO

Note—

These questions relate to details that the EPA may hold. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the EPA (on payment of any fee fixed by the EPA).

6—Further information for purchasers

Note—

The purchaser is advised that other matters under the *Environment Protection Act 1993* (that is, matters other than those referred to in this Statement) that may be relevant to the purchaser's further enquiries may also be recorded in the public register. These include:

- details relating to environmental authorisations such as applications, applicants, locations of activities, conditions, suspension, cancellation or surrender of authorisations, disqualifications, testing requirements and test results;
- details relating to activities undertaken on the land under licences or other environmental authorisations no longer in force;
- written warnings relating to alleged contraventions of the *Environment Protection Act 1993*;
- details of prosecutions and other enforcement action;

- details of civil proceedings;
- other details prescribed under the *Environment Protection Act 1993* (see section 109(3)(1)).

Details of these matters may be obtained from the public register on payment to the EPA of the prescribed fee.

If—

- an environment performance agreement, environment protection order, clean-up order, clean-up authorisation, site contamination assessment order or site remediation order has been registered on the certificate of title for the land; or
- a notice of declaration of special management area in relation to the land has been gazetted; or
- a notation has been made on the certificate of title for the land that a site contamination audit report has been prepared in respect of the land; or
- a notice of prohibition or restriction on taking water affected by site contamination in relation to the land has been gazetted,

it will be noted in the items under the heading *Environment Protection Act 1993* under the Table of Particulars in this Statement. Details of any registered documents may be obtained from the Lands Titles Registration Office.

- (4) Schedule 1, Form 2, Schedule 2, Division 1—after the item relating to section 93 of the *Environment Protection Act 1993* insert:

section 93A—Environment protection order relating to cessation of activity that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order:
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- (5) Schedule 1, Form 2, Schedule 2, Division 1—after the item relating to section 100 of the *Environment Protection Act 1993* insert:

section 103H—Site contamination assessment order that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order: Amount of charge on the land (if known):
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section 103J—Site remediation order that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order: Amount of charge on the land (if known):
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section 103N—Notice of declaration of special management area in relation to the land (due to possible existence of site contamination)	*YES/NO	Date of notice: Date of Gazette in which notice published: Description of area or areas to which the notice relates:
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section 103P—Notation of site contamination audit report in relation to the land *YES/NO

Date of notation:

Note—

Site contamination audit reports are kept by the EPA in the public register under section 109 of the *Environment Protection Act 1993*.

section 103S—Notice of prohibition or restriction on taking water affected by site contamination in relation to the land *YES/NO

Date of notice:

Date of Gazette in which notice published:

Description of the water to which the notice relates:

Particulars given in the notice of the site contamination affecting the water:

- (6) Schedule 1, Form 2, Schedule 2, Division 2, items headed "**†Particulars relating to environment protection**"—delete the items and heading and substitute:

†Particulars relating to environment protection

1—Interpretation

- (1) In this and the following items (items 1 to 6 inclusive)—

domestic activity has the same meaning as in the *Environment Protection Act 1993*;

environmental assessment, in relation to land, means an assessment of the existence or nature or extent of—

- (a) site contamination (within the meaning of the *Environment Protection Act 1993*) at the land; or

- (b) any other contamination of the land by chemical substances, and includes such an assessment in relation to water on or below the surface of the land;

EPA means the Environment Protection Authority established under the *Environment Protection Act 1993*;

pre-1 July 2009 site audit, in relation to land, means a review (carried out by a person recognised by the EPA as an environmental auditor) that examines environmental assessments or remediation of the land for the purposes of determining—

- (a) the nature and extent of contamination of the land by chemical substances present or remaining on or below the surface of the land; and

- (b) the suitability of the land for a particular use; and
- (c) what remediation is or remains necessary for a particular use,

but does not include a site contamination audit (as defined below) completed on or after 1 July 2009;

pre-1 July 2009 site audit report means a detailed written report that sets out the findings of a pre-1 July 2009 site audit;

prescribed commercial or industrial activity—see item 1(2);

prescribed fee means the fee prescribed under the *Environment Protection Act 1993* for inspection of, or obtaining copies of information on, the public register;

public register means the public register kept by the EPA under section 109 of the *Environment Protection Act 1993*;

site contamination audit has the same meaning as in the *Environment Protection Act 1993*;

site contamination audit report has the same meaning as in the *Environment Protection Act 1993*.

- (2) For the purposes of this and the following items (items 1 to 6 inclusive), each of the following activities (as defined in Schedule 1 Part 1 of the *Environment Protection (Site Contamination) Regulations 2008*) is a prescribed commercial or industrial activity:

abrasive blasting	acid sulphate soil generation	agricultural activities
airports, aerodromes or aerospace industry	animal burial	animal dips or spray race facilities
animal feedlots	animal saleyards	asbestos disposal
asphalt or bitumen works	battery manufacture, recycling or disposal	breweries
brickworks	bulk shipping facilities	cement works
ceramic works	charcoal manufacture	coal handling or storage
coke works	compost or mulch production or storage	concrete batching works
curing or drying works	defence works	desalination plants
dredge spoil disposal or storage	drum reconditioning or recycling works	dry cleaning
electrical or electronics component manufacture	electrical substations	electrical transformer or capacitor works
electricity generation or power plants	explosives or pyrotechnics facilities	fertiliser manufacture
fibreglass manufacture	fill or soil importation	fire extinguisher or retardant manufacture

fire stations	fire training areas	foundry
fuel burning facilities	furniture restoration	gasworks
glass works	glazing	hat manufacture or felt processing
incineration	iron or steel works	laboratories
landfill sites	lime burner	metal coating, finishing or spray painting
metal forging	metal processing, smelting, refining or metallurgical works	mineral processing, metallurgical laboratories or mining or extractive industries
mirror manufacture	motor vehicle manufacture	motor vehicle racing or testing venues
motor vehicle repair or maintenance	motor vehicle wrecking yards	mushroom farming
oil recycling works	oil refineries	paint manufacture
pest control works	plastics manufacture works	printing works
pulp or paper works	railway operations	rubber manufacture or processing
scrap metal recovery	service stations	ship breaking
spray painting	tannery, fellmongery or hide curing	textile operations
transport depots or loading sites	tyre manufacture or retreading	vermiculture
vessel construction, repair or maintenance	waste depots	wastewater treatment, storage or disposal
water discharge to underground aquifer	wetlands or detention basins	wineries or distilleries
wood preservation works	woolscouring or wool carbonising works	works depots (operated by councils or utilities)

2—Pollution and site contamination on the land—questions for vendor

- (1) Is the vendor aware of any of the following activities ever having taken place at the land:
 - (a) storage, handling or disposal of waste or fuel or other chemicals (other than in the ordinary course of domestic activities)?
 - (b) importation of soil or other fill from a site at which—
 - (i) an activity of a kind listed in paragraph (a) has taken place; or
 - (ii) a prescribed commercial or industrial activity (see item 1(2) above) has taken place?

*YES/NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (2) Is the vendor aware of any prescribed commercial or industrial activities (see item 1(2) above) ever having taken place at the land?

*YES/NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (3) Is the vendor aware of any dangerous substances ever having been kept at the land pursuant to a licence under the *Dangerous Substances Act 1979*?

*YES/NO

If YES, give details of all dangerous substances that the vendor is aware of and whether they were kept at the land before or after the vendor acquired an interest in the land:

- (4) Is the vendor aware of the sale or transfer of the land or part of the land ever having occurred subject to an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?

*YES/NO

If YES, give details of each sale or transfer and agreement that the vendor is aware of:

- (5) Is the vendor aware of an environmental assessment of the land or part of the land ever having been carried out or commenced (whether or not completed)?

*YES/NO

If YES, give details of all environmental assessments that the vendor is aware of and whether they were carried out or commenced before or after the vendor acquired an interest in the land:

Note—

These questions relate to details about the land that may be known by the vendor. A "YES" answer to the questions at items 2(1) or 2(2) may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

A "YES" answer to any of the questions in this item may indicate the need for the purchaser to seek further information regarding the activities, for example, from the council or the EPA.

3—Licences and exemptions recorded by EPA in public register

Does the EPA hold any of the following details in the public register:

- (a) details of a current licence issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—

- (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
- (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act)?

*YES/NO

- (b) details of a licence no longer in force issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—

- (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
- (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act)?

*YES/NO

- (c) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to operate a waste depot at the land?

*YES/NO

- (d) details of a licence issued under the repealed *Waste Management Act 1987* to operate a waste depot at the land?

*YES/NO

- (e) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to produce waste of a prescribed kind (within the meaning of that Act) at the land?

*YES/NO

- (f) details of a licence issued under the repealed *Waste Management Act 1987* to produce prescribed waste (within the meaning of that Act) at the land?

*YES/NO

Note—

These questions relate to details about licences and exemptions required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions—

- in the case of a licence or exemption under the *Environment Protection Act 1993*—
 - the purchaser may obtain a copy of the licence or exemption from the public register on payment of the prescribed fee; and
 - the purchaser should note that transfer of a licence or exemption is subject to the conditions of the licence or exemption and the approval of the EPA (see section 49 of the *Environment Protection Act 1993*); and
- in the case of a licence under a repealed Act—the purchaser may obtain details about the licence from the public register on payment of the prescribed fee.

A "YES" answer to any of these questions may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

The EPA will not provide details about licences to conduct the following prescribed activities of environmental significance (within the meaning of Schedule 1 Part A of the *Environment Protection Act 1993*): waste transport business (category A), waste transport business (category B), dredging, earthworks drainage, any other activities referred to in Schedule 1 Part A undertaken by means of mobile works, helicopter landing facilities, marinas and boating facilities or discharges to marine or inland waters.

The EPA will not provide details about exemptions relating to—

- the conduct of any of the licensed activities in the immediately preceding paragraph in this Note; or
- noise.

4—Pollution and site contamination on the land—details recorded by EPA in public register

Does the EPA hold any of the following details in the public register in relation to the land or part of the land:

- (a) details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the *Environment Protection Act 1993*)?
*YES/NO
- (b) details of site contamination notified to the EPA under section 83A of the *Environment Protection Act 1993*?
*YES/NO
- (c) a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register?
*YES/NO
- (d) a copy of a site contamination audit report?
*YES/NO
- (e) details of an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?
*YES/NO
- (f) details of an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
*YES/NO

- (g) details of an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
*YES/NO
- (h) details of a notification under section 103Z(1) of the *Environment Protection Act 1993* relating to the commencement of a site contamination audit?
*YES/NO
- (i) details of a notification under section 103Z(2) of the *Environment Protection Act 1993* relating to the termination before completion of a site contamination audit?
*YES/NO
- (j) details of records, held by the former South Australian Waste Management Commission under the repealed *Waste Management Act 1987*, of waste (within the meaning of that Act) having been deposited on the land between 1 January 1983 and 30 April 1995?
*YES/NO

Note—

These questions relate to details required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the public register on payment of the prescribed fee.

5—Pollution and site contamination on the land—other details held by EPA

Does the EPA hold any of the following details in relation to the land or part of the land:

- (a) a copy of a report known as a "Health Commission Report" prepared by or on behalf of the South Australian Health Commission (under the repealed *South Australian Health Commission Act 1976*)?
*YES/NO
- (b) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
*YES/NO
- (c) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
*YES/NO
- (d) a copy of a pre-1 July 2009 site audit report?
*YES/NO

- (e) details relating to the termination before completion of a pre-1 July 2009 site audit?
*YES/NO

Note—

These questions relate to details that the EPA may hold. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the EPA (on payment of any fee fixed by the EPA).

6—Further information for purchasers

Note—

The purchaser is advised that other matters under the *Environment Protection Act 1993* (that is, matters other than those referred to in this Statement) that may be relevant to the purchaser's further enquiries may also be recorded in the public register. These include:

- details relating to environmental authorisations such as applications, applicants, locations of activities, conditions, suspension, cancellation or surrender of authorisations, disqualifications, testing requirements and test results;
- details relating to activities undertaken on the land under licences or other environmental authorisations no longer in force;
- written warnings relating to alleged contraventions of the *Environment Protection Act 1993*;
- details of prosecutions and other enforcement action;
- details of civil proceedings;
- other details prescribed under the *Environment Protection Act 1993* (see section 109(3)(1)).

Details of these matters may be obtained from the public register on payment to the EPA of the prescribed fee.

If—

- an environment performance agreement, environment protection order, clean-up order, clean-up authorisation, site contamination assessment order or site remediation order has been registered on the certificate of title for the land; or
- a notice of declaration of special management area in relation to the land has been gazetted; or
- a notation has been made on the certificate of title for the land that a site contamination audit report has been prepared in respect of the land; or
- a notice of prohibition or restriction on taking water affected by site contamination in relation to the land has been gazetted,

it will be noted in the items under the heading *Environment Protection Act 1993* under the Table of Particulars in this Statement. Details of any registered documents may be obtained from the Lands Titles Registration Office.

5—Substitution of Schedule 2

Schedule 2—delete the Schedule and substitute:

Schedule 2—Contracts for sale of land or businesses—inquiries

Table 1—Mortgages, charges and prescribed encumbrances

Column 1 Mortgage, charge or prescribed encumbrance specified as item in Form 1 Schedule Division 1 and Form 2 Schedule 2 Division 1	Column 2 Body to whom inquiry is to be made
(1) All items under the following headings (except where otherwise specified): <i>Development Act 1993</i> (section 71 only) <i>Fire and Emergency Services Act 2005</i> <i>Local Government Act 1934</i> <i>Local Government Act 1999</i>	The council
(2) All items under the following headings (except where otherwise specified): <i>Development Act 1993</i> (other than section 60 and section 71) <i>Food Act 2001</i> <i>Housing Improvement Act 1940</i> <i>Public and Environmental Health Act 1987</i> (other than section 36) Repealed Act conditions	Department for Transport, Energy and Infrastructure and the council
(3) All other items (other than <i>Development Act 1993</i> section 60 and <i>Fences Act 1975</i> section 5)	Department for Transport, Energy and Infrastructure

Table 2—Matters affecting land

Column 1 Matters specified in Form 1 Schedule Division 2 and Form 2 Schedule 2 Division 2	Column 2 Body to whom inquiry is to be made
Particulars of building indemnity insurance (all items under that heading)	The council

Column 1 Matters specified in Form 1 Schedule Division 2 and Form 2 Schedule 2 Division 2	Column 2 Body to whom inquiry is to be made
Particulars of water allocation for irrigation purposes (all items under that heading)	Department for Transport, Energy and Infrastructure
Particulars relating to environment protection (items 3, 4 and 5 under that heading)	Department for Transport, Energy and Infrastructure
Particulars relating to <i>Livestock Act 1997</i> (the following items under that heading: a notice under section 33, 37 or 72 of the Act or an order under section 38 of the Act, in relation to the land or a building on the land)	Department for Transport, Energy and Infrastructure or Department of Primary Industries and Resources

Part 3—Variation of *Land and Business (Sale and Conveyancing) Regulations 1995* to take effect on 1 March 2010

6—Variation of Schedule 1—Contracts for sale of land or businesses—forms

- (1) Schedule 1, Form 1, Schedule, Division 2, items headed "**†Particulars relating to environment protection**", item 3(a)—after subparagraph (ii) but before "***YES/NO**" insert:
 - (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?
- (2) Schedule 1, Form 1, Schedule, Division 2, items headed "**†Particulars relating to environment protection**", item 3—after paragraph (b) insert:
 - (ba) details of a current exemption issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?
*YES/NO
- (3) Schedule 1, Form 2, Schedule 2, Division 2, items headed "**†Particulars relating to environment protection**", item 3(a)—after subparagraph (ii) but before "***YES/NO**" insert:
 - (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?
- (4) Schedule 1, Form 2, Schedule 2, Division 2, items headed "**†Particulars relating to environment protection**", item 3—after paragraph (b) insert:
 - (ba) details of a current exemption issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?
*YES/NO

Part 4—Variation of *Land and Business (Sale and Conveyancing) Regulations 1995* to take effect on 31 August 2010

7—Variation of Schedule 1—Contracts for sale of land or businesses—forms

- (1) Schedule 1, Form 1, Schedule, Division 2, items headed "†**Particulars relating to environment protection**", item 3(b)—after subparagraph (ii) but before "*YES/NO" insert:
 - (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?
- (2) Schedule 1, Form 1, Schedule, Division 2, items headed "†**Particulars relating to environment protection**", item 3—after paragraph (ba) insert:
 - (bb) details of a current exemption issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?
*YES/NO
- (3) Schedule 1, Form 1, Schedule, Division 2, items headed "†**Particulars relating to environment protection**"—after item 5 insert:

5A—Further information held by councils

Does the council hold details of any development approvals relating to—

- (a) commercial or industrial activity at the land; or
- (b) a change in the use of the land or part of the land (within the meaning of the *Development Act 1993*)?

*YES/NO

Note—

The question relates to information that the council for the area in which the land is situated may hold. If the council answers "YES" to the question, it will provide a description of the nature of each development approved in respect of the land. The purchaser may then obtain further details from the council (on payment of any fee fixed by the council). However, it is expected that the ability to supply further details will vary considerably between councils.

A "YES" answer to paragraph (a) of the question may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

It should be noted that—

- the approval of development by a council does not necessarily mean that the development has taken place;
- the council will not necessarily be able to provide a complete history of all such development that has taken place at the land.

- (4) Schedule 1, Form 2, Schedule 2, Division 2, items headed "**†Particulars relating to environment protection**", item 3(b)—after subparagraph (ii) but before "*YES/NO" insert:
- (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?
- (5) Schedule 1, Form 2, Schedule 2, Division 2, items headed "**†Particulars relating to environment protection**", item 3—after paragraph (ba) insert:
- (bb) details of a current exemption issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?
*YES/NO
- (6) Schedule 1, Form 2, Schedule 2, Division 2, items headed "**†Particulars relating to environment protection**"—after item 5 insert:

5A—Further information held by councils

Does the council hold details of any development approvals relating to—

- (a) commercial or industrial activity at the land; or
- (b) a change in the use of the land or part of the land (within the meaning of the *Development Act 1993*)?

*YES/NO

Note—

The question relates to information that the council for the area in which the land is situated may hold. If the council answers "YES" to the question, it will provide a description of the nature of each development approved in respect of the land. The purchaser may then obtain further details from the council (on payment of any fee fixed by the council). However, it is expected that the ability to supply further details will vary considerably between councils.

A "YES" answer to paragraph (a) of the question may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

It should be noted that—

- the approval of development by a council does not necessarily mean that the development has taken place;
- the council will not necessarily be able to provide a complete history of all such development that has taken place at the land.

8—Substitution of Schedule 2

Schedule 2—delete the Schedule and substitute:

Schedule 2—Contracts for sale of land or businesses—inquiries

Table 1—Mortgages, charges and prescribed encumbrances

Column 1 Mortgage, charge or prescribed encumbrance specified as item in Form 1 Schedule Division 1 and Form 2 Schedule 2 Division 1	Column 2 Body to whom inquiry is to be made
(1) All items under the following headings (except where otherwise specified): <i>Development Act 1993</i> (section 71 only) <i>Fire and Emergency Services Act 2005</i> <i>Local Government Act 1934</i> <i>Local Government Act 1999</i>	The council
(2) All items under the following headings (except where otherwise specified): <i>Development Act 1993</i> (other than section 60 and section 71) <i>Food Act 2001</i> <i>Housing Improvement Act 1940</i> <i>Public and Environmental Health Act 1987</i> (other than section 36) Repealed Act conditions	Department for Transport, Energy and Infrastructure and the council
(3) All other items (other than <i>Development Act 1993</i> section 60 and <i>Fences Act 1975</i> section 5)	Department for Transport, Energy and Infrastructure

Table 2—Matters affecting land

Column 1 Matters specified in Form 1 Schedule Division 2 and Form 2 Schedule 2 Division 2	Column 2 Body to whom inquiry is to be made
Particulars of building indemnity insurance (all items under that heading)	The council

Column 1 Matters specified in Form 1 Schedule Division 2 and Form 2 Schedule 2 Division 2	Column 2 Body to whom inquiry is to be made
Particulars of water allocation for irrigation purposes (all items under that heading)	Department for Transport, Energy and Infrastructure
Particulars relating to environment protection (items 3, 4 and 5 under that heading)	Department for Transport, Energy and Infrastructure
Particulars relating to environment protection (item 5A under that heading)	The council
Particulars relating to <i>Livestock Act 1997</i> (the following items under that heading: a notice under section 33, 37 or 72 of the Act or an order under section 38 of the Act, in relation to the land or a building on the land)	Department for Transport, Energy and Infrastructure or Department of Primary Industries and Resources

Schedule 1—Transitional provisions

Part 1—Transitional provisions

1—Interpretation

- (1) In this Part—

Act means the *Land and Business (Sale and Conveyancing) Act 1994*;

earlier amending regulations means the *Land and Business (Sale and Conveyancing) Variation Regulations 2009* (see *Gazette 30.04.2009 p1557*);

principal regulations means the *Land and Business (Sale and Conveyancing) Regulations 1995*.

- (2) A reference in this Part to the date of service of a vendor's statement is, where a notice of amendment to the statement is served for the purposes of section 10 of the Act, a reference to the presumed date of service of the statement under that section.

2—Transitional provision relating to Part 4 of earlier amending regulations and Part 2 of these regulations

- (1) A vendor's statement for the purposes of section 7 of the Act prepared before the commencement of Part 4 of the earlier amending regulations and Part 2 of these regulations will be taken to comply with the principal regulations as varied by Part 4 of the earlier amending regulations and Part 2 of these regulations if the statement—
- (a) was prepared not more than 2 months before the commencement of Part 4 of the earlier amending regulations; and
 - (b) complies with the Act and regulations as in force—
 - (i) if prepared before the commencement of Part 3 of the earlier amending regulations—immediately before the commencement of Part 3 of the earlier amending regulations;

- (ii) if prepared after the commencement of Part 3 of the earlier amending regulations—immediately before the commencement of Part 4 of the earlier amending regulations; and
 - (c) is accurate as at the date of service of the statement on the purchaser.
- (2) A vendor's statement for the purposes of section 8 of the Act prepared before the commencement of Part 4 of the earlier amending regulations and Part 2 of these regulations will be taken to comply with the principal regulations as varied by Part 4 of the earlier amending regulations and Part 2 of these regulations if the statement—
 - (a) was prepared not more than 2 months before the commencement of Part 4 of the earlier amending regulations; and
 - (b) complies with the Act and regulations as in force—
 - (i) if prepared before the commencement of Part 3 of the earlier amending regulations—immediately before the commencement of Part 3 of the earlier amending regulations;
 - (ii) if prepared after the commencement of Part 3 of the earlier amending regulations—immediately before the commencement of Part 4 of the earlier amending regulations; and
 - (c) is accurate as at the date of service of the statement on the purchaser.

3—Transitional provision relating to Part 3 of these regulations

- (1) A vendor's statement for the purposes of section 7 of the Act prepared before the commencement of Part 3 of these regulations will be taken to comply with the principal regulations as varied by Part 3 if the statement—
 - (a) was prepared not more than 2 months before the commencement of that Part; and
 - (b) complies with the Act and regulations as in force immediately before the commencement of that Part; and
 - (c) is accurate as at the date of service of the statement on the purchaser.
- (2) A vendor's statement for the purposes of section 8 of the Act prepared before the commencement of Part 3 of these regulations will be taken to comply with the principal regulations as varied by Part 3 if the statement—
 - (a) was prepared not more than 2 months before the commencement of that Part; and
 - (b) complies with the Act and regulations as in force immediately before the commencement of that Part; and
 - (c) is accurate as at the date of service of the statement on the purchaser.

4—Transitional provision relating to Part 4 of these regulations

- (1) A vendor's statement for the purposes of section 7 of the Act prepared before the commencement of Part 4 of these regulations will be taken to comply with the principal regulations as varied by Part 4 if the statement—
 - (a) was prepared not more than 2 months before the commencement of that Part; and

- (b) complies with the Act and regulations as in force immediately before the commencement of that Part; and
 - (c) is accurate as at the date of service of the statement on the purchaser.
- (2) A vendor's statement for the purposes of section 8 of the Act prepared before the commencement of Part 4 of these regulations will be taken to comply with the principal regulations as varied by Part 4 if the statement—
 - (a) was prepared not more than 2 months before the commencement of that Part; and
 - (b) complies with the Act and regulations as in force immediately before the commencement of that Part; and
 - (c) is accurate as at the date of service of the statement on the purchaser.

Part 2—Permitted form of items relating to environment protection in vendor's statement (pending commencement of all provisions of these regulations)

5—Permitted form of items relating to environment protection in vendor's statement

The portion of a vendor's statement comprising the items under the heading "**†Particulars relating to environment protection**" in Schedule 1, Form 1, Schedule, Division 2 or Schedule 1, Form 2, Schedule 2, Division 2 of the principal regulations will be taken to be in the form required by the principal regulations as varied by Part 2 of these regulations (and as subsequently varied by Part 3 and Part 4 of these regulations) if the items and heading are in the following form:

†Particulars relating to environment protection

1—Interpretation

- (1) In this and the following items (items 1 to 6 inclusive)—

domestic activity has the same meaning as in the *Environment Protection Act 1993*;

environmental assessment, in relation to land, means an assessment of the existence or nature or extent of—

- (a) site contamination (within the meaning of the *Environment Protection Act 1993*) at the land; or
- (b) any other contamination of the land by chemical substances,

and includes such an assessment in relation to water on or below the surface of the land;

EPA means the Environment Protection Authority established under the *Environment Protection Act 1993*;

pre-1 July 2009 site audit, in relation to land, means a review (carried out by a person recognised by the EPA as an environmental auditor) that examines environmental assessments or remediation of the land for the purposes of determining—

- (a) the nature and extent of contamination of the land by chemical substances present or remaining on or below the surface of the land; and
- (b) the suitability of the land for a particular use; and
- (c) what remediation is or remains necessary for a particular use,

but does not include a site contamination audit (as defined below) completed on or after 1 July 2009;

pre-1 July 2009 site audit report means a detailed written report that sets out the findings of a pre-1 July 2009 site audit;

prescribed commercial or industrial activity—see item 1(2);

prescribed fee means the fee prescribed under the *Environment Protection Act 1993* for inspection of, or obtaining copies of information on, the public register;

public register means the public register kept by the EPA under section 109 of the *Environment Protection Act 1993*;

site contamination audit has the same meaning as in the *Environment Protection Act 1993*;

site contamination audit report has the same meaning as in the *Environment Protection Act 1993*.

- (2) For the purposes of this and the following items (items 1 to 6 inclusive), each of the following activities (as defined in Schedule 1 Part 1 of the *Environment Protection (Site Contamination) Regulations 2008*) is a prescribed commercial or industrial activity:

abrasive blasting	acid sulphate soil generation	agricultural activities
airports, aerodromes or aerospace industry	animal burial	animal dips or spray race facilities
animal feedlots	animal saleyards	asbestos disposal
asphalt or bitumen works	battery manufacture, recycling or disposal	breweries
brickworks	bulk shipping facilities	cement works
ceramic works	charcoal manufacture	coal handling or storage
coke works	compost or mulch production or storage	concrete batching works
curing or drying works	defence works	desalination plants

dredge spoil disposal or storage	drum reconditioning or recycling works	dry cleaning
electrical or electronics component manufacture	electrical substations	electrical transformer or capacitor works
electricity generation or power plants	explosives or pyrotechnics facilities	fertiliser manufacture
fibreglass manufacture	fill or soil importation	fire extinguisher or retardant manufacture
fire stations	fire training areas	foundry
fuel burning facilities	furniture restoration	gasworks
glass works	glazing	hat manufacture or felt processing
incineration	iron or steel works	laboratories
landfill sites	lime burner	metal coating, finishing or spray painting
metal forging	metal processing, smelting, refining or metallurgical works	mineral processing, metallurgical laboratories or mining or extractive industries
mirror manufacture	motor vehicle manufacture	motor vehicle racing or testing venues
motor vehicle repair or maintenance	motor vehicle wrecking yards	mushroom farming
oil recycling works	oil refineries	paint manufacture
pest control works	plastics manufacture works	printing works
pulp or paper works	railway operations	rubber manufacture or processing
scrap metal recovery	service stations	ship breaking
spray painting	tannery, fellmongery or hide curing	textile operations
transport depots or loading sites	tyre manufacture or retreading	vermiculture
vessel construction, repair or maintenance	waste depots	wastewater treatment, storage or disposal
water discharge to underground aquifer	wetlands or detention basins	wineries or distilleries
wood preservation works	woolscouring or wool carbonising works	works depots (operated by councils or utilities)

2—Pollution and site contamination on the land—questions for vendor

- (1) Is the vendor aware of any of the following activities ever having taken place at the land:

- (a) storage, handling or disposal of waste or fuel or other chemicals (other than in the ordinary course of domestic activities)?
- (b) importation of soil or other fill from a site at which—
 - (i) an activity of a kind listed in paragraph (a) has taken place; or
 - (ii) a prescribed commercial or industrial activity (see item 1(2) above) has taken place?

*YES/NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (2) Is the vendor aware of any prescribed commercial or industrial activities (see item 1(2) above) ever having taken place at the land?

*YES/NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (3) Is the vendor aware of any dangerous substances ever having been kept at the land pursuant to a licence under the *Dangerous Substances Act 1979*?

*YES/NO

If YES, give details of all dangerous substances that the vendor is aware of and whether they were kept at the land before or after the vendor acquired an interest in the land:

- (4) Is the vendor aware of the sale or transfer of the land or part of the land ever having occurred subject to an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?

*YES/NO

If YES, give details of each sale or transfer and agreement that the vendor is aware of:

- (5) Is the vendor aware of an environmental assessment of the land or part of the land ever having been carried out or commenced (whether or not completed)?

*YES/NO

If YES, give details of all environmental assessments that the vendor is aware of and whether they were carried out or commenced before or after the vendor acquired an interest in the land:

Note—

These questions relate to details about the land that may be known by the vendor. A "YES" answer to the questions at items 2(1) or 2(2) may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

A "YES" answer to any of the questions in this item may indicate the need for the purchaser to seek further information regarding the activities, for example, from the council or the EPA.

3—Licences and exemptions recorded by EPA in public register

Does the EPA hold any of the following details in the public register:

- (a) details of a current licence issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—
 - (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act); or
 - (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?

*YES/NO

Note—

Subparagraph (iii) must be completed if the form is prepared on or after 1 March 2010.

- (b) details of a licence no longer in force issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—
 - (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act); or
 - (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?

*YES/NO

Note—

Subparagraph (iii) must be completed if the form is prepared on or after 31 August 2010.

- (ba) details of a current exemption issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?

*YES/NO

Note—

Paragraph (ba) must be completed if the form is prepared on or after 1 March 2010.

- (bb) details of an exemption no longer in force issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?
*YES/NO

Note—

Paragraph (bb) must be completed if the form is prepared on or after 31 August 2010.

- (c) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to operate a waste depot at the land?
*YES/NO
- (d) details of a licence issued under the repealed *Waste Management Act 1987* to operate a waste depot at the land?
*YES/NO
- (e) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to produce waste of a prescribed kind (within the meaning of that Act) at the land?
*YES/NO
- (f) details of a licence issued under the repealed *Waste Management Act 1987* to produce prescribed waste (within the meaning of that Act) at the land?
*YES/NO

Note—

These questions relate to details about licences and exemptions required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions—

- in the case of a licence or exemption under the *Environment Protection Act 1993*—
 - the purchaser may obtain a copy of the licence or exemption from the public register on payment of the prescribed fee; and
 - the purchaser should note that transfer of a licence or exemption is subject to the conditions of the licence or exemption and the approval of the EPA (see section 49 of the *Environment Protection Act 1993*); and
- in the case of a licence under a repealed Act—the purchaser may obtain details about the licence from the public register on payment of the prescribed fee.

A "YES" answer to any of these questions may indicate that a ***potentially contaminating activity*** has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

The EPA will not provide details about licences to conduct the following prescribed activities of environmental significance (within the meaning of Schedule 1 Part A of the *Environment Protection Act 1993*): waste transport business (category A), waste transport business (category B), dredging, earthworks drainage, any other activities referred to in Schedule 1 Part A undertaken by means of mobile works, helicopter landing facilities, marinas and boating facilities or discharges to marine or inland waters.

The EPA will not provide details about exemptions relating to—

- the conduct of any of the licensed activities in the immediately preceding paragraph in this Note; or
- noise.

4—Pollution and site contamination on the land—details recorded by EPA in public register

Does the EPA hold any of the following details in the public register in relation to the land or part of the land:

- (a) details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the *Environment Protection Act 1993*)?
*YES/NO
- (b) details of site contamination notified to the EPA under section 83A of the *Environment Protection Act 1993*?
*YES/NO
- (c) a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register?
*YES/NO
- (d) a copy of a site contamination audit report?
*YES/NO
- (e) details of an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?
*YES/NO
- (f) details of an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
*YES/NO

- (g) details of an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
*YES/NO
- (h) details of a notification under section 103Z(1) of the *Environment Protection Act 1993* relating to the commencement of a site contamination audit?
*YES/NO
- (i) details of a notification under section 103Z(2) of the *Environment Protection Act 1993* relating to the termination before completion of a site contamination audit?
*YES/NO
- (j) details of records, held by the former South Australian Waste Management Commission under the repealed *Waste Management Act 1987*, of waste (within the meaning of that Act) having been deposited on the land between 1 January 1983 and 30 April 1995?
*YES/NO

Note—

These questions relate to details required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the public register on payment of the prescribed fee.

5—Pollution and site contamination on the land—other details held by EPA

Does the EPA hold any of the following details in relation to the land or part of the land:

- (a) a copy of a report known as a "Health Commission Report" prepared by or on behalf of the South Australian Health Commission (under the repealed *South Australian Health Commission Act 1976*)?
*YES/NO
- (b) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
*YES/NO
- (c) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
*YES/NO
- (d) a copy of a pre-1 July 2009 site audit report?
*YES/NO

- (e) details relating to the termination before completion of a pre-1 July 2009 site audit?

*YES/NO

Note—

These questions relate to details that the EPA may hold. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the EPA (on payment of any fee fixed by the EPA).

5A—Further information held by councils

Does the council hold details of any development approvals relating to—

- (a) commercial or industrial activity at the land; or
(b) a change in the use of the land or part of the land (within the meaning of the *Development Act 1993*)?

*YES/NO

Note—

The question relates to information that the council for the area in which the land is situated may hold. If the council answers "YES" to the question, it will provide a description of the nature of each development approved in respect of the land. The purchaser may then obtain further details from the council (on payment of any fee fixed by the council). However, it is expected that the ability to supply further details will vary considerably between councils.

A "YES" answer to paragraph (a) of the question may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

It should be noted that—

- (a) the approval of development by a council does not necessarily mean that the development has taken place;
(b) the council will not necessarily be able to provide a complete history of all such development that has taken place at the land.

6—Further information for purchasers

Note—

The purchaser is advised that other matters under the *Environment Protection Act 1993* (that is, matters other than those referred to in this Statement) that may be relevant to the purchaser's further enquiries may also be recorded in the public register. These include:

- details relating to environmental authorisations such as applications, applicants, locations of activities, conditions, suspension, cancellation or surrender of authorisations, disqualifications, testing requirements and test results;
- details relating to activities undertaken on the land under licences or other environmental authorisations no longer in force;
- written warnings relating to alleged contraventions of the *Environment Protection Act 1993*;
- details of prosecutions and other enforcement action;
- details of civil proceedings;
- other details prescribed under the *Environment Protection Act 1993* (see section 109(3)(1)).

Details of these matters may be obtained from the public register on payment to the EPA of the prescribed fee.

If—

- (a) an environment performance agreement, environment protection order, clean-up order, clean-up authorisation, site contamination assessment order or site remediation order has been registered on the certificate of title for the land; or
- (b) a notice of declaration of special management area in relation to the land has been gazetted; or
- (c) a notation has been made on the certificate of title for the land that a site contamination audit report has been prepared in respect of the land; or
- (d) a notice of prohibition or restriction on taking water affected by site contamination in relation to the land has been gazetted,

it will be noted in the items under the heading *Environment Protection Act 1993* under the Table of Particulars in this Statement. Details of any registered documents may be obtained from the Lands Titles Registration Office.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 23 July 2009

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