

# LIBRARY

Department of Biodiversity,  
Conservation and Attractions

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## How to access information on contaminated sites in Western Australia

For the first time in Western Australia, the commencement of the *Contaminated Sites Act 2003* (Act) will enable members of the public to easily access information on contaminated sites in WA at no cost. The Department of Environment and Conservation (DEC) currently records information on contaminated sites within WA on a contaminated sites register, however the commencement of the Act enables the creation of a publicly accessible database. The database is a transparent system that will allow all current and future landowners to access information about the contamination status of specific sites.

### Contaminated Sites (CS) Database - (available at [www.dec.wa.gov.au/contaminatedsites](http://www.dec.wa.gov.au/contaminatedsites))

All sites of known or suspected contamination reported to DEC will be classified under the Act as one of the following categories:

1. *Report not substantiated*
2. *Possibly contaminated – investigation required*
3. *Not contaminated – unrestricted use*
4. *Contaminated – restricted use*
5. *Contaminated – remediation required*
6. *Remediated for restricted use*
7. *Decontaminated*

These site classifications (in differing degrees of detail) can be obtained in the following ways:

- Searching the CS Database (on the internet or by written request)
- Requesting a 'summary of records' via the internet or by written request to DEC

\* A site owner or occupier is automatically notified of the classification and when a memorial is registered on the Certificate of Title of a property.

Only sites classified as '*contaminated – restricted use*', '*contaminated – remediation required*' and '*remediated for restricted use*' will be recorded on the CS Database. This information can be accessed free of charge by going to [www.dec.wa.gov.au/contaminatedsites](http://www.dec.wa.gov.au/contaminatedsites).

The four remaining classifications: '*report not substantiated*', '*possibly contaminated – investigation required*', '*decontaminated*' and '*not contaminated – unrestricted use*' are separately registered on the Reported Sites Register. You will need to contact DEC in writing by filling in '*Form 2*' – located at [www.dec.wa.gov.au/contaminatedsites](http://www.dec.wa.gov.au/contaminatedsites) to access this information. There is a fee for this, depending on the level of information required.

### Summary of Records

Two levels of information are available - a Basic Summary of Records (BSR) and a Detailed Summary of Records (DSR).

A DEC representative can provide a Basic Summary of Records once a *Form 2* and fee of \$30 has been submitted. A BSR is available on the CS Database free of charge for sites that have been classified as '*contaminated – restricted use*', '*contaminated – remediation required*' and '*remediated for restricted use*'. The information is available on the DEC website. If you do not have access to the internet you can contact DEC to provide you with a BSR for a fee of \$30.

A BSR contains the following information:

- The address and location details of the site
- The classification allocated to the site and the reason for the classification, with reference to any relevant guidelines and standards
- Whether a memorial (written statement specifying the classification of the site) has been placed on the Certificate(s) of Title relevant to the site
- The restrictions on the use of the site if classified as '*contaminated – restricted use*' or '*remediated for restricted use*'
- Any regulatory notice given under Part 4 of the *Contaminated Sites Act 2003* such as an investigation notice, clean-up notice or hazard abatement notice.



Applications for a Detailed Summary of Records must be made in writing using *Form 2* on the DEC website for sites contained within the CS Database and the Reported Sites Register. A payment of \$300 applies to all DSR requests, however this fee, less administration costs of \$30, will be returned if DEC has not recorded any information about the specific site.

A DSR contains the same information as a BSR, with the addition of:

- any certificate of contamination audit completed in respect of the land
- the author, date and title of any management plans and sampling and analysis programs submitted to the DEC chief executive officer
- additional DEC information or documents that are considered appropriate.

The DSR lists relevant information held by DEC. If a DSR is requested, the requestor may, at a mutually convenient time, inspect any of the documents referred to in the summary of records, if copies have not been provided. If you wish to make an appointment to inspect those records, contact the Contaminated Sites Section on 1300 762 982.

## Memorials

Memorials notify owners, prospective owners, lessees and mortgagees that a site has been classified under the Act as either:

- *possibly contaminated – investigation required*
- *contaminated – restricted use*
- *contaminated – remediation required*
- *remediated for restricted use.*

\*or if a Regulatory Notice or a charge on the land (for sites requiring remediation) has been registered against that particular site.

The Department of Land Information registers memorials on the Certificates of Title (CoT) of all parcels of land that comprise that site. It will remain against the Title and will have effect until it is formally withdrawn from the CoT following reclassification to a classification not requiring a memorial, or until further classification evidence is presented or when the conditions of the regulatory notice have been satisfied.

When a memorial is lodged or withdrawn, DEC will notify the following people in writing:

- The owners of the land for which a memorial has been registered
- The Western Australian Planning Commission (WAPC)
- The Department of Health
- The relevant Local Government Authority (LGA)
- Any responsible Scheme Authority.

Before a memorial is lodged or withdrawn following the classification or reclassification of a site, the owners and occupiers of the site, the relevant LGA, any responsible Scheme Authority, any person listed on the CoT that the CEO deems should be included, such as banks or financial institutions (mortgagee), the person who submitted the *Form 1* to report the site, and the remediator determined by the Contaminated Sites Committee will already have been notified of the site's classification and the fact that a memorial would be lodged or withdrawn.

## Written Disclosure

Each owner of a property that has been classified under the Act as *contaminated – remediation required*, *contaminated – restricted use*, *remediated for restricted use* or where a regulatory notice has been issued, must provide written disclosure of the contamination to any potential new owner, mortgagee or lessee of the property at least 14 days before the transaction is completed. Written disclosure must be made on the appropriate form (Form 6 – Land Owner's Disclosure Before Completion of Land Transaction), which is available from the DEC website, or by calling the Contaminated Sites Section on 1300 762 982.

## Need more information?

DEC has published a series of fact sheets and administrative and technical guidelines to assist with the assessment, management and remediation of contaminated sites in Western Australia; these are available by going to [www.dec.wa.gov.au/contaminatedsites](http://www.dec.wa.gov.au/contaminatedsites).

Further information is available by mail from the address below or by calling the Contaminated Sites Section on 1300 762 982.

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