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My site has a planning condition related to contamination – what do I do?

Why do I have this condition on my site?

Planning authorities in Western Australia, including the Western Australian Planning Commission and local government authorities, have a legal responsibility to ensure that future developments are not impacted by contamination resulting from a previous land use. This is particularly applicable when a parcel of land is proposed for redevelopment to a more sensitive land use, for example a service station site being redeveloped as a childcare facility or for housing.

If redevelopment is proposed for a site that has previously been used for a potentially contaminating land use or activity (refer to the Department of Environment and Conservation (DEC) Guideline, *Potentially contaminating activities, industries and land uses* available at www.dec.wa.gov.au/contaminatedsites), it is likely that contamination will become an issue that is considered in the rezoning, subdivision, development or building application approval process via placement of a planning condition.

What do I need to do?

Conditions relating to site contamination will often require DEC's approval before the condition can be cleared with the appropriate planning authority. This usually involves submitting a technical report to DEC, detailing all site investigation findings.

The level of information required in a site investigation is generally of a scientific nature. Anyone requiring a site investigation should engage the services of a suitably qualified professional who has appropriate experience dealing with soil and groundwater contamination. You should refer to Fact Sheet 5, *How to hire a contaminated site consultant or an Accredited Auditor*, which provides advice on selecting a suitable consultant. Information on the stages of site assessment is provided in Fact Sheet 2, *Staged approach to site assessments*.

Finding an appropriate consultant to conduct a site investigation is a task that should be undertaken carefully to ensure the consultant selected is competent and able to meet relevant industry and DEC standards. These standards are set out in the DEC *Contaminated Sites Management Series Guidelines*, available at www.dec.wa.gov.au/contaminatedsites. Where these standards are not met, DEC will not accept the report.

The first time a site is reported to DEC under the *Contaminated Sites Act 2003* (Act), DEC is legally obliged to classify the site within 45 days. It is important that the time periods required to conduct an investigation, compile and submit a report, followed by the time required by an accredited Auditor and DEC to review the report, are all factored into the time required to clear the condition relating to contamination.

Should the site investigation identify levels of contamination that suggests the site is unsuitable for the proposed land use, the proponent in most cases will be responsible for any remediation (clean-up) works required to address the contamination (should the proponent wish to proceed with the redevelopment). Remediation works require a *validation report* to demonstrate that the site is suitable for the proposed land use.

DEC will also need to review the validation report (requiring a further 45 days) to provide advice confirming the site's suitability for the proposed development. If DEC advises that sufficient work has been done to make the site suitable for the proposed development, the planning authority will clear the condition.

The DEC Guideline, *Guidance for planners* describes how contaminated sites are managed through the planning process.



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.

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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