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Site classifications – what do they mean?

What is a site classification?

A site classification is a description assigned to an area of land that has been reported to the Department of Environment and Conservation (DEC) under the *Contaminated Sites Act 2003* (Act), as a site that is known or suspected to be contaminated. DEC can allocate any one of seven possible classifications to a site:

- 1. Report not substantiated** – There is not enough information to indicate the presence of contamination at the site.
- 2. Possibly contaminated – investigation required** – There are grounds to indicate the presence of contamination at the site, however more information is required to confirm or dismiss the possibility of contamination.
- 3. Not contaminated – unrestricted use** – After investigation, the site was found not to be contaminated.
- 4. Contaminated – restricted use** – The site is contaminated but suitable for restricted uses (e.g. the site may be suitable for commercial use, but not residential use or the site may be suitable for any land use, but restrictions on groundwater use may apply).
- 5. Remediated for restricted use** – The site is contaminated but has been remediated¹ so that it is suitable for restricted use (e.g. the site may be suitable for an apartment block, but not for a kindergarten).
- 6. Contaminated – remediation required** – The site is contaminated and remediation is required to ensure it does not present a risk to human health, the environment or any environmental value. This classification will remain until remediation is complete.
- 7. Decontaminated** – The site has been remediated and is suitable for all uses and does not pose a risk to the environment or any environmental value.

Some classifications have more serious ramifications than others. For example, sites classified as *'contaminated – remediation required'*, *'contaminated – restricted use'*, *'remediated for restricted use'* and *'possibly contaminated – investigation required'* will require DEC to place a memorial on the Certificate of Title which will alert potential buyers and interested parties to the site's contamination status. For further information refer to Fact Sheet 14, *Buying, selling or occupying contaminated land*.

The Contaminated Sites (CS) Database on the DEC website will include information on sites classified as *'contaminated – remediation required'*, *'contaminated – restricted use'* and *'remediated for restricted use'*. Members of the public can access the database by going to www.dec.wa.gov.au/contaminatedsites.

The Reported Sites Register will contain information on the four remaining classifications, *'report not substantiated'*, *'possibly contaminated – investigation required'*, *'decontaminated'* and *'not contaminated – unrestricted use'*. Information associated with these classifications can be accessed by submitting a written request (Form 2) to DEC and paying the nominated fee. For more information refer to Fact Sheet 1, *How to access information on contaminated sites in Western Australia*.

How are sites classified?

Contamination, as defined by the Act, refers to having a substance present on land, water or site above background concentrations and at high enough concentrations such that it presents, or has the potential to present, a risk of harm to human health, the environment or any environmental value. To classify a site, DEC is required to assess certain aspects of the site against accepted criteria. Contamination is deemed present if there are specific substances recorded above recommended concentrations, as listed in the DEC Guideline, *Assessment levels for soil, sediment and water*, available at www.dec.wa.gov.au/contaminatedsites.

¹ Remediation is often interpreted as 'cleaning' or removing contamination, however the definition is much more extensive and can encompass any action taken to eliminate, limit, correct, counteract, mitigate or remove any contaminant, or the negative effects on the environment or human health of any contaminant. Such actions can include restricting public access to an area or the removal of material for suitable waste disposal.

All classifications are based on the information presented to DEC at the time of classification and how the information conforms to the relevant assessment guides.

The classification of a site may influence:

- the intended use of the land;
- the status of a Certificate of Title (if a memorial is placed);
- the requirement for an investigation, clean-up or hazard abatement notice;
- who is notified of the classification; and
- who may appeal against a site classification.

Notification of classification

The Act provides that DEC issues written notification of the reported site's classification to:

- each owner of the site;
- an occupier of the site;
- any relevant public authority;
- any other person DEC has a particular reason to notify;
- the person who reported the site; and/or
- each person who may be responsible for the remediation of the site where the land is classified as *contaminated – remediation required*.

For further information refer to Fact Sheet 1, *How to access information on contaminated sites in Western Australia*.

Changing a classification

The classification of a site may be changed if:

- a site investigation is conducted in accordance with DEC guidelines supporting a different classification;
- a new area or type of contamination is discovered;
- contamination has been removed or remediated, and a subsequent validation report has been assessed and accepted by DEC; or
- the owner or occupier of a site successfully appeals against a classification.

Disclosure of contaminated sites classification

Under the Act, owners of contaminated sites are required to inform any potential new owner, lessee or mortgagee at least 14 days before the completion of a transaction when a site is classified:

- *contaminated – remediation required*;
- *contaminated – restricted use*;
- *remediated for restricted use*; or
- where an investigation, clean up or hazard abatement notice has been issued or when a memorial has been registered in relation to a site.

The form (Form 6 – *Land Owner's Disclosure Before Completion of Land Transaction*) is available from www.dec.wa.gov.au/contaminatedsites or in Schedule 1, Form 6 of the Contaminated Sites Regulations 2006. A completed copy must be submitted to DEC.

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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