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Department of Biodiversity,
Conservation and Attractions

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Buying, selling or occupying contaminated land

If you are considering buying, selling or occupying land that is, or has the potential to be, contaminated from previous land uses, the Department of Environment and Conservation (DEC) recommends you seek professional advice from an environmental consultant experienced in contaminated site assessments who can undertake an environmental investigation of your property. If you don't establish prior to purchase what contamination is present, you may be held responsible for the remediation of the contamination in the future. You should refer to Fact Sheet 5, *How to hire a contaminated sites consultant or an Accredited Auditor* for more information or go to www.dec.wa.gov.au/contaminatedsites.

You must provide written disclosure to any new or potential owners if you are selling or transferring land that has been classified by DEC as:

- *contaminated – restricted use*
- *contaminated – remediation required*¹
- *remediated for restricted use*, or
- where the land is subject to a regulatory notice under Part 4 of the *Contaminated Sites Act 2003* (Act), and a memorial has been registered on the title of the land.

You should refer to Form 6 - *Land Owner's Disclosure Before Completion of Land Transaction*, which can be found at www.dec.wa.gov.au/contaminatedsites, or in Schedule 1, Form 6 of the Regulations. When completed, the form should detail information about the contamination status of the site and it must be submitted to each person who is considering becoming an owner, mortgagee or lessee of the property. Failing to do this at least 14 days before the completion of a potential transaction could result in a penalty of \$125,000, and an additional daily penalty of \$25,000.

In relation to Crown land, *owner* means, for the purposes of the Act:

- A management body that is responsible for the care, management and control of a site.
- A person who is responsible for the administration of the land, which is reserved, set apart or vested for, or dedicated to, the purposes of another written law.
- The Minister for the Environment where the site is an 'orphan site' taken into State ownership.
- If not any of the above, the Minister for Lands.

More information on disclosure statements, including what information is required in a disclosure statement, is available in the DEC Guideline, *Disclosure statements*.

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.

Contaminated Sites Section
Department of Environment and Conservation
Locked Bag 104
Bentley Delivery Centre WA 6983

¹ If you are selling or transferring ownership of a site that is classified as *Contaminated – Remediation Required*, then in addition to completing the Land Owner's Disclosure Form you must also seek approval from DEC, prior to settlement. This is to ensure that the potential purchaser of the property has the financial capabilities to undertake the remediation of the site.

