



# Quarterly performance report

*Contaminated Sites Act 2003*

1 April 2013 to 30 June 2013

As part of the changes to machinery of government, the Department of Environment and Conservation (DEC) was divided on 1 July 2013 into two agencies: the Department of Environment Regulation (DER) and the Department of Parks and Wildlife (DPaW).

This report relates to activities under the former DEC for the period 1 April 2013 to 30 June 2013. Quarterly reporting from 1 July 2013 will relate to the Department of Environment Regulation.

**Contaminated sites**

July 2013

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# Contents

Contaminated sites performance reporting .....	4
Mandatory auditor’s reports.....	6
Figures .....	7
Figure 1. Number of sites reported and classified each period.....	8
Figure 2. Distribution of classified sites and parcels across the seven classification categories .....	9

## Contaminated sites performance reporting

### Fourth quarter 2012–13

On 1 July 2013, the Department of Environment and Conservation (DEC) was divided into two agencies: the Department of Environment Regulation (DER) and the Department of Parks and Wildlife (DPaW). From this date the newly formed DER has responsibility to classify 'known or suspected contaminated sites' reported to it, in consultation with the Department of Health (DoH), under the *Contaminated Sites Act 2003*.

The *Contaminated Sites Act 2003* commenced on 1 December 2006 and introduced mandatory reporting of 'known or suspected contaminated sites'. Owners and occupiers of such sites, any person who caused or contributed to the contamination, and contaminated sites auditors engaged to report on such sites have a duty to report known contaminated sites within 21 days, and suspected contaminated sites as soon as practicable.

As a transitional provision, the Act provided a six-month 'period of grace' from its commencement, during which penalties for not reporting within the required timeframes did not apply. This 'period of grace' for reporting historical sites expired on 31 May 2007.

By 30 June 2013, the former DEC had received 3,309 reports of known or suspected contaminated sites (also referred to as 'Form 1s') since the Act commenced. Of the total number of reports, 60 per cent were received over the three-month period April to June 2007. Reporting of sites continues with an average of 13 reports being received each month. Twenty-seven sites were reported between 1 April and 30 June 2013 (see Table 1).

After receiving a report of a 'known or suspected contaminated site' DER, in consultation with DoH, assigns one of seven possible classifications (set out in Schedule 1 of the Act) to the site based on the risk the contamination poses to human health and the environment.

Under the Act, sites must be classified within 45 days of receiving the report, unless there are particular circumstances that make it necessary to extend the time.

The most common reason given by proponents to request to extend the classification timeframe is because investigation of the site is underway, but the resulting technical report (which will inform the appropriate classification category) is not yet complete. If DER decides to extend the classification timeframe, DER must, within 45 days of receiving the report, give written notice of its decision to all parties who must be notified of the site classification (that is, owners and occupiers of the site, relevant public authorities such as the Western Australian Planning Commission and local government authority, the person who reported the site, each person who

may be responsible for remediation and any other person whom there is particular reason to notify).

Due to the very large peak in the number of sites reported over the period April to June 2007, the former DEC was unable to classify all the 'peak period' sites within the statutory 45-day timeframe, and it is likely to take a number of years to process this backlog. DEC prioritised classification of the 'peak period' sites, based on a screening review of the information submitted. Priority was accorded to sites where the available information indicated there may be an immediate or serious risk to human health or the environment that was not being appropriately managed.

Table 1. Form 1s processed each quarter for the past four quarters

Quarter	Form 1s carried forward from previous quarter	New Form 1s received	Form 1s processed within statutory 45 days	Form 1s open at end of quarter*	Form 1s exceeding statutory 45 days
Quarter 1 2012-13	-	80	62	18	0
Quarter 2 2012-13	18	36	44	10	0
Quarter 3 2012-13	10	29	29	9	1
Quarter 4 2012-13	9	27	27	9	0

\*Form 1s received in the last 4-6 weeks of a quarter (still within statutory 45 days) have been/will be processed in the next quarter

By 30 June 2013, the former DEC had classified a total of 2,517 sites (made up of 16,313 individual lots or land parcels) under the Act. A total of 111 sites were classified between 1 April and 30 June 2013.

## Mandatory auditor's reports

Mandatory auditor's reports (MARs) are required under the Act for some sites. For example, MARs may be required where a site is a source of contamination that has moved offsite to affect other properties, or if a site is subject to a regulatory notice, or investigation and remediation is conducted to comply with a planning or Ministerial condition. Some MARs are reviewed only by DER (apart from routine consultation with DoH as part of the classification process). For other MARs, DER requires specialist technical advice from other agencies before processing of the MAR can be completed (for example, where asbestos or radiological contamination is present, or where a quantitative human health risk assessment was undertaken).

DEC received 12 MARs between 1 April and 30 June 2013 and eight MARs were processed (four were not due to be processed within this reporting period). In addition, two MARs carried forward from the previous reporting period were processed, bringing the total number of MARs processed within this period to 10. The average processing time for all MARs completed during this reporting period was 30 days, exceeding DEC's 21-day target (three weeks). The average processing time for the three MARs not requiring referral to other agencies was 15 days, well within the 21-day target (see Table 2).

Table 2. MAR review performance, Quarter 1 to Quarter 4 2013–14

Quarter	MARs received in quarter	MAR reviews completed in quarter	MARs carried forward	Average processing time (days)	MARs processed by DER only	Average time for MARs processed by DER only (days)
Quarter 1 2012–13	9	3	6	19	3	19
Quarter 2 2012–13	9	11	4	30	5	20
Quarter 3 2013–14	10	11	3	30	5	15
Quarter 4 2013–14	12	10	5	26	3	15

## Figures

Figure 1 show the number of sites reported and classified each financial year until June 2010, and quarterly since July 2010, as well as the steady increase in the total number of classified sites at the end of each period.

Figure 2 show the distribution of classified sites and parcels across the seven classification categories at 30 June 2013.

Figure 1. Number of sites reported and classified each period

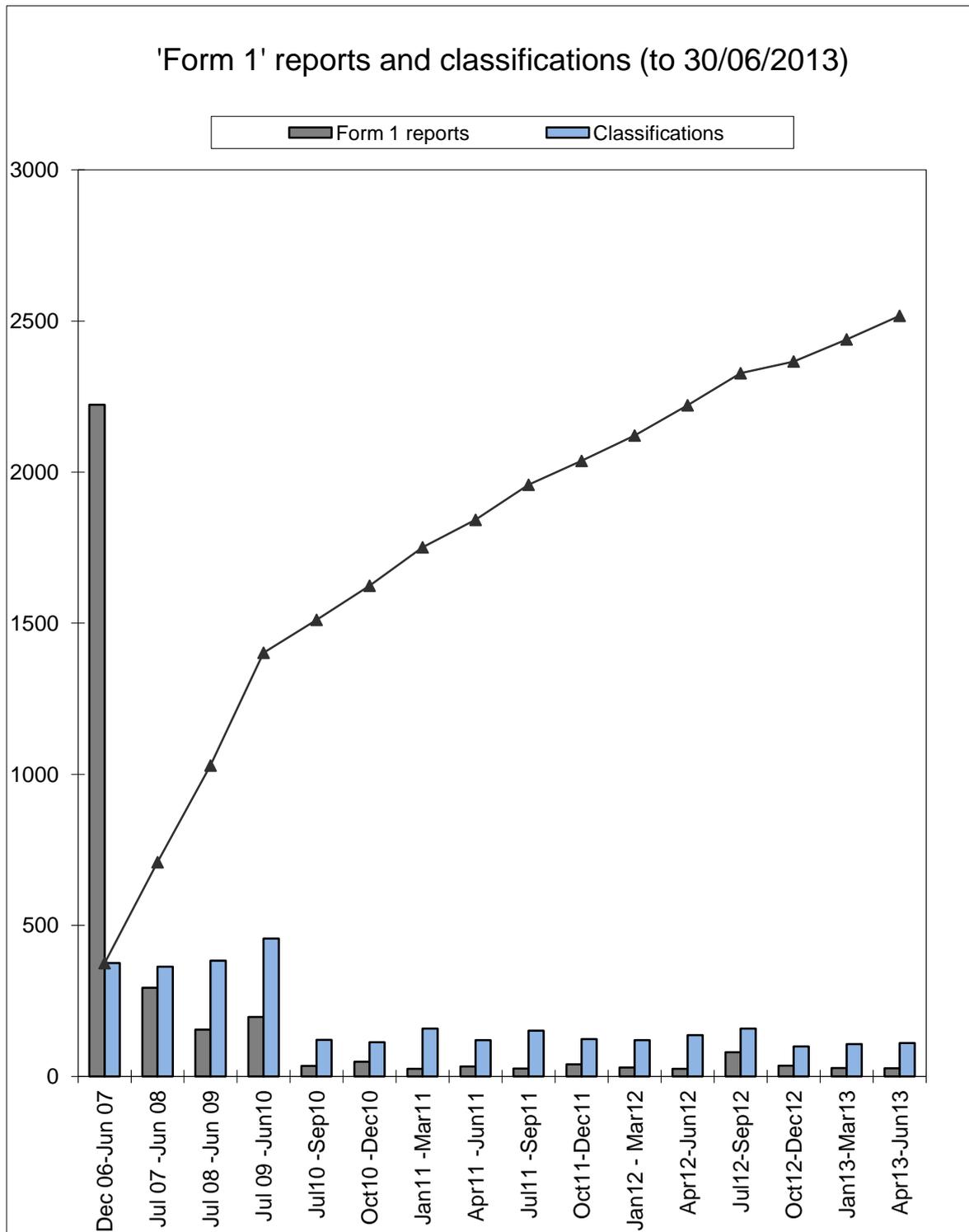


Figure 2. Distribution of classified sites and parcels across the seven classification categories

