



Site classifications and appeals

Purpose

This fact sheet is designed to provide targeted information on contaminated site classifications and appeals in Western Australia.

Introduction

The Contaminated Sites Act 2003 (the Act) was introduced to identify, record, manage and clean up contamination. Under the Act, known or suspected contaminated sites must be reported to the Department of Environment Regulation (DER), investigated and, if necessary, cleaned up (remediated).

Investigating and cleaning up contaminated sites is, in most cases, the responsibility of the polluter or current site owner. DER administers and enforces the Act which includes classifying sites (in consultation with the Department of Health) and making information on contaminated sites available to the public.

Site classifications – what do they mean?

A site classification is a description assigned to an area of land that has been reported to the DER under the Act, as a site that is known or suspected to be contaminated.

Contaminated – in relation to land, water or a site, means having a substance present in or on that land, water or site at above background concentrations that presents, or has the potential to present, a risk of harm to human health, the environment or any environmental value.

DER can allocate any one of seven possible classifications to sites:

1. Contaminated – remediation required. The site is contaminated and needs to be investigated and cleaned up to ensure it does not present a risk to human health or the environment. This classification will remain until remediation is complete.
2. Contaminated – restricted use. The site is contaminated but suitable for limited uses (e.g. the site may be suitable for commercial use, but not residential use; or for residential use provided groundwater bores are not used and soil is not accessed).
3. Remediated for restricted use. The site was contaminated but has been cleaned up to a standard where it is suitable for limited uses (e.g. the site may be suitable for an apartment block, but not for a kindergarten).
4. Possibly contaminated – investigation required. There are grounds to indicate soil, groundwater and/or surface water at the site may be contaminated but further inquiry is needed to confirm or dismiss the possibility of contamination.
5. Decontaminated. The site has been remediated and is suitable for all uses. It does not pose a risk to the environment or human health.
6. Not contaminated – unrestricted use. After investigation, no contamination was found at the site.
7. Report not substantiated. There is not enough information to indicate that the site could be contaminated.

How are sites classified?

All classification decisions are based on a thorough review and assessment of all information available to DER at the time and take into account relevant guidelines for site investigations and management.

Notification of classification

The Act requires DER to notify the following people of a site's classification:

- site owner;
- site occupier;
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Who can appeal?

Depending on the nature of the classification, certain people can appeal against the classification to the [Contaminated Sites Committee](#) (see table overleaf). An appeal must include the reasons why the person lodging the appeal disagrees with the site classification and include any relevant supporting information.

Who can appeal?

Classification	Owner/occupier	Person responsible for remediation	Person who reported a suspected
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