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### Review of Planning Approvals For Contaminated Sites

Thank you for the opportunity for Streamline WA Steering Committee members to provide feedback on proposed opportunities for improvement as part of the review of processes for sites where regulation under the *Contaminated Sites Act 2003* (WA) intersect with requirements for planning approvals.

The Urban Development Institute of Australia (UDIA) WA is the peak body representing the property development industry in WA, with members across both private and public sector organisations. Our Vision is for 'Diverse living options in thriving, connected communities', and we strive to support this in working towards our Purpose of 'Great places + Housing choice = Better lives'.

We have considered the Review documentation prepared by the Department of Water and Environmental Regulation (DWER) in collaboration with the Department of Planning, Lands and Heritage (DPLH) and the Department of Health (DOH) and present the following comments for consideration.

1. Differentiation of site complexity – The current system, quite rightly, treats high risk sites in a cautious manner with stricter conditions requiring significant reporting. However, this same level of rigour and resource-intensity is being applied to sites which would notionally be considered low-risk, for example sites of small / domestic scale market gardens and orchards that have not been operational for years.
2. Consistency in understanding of the remediation process – There is often a reluctance to progress approvals on Local Structure Plans (LSP) or subdivisions when remediation on a site is required. Generally, remediation is best placed to occur in parallel with the subdivision works and as such, progression of planning approvals is required however this understanding by planning authorities is not always present or consistent.
3. Lack of flexibility – Under the *Contaminated Sites Act 2003* (WA), there is a lack of flexibility for proponents to demonstrate that a site has been subject to a Preliminary and/or Detailed Site Investigation and remediation at the LSP stage without triggering a voluntary auditor assessment and report. This means that addressing contaminated site conditions at subdivision to fulfil the Act's requirements can still take a further 6-12 months (for appointment of an independent auditor and DWER approval), despite a Site Investigation Report concluding there are no contamination risks. Such risks should be addressed by DPLH and DWER concurrently at the LSP stage, not at subdivision, so as to not delay lot and dwelling supply.



4. Better informing proponents – More comprehensive and detailed information should be provided to proponents who will be subject to contaminated site requirements. Ensuring there is upfront clarity around the timeframe and process involved in clearing the conditions attached to a site is important as this can be highly variable and can become a critical pathway risking unnecessary delays.
5. More effectively utilising the accredited Auditor – As a potential way of further streamlining and reducing double-handling, the recommendations of the approved Auditors (who are highly experienced contaminated land consultants accredited under the Act) could be relied upon as the final opinion. This would remove the need for DWER and/or DOH to assess the work of the proponent’s consultant and that of the accredited auditor in coming to a decision regarding clearances – where time is lost at the back end of the titling process and the costliest point of the development cycle. To be conservative, this could be applied in lower-risk situations at a minimum, whereby allowing the appropriate prioritisation of resourcing to streamline processes for high-risk scenarios. To ensure this is an appropriate pathway, a review could be conducted to confirm the degree to which there has been agreement between the accredited Auditor and Government, and the prevalence and nature of Auditor recommendations being overturned.

Should you require further information or wish to discuss this please contact Sarah Macaulay, Executive Director – Strategy and Policy at [smacaulay@udiawa.com.au](mailto:smacaulay@udiawa.com.au) or 9215 3404. Thank you again for the opportunity to provide feedback.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tanya Steinbeck', is written over a light blue rectangular background.

Tanya Steinbeck  
**Chief Executive Officer**

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