



Contaminated sites fact sheet 3

Seeking help from environmental consultants

October 2024

Purpose

This fact sheet is designed to provide targeted information on how to find environmental consultants experienced in contaminated sites assessment and management in WA.

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 Water and Environmental Regulation (the department), 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. The department 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.

Landowners, occupiers and property developers may require the services of a competent environmental consultant with the skills and experience to carry out a contaminated site investigation and, if necessary, remediation works.

When do you need to hire an environmental consultant?

The department recommends that an environmental consultant experienced in contaminated sites assessment and management is hired in the following situations:

Land development – to fulfil an approval under either a planning condition (e.g. subdivision or development approval), or condition within a Ministerial Statement provided under Part IV of the *Environmental Protection Act 1986* relating to contamination.

Requirements under the Act – when a site has been classified and action is required to investigate or remediate contamination; when the department issues a regulatory notice (investigation, clean-up or hazard abatement notice); or if you are requesting a certificate of contamination audit* under the Act.

Buying/selling property – as part of your pre-purchase due diligence enquiries when you are considering buying a property. This should also be considered when you are entering into commercial lease arrangements.

*Certificate of contamination audit – statutory 'sign-off' providing government assurance as to the suitability of a site for a particular land use. In most circumstances, it will enable the transfer of liability attached to the site. Submit a Form 3 and \$4,125 to the department.



How to find a consultant

► Professional accreditations

The Act provides for the department to accredit suitably qualified professionals as auditors in WA to carry out independent reviews of contaminated sites investigations, assessments, monitoring and remediation work. A list of contaminated sites auditors accredited in WA can be found on the [department's website](#).

The department does not accredit environmental consultants; however, a directory of professionals with a specialist site contamination certification can be found at the [Certified Environmental Practitioner \(CEnvP\) Scheme](#).

► Professional associations

There are several professional associations that can provide contact details for their members:

- [Australian Contaminated Land Consultants Association \(WA\)](#)
- [Australian Land and Groundwater Association \(ALGA\)](#)
- [Environmental Consultants Association \(WA\)](#)
- [Australian Institute of Geoscientists](#)
- [Australian Society of Soil Science](#)
- [Environment Institute of Australia and New Zealand](#)

Qualities to look for in an environmental consultant

Contaminated site investigation and remediation require a wide variety of specialised skills from a range of experts, depending upon the complexity of the site and the contamination issues associated with it.

Your consultant should have:

- experience in contaminated land assessment and management
- detailed knowledge of the department's contaminated site guidelines, state planning processes and local government regulations
- appropriate insurance cover

- documented procedures for completing a contaminated site investigation and remediation project, including a quality control and quality assurance program
- appropriately qualified and experienced people available to deal with the site's specific requirements and the specific contaminants of potential concern
- a professional and ethical reputation
- a proven ability to complete projects on budget and on schedule
- a well-organised network of contacts to provide expert opinion when necessary
- sound communication skills.

Selecting your consultant

Make a shortlist of potential contaminated land consultants who appear to have the necessary capabilities and qualifications. Aim to identify at least three candidates for further consideration.

When seeking a quote, make sure you provide potential consultants with as much information about the property as possible. Include the history of operations at the property, potential sources of contamination and any company records about where and how chemicals and wastes have been used or stored. Also include any correspondence from the department such as notices of classification, action required letters or other letters providing advice on requirements. This allows your consultant to make a more informed decision about the work involved, resulting in more accurate and cost-effective quotations and investigations.

Developing a list of the services you require (scope of works) will allow a 'like for like' comparison and make selecting a consultant much easier. The department's [guidelines](#) provide a broad description of the key stages of contaminated site assessment and remediation and what is involved at each stage.

Getting a quote

In your request for a quote, ask potential consultants to include the following in their response:

- their understanding of the project and how they propose to carry out the work
- the names, qualifications and experience of the proposed project team
- the consultant's experience working on similar projects and with similar contaminants of potential concern (project summaries, contact details and client references)
- details of the consultant's health and safety procedures and other relevant qualifications pertinent to the intended work
- the consultant's familiarity with the department's contaminated sites guidelines and how they may apply to the site
- the consultant's familiarity with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM)
- details and qualifications of all subcontractors the consultant intends to use
- detailed cost estimates
- the timing of all phases of the project including a start and finish date
- the consultant's insurance details (including professional indemnity and public liability).

References

Check references for all nominated project team members. You can obtain valuable information about the standard of a consultant's work and their ability to communicate, stay on schedule and keep costs to a minimum, by talking to their clients.

Appointing the consultant

Once you have selected your preferred consultant, draw up a contract that sets out the services they will be providing. Include conditions about the scope and nature of the work, the frequency of progress reports, indemnities, limits on liability and insurance, document ownership and retention procedures, and cost structure.

Consultancy firms generally have their own standard terms of business so it is not always necessary for clients to draw up a contract themselves; however, you should review the terms carefully and consider obtaining legal advice.

There may be serious financial consequences if site assessment and remediation works do not meet the appropriate environmental and planning requirements. The need for additional work may arise based on the findings of the original scope and as more information becomes available. However, poor-quality and incomplete contaminated site reports may result in additional work that could have been completed in a more efficient way or even avoided at extra cost to the landowner/occupier. Selecting the most appropriate consultant for your needs can save you considerable time and money.

Engaging an auditor

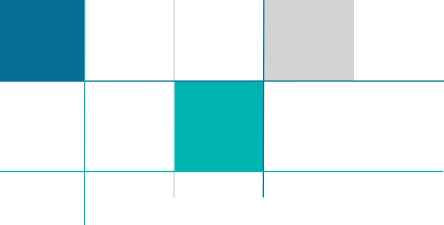
In some circumstances, your consultant's work will have to be reviewed by an accredited contaminated sites auditor who will submit a mandatory auditor's report to the department.

Contaminated site auditors independently review reports on assessment, remediation and validation work to ensure environmental consultants' methodology and interpretation of data is consistent with relevant guidelines.

A **mandatory auditor's report** is required when:

- the property is a source site – contamination has moved away from the site where it originated to affect other properties
- a technical report is being submitted to the department to comply with a condition of a statutory approval such as a planning or Ministerial condition or similar statutory requirement relating to contamination
- a regulatory notice is issued by the department under the Act (e.g. investigation, clean-up or hazard abatement notice)
- a certificate of contamination audit is requested.

The department may also require an auditor's report for a site that presents complex technical issues or sites where inadequate reports have been provided in the past.



Contaminated site auditors are highly experienced professionals accredited by the department under the Act. Their expert skills include engineering, hydrogeology and environmental chemistry to ecotoxicology and risk assessment. The department's accredited auditors are required to demonstrate a higher level of understanding in both theoretical and practical areas of environmental investigation, assessment, monitoring and remediation.

An auditor may also be engaged to provide expert guidance and submit a 'voluntary' auditor's report to the department in support of a proposal or assessment (e.g. a prospective buyer seeking technical advice on contamination issues associated with a property). A voluntary report should meet the same requirements as a mandatory auditor's report.

Maximise the value of engaging a contaminated sites auditor

► Engage your auditor early

Commission an auditor early to maximise the benefits of their advice and guidance on your project. Late auditor involvement in a project can result in significant additional costs and delays including having to revisit investigations to comply with regulatory and technical standards.

► Define the scope and purpose of the audit

The auditor's principal role is to provide an independent, detailed and objective technical review of all reports to be submitted to the department. It is you, and not the auditor, who defines the scope and purpose of the audit. Provide your auditor with all the relevant information.

The auditor is required to consider all reports relevant to the site that you intend to submit to the department and will require you to sign a statutory declaration confirming that you have provided all the relevant information for the audit.

► Listen to your auditor's advice

You are paying your auditor to ensure that your environmental consultant is delivering competent,

comprehensive work that complies with the technical standards required by the department.

► Your auditor is not your advocate

Your auditor is required to provide the department with an independent, detailed and objective technical review of your environmental consultant's work and make recommendations to the department based on their findings. The auditor cannot correct errors, solve problems or make supporting arguments on your behalf – that is your consultant's job.

Timeframes

The department aims to review and respond to all mandatory auditor reports within 21 days. The department's target response time for technical reports which are not accompanied by a mandatory auditor's report is 45 days. This review period may be longer for more complex or involved projects or where the department is required to consult the Department of Health for advice on asbestos, landfill gas, radiation or human health risk assessments.

Submitting an auditor's report significantly simplifies and shortens the department's review process because the department is legally entitled to rely on the auditor's conclusions. If turnaround times are critical to your project, the department recommends you agree upon review timeframes when you engage your environmental consultant and auditor to ensure your expectations and timeframes can be met.

How do I engage an auditor for my project?

Consultants may recommend specific auditors for your investigation, but it remains your responsibility to hire the auditor who must be independent of the consultant.

At the time of publication of this fact sheet, there were around 30 auditors accredited by the department to work in WA.



When hiring an auditor, the department recommends that you:

- make a shortlist of accredited contaminated sites auditors and contact at least three
- talk with or meet shortlisted auditors to gauge their understanding of your circumstances – sometimes a phone call can help clarify the site's complexity, your timing requirements and the auditor's availability to carry out the work.

False or misleading information (section 94 of the Act)

When reporting contamination, requesting information from the department, disclosing contamination under section 68 of the Act or providing information to the CEO or Contaminated Sites Committee, a person must not knowingly provide false or misleading information or fail to disclose all relevant information.

Maximum penalty: \$125,000

Possible maximum daily penalty: \$25,000

More information

For advice on contaminated sites, please contact the department's contaminated sites information line on 1300 762 982 or email info@dwer.wa.gov.au.

This document is available in alternative formats and other languages on request.

Related documents

[Find additional publications](#) about contaminated sites and related fact sheets, or contact the department on 1300 762 982.

Legislation

This document is provided for guidance only. It should not be relied upon to address every aspect of the relevant legislation. The full text of the *Contaminated Sites Act 2003* is available from the [Department of Justice](#).

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Legal advice

The information provided to you by the department in relation to this matter does not constitute legal advice. Due to the range of legal issues potentially involved in this matter, the department recommends that you obtain independent legal advice.