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Dear Sir/Madam

NOTICE OF A CLASSIFICATION OF A KNOWN OR SUSPECTED CONTAMINATED SITE GIVEN UNDER SECTION 15 OF THE *CONTAMINATED SITES ACT 2003*

The site detailed below (the site), was classified by the Department of Water and Environmental Regulation (the department) under the Contaminated Sites Act 2003 (the Act) on 28/03/2024 as '*Possibly contaminated - investigation required*':

- Lot 2 on Strata Plan 32449 as shown on certificate of title 2099/916, known as 61 Forrest Street, Boulder WA 6432

Following the submission of further information, the site has been reclassified.

This notification is being sent to you in accordance with section 15(1) of the Act on the grounds that you, as the recipient, are one or more of the following:

- (a) owner of the site (contact details sourced from the current certificate of title);
- (b) occupier of the site;
- (c) relevant public authority;
- (d) person who, in the CEO's opinion, there is particular reason to notify;
- (e) person who made the report under section 11 or 12; and
- (f) person who, in the CEO's opinion, may be responsible for remediation of a site classified as *contaminated – remediation required*.

Site Re-Classification

Category of site classification: Contaminated - restricted use

Date of site classification: 02/01/2025

Reasons for classification: This site was reported to the Department of Water and Environmental Regulation (the department) under section 11 of the 'Contaminated Sites Act 2003' (the Act), which commenced on 1 December 2006.

The site was first classified under section 13 of the Act based on information submitted to the department by February 2024. The site has been classified again under section 13 of the Act to reflect additional technical information submitted to the department by November 2024.

The department was notified in December 2023 that the site had been used for the refining of unprocessed gold ore (similar to mineral processing). Mineral processing has the potential to cause contamination, as specified in the guideline 'Assessment and management of contaminated sites' (Department of Water and Environmental Regulation, 2021).

Soil sampling was carried out in December 2023 to investigate whether the site was contaminated from ore processing activities.

Mercury and arsenic were found to be present in soils at concentrations exceeding Health Investigation Levels for residential land with accessible soil, as published in the National Environment Protection (Assessment of Site Contamination) Measure 1999. The soil impact was present in the backyard of the residential property, located in the northern portion of the site. Arsenic impacts were also present in soils on the front verge of the residential property, adjacent to the south and west of the site boundary.

Atmospheric mercury vapour was also measured in the backyard at unsafe concentrations, up to 65 micrograms per cubic metre.

Sampling of dust confirmed the presence of arsenic and mercury concentrations throughout the residential building located at the property. The department understands that based on advice from the Department of Health and the City of Kalgoorlie-Boulder the residence had been cleaned, however, that there was the potential for recontamination due to movement between the residence and the backyard.

Groundwater quality has not been investigated. However, based on regional depth to groundwater, potential impacts to groundwater are considered to be low.

The department has been advised that excavation of soils from the backyard were carried out at the site in February 2024. However, information documenting the excavation works (such as the location and depth of excavations, volume of soil excavated, and equipment used) have not been provided. The off-site location of the excavated soil has also not been provided.

The department has been subsequently advised that the area with the highest concentrations of mercury and arsenic in soil have been covered with concrete, and that the remainder of the backyard had been covered with gravel and artificial grass. Photographs were provided to the department confirming that these works were completed.

The department considers that the soil contamination present on the site does not pose an unacceptable risk to human health, the environment or environmental values under any land use, provided that the cover material and underlying contaminated soil are undisturbed.

Based on the information provided, the site is suitable for the current residential use, provided that the cover material and underlying contaminated soil are undisturbed.

The site is contaminated and is suitable for the current residential land use, provided that the cover material and underlying contaminated soil are undisturbed. Therefore, the site is classified as 'contaminated - restricted use'.

A memorial stating the site's classification has been placed on the certificate of title and will trigger the need for further investigations and risk assessment should the site be proposed for a more sensitive land use.

The department, in consultation with the Department of Health, has classified this site based on the information available to the department at the time of classification. It is acknowledged that the contamination status of the site may have changed since the information was collated and/or submitted to the department, and as such, the usefulness of this information may be limited.

In accordance with Department of Health advice, if groundwater is being, or is proposed to be abstracted, the department recommends that analytical testing should be carried out to determine whether the groundwater is suitable for its intended use.

Other Relevant Information:

Additional information included herein is relevant to the contamination status of the site and includes the department's expectations for action that should be taken to address potential or actual contamination described in the Reasons for Classification.

Action Required:

Please refer to the Restrictions on Use applicable to the site.

General Information

The nature and extent of contamination and any restrictions on the use of the land, if applicable, are listed in Attachment A.

Information in relation to the classification of the site is available free of charge as a summary of records via the Contaminated Sites Database at <https://www.wa.gov.au/organisation/department-of-water-and-environmental-regulation/contaminated-sites>.

In some instances the department has had to classify sites based on historical information. A site may be re-classified at any stage when additional information becomes available, for example where a new investigation or remediation report completed in accordance with the department's '[Contaminated Sites Guidelines](#)' and the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, is submitted to the department. The current site classification is the classification most recently conferred on the site.

Memorials

In accordance with sections 58 (1) and (3) of the Act, the department will give notice to Landgate to withdraw the current memorial(s) lodged against the Certificate(s) of Title relating to the site, and subsequently lodge a new memorial against the Certificate(s) of Title which will record the new site classification. Parcel(s) without a registration number or certificate of title will not have a memorial lodged against them until a certificate of title has been created. Once complete, confirmation of the lodgement of the memorial(s) will be forwarded to the following people:

- (a) each owner,
- (b) Western Australian Planning Commission;
- (c) CEO of the Department of Health;
- (d) Local Government Authority;
- (e) relevant scheme authority.

Given that memorial(s) will be lodged against the site, the Western Australian Planning Commission (WAPC) may not approve the subdivision of the land under Section 135 of the *Planning and Development Act 2005*, or the amalgamation of that land with any other land without seeking, and taking into account, the advice of the department as to the suitability of the land for subdivision or amalgamation. Furthermore, a responsible authority (e.g. Local Government Authorities) may not grant approval under a scheme for any proposed development of the land without seeking, and taking into account, advice from the department as to the suitability of the proposed development.

Disclosure upon sale / lease / mortgage of the site

Where the land is part of a transaction – sale, mortgage or lease agreement – and is classified as

- *contaminated – remediation required;*

- *contaminated – restricted use; or*
- *remediated for restricted use;*

land owners MUST PROVIDE WRITTEN DISCLOSURE (on the prescribed Form 6 enclosed) of the site's status to any potential owner, mortgagee (e.g. financial institutions) or lessee at least 14 days before the completion of the transaction. A copy of the disclosure must also be forwarded to the department.

Important note: Failure to provide written notice is an offence and carries a penalty of up to \$125,000 and a daily penalty of \$25,000.

Appealing the Site Classification

All site classifications given by the department are appealable. However, only certain people can lodge a valid appeal. The people who can lodge a valid appeal varies, depending on the classification category, as detailed in Fact Sheet 4: *Site classifications and appeals*. Appeals need to be lodged in writing with the Contaminated Sites Committee at Level 18, Millgreen Complex, 197 St Georges Terrace, Perth WA 6000, within **45 days** of being given this notification. The appeal should set out the appellant's relationship to the site, and must include the grounds and facts upon which it is based. An appeal fee (currently \$66) applies.

To find out more about the appeal process, see the Contaminated Sites Committee website at <https://www.wa.gov.au/organisation/contaminated-sites-committee> or contact the office of the Committee on (08) 6364 7264.

For further information on all aspects of site classification, please refer to Fact Sheet 4 and the 'Contaminated Sites Guidelines', which are available from the department's website at <https://www.wa.gov.au/organisation/department-of-water-and-environmental-regulation/contaminated-sites> or by contacting the Contaminated Sites Information Line on 1300 762 982.

Yours sincerely



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Chek Cher, A/Senior Manager

CONTAMINATED SITES REGULATION
Delegated Officer under section 91
of the *Contaminated Sites Act 2003*

07/01/2025

Enc. Attachment A – Nature and Extent and Restrictions on Use.

- [Fact Sheet 4: Site classifications and appeals](#)
- [Fact Sheet 5: Buying and selling contaminated land](#)
- [Form 6 – Land Owner's Disclosure Before Completion of Land Transaction](#)

ATTACHMENT A – Nature and Extent and Restrictions on Use

- Lot 2 on Strata Plan 32449

Nature and Extent: Metals (such as arsenic and mercury) are present in soils beneath concrete or gravel and artificial grass in the backyard of the site.

Restriction on Use: No disturbance of the concrete / gravel and artificial grass cover material or the underlying contaminated soil in the backyard without a site-specific health safety and environmental plan. This includes for any works to replace the cover material, any ground intrusive works, or any redevelopment works (for ongoing residential use or for other land use) at the site.

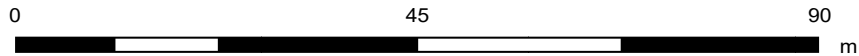
The concrete or gravel and artificial grass cover material must be maintained to ensure it remains an effective barrier to exposure of the underlying contaminated soil.

The site should not be developed for sensitive uses such as childcare centre, kindergartens or primary schools, without further contamination assessment and/or remediation.



Legend

Notes



Map Center Coordinates: -30.785297131443876° N, 121.48658760784834° W

Disclaimer:

While the Department of Water and Environmental Regulation has made all reasonable efforts to ensure the accuracy of the data in this map, the department accepts no responsibility for any inaccuracies, and persons relying on the map do so at their own risk.

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