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9 May 2008

Department of Health
PO Box 8172
Perth Business Centre
Perth WA 6849

By email: john.howell@health.wa.gov.au

Attention: John Howell
Senior Toxicologist

Dear Mr Howell

RE: DRAFT GUIDELINES FOR THE ASSESSMENT, REMEDIATION AND MANAGEMENT OF ASBESTOS CONTAMINATED SITES IN WA

Thank you for the opportunity to provide comment on the *Draft Guidelines for the Assessment, Remediation and Management of Asbestos Contaminated Sites in WA*, February 2008 (the draft guidelines). The Urban Development Institute of Australia (UDIA) WA is the peak body representing the property industry in WA and the following comments reflect the consensus view of our members in response to the draft guidelines. I would also like to alert you to more technical submissions you may receive from UDIA members working as consultants to the land development industry.

UDIA does not support the approach taken in the draft guidelines, it is conservative, ambiguous and the sampling requirements are considered too onerous. The document lacks sufficient evidence-based information on the widespread health risks of Asbestos Containing Material (ACM) in soils to warrant the extensive sampling required. Under the current sampling requirements, significant costs will be added to the development cost of land and possibly render some projects unviable.

Declining housing affordability is a major issue in Western Australia, the least affordable state in Australia. The complexity of the land approvals process is a key contributor to declining affordability and the guidelines in their current format will add to the complexity. While DoH is charged with protecting the health of West Australians, it must be mindful of the impact of its proposals on the end price of land and balance the true level of public risk against the costs associated with meeting the requirements of the draft guidelines.

The draft guidelines lack clarity and are open to interpretation in terms of reporting and management requirements. It is difficult to determine from the guidelines what is required for site assessment. Greater clarity of process and assessment requirements will benefit both industry

and the Department of Health. Clear guidance using consistent terminology and concise language will ensure that assessment of management plans and other associated documentation can be undertaken in a timely manner. A standard format will avoid confusion and assist review and regulation by Contaminated Site Auditors and DoH/DEC.

UDIA recommends a shortened more concise version of the draft guidelines be drafted in order to ensure unambiguous requirements that are readily understood by proponents and assessors. It is further recommended that statutory timeframes be introduced for assessment to provide certainty for industry and to ensure the timeliness of decision making.

In its current format, it is unclear how the document relates to the Contaminated Sites Act (CS Act). Proponents require further guidance as to when a site must be reported to DEC under the CS Act to avoid over-reporting and similarly to prevent the likelihood of local governments applying unnecessary planning conditions to applications. Both these outcomes would stretch the resource capacity of DEC, blow out development timeframes and ultimately costs to the purchaser of land.

UDIA is concerned about the application of the draft guidelines by Contaminated Sites Auditors. It was noted at the workshop on 18 April 2008 that the draft guidelines are applied to decision making. UDIA would encourage the DoH to allocate resources to finalise the guidance so that industry, practitioners and auditors are provided with a clear and consistent document that is easily understood by proponents.

UDIA is currently involved in the review of the EPA Environmental Impact Assessment process which is seeking to better align the EIA process with land use planning to ensure consistency of policy across agencies. UDIA encourages the DOH to work closely with the DEC and other government agencies on related policies or guidelines that impact on the land development process. The outcome will be a more streamlined approvals process that will result in reduced costs and time savings to industry and ultimately consumers.

Thank you again for the opportunity to provide comment on the draft guidelines and trust that these comments will be given due consideration.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Debra Goostrey', with a stylized flourish at the end.

Debra Goostrey
Chief Executive Officer