BROADLEY REES HOGAN | NEWS

E-Alert: Contaminated Land – Imminent Procedural Changes

By ,

The Queensland Government is expected to soon deliver further Greentape Reductions.

A significant feature of the former Newman Government's Greentape Reduction Project is anticipated to come into effect by mid-September 2015, with the proclamation under the Environmental Protection and Other Legislation Amendment Act 2014, which will bring about the entire repeal and replacement of Chapter 7, Part 8 of the Environment Protection Act 1994, which deals with contaminated land in Queensland.

Of significant interest to property developers will be the more prominent role to be performed by approved auditors when there is proposed development/rezoning of lands registered on the Environmental Management Register or Contaminated Land Register. Contaminated Land Investigation Documents (CLIDS) prepared by Suitably Qualified Professionals (SQP) will require mandatory Auditor certification prior to their submission to the Department of Environmental and Heritage Protection (DEHP). DEHP will be relying on Auditors for technical assessment of site suitability and they will perform a quality control function.

The Department of Environment and Heritage Protection anticipates that these amendments will substantially "improve the efficiency of the development approval process for contaminated land sites", by requiring approved auditors to provide the evidence "that any contamination has been suitably managed or remediated". It is further suggested that "this requirement halves assessment timeframes and provides a more responsive technical assessment service reducing development delay costs".

Broadley Rees Hogan recommends that the selection of an auditor should be undertaken as early as the due diligence stage of site acquisition, to streamline the process from contamination investigation through to certification of suitability for the development purpose. The content of CLIDs will be prescribed in detail such that compliance reporting variations and interpretive variations should be substantially reduced and require Audit certification.

According to David Gregory, Contaminated Sites Auditor and director of Geo-Logix, the key to project efficiency will result from early engagement of the Site Auditor and the SQP. The proposed Audit function appears very prescriptive and there is little option for flexibility in terms of preparing a compliant CLID. Early engagement enables the Auditor to communicate the expectations of the SQP in assessing and remediating contaminated sites and in preparing a compliant CLID. To enable identification of SQP David recommends a starting point should be enquiry of the new contaminated land professional certification schemes administered by Site Contamination Practitioners Australia, or Environment Institute of Australia and New Zealand.

Should you wish to discuss any matters arising out of this article, please contact the author:

,

Broadley Rees Hogan (BRH Lawyers) is an independent boutique firm, specialising in corporate, commercial, property, construction and litigation. Based in Brisbane, we act for clients across the country and internationally – **for an unassuming firm, we know how to deal big**.

For more information, please visit **www.brhlawyers.com.au** or **contact us** on (07) 3223 9100.