

2 February 2018

Project Manager
Amendments proposed following the Eclipse decision
Department of Water and Environmental Regulation
Locked Bag 33
CLOISTERS SQUARE WA 6850

Dear Sir

AMENDMENTS TO ENVIRONMENTAL REGULATIONS – WASTE LEVY

Peet Limited is supportive of the intent of the proposed amendments to the Environmental Protection Regulations aimed at removing the liability to pay a waste levy for fill material. Notwithstanding, we propose that further refinements are required to address inconsistencies present in the proposed definitions under the Regulations.

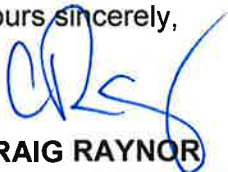
Peet, as a major land developer in Western Australia, believes that the outcome of the Eclipse case has had unintended consequences for the cost of placing fill on land within residential subdivisions. Fill is a necessity in an increasing majority of new residential subdivisions near Perth, as most available sites are now occurring in areas with a high groundwater table. Peet understands that the amendment redefines 'clean fill' and 'uncontaminated fill' to alleviate the liability for payment of the waste levy; however, it is clear that further review of the proposed definitions is required.

The proposed definition of 'clean fill' does not include acid sulfate soil which has been subject to treatment or processing of any kind, regardless of the standard of treatment. The result of this definition is that current treatment practices used by the industry will no longer be feasible, and there is a significant risk to housing affordability as a result. A significant portion of the remaining land in the Swan Coastal Plan is affected by acid sulfate soil, and the current industry treatment practices are capable of making such soil suitable for development.

The chemical concentration standard proposed in the definition of 'uncontaminated fill' means that compliance will be problematic for material extracted from the Perth Airport Railway tunnel. A proposed Brabham project with which Peet is participating alongside the Department of Communities is negotiating to use a portion of this material for fill, however the Public Transport Authority has advised that the treated material does not comply with the proposed definition of 'uncontaminated fill'. Due to the potential liability for payment of the waste levy, this apparently fit-for-purpose fill will unfortunately need to be stockpiled, at least temporarily.

Peet hopes that our comments will be given due consideration when finalising the required legislative mechanics for removing the risk of undue imposition of the waste levy on land development projects seeking to use fit-for purpose fill.

Yours sincerely,



CRAIG RAYNOR
SENIOR DEVELOPMENT MANAGER