

# Contaminated Sites Committee

- Summary of Decision
  - Appeal Against Site Classification
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<b>Date of decision</b>	6 September 2007
<b>Type of decision</b>	Determination of an appeal against site classification pursuant to section 82 of the <i>Contaminated Sites Act 2003</i> .
<b>Matter</b> (file no.)	CSC 5/2007
<b>Date lodged</b>	5 April 2007
<b>Appellant</b>	Alintagas Networks Pty Ltd (Alinta)
<b>Site name/address</b>	6 Railway Parade, Bayswater 6053
<b>Certificate of title no./ Crown reserve no.</b>	Lot 100 as shown on CoT 1527/873
<b>Background</b>	<p>On 1 December 2006 DEC classified the above site as <i>contaminated – remediation required</i>.</p> <p>The appellant is the owner of the site and maintains that it did not receive notice of the classification decision until it was advised by DEC on 16 March 2007 that a memorial had been placed on the title. DEC's original notification of site classification letter to Alintagas is dated 8 December 2006.</p> <p>The appellant is objecting to the site classification on the grounds that:</p> <ul style="list-style-type: none"><li>-the CEO's decision was based on information that does not establish that Alinta's property is contaminated;</li><li>-the CEO's reasons for decision incorrectly attribute facts about another property to Alinta's property;</li><li>-the CEO failed to notify or seek comment from Alinta before classifying Alinta's property and as a result did not give Alinta the opportunity to correct the CEO's misconceptions or provide the CEO with information relating to Alinta's property; and</li><li>-the CEO failed to take into account the use of Alinta's property before classifying it.</li></ul>
<b>Committee's decision?</b>	The appeal is dismissed. The existing classification is affirmed.

<b>Reasons for decision</b>	<p>Historical aerial photographs show deposits of waste cinders (the source of contamination) extending onto the site from the adjacent former Cresco land.</p> <p>The appellant's consultants, SKM, in 2006, confirmed the existence of cinder deposits on the site and noted the "potential for on-going leaching of contamination into the groundwater beneath the site".</p> <p>Consistent with the definition of "contaminated" in the Contaminated Sites Act 2003, the consultant's reports confirm the presence of a substance at above background concentrations that has the potential to present a risk of harm to an environmental value, namely the quality of groundwater under the site.</p>
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