

Contaminated Sites Committee

- Summary of Decision

- Appeal Against Site Classification

Date of decision	1 December 2009
Type of decision	Determination of an appeal against site classification pursuant to section 82 of the <i>Contaminated Sites Act 2003</i> .
Matter (file no.)	30/2009
Date lodged	17 February 2009
Appellant	John and Susan Barnett
Site name/address	41 Balikpapan Avenue, Dianella
Certificate of title no./ Crown reserve no.	Lot 1214 on Plan 43413 as shown on Certificate of Title 2593/163
Background	<p>The Department of Environment and Conservation (DEC) classified the Site <i>possibly contaminated – investigation required</i> pursuant to the Contaminated Sites Act 2006 (Act) on 23 January 2009.</p> <p>The classification of the Site was based on laboratory analysis reports of ground water samples. Some results were provided to DEC by the Appellants, and testing conducted by DEC confirmed contaminants present in the groundwater, including hydrocarbons at above Dutch Intervention Levels and elevated levels of Ammonia and Naphthalene.</p> <p>The Site was an affected site. The source of contamination considered most likely by DEC, with further investigations underway, was a nearby former putrescibles and inert landfill site.</p>
Committee's decision?	The appeal against classification was dismissed.
Reasons for decision	<ul style="list-style-type: none"> • There was evidence that the Site's ground water was contaminated; • There was no evidence that the contamination had been either delineated or remediated, so the existing classification of <i>possibly contaminated – investigation required</i> was the most relevant classification, based on the information provided.