Contaminated Sites Committee

- Summary of Decision

- Appeal Against Site Classification

Date of decision	18 June 2010
Type of decision	Determination of an appeal against site classification pursuant to section 82 of the *Contaminated Sites Act 2003*.
Matter (file no.) **Date lodged** **Appellant** **Site name/address** **Certificate of title no./ Crown reserve no.**	27/2009 20 January 2009 Ms Liliana Barone 63 Lefroy Road, Beaconsfield Lot 201 on Plan 42137 as shown on Certificate of Title 2588/201
Background	Lot 201, 63 Lefroy Road, Beaconsfield lies within the northwest corner of the Salentina Ridge Estate. The Department of Environment and Conservation (DEC) classified the Salentina Ridge Estate as *Remediated for Restricted Use* under the *Contaminated Sites Act 2003* (the Act) on 18 November 2008. This notification was provided to all registered owners and stakeholders of the site. The classification was based on evidence that the site was historically used as a waste disposal facility. There has been confirmation of widespread presence of demolition and construction waste within the site. Soil remediation and validation works were carried out in 2003, including DEC's recommendation for the installation of 1.25m of clean fill cover over the whole site, however on 1.0m thickness of clean fill was installed. A registration of a Memorial on Title was issued under the *Town and Planning Act 1928* on 29 September 2004 restricting groundwater abstraction. DEC advised that groundwater abstraction from the Salentina Ridge Estate only to be used to irrigate public spaces and there is to be no abstraction or use as a drinking water supply or for any other domestic uses such as filling swimming pools or irrigation of domestic gardens. Further, DEC recommends there to be no works or excavations that disturbs the underlying waste material below 1.0m depth without the implementation of a Health, Safety and Environmental Management Plan. The Appellant argues that Lot 201 was not used as landfill disposal of

	inert demolition and construction waste.
Committee's decision?	The appeal against classification was dismissed.
Reasons for decision	• Historical aerial photography provided evidence that the site, including Lot 201 was previously used as a demolition and construction waste disposal facility and remediation works were conducted between 2000 and 2007. • The site, including Lot 201 was subject to soil and groundwater investigations carried out by Moltoni Corporation Pty Ltd between 1999 and 2003. Further groundwater investigations were considered to be representative of the soil and groundwater conditions across the whole site. • In 2007, Moltoni Corporation Pty Ltd identified chloride contamination at concentrations likely to affect moderately sensitive food plants, hence the DEC restriction on domestic garden irrigation use. • Lot 201 had only been covered with 1.0m of clean sand material prior to development rather that the 1.25m thickness recommended by the Department of Health. • The registration of a Memorial of Title (Notification Ref: J034185) was issued under the *Town Planning and Development Act 1928* on September 2004, restricting groundwater abstraction. Lot 201 was included under this Memorial. The Appellant was aware of this Memorial of Title prior to purchasing the site.