

# Contaminated Sites Committee

- Summary of Decision
- Appeal Against Site Classification

<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 3/2007
<b>Date lodged</b>	1 February 2007
<b>Appellant</b>	Pilbara Nominees (WA) Pty Ltd
<b>Site name/address</b>	1328 Newman Drive, Newman 6753
<b>Certificate of title no./ Crown reserve no.</b>	Newman Townsite Lot 1328 as shown on CoT 1593/701
<b>Background</b>	<p>On 1 December 2006 DEC classified the above site as <i>contaminated – restricted use</i>.</p> <p>The appellant is the owner of the site and is objecting to the site classification on the grounds that the decision should not have been made on the basis of a contamination assessment conducted in 1998, that at the time of lodging the appeal there is no evidence of residual soil or groundwater contamination, and that if it still exists contamination may be confined to the south east corner of the site.</p> <p>On 27 March 2007 the appellant provided the Committee and DEC with a site soil sampling report from Ecowise Environmental.</p>
<b>Committee's decision?</b>	The appeal is dismissed. The existing classification is affirmed.
<b>Reasons for decision</b>	<p>In support of its claim that there is no evidence of widespread contamination the appellant provided a report from Ecowise Environmental.</p> <p>The report acknowledges in the "Introduction" that when the site was partially remediated (in 1998/99) the top 5 metres of contaminated soil was removed and replaced with "fresh topsoil/clean fill".</p> <p>The report then lists the results of samples taken at depths ranging from 0.30m to 1.6m. These samples would appear to have been taken from the "clean fill" and do not address the state of the previously identified contamination below 5m which led to the classification.</p>

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