

Contaminated Sites Committee

- Summary of Decision
 - Appeal Against Site Classification
-

Date of decision	10 May 2010
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.)	29/2009
Date lodged	10 February 2009
Appellant	Swan Transit Group Pty Ltd
Site name/address	279 Bannister Road, Canning Vale, WA, 6155
Certificate of title no./ Crown reserve no.	Lot 500 on Plan 29324 as shown on Certificate of Title 2509/499
Background	<ul style="list-style-type: none"> • The Department of Environment and Conservation (DEC) classified the above site as <i>'Remediated for Restricted Use'</i> under the <i>Contaminated Sites Act 2003</i> (the Act) on 16 December 2008. No groundwater abstraction is permitted and the land is restricted to commercial/industrial use only. • The classification was based on evidence that the site was historically used as a bus depot and maintenance facility, a land use that has the potential to cause contamination. The site was subject to a number of investigations which found contaminated soils, associated with the disposal of liquid waste and high levels of heavy metals were present in the groundwater. • Remediation works such as excavation and off site disposal were carried out on the soils and all identified contaminated soils were successfully remediated. The site is deemed suitable for existing commercial land use provided that groundwater is not abstracted. As the site is contaminated and has been remediated to suit the current land use, it is not suitable for sensitive land use, hence the classification of <i>'Remediated for Restricted Use'</i>. • The Appellant argued that there were inaccuracies in the DEC Notice of Classification for the site and suggests that the 'source' of contamination was not from the current use as a bus depot, but from the previous owner and occupier, storing and disposing of liquid waste and sludge. A number of technical reports were provided in support of the Appeal.
Committee's decision?	The appeal against classification was dismissed.
Reasons for decision	<ul style="list-style-type: none"> • The Appellant provided evidence supporting the contention that the 'source' of contamination was not the current use of Lot 500 as a

	<p>bus depot, but the former use of Lots 500 and 501 for liquid waste disposal ponds.</p> <ul style="list-style-type: none">• After examining the Appellant's evidence, DEC agreed that there did not appear to be any substantiated reason to call Lot 500 a 'Source Site' under the Act. Further, DEC proposes to reword the Notice of Classification to reflect this new information.• The Contaminated Sites Committee (the Committee) considered the question of the 'source' of the contaminants not being the sole determinate of the classification of the site. The classification of a site depends, also on the presence of contaminants, their concentration relative to background levels and the risk they pose to human health, the environment or any environmental value.• The Committee assessed the new information provided by the Appellant and decided that it did not provide grounds to question the classification of the site as <i>Remediated for Restricted Use</i>, rather it confirms it.
--	---