



## Decision in respect of appeal against classification

### *Contaminated Sites Act 2003, Part 8, Division 2*

**Appellant:** Steven and Miriam Pynt

**Site:** Lot 33 (32 Longford Road), Beaconsfield

**Date:** 31 March 2010

#### 1.0 SUMMARY

- 1.1 The Department of Environment and Conservation (DEC) classified the property known as **Lot 33 (32 Longford Road), Beaconsfield** as *remediated for restricted use* (with a restriction on the use of groundwater and excavations below 1.0m) under the *Contaminated Sites Act 2003* (the Act) on 18 November 2008. DEC's reasons for the classification were set out in the 'Notice of Classification' given in accordance with section 15 of the Act on 18 November 2008.
- 1.2 On 19 January 2009 the Contaminated Sites Committee (Committee) received from the Appellants an appeal against the classification, lodged in accordance with sections 18 and 79 of the Act. The letter of appeal specified grounds of appeal that are addressed in detail below.
- 1.3 On 14 July 2009, in accordance with section 80 of the Act, the Committee forwarded a copy of the appeal and supporting information to the CEO of DEC for a report.
- 1.4 The CEO's report, dated 27 August 2009, was forwarded to the Appellants for response. No response was received.
- 1.5 The Committee considered the appeal and the CEO's report and decided that **Lot 33 (32 Longford Road), Beaconsfield** should be classified *remediated for restricted use*, and that the restrictions on excavation and the use of groundwater established by the DEC should be retained. Under section 82(2) this decision of the Committee is final and without appeal.

## REASONS FOR DECISION

- 2.0 APPEAL GROUNDS (Appellant's wording in *italics*)
- 2.1 GROUND 1 *"There is no evidence or alternatively insufficient evidence that our property is subject to chloride contamination in underlying groundwater of sufficient level to justify the classification."*
- 2.2 DEC's report on the appeal states "groundwater monitoring works conducted by Moltoni in February 2007 provided information on groundwater conditions along the western (i.e. down-hydraulic gradient) perimeter of the site. This is therefore representative of the condition of groundwater migrating through the site.
- 2.3 Further, DEC reports that "the nature of groundwater contamination present within the Lefroy Landfill [immediately to the east of the site] appears broadly consistent with the groundwater contamination reported in the site in the 1999-2003 and 2007 investigations."
- 2.4 The Committee dismisses this ground of appeal.

Note: Section 82(2) of the Act provides that the Committee's decision under that section is final and without appeal. Section 83 of the Act provides that the CEO of DEC is to give effect to the outcome of the appeal as soon as practicable and to ensure that the details are published in the prescribed manner.



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Jim Malcolm,  
Chairman

and as agent for and on behalf of  
the Contaminated Sites Committee