

Contaminated Sites Committee

- Summary of Decision
 - Appeal Against Site Classification
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Date of decision	15 March 2011
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.)	02/2008
Date lodged	23 January 2008
Appellant	Roy Barker
Site name/address	Lot 44, 135 Brewer Road, Maida Vale WA 6057
Certificate of title no./ Crown reserve no.	Lot 44 on Diagram 68506 as shown on Certificate of Title 1736/595
Background	<p>The Department of Environment and Conservation (DEC) classified the property as <i>possibly contaminated - investigation required</i> under the <i>Contaminated Sites Act 2003</i> (the Act) on 3 December 2007.</p> <p>The site was part of an area of land which was historically used for uncontrolled fill, and by the Shire of Kalamunda as a landfill for disposal of municipal waste.</p> <p>The Appellant argued that there was not enough evidence to justify any classification except "<i>report not substantiated</i>"; there was no evidence of health impacts from the site; DEC did not use relevant information to classify the site; and there is no evidence that the materials from land fill are likely to cause contamination.</p>
Committee's decision?	Appeal Dismissed
Reasons for decision	<p>There is historical evidence to suggest that the site was previously used by the Shire of Kalamunda as a landfill for disposal of municipal waste between 1965 and 1972 and before that, uncontrolled fill, a land use that has the potential to cause contamination, as specified in the guideline '<i>Potentially Contaminating Activities, Industries and Land uses</i>' (Department of Environment 2004).</p> <p>DEC provided evidence that prior to subdivision into special rural</p>

	<p>lots, waste material was excavated within the proposed building envelopes and replaced with compact sand fill. No soil or groundwater investigations have been carried out and the quality of the soil and groundwater beneath the site is unknown.</p> <p>The Committee considers that the current classification <i>possibly contaminated – investigation required</i> is appropriate, as it reflects the uncertainties regarding the contamination status of the site, the evidence that contamination may exist based on the site's historical land use as a sanitary landfill and illegal tipping site; and the limited remediation undertaken.</p>
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