



## Decision in respect of appeal against classification

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

**Appellants: Rob Guidone**

**Site: Lot 28 (8 Roscommon Crescent), Beaconsfield**

**Date: 31 March 2010**

#### 1.0 SUMMARY

- 1.1 The Department of Environment and Conservation (DEC) classified the property know as **Lot 28 (8 Roscommon Crescent), 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 12 January 2009 the Contaminated Sites Committee (Committee) received from the Appellant an appeal against the classification, lodged in accordance with sections 18 and 79 of the Act. The letter of appeal referred to "a discrepancy" in documentation, but did not specify the nature of the discrepancy nor provide any grounds of appeal.
- 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 Appellant for response. No response was received.
- 1.5 The Committee considered the appeal and the CEO's report and decided that **Lot 28 (8 Roscommon Crescent), 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.

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.

**Jim Malcolm,  
Chairman**

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