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Dear Sir/Madam

This letter is the formal notice of classification of a known or suspected contaminated site in which you have an interest. This constitutes the notice the Department of Water and Environmental Regulation (the department) is legally obliged to give under the *Contaminated Sites Act 2003* (the Act), which came into effect on 1 December 2006.

The Act was set up to record and manage contaminated sites in Western Australia, in order to protect people's health and the environment. Please note that contamination does not necessarily mean that an area is unsafe to live or work in – for example, it may be limited to groundwater, and only becomes an issue to be managed if a groundwater bore was being considered.

This notice explains why the site has been classified, what restrictions, if any, have been placed on the use of the site and how you can appeal the classification. In some cases, this notice may include other lots which also form part of the classified site, in addition to the lot in which you have an interest.

If, after reading this letter, you have any further queries, please contact the department on 1300 762 982 (Contaminated Sites Information Line).

### **NOTICE OF A CLASSIFICATION OF A KNOWN OR SUSPECTED CONTAMINATED SITE GIVEN UNDER SECTION 15 OF THE *CONTAMINATED SITES ACT 2003***

The site detailed below (**the site**), consisting of 2 parcel(s) of land, was reported to the CEO of the department as a known or suspected contaminated site and has been classified under the Act:

- LOT 418 ON PLAN 1753 as shown on certificate of title 1938/760 known as 91 Canning Hwy, East Fremantle WA 6158
- LOT 419 ON PLAN 1753 as shown on certificate of title 1934/160 known as 93 Canning Hwy, East Fremantle WA 6158

This notification is being sent to you in accordance with section 15(1) of the Act on the grounds that you, as the recipient, are one or more of the following:

- (a) owner of the site (contact details sourced from the current certificate of title);
- (b) occupier of the site;
- (c) relevant public authority;
- (d) person who, in the CEO's opinion, there is particular reason to notify;
- (e) person who made the report under section 11 or 12; and
- (f) person who, in the CEO's opinion, may be responsible for remediation of a site classified as *contaminated – remediation required*.

## **Site Classification**

**Category of site classification:** Report not substantiated

**Date of site classification:** 28/10/2021

**Reasons for classification:** This site was reported to the Department of Water and Environmental Regulation (the department) under section 11 of the 'Contaminated Sites Act 2003' (the Act), which commenced on 1 December 2006. The site has been classified under section 13 of the Act based on information submitted to the department by September 2021.

The site comprises Lots 418 and 419 Canning Highway. The site was reported because Lot 418 was historically used as a service station for approximately 48 years, from 1926 to approximately 1974, and for a number of other commercial land uses since that time including automotive industries (such as auto mechanical repairs) for approximately 28 years, from 1979 to 2007. These are land uses that have the potential to cause contamination as specified in the guideline 'Assessment and management of contaminated sites' (Department of Environment Regulation [DER], 2014).

The department understands that the fuel pumps were removed in 1974, however, fuel storage equipment beneath the site including underground storage tanks (USTs) remain beneath the north west portion of Lot 418.

A targeted soil investigation in the northern portion of Lot 418 was carried out in 2008 in the vicinity of the former fuel dispensers and USTs, to a depth of 3.5 metres below ground level. Lead was found to be present in one location at 0.2 metres below surface level at a concentration below Health Investigation Levels (HILs) for commercial and industrial land, as published in the 'National Environment Protection (Assessment of Site Contamination) Measure 1999' (the NEPM). These are the relevant assessment levels for the commercial use of Lot 418.

The investigations carried out were limited due to the presence of infrastructure (such as building and USTs) at the site. Further assessment should be conducted in accordance with department's contaminated sites guidelines and the NEPM when the infrastructure is removed or replaced.

No groundwater investigations have been undertaken at the site and the condition of groundwater beneath the site is unknown.

The report of a known or suspected contaminated site, in conjunction with the department enquiries, has provided insufficient grounds to indicate that possible contamination of the site is present from the current or historical land use. Therefore, the site is classified as 'report not substantiated'.

If further information regarding possible contamination of the site is submitted to the department, it will be reviewed and the site may be reclassified.

The department, in consultation with the Department of Health, has classified this site based on the information available to the department at the time of classification. It is acknowledged that the contamination status of the site may have changed since the information was collated and/or submitted to the department, and as such, the usefulness of this information may be limited.

In accordance with Department of Health advice, if groundwater is being, or is proposed to be abstracted, the department recommends that analytical testing should be carried out to determine whether the groundwater is suitable for its intended use.

## **Other Relevant Information:**

Additional information included herein is relevant to the contamination status of the site and includes the department's expectations for action that should be taken to address potential or actual contamination described in the Reasons for Classification.

## **Action Required:**

The department notes that Lot 418 has historically been used as a service station and automotive industries, which are land uses that have the potential to cause contamination, as specified in the guideline 'Assessment and management of contaminated sites' (DER, 2014) and continues to be subject to commercial land use. For this reason, the department recommends that further assessment of potential contamination should be undertaken for Lot 418 before there is any change to a more sensitive land use (such as residential, recreational, primary school or childcare centre) in the future.

## General Information

The nature and extent of contamination and any restrictions on the use of the land, if applicable, are listed in Attachment A.

Information relating to the classification of the site is also available by submitting a request for a summary of records (using Form 2) to: Department of Water and Environmental Regulation, Locked Bag 10, Joondalup DC, WA 6919. A fee of \$30 currently applies for a Basic Summary of Records. Forms are available from [www.der.wa.gov.au/contaminatedsites](http://www.der.wa.gov.au/contaminatedsites).

In some instances the department has had to classify sites based on historical information. A site may be re-classified at any stage when additional information becomes available, for example where a new investigation or remediation report completed in accordance with the department's 'Contaminated Sites Guidelines' and the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, is submitted to the department. The current site classification is the classification most recently conferred on the site.

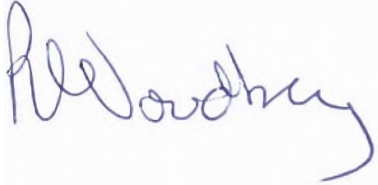
## Appealing the Site Classification

All site classifications given by the department are appealable. However, only certain people can lodge a valid appeal. The people who can lodge a valid appeal varies, depending on the classification category, as detailed in Fact Sheet 4: *Site classifications and appeals*. Appeals need to be lodged in writing with the Contaminated Sites Committee at Forrest Centre, Level 22, 221 St Georges Terrace, Perth WA 6000, within **45 days** of being given this notification. The appeal should set out the appellant's relationship to the site, and must include the grounds and facts upon which it is based. An appeal fee (currently \$45) applies.

To find out more about the appeal process, see the Contaminated Sites Committee website at [www.csc.wa.gov.au](http://www.csc.wa.gov.au) or contact the office of the Committee on (08) 6364 7264.

For further information on all aspects of site classification, please refer to Fact Sheet 4 and the 'Contaminated Sites Guidelines', which are available from the department's website at [www.der.wa.gov.au/contaminatedsites](http://www.der.wa.gov.au/contaminatedsites) or by contacting the Contaminated Sites Information Line on 1300 762 982.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Penny Woodberry', is written over a light grey rectangular background.

**Penny Woodberry, A/Manager**

CONTAMINATED SITES REGULATION  
Delegated Officer under section 91  
of the *Contaminated Sites Act 2003*

28/10/2021

Enc. Attachment A – Nature and Extent and Restrictions on Use.

[Fact Sheet 4: Site classifications and appeals](#)

[Fact Sheet 5: Buyer beware – buying and selling contaminated land](#)

## **ATTACHMENT A – Nature and Extent and Restrictions on Use**

- LOT 418 ON PLAN 1753
- LOT 419 ON PLAN 1753

**Nature and Extent:** No known contamination has been identified.

**Restriction on Use:** Please refer to Reasons for Classification for further information relevant to the use of the site.