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BROOKLAND GREENS CLASS ACTION BEGINS

Law firm Slater & Gordon has begun a class action on behalf of hundreds of Brookland Greens property owners whose properties have been affected by methane gas leaking from a nearby landfill site.

A statement of claim lodged today in the Supreme Court of Victoria seeks unspecified damages from the defendant, the City of Casey.

Slater & Gordon lawyer Ben Hardwick says more than 450 property owners have already joined the class action and others are expected to follow.

"The claim is based on the significant drop in the value of some 816 properties which, in early September, were collectively worth more than \$320 million (based on an average of \$400,000). Their current value is unknown and ultimately that loss will be determined by the court.

"We allege that the City of Casey – the sole occupier and EPA licence holder of the Stevenson Road landfill since 2005 – has failed in its management of the site.

"Despite EPA warnings since 2001 and the Council's healthy financial position, it elected not to take appropriate remedial measures that could have prevented the recent incident occurring.

"Of course, we would prefer to avoid the time and expense of court proceedings, and would welcome to chance to meet with the City of Casey and its insurers. We will ask the court to order a mediation by the end of February 2009."

Lead plaintiffs in the class action are Matthew and Theresa Wheelahan whose backyard is only 30 metres from the landfill. Their home was valued at \$424,000 in September, just before the methane leak scare.

"We're all so stressed," says Matthew. "This was supposed to be an investment for our future and we chose the best house we could afford, the one that won the House of the Year in 2007.

"Now we're paying a mortgage every week on a house that we don't know the value of.

"We moved into the property in November last year and were about to begin capital works like decking and the garden. Our dream now is in limbo, as we wait for the outcome."

- Slater & Gordon is also investigating separate legal action for the owners of 67 properties near the landfill, but outside the Brookland Greens estate.