

Planning Proposal for 5 Mandolong Road, Mosman



prepared by Mosman Council

Introduction

This planning proposal relates to land at 5 Mandolong Road, Mosman (Lots 1-9 SP 13130). The purpose of this planning proposal is to allow development of the site consistent with the business zoning of the adjoining land.

Site Description

5 Mandolong Road is located on the south side of Mandolong Road, with a dual frontage to Mandolong Road and Melaleuca Lane. It is zoned R3 Medium Density Residential in the draft Mosman LEP 2010. The site currently contains a 4 storey (3 habitable levels above parking) 1960s red brick apartment building, with parking above ground on the first level.



Figure 1: Aerial Map of 5 and 1-3 Mandolong Road

To the west of 5 Mandolong Road is 1-3 Mandolong Road, which is zoned B2 Local Centre in the draft Mosman LEP 2010. The site has a dual frontage to Mandolong Road and Military Road. It currently contains a 2 storey shopping centre with shops and cafes, known as the Mosman Village Plaza, with basement carparking accessible from Mandolong Road.

Both sites are located within the Military Road Heritage Conservation Area.

On 19 October 2010, a development was approved for mixed residential and business uses in a new building on a consolidated lot of all three properties, consistent with the existing zoning in the draft LEP.

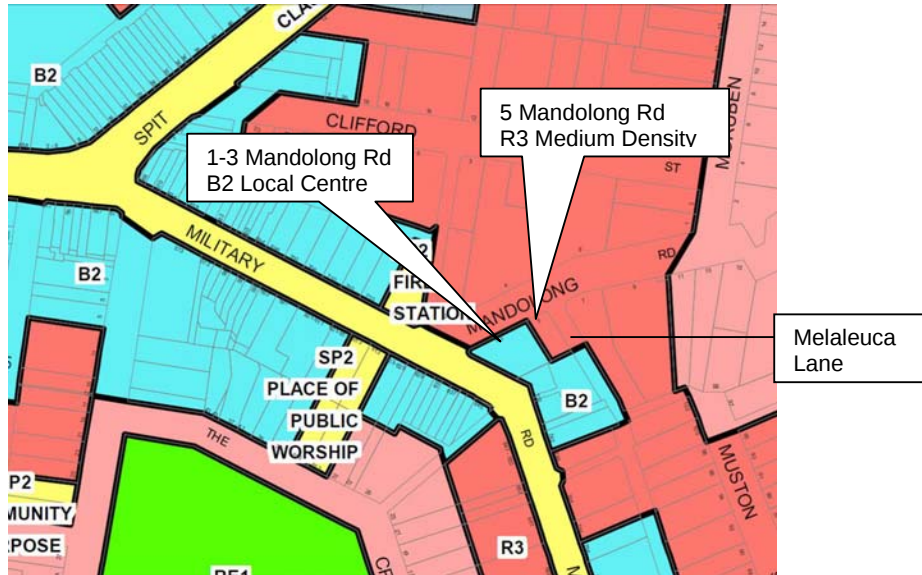


Figure 2: Extract from draft Mosman LEP 2010 Zoning Map, showing zoning of 5 and 1-3 Mandolong Road

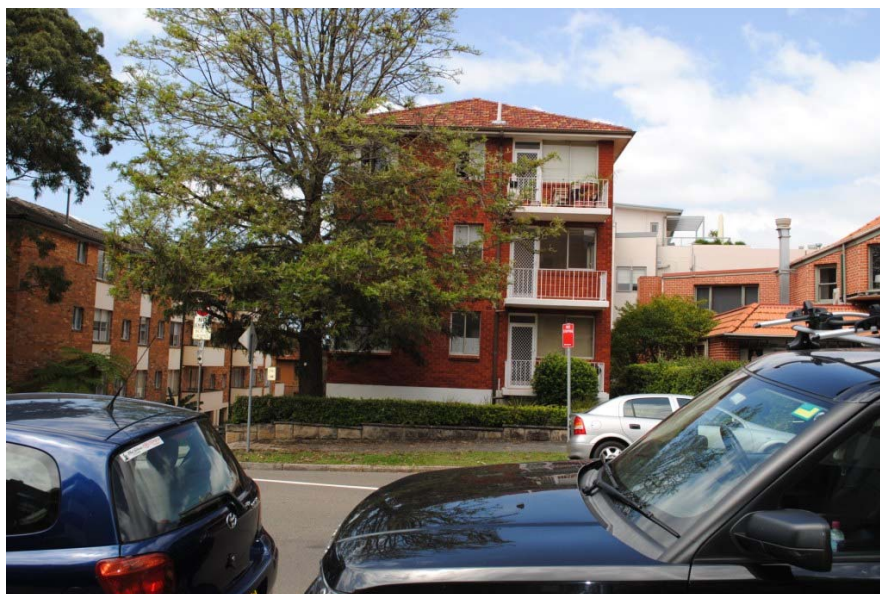


Figure 3: 5 Mandolong Road, viewed from Mandolong Road



Figure 4: 5 Mandolong Road looking west showing elevation to Melaleuca Lane



Figure 5: 1-3 Mandolong Road, looking south, showing the corner of Mandolong and Military Roads

PART 1 OBJECTIVES OR INTENDED OUTCOMES

The objectives of the planning proposal are to:

- a) Allow for business development and higher density residential development close to existing services and transport hubs
- b) Increase employment opportunities in Mosman.

PART 2 EXPLANATION OF THE PROVISIONS

The planning proposal seeks to:

- a) change the zoning of 5 Mandolong Road from R3 Medium Density Residential to B2 Local Centre,
- b) apply the development standards equal to those applying to the adjacent B2 zoned land, and

The proposed changes are in accordance with the maps at Attachment 2 and are summarised in the table below:

Table 1: Proposed changes to 5 Mandolong Road in the draft Mosman LEP 2010.

Draft Mosman LEP 2008 Maps	Exhibited & adopted	Proposed
Zoning	R3 Medium Density	B2 Local Centre
Minimum Lot Size	700m ²	No minimum lot size standards apply to the B2 Local Centre zone
Height	11m max	15m max
Floor space ratio	1:1 max	2.5:1max (bonus FSR of 3:1 see below)
Bonus Floor space ratio	Area 4 – * allows higher FSR if site >2,000m ²	Area 2 - refer clause 4.4B of the draft LEP (bonus FSR incentive of 3:1 for sites equal to or over 1000m ²)

* refer to Clause 4.4D

As a consequence of rezoning the site, the northern end of the adjacent public road, Melaleuca Lane, will also need to be rezoned from R3 Medium Density Residential to B2 Local Centre, consistent with mapping conventions in the draft Mosman LEP 2010 zoning Map.

PART 3 JUSTIFICATION

1 Is the planning proposal a result of any strategic study or report?

Yes, the reports on the draft Mosman LEP to Council on 4 May and 6 July 2010 include a resolution to submit a Planning Proposal to the Department of Planning under the gateway plan-making process to rezone 5 Mandolong Road to B2 Local Centre, and apply the development standards of the B2 Local Centre to the site.

During the public exhibition of the draft Mosman LEP 2008 in December 2009, a submission from Mandolong Projects Pty Ltd was received regarding 5 Mandolong Road. As Mandolong Projects had recently purchased both 1-3 and 5 Mandolong Road, they wanted to develop both sites for a consolidated mixed retail and residential development.

The submission, which is at Attachment 3 of this proposal, argued for extending the B2 Local Centre zone boundary by changing the zoning of 5 Mandolong Road from R3 Medium Density Residential to B2 Local Centre.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that a planning proposal is the best means of achieving the intended outcomes of the planning proposal.

3. Is there a net community benefit?

The proposal would have a net community benefit.

- a) The planning proposal would allow for higher density residential development in Mosman close to transport and services.
- b) It would increase housing choice in Mosman.
- c) It would increase employment opportunities in Mosman.
- d) This is a prominent corner site and would provide an opportunity to better integrate the new development into the character of the Military Road Heritage Conservation Area. 1-3 Mandolong Road is ranked as Adverse in the Heritage Conservation Area (HCA) map, and 5 Mandolong Road is unranked therefore neither site currently contributes to the significance of the HCA.
- e) The redevelopment of 5 Mandolong Road with a B2 Local Zone would facilitate redevelopment of the site leading to better urban design outcomes and improved parking and streetscape.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The draft Inner North Subregional Strategy (Hunters Hill, Lane Cove, North Sydney, Ryde, Mosman and Willoughby Council areas)

Under the draft Strategy, Mosman has an employment capacity target of 1,300 and a dwelling target of 600 by 2031.

Key directions in the draft Strategy include providing for a housing mix close to jobs, transport and services; providing for ageing in place and concentrating growth in established centres.

The planning proposal is consistent with the sub-regional strategy.

The draft Metropolitan Strategy Review – Sydney Towards 2036

Two key challenges identified in the draft *Metropolitan Strategy Review – Towards 2036*, and the subsequent 'Urbis' *Submissions Report* (June 2010), are accommodating the city's growing population and integrating land use with transport. One of the key directions will be to provide 70% of housing growth in Sydney within existing urban areas. The planning proposal is consistent with this policy.

5. Is the Planning Proposal consistent with the Council's community strategic plan or other local strategic plan?

The planning proposal is consistent with local community and strategic plans.

The SHOROC Shaping our Future Strategy (June 2010)

SHOROC consists of the Manly, Mosman, Warringah and Pittwater Council areas. The Strategy sets dwelling and employment targets based on the *Metropolitan Strategy* projections of +600 dwellings and +1,300 jobs by 2031 for Mosman. A letter from the Director General of the Department of Planning dated 23 September 2010 supports the content of the Strategy.

MOSPLAN(2010)

Relevant key directions in Council's community strategic plan include:

- To provide up to 700 dwellings up to 2050
- To provide development opportunities along the Spit/Military Road corridor
- To provide a diversity of housing choice including 'ageing in place'.
- Maintaining domestic scale architecture except on Spit and Military Roads corridor
- Spit Junction recognised as having potential for imaginative commercial/retail/residential development to complement the traditional Military Road shopping precinct strip

6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is consistent with the applicable State Environmental Planning Policies. Refer to checklist in Attachment 1.

7. Is the planning proposal consistent with applicable Ministerial directions (s.117 directions)?

The planning proposal is consistent with the applicable Section 117 Directions. Refer to checklist in Attachment 1.

8. Is there any likelihood that critical habitat or threatened species, populations, or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposal does not apply to land that has been identified as containing critical habitats or threatened species, populations or ecological communities, or their habitats.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are other environmental effects as a result of an increase in development standards on the site, but these are assessed as a part of the development application process for the site.

10. How has the planning proposal adequately addressed any social and economic effects?

Refer to Part 4 of the submission received on behalf of the owner at Attachment 3.

11. Is there adequate public infrastructure for the planning proposal?

The planning proposal would be unlikely to create any significant additional demands on public infrastructure.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No consultation has been carried out at this stage in relation to the gateway determination.

PART 4 COMMUNITY CONSULTATION

For the purpose of public notification, this planning proposal is considered a "low impact planning proposal" as the proposal is consistent with the pattern of surrounding land uses. Therefore a 14 day exhibition period is proposed. The community consultation would involve:

- Notice in the local newspaper at the start of the exhibition period;
- Notice on Council's web site for the duration of the exhibition period;
- Notice placed on site;
- Written notification sent to landowners within the surrounding area, and
- Hard copy of information available at Council offices and in the Library.

ATTACHMENT 1

Consideration of State Environmental Planning Policies and Section 117 Directions

Consideration of relevant State Environmental Planning Policies

The following SEPPs are relevant to the Mosman Local Government Area. The table identifies whether the planning proposal is relevant to or consistent with the SEPPs.

State Environmental Planning Policies (SEPPs)				Comment
	<i>Not relevant</i>	<i>Consistent</i>	<i>Justifiably inconsistent</i>	
SEPP No. 1 - Development Standards	✓			
SEPP No. 4 - Development without Consent and Miscellaneous Exempt and Complying Development	✓			
SEPP No. 6 - Number of Storeys in a Building	✓			
SEPP No. 19 - Bushland in Urban Areas	✓			
SEPP No. 21 – Caravan Parks	✓			
SEPP No. 22 - Shops and Commercial Premises	✓			
SEPP No. 30 – Intensive Agriculture	✓			
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	✓			
SEPP No. 33 - Hazardous and Offensive Development	✓			
SEPP No. 50 – Canal Estate Development	✓			
SEPP No. 55 - Remediation of Land		✓		A Phase 1 contamination report has been carried out on 1-3 and 5 Mandolong Road. As 1-3 Mandolong Road is known to have contained a service station between 1970 and 1987 soil sampling would be required by Council prior to any further development of the site, in accordance with the Contaminated Land Planning Guidelines and as recommended in the contamination report, at Attachment 4.
SEPP No. 62 – Sustainable Aquaculture	✓			
SEPP No. 64 - Advertising and Signage	✓			

State Environmental Planning Policies (SEPPs)				Comment
	<i>Not relevant</i>	<i>Consistent</i>	<i>Justifiably inconsistent</i>	
SEPP No. 65 - Design Quality of Residential Flat Development	✓			
SEPP (Building Sustainability Index: BASIX) 2004	✓			
SEPP (Major Development) 2005	✓			
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	✓			
SEPP (Temporary Structures) 2007	✓			
SEPP (Infrastructure) 2007	✓			
SEPP (Exempt and Complying Development Codes) 2008	✓			
SEPP (Affordable Rental Housing) 2009		✓		
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005		✓		The SEPP applies to the entire Mosman Municipal Council area identified on the Sydney Harbour Catchment Map. The site is not identified: (a) within the Foreshores and Waterways Area; (b) as a strategic foreshore site; (c) as a heritage item; (d) within the wetlands protection area;

Consideration of relevant Section 117 Directions applying to planning proposals

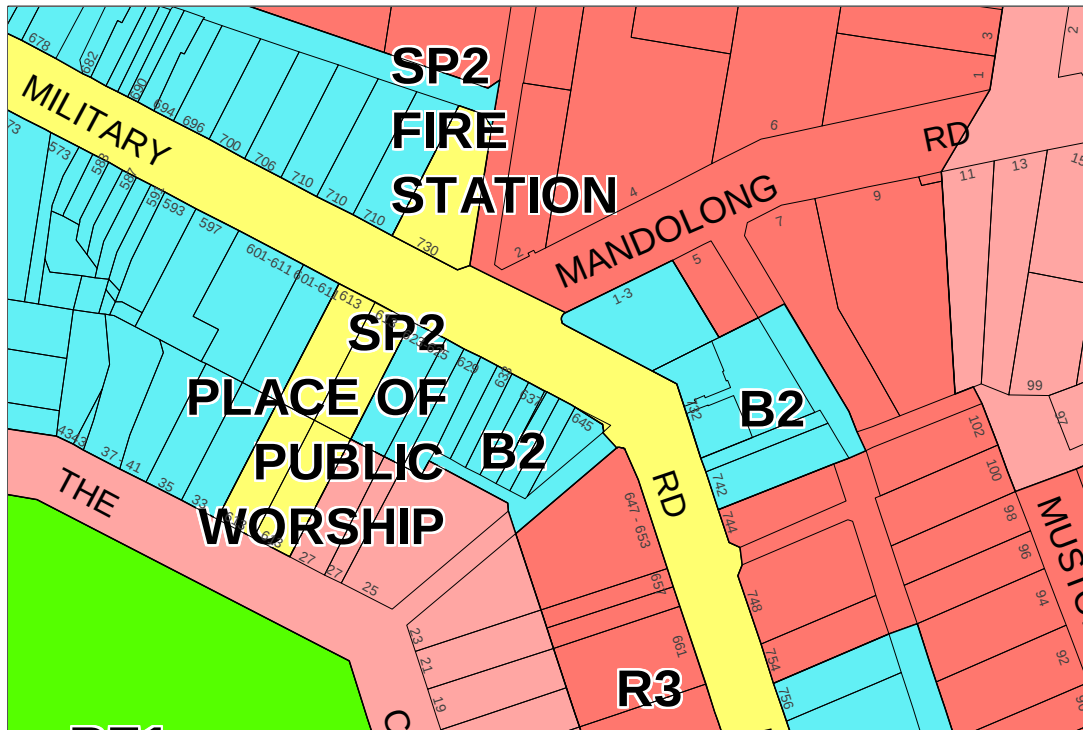
Ministerial Directions under s.117 of the EP&A Act				Comment
	Not relevant	Consistent	Justifiably inconsistent	
1. Employment and Resources				
1.1 Business and Industrial Zones		✓		
1.2 Rural Zones	✓			
1.3 Mining, Petroleum Production and Extractive Industries	✓			
1.4 Oyster Aquaculture	✓			
2. Environment and Heritage				
2.1 Environmental Protection Zones	✓			
2.2 Coastal Protection	✓			
2.3 Heritage Conservation		✓		
2.4 Recreation Vehicle Areas	✓			
3. Housing, Infrastructure and Urban Development				
3.1 Residential zones		✓		
3.2 Caravan Parks and Manufactured Home Estates	✓			
3.3 Home Occupations	✓			
3.4 Integrating Land Use and Transport		✓		
3.5 Development near Licensed Aerodromes	✓			
4. Hazard and Risk				
4.1 Acid Sulfate Soils	✓			
4.2 Mine Subsidence and Unstable Land	✓			
4.3 Flood Prone Land	✓			
4.4 Planning for Bushfire Protection	✓			
5 Regional Planning				
5.1 Implementation of Regional Strategies	✓			
5.2 Sydney Drinking Water Catchments	✓			
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	✓			
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	✓			
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (revoked 18 June 2010)	✓			

Ministerial Directions under s.117 of the EP&A Act				Comment
	<i>Not relevant</i>	<i>Consistent</i>	<i>Justifiably inconsistent</i>	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008 see amended Direction 5.1)	✓			
5.7 Central Coast ((Revoked 10 July 2008 see amended Direction 5.1)	✓			
5.8 Second Sydney Airport: Badgerys Creek	✓			
6. Local Plan Making				
6.1 Approval and Referral Requirements		✓		
6.2 Reserving Land for Public Purposes		✓		
6.3 Site Specific Provisions		✓		
7. Metropolitan Planning				
7.1 Implementation of the Metropolitan Strategy		✓		

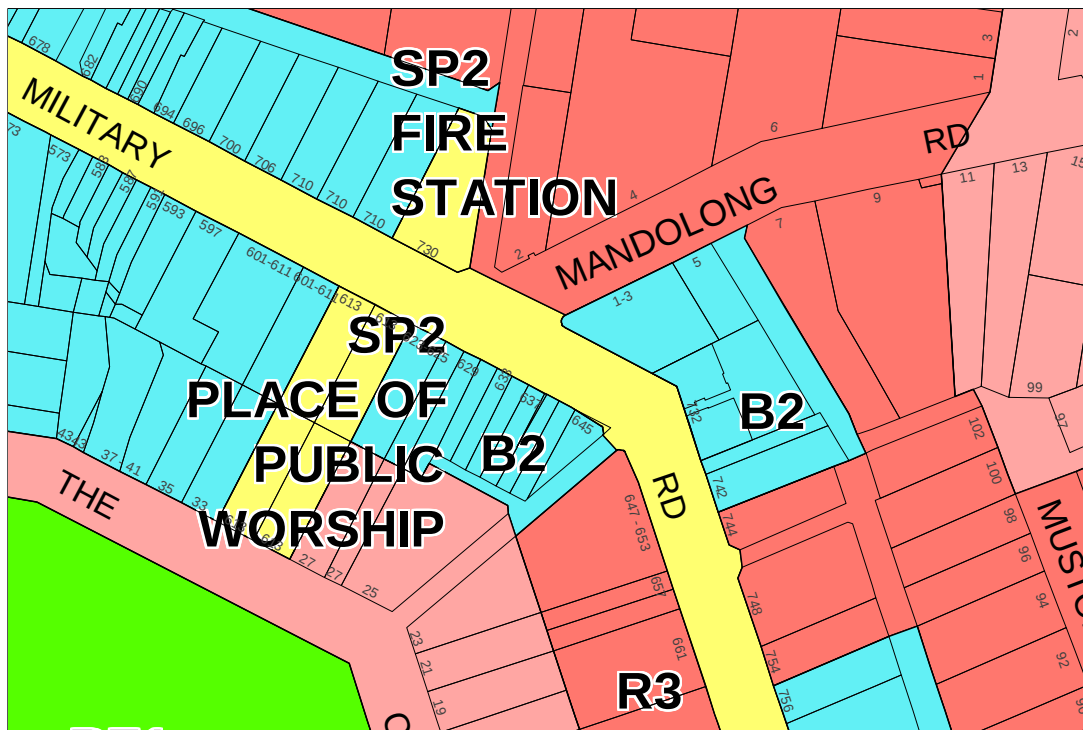
ATTACHMENT 2
Extracts from draft Mosman LEP 2008 maps showing
proposed changes to 5 Mandolong Road

**Extracts from draft Mosman LEP 2008 Maps showing proposed changes
to 5 Mandolong Road**

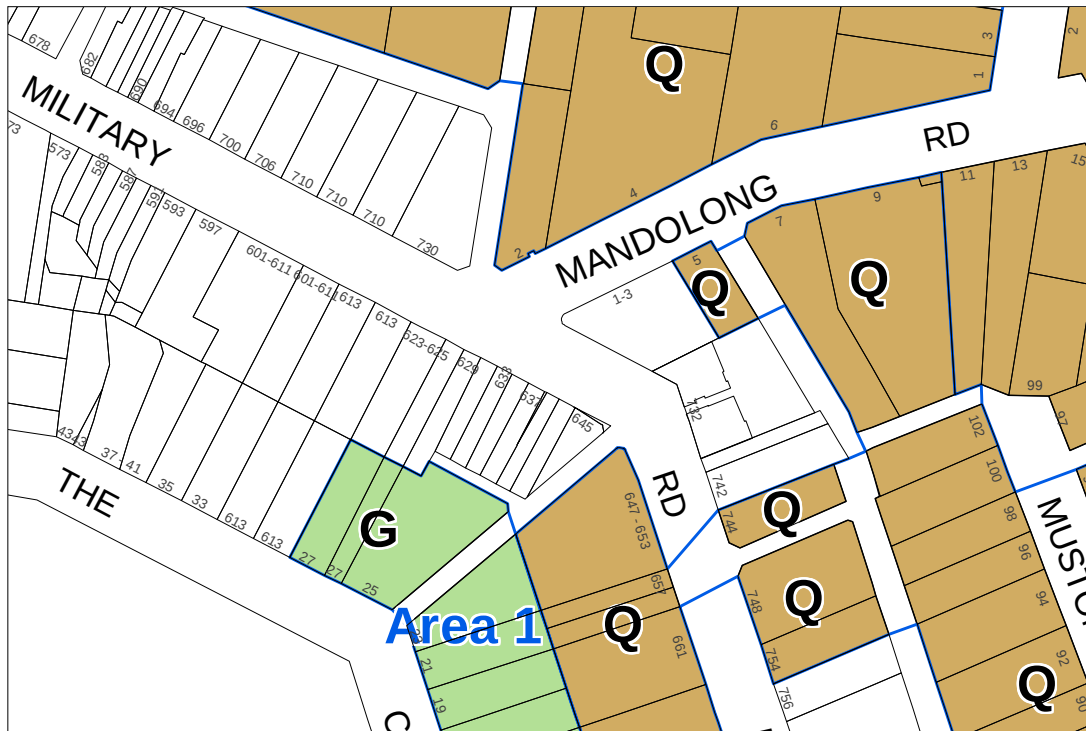
Extract of Land zoning map LZN-002 – exhibited & adopted



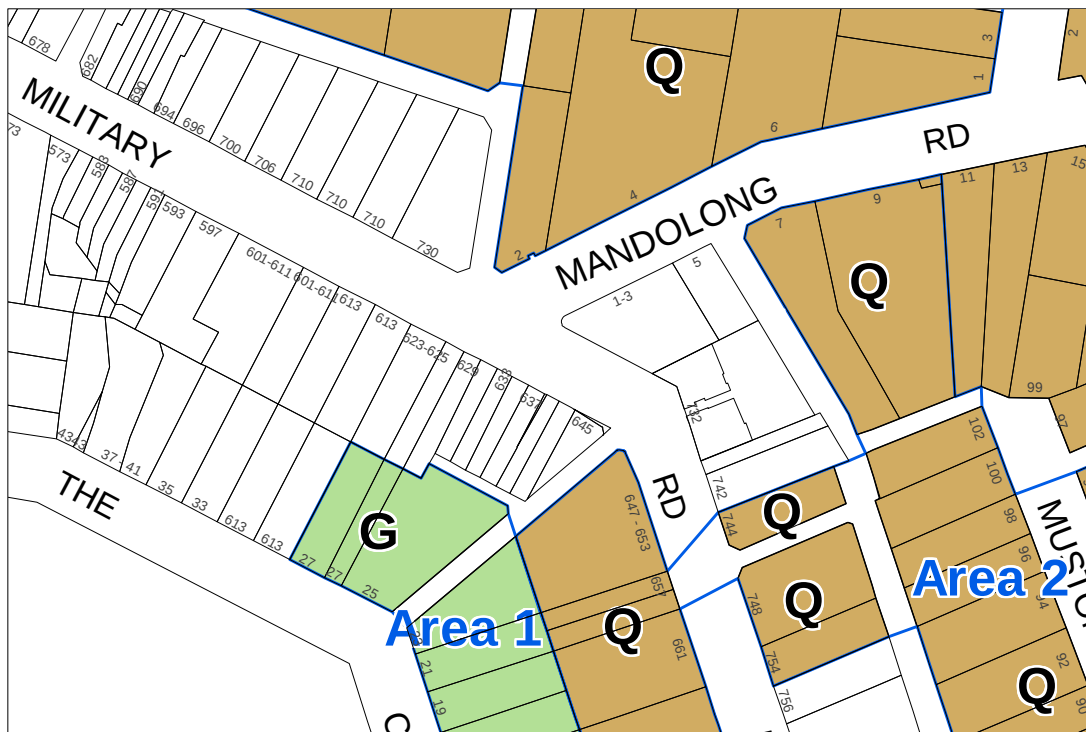
Extract of Land zoning map LZN-002 - proposed



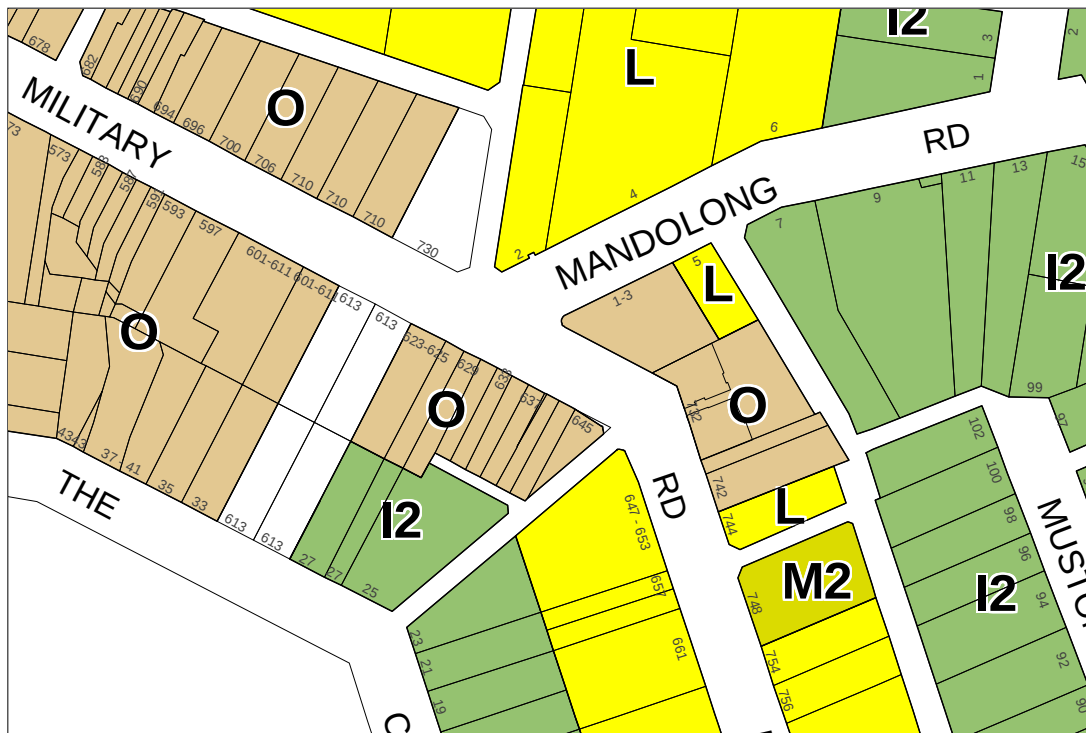
Extract of Lot size map LSZ-002 - exhibited & adopted



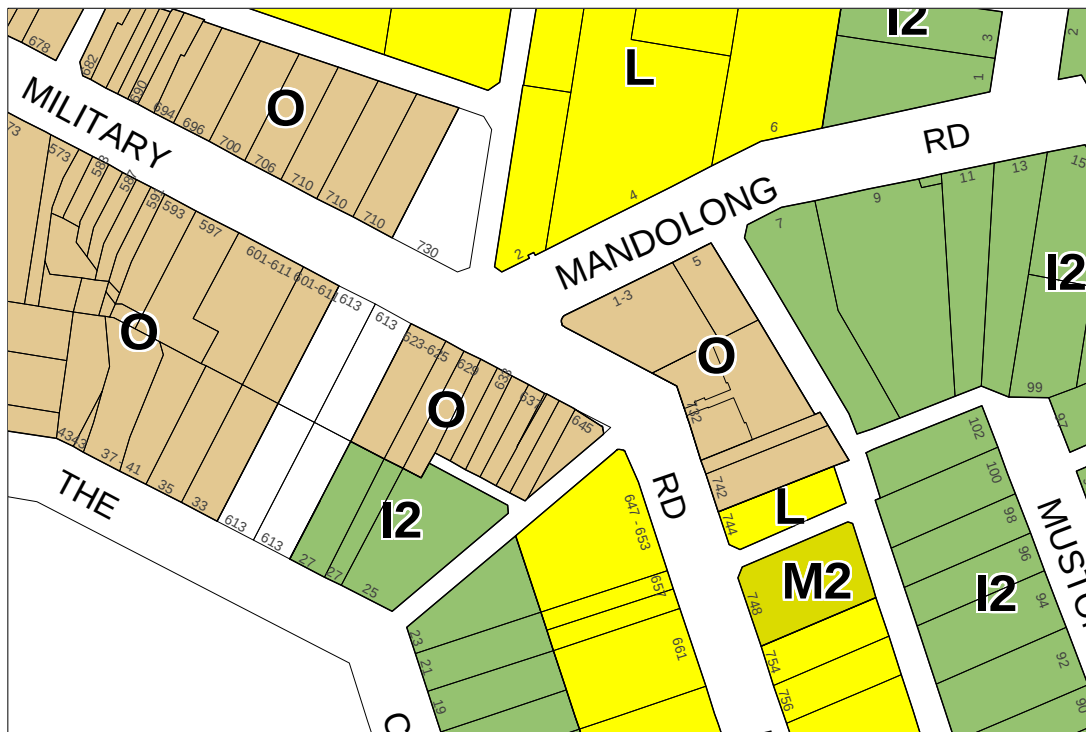
Extract of Lot size map LSZ-002 - proposed



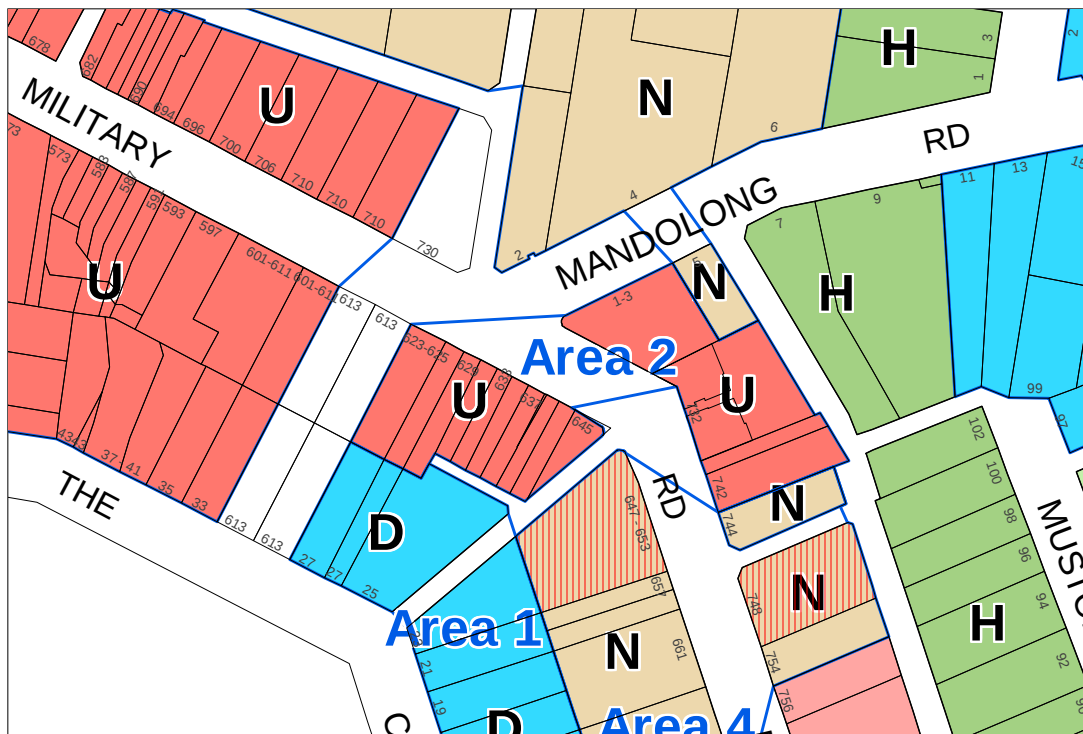
Extract of Height of buildings map HOB-002 - exhibited & adopted



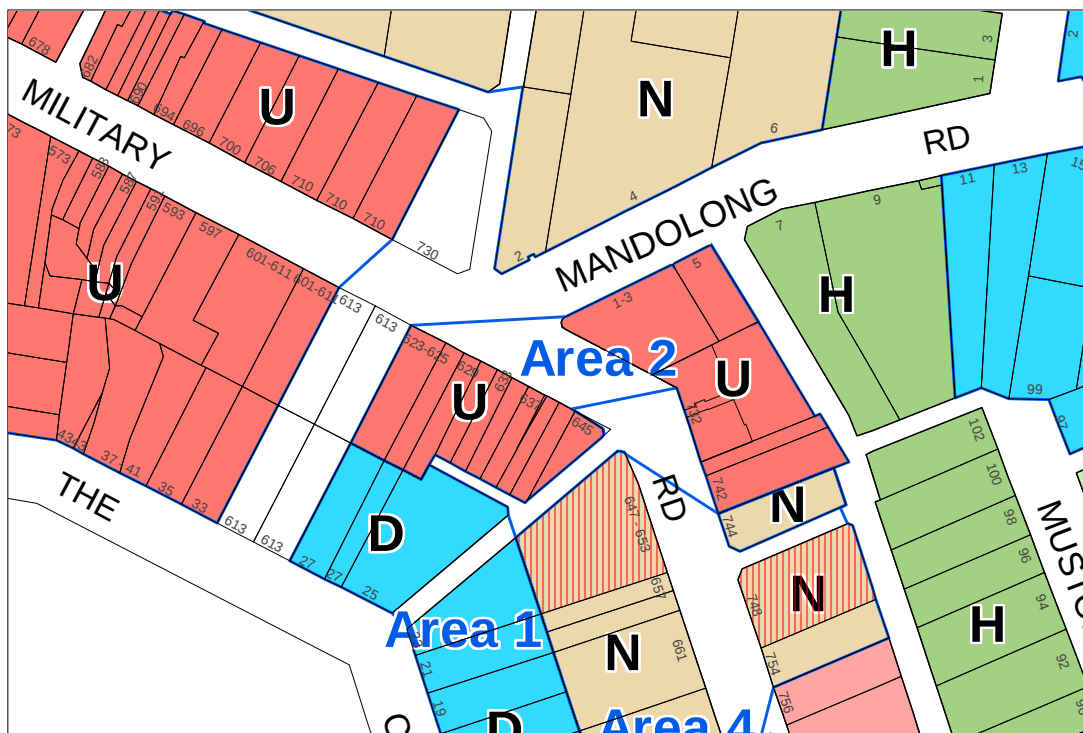
Extract of Height of buildings map HOB-002 - proposed



Extract of Floor space ratio map FSR-002 - exhibited & adopted



Extract of Floor space ratio map FSR-002 - proposed

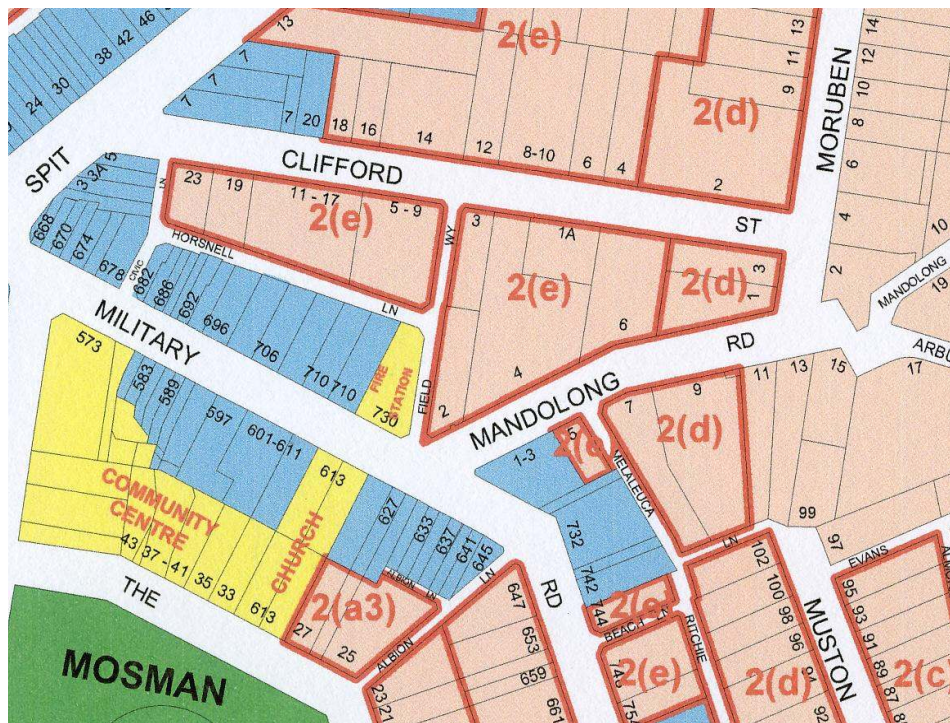


ATTACHMENT 3
Submission received during public exhibition of draft
Mosman LEP 2008

Submission to the Draft Mosman

Local Environmental Plan 2008

In respect of the proposed zoning of 5 Mandolong Road, Mosman



for the owners Mandolong Projects Pty Ltd

3 December 2009

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Appendix 1: Report of Transport and Traffic planning Associates

1. Introduction

This submission is in response to the exhibition of the Draft Mosman Local Environmental Plan 2008, particularly in relation to the proposed zoning of 5 Mandolong Road, Mosman.

Mandolong Projects Pty Ltd have exchanged contracts for the purchase of 5 Mandolong Road and 1-3 Mandolong Road and it is intended to redevelop both sites for mixed retail and residential purposes either individually, or desirably, as one consolidated site.

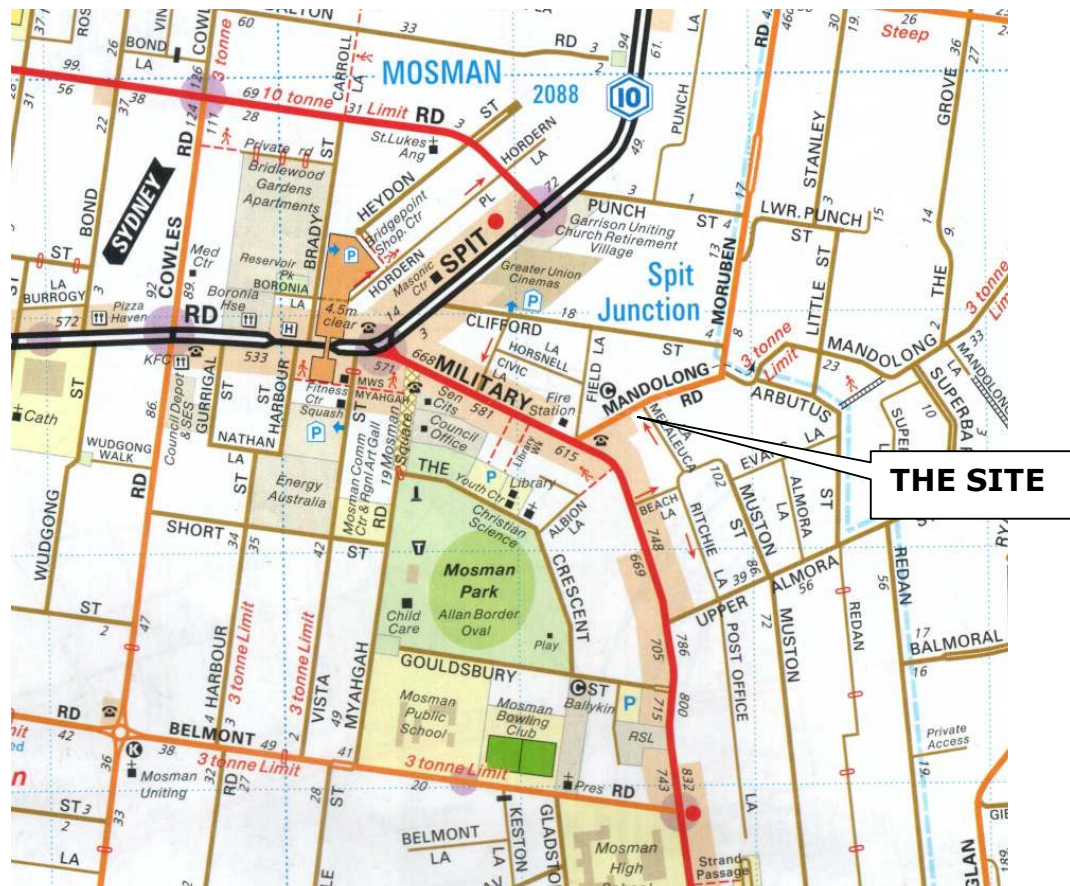


Figure 1: Locality Map- Source: Sydway



Figure 2: Aerial Map: Google Earth

2. The Locality and the Site

The Locality

The site is located on the south side of Mandolong Road on the corner Melaleuca Lane, near the junction with Military Road.

The site is an isolated residential site on the corner of Melaleuca lane adjoining 1-3 Mandolong Road (Mosman Village Plaza) which a prominent corner site on Military Road on the south eastern edge of the Spit Junction Town Centre, near the entry to Mosman Junction.

The site is developed with a four storey (3 habitable levels above parking) 1960's red brick flat building containing nine, one bedroom Strata units.

This part of Mandolong Road is developed with mostly 1960's four storey walk up flat buildings and there is a recent four storey residential development on the corner of Filed Lane opposite the site.

Traditional two storey shopfront terraces line both sides of the nearby section of Military Road.



Photograph 1: The site and the existing building on the corner of Melaleuca Lane.



Photograph 2: The site and existing building viewed from Mandolong Road.



Photograph 3: The adjacent residential development on the opposite side of Melaleuca Lane.



Photograph 4: Part of the adjoining Mosman Village Plaza fronting Mandolong Road. The existing building at 5 Mandolong Road is just visible on the left.



Photograph 5: The Mosman Village Plaza viewed from the corner of Military Road and Field Lane.



Photograph 6: Four storey flat buildings opposite the site in Mandolong Road.



Photograph 7: Terrace shops along Military Road opposite the junction with Mandolong Road.

The Site

The legal property description is Lot 1- Lot 9 in Strata Plan 13130, 5 Mandolong Road, Mosman.

The land is rectangular in shape with a narrow frontage to Mandolong Road and a wider frontage to Melaleuca Lane and vehicular access also from the Lane. It has an area of 344m².

3. Zoning and Land use

Mosman Local Environmental Plan 1998 (the LEP)

The land is presently zoned 2(e) Residential. Multiple dwellings are permissible with consent. Shops and commercial premises are prohibited.

It is located in the Spit Junction Town Centre as shown on the map of the Mosman Business Centres Development Control Plan. Melaleuca Lane is the boundary of the Town Centre.

It is also shown as being located in the Mosman Town Centre Townscape of the Mosman Residential Development Control Plan.

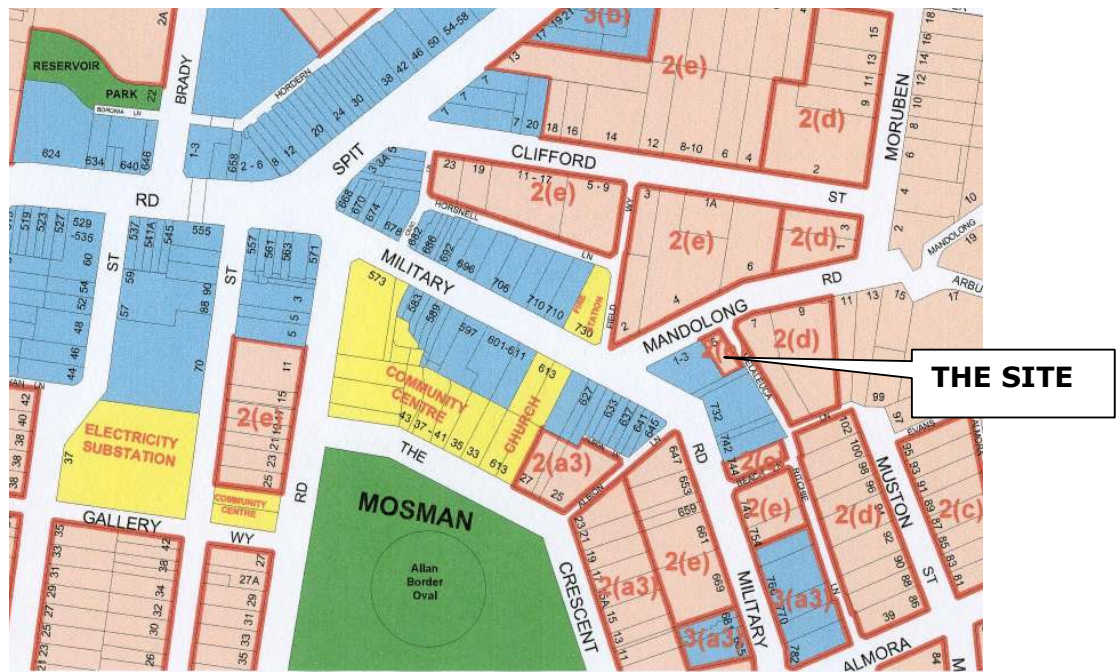


Figure 3: Extract from the Mosman LEP map

The site is located in the Military Road Conservation Area of Schedule 2A of the LEP, shown as Area 7 on the Heritage Conservation map.

It is not ranked on the Military Road Conservation Area Ranking Map. The adjoining property at 1-3 Mandolong Road (Mosman Village Plaza) is shown as being Adverse to the conservation area.

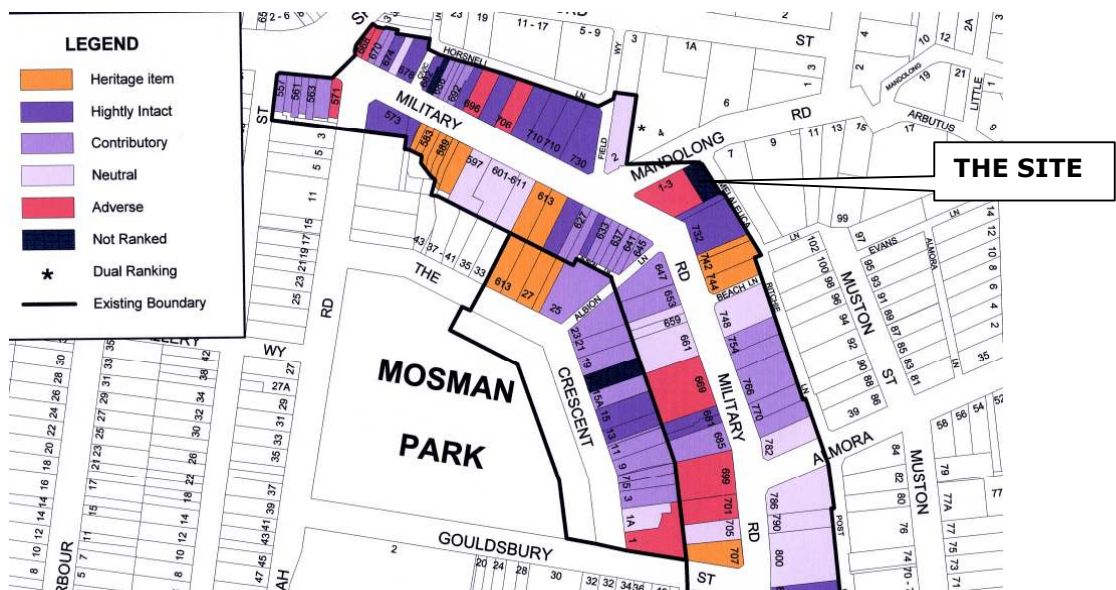


Figure 4: Extract from the Military Road Conservation Area Ranking Map

Draft Mosman Local Environmental Plan 2008 (as exhibited)

The site would retain its historical zoning under Draft LEP 2008 and is proposed to be zoned R3 Medium Density residential.

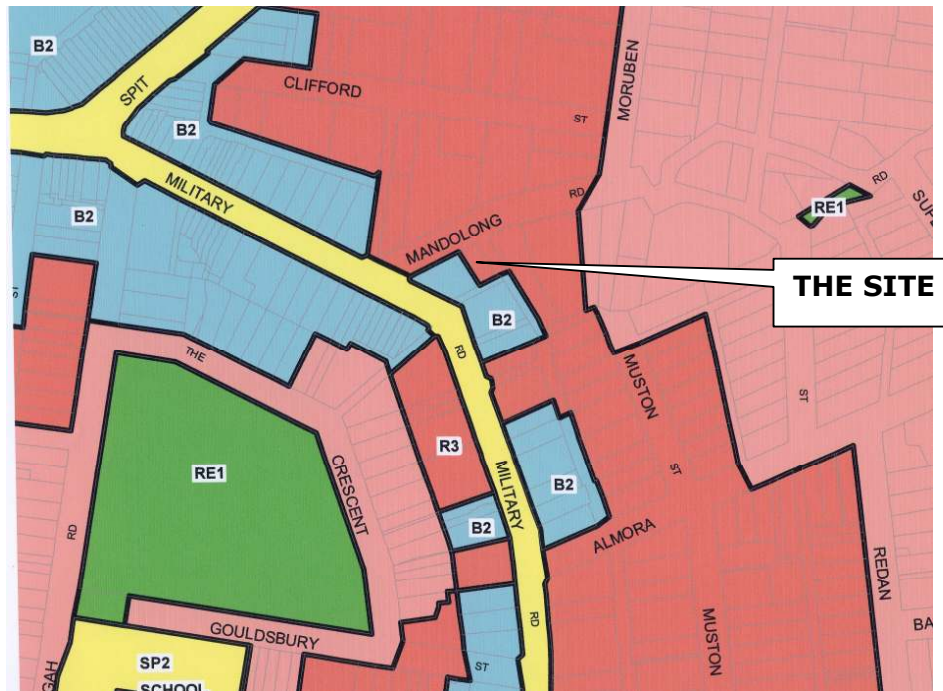


Figure 5: Extract from the Draft Mosman LEP 2008 Zoning Map.



Figure 6: Extract from the Draft Mosman LEP 2008 FSR Map.

4. Reasons for a change to the proposed zoning from R3 Medium Density Residential to B2 Local Centre Business

The site is an isolated residential zoned allotment on the fringe of the Spit Junction Town Centre, and the identifiable and geographical boundary of the Spit Junction Town Centre is Melaleuca Lane.

The proposed zoning is understood to represent the historical land use, and that is a reasonable and consistent approach when drafting a comprehensive environmental planning instrument such as this.

The land together with the large adjoining property at 1-3 Mandolong Road (Mosman Village Plaza) has recently been acquired and is now under the same ownership and it is intended by the new owners to redevelop 1-3 Mandolong Road and if possible 5 Mandolong Road as one consolidated site for retail and residential development.

The B2 Local Centre zoning would match the zoning proposed for 1-3 Mandolong Road and would tend to improve the options and flexibility to develop 1-3 Mandolong Road and removes the constraints created by retaining the existing flat building at 5 Mandolong Road, which would require any new building to be setback for privacy and sunlight access and general amenity considerations.

The constraint created by the residential zoning of 5 Mandolong Road involves careful consideration in terms of the relationship of that part of the development on 5 Mandolong Road (residential only) to the development on 1-3 Mandolong Road which in addition to residential uses could include shops and commercial premises which are permissible on that land only.

The redevelopment of 5 Mandolong Road on its own, is not likely to occur, as it presently exceeds the 11m height standard and the 1:1 floor space ratio standard. It has a density of nine, small dwellings and is approximately 13.6m in height.

The change to the zoning would provide opportunities for an increased density of dwellings close to services, facilities and public transport in keeping with Council's strategic planning policy which aims to facilitate redevelopment opportunities in the Spit Junction Town Centre

The change to the zoning would also potentially increase employment opportunities by providing for an increase in retail and commercial development options including street level retail to activate the street and the corner.

The redevelopment of the consolidated site represents an orderly and practical redevelopment of this large corner site. It creates employment opportunities by extending the Local Centre zone and increased housing opportunities. It is more efficient in terms of

construction and access and potentially provides a better yield for the developer.

It enables access to a consolidated site from Melaleuca Lane, thereby removing the driveway and access from Mandolong Road. This also creates an opportunity for additional on street parking and street tree planting.

In accordance Clause 4.4B Spit Junction – floor space ratio incentives (local), a maximum FSR of 3:1 applies if the site area is 1000m² or more, and access is available other than from Spit or Military Road and the development will be compatible in bulk and scale with the desired future streetscape character.

The consolidated site would have an area of 1205m² and access would be available from Melaleuca Lane.

A report prepared by Transport and Traffic Planning Associates is attached which provides a comparative assessment of the existing residential land use and the Local Centre use based on a notional retail and commercial component to assess parking demand and traffic movements.

The assessment concludes that the change in zoning and potential increase in vehicle movements generated by the different uses would not cause a notable or detrimental impact on the existing operation of Melaleuca Lane and/or Mandolong Road.

For the reasons outlined it would be appropriate in a strategic planning sense, for Council to consider a review of the intended zoning for 5 Mandolong Road and to extend the boundary of the Spit Junction Town Centre to Melaleuca Lane as it should be.

Warren Long
MPIA CPP
Principal of Longitude Planning Pty Limited

TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

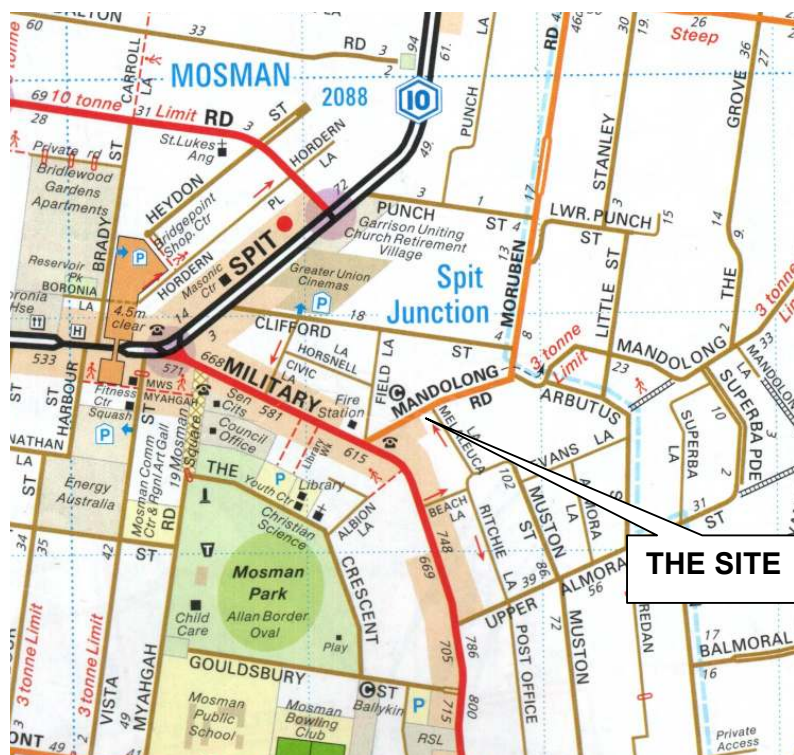


A division of Monvale Pty Ltd ACN 060 653 125
ABN 44 060 653 125

Proposed zoning, Mandolong Road, Mosman

Introduction

This statement has been prepared to accompany a submission seeking a review of the proposed zoning under the Draft Mosman LEP 2008. This submission to Mosman Municipal Council is for a proposal to zone the subject property from R3 medium density Residential to B2 Local Business.



Locality Map- Source: Sydway

The subject site is located on the southern corner of Mandolong Road and Melaleuca Lane in the heart of the Mosman commercial centre. The area to the north comprises medium density apartment buildings and large single dwellings extending to the shoreline and Balmoral.

Transportation, Traffic and Design Consultants

The existing building on the site comprises a 4 storey red brick apartment building accommodating 9 apartments, with 9 associated parking spaces within the ground level and undercroft level of the building. Vehicular access is located within the Melaleuca Lane frontage and is subject to left-in and left-out movements only due to the one-way traffic control along Melaleuca Lane.

Traffic Assessment

The traffic generation of the potential use following the rezoning can be established with reference to the RTA Guide to Traffic Generating Developments. An assessment of the site (with regard to FSR, Height and setback requirements) has determined that a typical development would involve 100m² of retail space, 100m² of commercial office space and 9 residential apartments.

Application of the RTA rates to each of these land uses indicates the following peak hour traffic activity, based on an unrestrained parking scenario.

Land Use	RTA Rate	Quantity	Peak Hour Traffic
Retail	5.6 per 100m ²	100m ²	5.6 vtpH
Commercial	2 per 100m ²	100m ²	2.0 vtpH
Residential	0.4 per dwelling	9 apartments	3.6 vtpH
Total			11 vtpH

The projected peak hour traffic generation of 11 movements must be considered in the context of the existing building, which accommodates 9 apartments and 9 parking spaces. In this regard the traffic generation associated with 9 apartments can be discounted on the basis that this represents existing activity. Therefore the total increase resulting from the rezoning would be in the order of 7-8 movements during the morning and afternoon peak hours. This assessment represents a robust outcome on the basis that no allowance has been made for shared-use trips (ie those parking elsewhere and visiting a number of premises within the Mosman precinct) and whether the parking provision would be sufficient to support this activity.

Conclusion

The addition of 7-8 movements within this section of Melaleuca Lane would represent an average of 1 movement every 7½ minutes over the peak hour. This level of activity is not sufficient to cause any notable or detrimental impact upon the existing operation of Melaleuca Lane and/or Mandolong Road.

**ATTACHMENT 4 – Contamination assessment of 1-5
Mandolong Road**



Douglas Partners

Geotechnics • Environment • Groundwater

**REPORT
ON
PHASE 1 CONTAMINATION ASSESSMENT**

1-5 MANDOLONG ROAD, MOSMAN

**Prepared for
MANDOLONG PROJECTS JV PTY LTD AND
GRANT SAMUEL CAPITAL PTY LTD**

**Project 71871
July 2010**

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SA:jlb
Project 71871
15 July 2010

REPORT ON
PHASE 1 CONTAMINATION ASSESSMENT
1-5 MANDOLONG ROAD, MOSMAN

1. INTRODUCTION

This report details the methodology and results of a Phase 1 Contamination Assessment undertaken by Douglas Partners Pty Ltd (DP) at 1-5 Mandolong Road, Mosman. The assessment was requested by Fitzgerald Bennett Architects (FBA) on behalf of Mandolong Projects JV Pty Ltd and Grant Samuel Capital Pty Ltd. It is understood that the assessment is required for development application purposes.

The site is currently occupied and operating as the Mosman Village Plaza (1-3 Mandolong Road), as well as a three-storey brick apartment building (5 Mandolong Road). The Village Plaza comprises a two-storey brick building with a single-level basement car park. The total site area is approximately 1,201 m². The site location is shown in Drawing 1, Appendix A.

The current Phase 1 Contamination Assessment was conducted to:

- (a) provide a preliminary assessment of the potential for contamination of the site based on past and present site usage and the likely nature of this potential contamination;
- (b) make a preliminary evaluation on the likely suitability of the site from a contamination perspective for a combined commercial/residential land use; and
- (c) Assess the requirement for further investigations.

This report documents the findings.

2. SCOPE OF WORK

The scope of work, as outlined in DP's proposal dated 21 June 2010 and accepted by Mandolong Projects JV Pty Ltd and Grant Samuel Capital Pty Ltd, comprised:

- Search the Historical Land Titles with respect to each Deposited Plan to identify previous site owners. The names and occupations of site owners may assist in the identification of potentially contaminating activities;
- Search historical aerial photographs to identify land uses and changes in the land that may indicate potential for contamination;
- Search the Contaminated Land Register for Notices issued under the Contaminated Land Management Act 1997;
- Search of NSW Office of Water's registered groundwater bore database;
- Review of Council's Section 149 Certificates and records held by Council;
- Conduct a walk-over reconnaissance at the site. The reconnaissance targeted signs/structures/activities that may have elevated contamination potential, including:
 - The location of any visually identifiable/discernable fill on the site;
 - Disturbed or discoloured soil;
 - Disturbed or affected vegetation;
 - Proximity to surface waters and groundwater;
 - The presence of visible, possible asbestos-based products;
 - Presence of signs of concern e.g. chemical containers, holding tanks, chemical odours; and
 - Identification of any apparent above-ground or underground fuel storage tanks (UST's) or similar storages.
- Preparation of a Phase 1 (Preliminary) Contamination Assessment Report providing an assessment of the potential contamination at the site and general recommendations for further work (if required). The report summarises the findings of the site history search and site observations, as well as commenting on the suitability of the site for its proposed combined commercial/residential land use.

A search of WorkCover records for any Dangerous Good License that may indicate contamination sources and/or contaminating activities was recommended as part of DP's scope of works, however, the client requested for DP not to conduct the search at this stage.

Soil and groundwater sampling and laboratory analyses were not undertaken as part of the investigation.

3. REVIEW OF SITE INFORMATION

3.1 Proposed Development

It is understood that the proposed development is to comprise a new retail and residential development comprising street level shops and residential apartments over four levels and basement parking on two levels. Based on section drawings provided by FBA dated July 2010, it is anticipated that the maximum depth of excavation will be approximately 6 - 7 m below ground level. Section drawings provided by FBA can be found in Appendix A.

3.2 Site Identification

The subject property is identified as 1-5 Maldolong Road, Mosman. It comprises Lots 1 to 9 in Deposited Plan 13130 and Lot 1 in Deposited Plan 539673 in the Parish of Willoughby, County of Cumberland and the local government area of Mosman Municipal Council. The site is currently occupied and operating as the Mosman Village Plaza (1-3 Mandolong Road), as well as a three-storey brick apartment building (5 Mandolong Road). The Village Plaza comprises a two-storey brick building with a single-level basement car park. A site plan and locality map is presented in Drawing 1, Appendix A.

The site has an irregular shape with frontages to and pedestrian accesses from Military and Mandolong Roads. Vehicle access is obtained from Mandolong Road for the Village Plaza and from Melaleuca Lane for the apartment building. The total site area is approximately 1,201 m².

The site is bound to the north by Mandolong Road (cross and up-gradient), to the east by Melaleuca Lane (down-gradient) and to the west by Military Road (cross and up -gradient). The south side of the site is bound by a multi-storey retail/residential building that is located down-gradient to the subject site.

3.3 Site History

A site historical information review was conducted, comprising an historical title deeds search, a review of historical aerial photographs, Contaminated Land Register for Notices issued under the *Contaminated Land Management Act 1997*, Council records search (including Section 149 Certificates) as well as a groundwater bore search of the NSW Office of Water database. The full site history search information referenced in the following sub-sections is presented in Appendices B to F.

3.3.1 Title Deeds

A historical title deeds search is used to obtain ownership or occupancy information on the property, including company names and the occupations of individuals. The title information can assist in the identification of previous land uses and can therefore assist in establishing whether there were potentially contaminating activities occurring at the site. The title deed search results are summarised in Tables 1 – 5 below. In establishing the possible use of the site, information has also been drawn from other sources such as aerial photographs.

**Table 1 - Historical Title Deed Record for Lots 1 to 9, SP 13130 also Lot 1, DP 539673
As regards the whole of the subject lands (see Appendix B)**

Date	Owner/Occupier	Possible site use
1914 - 1920	Alfred Mallick (<i>Freeholder</i>)	Residential
1914 - 1928	Samuel Curotta (<i>Merchant</i>)	Residential

**Table 2 - Historical Title Deed Record Continued for Lots 1 to 9, SP 13130
(see Appendix B)**

Date	Owner/Occupier	Possible site use
1928 - 1952	Lyonel Levy (<i>Hotel Keeper</i>)	Residential/Hotel
1952 - 1954	Elsie Mary Little (<i>Widow</i>)	Residential
1954 - 1965	Ilma May Crouch (<i>Married Woman</i>)	Residential
1965 - 1965	John Wilmott (<i>Technical Officer</i>)	Residential
1965 - 1977	Wade Groth (<i>Builder</i>) (<i>& His deceased estate</i>)	Residential
	The part marked (B) on the cadastre was dedicated as Public Road by the registration of DP522431. This road was subsequently closed and Certificate of Title issued in the name of Wade Groth in 1970	
1977 – to date	# Anthony Oswald Merrett (<i>Insurance Broker</i>) # Hulda Prunella Merrett (<i>Married Woman</i>)	Residential
	The Common Property stands in the name of The Proprietors of Strata Plan 13130	

Current Registered Proprietor

Table 3 - Historical Title Deed Record Continued as Regards of the Part of Lot 1, DP 539673 marked (1) on the cadastre (see Appendix B)

Date	Owner/Occupier	Possible site use
1928 - 1946	Lyonel Levy (<i>Hotel Keeper</i>)	Residential/Hotel
1946 - 1960	Isabella Matilda Monks (<i>Married Woman</i>)	Residential
1960 - 1960	Mervyn Henry Spencer (<i>Male Nurse</i>)	Residential
1960 - 1960	William John Zietsch (<i>Retired Hotel Keeper</i>)	Residential
1960 - 1987	Atlantic Oil Company Pty Limited	Industrial

Table 4 - Historical Title Deed Record Continued as Regards to the Part of Lot 1, DP 539673 marked (2) on the cadastre (see Appendix B)

Date	Owner/Occupier	Possible site use
1928 - 1939	Lyonel Levy (<i>Hotel Keeper</i>)	Residential/Hotel
1939 - 1954	Ernest Brabyn (<i>Commercial Traveller</i>) Olive Dulcie Brabyn (<i>Married Woman</i>)	Residential
1954 - 1955	John Eskbank Hall (<i>Company Director</i>)	Residential
1955 - 1958	Ellen Brownlie (<i>Femme Sole</i>)	Residential
1958 - 1987	Atlantic Oil Company Pty Limited	Commercial / Industrial

Table 5 - Historical Title Deed Record Continued as Regards to the whole of Lot 1, DP 539673 (see Appendix B)

Date	Owner/Occupier	Possible site use
1987 - 1989	Commercial Development & Investment Co. Pty Limited	Commercial
1989 - 2000	Perpetual Trustee Company Limited	Commercial
2000 – to Date	# AMP Asset Management Australia Limited (# then AMP Henderson Global Investors Limited) (# Now AMP Capital Investors Limited)	Commercial

Current Registered Proprietor

Based on the title deeds, it appears that the site may have been used mainly for residential purposes until at least 1958, with Lot 1 in DP 539673 (the western half of the site) possibly used as hotel premises' in parts up until 1939, 1946 and 1952. After at least 1958, these lands were owned by an oil company. Anecdotal information was provided by Longitude Planning Pty Ltd, the client's planner, that prior to the development of the site for the current Mosman Village Plaza in the 1980s, the site was used as a service station. This coincides with the western half of the site (i.e. the Mosman Village Plaza) being owned by Atlantic Oil Company Pty Ltd from at least 1958 until 1987. From 1987 to current, investment and trustee companies have been the proprietors of the western half of the site.

Lots 1 to 9 in SP 13130 have been own by individuals from at least 1914 to date, and appear to have been used for residential purposes during this time. The title deed search results for the site are included in Appendix B.

3.3.2 Aerial Photographs

Aerial photographs from 1930, 1951, 1961, 1972, 1982, 1994 and 2004 were obtained from the NSW Department of Lands Office, the 1943 and Current images were obtained from the NSW Department of Lands website (www.lands.nsw.gov.au). The aerial photographs are presented in Appendix C. These aerial photos were reviewed to assess the possible past uses of the site. The findings are summarised below.

1930 – The site itself appears to be occupied by three dwellings and a few trees along Mandolong Road. The site is located in an area of mixed land use, with what appears to be a mixture of residential and commercial land uses.

1943 – The site appears generally unchanged since the image from 1930. The surrounding land also appears generally unchanged since the previous image, with the exception of additions of a large rectangular commercial type building to the west and another two new buildings to the north-west, on the corner of Military and Mandolong Roads. There also appears to be an additional rectangular building located within the adjoining property to the south of the subject site.

1951 – The site and its surroundings appear similar to observations made in the 1943 image .

1961 – The two buildings located at 1-3 Mandolong Road have been removed and it appears that another small rectangular building has been constructed at the south western area of the subject site, however observations are limited by the quality of the image. The building at 5 Mandolong Road appears unchanged from observations made in the 1951 image. The surrounding land appears similar, with the addition of an L-shaped building to the east of the site which is likely to be an apartment block.

1972 – The subject site has been further developed, with the building at 5 Mandolong Road replaced by a new rectangular building resembling the apartment building which was observed during the current site inspection. There are still trees lining the front of the subject site, however there is now a different building structure occupying 1-3 Mandolong Road, with what appears to have an awning over it. It is unclear whether it is the same structure that was observed in the 1961 image, as an awning was not apparent in the previous image. The surface of the site appears to be paved, and there seems to be cars parked within the north western corner of the

site. Additional development of larger buildings is observed on Military Road, with what appears to be a building with a rooftop car park. There has been further development of larger buildings to the north and west of the site which correspond to the apartment buildings that were present during current site observations.

1982 – The subject site and its surroundings appear similar to observations made in the 1972 image.

1994 – The subject site resembles the buildings currently onsite. The surrounding land appears to be similar to observations made in the 1972 and 1982 images.

2004 – The subject site and its surroundings appear similar to observations made in the 1994 image.

2009 (most recent) – The subject site appears similar to observations made in the 2004 image, however the buildings that were present on the adjoining southern property have been removed. A large building is being constructed in its place, which, during the current site inspection, was found to be a multistorey building comprising of retail and residential apartments. Further development has been carried out to the north of the site since the image taken in 2004, with the addition of a strip of residential apartments. There has also been the development of a larger building on Military Road to the south-west of the subject site.

3.3.3 Council Records

The subject site is located within Mosman Municipal Council. The majority of the subject site is currently occupied by the Mosman Village Plaza (1-3 Mandolong Road) and is zoned as '3(a1) Spit Junction Town Centre' under Mosman Local Environmental Plan 1998. The portion of the site currently occupied by the apartment building (5 Mandolong Road) is zoned as '2(e) Residential'.

According to the Section 149(2)&(5) Planning Certificates, neither of the properties within the subject site have been declared to be a significantly contaminated site under Section 59(2) of the *Contaminated Land Management Act 1997* or subject to any Site Audit Statements. The Section 149(2)&(5) Planning Certificates are included in Appendix D.

Information was requested from Mosman Municipal Council for access under the Freedom of Information Act (NSW) Section 17 and 36 relating to land use, development activities, construction or related to potentially polluting activities, such as underground storage tanks. At the time of writing this report, the search results were still pending. The findings of the search shall be reported separately at a later date once information has been made available.

3.3.4 WorkCover NSW Dangerous Goods Database

A search of the NSW WorkCover dangerous goods database was recommended by DP as part of the scope of works for the contamination assessment, however, DP was requested by the client's agent, Fitzgerald Bennett Architects on 30 June 2010, not to conduct the WorkCover search at this time.

3.3.5 Regulatory Notices Search

The NSW DECCW publishes records of contaminated sites under Section 58 of the *Contaminated Land Management (CLM) Act 1997* on a public database accessed via the Internet. The Notices relate to investigation and/or remediation of contaminated site considered to pose a significant risk of harm under the definition in the CLM Act. A search of the public database on 30 June 2010 revealed that the subject site is not listed. There are also no listed sites within close proximity to the site.

The NSW DECCW also issues environmental protection licences to the owners or operators of various industrial premises under the *Protection of the Environment Operations Act 1997* (POEO Act). Licence conditions relate to pollution prevention and monitoring, and cleaner production through recycling and reuse and the implementation of best practice. A search of the public register on 30 June 2010 did not locate any listing for the subject site.

3.3.6 Groundwater Bore Search

A groundwater bore search of the Department of Water and Energy (Note: water related issues now the responsibility of the NSW Office of Water) website database was conducted. Three groundwater bores, (GW108478, GW108738 and GW106880) were located within a 1.5 km radius to the north-east and south-east of the site. All three bores were used for domestic purposes, with standing water levels of 33.60 m for the bore located to the north-east, and 24 m and 37.80 m for the bores to the south-east. The water bearing zones were all encountered within sandstone at starting depths ranging from 24 m and 8 m in the bores to the south-east of

the site, and 51 m in the bore to the north-east. No groundwater zones were listed for the three bores. The groundwater bore search map and Groundwater Works Summary for the three bores are attached in Appendix F.

4. GEOLOGY, HYDROGEOLOGY AND TOPOGRAPHY

Reference to the Sydney 1:100,000 Geology Sheet Map indicates that the site is underlain by Hawkesbury Sandstone from the Triassic Period. The lithological description is that of medium to coarse-grained quartz sandstone, very minor shale and laminite lenses.

Reference to the 1:100,000 Soils Landscape Map of Sydney indicates that the site is situated within the Erosional soil group, and is typified by undulating to rolling rises and low hills on Hawkesbury Sandstone. Limitations encountered in this landscape are localised steep slopes, high soil to very high soil erosion hazard, rock outcrop, seasonally perched water tables, shallow high permeability soil and very low soil fertility.

The nearest water-bodies to the site are Hunters Bay, Chowder Bay, located to the east and south-east of the site respectively. Hunters Bay is located within approximately 900 m to the east and Chowder Bay within approximately 1.8 km to the south-east. The local groundwater is expected to flow in an easterly direction towards Hunters Bay.

The site has a general fall in elevation towards the south-east.

The site is located in an area of no known occurrence of acid sulphate soils on the Department of Land & Water Acid Sulphate Soil Risk Map Series 1:25 000, Edition II.

5. SITE DESCRIPTION

5.1 Site Observations

An inspection of the site was carried out by an Environmental Scientist on 12 July 2010. At the time of the inspection the basement levels were accessible, however, access could not be obtained into any located electrical/switch rooms.

Features of the site noted at that time include the following:

- The site shares its boundaries with public streets and the adjoining mixed use retail/residential properties. The surrounding land uses are residential to the north and east, and generally commercial to the south and west. Refer to the following section for further details on adjacent site uses. Refer to Photo Plates 1 - 4 in Appendix E for images of the site boundaries and surrounding lands.
- The site generally slopes down from west to east, as well as to the south. Cut activities appear to have been carried out during the development of the car park levels for both the Mosman Village plaza and the undercover parking of the apartment building. Minor fill activities appear to have been carried out during development around the apartment building as well as during the development of the ground level of the Village Plaza. Refer to Photo Plates 4 – 7, and 10 -12 in Appendix E.
- The surface of the concrete pavements within the car parks appeared in good condition with no major cracks across the subject site. No discernible signs of gross contamination were observed on the ground surface within parking bays, however there were oil marks from vehicles observed within the parking area underneath the apartment building. Apart from this, the surfaces were generally in good condition. There was no evidence indicating the presence of any underground storage tanks, and no chemical odours were noted;
- Vegetation within the subject site was observed in garden beds along the northern and western sides of the apartment building and did not appear disturbed or affected by activities, with a healthy looking mature tree, shrubs/hedges and plants present within the garden beds. In addition, there were no areas where disturbed or discoloured soils were observed.
- The subject site is not located within close proximity of surface waters or registered groundwater bores, however it is located within approximately 900 m up-gradient of Balmoral Beach and Hunters Bay.
- The Mosman Village Plaza comprised of a ground floor and second level of commercial premises', including clothing, spa and beauty stores as well as a café, toilets and an electrical room (inaccessible) on the ground floor. Located upstairs were a spa and real

estate premises as well as were a few vacant office/store spaces. Refer to Photo Plates 4 -6 in Appendix E.

- A basement car park was located underneath the Village car park which also housed an electrical main switches room and a waste storage area, as well as a number of cooling units/fans. Within the waste storage area, containers of cooking oil were stored in addition to plastic chairs and crates. It appeared that there was a locked cage section being used by the café for storage. A hot water tank was also located within the area adjacent to two cooling fans mounted on the wall. The paved surface of the waste storage area appeared to be marked by oil/grease like stains. There was an electrical main switch room located at the western side of the car park, with stairs leading to an exit door onto Military Road. Refer to Photo Plates 7 - 9 in Appendix E.
- No fragments or debris of potential asbestos-containing materials (such as fibre-cement) were noted on the ground surface during the brief walk-over.

The features described above may be obtained with reference to Drawing 1 (Appendix A).

An assessment of potential hazardous materials in the existing buildings was not part of the scope of this assessment.

5.2 Adjacent Site Use

The surrounding land usage is as follows:-

- North – Mandolong Road, residential apartment buildings and Mosman Fire Station. (cross and up-gradient);
- South – first floor retail outlets with residential apartments above (down-gradient);
- East – Melaleuca Lane, three-storey apartment building with basement level (down-gradient); and
- West – Military Road, commercial premises' including retail stores and restaurants (cross and up-gradient).

Due to the nature of the activities and based on the local topography and geology, it is considered that the potential for contamination and migration of contamination onto the subject site would be low. However, it is noted that the historical activities within these adjoining properties is not known in detail.

6. POTENTIAL FOR CONTAMINATION

Based on the available information and DP's site observations, the potential areas/issues of environmental concern are from general anthropogenic sources from past and present site activities, including heavy metals, asbestos, TPH, BTEX, PAH, PCBs, OCPs and Phenols which may arise from the presence of filling material from unknown sources.

In addition, based on anecdotal information provided by Longitude Planning Pty Ltd, the client's planner, it is understood that prior to the development of the site for the current Mosman Village Plaza in the 1980s, the site was used as a service station. Contamination that may arise from service stations are generally associated with spills, leaking or abandonment of underground storage tanks (USTs) and associated piping, with the contaminants of concern including TPH, BTEX, PAH and lead. It is expected that during the development of the subject site for the Village Plaza in the 1980s, the excavation for basement construction would have removed the majority of the sub-surface material, therefore it is anticipated that any underground petroleum storage systems (UPSS) on the site and associated underground storage tanks (USTs) present prior to the development would have been removed. It is also anticipated that the underlying bedrock is at shallow depth and groundwater levels are expected to be at depth, therefore the potential of contamination of deep-seated groundwater from USTs that may have been present on the site is considered to be low.

Several buildings existed within the site prior to those currently present. It is not known if any of the past structures, or for that matter the current structures, contained asbestos or other potentially hazardous materials (e.g. lead based paints and PCB containing capacitors). Therefore a potential exists for site soils to contain contaminants including asbestos, lead and PCB. It is unlikely that these contaminants would exist in areas excavated for current basement car parking.

Although oil stain marks from vehicles were observed on the concrete-paved car park areas during the current site walk-over, the paving appeared to be in good condition with no major cracks observed, therefore providing an effective barrier to the underlying surface.

7. DISCUSSION

The current Phase 1 Desktop Contamination Assessment was conducted to assess the potential for contamination of the site based on past and present site usage, and, if contamination exists, the likely nature of this contamination.

From review of historical title deeds and aerial photographs the site appears to have been used mainly for residential purposes until at least 1958, with 1-3 Mandolong Road (currently Mosman Village Plaza) possibly used as hotel premises' in parts up until 1939, 1946 and 1952. From the late 1950s until the late 1980s it is believed that 1-3 Mandolong Road was used as a service station, and that 5 Mandolong Road has been used generally for residential purposes since at least 1914.

The early residential land use of the site poses low concern with regards to contamination, however, as it is understood that part of the site (1-3 Mandolong Road) was previously a service station prior to its development into the Mosman Village Plaza, there is an increased potential for contamination arising from potential leaking or abandoned UPSS. Past contamination reports on the site were not available from the client, therefore the contamination status/any possible remediation that may have been conducted at the site prior to its development for the Mosman Village Plaza is unknown. In addition, Council records were not made available for viewing prior to the writing of this report, which may have provided further information on the past land use and remediation (if required in the past) of the site. As the site currently has a basement level which would have been excavated at the time of the development of the Plaza, it is likely that potential associated contamination that may have arisen from the past service station use of the site would have been removed during site development.

The potential areas of contamination from past and present land uses include:

- Placement of fill to develop the site with material from an unknown source;
- Potential contamination associated with underground petroleum storage systems during past service station use of 1-3 Mandolong Road; and
- Asbestos containing material, which may be present from past building structures and within filling material.

As the scope of the current assessment does not include intrusive sampling and investigation, no comments can be made on the subsurface conditions, or the likely waste classification of any fill and soils at the subject site.

8. CONCLUSION AND RECOMMENDATIONS

Based on the results of this Phase 1 contamination assessment, it is considered that the site has a low potential for contamination. The subject site is considered suitable for the proposed commercial/residential development, subject to the following:

- Intrusive sampling and testing in currently accessible areas of the site to assess general sub-surface conditions and the presence or otherwise of potential contaminants listed previously in this report. The objectives of the sampling and testing would be to assess potential risks to workers involved in the development and to classify the materials for disposal purposes in accordance with the waste classification guidelines, noting the proposed deep basement excavation; and
- Assessment of the areas of the site currently inaccessible once the existing structures have been demolished and removed from the site. The objective of this assessment would be to confirm or otherwise the findings of the sampling and testing recommended above and classify the materials to be excavated from these areas in accordance with the waste classification guidelines.

It is also recommended that as a precursor to demolition of any structures a Hazardous Materials Survey be carried out to identify potentially hazardous building materials (such as asbestos) requiring specific handling and disposal protocols.

9. LIMITATIONS

The scope of the assessment and consulting services undertaken by DP were limited to those detailed in the proposal dated 21 June 2010 and accepted by Fitzgerald Bennett Architects on behalf of Mandolong Projects JV Pty Ltd and Grant Samuel Capital Pty Ltd.

DP's assessment is necessarily based on the results of a review of site historical records and other information pertaining to the site, and a walk-over reconnaissance only, and did not include surface or subsurface sample screening and/or chemical analysis. As such, the current assessment has been conducted in accordance with the SEPP 55 Regulation, but does not comply with the NSW EPA *Sampling Design Guidelines (1995)*. DP does not assume any liability for site conditions not observed or not accessible during the time of the inspection. In addition, site characteristics may change over time due to activities such as spillages of contaminating substances. These changes may occur subsequent to DP's investigations and assessment.

This report and associated documentation and the information herein have been prepared solely for the use of Mandolong Projects JV Pty Ltd and Grant Samuel Capital Pty Ltd and any reliance assumed by third parties on this report shall be at such parties' own risk.

Should the information requested from Mosman Municipal Council, once made available, indicate significant contamination sources not identified in this report we reserve the right to re-assess the site contamination status and subsequent suitability for its proposed retail and residential development.

Kind regards

DOUGLAS PARTNERS PTY LTD



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