

10 May 2010

Mr Greg Shand
Director
Barana Group Pty Limited
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Sydney NSW 2000

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Dear Greg,

Site Contamination Issues - 126 Greville Street, Chatswood

1.0 Introduction

At the request of the Barana Group Pty Limited (Barana Group), AECOM Australia Pty Limited (AECOM) was asked to assist with advice in relation to the status of environmental investigations for a property located at 126 Greville Street, Chatswood (the Site). The Site is approximately 3.5 ha and has two substantial buildings (a car park and a purpose built building) for the National Acoustics Laboratory. The Site is located within the Willoughby City Council municipality.

It is understood that the Barana Group has a joint ownership of the property with Toga Group and lodged a rezoning application in early 2006. It is understood that the rezoning application was for medium density residential land use.

AECOM provided a letter dated 31 March 2010 outlining the process for assessing site contamination issues through the Development Application (DA) process for the Site. Further to additional email correspondence between Willoughby City Council and Barana/Toga, AECOM provided a subsequent letter dated 6 April 2010 to assist with queries in relation to State Environmental Planning Policy No 55 (SEPP 55) under the Environmental Planning and Assessment Act 1979 (EP&A Act).

This letter (and the earlier correspondence in March and April 2010) has been prepared by Paul Steinwede (Technical Director and a NSW EPA Accredited Contaminated Site Auditor) to confirm the process of utilising an Environmental Consultant and the Accredited Site Auditor to clarify that the Site is suitable for the proposed residential land use. It should be noted that this letter is not prepared in Paul's capacity as a Site Auditor, given that AECOM (as HLA-Envirosciences Pty Limited) had previously undertaken work at the Site.

2.0 Information Reviewed

The following information was reviewed by AECOM Australia:

- Aerial Photographs of the Site – 1986.
- Environmental Audit of the National Acoustics Laboratory (NAL) 126 Greville Street, Chatswood NSW 2067 prepared by HLA-Envirosciences Pty Ltd for Fitzwalter Group Pty Ltd (Ref: H6198, March 2003).
- Preliminary Environmental Site Assessment, 126 Greville Street, Chatswood prepared by Aargus Pty Ltd for Barana Group Pty Ltd (Ref: E1378, January 2006).

3.0 Review

AECOM is aware that a portion of the property may have been utilised as a rifle range in the 1950s and that the Site was subsequently extensively cleared and excavated to enable construction of the current infrastructure.

From the available information and the proposed change to a more sensitive land use, AECOM is of the opinion that intrusive site investigations will be required to confirm that soil and groundwater conditions are suitable for the proposed Site development. AECOM is also of the opinion that an Accredited Site Auditor would be requested by Willoughby City Council to review these works and confirm the suitability of the Site. Hence a Statutory Site Audit under the Contaminated Land Management Act (1997) would likely be required before development could be undertaken.

Given that the Site is currently occupied by the National Acoustics Laboratory and will remain so until 2013 (when the current lease expires), AECOM recommends that a single stage assessment of the Site be undertaken at completion of this lease. Such an approach would also address any building demolition issues. AECOM notes that the current Site buildings occupy a large portion of the Site and that these areas of the Site would be difficult to access and investigate until infrastructure is removed.

4.0 SEPP 55

Both Clause 6 (zoning or rezoning proposal) and Clause 7 (determining development application) of SEPP 55 outline the process to be followed to consider whether land is contaminated.

Under Clause 6, the intent is that the land is either suitable or can be made suitable and specifically Clause 6(1)(c) clarifies a situation where remediation is still required to be carried out prior to the land being used for the proposed purpose.

Similar wording is provided in Clause 7 (Clause 7(1)(c)) for the development application stage where land requires remediation to be made suitable before the land is used for the proposed purpose.

5.0 Conclusions

AECOM is of the opinion that the appropriate mechanism for ensuring SEPP 55 compliance is to undertake detailed environmental site investigations for 126 Greville Street Chatswood in association with the development application rather than rezoning process. Accordingly, the statement from Willoughby City Council that rezoning of the Site cannot be considered under SEP 55 is incorrect.

This approach is consistent with the approach adopted throughout NSW and my use as an NSW EPA Accredited Site Auditor to complete Statutory Site Audits (an Audit with either a Planning and/or DA requirement). Such an approach would enable these works to be undertaken in conjunction with proposed demolition activities (following completion of current lease in 2013) to enable access to the overall property. This process would require an environmental consultant to undertake the proposed intrusive investigation and an independent NSW EPA Accredited Site Auditor to review and confirm the suitability of the Site for the proposed medium density residential land use to Willoughby City Council.

Should this Environmental Investigation Report identify contamination issues then a Remediation Action Plan (RAP) with a subsequent Validation Report prepared by the Consultant confirming completion of all remediation activities would be required to assist the Site Auditor with review of the suitability of the Site.

6.0 Timing

In AECOM's experience, these investigations and requirement for completion of a Statutory Site Audit typically is part of the Development Application process with specific conditions within the DA to cover both the investigation and use of an accredited Site Auditor. This Development Application process would then make the Site Audit a statutory requirement. This is the appropriate course of action, rather than prior to the rezoning of the Site, and was the course of action recommended by Willoughby City Council as recorded in the Report tabled by Council on 3 December 2007.

Subsequent occupation of the Site would not be allowed to proceed until the Auditor's Site Audit Statement and supporting Report were concluded confirming the suitability of the Site for the proposed land use(s).

Should you have any further queries relating to this process and/or including assistance in meeting with environmental representatives from Willoughby City Council, AECOM (Paul Steinwede, mobile 0419 232 476) would be glad to assist further with this process.

Yours sincerely,

AECOM Australia Pty Ltd

Paul Steinwede
Technical Director
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Encl:

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