

CITY OF WEST TORRENS



Confidential Report Item 21.1

of the

COUNCIL MEETING

of the

CITY OF WEST TORRENS

will be held in the Council Chambers, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

TUESDAY, 3 SEPTEMBER 2019
at 7.00pm

Pursuant to Section 83 (5) of the *Local Government Act 1999* the Confidential Item for the Council meeting is delivered to the Council Members upon the basis of my recommendation that the matters to which the Agenda relates be received, considered and discussed by the Council in confidence under Part 3 of the Act.

A handwritten signature in black ink, appearing to read "Terry Buss".

Terry Buss PSM
Chief Executive Officer

City of West Torrens Disclaimer

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

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Released

21 CONFIDENTIAL

21.1 Divestment of Council Property at 108-120 Marion Road, Brooklyn Park

Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(3)(b)(i) and (b)(ii) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (b)(i) information the disclosure of which - could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.
- (b)(ii) information the disclosure of which - would, on balance, be contrary to the public interest.

RECOMMENDATION

It is recommended to Council that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams in attendance at the meeting, and meeting secretariat staff, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 21.1 Divestment of Council Property at 108-120 Marion Road, Brooklyn Park , attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(b)(i) and (b)(ii) because it may prejudice the commercial position of the Council and lead to Council not obtaining or securing the best possible price for the land to be divested. In addition, Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position may severely prejudice Council's ability to secure the best possible price for the land for the benefit of the Council and its community and consequently, Council considers the disclosure of this information would, on balance, be contrary to the public interest.
2. At the completion of the confidential session the meeting be re-opened to the public.

Brief

This report provides an update to the marketing campaign undertaken by commercial agents CBRE acting for Council for the divestment of Council's Marion Road Depot site at 108-120 Marion Rd, Brooklyn Park and presents a purchase proposal for Council's consideration.

RECOMMENDATION(S)

It is recommended that:

1. The Chief Executive Officer be authorised to do all things necessary to negotiate a contract with Accord Property for the sale of Council's former Depot site located 108-120 Marion Road, Brooklyn Park (the Land) for a price of not less than \$3.6 million + GST (if applicable) and subject to conditions as set out in the purchase proposal by Accord Property dated 21 August 2019 or such revised offer as may subsequently be received or with less onerous conditions as the Chief Executive Officer may negotiate.
2. Further to and consistent with the provisions of recommendation (1) above, Council authorises the Mayor and Chief Executive Officer to execute a contract for the sale of the Land to Accord Property and any other agreement, instrument or other documents contemplated by the contract or otherwise required for settlement.
3. Council notes the Voluntary Site Contamination Assessment Proposal (VSCAP) prepared for the Environment Protection Authority of South Australia (EPA) and commits to undertake and fund the schedule of works listed in the VSCAP (as finally approved by the EPA) in order to finalise, or give effect to the sale contract with Accord Property referred to in recommendations (1) and (2) above.

FURTHER

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the Item 21.1 Divestment of Council Property at 108-120 Marion Road, Brooklyn Park, the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(b)(i) and (b)(ii), be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, on the basis that it may prejudice the commercial position of the Council and lead to Council not obtaining or securing the best possible price for the land to be divested. In addition, Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position may severely prejudice Council's ability to secure the best possible price for the land for the benefit of the Council and its community and consequently, Council considers the disclosure of this information would, on balance, be contrary to the public interest.
2. Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

Introduction

At its meeting on 19 February 2019, Council endorsed the commencement of the sale process for its former Depot site on Marion Road, Brooklyn Park. Selling agents CBRE were engaged to undertake an Expression of Interest (EOI) sale process and the outcomes of that sale process were reported to Council (in confidence) at the 2 July 2019 meeting.

At that time two parties made offers with certain conditions attached with Accord Property being the best from a price point of view at \$3.4 million. One of the main 'resistance points' to the EOI process related to the heritage listing of the former West Torrens Council Chambers located on the site and as a result, Council sought heritage architect advice in terms of the likelihood of the constraints that retention of the heritage item would have on the site's development potential.

The heritage architect's work indicated that the footprint of the heritage item relative to the Primary Heritage Value component was somewhat lesser than the overall footprint of the existing building and as such, parts of the building including the former Ambulance Station at the southern end of the building, a rear lean-to and an office extension to the west of the building have secondary, little or no heritage significance and therefore can be removed. That said, the heritage architect's advice indicated that there would be no valid reason to support removal/demolition of the Primary Heritage Value component of the former Council Chambers.

The findings of the heritage architect's work was provided to the various interested parties including Accord Property so that they could be clear on Council's position in regard to the heritage item and to further inform them about the development potential of the site with the Primary Heritage component of the heritage item retained. This must be considered in the context of the initial purchase proposal from Accord Property of \$3.4 million with certain conditions including a clear and level site meaning removal of the heritage item.

Discussion

Council at its meeting on 2 July 2019 considered the results of the EOI process and while the EOI generated moderate interest from a range of both commercial and residential developers, at the formal close of the EOI process there were no offers for Council to consider. Following close of the EOI, discussions continued with some interested parties to the point that two offers were received including the offer from Accord Property of \$3.4 million subject to a range of conditions. The offers were not considered acceptable to Council from both a price and subject conditions perspective and Council approved the continuation of the sale process to 31 August 2019 in an attempt to provide extra time to secure a satisfactory outcome.

Accord Property have shown the most interest in the property and have made a revised purchase offer of \$3.6 million + GST (if applicable) subject to certain conditions (Refer **Attachment 1**).

The Administration met with the selling agents CBRE following receipt of the Accord Property offer to get a better understanding of the offer and the attached conditions. It is noted that Accord Property increased their purchase price offer from \$3.4 million to \$3.6 million and the agents indicated there may be opportunity to negotiate a further increase should Council be accepting of their special conditions. The special conditions listed by Accord Property in their revised offer are significantly less onerous than before in that reference to demolition of the heritage item has been deleted and the requirement for a clear site (requiring Council to undertake demolition of other structures on the site) has also been deleted. The Administration is comfortable with the special conditions in the revised offer and this sentiment has been conveyed to Accord Property. The Administration have been advised that Accord Property were heartened by Council's response and will give further consideration to their purchase price offer. At the time of writing this report no revised offer has been presented however, CBRE have advised the Administration that one is probably forthcoming.

In terms of the revised purchase price offer of \$3.6 million, that represents a rate of \$433/m². In discussion with the selling agents it was determined that a rate of \$450/m² is something we should push Accord Property for representing a sale price of \$3.73 million. Further information will be provided at the meeting if a revised offer is received from Accord Property.

It should be noted that the Administration obtained an updated independent valuation of the property back in January 2018 when an inquiry from Meals on Wheels was received for the site. At the time Meals on Wheels provided an independent valuation of \$3.66 million whereas Council's independent valuation was \$4.265 million.

More recently, when agents were approached in late 2018 to bid for the job of selling the site, the range of values suggested in responses by individual agents ranged from \$2.35 million to \$5.3 million.

Accordingly, the current offer of \$3.6 million from Accord Property with a possible increase to circa \$3.7 million is not unreasonable and sits midway between the range of offers suggested by the individual agents back in late 2018. It is somewhat short of Council's independent valuation of \$4.265 million but in the current Adelaide commercial property market, to which the site has been tested, the offer is well worth considering.

Should Council determine to not accept the Accord Property offer and then comply with its previous resolution made 2 July 2019 to withdraw the site from sale and continue to hold the site, then there are holding costs that need to be taken account of.

The Administration has considered holding and lost opportunity costs for the site on an annual basis and they can be summarised as:

- Direct costs (water, power, insurance, security, etc.) \$17,800
- Lost rate revenue (based on a CV of \$5.0 million) \$30,900
- Loan costs avoided (using sale proceeds to offset loan program) \$293,000

Of course the above figures do not include any revenue received from the site if a tenant could be found but if the site sits vacant the holding and lost opportunity costs amount to approximately \$342,000 per year.

On the revised offer presented by Accord Property and taking account of the holding and lost opportunity costs associated with continuing to hold the site, serious consideration of the offer is recommended.

Concurrent with dealing with the EOI process for the site, the Administration has also taken technical and legal advice as to the nature of environmental issues at the site and how it should deal with these. Environmental matters relating to the site were provided in detail in the confidential report to Council on 19 February 2019 so will not be repeated in this report however, the environmental issues primarily centre around ground water contamination from the underground fuel tanks.

Following some on-site testing and discussions with our environmental consultants and the EPA, in June 2019 the EPA issued Council with instructions to undertake a Voluntary Site Contamination Assessment Proposal (VSCAP) for the site (Refer **Attachment 2**).

Council engaged specialist consultants to prepare the VSCAP for the site and that was submitted to the EPA on 31 July 2019 for approval (Refer **Attachment 3**). At this point the EPA have not approved the VSCAP but the Administration is confident that it will.

The VSCAP, once approved, places certain obligations on Council and noting that Council already has liability for any groundwater contamination by virtue of its long ownership and use of the land, so there is no change in this regard, also noting that an underlying principle in the EPA Act is that the polluter has first responsibility for environmental matters.

In a nutshell, testing has indicated that groundwater contamination does not extend beyond the site and with removal of the underground fuel tanks and remediation of the contaminated soil surrounding the fuel tanks, this should remedy the environmental concerns with the site. Of course, once this work is done ongoing monitoring at Council's cost will be required to prove groundwater contamination issues from the site have been addressed.

Estimated costs for addressing environmental issues at the site are circa \$300,000 and these costs will be offset from the sale proceeds.

Conclusion

As per the resolution of Council, the former works depot site at 108-120 Marion Road, Brooklyn Park was put to the market by commercial sales agents CBRE with an Expression of Interest (EOI) campaign commencing on 27 February and closing on 28 March 2019.

The EOI process was extended by Council to 31 August 2019 and at close of the EOI period a revised offer by Accord Property was received. That offer comprised a sale price of \$3.6 million + GST (if applicable) subject to three conditions being around, planning approval, tenancy agreement and environmental conditions.

The Administration has indicated to Accord Property that the conditions are reasonable and agree that they are not an impediment to satisfying a contract. Via discussions with our agents CBRE, they have indicated that Accord Property may give consideration to increasing their offer of \$3.6 million but at the time of writing this report no further offer has been received.

The current offer of \$3.6 million from Accord Property with a possible increase to circa \$3.7 million is not unreasonable and sits midway between the range of offers suggested by the individual agents back in late 2018. It is somewhat short of Council's independent valuation of \$4.265 million but in the current Adelaide commercial property market, to which the site has been tested, the offer is well worth considering.

Attachments

- 1. Accord Property revised purchase offer**
- 2. Letter from EPA regarding Voluntary Site Contamination Assessment Proposal (VSCAP)**
- 3. Voluntary Site Contamination Assessment Proposal (VSCAP) for 112 Marion Road, Brooklyn Park**



ACCORD PROPERTY

t +61 (8) 8359 3195
e info@accord.property
w accord.property
o 806/147 Pirie Street
Adelaide SA 5000

21 August 2019

Harry Einarson
Associate Director
Level 5, 151 Pirie Street
Adelaide SA 5000

Dear Harry,

RE: Purchase Proposal – 108 & 120 Marion Road, Brooklyn Park

As discussed, we have provided headline terms for the purchase of the abovementioned property.

- **Purchase:**
\$3,600,000 + GST (if applicable)
Based on a total site area of 8,306sqm.
- **Subject to a 4-month period to (Special Conditions):**
 - Obtain satisfactory Planning Approval for a warehouse/storage use;
 - Obtain a satisfactory Agreement to Lease;
 - Conduct Environmental Investigations for suitable Land Use;
- **Other:**
Subject to vacant possession, with all necessary remediation (commercial use) and clear title.
- **Refundable Deposit payable after 30 days:**
\$35,000
- **Settlement:**
21 days after satisfaction of the Special Conditions.

Please note that this does not form a binding offer. We are happy to meet to discuss the next steps.

Look forward to hearing from you.

Kind Regards,

Sam Morris
Director

Adelaide Nominees Pty Ltd (ACN 620 377 077).



Environment Protection Authority
GPO Box 2607 Adelaide SA 5001
211 Victoria Square Adelaide SA 5000
T (08) 8204 2004
Country areas 1800 623 445

EPA 05/24969; GENI 62064-01

Mr Terry Buss
Chief Executive Officer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033

Dear Mr Buss,

SITE: Brooklyn Park Depot, 112 Marion Road, Brooklyn Park SA 5032 (CT5721/775, CT5727/286, CT5728/110, CT5722/63, CT5443/556, CT5670/395, CT5861/944)

RE: REVIEW OF SITE CONTAMINATION REPORT OUTCOMES – ACTION REQUIRED

Thank you for providing the Environment Protection Authority (EPA) with the following report as supporting information for the 'Notification of site contamination of underground water¹', dated 9 October 2018 (amended 11 April 2019), for the above site:

- AECOM (2019), *Detailed Site Assessment – City of West Torrens Depot*. Reference 60552412, dated 12 April 2019.

The provided report has been recorded in the EPA Public Register².

Based on the information included in the report the site has been deemed to be a Level 1 regulatory priority in accordance with the EPA Site Contamination Regulatory and Site Management Framework (2017). Priority levels assist the EPA in selecting the appropriate regulatory approach and reporting timeframe to ensure that site contamination is managed effectively.

As such, it has been deemed that a voluntary site contamination assessment proposal (VSCAP) is necessary for effective regulation of the site. This is based on the following rationale:

- Elevated concentrations of petroleum hydrocarbons and other contaminants associated with Council works depot activities have been identified in soil beneath the site.
- The nature and extent of the identified site contamination and the potential risk to human health and the environment has not been assessed.

The *Environment Protection Act 1993* allows persons to prepare and submit a VSCAP³ to the EPA for consideration. Proposals provide the EPA with assurance that any risks to human health or the environment will be addressed appropriately while also offering liable persons regulatory certainty.

¹ In accordance with section 83A of the *Environment Protection Act 1993* (EP Act)

² In accordance with section 109(3)(i) of the EP Act

³ In accordance with section 103 I of the EP Act

~~It is requested that you contact the EPA to schedule a meeting in the coming month to discuss the provisions of the VSCAP. Your engaged site contamination consultant should also be present at this meeting.~~

If you have not contacted the EPA within two weeks of the date of this letter the EPA may consider taking further regulatory action.

Prior to this meeting, it is recommended that yourself and your engaged site contamination consultant draft and submit a proposal using the voluntary proposal template which will be forwarded to you by email.

The provisions of the VSCAP should specifically address and achieve the following EPA assessment goals:

- Goal 2: Determine nature and extent of site contamination.
- Goal 3: Identify and assess any potential risks to human health or the environment.

As detailed in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013), the assessment of site contamination at a site is an iterative process based on the findings of multiple stages of assessment work. It is expected the results of these additional assessment works will inform the need for any further assessment and/or remediation works.

Please provide a copy of this letter to your engaged consultant to assist them in the drafting the VSCAP.

Fact sheets relating to your obligations under the *Environment Protection Act 1993* and how to engage a certified practitioner be found at www.epa.sa.gov.au.

If you would like further assistance on this matter please contact Hannah Custance on (08) 8204 2320 or at hannah.custance@sa.gov.au.

Yours sincerely



Rebecca Hughes

PRINCIPAL ADVISER, SITE CONTAMINATION

ENVIRONMENT PROTECTION AUTHORITY

Date: 20/6/19

Voluntary site contamination assessment proposal

Brooklyn Park Depot, 112 Marion Road, Brooklyn Park

PREPARED FOR:	Environment Protection Authority South Australia (EPA)
COPY TO:	West Torrens City Council
PREPARED BY:	Tonkin
DATE:	31/07/2019
VARIATION NO:	Rev A

1 Introduction

1.1 General information

This Voluntary Site Contamination Assessment Proposal (VSCAP) was prepared by Tonkin on instruction from and behalf of the City of West Torrens (Council) following correspondence provided by the Council to the EPA on 20 June 2019. This VSCAP is prepared according to section 103I of the Environmental Protection Act 1993 (SA) (Act) and relates to the site contamination assessment only, namely the onsite delineation and monitoring of key contaminants of concern identified within soils, as a part of earlier assessment works undertaken onsite by others.

1.2 Site identification

The site is currently owned by the Council and is known as the 'Marion Road Depot'. A summary of site details is provided in Table 1.1 and a site plan showing the various Allotments is included in Appendix A. It is proposed by Council that the depot is currently surplus to Councils requirements and as such it is planned the property be sold for divestment.

Table 1.1 Site Identification Details

Site Name	City of West Torrens Brooklyn Park Depot
Site Address, Certificate of Title & Owner	112 Marion Road, Brooklyn Park SA The site is comprised of six individual allotments, listed following: <ul style="list-style-type: none"> • CT6221/362, Allotment 102, Deposited Plan 119826 • CT5670/395, Allotment 85, Deposited Plan 3719 • CT5443/556, Allotment 83, Deposited Plan 3719 • CT5728/110, Allotment 79, Deposited Plan 3719 • CT5727/286, Allotment 78, Deposited Plan 3719 • CT5721/775, Allotment 77, Deposited Plan 3719
Total Site Area	8,200 m ²
Local Government Authority	City of West Torrens
Council Zoning	Commercial
Former site use	Council Depot
Current site use	Vacant

1.3 Site contamination background

The site land has been owned by the City of West Torrens since 1913, previous to this the site was unallocated Crown Land. The site is understood to have been used as a depot since at least 1935. The site formerly contained various hazardous materials including oil, fuels, lubricants, solvents, herbicides and pesticides which were stored in buildings across the site. Three dis-used underground storage tanks (USTs) remain *in-situ* onsite within the refuelling

area, consisting of two 4,500 L diesel USTs and an 8,000L ULP UST. There is also one 20,000 L diesel above ground storage tank (AST) west of the refuelling area.

Since 2018 a number of environmental investigations including a preliminary and detailed site investigation have been conducted on the Site, which have resulted in a Section 83A Site Contamination notifications to the EPA (Table 1.2). A number of data gaps resultant from the historical works have been identified.

Table 1.2 Previously Conducted Investigations

Report Name	Reference ID	Date	Company
Preliminary Site Investigation (PSI)	60557500-R01	Sep-18	AECOM
EPA Section 83A Notification for 112 Marion Road, Brooklyn Park	-	Oct-18	AECOM
EPA S83A Notification of Receipt for 112 Marion Road, Brooklyn Park	62064-01, 05/24969	Dec-18	EPA
AECOM Memo	60552412	Jan-19	AECOM
EPA S83A Notification of Compliance for 112 Marion Road, Brooklyn Park	05/24969; GENI 62064-01	Jan-19	EPA
Detailed Site Investigation (DSI)	20190412 Revision 1	Apr - 19	AECOM
VSCAP	20190092R001-VSCAP	Jul-19	Tonkin

1.4 Site contamination professionals

Tonkin has experience in the assessment and management of contaminated sites and is a member of the Australian Contaminated Land Consultants Association (ACLCA). Tonkin Consulting has been engaged to complete the scope of assessment of the VSCAP (below) and is the designated site contamination consultant.

2 Objectives of proposed assessment

The objective of the proposed assessment in accordance with the EPA letter (dated 20 June 2019) is to:

- Determine the nature and extent of site contamination with a focus on petroleum hydrocarbons (and other relevant contaminants of concern) onsite.
- Identify and assess any potential risks to human health or the environment.

3 Scope of assessment work

The scope of the proposed assessment is as follows:

- Develop a Sampling Analysis Quality Plan (**SAQP**) to meet objectives of this VSCAP.
- Undertake additional soil drilling works onsite to address the data gaps as identified within the AECOM **DSI** report, including the following:
 - Petroleum hydrocarbon impacts observed within the vicinity of the USTs, AST and associated fuel pipework which have not been vertically or laterally delineated
 - The lateral extent of hydrocarbon and arsenic contamination detected in shallow fill in the central portion of the site
 - Assessment of soils beneath the vehicle and maintenance workshop
 - Assessment of deeper fill materials within the vicinity of BH4, BH7, BH8, BH12 and BS1
- Undertake additional offsite works including the monitoring of existing offsite groundwater monitoring wells along Edwin Street and Marion Road and analysis of samples for petroleum hydrocarbons and BTEX.
- Compile a Conceptual Site Model (**CSM**) in accordance with the EPA 'Guidelines for the Assessment and Remediation of Site Contamination' October 2018 and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (**ASC NEPM**).
- Assess potential risks to human health (including on-site workers) and the environment.
- Prepare a Detailed Site Investigation (**DSI**) report following completion of the works.
- Prepare a Remedial Management Plan (**RMP**) for the site documenting any remedial or management strategies as required.

Once the DSI has been completed recommendations will be made regarding future works required to meet the objectives in this VSCAP. These recommendations may include additional works including soil vapour assessment, or soil remediation/ management works.

4 Methodology and principles

In undertaking the investigation works, it is expected that the following scope of works will be required as a minimum. The scope of works will be finalised following the approval of the VSCAP and SAQP:

- Develop a SAQP in accordance with National Environment Protection (Assessment of Site Contamination) Measure 1999 (**ASC NEPM**). The SAQP will be provided to the EPA for approval prior to commencing the following scope of works.
- Engage an experienced and licensed driller to drill the nominated additional soil bores, the locations of which will be specified within the SAQP.
- Completion of an offsite groundwater monitoring event including:

- Sampling of groundwater from all four existing offsite groundwater monitoring wells. Fieldwork will be undertaken in accordance with the NEPM. Prior to sampling, the standing water level of all wells will be measured, and field water quality parameters collected during the purging of the monitoring wells.
- Disposal off-site of all waste liquids to a licensed liquid waste facility.
- Submitting groundwater samples for analysis for the parameters as set out in the SAQP. Expected analyses are to include petroleum hydrocarbons and BTEX.
- Undertake a Tier 1 qualitative risk assessment of the soil and groundwater data against established criteria.
- Compilation and submission of a DSI report in accordance with the NEPM, the EPA 'Guidelines for the Assessment and Remediation of Site Contamination' October 2018 and the Environment Protection (Water Quality) Policy 2015 (SA) under the Act.
- Provide recommendations for any future ongoing monitoring or management requirements.
- Prepare a Remedial Management Plan (RMP) for the site documenting any remedial or management strategies as required.

Table 4.1 Proposed Analytes for Soil Sampling

Trigger Analytes	Sample Locations
<u>Laboratory Analyses (soil)</u>	
Total petroleum hydrocarbons (TPH)	All areas
BTEX	All Areas
Polycyclic aromatic hydrocarbons (PAH)	Vehicle and maintenance
Heavy metals	workshop, deeper fill material
<u>Laboratory Analyses (offsite groundwater)</u>	
Total petroleum hydrocarbons (TPH)	All four offsite groundwater
BTEX	monitoring wells

5 Timeframes and milestones

The timeframes for the scope of works and milestones are presented in Appendix B. These milestones assume that this VSCAP is approved by the EPA within one month following submission. The timeframes for the completion of the works also assume that the EPA review and acceptance dates are met by the EPA. The timeframes for the deliverables are presented in Appendix B.

6 Variation of proposal

A variation to the proposal can be implemented if unforeseen circumstances develop. In the event of a delay to works, City of West Torrens will notify the EPA in writing, outlining the reasons for the delay request and proposed length of delay. The correspondence will include a copy of the Register of Delay Events, included in Appendix C. Such delays may include availability of subcontractors and other factors not controlled by City of West Torrens. The Milestones in Section 5 and Schedule of Works (Appendix B) have been developed to minimise the potential for delay events to be required.

Proposed variations to this proposal will be notified to the EPA through an updated VSCAP. The EPA must agree to any variations to the proposal in writing. Appendix D contains a register for such variations. Variations to this

proposal may be required if results of the groundwater investigation reveal an unexpected change of circumstances in regard to the nature or extent of contamination or potential for impacts to occur.

7 Commencement and term of proposal

The proposal begins on the date this VSCAP is approved by the EPA in writing. The works outlined herein are scheduled to be completed within four months with the final stage of completion including meeting with the EPA. The EPA will deem that the provisions of the VSCAP have been satisfied when the deliverables under the VSCAP (in Appendix B) have been provided to the EPA and will provide written notification to the Council confirming that this is the case.

8 EPA regulatory action

None provided.

9 Notices

All written notices and communications to the Council and the EPA should be served on the nominee as set out below or as otherwise advised by the Council or the EPA.

City of West Torrens

Mr Angelo Catinari, General Manager Urban Services

165 Sir Donald Bradman Drive, Hilton, SA, 5033

[REDACTED]
Tel (08) 8416 6333

EPA

Mr Andrew Pruzinski, Manager Site Contamination

GPO Box 2607, Adelaide, S.A. 5001

[REDACTED]
Tel (08) 8204 9085

10 Declarations

I declare that I, Angelo Catinari, as the authorised representative of City of West Torrens on their behalf agree to the provisions of this Voluntary site contamination assessment proposal as defined under section 103I of the Environment Protection Act (1993):

Signature: _____

Printed Name: _____

Date: _____

I declare that I, Dean Ottanelli was in the presence of Angelo Catinari when they signed this document:

Signature: _____

Printed Name: _____

Date: _____

Appendix A Site map(s)

Released

Legal/67470260_1

Appendix B Schedule of works

Task	Task Objective	Task Scope	Milestone / Deliverable	Timing
SAQP	Develop SAQP to direct subsequent additional investigation works	Outline the data quality objectives for the additional investigation works, the sampling methodologies and the specific quality assurance and quality control measures to be undertaken	SAQP	14 August 2019
Soil investigation works	Address and close off identified data gaps from previous assessments	Advancement and sampling of soil bores		2 September 2019
Offsite groundwater sampling works	Provide additional certainty that offsite groundwaters are not impacted by former site activities	Sampling of four existing offsite monitoring wells	Progress report, email	9 September 2019
Investigation Report	Assess potential risk to relevant human health and ecological pathways associated with site impacts for current commercial land use, including a CSM for the site	Undertake an assessment of potentially complete exposure pathways to human health and the environment as identified by the CSM	DSI report	7 October 2019
RMP	Develop an RMP to direct any potential future remedial works if required	Develop the remedial goals and detail the remedial strategy including contingency planning and site management provisions and development of a validation plan to validate completion of the site remediation	RMP	4 November 2019
Final EPA Consultation	Facilitate communication and understanding of stakeholder requirements	Communicate report findings Discuss next actions for Council and/or EPA	Minutes of meeting	18 November 2019

Appendix C Register of delay events

Delay Event No.	Description	Date notified	Work delayed	Action proposed	EPA Approved

Legal/67470260_1

Appendix D Register of variations

Variation No.	Description	Date proposed	Proposed by	Date agreed	Agreement attached
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Appendix E Additional attachments

Released

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