

21 April 2022

Hamton Pty Ltd
Suite 8/111 High Street
Pahran VIC 3181

Attention: Justin Galligan
Senior Development Manager

Dear Justin,

Audit Overlay recommendations, 442-450 Auburn Road and 9 Bills Street, Hawthorn

1 Introduction

In 2021, Environmental Earth Sciences Vic was engaged by Hamton Pty Ltd to undertake a desktop environmental assessment for a site at 442-450 Auburn Road and 9 Bills St, Hawthorn.

We understand that you are seeking a proposed rezoning of the land. As part of the rezoning application it has been proposed that an Environmental Audit Overlay (EAO) be placed across the site. The Department of Environment, Land, Water and Planning (DELWP), as the relevant planning authority, has asked for further advice on the basis of the EAO request. This letter has been prepared to respond to DELWP's query.

2 Ministerial Direction No. 1

Ministerial Direction No. 1 *Potentially Contaminated Land* (2021) requires that where it has been determined that part or all of the land is "potentially contaminated land", and the land is to be rezoned for a sensitive use, the relevant authority must satisfy itself that the environmental conditions of the land are or will be suitable for use. The mechanism by which the Authority must satisfy itself is through issue of a preliminary risk screen assessment (PRSA) statement by an environmental auditor stating an audit is not required, or completion of an audit. Where this is not practicable to be undertaken before an amendment is approved, the assessment may be deferred by placement of an EAO.

In determining whether land is potential contaminated, reference may be made to Planning Practice Note PPN30 *Potentially Contaminated Land*, which lists a range of 'high' and 'medium' risk land use activities, as well as those activities specifically listed in MD No.1.

3 Is land potentially contaminated?

On 18 November 2021, we issued advice¹ relating to potential contamination issues associated with the site based on review of existing reports completed for the site owner (Melbourne University) and other investigation reports on adjacent sites available to us. The advice concluded that the site generally has a low potential for contamination, based on the findings of intrusive investigation programs, site history assessment and surrounding investigation reports. However, a number of localised areas of potential contamination were identified including:

- Potential for remaining UST adjacent to investigated area beneath common room with associated soil and/or groundwater impacts arising.
- Potentially limited impacts of petroleum hydrocarbons adjacent/beneath historical or extant UST location, based on reports of faint hydrocarbon odours in soil samples.
- Potential for limited asbestos containing materials (ACM) impacts to remain post abatement works at the former bluestone storage area.
- Presence of shallow filling on site, and localised exceedances of health investigation levels (although in considering the concentrations reported across the site as a whole, impacts were not deemed significant).
- Potential for diffuse source impact to groundwater, based on findings of down-hydraulic gradient investigations by others.

A number of these are listed in the 'medium' potential for contamination category in PPN30 or indicate actual localised contamination that may need to be further investigated and/or remediated.

4 Recommendation for EAO

The proponent submitting the amendment is not the site owner, and potential sources of contamination such as the underground storage tank are yet to be confirmed and may require demolition of buildings in order to remove and remediate (if confirmed to be present). Completion of a PRSA or Audit is therefore not considered practicable at this time, and application of an EAO is considered to be the appropriate mechanism to allow for future exploration of the areas of concern and completion of a PRSA in the first instance, again noting the overall low potential for contamination for the majority of the site and the localised nature of potential areas of concern.

¹ EES, 2021. Letter titled *In confidence – Pre purchase environmental assessment at 9 Bills Street, Hawthorn, 18 November 2021* (our ref 221096 Letter V1)

5 Limitations

This letter has been prepared by Environmental Earth Sciences VIC ACN 109 404 024 in response to and subject to the following limitations:

1. The specific instructions received from the Client;
2. May not be relied upon by any third party not named in this report for any purpose except with the prior written consent of Environmental Earth Sciences VIC (which consent may or may not be given at the discretion of Environmental Earth Sciences VIC);
3. The letter only relates to the site referred to in the scope of works being located at 9 Bills Street, Hawthorn (“the site”);
4. The letter relates to the site as at the date of the report as conditions may change thereafter due to natural processes and/or site activities;
5. No warranty or guarantee is made in regard to any other use than as specified in the letter;
6. Our General Limitations set out at the back of the body of this letter.

Should you have any queries, please do not hesitate to contact us on (03) 9687 1666.

For and on behalf of

Environmental Earth Sciences VIC

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Tim Vass
Principal

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ENVIRONMENTAL EARTH SCIENCES GENERAL LIMITATIONS

Scope of services

The work presented in this report is Environmental Earth Sciences response to the specific scope of works requested by, planned with and approved by the client. It cannot be relied on by any other third party for any purpose except with our prior written consent. Client may distribute this report to other parties and in doing so warrants that the report is suitable for the purpose it was intended for. However, any party wishing to rely on this report should contact us to determine the suitability of this report for their specific purpose.

Data should not be separated from the report

A report is provided inclusive of all documentation sections, limitations, tables, figures and appendices and should not be provided or copied in part without all supporting documentation for any reason, because misinterpretation may occur.

Subsurface conditions change

Understanding an environmental study will reduce exposure to the risk of the presence of contaminated soil and or groundwater. However, contaminants may be present in areas that were not investigated, or may migrate to other areas. Analysis cannot cover every type of contaminant that could possibly be present. When combined with field observations, field measurements and professional judgement, this approach increases the probability of identifying contaminated soil and or groundwater. Under no circumstances can it be considered that these findings represent the actual condition of the site at all points.

Environmental studies identify actual sub-surface conditions only at those points where samples are taken, when they are taken. Actual conditions between sampling locations differ from those inferred because no professional, no matter how qualified, and no sub-surface exploration program, no matter how comprehensive, can reveal what is hidden below the ground surface. The actual interface between materials may be far more gradual or abrupt than an assessment indicates. Actual conditions in areas not sampled may differ from that predicted. Nothing can be done to prevent the unanticipated. However, steps can be taken to help minimize the impact. For this reason, site owners should retain our services.

Problems with interpretation by others

Advice and interpretation is provided on the basis that subsequent work will be undertaken by Environmental Earth Sciences VIC. This will identify variances, maintain consistency in how data is interpreted, conduct additional tests that may be necessary and recommend solutions to problems encountered on site. Other parties may misinterpret our work and we cannot be responsible for how the information in this report is used. If further data is collected or comes to light we reserve the right to alter their conclusions.

Obtain regulatory approval

The investigation and remediation of contaminated sites is a field in which legislation and interpretation of legislation is changing rapidly. Our interpretation of the investigation findings should not be taken to be that of any other party. When approval from a statutory authority is required for a project, that approval should be directly sought by the client.

Limit of liability

This study has been carried out to a particular scope of works at a specified site and should not be used for any other purpose. This report is provided on the condition that Environmental Earth Sciences VIC disclaims all liability to any person or entity other than the client in respect of anything done or omitted to be done and of the consequence of anything done or omitted to be done by any such person in reliance, whether in whole or in part, on the contents of this report. Furthermore, Environmental Earth Sciences VIC disclaims all liability in respect of anything done or omitted to be done and of the consequence of anything done or omitted to be done by the client, or any such person in reliance, whether in whole or any part of the contents of this report of all matters not stated in the brief outlined in Environmental Earth Sciences VIC's proposal number and according to Environmental Earth Sciences general terms and conditions and special terms and conditions for contaminated sites.

To the maximum extent permitted by law, we exclude all liability of whatever nature, whether in contract, tort or otherwise, for the acts, omissions or default, whether negligent or otherwise for any loss or damage whatsoever that may arise in any way in connection with the supply of services. Under circumstances where liability cannot be excluded, such liability is limited to the value of the purchased service.