

Date - 25/03/2019

Platino Properties  
Level 2, 20 Young Street  
Neutral Bay NSW 2089

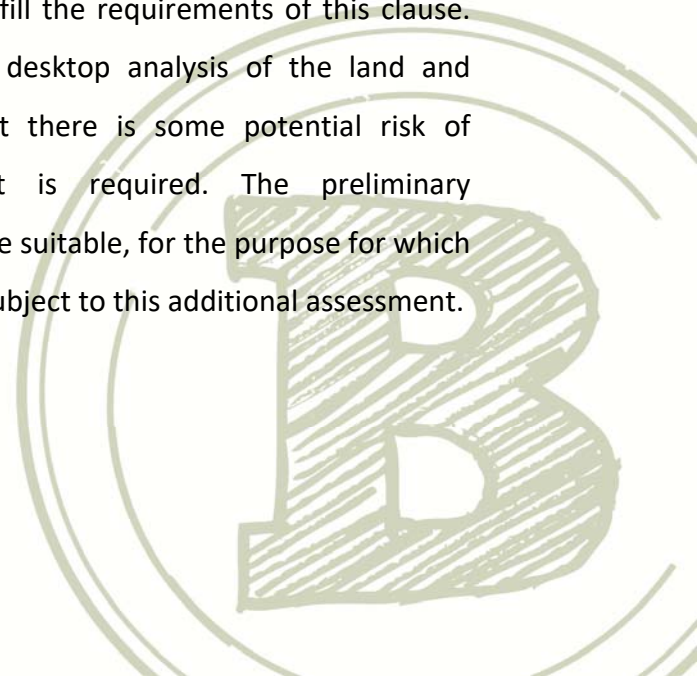
**82A Review of DA2018/0995**

**SEPP55 for Skyline Place, Frenchs Forest NSW**

We understand that one of the reasons why the above application was refused was that:

*“In accordance with Clause 7 (2) of SEPP 55, before determining an application for consent to carry out development that would involve a change of use on any of the land, the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines”.*

A preliminary investigation was undertaken by Benviron Group and was submitted with the original development application to fulfill the requirements of this clause. This investigation took into consideration the desktop analysis of the land and previous uses on the site and concludes that there is some potential risk of contamination however, further assessment is required. The preliminary investigation concluded that the land can be made suitable, for the purpose for which the development is proposed to be carried out, subject to this additional assessment.



Clause 7(3) in SEPP 55 requires that the applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the Contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

It is to be noted that this clause does not exclude the potential for consent subject to a condition requiring that a detailed investigation be undertaken. Further to this, a detailed investigation is not practicable at this stage as to undertake borehole sampling would require that the building and hardstand areas that currently exist on the site to be demolished due to access restrictions.

Nevertheless, Council has deemed that the information provided to Council was insufficient. To satisfy Council's concerns we have commenced a detailed site investigation (DSI) which has been commenced on the 25/3/18, which will be completed by and provided to Council by 15/4/2018.

We anticipate that the DSI will confirm our previous advice to the effect that there will be minimal problems with remediating the site for use for the purpose in the development application.

We thank you for the opportunity of undertaking this report and we would be pleased to provide further information on any aspects of this report.

For and on behalf of

**Benviron Group**



**Ben Buckley**

Director  
Principal Environmental Forensic Scientist

Note 1 - Opinions are judgements, which are based on our understanding and interpretation of current regulatory standards, and should not be construed as legal opinions.