

Contaminated Sites Act 2003

Section 46

INVESTIGATION NOTICE AMENDMENT

This notice is amendment 1 to Investigation Notice Reference No:
DWERDG437/18

PERSON TO WHOM THIS NOTICE IS GIVEN:

Joseph Andrew Avila and Naline Ruth Avila of 945 Abernethy Road, Oakford, being the registered proprietors of Lot 36 Abernethy Road, Oakford WA 6121 (Owners).

SITE TO WHICH THIS NOTICE RELATES

The entirety of Lot 36 Abernethy Road, Oakford in Western Australia, being more particularly described as Lot 36 on Diagram 66394 as shown on certificate of title 1666/695 (Site).

AMENDMENT

1. Clause 1.1 of the Investigation Notice is amended by the deletion of the text shown in strikethrough below and the insertion of the bold text shown in underline below:

1.1 Within 44 28 days of ~~this Notice~~ the Commencement Date, notify the CEO of the Environmental Consultant the Owners propose to engage to carry out the actions required by clause 1.2, for approval by the CEO.

2. A new clause 1.1A and 1.1B is inserted in the Investigation Notice as follows:

1.1A If the CEO gives notice in writing that the Environmental Consultant proposed under clause 1.1 is not approved, the Owners are to propose another Environmental Consultant for the purposes of clause 1.1 within 14 days of the date of the CEO ¶ Written notice.

1.1B If the CEO gives notice in writing that the Environmental Consultant proposed under clause 1.1A is not approved, that notice is to be accompanied by a list of acceptable Environmental Consultants, and the Owners are to engage an (QYLURQPHQWDO & RQVXOWDQW IURP WKH OLVW ZLWK LQ notice to carry out the work described in clause 1.2.

3. Clause 1.2 of the Investigation Notice is amended to delete clause 1.2(i).
4. All remaining references in the Investigation Notice to the μ \$ P H Q G H G * D ~~603~~ ¶ deleted and replaced with μ * D O W . 6 0 3 ¶
5. The first line of clause 2.1 of the Investigation Notice is amended by the deletion of the text shown in strikethrough below and the insertion of the bold text shown in underline below:

2.1A Upon engagement of the Auditor pursuant to clause 3.1, the Owners are to provide a copy of Schedule 2 and Appendix 3 to this notice to the Auditor.

7. Clause 5.1 is amended to delete item ii(a) and insert the following items:

ii(a) who will, once satisfied that the Environmental Consultant proposed to be engaged under clause 1.1 or 1.1A meets the definition provided in Appendix 1, approve, in writing, that Environmental Consultant for the purposes of clause 1; and

ii(aa) who will require the engagement of an Environmental Consultant for the purposes of clause 1.1B

8. Appendix 1 Definitions of the Investigation Notice is amended to insert the following definition in alphabetical order:

~~3 & R P P H Q F H P H Q M e a h D W e d~~ Day on which judgement is delivered in Supreme Court Proceedings CIV 1645 of 2020 (the proceedings), or the day on which the proceedings are otherwise withdrawn, discontinued or dismissed.

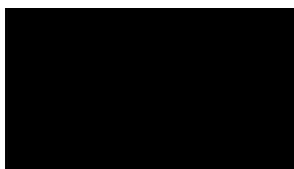
9. Appendix 3 is deleted and the following Appendix is inserted:

APPENDIX 3

MATTERS FOR CONSIDERATION OF AUDITOR

Without otherwise limiting the scope of matters, the Auditor engaged by the Owners should have regard for the following matters:

1. The methods for PFAS sampling in the SMP must meet the standards specified in the PFAS NEMP.
 - a. The SMP is to provide specific details as to how PFAS sampling will be carried out to avoid cross-contamination.
 - b. Detergent is not to be used during PFAS sampling.
 - c. A frequency of one in 10 quality control samples is to be used for PFAS sampling.
2. The assessment levels in the SMP must meet standards the Auditor considers appropriate.
3. The SMP must require laboratory analysis of substances the Auditor considers appropriate.
4. Ground water sampling is also to include bore BH101D, as shown in Schedule 2.



Jason Moynihan
EXECUTIVE DIRECTOR, SCIENCE AND PLANNING
DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION

Delegated Officer under section 91
of the *Contaminated Sites Act 2003*

05 August 2022

IMPORTANT NOTES: APPEALS
Under section 52 of the Contaminated Sites Act 2003 a person