

ORIGINAL

71

IN THE FEDERAL COURT OF AUSTRALIA )  
NEW SOUTH WALES REGISTRY )  
GENERAL DIVISION )

NO. G0029 OF 1992

FEDERAL COURT OF AUSTRALIA  
N.S.W. DISTRICT REGISTRY  
FILED  
28 APR 1995  
Fees paid *K*

ALEC FINLAYSON PTY LIMITED  
(ACN 001 144 501)

Plaintiff

ARMIDALE CITY COUNCIL

First Respondent

BASIA HOLDINGS PTY LIMITED  
(ACN 002 375 528)

Second Respondent

AFFIDAVIT OF LAURENCE KNIGHT

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This Affidavit is filed by Messrs Hunt & Hunt, Solicitors of Gateway, 1 Macquarie Place, Sydney NSW 2000. DX 214 Sydney. Telephone: (02) 391-3000. Ref: JLR:FIN:102110

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On the 26th day of April 1995, I, LAURENCE KNIGHT, say on oath:

1. This Affidavit is in addition to my Statement of 9 May 1993 filed in these proceedings.
2. I have been instructed to express an opinion on the following:
  - (a) Current market value of land comprised in folio identifiers 11/718207, 2/774911, 1/718207, 6/718207, 5/718207, 7/718207, 2/718207, being 68 Martin Street, 7 Pointfield Place, 2 Kilcoy Close, 4 Kilcoy Close, 12 Conningdale Crescent, 14 Conningdale Crescent and 16 Conningdale Crescent (referred to as "the West Martin Street land").
  - (b) The current market value of the lots referred to in (a) assuming the contamination in the West Martin Street land was cleaned up.
  - (c) The fair market value of the lots referred to in (a) in the period February/August 1990, absent contamination.
  - (d) The current market value of land at the corner of Beardy and Martin Streets, being known as the East Martin Street land.
  - (e) The current fair market value of the East Martin Street land assuming the contamination on the land was cleaned up.
  - (f) The gross market value of a proposed 5 unit development at 68 Dangar Street, assuming the units were sold between October 1990 and February 1991.
  - (g) The gross fair market value of a 55 lot subdivision in a proposed development on the corner of Erskine and Kennedy Streets assuming the property was marketed between August 1990 and June 1995.
  - (h) The gross market value of a 26 lot subdivision in a proposed development of the East Martin Street land, absent contamination and assuming the property was marketed between March 1991 and December 1993.
3. I have prepared a report in relation to the matters referred to in paragraph 2, which is exhibited to me at the time of swearing this Affidavit and marked "LK1".

Sworn at Armidale  
Sydney )  
before me: )



Julianne M. Parsons  
Justice of the Peace  
No. 9426457  
11431211\_JLR/KP

**THIS AND THE FOLLOWING PAGES IS THE  
EXHIBIT MARKED "LK1" TO THE AFFIDAVIT  
OF LAURENCE KNIGHT**

**L.M. KNIGHT & CO.**

Valuers & Town Planners  
Box 338 Armidale 2350  
Phone (067) B.H. 72 9644  
Fax (067) 72 8473

**VALUATION REPORT**

**MARTIN STREET SUBDIVISION  
ARMIDALE**

**CITY OF ARMIDALE**

**FOR COMPENSATION PURPOSES  
IN THE MATTER OF  
ALEC FINLAYSON PTY LIMITED  
VERSUS  
ARMIDALE CITY COUNCIL**



**PURPOSE OF VALUATION:** To determine the current fair market value of the properties defined herein, on the following basis:

1. Having regard to the current state of knowledge and situation of the land, i.e. it is part of the contaminated Martin Street Subdivision, with the land subject to varying levels of contamination.
2. The value of the Lots, if the contamination in the subdivision was cleaned up.
3. Market value of the subject blocks February/August, 1990.

**DATE OF INSPECTION:** 7/3/95

**DATE OF VALUATION:** 7/3/95 AND February/August, 1990

**REGISTERED PROPRIETOR:** Alec Finlayson Pty Limited

**TITLE PARTICULARS:** All those pieces of parcels of land being Parish of Armidale, City of Armidale, County of Sandon, comprised in Folio Identifiers, 7/718207, 13/773491, 28/787459, 30/787459, 31/787459, 32/787459, 2/774911, being 68 Martin Street, 7 Pointsfield Place, 2 Kilcoy Close, 4 Kilcoy Close, 12 Conningdale Crescent, 14 Conningdale Crescent, 16 Conningdale Crescent,

Dim. Variable  
Areas Variable  
(See Appendix A)

**EASEMENTS/  
ENCUMBRANCES:**

No title search has been instructed. A check with Council indicates the land is identified on council's register of potentially contaminated sites.

Council advises no building approval would be permitted on the land until council was satisfied that the site was certified by the appropriate authorities, as being free of contamination. No other easements or encumbrances were apparent or disclosed.

**TOWN PLANNING:**

The property is zoned Residential 2 under Armidale Local Environmental Plan 1988 (as amended). This zoning permits the land's use for a variety of residential purposes, subject to such use being consistent with the objectives of this zoning.

The site is currently vacant but is ideally suited for development for residential purposes.

**SERVICES:**

Sewerage, Water, Electricity and Telephone services are available for connection to the properties. Pointsfild Road, Kilcoy Close Conningdale Crescent and Martin Street all comprise sealed streets with kerb and guttering.

Regular municipal garbage and postal services would also be available.

**LOCATION:**

The properties are located on the western side of Armidale in a developing residential area.

Surrounding development comprises open paddocks and recently established residential estates. The property has easy access to schools, shops, and community facilities.

**IMPROVEMENTS:**

The land comprises vacant land, except for boundary fencing. The standard of this fencing varies from plain wire fences to colourbond panel fences.

**SALES INFORMATION:  
(CONTAMINATED )**

There have been no sales of vacant residential land in this subdivision since the contamination was discovered in 1990. Councils' Section 149 Certificates state that the land is possibly contaminated. The contamination and the adverse publicity which has surrounded this issue and have combined to result in there being no demand for residential property in this estate.

This lack of demand was confirmed by an auction of property located at 13 Conningdale Street in late 1992. The property comprised a modern 3 bedroom brick dwelling, ideally suited to the first home buyer market; and offered in a low interest rate environment. No bids were offered at the auction, nor was there any interest after the property was passed in.

It is noted that developed residential properties within this estate have recently been purchased by the Commonwealth Government. I understand that prices paid were based on the properties being valued on a non-contaminated basis and that the price included a compensation element.

Statewide enquiries have also failed to disclose any sales of contamination residential sites. Again, the only sales that have occurred are those in a buy-out situation where State Government authorities have purchased the property with prices paid reflecting a non-contaminated state.

**SALES INFORMATION:  
(REMEDIATED)**

I have been asked to express an opinion as to the value of the lots identified herein assuming that the land had been remediated and that the contamination in the area could be cleaned up.

An extensive investigation was undertaken to discover any sales of remediated residential land. However, a statewide search indicated that no such sales existed.

To assist in determining the impact of stigma on the land assuming the contamination had been cleaned up, it is considered that sales in Martin Street on adjoining land which is not contaminated provides some guide.

In June 1990 lot 42 in Evangeline Crescent sold for \$25,000 . At in march 1990, 14 Martin Street, which is adjacent to the contaminated subdivision, and a similar size property sold for \$18,750.

Some part of the price differential may be due to market movements over the 2 month period between the sales. However the majority of the 33% difference in price is considered to be due to the proximity of the contaminated subdivision.

It is noted that this block has not been built on, is currently for sale, and has been for some time.

The situation with this block is obviously different to a situation where a site has been remediated. However, it clearly shows that the market is very sensitive in regard to this issue.

**SALES INFORMATION:  
(NON-CONTAMINATED)**

For determination of fair market value of property of land in 1990, assuming the land had not been contaminated, nor had surrounding land been contaminated.



**SALES INFORMATION:(Cont)**On this basis the following sales are considered  
(NON-CONTAMINATED) relevant.

Sale 1

LOT 42 Evangeline Crescent (c) 25-6-90  
P.P. \$25,000 Area: 766.8sqm

Sale 2

LOT 43 Evangeline Crescent (c) 13-5-90  
P.P. \$28,000 Area: 1026sqm

Sale 3

15 Conningdale Crescent (c) 3/89  
P.P. \$19,000 Area: 700sqm

**Adjusted \$26,000 (For market movement)**

Sale 4

3 Kilcoy Close (c) 2/89  
P.P. \$19,000 Area: 1,177sqm

**Adjusted \$26,000 (For market movement)**

These sales are adjacent to the subject properties and considered to provide a very reliable guide as to the market value of the properties in early 1990.

Note that sales 3 and 4 are some 12 months prior to the date of valuation. Market evidence indicates these sale need to be adjusted approximately 35% to allow for value movements between the sale dates and the date of valuation.

**COMMENTS:**

The subject properties comprise good quality residential blocks which in the normal course of events would have been developed for residential purposes. The discovery of contamination in the Martin Street subdivision in early 1990 stopped the development.

COMMENTS:(Cont)

Environmental issues are major concerns for purchasers of property generally, and particularly for buyers of residential land seeking to build their home and occupy a residential block on which to raise their family.

Investigations in the market place with agents and the lack of sales evidence in the market place of contaminated residential land, clearly indicates the market has no interest in contaminated residential sites.

The extent of discount to fair market value of residential sites in general proximity of the contaminated area, is itself an indication of the concern in the market place that even proximity to affected areas has.

The question of the value of the land assuming it is remediated and that the contamination in the area has been cleaned up is less clear. Again, due to the uniqueness of the situation, there is no clear sales evidence to indicate the extent of stigma on remediated residential blocks.

It is my opinion that the blocks would have some value. Obviously the type of contamination, the publicity given to the contamination, the publicity given to the remediation, the guarantees given regarding the quality of the remediation, and the time frame between remediation and marketing of the properties, are all issues which need to be considered in this determination.

Also the availability of alternative residential sites is another consideration. The supply and availability of alternate residential land results in buyers having other options.

## VALUATION RATIONALE:

Having regard to matters raised in this report, and sales investigated the following determinations have been made:-

1. The current value of land owned by Alec Finlayson defined herein. It is my opinion that the current value of land owned by Alec Finlayson defined herein is **NOMINAL**.
2. The current value of the lots if contamination in the area was cleaned up. The value of the blocks assuming remediation is extremely difficult to define due to the significant number of matters which would be expected to affect the value.

It is my opinion that without a significant discount to fair market value, developers and individuals would be unlikely to purchase this land in its remediated state. The reasons for this are:-

1. From a developer's point of view the cost of building a dwelling is the same as on similar blocks within the city. The developer could find the market not prepared to purchase a dwelling in this locality despite the remediation.
2. The alternative option is to hold the vacant block for capital gain. Again the costs for holding the block in terms of rates, interest costs, opportunity costs, could offset any capital gain that might accrue over time.

Note also that any purchaser of the remediated land would have some concern with the proposed use to which the Commonwealth may put the properties it purchased as part of the compensation and buyout plan for this subdivision.

**VALUATION RATIONALE:**  
(Cont)

Doing the best I can with the available information, I would suggest that in a **remediated** state, the value of each of the lots identified herein is **FIVE THOUSAND DOLLARS (\$5,000)**.

**3. Market value of the land if it had been sold February to August, 1990 is determined as follows:**

68 Martin Street,  
Block Value - Adopt **\$25,000**

7 Pointsfield Place,  
Block Value - Adopt **\$25,000**

2 Kilcoy Close  
Block Value - Adopt **\$26,000**

4 Kilcoy Close  
Block Value - Adopt **\$26,000**

12 Conningdale Crescent  
Block Value - Adopt **\$26,000**

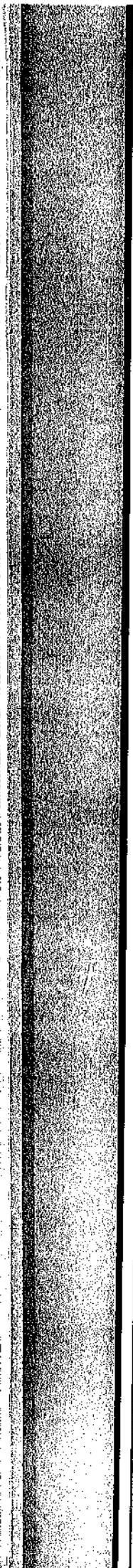
14 Conningdale Crescent  
Block Value - Adopt **\$26,000**

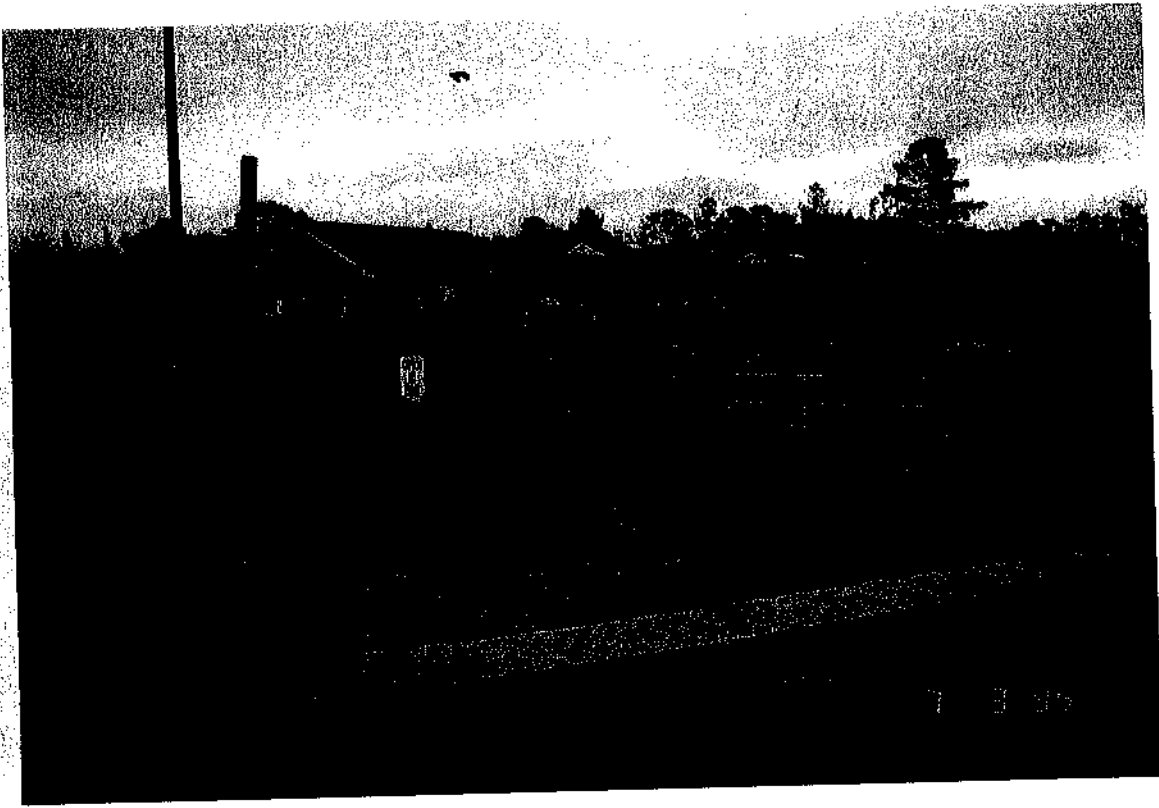
16 Conningdale Crescent  
Block Value - Adopt **\$26,000**

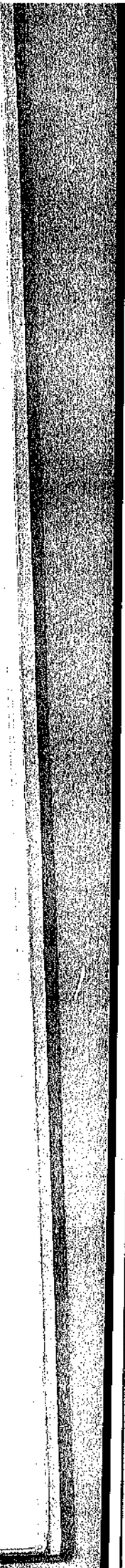
CATALOGUE OF PHOTOGRAPHS



**LMK**









DP 773491

Registered:  T. J. 10

C.A.: 37/87 OF 15.12

Title System: TORRENS

Purpose: SUBDIVISION

Ref. Map: T5420 - 62, 64

Last Plan: D.P. 718207

PLAN OF SUBDIVISION OF LOT 11 D.P. 718207

Reduction Ratio 1: 1000  
Lengths are in metres.

Mun./Shire City: ARMIDALE

Locality: ARMIDALE

Parish: ARMIDALE

County: SANDON


This is sheet 1 of my plan in  
(Delete if inapplicable).

I, TERENCE JAMES STEWART

of P.O. BOX 212, ARMIDALE, 2350,  
a surveyor registered under the Surveyors Act amended, hereby certify that the survey represented by this plan

is accurate and has been made (1) by me (1) immediately in accordance with the Practice Regulations, 1933, and was completed

5TH. FEBRUARY 1986

Signature  M.L.S. AL

Surveyor registered under Surveyors Act, 1929,  
Datum Line of Azimuth, 1-5  
~~Strike out either (1) or (2). Insert the~~

Panel for use only for statements of intent to dedicate public roads or to create public reserves, drainage reserves, easements or reserves as to user.

IT IS INTENDED TO DEDICATE THE ROAD 18 WIDE, ROAD 15 WIDE AND VARIABLE WIDTH AND THE SPLAYED CORNERS OF BOTH ROAD TO THE PUBLIC. -SUBJECT TO THE RIGHT OF WAY 3 WIDE SHOWN HERON.

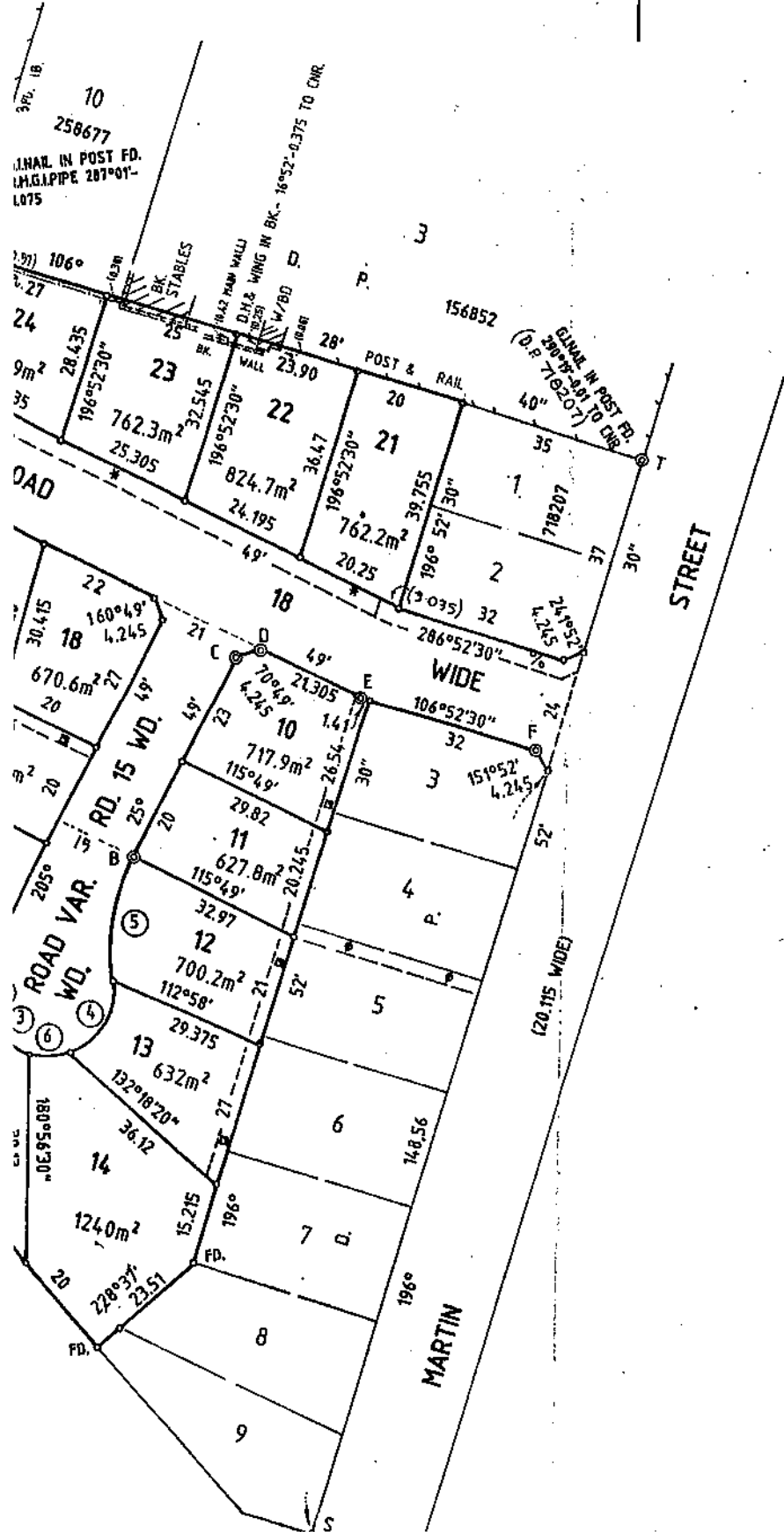
IT IS INTENDED TO DEDICATE LOT 27 TO THE PUBLIC AS PUBLIC RESERVE ON REGISTRATION OF THIS PLAN.

PURSUANT TO SEC 80B OF THE CONVEYANCING ACT IT IS INTENDED TO CREATE:-

1. EASEMENT TO DRAIN WATER 2 WIDE

APPENDIX A

M M



DP 787459

Registered  N° 17-3-19

C.A.: NO 43 88 OF 16.12.19

Title System: TORRENS

Purpose: SUBDIVISION

Ref. Map: T 5420-62,64\*

Last Plan: D.P. 773491


PLAN OF SUBDIVISION OF LOT 28 D.P. 773491

Reduction Ratio 1: 1000  
Lengths are in metres.

Municipality: ARMIDALE  
Locality: ARMIDALE  
Parish: ARMIDALE  
County: SANDON

This is sheet 1 of my plan in (Delete if inapplicable).

**TERENCE JAMES STEWART**  
P.O. BOX 212, ARMIDALE 2359  
a surveyor registered under the Surveyors Act amended, hereby certify that the survey register plan is accurate and has been made "11" by me in accordance with the Practice Regulations, 1933, and was completed on 29th OCTOBER 1988

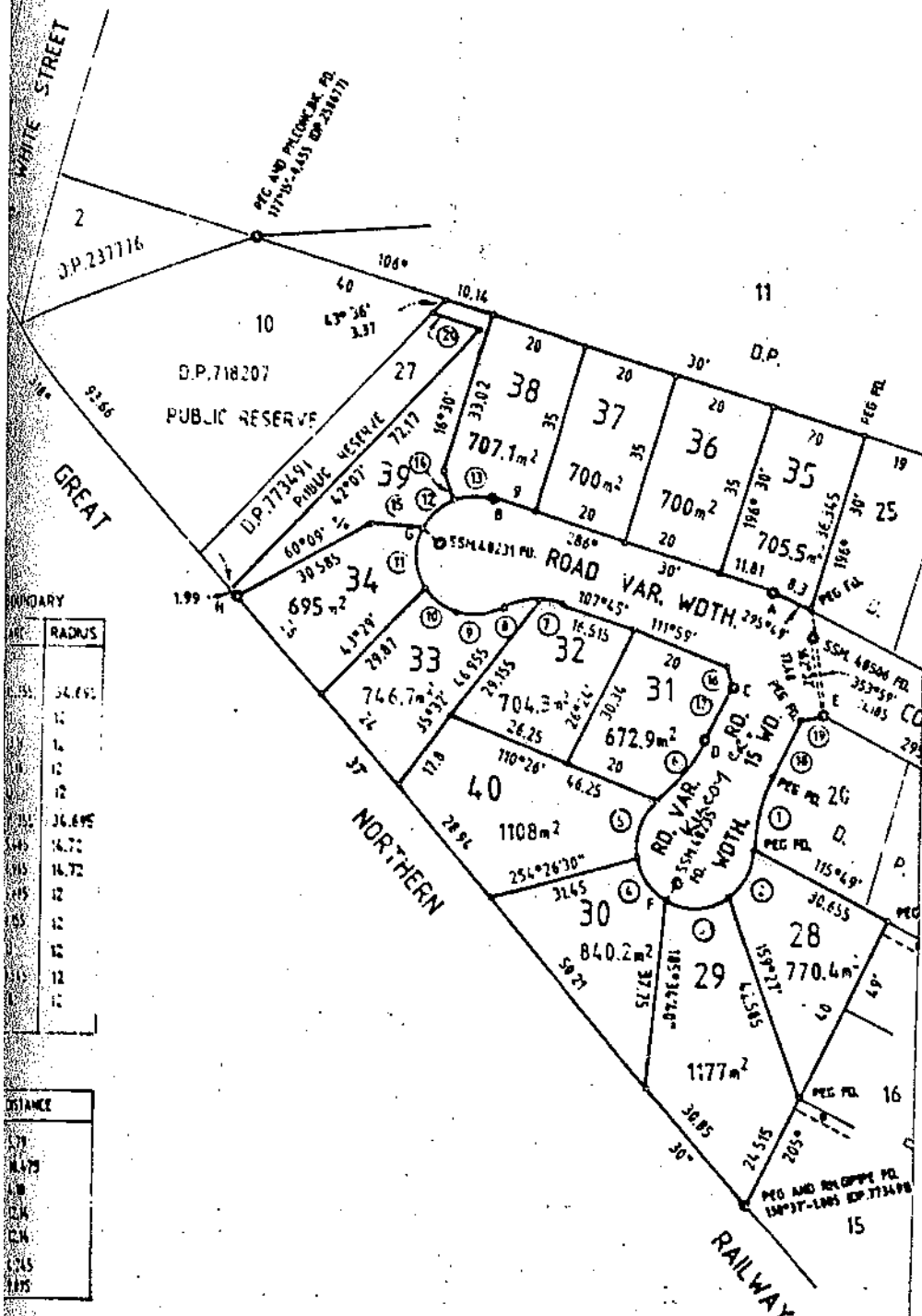
Signature  T. J. STEWART  
Surveyor registered under Surveyors Act, 1929, at Datum Line of Azimuth. E-1  
\*Strike out either (1) or (2). Insert date

Panel for use only for statements of intent to dedicate public roads or to create public reserves, drainage reserves, easements or rests as to user.

IT IS INTENDED TO DEDICATE THE ROAD 15 WIDE AND VARIABLE WIDTH AND THE ROAD VARIABLE WIDTH TO THE PUBLIC AND INCLUDES THE SPLAY CORNERS.

IT IS INTENDED ON REGISTRATION OF THIS PLAN TO DEDICATE LOT 39 TO THE PUBLIC AS PUBLIC RESERVE.

PLANS USED IN PREPARATION OF THIS S  
DP.773491 DP.718207 DP.258677 DP.237776



BOUNDARY	RADIUS
1	34.695
2	11
3	14
4	12
5	12
6	36.895
7	14.72
8	16.72
9	12
10	12
11	12
12	12
13	12
14	12
15	12

DISTANCE
5.27
12.985
3.855
20.155
2.94
10.46
4.84
10.15

REFERENCE MARKS

COR.	BEARING	FROM	DISTANCE
E	115°45'	GRUPE IN CONC	3.00
F	162°32'	SSM 40506	17.48
F	212°56'	SSM 48235	2.92
G	316°41'	SSM 48231	4.03
H	138°32'	GRUPE	0.98

**I. KNIGHT & CO.**

& Town Planners  
3 Armidale 2350  
067) B.H. 72 9644  
7) 72 8473

**VALUATION REPORT**

**ON**

**EAST MARTIN STREET LAND  
ARMIDALE**

**CITY OF ARMIDALE**

**FOR COMPENSATION PURPOSES  
IN THE MATTER OF  
ALEC FINLAYSON PTY LIMITED  
VERSUS  
ARMIDALE CITY COUNCIL**



8th March 1995

**PURPOSE OF VALUATION:** To determine the current fair market value of the property defined herein on the following basis.

1. Having regard to the current state of knowledge and situation of the land, i.e. it is part of the contaminated Martin Street Subdivision, with the land subject to varying levels of contamination.

2. The value of the land, if the contamination on the land and in the adjoining subdivision was cleaned up.

**DATE OF INSPECTION:** 7/3/95

**DATE OF VALUATION:** 7/3/95

**REGISTERED PROPRIETOR:** Alec Finlayson Pty Limited

**TITLE PARTICULARS:** All that piece or parcel of land, being Parish of Armidale, City of Armidale, County of Sandon, Lot 2, DP774911.

Dim. 218.5m frontage to Beardy St  
Dim. 160.9m frontage to Martin St

Areas 2.903 Hectares.  
(See Appendix A)

**EASEMENTS/  
ENCUMBRANCES:** No title search has been instructed. I am advised that under D.A. 117/89, Council approved subdivision of this land into 9 blocks, comprising 8 standard size residential blocks, and the residue of lot 2.

**EASEMENTS/  
ENCUMBRANCES:(Cont)**

On the 30th August, 1990, I am advised that the Environmental Protection Agency issued a Section 35 Notice over this land.

At the current point in time, I am advised that the Section 35 Notice is in place, and that the original development application has lapsed. A copy of the notice is attached as appendix B

**TOWN PLANNING:**

The property is zoned Residential 2 under Armidale Local Environmental Plan 1988 (as amended). This zoning permits the land's use for a variety of residential purposes, subject to such use being consistent with the objectives of this zoning.

The site is currently vacant but is ideally suited for development as a residential subdivision.

**SERVICES:**

Sewerage, Water, Electricity and Telephone services are available for connection to the property. Martin street comprises sealed street as is Beardy street.

Regular municipal garbage and postal services would be available.

**LOCATION:**

The property is located on the western side of Armidale in what was a developing residential area.

Surrounding development comprises open paddocks and recently established residential estates. The property has easy access to schools, shops, and community facilities.

**IMPROVEMENTS:**

The land comprises vacant land, except for an old wire fence on the boundary.

**SALES INFORMATION:  
(CONTAMINATED)**

Statewide enquiries have failed to disclose any sales of contaminated residential sites, or englobo land. The only sales that have occurred are those in a buy-out situation where State/Federal Government authorities have purchased the property with prices paid reflecting a non-contaminated state.

**SALES INFORMATION:  
(REMEDIED)**

I have been asked to express an opinion as to the value of the property assuming that the land had been remediated and that the contamination in the area could be cleaned up.

An extensive investigation was undertaken to discover any sales of remediated residential land. However, a statewide search indicated that no such sales existed.

Sales of single residential lots in Martin Street on adjoining land which is not contaminated, indicate a discount of approximately 33% due to the proximity of the contaminated subdivision.

The situation with this block is obviously different however, these sales clearly show that the market is very sensitive in regard to this issue.

**COMMENTS:**

The subject property comprises a large residentially zoned development block located on the western side of Armidale.

The property would normally be considered readily suited to subdivision and development for residential purposes.

COMMENTS:(Cont)

However, the presence of contamination on the land, the issuing of a notice under Section 35 of the Environmentally Hazardous Chemicals' Act, over the land, the lapsing of the DA approval for residential subdivision into 26 blocks, and the adverse publicity surrounding the contamination of this land and adjoining land in the Martin Street subdivision, has had a significant impact on the value of this land.

I am advised by the E.P.A., that at the current time, development of this land could not proceed without remediation being undertaken to E.P.A.'s and Armidale City Council's satisfaction.

The affect of all of the above on the current value of the land is obvious.

The question of the value of the land assuming, it is remediated and that the contamination in the area has been cleaned up, is less clear. Again, due to the uniqueness of the situation, there is no clear sales' evidence to indicate the extent of any stigma on remediated residential blocks being either single blocks or larger developmental residential sites.

The type of contamination, the publicity given to the contamination, the publicity given to the remediation, the guarantees given regarding the quality of the remediation and the time frame between remediation and marketing of the subdivided blocks are all issues which need to be considered in this determination.

The availability and price of alternative residential sites, and the price of the blocks developed from the remediated land are other considerations.

**COMMENTS:(Cont)**

Due to the current ready availability of residential land within Armidale, the high cost of developing residential land, and the unknown response of the market to blocks developed from the remediated land, it is my opinion that the level of interest in this land would be nil.

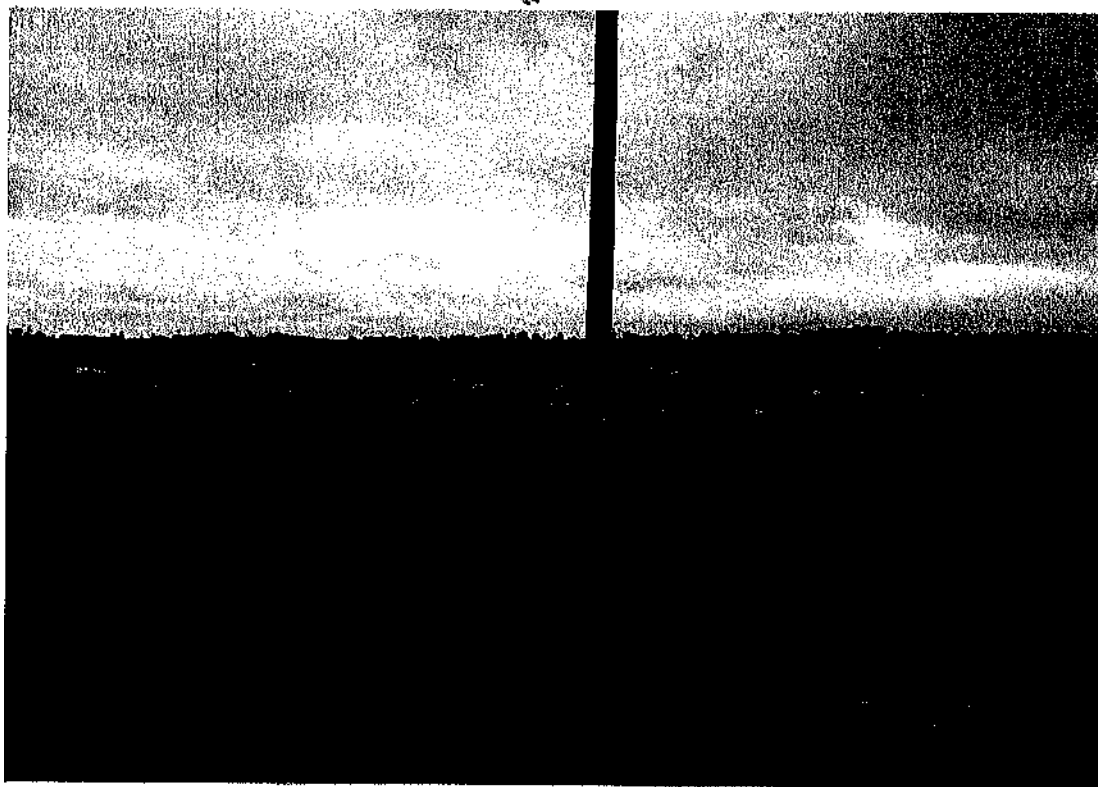
**EVALUATION RATIONALE:**

Having regard to matters raised in this report, and investigations concerning sales and demand for land in a similar situation, the following determinations have been made:-

1. The current value of land owned by Alec Finlayson defined herein. It is my opinion that the current value of land owned by Alec Finlayson defined herein is **Nominal**
  
2. The current value of the land if contamination in the area was cleaned up, **Nominal**



**CATALOGUE OF PHOTOGRAPHS**



**LMK**

APPENDIX A

D. P. 634153

DUMARESQ

161.88 P.O.

98° ( 20.115 WIDE )

2

4 PL. 2B. ABT. 50 YRS.

81.70

OLD

99°

O.R.P.T. 50 YRS.

OLD 4B. 2PL. ABT. 50 YRS.

59.63

RD. POST RM. GIPIE

2.901ha.  
(P.O.DEDN.)

90° 55' HIGH POSTS NETT 2B.

86.37

RM. GIPIE 507-81-8

(5.9)

LINE OF OLD POSTS

218.51 P.O.

278°00'10"

20.115

BEARDY

278°

237.13

(20.115 WIDE)

D.P. 260555

RM. GIPIE FD. 219-25-1176(DP-260555)



# State Pollution Control Commission



CERTIFIED MAIL

The Secretary  
Alec Finlayson Pty Ltd  
137 Beardy Street  
ARMIDALE NSW 2350

New South Wales  
Government Offices  
85 Faulkner Street  
Armidale, N.S.W. 2350  
P.O. Box 494  
Armidale, N.S.W. 2350

Our reference: 250199 A1  
SSS:AJ

Your reference:

APPENDIX B

Telephone: (067) 73 7133  
Fax: (067) 72 9851

Dear Sir,

Environmentally Hazardous Chemicals Act, 1985:  
Notice Under Section 35

Whereas:-

1. Alec Finlayson Pty Ltd ("the Company") is the occupier of premises:
  - located at lot 2, D.P.774911, Martin Street, Armidale, NSW, and formerly operated as a timber preservation plant;
  - contaminated by the prescribed activities of the use and disposal of chemicals or chemical wastes, namely compounds containing copper-chrome-arsenic (CCA) and creosote;
  - deemed to be contaminated by reason of their being environmentally degraded.

Take notice that:-

In accordance with the powers vested in the State Pollution Control Commission by the provisions of Section 35 of the Environmentally Hazardous Chemicals Act, 1985, the Commission from the date of this notice hereby directs that:

1. Samples be taken from the premises to determine the extent, both in area and depth, of contamination. Such samples shall be taken to a plan and in a manner approved by the Commission, and shall be analysed for the presence of copper, chromium (both hexavalent chromium and total chromium), arsenic and creosote by a NATA-registered analytical laboratory.
2. Such samples shall be taken and analysed within 60 days, and that the Commission shall be notified, in writing, of the results of the analyses required in Clause 1 of this notice.



# State Pollution Control Commission



CERTIFIED MAIL

The Secretary  
Alec Finlayson Pty Ltd  
137 Beardy Street  
ARMIDALE NSW 2350

New South Wales  
Government Offices  
85 Faulkner Street  
Armidale, N.S.W. 2350  
P.O. Box 494  
Armidale, N.S.W. 2350

Our reference: 250199 A1  
SSS:AJ

Your reference:

## APPENDIX B

Telephone: (067) 73 7133  
Fax: (067) 72 9851

Dear Sir,

### Environmentally Hazardous Chemicals Act, 1985: Notice Under Section 35

Whereas:-

1. Alec Finlayson Pty Ltd ("the Company") is the occupier of premises:
  - . located at lot 2, D.P.774911, Martin Street, Armidale, NSW, and formerly operated as a timber preservation plant;
  - . contaminated by the prescribed activities of the use and disposal of chemicals or chemical wastes, namely compounds containing copper-chrome-arsenic (CCA) and creosote;
  - . deemed to be contaminated by reason of their being environmentally degraded.

Take notice that:-

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2. Such samples shall be taken and analysed within 60 days, and that the Commission shall be notified, in writing, of the results of the analyses required in Clause 1 of this notice.

3. All other work carried out on these premises with the intention, or having the effect, of
- a) reducing the contamination of the premises; or
  - b) restoring or rehabilitating the premises; or
  - c) removing, or disposing of, any soil, sand, rock, water or other solid or liquid material of any kind from the premises;

which would result in the disturbance of any land on the premises, shall be carried out only after prior notice to the Commission and in accordance with an approval, in writing, given by the Commission.

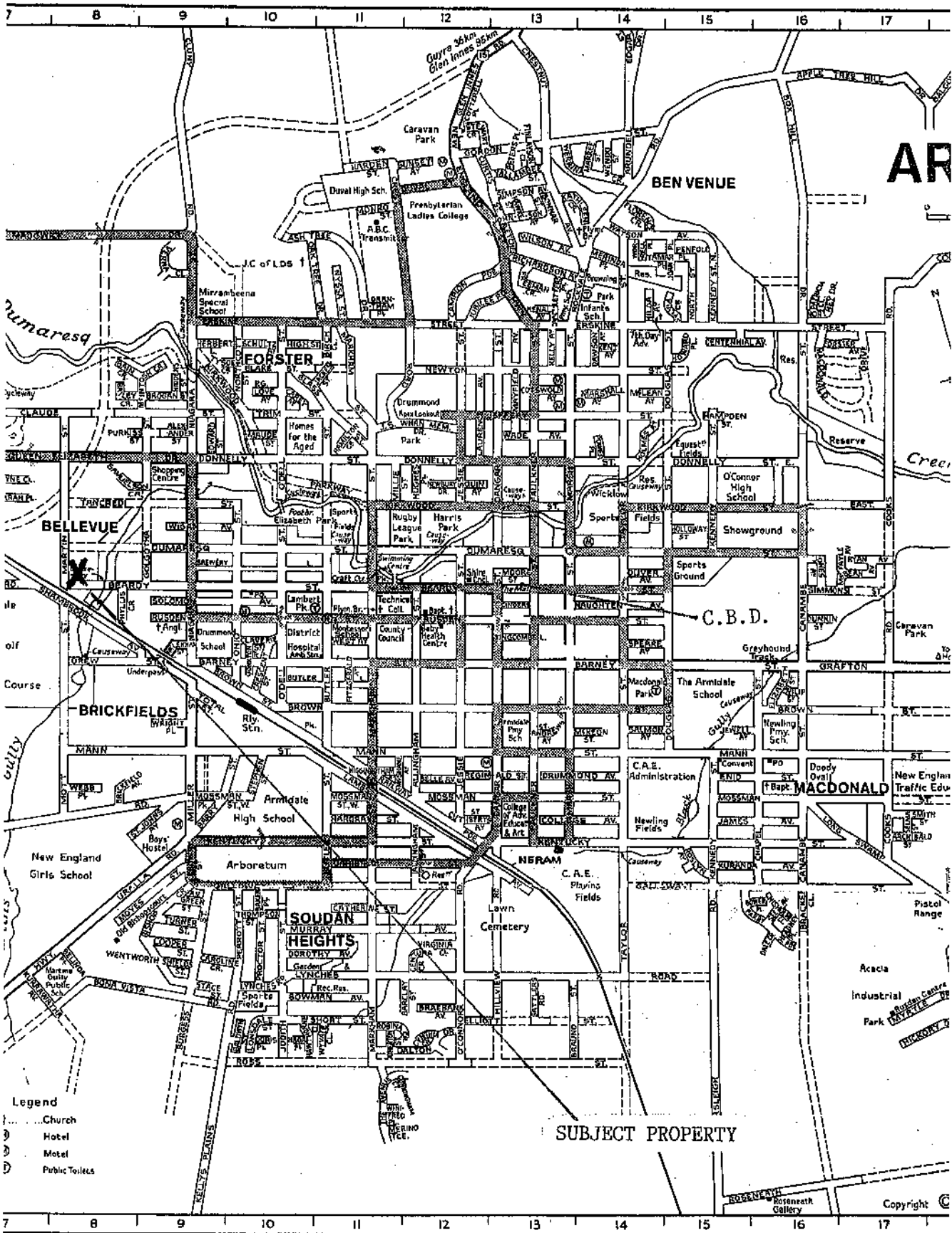
4. Where the premises to which this notice relates is to be sold, or responsibility for the premises otherwise relinquished, and the occupier is also the owner of such premises, the occupier shall inform, in writing, any intending purchaser or occupier of the conditions of this notice, during negotiations for the sale or transfer of the premises.
5. (a) Where the occupier of the premises intends or is advised that the premises are to be sold, or that the occupancy of the premises is to be transferred, the occupier shall notify the Commission, in writing, of the impending sale or transfer and, where it may be advised, of the name of the prospective owner or occupier, subject to clause 3(b), at least one month prior to the date of impending sale or transfer; and
- (b) Where such intention is formed or advice is given within one month of the intended sale or transfer of the premises, the occupier shall notify the Commission, in writing, immediately after such intention is formed or advice is given.

Professor John Niland  
Director  
per:



30.AUG.1990

R. Whyte  
Regional Manager  
North West  
(-by authorisation)



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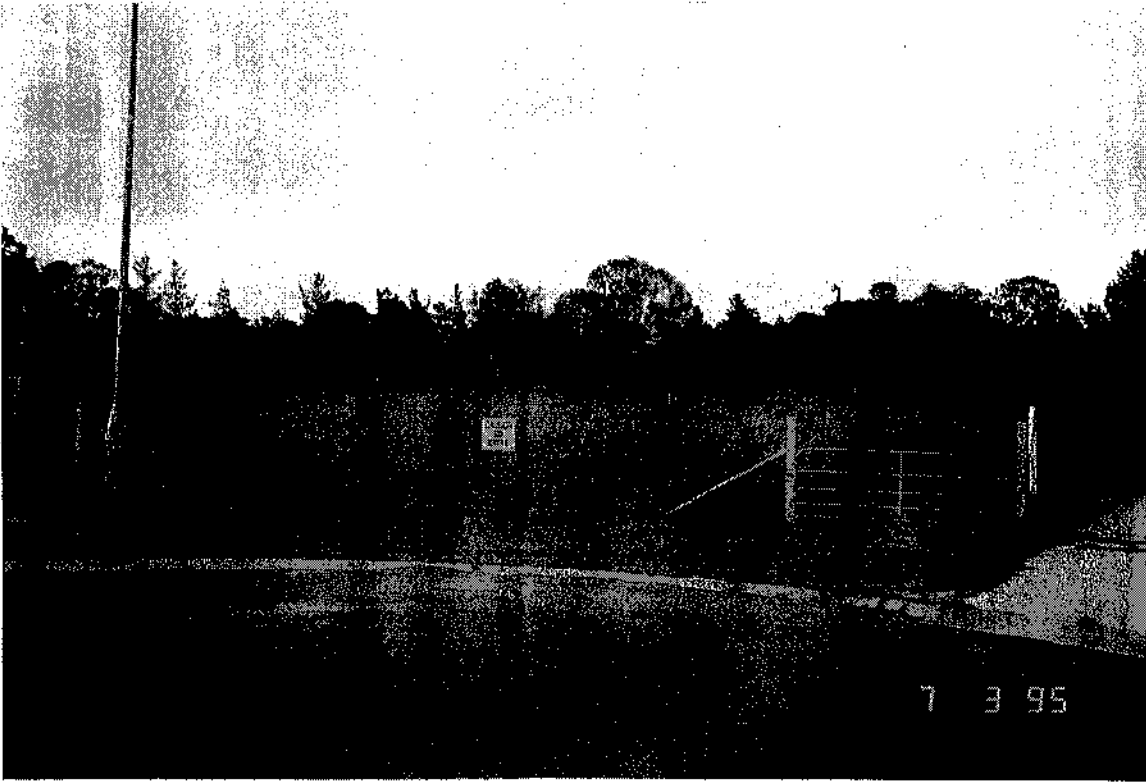


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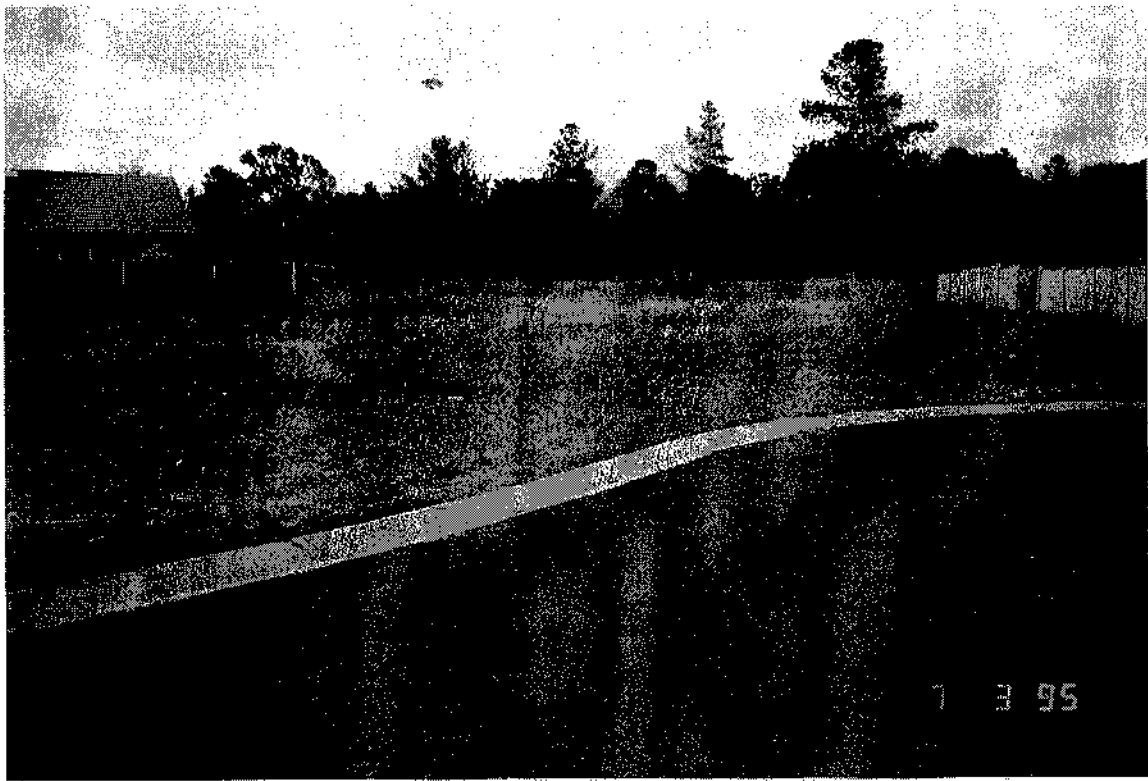
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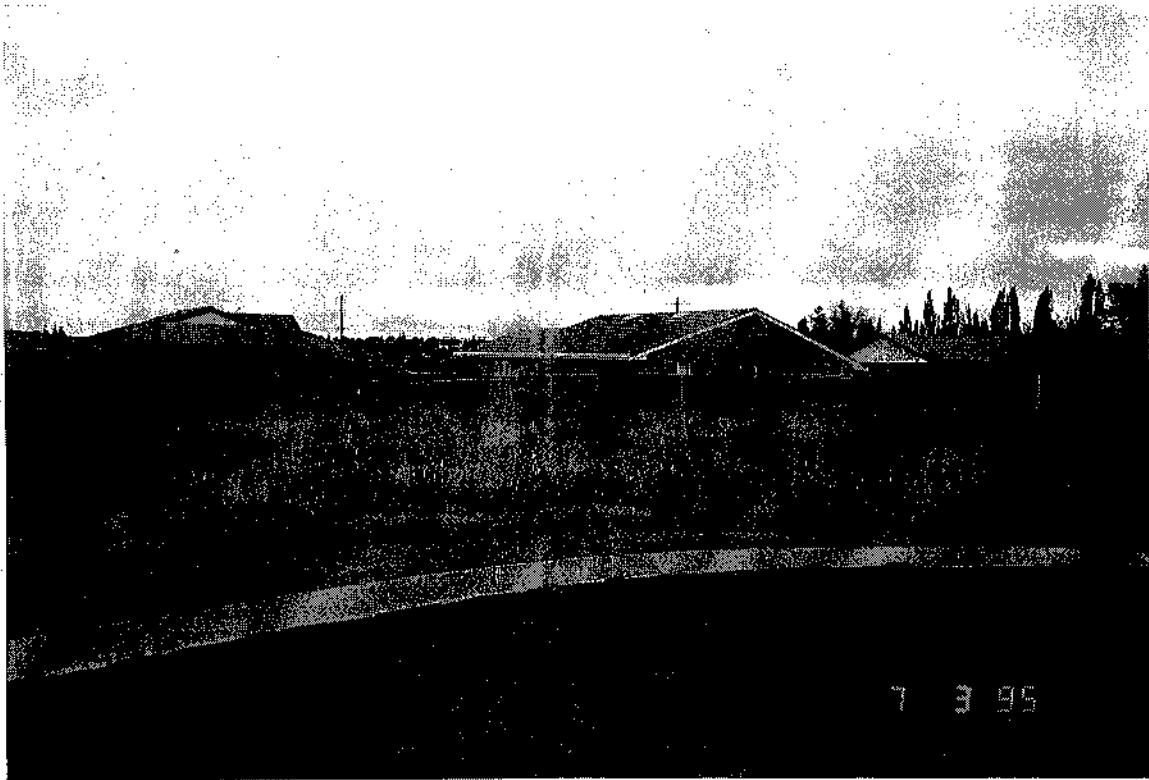
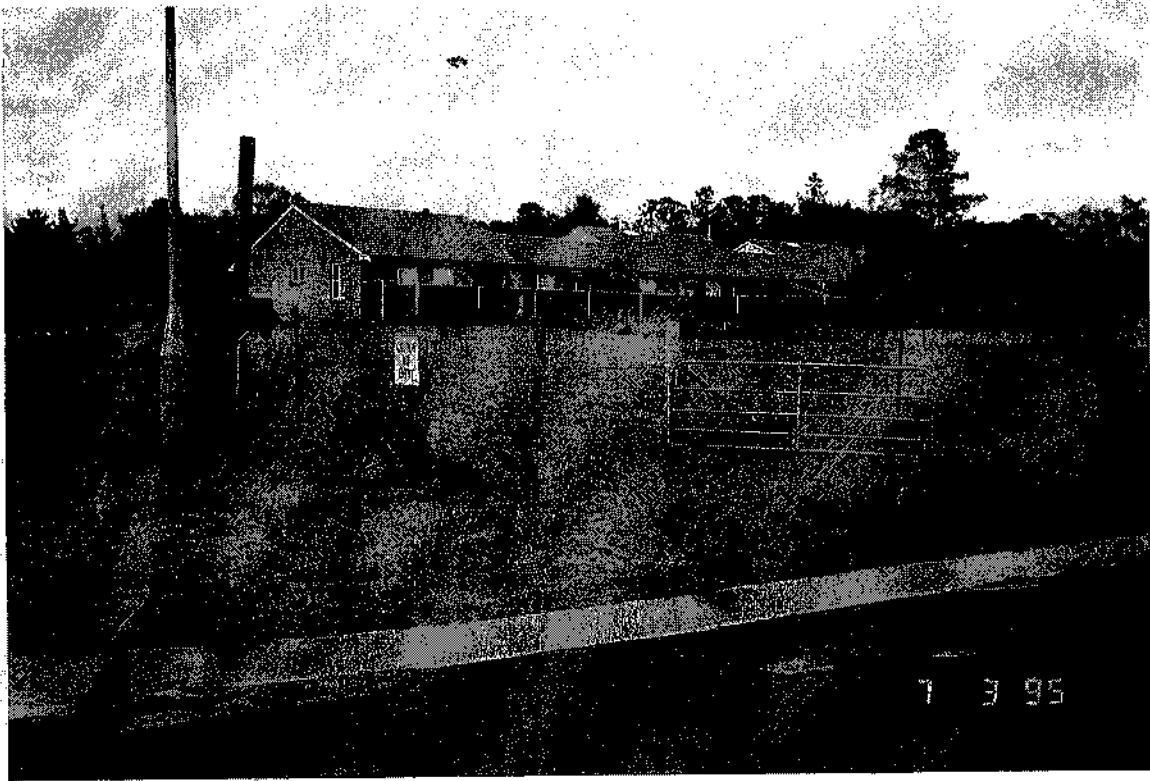
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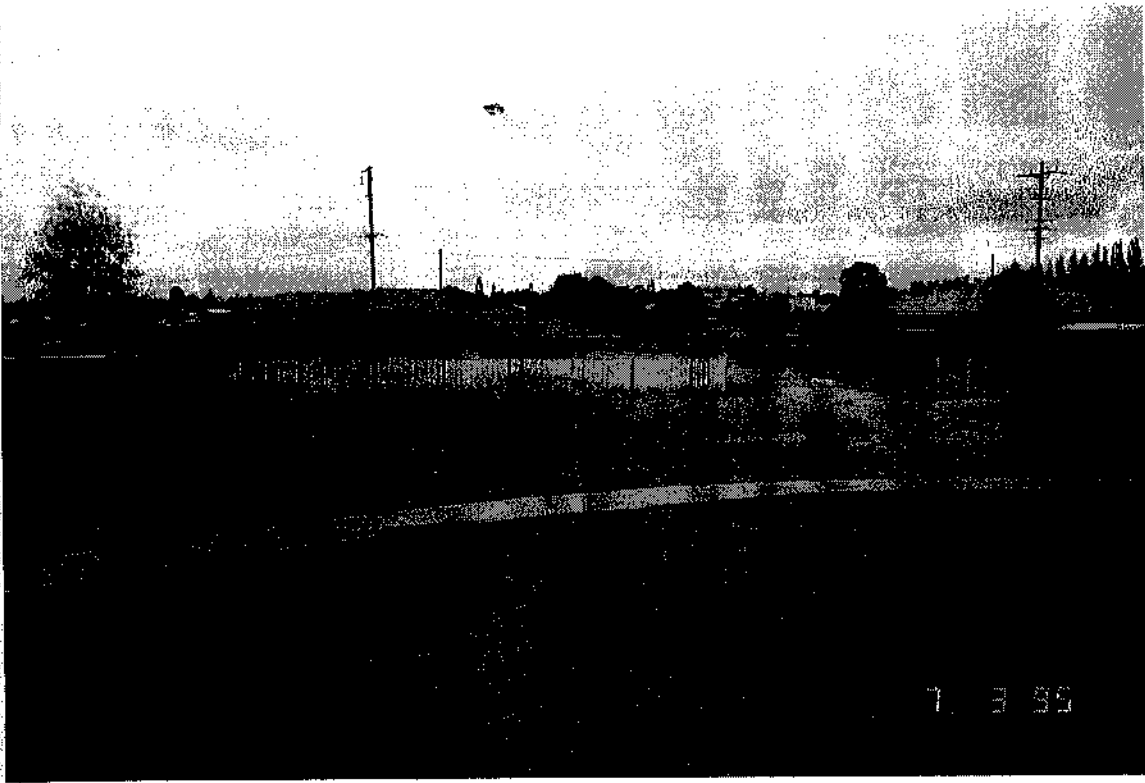


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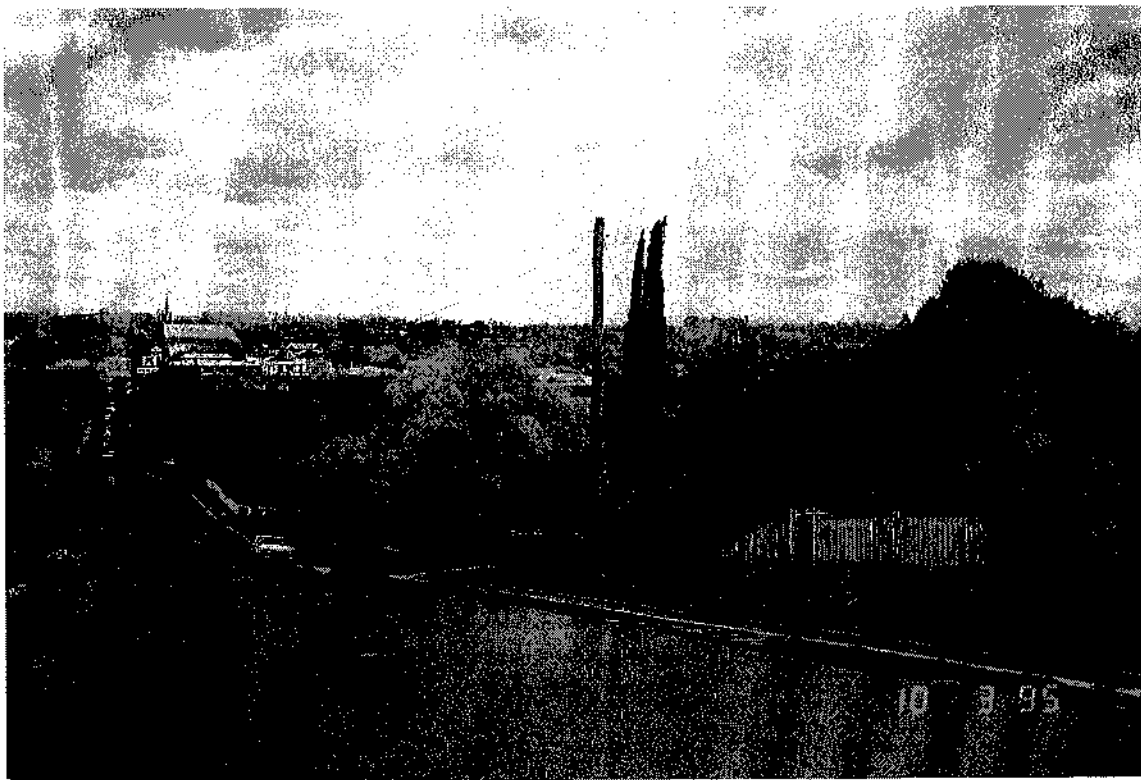




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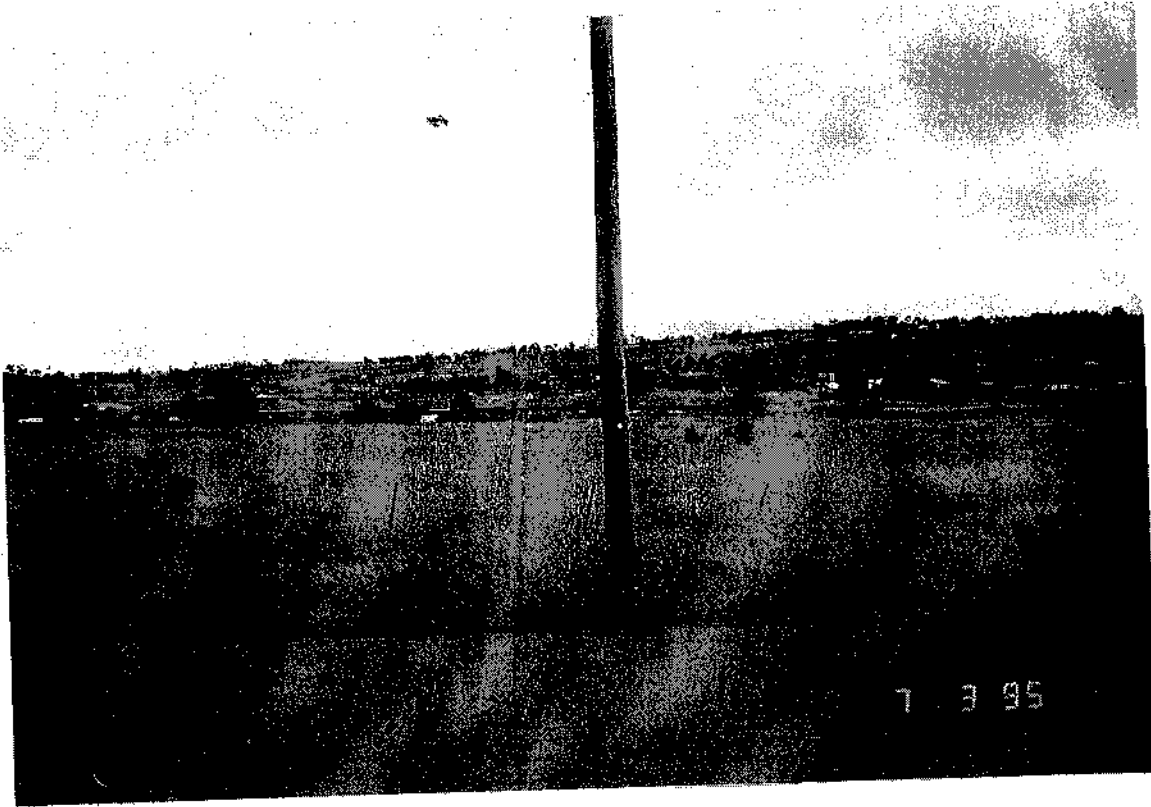
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