



NSW Site Auditor Scheme

Site Audit Statement

A site audit statement summarises the findings of a site audit. For full details of the site auditor's findings, evaluations and conclusions, refer to the associated site audit report.

This form was approved under the *Contaminated Land Management Act 1997* on 12 October 2017.

For information about completing this form, go to Part IV.

Part I: Site audit identification

Site audit statement no. RS 126-1

This site audit is a:

- statutory audit
- non-statutory audit

within the meaning of the *Contaminated Land Management Act 1997*.

Site auditor details

(As accredited under the *Contaminated Land Management Act 1997*)

Name Rowena Salmon

Company Ramboll Australia Pty Ltd

Address Level 3

100 Pacific Highway, North Sydney

Postcode 2060

Phone 02 9954 8100

Email rsalmon@ramboll.com

Site details

Address: Eastern Portion Lot 1 DP1243663, south of Aaron Cove and Darby Lane,
Rutherford NSW

Postcode: 2320

Property description

(Attach a separate list if several properties are included in the site audit.)

Eastern Portion Lot 1 DP1243663 (see attachments at end of Part I, includes 18 m strip west of 'Eastern Portion' defined by GHD)

Local government area: Maitland City Council

Area of site (include units, e.g. hectares): 4.7 hectares

Current zoning: R1 General Residential under Maitland Local Environment Plan 2011

Regulation and notification

To the best of my knowledge:

the site is the subject of a declaration, order, agreement, proposal or notice under the *Contaminated Land Management Act 1997* or the *Environmentally Hazardous Chemicals Act 1985*, as follows: (provide the no. if applicable)

Declaration no.

Order no.

Proposal no.

Notice no.

the site is not the subject of a declaration, order, proposal or notice under the *Contaminated Land Management Act 1997* or the *Environmentally Hazardous Chemicals Act 1985*.

To the best of my knowledge:

the site **has** been notified to the EPA under section 60 of the *Contaminated Land Management Act 1997*

the site **has not** been notified to the EPA under section 60 of the *Contaminated Land Management Act 1997*.

Site audit commissioned by

Name: Catherine Pepper

Company: Maitland City Council

Address: PO Box 220, Maitland NSW

Postcode 2320

Phone: 0414 803 737

Email: Catherine.Pepper@maitland.nsw.gov.au

Contact details for contact person (if different from above)

Name N/A

Phone

Email

Nature of statutory requirements (not applicable for non-statutory audits)

- Requirements under the *Contaminated Land Management Act 1997* (e.g. management order; please specify, including date of issue)

- Requirements imposed by an environmental planning instrument (please specify, including date of issue)

- Development consent requirements under the *Environmental Planning and Assessment Act 1979* (please specify consent authority and date of issue)

- Requirements under other legislation (please specify, including date of issue)

Purpose of site audit

- A1** To determine land use suitability

Intended uses of the land: _____

OR

- A2** To determine land use suitability subject to compliance with either an active or passive environmental management plan

Intended uses of the land: _____

OR

(Tick all that apply)

- B1** To determine the nature and extent of contamination
- B2** To determine the appropriateness of:
 - an investigation plan
 - a remediation plan
 - a management plan
- B3** To determine the appropriateness of a **site testing plan** to determine if groundwater is safe and suitable for its intended use as required by the *Temporary Water Restrictions Order for the Botany Sands Groundwater Resource 2017*
- B4** To determine the compliance with an approved:
 - voluntary management proposal** or
 - management order** under the *Contaminated Land Management Act 1997*
- B5** To determine if the land can be made suitable for a particular use (or uses) if the site is remediated or managed in accordance with a specified plan.

Intended uses of the land: Residential (seniors housing) except for an 18 m wide strip along the western edge which is suitable for use as a road, turning circle and surface drainage with no structures or underground services.

Information sources for site audit

Consultancies which conducted the site investigations and/or remediation:

GHD Pty Ltd (GHD)

Titles of reports reviewed:

'Stage 1 and Stage 2 Contamination Site Assessment, Lot 31 DP598354, Aaron Cove, Rutherford', dated 21 April 2017, GHD

'Anambah landfill site, Installation of additional Landfill Gas monitoring wells', dated 28 February 2020, GHD

'LFG Assessment Sampling, Analysis and Quality Plan, Lot 1 DP1243663, Aaron Cove Rutherford', dated 28 October 2020, GHD

'Anambah landfill LFG review – LFG data review and CSM update', dated 29 October 2020, GHD

'Anambah landfill LFG review, Installation of Sale Property landfill gas wells', dated 14 January 2021, GHD.

'Anambah Lot 1 DP1243663, Landfill gas delineation assessment report', dated 25 June 2021, GHD

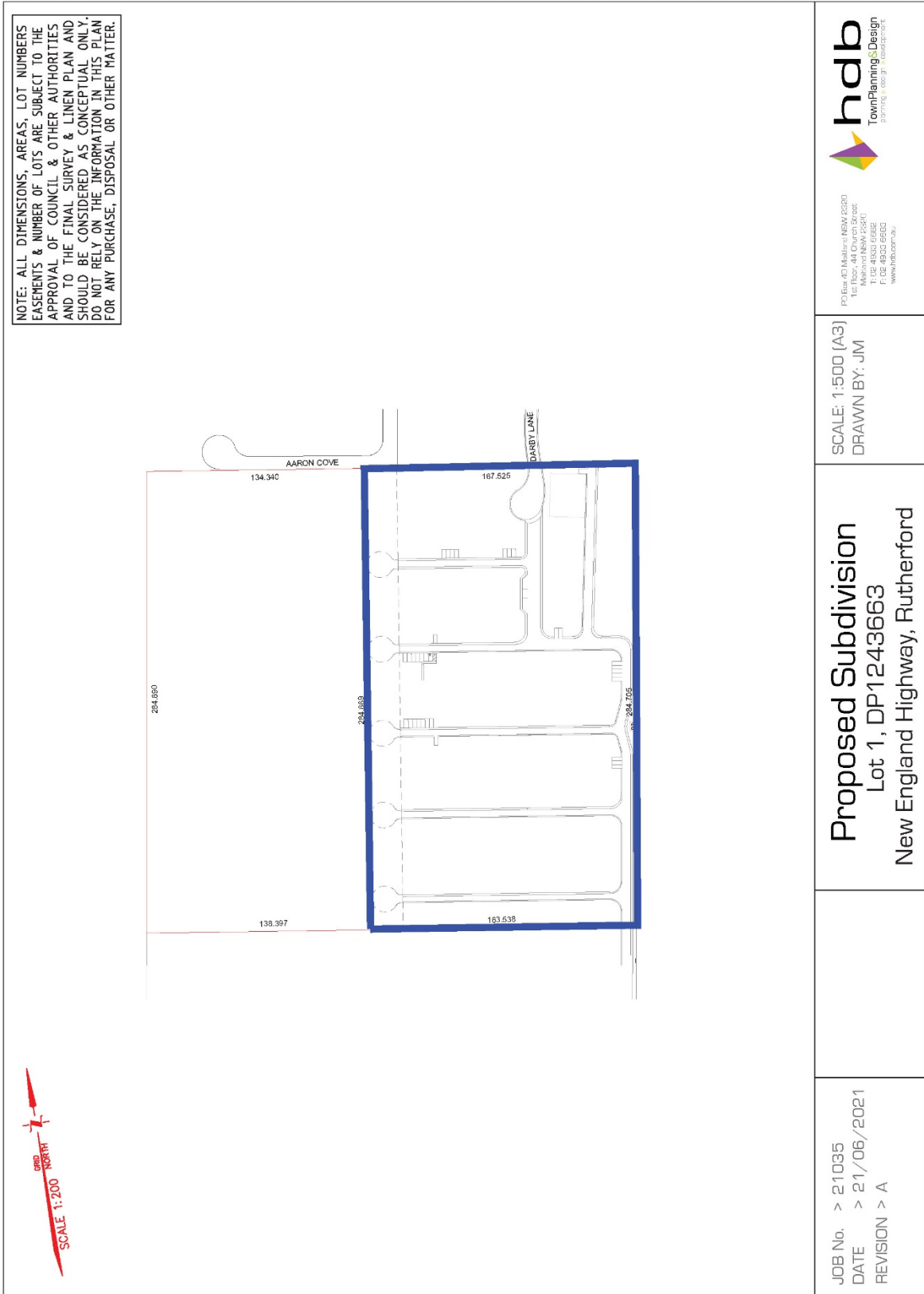
'Anambah-Eastern Portion of Lot 1 DP1243663, Hazardous ground gas EMP,' dated 25 June 2021, GHD

Other information reviewed, including previous site audit reports and statements relating to the site:

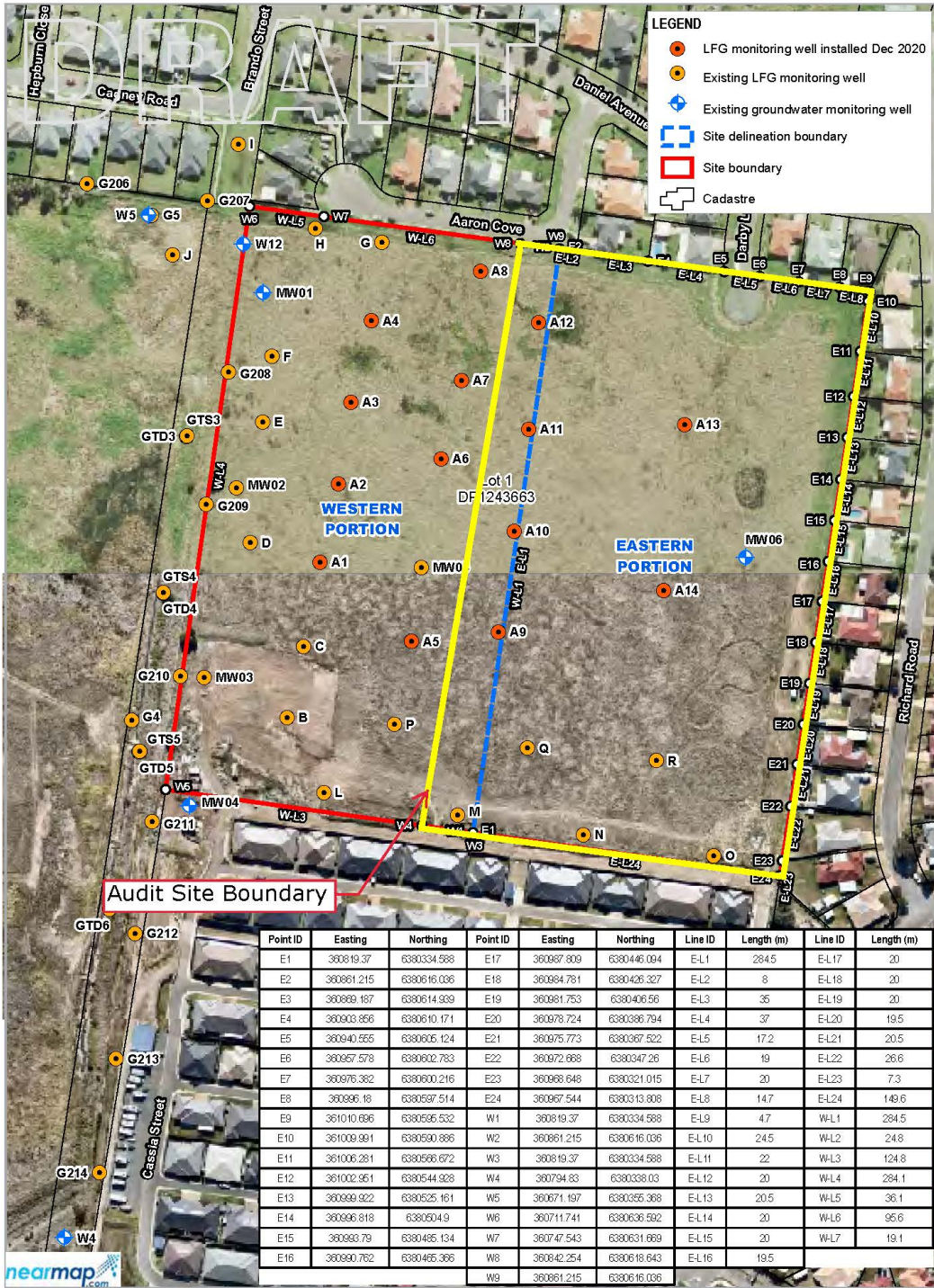
Site audit report details

Title Site Audit Report – Environmental Management Plan, Eastern Portion of Lot 1 DP1243663

Report no. RS 126-1 (Ramboll Ref: 318001080) Date 6 August 2021



Site Audit Statement RS 126-1



Paper Size ISO A4
0 10 20 30 40 50
Meters

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 56

Maitland City Council
Anambah Landfill Site
Soil Gas Delineation Assessment Report

Lot 1 DP1243663
Site delineation plan

Project No. 12509993
Revision No. A
Date 08/04/2021

FIGURE 1

G:\2021\5609993\GIS\Map\12509993_Anambah_Landfill\12509993_SoilGasDelineation\RA_spr\12509993_SGDAR001_SitePlan_Delineated_A
Print date: 08 Apr 2021 - 10:07

Data source: Nearmap; Aerial Imagery; 2019/01/14; LPI: DTD8DC06; 2017; RM Survey; WAE data; 2019; public_NSW_Imagery; ©Department of Customer Service 2020. Created by: Invision

Part II: Auditor's findings

Please complete either Section A1, Section A2 or Section B, not more than one section. (Strike out the irrelevant sections.)

- Use **Section A1** where site investigation and/or remediation has been completed and a conclusion can be drawn on the suitability of land uses **without the implementation** of an environmental management plan.
- Use **Section A2** where site investigation and/or remediation has been completed and a conclusion can be drawn on the suitability of land uses **with the implementation** of an active or passive environmental management plan.
- Use **Section B** where the audit is to determine:
 - (B1) the nature and extent of contamination, and/or
 - (B2) the appropriateness of an investigation, remediation or management plan¹, and/or
 - (B3) the appropriateness of a site testing plan in accordance with the *Temporary Water Restrictions Order for the Botany Sands Groundwater Source 2017*, and/or
 - (B4) whether the terms of the approved voluntary management proposal or management order have been complied with, and/or
 - (B5) whether the site can be made suitable for a specified land use (or uses) if the site is remediated or managed in accordance with the implementation of a specified plan.

¹ For simplicity, this statement uses the term 'plan' to refer to both plans and reports.

Section A1

I certify that, in my opinion:

The **site is suitable** for the following uses:

(Tick all appropriate uses and strike out those not applicable.)

- Residential, including substantial vegetable garden and poultry
- Residential, including substantial vegetable garden, excluding poultry
- Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry
- Day care centre, preschool, primary school
- Residential with minimal opportunity for soil access, including units
- Secondary school
- Park, recreational open space, playing field
- Commercial/industrial
- Other (please specify):

OR

I certify that, in my opinion, the **site is not suitable** for any use due to the risk of harm from contamination.

Overall comments:

Section A2

I certify that, in my opinion:

Subject to compliance with the **attached** environmental management plan² (EMP), the site is suitable for the following uses:

(Tick all appropriate uses and strike out those not applicable.)

- Residential, including substantial vegetable garden and poultry
 - Residential, including substantial vegetable garden, excluding poultry
 - Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry
 - Day care centre, preschool, primary school
 - Residential with minimal opportunity for soil access, including units
 - Secondary school
 - Park, recreational open space, playing field
 - Commercial/industrial
 - Other (please specify):
-

EMP details

Title

Author

Date

No. of pages

EMP summary

This EMP (attached) is required to be implemented to address residual contamination on the site.

The EMP: (Tick appropriate box and strike out the other option.)

- requires operation and/or maintenance of **active** control systems³
- requires maintenance of **passive** control systems only³.

² Refer to Part IV for an explanation of an environmental management plan.

³ Refer to Part IV for definitions of active and passive control systems.

Purpose of the EMP:

Description of the nature of the residual contamination:

Summary of the actions required by the EMP:

How the EMP can reasonably be made to be legally enforceable:

How there will be appropriate public notification:

Overall comments:

Section B

Purpose of the plan⁴ which is the subject of this audit:

The purpose of the landfill gas investigation reports is to determine the portion of Lot 1 DP1243663 that can be considered suitable, from a landfill gas perspective, for residential development and what further assessment, remediation and/or management of landfill gas is required.

The purpose of the environmental management plan (EMP) is to document the process for selection and implementation of appropriate gas protection measures in accordance with Section 5 of EPA (2020) *Assessment and management of hazardous ground gases*, and the management and monitoring requirements required to allow the proposed residential development to be undertaken on the site.

I certify that, in my opinion:

(B1)

- The nature and extent of the contamination **has** been appropriately determined
 ~~The nature and extent of the contamination **has not** been appropriately determined~~

AND/OR (B2)

- The investigation, ~~remediation~~ or management plan **is** appropriate for the purpose stated above
 ~~The investigation, remediation or management plan **is not** appropriate for the purpose stated above~~

AND/OR (B3)

- ~~The site testing plan:~~
 ~~**is** appropriate to determine~~
 ~~**is not** appropriate to determine~~
~~if groundwater is safe and suitable for its intended use as required by the *Temporary Water Restrictions Order for the Botany Sands Groundwater Resource 2017*~~

AND/OR (B4)

- ~~The terms of the approved voluntary management proposal* or management order** (strike out as appropriate):~~
 ~~**have** been complied with~~
 ~~**have not** been complied with.~~

~~*voluntary management proposal no.~~

~~**management order no.~~

⁴ For simplicity, this statement uses the term 'plan' to refer to both plans and reports.

AND/OR (B5)

- The site **can be made suitable** for the following uses:

(Tick all appropriate uses and strike out those not applicable.)

- ~~Residential, including substantial vegetable garden and poultry~~
- ~~Residential, including substantial vegetable garden, excluding poultry~~
- ~~Residential with accessible soil, including garden (minimal home grown produce contributing less than 10% fruit and vegetable intake), excluding poultry~~
- ~~Day care centre, preschool, primary school~~
- ~~Residential with minimal opportunity for soil access, including units~~
- ~~Secondary school~~
- ~~Park, recreational open space, playing field~~
- ~~Commercial/industrial~~
- Other (please specify):

Residential (seniors housing) except 18 m wide strip along western edge suitable for road, turning circle, surface drainage with no structures or underground services.

IF the site is ~~remediated~~/managed* in accordance with the following plan (**attached**):

*Strike out as appropriate

Plan title: Anambah – Eastern Portion of Lot 1 DP1243663 – Hazardous ground gas EMP

Plan author: GHD Pty Ltd

Plan date: 25 June 2021

No. of pages: 35

SUBJECT to compliance with the following condition(s):

1. Design appropriate gas protection measures with documented procedures for appropriate installation, to be prepared by an appropriately qualified consultant and reviewed by a site auditor.

2. Implementation of appropriate management measures during construction of the development to protect construction workers.

3. Verification of appropriate installation of gas protection measures in accordance with approved procedures.

4. Preparation of a revised EMP incorporating long term inspection, maintenance and EMP review requirements.

5. Preparation of a Section A Site Audit Statement by a NSW EPA accredited site auditor confirming the suitability of the site for the intended use.

It is noted that conditions 1 to 4 may not be required if further assessment is undertaken to demonstrate to the satisfaction of an accredited site auditor that the site is suitable for the proposed development without gas protection measures and an EMP, and that ground gas conditions do not present a risk to construction or maintenance workers.

Overall comments:

The site is currently undeveloped vacant land adjacent to a former landfill. Investigations of the site did not identify soil or groundwater contamination. Hazardous ground gas (carbon dioxide) has been identified at the site, although at relatively low concentrations, which has potential to present unacceptable risks to site users without the design and implementation of gas protection measures for future residences.

An EMP has been prepared and reviewed and documents the process for selection and implementation of appropriate gas protection measures and management and monitoring requirements to allow development of the proposed residential development. Documentation regarding the gas protection design and verification of the installation is required. A revised EMP will be prepared to address long term inspection and maintenance requirements at the site.

It is recommended that implementation of the EMP be made a condition of consent for the development. In addition, compliance with the conditions of this Site Audit Statement should be made conditions of consent (prior to occupancy), in particular the requirement for a Site Audit Statement certifying the suitability of the site for the development. Any conditions of the SAS would be made conditions of consent.

Groundwater has not been assessed for beneficial re-use. Any future use of groundwater would require appropriate assessment and regulatory approvals from the NSW Office of Water.

Part III: Auditor's declaration

I am accredited as a site auditor by the NSW Environment Protection Authority (EPA) under the *Contaminated Land Management Act 1997*.

Accreditation no. 1002

I certify that:

- I have completed the site audit free of any conflicts of interest as defined in the *Contaminated Land Management Act 1997*, and
- with due regard to relevant laws and guidelines, I have examined and am familiar with the reports and information referred to in Part I of this site audit, and
- on the basis of inquiries I have made of those individuals immediately responsible for making those reports and obtaining the information referred to in this statement, those reports and that information are, to the best of my knowledge, true, accurate and complete, and
- this statement is, to the best of my knowledge, true, accurate and complete.

I am aware that there are penalties under the *Contaminated Land Management Act 1997* for wilfully making false or misleading statements.

Signed



Date 6 August 2021

Part IV: Explanatory notes

To be complete, a site audit statement form must be issued with all four parts.

How to complete this form

Part I

Part I identifies the auditor, the site, the purpose of the audit and the information used by the auditor in making the site audit findings.

Part II

Part II contains the auditor's opinion of the suitability of the site for specified uses or of the appropriateness of an investigation, or remediation plan or management plan which may enable a particular use. It sets out succinct and definitive information to assist decision-making about the use or uses of the site or a plan or proposal to manage or remediate the site.

The auditor is to complete either Section A1 or Section A2 or Section B of Part II, **not** more than one section.

Section A1

In Section A1 the auditor may conclude that the land is *suitable* for a specified use or uses OR *not suitable* for any beneficial use due to the risk of harm from contamination.

By certifying that the site is *suitable*, an auditor declares that, at the time of completion of the site audit, no further investigation or remediation or management of the site was needed to render the site fit for the specified use(s). **Conditions must not be** imposed on a Section A1 site audit statement. Auditors may include **comments** which are key observations in light of the audit which are not directly related to the suitability of the site for the use(s). These observations may cover aspects relating to the broader environmental context to aid decision-making in relation to the site.

Section A2

In Section A2 the auditor may conclude that the land is *suitable* for a specified use(s) subject to a condition for implementation of an environmental management plan (EMP).

Environmental management plan

Within the context of contaminated sites management, an EMP (sometimes also called a 'site management plan') means a plan which addresses the integration of environmental mitigation and monitoring measures for soil, groundwater and/or hazardous ground gases throughout an existing or proposed land use. An EMP succinctly describes the nature and location of contamination remaining on site and states what the objectives of the plan are, how contaminants will be managed, who will be responsible for the plan's implementation and over what time frame actions specified in the plan will take place.

By certifying that the site is suitable subject to implementation of an EMP, an auditor declares that, at the time of completion of the site audit, there was sufficient information satisfying guidelines made or approved under the *Contaminated Land Management Act 1997*

(CLM Act) to determine that implementation of the EMP was feasible and would enable the specified use(s) of the site and no further investigation or remediation of the site was needed to render the site fit for the specified use(s).

Implementation of an EMP is required to ensure the site remains suitable for the specified use(s). The plan should be legally enforceable: for example, a requirement of a notice under the CLM Act or a development consent condition issued by a planning authority. There should also be appropriate public notification of the plan, e.g. on a certificate issued under s.149 of the *Environmental Planning and Assessment Act 1979*.

Active or passive control systems

Auditors must specify whether the EMP requires operation and/or maintenance of active control systems or requires maintenance of passive control systems only. Active management systems usually incorporate mechanical components and/or require monitoring and, because of this, regular maintenance and inspection are necessary. Most active management systems are applied at sites where if the systems are not implemented an unacceptable risk may occur. Passive management systems usually require minimal management and maintenance and do not usually incorporate mechanical components.

Auditor's comments

Auditors may also include **comments** which are key observations in light of the audit which are not directly related to the suitability of the site for the use(s). These observations may cover aspects relating to the broader environmental context to aid decision-making in relation to the site.

Section B

In Section B the auditor draws conclusions on the nature and extent of contamination, and/or suitability of plans relating to the investigation, remediation or management of the land, and/or the appropriateness of a site testing plan in accordance with the *Temporary Water Restrictions Order for the Botany Sands Groundwater Source 2017*, and/or whether the terms of an approved voluntary management proposal or management order made under the CLM Act have been complied with, and/or whether the site can be made suitable for a specified land use or uses if the site is remediated or managed in accordance with the implementation of a specified plan.

By certifying that a site *can be made suitable* for a use or uses if remediated or managed in accordance with a specified plan, the auditor declares that, at the time the audit was completed, there was sufficient information satisfying guidelines made or approved under the CLM Act to determine that implementation of the plan was feasible and would enable the specified use(s) of the site in the future.

For a site that *can be made suitable*, any **conditions** specified by the auditor in Section B should be limited to minor modifications or additions to the specified plan. However, if the auditor considers that further audits of the site (e.g. to validate remediation) are required, the auditor must note this as a condition in the site audit statement. The condition must not specify an individual auditor, only that further audits are required.

Auditors may also include **comments** which are observations in light of the audit which provide a more complete understanding of the environmental context to aid decision-making in relation to the site.

Part III

In **Part III** the auditor certifies their standing as an accredited auditor under the CLM Act and makes other relevant declarations.

Where to send completed forms

In addition to furnishing a copy of the audit statement to the person(s) who commissioned the site audit, statutory site audit statements must be sent to

- the **NSW Environment Protection Authority**:
nswauditors@epa.nsw.gov.au or as specified by the EPA

AND

- the **local council** for the land which is the subject of the audit.