Tallawarra Lands Concept Plan
Approval Modification

APPENDIX O

INTERIM SITE AUDIT ADVICE

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BridgeHill Tallawarra Pty Ltd

C/o- Mr. Trevor McNally
Director
McNally Management
Level 12, 49 York Street
Sydney New South Wales 2000

Ref. 17030L01-ISAA01

28 September 2017

Dear Trevor,

Interim Site Audit Advice – 0103-1704-01
Proposed Tallawarra Land Development, Yallah NSW
Overview of Site Condition and Strategic Management

Nature of interim advice

To act as site auditor for this project, BridgeHill Tallawarra Pty Ltd has engaged Marc Salmon, an Environment Protection Authority (EPA) contaminated land accredited site auditor, employed by Easterly Point Environmental. The final outcome of this engagement is to be a site audit statement (SAS) and associated site audit report (SAR), based on the objectives of the site audit.

This interim site audit advice (ISAA) does not constitute a SAS or a SAR, but rather is provided to assist Bridgehill in the assessment and management of contamination issues at the site. The information provided herein should not be considered pre-emptive of the final site audit conclusions, but rather represents the site audit opinion based on the current review of available site information[1].

Refer to Attachment 1 for information regarding the scope of site audits and associated limitations. Attachment 1 forms part of this interim site audit advice.

***Interim Site Audit Advice 0103*-1704-01**

As part of the site audit, a preliminary review has been conducted of:

- Cardno (September 2017) Environmental Site Assessment*, Tallawarra Concept Approval Modification, Yallah NSW*;

[1] Information in this section is a requirement of Section 3.6.2 of DEC (2006) *Contaminated Sites: Guidelines for the NSW Site Auditor Scheme*.

- Coffey (2010) *Geotechnical, Contamination and Groundwater Investigation Tallawarra Lands, Yallah, NSW*;

- Coffey (2011) *Contamination Assessment North Shore Precinct, Tallawarra Lands, Yallah Bay Road, Yallah NSW;* and

- Douglas Partners (2010) *Report on Asbestos Contamination Assessment, Tallawarra Lands, Tallawarra, NSW*.

The following advice is based on review of the above and the site audit's understanding of the site and the objectives of the site audit.

1. The audit's appreciation is that earlier planning approvals were based on the broader Tallawarra site, and that BridgeHill has entered into a purchase agreement with Energy Australia over the Northern Precinct and the Central Precinct of the Tallawarra Lands only. Accordingly, a number of the consent conditions (Concept Approval of May 2013, Ref. MP09_0131) and planning requirements (Secretary's Environmental Assessment Requirements (SEARs) of 23 January 2017, Ref. MP 09_0131 MOD 1), relate to land which is outside the current scope of the project.

2. The previous investigations, including Coffey 2010 and 2011 and Douglas Partners 2010, relate in part to the Northern Precinct and the Central Precinct, and in part to the Broader Energy Australia site, including the ash ponds and areas to the south of Yallah Bay Road.

   Whereas the audit has conducted a preliminary review of these reports, and considers that they are generally appropriate in regard to the methodology and scope, given the revised project design, the information from these reports and the germane resulting data need to be incorporated into a revised project report, in accordance with the contaminated land management framework.

3. The NEPM[2] describes that the investigation components of an assessment of site contamination are:
   - establishing the objectives of the site assessment;
   - desktop study (and/or review of existing information) and detailed site inspection, and compiling a site history (and/or data compilation report) from relevant site-related information;
   - development of a conceptual site model (CSM) and identification of data gaps;
   - development of data quality objectives (DQOs);
   - design of a sampling strategy and optimisation of a sampling and analysis quality plan (SAQP);
   - data collection (delineation of potential and known contamination);
   - data validation, analysis and interpretation (including risk assessment and iterative development of the CSM); and
   - coherent presentation and reporting.

   The project reporting should include an integration of the prior reporting, along with the Cardno (2017) data, and the updated development plans, to provide a data compilation report for the Northern Precinct and the Central Precinct. This report should include an updated CSM, in text and graphics, and the identified data gaps. The relevant areas of environmental concern, as identified by Coffey (2010), should be identified within the Northern Precinct and the Central Precinct. This data compilation report and updated CSM, could then form the basis for the design of further work required in Northern Precinct and the Central Precinct.

[2] National Environment Protection Council (NEPC) (2013) *National Environment Protection (Assessment of Site Contamination) Measure 1999,* including *Amendment Measure 2013* (No. 1), *Schedule B2: Guideline on Site Characterisation*.

4. The recommended strategy for progressing the project in an efficient manner, and to allow the planning requirements and the contaminated land process to be addressed in concert with the project design, is to develop a "site remediation strategy plan". This would describe what is known about the modified site, and what additional information and investigations are required. Based on the known requirements, a remediation strategy could be developed at a broad level, and the required additional investigations broadly described. The appropriate timing for the implementation of the investigations, the refining of the remedial requirements, and where these will need to occur within the development/planning process could be specified.

   A Section B SAS, and associated SAR, could then be developed, specifying that the site could be made suitable for the proposed landuses, if the site remediation strategy plan is complied with. The various technical specifications within the planning conditions could be certified as successfully completed, or the SAS/SAR could define which components are to be addressed at later stages.

   The audit's appreciation is that the data compilation report and the site remediation strategy plan, and the resultant SAS/SAR would be required as part of the Super Lot development application stage, which is understood to be the first future application.

5. The plan, and the SAS/SAR, would need to clearly articulate that all relevant aspects are to be appropriately addressed at the appropriate stage of the development/planning process, and that ultimately, certification of landuse suitability will be required. The ultimate landuse certification would logically seem to be a mixture of Section A certification without management, and Section A and/or B certification with management, based on the specific outcomes for each area being assessed/ remediated/validated.

   At this stage, the development of a site remediation strategy plan should address the Northern Precinct and the Central Precinct, with future land use audits being refined based on the specific areas and development/planning stages.

6. To ensure that land is not released without appropriate assessment and audit certification, the conditions could include the following or similar for ensuring landuse suitability as DA conditions:

   > a site audit statement (SAS), completed by a NSW EPA accredited site auditor in accordance with the provisions of the CLM Act, shall be submitted to Council and approved prior to a Subdivision Certificate being issued. The SAS is to certify that the site is suitable for the proposed use, or can be made suitable by implementation of an environmental management plan (EMP).
   >
   > Conditions imposed on the SAS shall form part of this consent. Where the SAS conditions are not consistent with this consent, a Section 96 application pursuant to the provisions of the *Environmental Planning and Assessment (EP&A) Act* 1979, will be required to ensure that the conditions of the SAS form part of the consent conditions.

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Thank you for your time in regard to this matter. Please do not hesitate to contact the undersigned on (02) 6685 6681 if you require additional information or clarification.

Yours sincerely
Easterly Point Environmental Pty Ltd

Marc Salmon
Principal Environmental Scientist

Accredited Site Auditor (NSW)
Contaminated Land Auditor (Qld)
MEIANZ, CEnvP Contaminated Land Specialist (No. 807)

Attachments:

Attachment 1 – Scope and limitations to site audits

CC. Adam Clarke, Cardno

Attachment 1 – Scope and limitations to site audits

Scope of audits

In NSW, the site assessment and audit process consists of:

(i) the contaminated land consultant, or other relevant party, *designs and implements* the site assessment and, where required, all remediation and validation activities to achieve the stated objectives; and

(ii) the site auditor *independently reviews* the works undertaken to ensure that they comply with current regulations, standards and guidelines, and that the site has been assessed, remediated and validated to a standard appropriate to the proposed landuse.

Therefore, the contaminated land consultant and other relevant parties should be satisfied that the work to be conducted conforms to all appropriate regulations, standards and guidelines and is suitable based on the site history and the proposed landuse.

Whereas interim site audit advice is provided to assist in the assessment and management of contamination issues at a site, the interim site audit advice should not be regarded as 'approval' of any proposed investigations or remedial activities, or any assessment reports, management plans and the like, or actions proposed therein. 'Approval' is inconsistent with the concept of a site audit, that is an independent third-party review, and as such approval is beyond the scope of a site audit.

Rather, where interim site audit advices describe such documents as appropriate or similar, this means that the site audit is in general agreement that the document fulfils the intended purpose, consistent with the scope of site audits described above. 'Approval' of reports or plans is by definition a statutory function, and the *Contaminated Land Management (CLM) Act* 1997 does not provide accredited site auditors authorisation for statutory functions.

Limitations to site audits

This site audit relates only to those matters relevant to the CLM Act, which describes that "The general object of this Act is to establish a process for investigating and (where appropriate) remediating land areas where contamination presents a significant risk of harm to human health or some other aspect of the environment".

Contaminated land site audits do not seek to provide an opinion regarding:
- other aspects of the environment not related to site contamination; or
- hazardous building materials in buildings or structures; or
- structures, footings, infrastructure, and the like, whether above or below ground; or
- the suitability of fill materials for any use and any geotechnical considerations; or
- to the suitability of the site in regard to landuse planning or legal use of the land; or
- regulatory responsibilities or obligations (for which a legal opinion should be sought); or
- the work health and safety (WHS) legislation; or
- the suitability of any engineering design.

Accordingly, reviews of such information are only in relation to the contaminated land aspects of any projects or sites. If specialist technical review of such documents is required, these should be obtained by appropriate specialist.

By definition, site auditing involves the review and critique of consultants' and contractors' work, including, amongst others, site histories, site surveys, subsurface investigations, chemical and physical analyses, and risk assessments and modelling. Accordingly, Easterly Point relies on the experience, expertise and integrity of the relevant organisations. The information sources referenced have been used to determine site history and local subsurface conditions. While Easterly Point takes reasonable care to avoid reliance on data and information that is inaccurate or unsuitable, Easterly Point is not able to verify the accuracy or completeness of all information and data made available.

Sampling and chemical analysis of environmental media are based on appropriate guidance documents made and approved by the relevant regulatory authorities. Conclusions arising from the review and assessment of environmental data are based on the sampling and analysis considered appropriate based on the regulatory requirements and site history, not on sampling and analysis of all media at all locations for all potential contaminants.

Limited environmental sampling and laboratory analyses were undertaken as part of the investigations reviewed by Easterly Point, as described herein. Ground conditions between sampling locations may vary, and this should be considered when extrapolating between sampling points. Except at each sampling point, the nature, extent and concentration of contamination is inferred only. Furthermore, the test methods used to characterise the contamination at each sampling point are subject to limitations and provide only an approximation of the contaminant concentrations.

Chemical analytes are based on the information detailed in the site history. Further chemicals or categories of chemicals may exist at the site, which were not identified in the site history and which may not be expected at the site.

Changes to the subsurface conditions may occur subsequent to the investigations described herein, through natural processes or through the intentional or accidental addition of contaminants. The conclusions and recommendations reached in this site audit are based on the available information at the time of the investigations.

As environmental sampling is based on achieving suitable sampling densities, rather than sampling all media at all locations, and analysis is based on site histories and likely contaminants of concern, rather than analysis of all media at all locations for all potential contaminants, the absence of any identified hazardous or toxic materials at the site should not be interpreted as a warranty or guarantee that such materials do not exist at the site. Therefore, future work at the site which involves subsurface excavation should be conducted based on appropriate management plans. These should include, inter alia, environmental management plans, including unexpected findings protocols, hazardous building materials management plans, and worker health and safety plans.

If additional certainty is required in addition to the requirements of the site audit, then additional site history information should be obtained, or additional exploration and sampling and analysis should be conducted. This decision should be made by the user of this information based on an appropriate risk management process, and the user should commission additional services if required.

The information and environmental data used to support the conclusions reached in the site audit are obtained by the consultant and contracting firms that conduct the investigations, remediation, validation and the like, and the limitations which apply to the consultants' and contractors' reports and plans apply equally to the site audit.

Should new information become available about contamination at the site that may materially affect the validity or appropriateness of the conclusions in the site audit statement (SAS) and/or site audit report (SAR), Easterly Point and the site auditor reserve the right to review the SAS and SAR in the context of the additional information, in accordance with Section 3.4.4, *Significant new findings*, of Department of Environment and Conservation NSW (DEC) (2006) *Contaminated Sites: Guidelines for the NSW Site Auditor Scheme (2nd edition)*. This may lead to the issuing of a revised SAS/SAR to take account of this new information, in accordance with DEC 2006.