



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. FR 044

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: Fiona Robinson

Company: Ramboll Australia Pty Ltd

Address: Level 2, Suite 18

50 Glebe Road, The Junction NSW

Postcode: 2291

Phone: 02 4962 5444

Email: frobinson@ramboll.com

Site details

Address: off Wine Country Drive, Branxton NSW

Postcode: 2335

Property description

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

Lots 490 and 491 in DP1212110; see plan attached at the end of this section

Local government area: Cessnock City Council

Area of site (include units, e.g. hectares): approximately 9 Ha

Current zoning: B4 Mixed Use

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: Glenn Swan

Company: LWP Property Group Pty Ltd

Address: 1 Triton Blvd, North Rothbury NSW

Postcode: 2335

Phone: (02) 4938 3910

Email: GSwan@lwpproperty.com.au

Contact details for contact person (if different from above)

Name:

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: seniors living

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:

Information sources for site audit

Consultancies which conducted the site investigations and/or remediation:

RCA Australia Pty Ltd

AECOM Australia Pty Ltd

Coffey Environments Pty Ltd

Titles of reports reviewed:

- 'Phase 1 Environmental Site Assessment, Proposed Huntlee Development (within Cessnock Local Government Area)', RCA ref 13148-402/2 June 2018, RCA Australia Pty Ltd (RCA)
- 'Scope of Works for Validation Report – Lot 1067, DP1231884, Huntlee, North Rothbury NSW', RCA ref 13148a-101/0, 5 December 2018, RCA

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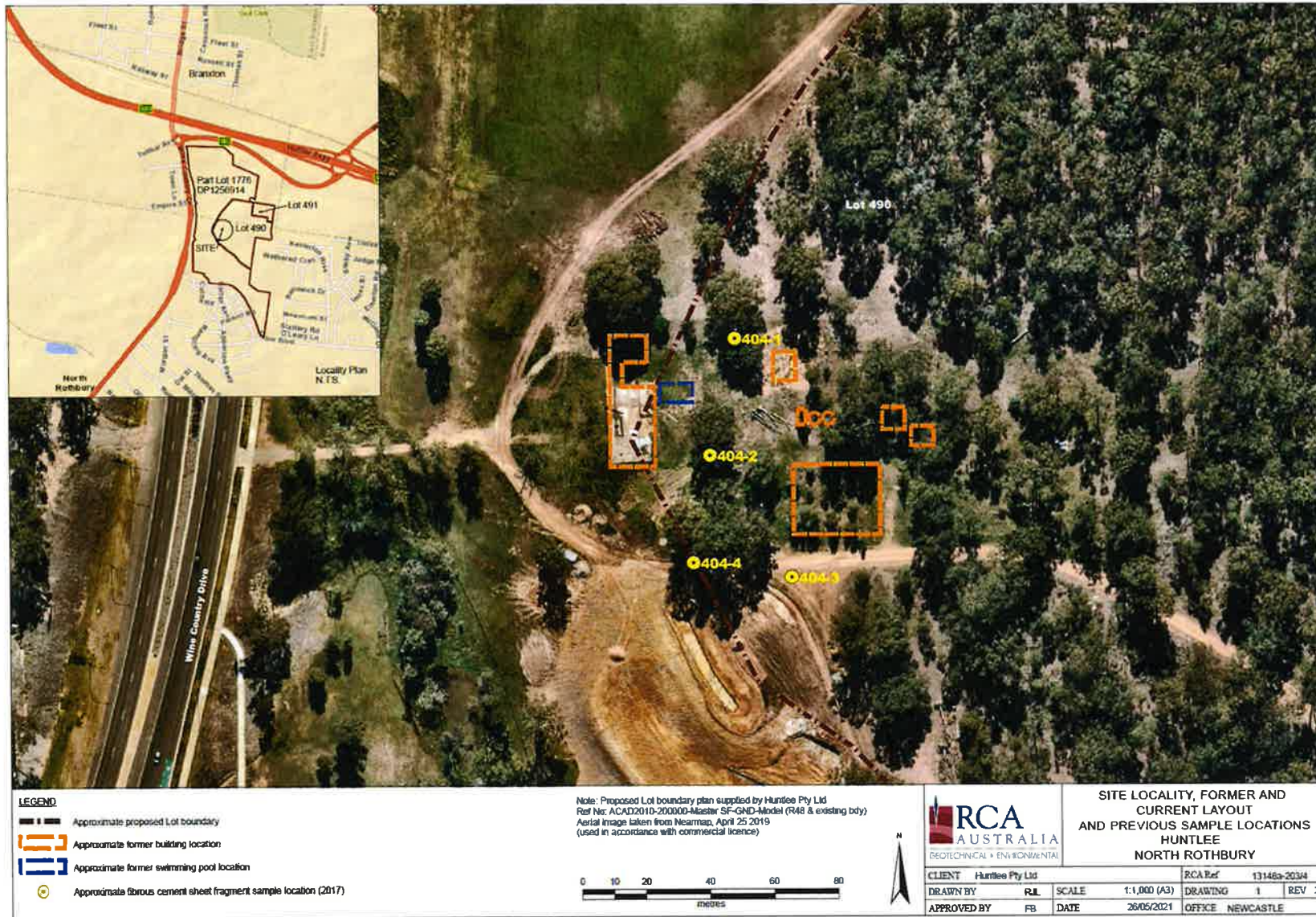
- 'Waste Classification, Huntlee, North Rothbury, NSW' RCA ref 13148a-201/1, 6 May 2019 and earlier drafts, RCA
- 'Asbestos Inspection – Lot 1067, DP1236347, Sampling and Analytical Quality Plan, Huntlee, North Rothbury NSW' RCA ref 13148a-202/1, 6 May 2019 and earlier drafts, RCA
- 'Asbestos Inspection and Validation, Huntlee, North Rothbury, NSW', RCA ref 13148a-203/4, 1 July 2021 and earlier drafts, RCA

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

- 'Limited Phase 1 Environmental Site Assessment, North Rothbury', 10 March 2011, AECOM Australia Pty Ltd (AECOM)
- 'Huntlee Development, Preliminary Stage 1 Site Investigation, 31 July 2012, AECOM
- 'Environmental Management Plan for the Huntlee Development', 25 September 2013, Coffey Environments Pty Ltd
- 'Site Audit Report, Huntlee Town Centre, Stage 1 Development Area', 25 September 2017, Ramboll Environ, (FR002)

Site audit report details

Title:	Site Audit Report – Huntlee, Part of Substage 16, Stage 1 Development Area	
Report no.:	FR 044 (Ramboll Ref: 318000665)	Date: 12 July 2021



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):
Seniors Living Village
-

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:

Site investigations completed at the site identified the presence of asbestos containing materials requiring remediation. These works have been completed at the site and successfully validated.

Due to the potential for undiscovered low-level contamination/waste issues remaining at the Site, it is common practice that a Construction Environmental Management Plan (CEMP) be implemented during development works. An EMP has been prepared by Coffey for the development and includes an unidentified finds protocol. The EMP and UFP has been reviewed by the Auditor and is required to be implemented under the consent conditions for the development (MP 10_0137 MOD 9).

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:

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.~~

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~~

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

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- ☐ 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):

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

*Strike out as appropriate

Plan title

Plan author

Plan date

No. of pages

SUBJECT to compliance with the following condition(s):

Overall comments:

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. 1506

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 12 July 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

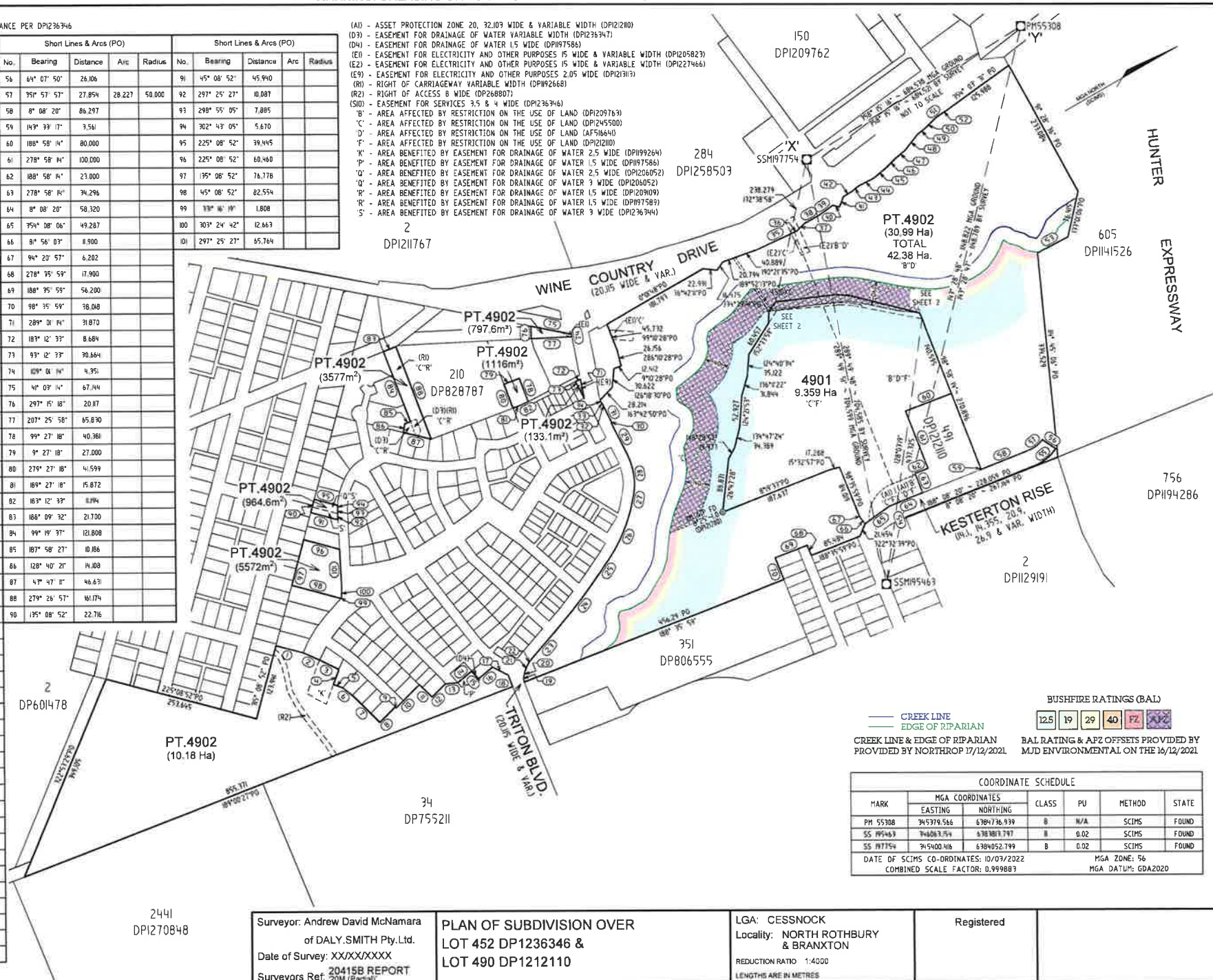
In addition to furnishing a copy of the audit statement to the person(s) who commissioned the site audit, statutory site audit statements must be sent to

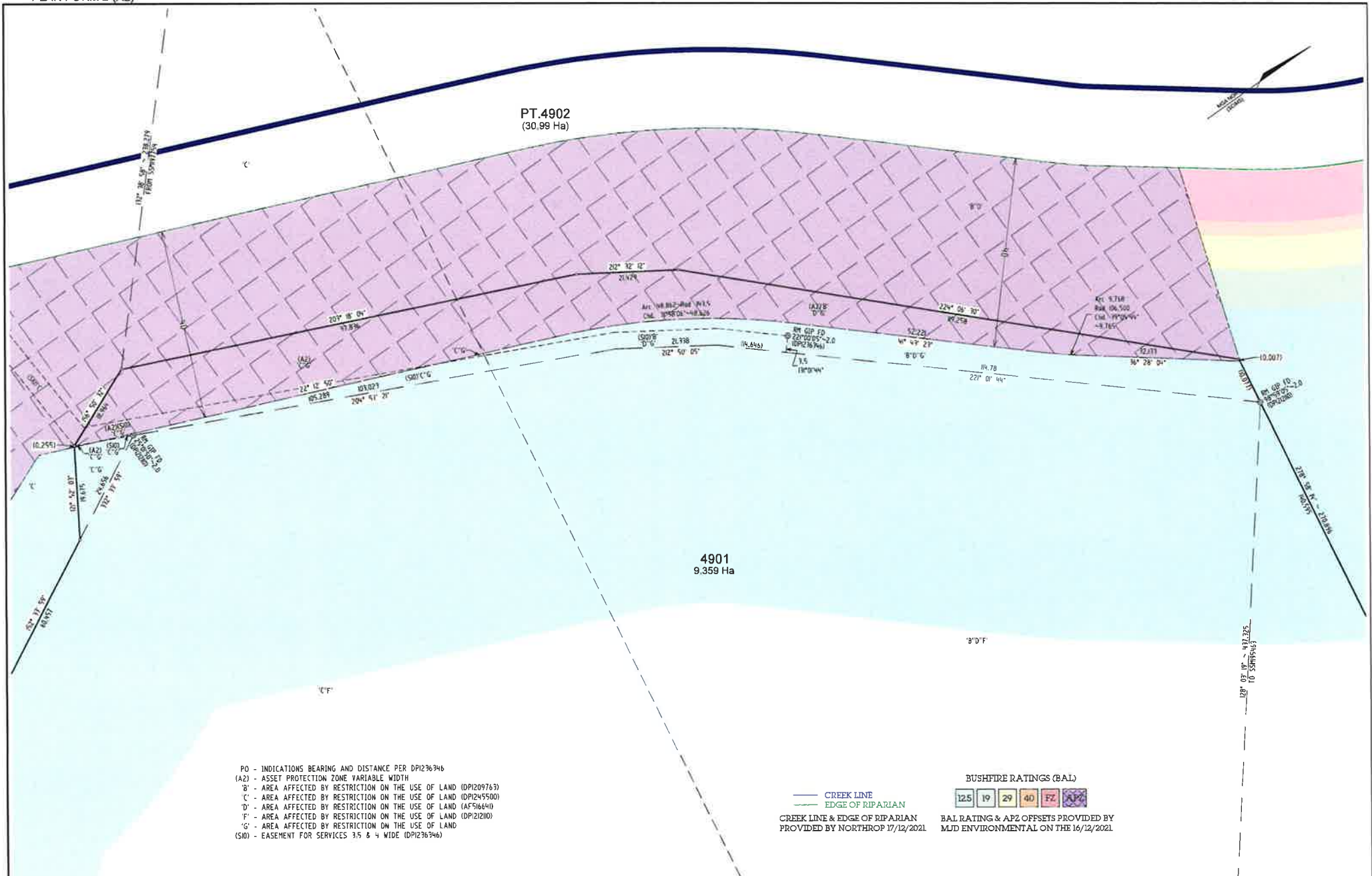
- the **NSW Environment Protection Authority**:
nswauditors@epa.nsw.gov.au or as specified by the EPA
- AND
- the **local council** for the land which is the subject of the audit.

PO INDICATES BEARING AND DISTANCE PER DP1236394

Short Lines & Arcs (PO)					Short Lines & Arcs (PO)					Short Lines & Arcs (PO)				
No.	Bearing	Distance	Arc	Radius	No.	Bearing	Distance	Arc	Radius	No.	Bearing	Distance	Arc	Radius
1	225° 00' 12"	45.846			58	64° 07' 50"	26.106			91	45° 08' 52"	45.940		
2	234° 12' 34"	29.545			57	35° 57' 57"	27.854	28.227	50.000	92	297° 25' 27"	10.087		
3	238° 24' 06"	34.992			58	8° 08' 20"	86.297			93	298° 55' 05"	7.885		
4	139° 51' 25"	25.940			59	143° 33' 17"	3.561			94	302° 43' 05"	5.670		
5	51° 07' 09"	16.200			60	188° 58' 14"	80.000			95	225° 08' 52"	39.445		
6	248° 35' 32"	19.948			61	278° 58' 14"	100.000			96	225° 08' 52"	68.460		
7	74° 56' 12"	63.000			62	188° 58' 14"	23.000			97	195° 08' 52"	76.778		
8	164° 56' 12"	35.500			63	278° 58' 14"	34.296			98	45° 08' 52"	82.554		
9	74° 56' 12"	2.299			64	8° 08' 20"	58.320			99	18° 18' 19"	1.808		
10	344° 56' 12"	53.908			65	354° 08' 06"	49.287			100	303° 24' 42"	12.663		
11	74° 56' 12"	28.966			66	91° 56' 03"	11.900			101	297° 25' 27"	65.764		
12	165° 30' 39"	30.732			67	94° 20' 57"	6.202							
13	204° 36' 05"	20.262			68	278° 58' 59"	17.900							
14	344° 57' 05"	30.000			69	188° 35' 59"	56.200							
15	259° 57' 05"	17.000			70	98° 35' 59"	18.040							
16	164° 57' 05"	30.000			71	289° 01' 14"	31.870							
17	57° 41' 49"	28.922			72	183° 12' 33"	8.684							
18	279° 19' 37"	20.944			73	93° 12' 33"	30.664							
19	182° 02' 29"	7.225			74	109° 01' 14"	4.351							
20	191° 48' 23"	11.280			75	41° 09' 14"	67.444							
21	184° 22' 10"	7.734			76	297° 51' 18"	20.87							
22	153° 03' 44"	14.810	14.854	55.950	77	207° 25' 58"	65.830							
23	160° 40' 04"	74.624			78	99° 27' 18"	40.381							
24	331° 26' 56"	102.081	102.135	909.0	79	9° 27' 18"	27.000							
25	154° 13' 49"	26.356			80	275° 27' 18"	41.599							
26	322° 36' 16"	104.409	105.129	259.1	81	184° 27' 18"	15.672							
27	130° 58' 42"	6.965			82	183° 12' 33"	11.114							
28	292° 05' 38"	70.591	71.885	109.1	83	168° 09' 32"	21.700							
29	93° 12' 33"	56.537			84	99° 19' 37"	121.808							
30	198° 12' 33"	1.556			85	187° 58' 27"	10.186							
31	93° 12' 33"	26.108			86	128° 40' 21"	14.108							
32	95° 09' 36"	7.151			87	43° 47' 11"	46.631							

(AD) - ASSET PROTECTION ZONE 20, 32.03' WIDE & VARIABLE WIDTH (DP12340)
(DE) - EASEMENT FOR DRAINAGE OF WATER VARIABLE WIDTH (DP1236347)
(DE) - EASEMENT FOR DRAINAGE OF WATER 15' WIDE (DP197585)
(DE) - EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 15' WIDE & VARIABLE WIDTH (DP1205823)
(DE) - EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 15' WIDE & VARIABLE WIDTH (DP1274661)
(DE) - EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 2.05' WIDE (DP123139)
(DE) - RIGHT OF CARRIAGEWAY VARIABLE WIDTH (DPW2668)
(DE) - RIGHT OF ACCESS 8' WIDE (DP268087)
(DE) - EASEMENT FOR SERVICES 3.5 & 4' WIDE (DP1236346)
(B) - AREA AFFECTED BY RESTRICTION ON THE USE OF LAND (DP1209736)
'C' - AREA AFFECTED BY RESTRICTION ON THE USE OF LAND (DP1245500)
'D' - AREA AFFECTED BY RESTRICTION ON THE USE OF LAND (AF51664)
'F' - AREA AFFECTED BY RESTRICTION ON THE USE OF LAND (DP122100)
'K' - AREA BENEFITED BY EASEMENT FOR DRAINAGE OF WATER 2.5' WIDE (DP199264)
'P' - AREA BENEFITED BY EASEMENT FOR DRAINAGE OF WATER 15' WIDE (DP197586)
'Q' - AREA BENEFITED BY EASEMENT FOR DRAINAGE OF WATER 2.5' WIDE (DP1206052)
'R' - AREA BENEFITED BY EASEMENT FOR DRAINAGE OF WATER 3' WIDE (DP1204052)
'R' - AREA BENEFITED BY EASEMENT FOR DRAINAGE OF WATER 15' WIDE (DP1209100)
'R' - AREA BENEFITED BY EASEMENT FOR DRAINAGE OF WATER 15' WIDE (DP197589)
'S' - AREA BENEFITED BY EASEMENT FOR DRAINAGE OF WATER 3' WIDE (DP1236348)





Surveyor: Andrew David McNamara
 of DALY SMITH Pty.Ltd.
 Date of Survey: XX/XX/XXXX
 Surveyors Ref: 20415B REPORT
 20M (Partial)

PLAN OF SUBDIVISION OVER
 LOT 452 DP1236346 &
 LOT 490 DP1212110

LGA: CESSNOCK
 Locality: NORTH ROTHBURY
 & BRANXTON
 REDUCTION RATIO 1:500
 LENGTHS ARE IN METRES

Registered