

7 December 2016

Project 28 Pty Ltd
PO Box 1914
Surfers Paradise Q4217

Attention: Michael Geale – Senior Development Consultant

Dear Michael,

Re: Project 28 Pty Ltd v Minister for Planning (LEC 20161178476) – New South Wales Department of Planning response to without prejudice material

We have reviewed the supplied 'without prejudice' letter of 2 December 2016 from New South Wales Department of Planning Senior Legal Officer Lauren Sims to Aaron Gadiel, Partner at Mills Oakley Lawyers, by way of response to Project 28 Pty Ltd's provision of additional information in this matter. Items from that letter relevant to our areas of expertise are reproduced below (in italic text), followed by our comments (in normal text).

3. Proposed Underground Petrol Storage System

...

Given the sensitivity of the surrounding environment, the Department requires:

- *the use of both Automatic Tank Gauging and Statistical Inventory Reconciliation Analysis systems as the primary leak detection methods; and*
- *the use of both groundwater wells and interstitial monitoring as the secondary leak detection methods. The Department requires justification of the location of groundwater wells. This is usually identified within a Conceptual Site Model.*

Commitments to use Statistical Inventory Reconciliation Analysis (SIRA) and/or Automatic Tank Gauging and Interstitial Monitoring are included in Table 4.4 of Gilbert and Sutherland's *Position Paper - Site Based Management Plan & Environment*

Protection Plan, Kings Forest Service Station (Precinct 1), Kingscliff, New South Wales.

We agree that it is not significantly more difficult or onerous to use the Automatic Tank Gauging in conjunction with the SIRA. Interstitial monitoring is already a commitment of the SBMP and represents industry best practice for leak detection.

Similarly Groundwater monitoring is an existing commitment of the SBMP (and a requirement of the *Protection of the Environment Operations (UPSS) Regulation 2014*). With regard to the location of the groundwater monitoring wells, site characterisation in the form of groundwater levels and flow direction modelling is ongoing, with data loggers installed. The loggers record the groundwater level every six minutes. It is proposed that the loggers remain in place until early in the new year. The data will then be downloaded and the existing conceptual model refined, based on the data. Suitable locations for the groundwater monitoring wells can then be identified.

We trust this is acceptable. Please do not hesitate to contact this office if you require any further details or elaboration.

Yours faithfully,

for 
Neil Sutherland
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Environmental Scientist & Hydrographer**
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Our Reference 11728 ADV071216 NMS1D.docx

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Enclosures –