



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. 2015/01a

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 Ross McFarland (Accreditation No.9819)

Company AECOM Australia Pty Ltd

Address 17 Warabrook Boulevard, WARABROOK NSW

Postcode 2304

Phone 0413 833 811

Email ross.mcfarland@aecom.com

Site details

Address Hart Road, LOXFORD NSW

Postcode 2326

Property description

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

Latitude 32 78 53 S, Longitude 151 4735 E

Lot 16 DP1082775, Lot 3 DP456769, Lot 420 DP755231, Part Lot 1 DP1276814 (At the time of investigation works, the lots comprising the Precinct 3 site included part of Lot 319 DP755231 and part of Lot 769 DP755231. Lots 319 and 769 were subsequently subdivided into Lot 1 and Lot 2 DP1276814 in December 2021.)

Local government area: Cessnock City Council

Area of site (include units, e.g. hectares): 109.04 hectares

Current zoning: Rural Landscape (RU2)

The Site is shown as "Precinct 3" in Figures 1, 2 and 3, attached.

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*

Site was notified to EPA on 09 February 2015. EPA concluded that Regulation was not required (EPA Reference DOC 15/40734)

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

Site audit commissioned by

Name Mr Richard Brown

Company Hydro Aluminium Kurri Kurri Pty Ltd

Address PO Box 1 KURRI KURRI NSW

Postcode 2327

Phone 02 4937 0406

Email Richard.Brown@hydro.com

Contact details for contact person (if different from above)

Name as above

Phone as above

Email as above

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)

On 18 November 2014, the Secretary's Environmental Assessment Requirements (SEAR) issued by the Department of Planning and Environment, which were to be addressed in the EIS which included requirements for the RAP. The relevant SEARS for the RAP were:

"A Remediation Action Plan (.RAP) accompanied by a Site Audit Statement from an Environment Protection Authority (EPA) accredited site auditor prepared in accordance with the contaminated land planning guidelines under the EP&A Act and relevant guidelines produced or approved under the Contaminated Land Management Act 1997.

The RAP must also:

- characterise the nature and extent of contaminated material and any contaminated groundwater plumes
- detail the proposed remediation process, including treatment methodologies and processes
- justify the proposed treatment and remediation criteria based on the conclusions of a Human Health Risk Assessment prepared in accordance with the Environmental Health Risk Assessment - Guidelines for Assessing Human Health Risk from Environmental Hazards
- detail the proposed remediation management measures including the management of excavated material, stockpiles and wastewater
- include a site validation plan
- detail the final landform/use following remediation and the suitability of any fill material
- identify any on-going management of the site following remediation works"

~~✓ 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: Commercial / Industrial

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:

Ramboll Australia Pty Ltd

Titles of reports reviewed:

- Ramboll (2018a) Remedial Action Plan, Hydro Aluminium Smelter Kurri Kurri, dated 23 April 2018
- Ramboll (2018b) Remedial Action Plan, Buffer Zone Asbestos Kurri Kurri, NSW, dated 26 December 2018
- Ramboll (2019a) Environmental Site Assessment of PFAS, Hydro Aluminium Kurri Kurri, dated 29 March 2019
- Ramboll (2019b) PFAS Revised Characterisation of PFAS in Soil: Hydro Aluminium Kurri Kurri, dated 12 August 2019 (DRAFT)

- Ramboll (2020a) Phase 2 Environmental Site Assessment, Parcel 5, Former Hydro Aluminium Kurri Kurri Smelter, dated 7 January 2020
- Ramboll (2020b) Smelter Site RAP Addendum – PFAS, Hydro Aluminium Smelter Kurri Kurri, dated 20 January 2020
- Ramboll (2020c) Validation Report: Buffer Zone Asbestos, dated 16 September 2020
- Ramboll (2020d) Phase 2 Environmental Site Assessment, Parcel 4, Former Hydro Aluminium Kurri Kurri Smelter, dated 28 October 2020
- Ramboll (2021a) Human Health Risk Assessment, Hydro Groundwater Fluoride and Aluminium, dated 6 April 2021;
- Ramboll (2021b) Data Gap Assessment: Hydro Aluminium Smelter Site, Loxford, NSW, dated 12 April 2021
- Ramboll (2021c) Substations Validation: Hydro Aluminium Smelter Site, Loxford, NSW, dated 12 April 2021
- Ramboll (2021d) Subsurface Asbestos Validation: Hydro Aluminium Smelter Site, Loxford, NSW, dated 13 April 2021
- Ramboll (2021e) Smelter Site Early Works Validation: Hydro Aluminium Smelter Site, Loxford, NSW, dated 26 April 2021
- Ramboll (2021f) Validation Report: Fire Training Ground, Hydro Aluminium Smelter Site, Loxford, NSW, dated 7 June 2021
- Ramboll (2021g) Validation of Demolition Works: Hydro Aluminium Smelter Site, Loxford, NSW, dated 20 July 2021
- Ramboll (2021h) Detailed Site Investigation and Validation Report, Part Lot 16, Loxford, NSW, dated 12 August 2021
- Ramboll (2021i) PFAS Surface Water Monitoring Report: Hydro Aluminium Smelter Site, Loxford, NSW, dated 6 September 2021
- Ramboll (2021j) Letter re: Revised Characterisation of PFAS in Soil Report, dated 26 October 2021.
- Ramboll (2021k) Precinct 3: Black Slag Validation: Hydro Aluminium Smelter Site, Loxford, NSW, dated 13 December 2021
- Ramboll (2021l) Hydro Aluminium Kurri Kurri – Validity of Human Health Risk Assessment and Characterisation of Fluoride and Aluminium in Soil, dated 23 November 2021
- Ramboll (2021m), Remediation and Validation Works at Precinct 3: Former Aluminium Smelter, Loxford, NSW, dated 13 December 2021;
- NSW EPA, 2012, “Hydro Aluminium Kurri Kurri, Section 60 Notification under the Contaminated Land Management Act 1997”, Letter response dated November 2012

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

- AECOM (2018) Part B (SAR/SAS) 2015-01 Remedial Action Plan, Hydro Kurri Kurri Smelter Site Audit, dated 6 July 2018
- AECOM (2020) Site Auditor's Interim Advice on Former Fire Training Ground, Hydro Kurri Kurri, dated 18 June 2020
- AECOM (2021) Site Auditor's Interim Advice on Suitability of Ramboll's Substations Validation Report – Former Hydro Aluminium Smelter, dated 6 August 2021
- AECOM (2021) Site Auditor's Interim Advice on Suitability of Ramboll's Validation Report - Former Hydro Aluminium Smelter (Subsurface Asbestos Validation Report), dated 6 August 2021

- AECOM (2021) Site Auditor's Interim Advice on Suitability of Ramboll's Validation Report - Former Hydro Aluminium Smelter (Early Works Validation Report), dated 6 August 2021
- AECOM (2021) Site Auditor's Interim Advice on Suitability of Ramboll's Validation Report, Hydro Aluminium Smelter Site, Loxford, NSW', dated 12 April 2021 by Ramboll (the Data Gap Assessment);
- AECOM (2021) Human Health Risk Assessment, Hydro Groundwater Fluoride and Aluminium, dated 6 April 2021 by Ramboll (the Groundwater HHRA);
- AECOM (2021) Site Auditor's Interim Advice on Suitability of Ramboll's Demolition Validation Report – Former Hydro Aluminium Smelter, dated 6 August 2021
- AECOM (2021) Site Auditor's Interim Advice on Suitability of Ramboll's Fire Training Ground Validation Report – Former Hydro Aluminium Smelter, dated 29 October
- Ramboll (2021) 'Site Auditor's Advice on Suitability of Ramboll's Part Lot 16 DSI Validation Report – Former Hydro Aluminium Smelter, dated 23 August 2021

In addition, a number of previous and / or supplementary reports have been referred to in the process of preparing this SAR, including but not limited to:

- Environ (2012) Phase 2 Environmental Site Assessment, Kurri Kurri Aluminium Smelter, dated November 2012
- Environ (2013) Preliminary Screening Level, Health Risk Assessment for Fluoride and Aluminium, Part of the Kurri Kurri aluminium smelter, Hart Road, Loxford, dated April 2013
- Environ (2013) Phase 1 ESA, Hydro Kurri Kurri Aluminium Smelter, dated October 2013
- Environ (2014) Hazardous Materials Audit (the HMA)
 - 'Hazardous Materials Audit Stage 1, Maintenance Workshops and Storage Sheds', dated October 2014 by Environ
 - 'Hazardous Materials Audit Stage 2, Administration, Personal Training Centre, Gatehouse, Medical Centre and Personnel, Bathhouse and EOHS', dated October 2014 by Environ
 - 'Hazardous Materials Audit Stage 3, Cast House and Associated Buildings', dated October 2014 by Environ
 - 'Hazardous Materials Audit Stage 4, Pot Rooms and Associated Structures', dated October 2014 by Environ
 - 'Hazardous Materials Audit Stage 5, Carbon Plant and Associated Buildings', dated November 2014 by Environ
 - 'Hazardous Materials Audit Stage 6, Transformer Yard, Substations and Miscellaneous Areas', dated October 2014 by Environ
- Environ (2015) Phase 2 Environmental Site Assessment, Smelter Site, Additional Investigations, dated January 2015
- Ramboll Environ (2017) Stockpile Characterisation, Hydro Aluminium Smelter, Kurri Kurri, NSW, dated February 2017
- Ramboll (2018) Addendum to Remedial Action Plan (Groundwater Monitoring Report), dated 20 April 2018
- Ramboll (2020) Ecological Risk Assessment: Hydro Aluminium PFAS Investigation (DRAFT), dated 22 April 2020
- Ramboll (2021) Soil Validation – Hydro Work Area Unexpected Finds (Holding Tank)

Site audit report details

Title **Site Audit Report and Site Audit Statements for the proposed Precinct 3, Former Aluminium Smelter Loxford, NSW**

Report no. 60342271

Date 20 December 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):~~
-

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 Auditor considers that the **Site Identification** was appropriately reported in accordance with the requirements of the Guidelines for Consultants Reporting on Contaminated Sites (NSW OEH, 2011). Clarifications of the proposed land use were provided in Ramboll's response in the Auditor's Checklist (Appendix B), and updated figures of the proposed zoning was provided in Ramboll's reporting.

The Site Audit considered the **proposed zoning** against the 2013 ASC NEPM landuse scenario of "commercial/industrial".

It is noted that the proposed Business Development zoning (B5), except for permits use as for a childcare facility. This childcare use is more a sensitive landuse than foreshadowed by the 2013 ASC NEPM "commercial/industrial" exposure scenario. Therefore, use as a childcare facility is not supported without further consideration by the Planning Agency at the time of any Development Application for this specific use.

The **Site Conditions** have been adequately characterised, in a manner consistent with relevant NSW EPA and national guidelines, to allow the assessment, management and landuse suitability assessment of the Site to proceed. The Site Auditor considers that the Site history and related information was appropriately reported and was consistent with the requirements of NSW EPA.

In general, the **previous investigations** and associated consultant reporting that was reviewed by the Site Auditor were considered to be adequate for the purpose of this audit as it was consistent with the guidelines made or approved under s105 of the Contaminated

Land Management Act 1997 and was of adequate quality for the audit's decision-making purposes.

The **Data Quality Objectives** and **Data Quality Indicators** developed for the assessment works, remediation and validation were undertaken in a manner that was consistent with the requirements of ASC NEPM (2013).

It is the Auditor's opinion that the **contamination characterisation** was adequately performed for the purpose of this site-specific landuse suitability Audit and the process was reported in general accordance with relevant NSW EPA and national guidance.

The initial **Conceptual Site Model (CSM)** was considered to have been conservatively developed in a manner consistent with NSW EPA and national guidelines. The Site's initial CSM was considered to be adequately conservative to inform the plausible Source-Pathway-Receptor (SPR) issues associated with the nature and extent of contamination identified at the Site. The initial CSM was used by the consultant (and Auditor) to ensure appropriate remedial responses were developed and implemented for the nature and extent of contamination identified by the CSM process.

The **screening criteria** generally developed by the Consultant were conservatively prepared in a manner consistent with NSW EPA and national guidelines. Where criteria gaps or uncertainties were identified, the Consultant provided adequate site-specific responses that were also developed in a conservative manner to be protective of human health and the environment. It is noted that investigation criteria were used as the basis of site-specific remedial goals which is considered to be conservative.

The Site Auditor considered the range of **remedial actions** developed for the identified contamination within Precinct 3 to be appropriate for the nature and extent of contamination identified. The nominated remedial actions were considered to be consistent with the ASC NEPM hierarchy for remedial response selection, with on-site containment being preferentially applied, followed by contaminant destruction wherever possible and off-site landfill disposal where no other practical options were feasible. In general, the contaminant-specific remedies undertaken were satisfactorily completed and reported in a manner consistent with current NSW EPA and national guidelines.

The **targeted validation** of the eight (8) types of remedial works undertaken for the Site were considered by the independent site auditor to have been performed in a manner generally consistent with relevant NSW EPA and national guidelines.

Based on the information provided, together with the Auditor's independent review and inspections of **remedial works performed** over the past two years for this part of the smelter site, and the subsequent post-remediation revised conceptual site model (CSM) are considered to be a reasonable reflection of the status of the current Site condition, as it relates to landuse suitability considerations. Certain residual environmental uncertainties relating to residual ecological risks from the former Fire Training Area and identified in the post remediation CSM, do not adversely impact on the landuse suitability assessment, and are being considered separately by EPA.

The regular and milestone-based **site inspections** provided the Auditor with the opportunity to independently assess and verify the status of the assessment and remedial works at the Site as the project proceeded. Unfettered access was provided during these inspections, with no assessment or remediation design non-conformances identified.

The waste tracking, waste classification and subsequent disposal/management of waste and associated materials were presented in the form of a "weight-of-evidence" justification, which

while is not completed in strict accordance with the Waste Classification Guidelines, was considered adequate for the purposes of this landuse suitability audit.

Following completion of remedial works, the **final surface works** were completed and subsequently reported in a manner that was considered adequate for the purposes of the determination of commercial/industrial landuse suitability.

The Consultant's summary of **regulatory approvals** for Planning Notifications, Voluntary Planning Agreement, Remediation Planning Approval, Licences (primarily associated with asbestos works); and Disposal Compliances were considered to be adequate for the purposes of this landuse suitability audit.

The Auditor's review of the need or otherwise for an **ongoing management plan** concluded that such a specific plan was not required, given that residual risks and remaining uncertainties are reasonably anticipated to be addressed by the broader site's remedial strategy. However, Auditor recommended that the question of need or otherwise for ongoing management should be revisited at the completion of the broader remedial strategy (see Auditor Recommendations).

The independent audit of the assessment and remediation of the Site generally known as "Precinct 3" followed the NSW EPA's 2017 Guidelines for Site Audit Scheme, concluding that the Site was suitable for its proposed "commercial/industrial" purposes. However, certain recommendations were developed as the audit findings became clear. These recommendations are:

- That the Site Audit Statement and this Site Audit Report be read in consultation with the information provided by the Environmental Consultant.
- That an Asbestos Register be prepared to clearly define and locate the Site's identified residual asbestos hazard.
- That remaining above ground and subsurface infrastructure, to be addressed during the smelter site's broader remedial strategy, should be, at the completion of the broader strategy, either confirmed as suitable for the future uses, or remediated and validated.
- Planning Agencies recognise that the proposed zoning of B5 (Business Development) includes "childcare facilities" as a permissible use but this audit has confirmed landuse suitability against the 2013 ASC NEPM "commercial/industrial" landuse scenario (which does not specifically include more sensitive uses such as "childcare". Therefore, the Planning Agency should consider this landuse suitability limitation in any future B3 Development Applications.
- Due to the potential for undiscovered low-level contamination/waste issues remaining at the Site, it is expected that a Construction Environmental Management Plan (CEMP) should be prepared by a suitably qualified environmental consultant for the civil works contractor immediately prior to the commencement of any civil works program.

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.

- ☐ 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. 9819

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

Ross McFarland (Accreditation No.9819)

Date 21 December 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

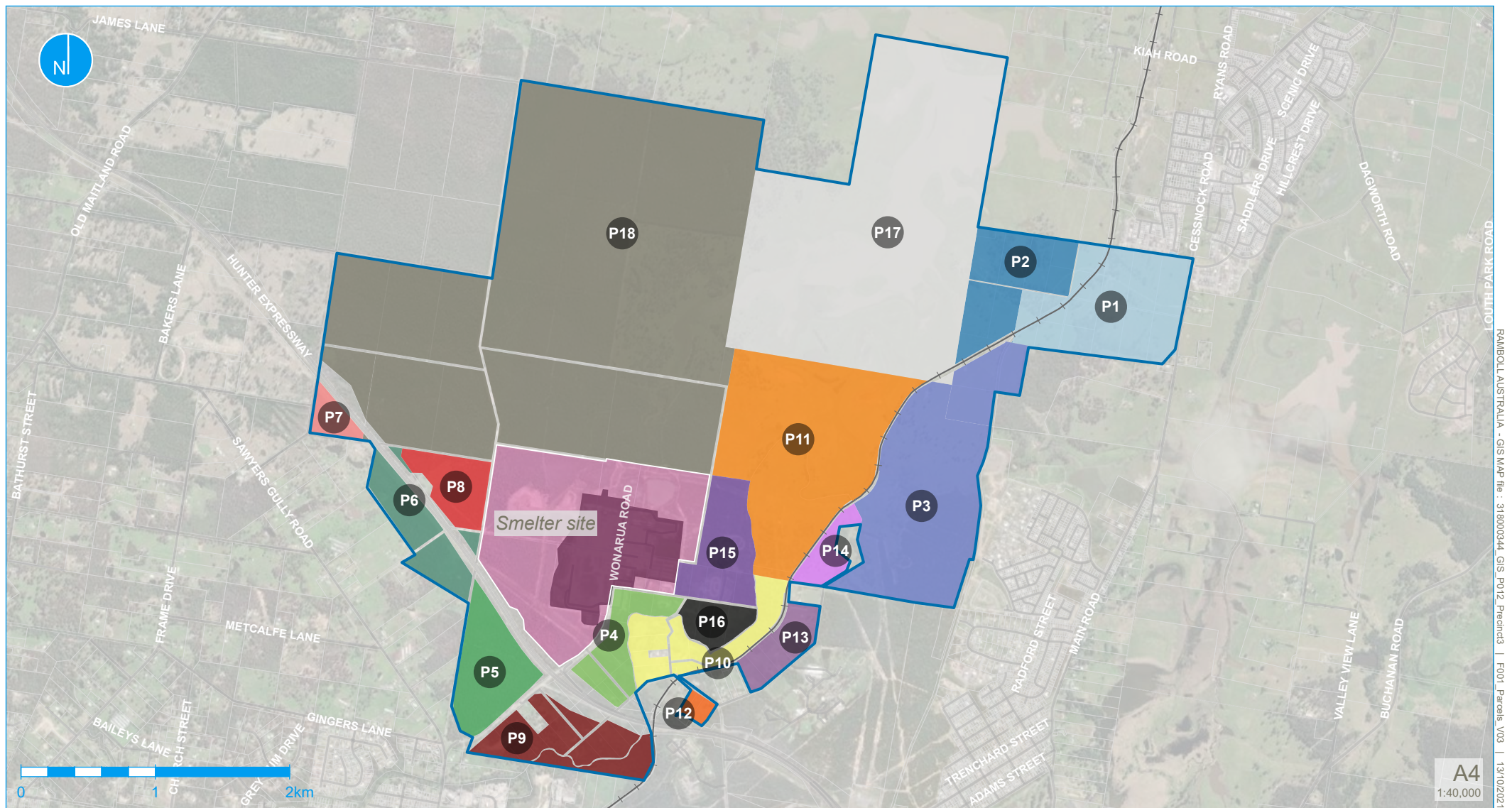
In addition to furnishing a copy of the audit statement to the person(s) who commissioned the site audit, statutory site audit statements must be sent to

- 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.

Attachment: The Site – Precinct 3 (shown in Figures 1, 2 and 3)



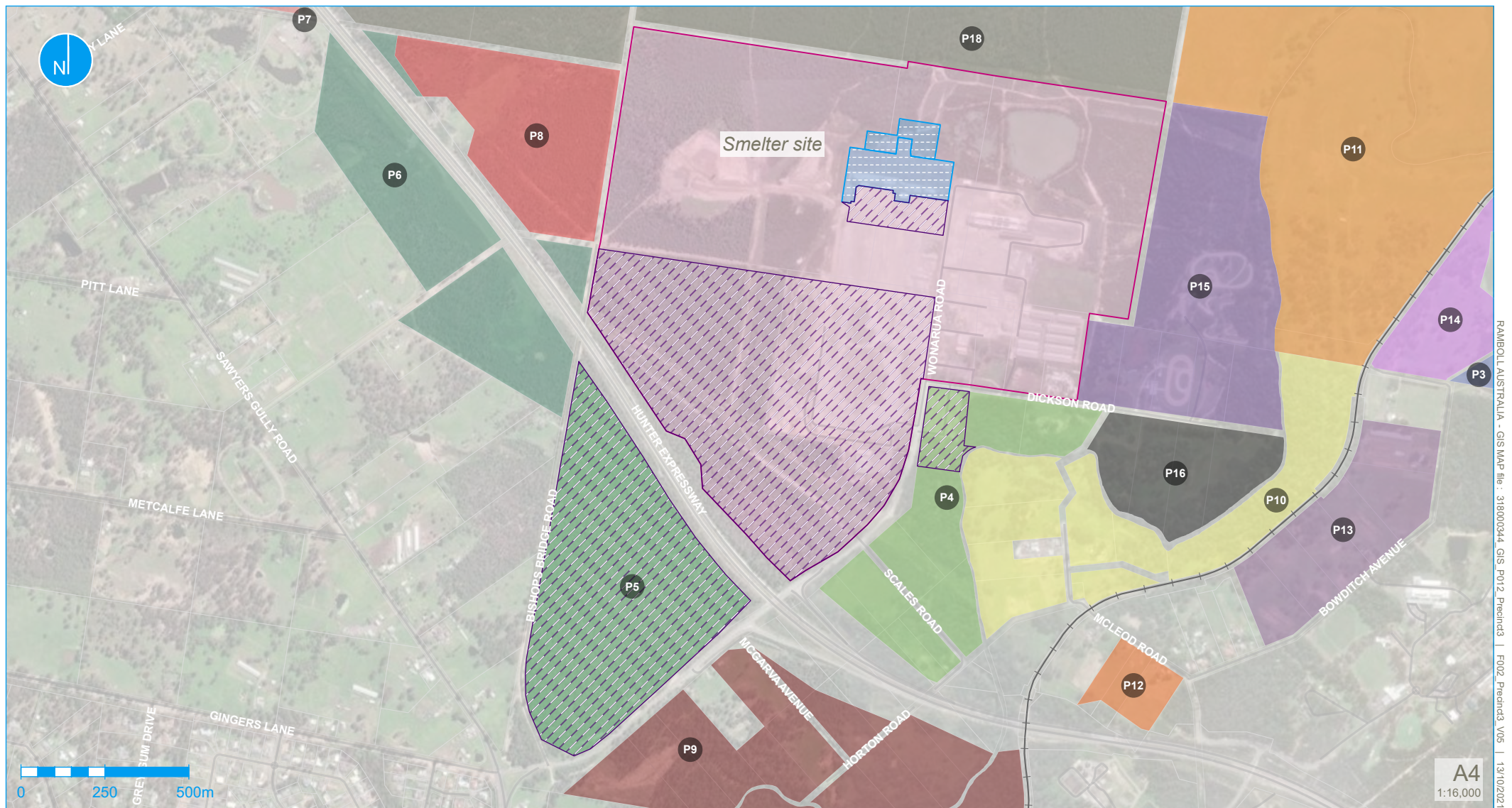
Legend

	Hydro owned land		Parcel 1		Parcel 6		Parcel 11		Parcel 16
	Smelter site		Parcel 2		Parcel 7		Parcel 12		Parcel 17
			Parcel 3		Parcel 8		Parcel 13		Parcel 18
			Parcel 4		Parcel 9		Parcel 14		
			Parcel 5		Parcel 10		Parcel 15		

Figure 1 | Site Overview

Aerial photography by MAXAR

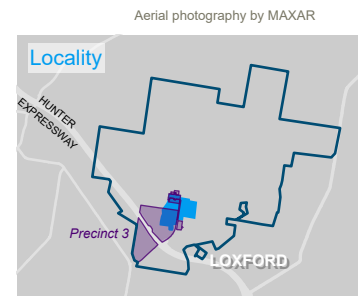


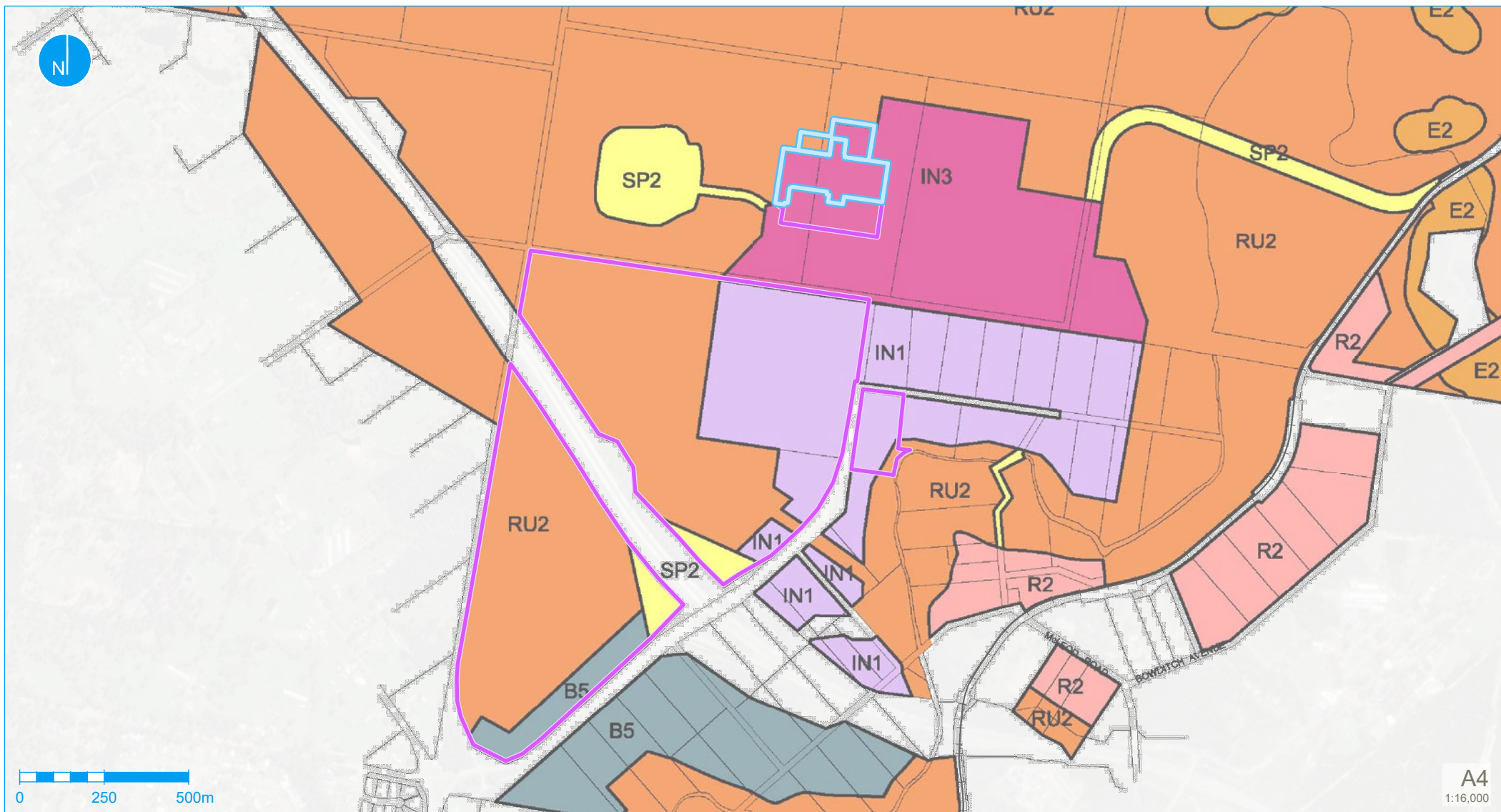


Legend

 Smelter site	 Parcel 3	 Parcel 6	 Parcel 9	 Parcel 12	 Parcel 15
 Precinct 3	 Parcel 4	 Parcel 7	 Parcel 10	 Parcel 13	 Parcel 16
 Switchyard	 Parcel 5	 Parcel 8	 Parcel 11	 Parcel 14	 Parcel 18

Figure 2 | Precinct 3





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Legend

- Precinct 3
- Switchyard

Rezoning (adapted from Hydro Kurri Kurri Rezoning Master Plan)

 BT	NEIGHBOURHOOD CENTRE (1.19ha)
 B5	BUSINESS DEVELOPMENT (33.20ha)
 E2	ENVIRONMENTAL CONSERVATION (268.51ha)
 IN1	GENERAL INDUSTRIAL (65.73ha)
 IN3	HEAVY INDUSTRIAL (53.48ha)
 R1	GENERAL RESIDENTIAL (56.57ha)
 R2	LOW DENSITY RESIDENTIAL (137.22ha)
 B5	PUBLIC RECREATION (8.54ha)
 RU2	RURAL LANDSCAPE (1246.75ha)
 SP2	SPECIAL PURPOSE INFRASTRUCTURE (12.77ha)

Aerial photography by MAXAR

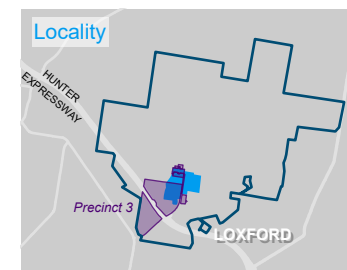


Figure 3 | Proposed Land Use