



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. AL005

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 Amanda Lee

Company SAGE Environmental Services

Address Level 16, 175 Pitt Street, Sydney

Postcode 2000

Phone 0417755407

Email Amanda.lee@sageenvironmentalservices.com.au

Site details

Address Rushes Creek Road, Rushes Creek, NSW

Postcode 2346

Property description

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

Approximately 700m² – part of Lot 62 DP1276824 (formerly Lot 165 DP752169)

Local government area Tamworth Local Government Area

Area of site (include units, e.g. hectares) 700m²

Current zoning RU1 Primary Production

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 Bill Williams

Company ProTen Pty Ltd

Address Suite 1103, Level 11, 99 Mount Street, North Sydney

Postcode 2060

Phone 02 9458 1700

Email bwilliams@proten.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)
Development Consent SSD-7704 Modification 1, determined 15 June 2021.

- ☐ 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: Low density residential with access to soil.

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:

SLR Consulting Pty Ltd

Titles of reports reviewed:

SLR Consulting Australia Pty Ltd, 2019. *Detailed Site Investigation- Proposed Poultry Production Farm Rushes Creek Road, Rushes Creek, NSW*, prepared for ProTen Tamworth Pty Ltd, February 2019, (SLR Ref: 610.18456-R01.v1.2.docx).

SLR Consulting Australia Pty Ltd, 2021. *Unexpected Finds Procedure – Contamination Rushes Creek Poultry Production Farm Rushes Creek Road, Rushes Creek, NSW*, 19 August 2021, (SLR Ref: 610.30237.00000-L01-v1.2-20210819.docx).

SLR Consulting Australia Pty Ltd, 2021. *Revised Remedial Action Plan Proposed Poultry Production Farm Rushes Creek Road, Rushes Creek, NSW*, prepared for ProTen Tamworth Pty Ltd, April 2021, (SLR Ref: 610.30237.00000-R01-v2.1-20210422.docx).

SLR Consulting Australia Pty Ltd, 2021. *Long Term Environmental Management Plan Rushes Creek Poultry Production Farm Rushes Creek Road, Rushes Creek, NSW*, prepared for ProTen Pty Ltd, 23 December 2021, (SLR Ref No: 610.30237.00000-R04-v1.0-20211223.docx).

SLR Consulting Australia Pty Ltd, 2022. *Site Remediation and Validation Report Rushes Creek Poultry Production Farm, Rushes Creek Road, Rushes Creek, NSW 2346*, prepared for ProTen Pty Ltd, 16 February 2022, (SLR Ref No: 610.30237.00000-R02-v2.0-20220216.docx).

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

SLR Consulting Australia Pty Ltd, 2018a. *Stage 1 Preliminary Site Investigation: Proposed Poultry Production Farm, Rushes Creek Road, Rushes Creek, NSW*, prepared for ProTen Tamworth Pty Ltd, July 2018, (SLR Ref: 610.16117.00400-R01-v0.2.docx).

SLR Consulting Australia Pty Ltd, 2018b. *Rushes Creek Poultry Production Farm: SSD 7704 – Environmental Impact Statement*, Vol 1, prepared for ProTen Tamworth Pty Ltd, August 2018.

EME Advisory, 2021a. *Rushes Creek Poultry Production Farm SSD 7704, Section 4.55(1A): Modification Report*, prepared for ProTen Tamworth Pty Ltd, May 2021.

EME Advisory, 2021b. *Rushes Creek Poultry Production Farm Development Consent SSD 7704 Stage 1: Construction Environmental Management Plan*, prepared for ProTen Tamworth Pty Ltd, v2, August 2021.

Lance Ryan Consulting Engineers Pty Ltd (LRCE) Soil and Erosion Control Plan, Project 21W023, Drawing No: C19, Revision 1.

Site audit report details

Title NSW EPA Site Audit Report Rushes Creek Poultry Production Farm

Report no. AL005

Date 09/03/2022

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 Long Term Environmental Management Plan Rushes Creek Poultry Production Farm
Rushes Creek Road, Rushes Creek, NSW (Document 610.30237.00000-R04-V1.0)

Author SLR Consulting Australia Pty Ltd

Date 23 December 2021

No. of pages 43

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:

The long-term EMP (LTEMP) for the site has been developed to manage the integrity of the capped area of the site and the residual contamination contained within this capped extent.

Description of the nature of the residual contamination:

The residual contamination has been placed beneath a low permeability clay cap that has been vegetated to ensure geotechnical integrity. The nature of the contamination included in this cap includes soils contaminated with arsenic and asbestos containing materials. An asbestos marker layer under which this material has been placed.

Summary of the actions required by the EMP:

ProTen is to implement the LTEMP on the site. In this role they are required to:

- Review the LTEMP three-yearly
 - Note that a LTEMP is in place on site planning certificates
 - Provide training to all employees in the implementation of the LTEMP. Any disturbance of the cap will require a Class B asbestos condition.
 - Undertake inspections of the general condition of the cap annually, recording the condition of unsealed surfaces, extent of grass cover (must be >75%), and the presence of any cracks.
 - Repair any cracks observed on the cap
-
-

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

Tamworth Regional Council is amending the site title to refer to the long-term EMP. Condition B52C(b) of SSD 7704-Mod 1 requires LTEMP be listed on the relevant planning certificates of the land issued under s10.7 of the EP&A Act.

How there will be appropriate public notification:

Fencing surrounds the capped area with signs indicating the presence of asbestos within the fenced area. Site management contact details are to be clearly signposted at the site entrance and a complaints and environmental incidents register will be maintained by ProTen. As the site is rural and proposed for private/commercial use, public access will be limited.

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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. 1504

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.



Date 09/03/2022

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.