



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. 0503-1914

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 **Andrew Lau**

Company **JBS&G**

Address **Level 1, 50 Margaret Street**

Sydney NSW

Postcode **2000**

Phone **02 8245 0300**

Email **alau@jbsg.com.au**

Site details

Address **771 Cudgen Road**

Cudgen NSW

Postcode **2487**

Property description

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

Lot 11 in DP 1246853

Local government area **Tweed Shire Council**

Area of site (include units, e.g. hectares) **19.38 ha (approx.)**

Current zoning **SP2 Infrastructure (Health Services Facility), 2(c) Urban Expansion, 1(b1) Agricultural Protection, 7(l) Environmental Protection (Habitat)**

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 **Sue Folliott**

Company **Health Infrastructure c/o TSA Management**

Address **Level 15, 241 Adelaide Street**

Brisbane QLD

Postcode **4000**

Phone **02 9276 1400**

Email sfolliott@tsamanagement.com.au

Contact details for contact person (if different from above)

Name **Stuart Clark**

Phone **02 9276 1400**

Email sclark@tsamanagement.com.au

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)

State Significant Development SSD 9575, 11 June 2019

- ☐ ~~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: Hospital

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:

OCTIEF

Cavvanba Consulting

Titles of reports reviewed:

- Soil Sampling Analysis and Quality Plan, 771 Cudgen Road, Cudgen, NSW, OCTIEF Pty Ltd, Reference: Version 2.0, 10 August 2018 (OCTIEF 2018a).
- Preliminary and Detailed Site Investigation – 771 Cudgen Road, Cudgen, NSW 2487, OCTIEF Pty Ltd, Reference: Version 4, 17 October 2018 (OCTIEF 2018b).

- Remediation Action Plan, Tweed Valley Hospital site, 771, Cudgen Road, Cudgen NSW, OCTIEF Pty Ltd, Reference: Version 5, 1 February 2019 (OCTIEF 2019).
- Hazardous Material Register, 771 Cudgen Creek Road, Cudgen NSW, Cavvanba Pty Ltd, Reference: 18084, 19 November 2018 (Cavvanba 2018a).
- Asbestos Clearance Certificate 18084-CC04, 771 Cudgen Road, Cudgen NSW, Cavvanba Consulting Pty Ltd, Reference: 18084-CC04, December 2018 (Cavvanba 2018b).
- Soil Investigation Report – Residential House, 771 Cudgen Road, Cudgen NSW, Cavvanba Consulting Pty Ltd, Reference: 18084 R01 V2, 24 January 2019 (Cavvanba 2019a).
- Remedial Action Plan Addendum – Residential House, 771 Cudgen Road, Cudgen NSW, Cavvanba Consulting Pty Ltd, Reference: 18084 R02 V3, 24 January 2019 (Cavvanba 2019b).
- Soil Investigation Report – Farm Shed, 771 Cudgen Road, Cudgen NSW, Cavvanba Consulting Pty Ltd, Reference: 18084 R03 V2, 24 January 2019 (Cavvanba 2019c).
- Remedial Action Plan Addendum – Farm Shed, 771 Cudgen Road, Cudgen NSW, Cavvanba Consulting Pty Ltd, Reference: 18084 R04 V2, 24 January 2019 (Cavvanba 2019d).
- Soil Investigation Report – Residential House, 771 Cudgen Road, Cudgen NSW, Cavvanba Consulting Pty Ltd, Reference: 18084 R01 V3, 1 August 2019 (Cavvanba 2019f).
- Remedial Action Plan Addendum – Residential House, 771 Cudgen Road, Cudgen NSW, Cavvanba Consulting Pty Ltd, Reference: 18084 R02 V4, 1 August 2019 (Cavvanba 2019g).
- Groundwater and Soil Investigation, 771 Cudgen Road, Cudgen NSW, Cavvanba Consulting Pty Ltd, Reference: 19038 R02 V2, 22 August 2019 (Cavvanba 2019h).
- Remedial Action Plan Addendum – Farm Pit, 771 Cudgen Road, Cudgen NSW, Cavvanba Consulting Pty Ltd, Reference: 19038 R03 V2, 19 August 2019 (Cavvanba 2019i).
- Validation Data Quality Objectives and Sampling, Analysis and Quality Plan, Proposed Tweed Valley Hospital, 771 Cudgen Road, Cudgen NSW, Cavvanba Consulting Pty Ltd, Reference: 19038 R04 V1, 23 August 2019 (Cavvanba 2019j).
- Remediation Area Plan, B & P Survey Consulting Surveyors, ref: T16452, 9 August 2019.
- Work Health and Safety Plan, Delta Pty Ltd, 28 August 2019 (Delta 2019).
- Tweed Valley Hospital, Works Plan, Lendlease Building Pty Ltd, Reference: Rev3, 26 August 2019 (LLB 2019a).

- Tweed Valley Hospital, Management Plan – Hazardous Materials, Lendlease Building Pty Ltd, Reference: Rev7, 28 August 2019 (LLB 2019b).
- Validation report, 771 Cudgen Road, Cudgen NSW, Cavvanba Consulting Pty Ltd, Reference: 19038 R05 V2, 7 November 2019 (Cavvanba 2019k).

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

- Preliminary Site Investigation Contaminated Land, Due Diligence Summary Report – Shortlisted Sites, Tweed Valley Hospital Project, OCTIEF Pty Ltd, 28 June 2018 (OCTIEF 2018c).
- Additional Geotechnical Investigation, Proposed Tweed Valley Hospital, Lot 102 on DP870722, Cudgen Road, Kingscliff, Morrison Geotechnic, December 2018 (Morrison Geotechnic 2018).
- Cavvanba email correspondence dated 29 January 2019 (Appendix B), relating to an unexpected find comprising a concrete pit, concrete ramp, concrete drip pad and infilled pit and wastes (Cavvanba 2019e).
- Site Audit Statement no. 0503-1901 and accompanying Site Audit Report 0503-1901, 771 Cudgen Road, Cudgen NSW, Ref: 55264/117086 (Rev 0), 4 February 2019 (JBS&G 2019a).

Site audit report details

Title Site Audit Report 0503-1914, 771 Cudgen Road, Cudgen NSW

Report no. 56336/125255 (Rev 0)

Date 22 November 2019

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):
Hospital
-

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:

- The site assessment activities and remediation and validation works are considered to have met the requirements of the Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme (3rd Edition) (EPA 2017).
- The site investigation activities identified lead, B(a)P and asbestos impacted soils in the vicinity of the residential house, farm pit and farm shed which required remediation or management under the proposed use as a hospital. Additionally, metals, TRH and naphthalene impacted water and concrete associated with the farm pit concrete sump feature and building and demolition waste in the vicinity of the farm dump required management.
- There were no levels of the identified contaminants of potential concern in groundwater which are considered to require remediation or management under the proposed use. There was no evidence of potential or actual migration of contaminants from the site which may result in unacceptable risks to surrounding human or ecological receptors.
- The RAP (OCTIEF 2019) and subsequent RAP addenda (Cavanba 2019b, 2019d and 2019i) prepared for the site addressed the identified contamination issues as they relate to the proposed uses of the site. The remediation approach documented in the RAP and RAP addenda was checked by the auditor and was found to be

technically feasible, environmentally justifiable given the nature and extent of the identified contamination and consistent with relevant laws, policies and guidelines.

- The remediation works completed at the site included excavation and off-site disposal of impacted soils surrounding residential house, farm pit and farm shed as well as removal of water and concrete associated with the farm pit concrete sump feature, removal of building and demolition waste in the vicinity of the farm dump and removal of unexpected find relating to a glass bottle burial pit in the vicinity of the farm shed.
- Given the nature of the identified contamination and the remediation works undertaken, there was no evidence of potential or actual migration of contaminants from the site which may result in unacceptable risks to surrounding human or ecological receptors.
- The auditor considers that the remediation and validation works were generally completed in accordance with the requirements of the RAP (OCTIEF 2019), RAP addenda (Cavvanba 2019b, 2019d and 2019i), VSAQP (Cavvanba 2019j) and previous auditor advice.
- The site is considered suitable for residential with garden / accessible soil land use as defined in Section 3 of Schedule B7 NEPC 2013, consistent with the proposed sensitive land use as a hospital.
- The suitability of the site for the identified uses is not dependent on any ongoing management of contamination. However, as part of the normal process of construction management, should any unexpected finds be encountered during the development works, these should be addressed in accordance with the unexpected finds protocols documented in the RAP (OCTIEF 2019) and subsequent RAP addenda (Cavvanba 2019b, 2019d and 2019i).

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.

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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. 0503

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 22 November 2019

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.