

4 July 2019

Mr Brad Begley
Property Manager
Dicker Data Pty Ltd
230 Captain Cook Drive
Kurnell NSW 2231

Via email: brad.begley@dickerdata.com.au

Dear Brad,

Re: Interim Advice 8: Endorsement of finalised Remediation Action Plan for 238-258 Captain Cook Drive, Kurnell, NSW

1 Introduction

Dicker Data Ltd (Dicker Data) has appointed Rebeka Hall of Zoic Environmental Pty Ltd (Zoic), a NSW EPA Auditor accredited (No. 0802) under the Contaminated Land Management (CLM) Act 1997, to conduct an Audit of the property located at 238-258 Captain Cook Drive, Kurnell, NSW ("the site").

The aim of the engagement, at the completion of remediation works, is the preparation and issue of a site audit statement (SAS) and associated site audit report (SAR) that confirms the suitability of the site for proposed commercial/ industrial redevelopment. The Audit is being conducted in accordance with the requirements outlined in the NSW EPA (2017) Contaminated Land Management Guidelines for the NSW Site Auditor Scheme (3rd edition).

The Audit is triggered by Conditions B32 to B38 of the State Significant Development (SSD 8662) Consent, issued by the Minister for Planning on 9 April 2019, which require:

CONTAMINATION

Site Auditor

- B32. Prior to the commencement of any earthworks or remediation works on site, the Applicant must engage a Site Auditor accredited under the *Contaminated Land Management Act 1997* NSW Site Auditor Scheme.
- B33. Prior to the commencement of any earthworks or remediation on site, the 'Remediation Action Plan, 238-258 Captain Cook Drive, Kurnell' prepared by WSP, 27 February 2018 (Revision 4) must be reviewed and, where required, amended to address any requirements of the Site Auditor.
- B34. Prior to the commencement of any earthworks or remediation on site, the Site Auditor must provide written advice to the Planning Secretary confirming the site is capable of being made suitable for the proposed development with the implementation of the final remediation approach.
- B35. The Applicant must ensure the remediation works are undertaken by a suitably qualified and experienced consultant(s) in accordance with the Remediation Action Plan endorsed by the Site Auditor and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.
- B36. Upon completion of the remediation works and prior to occupation, the Applicant must submit to the Planning Secretary, a Site Audit Report and a Site Audit Statement. The Site Audit Report and Site Audit Statement must:
 - (a) be prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017; and
 - (b) demonstrate that the site is suitable for its intended warehouse and distribution centre and associated office land uses with the implementation of a Long Term Environmental Management Plan.



Long Term Environmental Management Plan

- B37. Prior to the finalisation of the Site Audit Statement and Site Audit Report, the Applicant must submit a Long Term Environmental Management Plan (LTEMP) for the development to the satisfaction of the Planning Secretary.
- B38. The LTEMP is to:
- address all environmental impacts of the development's construction and operational phases;
 - recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s);
 - incorporate a programme for ongoing monitoring and review to ensure that the LTEMP remains contemporary with relevant environmental standards; and
 - mechanisms to report results to relevant agencies (e.g. Council and EPA).
- B39. Upon completion of the Site Audit Statement and Site Audit Report, the Applicant must:
- implement the approved LTEMP; and
 - provide evidence to the Planning Secretary that the LTEMP is listed on the relevant planning certificate for the land, issued under section 10.7 of the *Environmental Planning and Assessment Act 1979*, for the development.

2 Scope of Audit and Nature of Interim Advice

NSW EPA (2017) describes the site assessment and audit process as:

- Consultant is commissioned to assess contamination.* The contaminated site consultant designs and undertakes the site assessment and, where required, all remediation and validation activities to achieve the objectives specified by the owner or developer; and
- Site auditor reviews the consultant's work.* The site owner or developer commissions the Auditor to review the consultant's work. The Auditor then prepares a SAR and SAS at the conclusion of the review, which are given to the owner or developer.

Therefore, the contaminated land consultant and other relevant parties should be satisfied that the work to be conducted conforms to all appropriate regulations, standards and guidelines and is suitable based on the site history and the proposed land use.

3 Current Interim Advice

In preparing this interim audit advice, the Auditor has reviewed the following updated and revised report which outlines the proposed remedial strategy to address contamination identified at the site and to render the site suitable for the approved development:

- WSP Australia Pty Limited (WSP) (25 June 2019) Remedial Action Plan (RAP) 238-258 Captain Cook Drive, Kurnell, NSW (Ref: PS102402-CLM-REP-002 RAP Final Rev B).

4 Review of the Revised Remedial Strategy

The Remedial Action Plan (RAP) (WSP, June 2019) proposes an alternate management and validation strategy to the previously endorsed RAP (WSP, February 2018). The revised RAP was produced following the finalisation and issue of the SSD approval for the project.

The current RAP is based on new information collected as part of the Additional Environmental Site Assessment (WSP, April 2018) and information outlined in the Addendum to RAP (WSP December 2018). It addresses additional finds and aims to meet Client's requirements and project objectives.

The purpose of the current IA is to determine whether the current RAP, if implemented, is capable of rendering the site suitable.



The RAP (WSP, June 2019) has been audited in accordance with the requirements outlined in EPA (2017) Contaminated Land Management Guidelines for the NSW Site Auditor Scheme (3rd edition), OEH (2011) Guidelines for Consultants Reporting on Contaminated Sites and with consideration of the amended NEPC (1999) National Environment Protection (Assessment of Site Contamination) Measure, Schedule A and Schedules B(1)-B(9) by National Environment Protection Council, Adelaide (April 2013). A summary of the Auditor's evaluation findings is presented in Attachment 1 Table 1.

Comments raised in Attachment 1 are to be addressed by the appointed environmental consultant during remedial works and with a validation prepared in accordance with NSW EPA made or endorsed guidelines at the completion of remediation. The validation report is to be provided to the Site Auditor

5 RAP Endorsement

The Auditor considers that the WSP (June 2019) RAP outlines an acceptable remedial strategy for the contamination identified at the site, subject to meeting requirements outlined in Attachment 1.

On this basis the Auditor considers that if the WSP (25 June 2019) Remedial Action Plan is implemented, the site is capable of being made suitable for the proposed development. This advice meets the requirements of SSD condition B34.

This interim advice does not constitute a SAS or a SAR, but rather is provided to assist the Client in the assessment and management of contamination issues at the site. The information provided herein should not be considered pre-emptive of the final Audit conclusions. It represents the Auditor's opinion based on the review of currently available information.

Should you have any queries or wish to discuss any points, please do not hesitate to contact the undersigned.

Yours sincerely,

Rebeka Hall
Site Auditor (NSW EPA 0802)
Zoic Environmental Pty Ltd

Graeme Malpass
Principal Environmental Scientist
Zoic Environmental Pty Ltd

Attachment 1 – RAP Evaluation Summary Table



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Table 1: Summary of WSP (June 2019) RAP and Auditor Comments

Requirement	Consultant Consideration	Auditor Comments
Remediation Goal:	<p>Section 1.2 provides the RAP overarching objectives:</p> <ul style="list-style-type: none"> • Comply with the requirements of State Environment Planning Policy No. 55 – Remediation of Land; • Develop and adopt a remediation strategy which is protective of human health and the environment and will render the site suitable for the anticipated future commercial /industrial end use. • Highlight any data gaps which need to be addressed in order to successfully remediate the site. 	Considered appropriate
Extent of remediation required as outlined in RAP:	<p>Section 5.1 states that the remediation can be separated into three types, namely:</p> <ul style="list-style-type: none"> • Surface ACM • ACM at depth • Asbestos fibres <p>Section 5.2 states that the validation of asbestos provides an opportunity to close out other data gaps by targeted investigation of soil in the following areas:</p> <ul style="list-style-type: none"> • Any potential source areas of selenium that could be impacting groundwater quality; • Former Ausgrid HVC in the northern portion of the site; • Vegetation zone; • Sediment within the base of the pond; and • Stockpiled soil (suitability for unconditional reuse on site). 	<p>Generally appropriate.</p> <p>Last paragraph in Section 1.1 infers groundwater remediation, yet the RAP provides no provision for groundwater remediation. Based on the Auditor's understanding of site conditions no groundwater impacts have been identified at the site warranting remediation.</p>
Discussion of possible remediation options:	<p>Section 5.3 and Table 5.1 (soil) of the RAP provides remediation options.</p> <p>The proposed approach is excavation and onsite containment in constructed cell.</p>	<p>Considered appropriate</p> <p>The marker layer and capping approach must meet the requirements of the relevant guidelines including Section 5 of WA DoH (2009) and Section 4.3.3 of NSW EPA (2017).</p>
Rationale for selected remedial option:	<p>Table 5.3 (soil) and Table 5.1 of the RAP consider the 'benefits; limitations; regulatory acceptability; time effectiveness; cost and ongoing liability in determining the proposed remedial approach.</p>	Considered appropriate
Basis for selected remediation criteria:	<p>Remediation criteria are provided in Section 8.2 of the RAP and generally comprise:</p> <ul style="list-style-type: none"> • NEPM (2013) HIL and HSL D for sandy soils • NEPM (2013) EIL and ESL for appropriate soil types • NEPM (2013) HSL D for asbestos including: <ul style="list-style-type: none"> - Bonded ACM: 0.05%v/v 	Remediation criteria provided in the RAP are generally appropriate.



Requirement	Consultant Consideration	Auditor Comments
	<ul style="list-style-type: none"> - Friable (AF/FA): 0.001%v/v - No visible asbestos or respirable free fibres of asbestos for surface soils (upper 10cm) 	
Proposed testing to validate the site after remediation:	<p>Section 7 of the RAP provides a Validation Plan that comprises the following:</p> <ul style="list-style-type: none"> • Data Gap targeted sampling from test pits as per NEPM (2013) and likely risk historical consideration • COPC comprise TPH, VOC, PAH, phenols, M8 and asbestos. Locally PCB and nutrients. • Asbestos samples will comprise 10L and 500ml samples per relevant stratum • Asbestos fibres : 1 per 25m2 (minimum of 4 samples) • Asbestos at depth: Visual validation and NEPM sieving 1/5m wall and 1 per 10m2 base • Asbestos piping: good condition (visual) or poor condition (NEPM sieving (1 per 25m length) • Surface site clearance: Visual Clearance by NSW Licensed Asbestos Assessor or Competent Person for Class A or B respectively • Capping: Visual validation, survey data, laboratory analysis and photographs 	<p>Considered appropriate with the exception of the following</p> <p>Table 7.1: The likelihood of asbestos at the site is 'likely or known'. Table 1 of WA DoH (2009) states that for likely/known asbestos presence, double the NSW EPA (1995) sampling density should be adopted. For 1 hectare this is 21 x 2 = 42 locations. The frequency proposed for validation does not meet the sampling regime presented in DoH 2009. This should be increased as part of validation works.</p> <p>Capping material has to be certified VENM or ENM with appropriate testing regime including the analysis for qualitative asbestos.</p> <p>Sampling density proposed for VENM in section 8.4 should be consistent with B2 Table 4 sampling frequency and/or supported with other evidence/supporting information.</p>
Contingency plan for remediation:	<p>Section 11 of the RAP provides a contingency plan that considers:</p> <ul style="list-style-type: none"> • Unexpected material; • Odours; • Inclement weather; • Poned water; • Contaminant migration; and • Acid sulfate soil. 	Considered appropriate
Interim site management plan prior to implementation of remediation (health, safety & environment):	No detail provided	The Auditor notes that the site is controlled, secured and fenced therefore no interim site management required prior to remediation. The Auditor understands that the site is undergoing demolition or site preparations and it is assumed that site controls (to protect workers and the environment) are in place by the Civil Contractor completing these works.
Site management plan for remediation works (environment)	<p>Section 12 of the RAP considered:</p> <ul style="list-style-type: none"> • Soil and Water management; • Dust and odour; • Materials transporting; • Vehicle traffic. • Underground Services. 	<p>Appropriate overview in the RAP, however it is expected that a CEMP will be prepared by the appointed remediation contractor to ensure environmental protection during the works.</p> <p>As reported in Section 3.5 an Aboriginal archaeological zone and vegetation zone (endangered ecological community) exist at the site. The RAP requires that if any remediation/validation works are to occur in these areas works need to consider any heritage and vegetation management</p>



Requirement	Consultant Consideration	Auditor Comments
		<p>plans including the Biodiversity Management Plan (Biosis, 2019). Approval will be sought from Dicker Data prior to access, test pitting or soil movement works in these areas. Compliance with these plans is the responsibility of the remediation contractor and environmental consultant appointed to direct and supervise the remedial works.</p> <p>Regarding materials tracking (Section 6.12) measures are to be adopted to ensure that materials being transported via dedicated haul roads will minimise cross contamination of other parts of the site particularly as asbestos is the key contaminant.</p>
<p>Site management plan for remediation works (health & safety)</p>	<p>Section 11 of the RAP contains a limited Work Health and Safety Plan, which considered:</p> <ul style="list-style-type: none"> • Asbestos hazards; • Chemical hazards; • Physical hazards; • PPE; • Decontamination; • Emergency response. 	<p>Generally acceptable, based on current information.</p>
<p>Remediation schedule</p>	<p>Section 6.14 of the RAP states that the timing of the remedial program will be dependent on the overall development program and scheduling. Remediation is expected to commence mid 2019.</p> <p>Table 5.1 states that the timing for excavation and onsite containment in constructed cell will take up to 6 months</p>	<p>Acceptable for the purposes of the Audit</p>
<p>Hours of operation</p>	<p>Section 12.2 of the RAP states remediation works shall only be permitted from 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday.</p>	<p>Assumed as per consent conditions.</p>
<p>Contingency plans for incidents:</p>	<p>Section 13.5 of the RAP contains details in the event of an emergency.</p>	<p>Suitable for the purpose of current RAP.</p> <p>Any unexpected finds, the Site Auditor should be promptly informed of the find and intended action.</p>
<p>Licenses and approvals:</p>	<p>Section 10 of the RAP includes regulatory/licensing considerations, including:</p> <ul style="list-style-type: none"> • SEPP 55; • PoEO Act 1997; • PoEO (Waste) Regulation 2014; • Waste Classification guidelines; • Water Management Act 2000; • NSW Work Health & Safety Act 2011 • NSW Work Health and Safety Regulation 2017; • SafeWork NSW (2016) Code of Practice; 	<p>Remediation works are approved under the SSD application and The Auditor considers remediation works are Category 1.</p> <p>Consideration must be given to Sutherland Shire Council DCP and Contaminated Land Policy in respect of regulatory approvals and licencing for the works outlined in the RAP.</p>



Requirement	Consultant Consideration	Auditor Comments
Contact persons	Section 6.2 of the RAP states that contractor signage, contact name and phone numbers and emergency phone numbers must be included as part of Safety and Environmental Controls at the site	The Auditor considers that this requirement has been met for the purposes of the Audit.
Community relations (where applicable)	Section 12.9 of the RAP provides details on complaint reporting and resolution	Considered appropriate
Staged progress reporting (where applicable)	No details provided.	Not anticipated to be required, but will be change depending on the progress of remedial and validation works, and if staged interim sign off is required.
Long term site management plan	Section 9 of the Addendum RAP provides requirement of a long term EMP. This will be applied to the Asbestos Containment Cells and areas where Asbestos Contaminated Concrete remains insitu	Considered appropriate. SSD consent has a provision for a LTEMP.

Auditor Comments on Specific Sections of RAP

- Section 4.4: Zoic IA6 (8 March 2019) Comment 3h referred to the omission of sampling to the north of the Chemical Building. Please ensure that this is closed out as part of the validation works conducted as part of the RAP.
- Section 6.1 and 6.7 states that areas where asbestos fibres have been found will form part of remediation efforts. The RAP does include a plan detailing the location of AF/FA impact requiring remediation, as such the Auditor assumes the extent of asbestos impact shown in Figure 6 also includes FA/AF requiring validation.
- Section 6.3: If burial of large amounts of vegetation occurs the consultant is to consider whether there will potential landfill gas generation into the future and/ or future development restrictions in the area of burial.
- Section 7.3, Final bullet: It is understood that the collection of a 500ml sample should be from discrete spots within the stratum rather than from the sieved portion. However, in the case where the asbestos is an integral component of the fill (rather than from poor demolition practices) sampling from the sieved portion is considered to be appropriately conservative.
- Section 8.1.5 and 8.2: HIL/HSL D commercial/industrial criteria is not appropriate for vegetation zone/ecological sensitive area.
- Figure 7: Given the extent of asbestos shown on Figure 6, the Auditor expects asbestos validation sampling zones will comprise all areas of the site excluding any concrete building slabs remaining.
- Appendix C - The waste classification letter in Appendix C states that 2700m³ of material was to be excavated from 504 Kingsway and 57-61 Miranda Road. However, the actual volume of material imported to site was reportedly 13,760m³. Given the presence of 'brick, ceramic, glass and timber' observed and the considerable volume discrepancy, additional confirmation sampling will be required to confirm the material is suitable for unrestricted use across the site. This is to be documented in the validation report.