



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. DPNS/19

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 Mike Nash

Company Douglas Partners Pty Ltd

Address 96 Hermitage Road

West Ryde NSW

Postcode 2114

Phone 02 9090 0666

Email mike.nash@douglaspartners.com.au

Site details

Address 4R Coast Hospital Road, Lot 97 in DP270427 Little Bay Beach,

Little Bay NSW - Lot 97 in DP270427 (See Figure 1)

Postcode 2036

Property description

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

Local government area Randwick City Council

Area of site (include units, e.g. hectares) 1.0 hectare

Current zoning Recreational

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 Stephen Leung (now Evan Buntoro)

Company Randwick City Council

Address Randwick City Council – Infrastructure Services

30 Frances Street Randwick NSW

Postcode 2031

Phone (02) 9399 0999

Email Evan.Bontoro@randwick.nsw.gov.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)~~

- ☐ ~~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: Recreational Beach (open space)

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:

Trinitas Group (DSI)

JBS&G Australia Pty Ltd (HHRA)

Titles of reports reviewed:

Detailed Site Investigation (DSI) of Potential Asbestos Contamination at Little Bay Beach, Little Bay NSW, Rev 6 dated 17 September 2021

Randwick City Council Updated Human Health Risk Assessment for Asbestos Little Bay Beach 4R Coast Hospital Road, Little Bay NSW dated 24 September ref 59811-138906 (Revision 0).

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

Environmental Resources Management Australia (ERM, 2006). Lot 33, Prince Henry at Little Bay, Summary Site Audit Report, PS53 – Lot 33, dated 20 July 2006, prepared by Paul Steinwede.

In addition, a statutory audit has been carried out on the adjacent site as follows:

EarthTech Engineering Pty Ltd (ETE, 2008). Lot 79, Prince Henry at Little Bay, Summary Site Audit Report, PS45 – Lot 79, dated 29 February 2008, prepared by Paul Steinwede.

Various earlier revisions of the DSI and HHRA were reviewed as noted in the Interim Advice (see Appendix C of the attached Site Audit Report as below)

Site audit report details

Title

Report on Non-Statutory Site Audit

4R Coast Hospital Road Lot 97 in DP270427 Little Bay Beach Little Bay NSW

Report no. 205690.00 DPNS/19

Date 30 November 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:

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: Interim Environmental Management Plan (Asbestos) Little Bay Beach (Lot 97 in DP 270427)

Author: Mike Nash (Auditor)

Date: 1 December 2021

No. of pages 2

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:

Interim removal of asbestos from Little Bay Beach (Lot 97 in DP270427) pending development of formal management and remedial plans

Description of the nature of the residual contamination:

Asbestos in the form of asbestos containing materials (ACM) on or below the beach surface materials

Summary of the actions required by the EMP:

Continue to undertake asbestos inspection, collection and clearance and associated air monitoring in the same or similar way to that which has been undertaken by consultants (Trinitas Group) since August 2020. The Interim EMP also requires that formalised management and remediation measures (plans) must be developed and implemented for Lot 97. These plans should be reviewed by an accredited auditor.

The brief Interim EMP is attached.

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

Randwick City Council will enforce the EMP and have agreed to do so.

How there will be appropriate public notification:

Randwick City Council will make arrangements to notify the public in a similar way to the current public notification process regarding the presence of asbestos on the beach.

Overall comments:

Asbestos is present on the beach (Lot 97 in DP270427) in the form of asbestos containing materials (ACM). Regular asbestos removal has taken place since August 2020, this must continue. The source of asbestos is believed to be from the adjacent Lot (Lot 98 in DP270427).

In order to maintain the status quo whereby the human health risk from asbestos (asbestos containing materials) in Lot 97 remains acceptable (as determined in the Human Health Risk Assessment), regular emu-picking and removal of asbestos (ACM) must continue, at a biweekly frequency, broadly as it has since its inception in August 2020 (see above and the attached Interim EMP). Such works and reporting should be undertaken, or supervised, by a suitably qualified and experienced person (consultant).

More detailed and formalised management and remediation measures (plans), however, require to be developed and implemented as soon as possible (say within 6 months of the date of this SAS) which must address *inter alia*; (i) continued management arrangements for asbestos removal from Lot 97, and (ii) measures to determine the source of asbestos and to remove or mitigate the source of asbestos to prevent it entering Lot 97. These plans should be reviewed and approved by an accredited auditor. The auditor notes that other contaminants may be present on the beach particularly if migration from the adjacent land is occurring but that the audit is concerned only with asbestos.

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.

Site Audit Statement

- ☐ ~~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. 9822

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: 1 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.

Interim Environmental Management Plan (Asbestos) Little Bay Beach (Lot 97 in DP 270427)

Testing has shown that asbestos (Asbestos Containing Materials - ACM) is present on and below the surface (sand) and on rock shelves in Lot 97 in DP270427 (Little Bay Beach).

Sampling and testing in April 2021 in the form of a detailed site investigation (DSI) has revealed that the site (Lot 97 in DP270427 - Little Bay Beach) is generally underlain by beach sands, and rock shelves comprising bedded sedimentary rocks (Hawkesbury Sandstone). Anthropocene deposits (fill slopes) are present in the foreshore areas (although these are unlikely to be within the subject site).

Asbestos in the form of bonded ACM has been found within beach sands both at the surface and at shallow depth and to some extent entrained to depths of up to 2.5 m. No fibrous asbestos (FA) or asbestos fines (AF) were reported in the DSI by Trinitas Group, and none was therefore assumed in the human health risk assessment (HHRA) by JBS&G Australia Pty Ltd. Both reports are appended to the accompanying Site Audit Report.

Investigations found that the health screening levels (HSLs) for asbestos (ACM) were exceeded both generally (asbestos is present at and near the surface) and locally in some parts of the beach (where asbestos was present at > 0.002% w/w in some samples although on average the levels were below the HSL for recreational land use). The human health risk assessment has concluded that the levels of asbestos on the beach (Lot 97) are acceptable.

In order to maintain the status quo whereby the human health risk from asbestos (asbestos containing materials) in Lot 97 remains acceptable (as determined in the HHRA), regular emu-picking and removal of asbestos (ACM), including inspections, asbestos clearance and air quality monitoring should continue, at a biweekly frequency, broadly as it has since its inception in August 2020, Randwick City Council should make provisions to ensure that the Interim Environmental Management Plan is implemented. As this Interim Environmental Management Plan requires operation and/or maintenance of active control systems it is therefore deemed an 'Active Plan'.

Inspections, asbestos clearance and monitoring including emu picking should also occur at an increased frequency following; (i) periods of heavy rainfall (any day when rainfall has exceeded 7.6 mm per hour), and/or (ii) high tides (tides exceeding 1.75 m).

Each asbestos inspection, clearance, certification and air monitoring event should be promptly documented and provided to Randwick City Council in the form of a report. Such works and reporting should be undertaken, and/or supervised, by a suitably qualified and experienced person (consultant).

Randwick City Council should make provisions to ensure that the consultant immediately advises if conditions arise in Lot 97 whereby the frequency of inspections and related works should be amended, and/or advise of any circumstances where the beach should be closed to public access.

Randwick City Council should continue to post appropriate notices on the beach access areas advising of the presence of asbestos on Lot 97, and also continue to issue public advice, including circulars, and publish contact details etc on their website, see:

<https://www.randwick.nsw.gov.au/planning-and-building/council-works-and-upgrades/major-projects/little-bay-beach-asbestos-management>.

Formalised and more detailed management and remediation measures (plans) require to be developed and implemented as soon as possible (ideally within 6 months of the date of this SAS, noting the need for consultation with internal and external stakeholders) which address; (i) continued management arrangements for asbestos removal from Lot 97, and (ii) measures to determine the source of asbestos and to remove or mitigate the source of asbestos to prevent it entering Lot 97. These plans should be reviewed by an accredited auditor.

Note: This Interim Environmental Management Plan has been prepared with general reference to Table 2.7 of the Guidelines for Consultants Reporting on Contaminated Land (EPA, 2020). Reference should also be made to the preceding contents of this NS SAS and corresponding NS SAR (attached).

Figure 1 – Boundary of Lot 97 in DP270427 (in red)

