

**Besmaw Pty Ltd**

**Stage 1 – Preliminary Site Investigation**

251 and 280-282 Captain Cook Drive, Kurnell Peninsula, NSW

02 November 2023



When you  
think with a  
global mind  
problems  
get smaller

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## Stage 1 – Preliminary Site Investigation – Kurnell Peninsula

Prepared for  
Besmaw Pty Ltd

Prepared by

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## Executive Summary

Besmaw, the landowner of 251 and 280-282 Captain Cook Drive, Kurnell Peninsula (the site) has initiated a Department of Planning, Industry and Environment (DPIE) led process to review and amend State Environmental Planning Policy (Kurnell Peninsula) 1989 (SEPP Kurnell Peninsula) as it applies to the site.

The aim of the SEPP Kurnell Peninsula review process is to set the strategic land use framework for the site, within the context of the broader Kurnell Peninsula and South District. The review process commenced in June 2017, and a scope of works for technical studies was issued by the DPIE on 25 September 2017 to inform the master planning process. The scope of works identified a number of technical studies be undertaken, including; biodiversity, bushfire, flooding and water cycle management, indigenous heritage, non-indigenous heritage, land capability, hazards and air quality, noise and vibration, traffic and transport and economic feasibility.

Besmaw has engaged Coffey Services Australia Pty Ltd (Coffey) to prepare a Preliminary Site Investigation report to address the DPIE scope of works relating to land contamination. A copy of this DPIE scope of works has been appended to this report (refer to Appendix F). The findings of this report have informed the master planning process for the site.

The site is located at 251 and 280-282 Captain Cook Drive, Kurnell Peninsula, is irregular in shape, covering approximately 176 ha, and is defined as Lot 2 in DP559922 (referred to as Lot 2 South) and Lot 2 in DP1030269 (referred to as Lot 2 North).

The submission will involve the future SEPP amendment and development of the site following reclamation.

This preliminary site investigation addresses the following aspects nominated by DPIE:

- A detailed appraisal of the site history and a report based on visual site inspection (walkover);
- A review of historical aerial photography archives, and previous site ownership land titles;
- A search through the EPA Land Information records to confirm that there are no statutory notices on any parts of the site under the Contaminated Land Management Act (1997); and
- A list of Areas of Environmental Concern (AEC) and assessment of the need for further investigations, using a risk approach (high, medium and low) with respect to its contamination potential.

Lot 2 North is currently zoned as 6(c) Private Recreation, with part of Lot 2 North containing an area nominated under State Environmental Planning Policy No 14 – Coastal Wetlands. Lot 2 South will be subject to multiple rezoning including:

- Part 4(a) General Industrial over the eastern access corridor from Captain Cook Drive into the body of the Lot.
- Part 6(b) Public Recreation along the Bate Bay foreshore.
- Part 7(b) Special Development.
- Part 9(a) Regional Open Space over the Boat Harbour land.

The type of future land uses include:

- Residential development
- Public facilities and public open space
- Hotel uses



- Convention centre
- Hospital and allied health facilities
- Health and medical research, development and teaching facility
- High tech industry
- Sports training and health facility
- Retail centre
- Business park
- Theatre and entertainment facilities
- Recreation facilities and sports facilities
- Equestrian centre and horse trails in associate with ecotourism.

The objectives of the Stage 1 - PSI were to provide a preliminary contamination assessment of the suitability of the site for possible future land uses.

To fulfil the objectives Coffey reviewed previous reports pertaining to the site; reviewed publicly available information to identify potentially contaminating activities and receptors and undertook a detailed site walkover. Coffey considers that information about the site's history is adequate and verifiable and that the current conditions on the site are consistent with that history.

Coffey found that:

- The site is located on the Kurnell Peninsula in Southerland Shire Local Government Area. Lot 2 North is currently operating as a horse stables. Lot 2 South currently operates under two separate Environmental Protection Licences issued by the NSW Environmental Protection Agency (EPA) for sand extraction (EPL 3629) and land reclamation (EPL 5658).
- Sand extraction has been undertaken on Lot 2 South since 1968 when the State Planning Authority granted approval. Rehabilitation of the void created by sand extraction is undertaken using imported Virgin Excavated Natural Material (VENM). Rehabilitation activity commenced in the northwest of Lot 2 South and is progressing to the southeast as sand extraction accesses the remaining resource. These activities are listed in Table 1 of Managing Land Contamination Planning Guidelines to SEPP 55 – Remediation of Land as having the potential to cause contamination. Historical information and the current conditions on the site suggest that the site is unlikely to be contaminated as a result of these activities.
- Lot 2 North remained undeveloped until the late 1970s when horse stables were built as a private recreational facility. Vegetation was cleared progressively over a decade (2010s) and stabilised and grassed except in the north eastern area retains its natural vegetation.
- The site was not listed on the NSW EPA register of contaminated land, notified under section 60 of the Contaminated Land Management Act, however surrounding commercial/industrial properties including Abbott Australasia located at Captain Cook Drive (Lot 1 in DP225973 and part of Lot 102 in DP1027438) and the Caltex Bulk Fuel Terminal located further north east of the site, were on the register. The potential risk of contaminant migration from these properties to the site is minimal considering the groundwater flow direction and distance of these properties from the site.
- Lot 2 North has a high probability of acid sulfate soils existing below the shallow groundwater table. On Lot 2 South, potential acid sulfate soils (PASS) are imported to the site in minor quantities compared with VENM imported and disposed within the dredge pond in accordance with licence conditions. EPL 5658 requires all PASS to be placed at least 1 m below the water table within 24hrs of excavation and have a pH of not less than 5.5.
- The following potential environmental concerns were identified at the site:

- Weathering of hazardous building materials including asbestos, zinc and/or lead from older building materials used in Lot 2 North and Boat Harbour Village in Lot 2 South, and potential historical use of pesticides beneath structures in those localities.
- Storage and preparation of herbicide spray solutions from concentrates in the chemical storage area on Lot 2 South for localised weed control on Lot 2 South;
- Importation for rehabilitation of the quarry void of VENM and PASS, with the potential for natural occurrence of metallic mineralisation;
- Incidental release of diesel fuel associated with storage of diesel fuel within two ASTs and transport and use of fuel for refuelling equipment across the site; and
- Potential migration of impacted groundwater to the site from off-site sources including the former Breen Holdings inert waste landfill immediately west of Lot 2 South and industrial properties north east of Lot 2 South.

A qualitative assessment of environmental risk associated with identified potential environmental concerns found low risk levels which did not warrant additional assessment.

Based on the findings of this assessment, Coffey concludes that:

- the site does not pose a significant threat to human health or the environment,
- land surrounding the site does not present an unacceptable risk of contaminant migration to the site although groundwater quality along the western boundary of Lot 2 South may be affected during periods of wet weather by leachate from the adjacent landfill and recycling centre, and
- the site is suitable for possible future land uses including residential, commercial and recreational provided that the current control of imported VENM, and PASS as applicable, is maintained.

Coffey concludes that a Stage 2 Detailed Environmental Site Assessment across Lot 2 South and/or Lot 2 North is not warranted.

Coffey recommends that a hazardous building materials survey is completed prior to the demolition of site buildings and appropriate controls of hazardous building materials are implemented during demolition to avoid potential contamination of the affected part of the site.

This report should be read in conjunction with the attached ***Important Information about your Coffey Environmental Report***

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## Abbreviations

ACM	Asbestos Containing Material
AHD	Australian Height Datum
AEC	Area of environmental concern
ASC NEPM	Assessment of Site Contamination National Environment Protection Measure
AST	Above-ground storage tank
m BGL	metres Below Ground Level
BTEXN	Benzene, Toluene, Ethylbenzene Xylenes less Naphthalene
CLM	Contaminated Land Management
CoPC	Chemical of Potential Concern
DECCW	Department of Environment, Climate Change and Water
DP	Deposited Plan
EMP	Environmental Management Plan
EPL	Environmental Protection Licences
NEPC	National Environment Protection Council
NSW EPA	NSW Environment Protection Authority
OEH	Office of Environment and Heritage
PAH	Polycyclic Aromatic Hydrocarbons
PASS	Potential Acid Sulfate Soil
PCBs	Polychlorinated biphenyls
POEO	Protection of the Environment Operations
SEPP	State Environmental Planning Policy
TRH	Total Recoverable Hydrocarbons
VENM	Virgin Excavated Natural Material
VOC	Volatile Organic Compounds

# 1. Introduction

Besmaw, the landowner of 251 and 280-282 Captain Cook Drive, Kurnell Peninsula (the site) has initiated a Department of Planning, Industry and Environment (DPIE) led process to review and amend State Environmental Planning Policy (Kurnell Peninsula) 1989 (SEPP Kurnell Peninsula) as it applies to the site.

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Besmaw have engaged Coffey Services Australia Pty Ltd (Coffey) to prepare a Preliminary Site Investigation report to address the DPIE scope of works relating to land contamination. A copy of this DPIE scope of works has been appended to this report (refer to Appendix F). The findings of this report have informed the master planning process for the site.

The site, shown on Figure 1, is:

- located at 251 and 280-282 Captain Cook Drive, Kurnell Peninsula,
- irregular in shape, covers an area of approximately 176 ha, and
- defined as Lot 2 in DP559922 (referred to as Lot 2 South) and Lot 2 in DP1030269 (referred to as Lot 2 North).

# 2. Background

The site is located on the Kurnell Peninsula in Southerland Shire Local Government Area. Lot 2 North is currently operating as a horse stables. Lot 2 South currently operates under two separate Environmental Protection Licences (EPLs) issued by the NSW Environmental Protection Agency (EPA) for sand extraction (EPL 3629) and land rehabilitation (EPL 5658). Sand extraction has occurred on Lot 2 South since 1968 when the State Planning Authority granted approval. Rehabilitation of the quarry void is undertaken using imported Virgin Excavated Natural Material (VENM) which is controlled through an Environmental Management Plan (EMP) and associated Standard Operating Procedures. Compliance with this Plan is independently assessed on a yearly basis by ERM and Coffey.

The submission will involve the future SEPP amendment and development of the site following reclamation.

This preliminary site investigation addresses the following aspects nominated by DPIE:

- A detailed appraisal of the site history and a report based on visual site inspection (walkover);
- A review of historical aerial photography archives, and previous site ownership land titles;
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- A list of Areas of Environmental Concern (AEC) and assessment of the need for further investigations, using a risk approach (high, medium and low) with respect to its contamination potential.

Lot 2 North is currently zoned as 6(c) Private Recreation, with part of Lot 2 North containing an area nominated under State Environmental Planning Policy No 14 – Coastal Wetlands. Lot 2 South will be subject to multiple rezoning including:

- Part 4(a) General Industrial over the eastern access corridor from Captain Cook Drive into the body of Lot 2 South.
- Part 6(b) Public Recreation along the Bate Bay foreshore.
- Part 7(b) Special Development.
- Part 9(a) Regional Open Space over the Boat Harbour land.

The type of future land uses may include:

- Residential development
- Community facilities and public open space
- Hospitality facilities
- Seniors living
- Retail / commercial facilities

### **3. Objective**

The objective of this study was to provide a preliminary contamination assessment of the suitability of the site for possible future land uses.

### **4. Scope of assessment**

Coffey undertook the following activities to address the project objective:

- A review of relevant environmental information for the site, which included:
  - Local geology, hydrogeology, topography, soil salinity and acid sulfate soil risk maps;
  - A selection of relevant historical aerial photographs covering the property and surrounds;
  - Review of local Council Section 149 Certificates in relation to this property;
  - Registered groundwater bore information in the public register held by NSW Office of Water;

- Contaminated land records and environmental protection licence information in the public registers held by the NSW Environment Protection Authority;
- Review of relevant historical information made available by Besmaw.
- A site walkover by a suitably experienced environmental scientist to observe current conditions and activities within the site, and activities on properties adjacent to the site. Coffey used its experience on similar settings to gather data relevant to interpretation of site contamination, including:
  - Site activities and potential hazardous building materials;
  - Evidence of current or former underground and aboveground fuel / chemical storage tanks;
  - Evidence of chemical staining and spills
  - Presence of wastes and uncontrolled fill material;
  - Odours that may be indicative of site contamination;
  - Chemical storage or use;
  - Signs of vegetation stress.
  - A photographic record of relevant features observed during the site walkover.
- Preparation of this preliminary site investigation report prepared in general accordance with Schedule B2, Guideline on Site Characterisation, in the National Environment Protection (Assessment of Site Contamination) Measure (NEPC 1999), the relevant sections of 'Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites' (NSW OEH 2011) and with regard to Managing Land Contamination Planning Guidelines to SEPP 55 – Remediation of Land (DUAP/EPA 1998).

Revision 1 of this report was issued to clarify the use on Lot 2 North of a coarse by-product from sand processing on Lot 2 South for stabilisation of the natural sands after removal of unwanted vegetation. The sand across the site was part of an active dune system until the 1960s and the sand is highly susceptible to wind erosion. Discussion about a surface deposit of tarry material observed in the northwest corner of Lot 2 North was added to confirm that this material was not related to historical activity on the site, such as oyster farming.

## 5. Site information

### 5.1. Site location

Site identification details are summarised in Table 1 and the location of the site is shown on Figure 1.

**Table 1: Site information**

Item	Description
Address	251 and 280-282 Captain Cook Drive, Kurnell
Site area	Approximately 176 ha
Title identification	Lot 2 North: Lot 2 in DP1030269 Lot 2 South: Lot 2 in DP559922



<b>Current zoning</b>	<p>Under SEPP Kurnell Peninsula 1989</p> <ul style="list-style-type: none"> <li>• Lot 2 North is zoned 6(c) private recreation</li> <li>• Lot 2 South has multiple zonings, including: <ul style="list-style-type: none"> <li>○ Part 4 (a) General Industrial over the eastern access corridor from Captain Cook Drive into the body of the lot,</li> <li>○ Part 6(b) Public Recreation along the Bate Bay foreshore,</li> <li>○ Part 7(b) Special Development, and</li> </ul> </li> </ul> <p>Part 9(a) Regional Open Space over the Boat Harbour land.</p>
<b>Local Government Authority</b>	Sutherland Shire Council
<b>Owner</b>	Besmaw Pty Ltd
<b>Current land use</b>	<p>Lot 2 North: private recreation (horse stables)</p> <p>Lot 2 South: Sand extraction and land rehabilitation with VENM, residential use in the vicinity of Boat Harbour only</p>
<b>Proposed uses</b>	Mixed residential, commercial and recreational (as described in Section 2)
<b>Surrounding land use</b>	<p>North: NSW Parks Forest and Quibray Bay</p> <p>East: Vegetated Land, commercial buildings Sydney Water Desalination Plant and Caltex Bulk Fuel Terminal further east.</p> <p>South: Boat Harbour</p> <p>West: Wanda Reserve and a former landfill (Breen)</p>

## 5.2. Site description

The following site description is based on visual observations made during a site visit on 31 January 2018 by an experienced Coffey Environmental Scientist. Photographs showing the general appearance of the site are provided in Appendix B.

The following observations were made during the site inspection of Lot 2 North:

- Lot 2 North is currently occupied by a horse stables located within the southern portion of the Lot.
- Multiple small buildings associated with the stables were present, with building materials consisting predominantly of corrugated iron sheeting, possible asbestos containing material was observed on one of the buildings, however this would be confirmed at DA phase prior to demolition.
- Open horse exercise enclosures were present with the natural underlying sand exposed at the surface.
- The remaining area of this Lot consisted of gently sloping grassed land, with horse jumps and a small stockpile of manure.
- A section of land within the eastern portion of this Lot was fenced off and vegetated.
- A small amount of building rubble (fragments of wood and tiles) was observed near the site entrance and car park.
- The ground surface was observed to be natural sand dunes, with fragments of seashells and wood present on the surface.

The following observations were made during the inspection of Lot 2 South:

- Lot 2 South is an active sand quarry, and the mined area has exposed the underlying groundwater aquifer (dredge pond).
- Sand extraction is occurring by hydraulic dredging within the south-eastern portion of the site.
- Rehabilitation with imported VENM is occurring within the western portion of the site.
- Two (12,000L and 11,500L) diesel Above Ground Storage Tanks (ASTs) are present on site and are used for refuelling equipment associated with the sand extraction and rehabilitation activities. The ASTs are in bunded enclosures and were in good condition with no evidence of spillages or leakages. Some empty containers were observed within the concrete bund, and minor oily staining was present on the base of the bunded area.

Boat Harbour Cabins are located within the south-eastern corner of the site, multiple buildings are present, mainly small enclosures which have been built onto caravans. These enclosures consisted mostly of corrugated iron sheeting and ply wood building materials.

Weed control is undertaken across both Lot 2 North and Lot 2 South, information provided during the site walkover indicated that the Herbicide Glyphosate is predominantly used and a herbicide solution is applied using a manual spray pack directly onto weeds. Broad area spray application of herbicide does not occur.

The site layout is shown on Figure 2.

## **6. Environmental setting**

### **6.1. Topography and drainage**

Topography and drainage of Lot 2 North includes:

- The current site condition of Lot 2 North is mostly gently undulating grassed land. Grass cover has been removed in areas of the horse arena to expose the underlying natural sand. Dense vegetation is present within the south-eastern portion of the site.
- Surface water is expected to infiltrate through the unsealed ground surface. Groundwater is expected to flow north towards Quibray Bay.

Topography and drainage of Lot 2 South includes:

- The current site condition consists of a large void created by sand extraction which is progressively occurring in the south-eastern portion of the site. Rehabilitation of land within the western portion of the site is ongoing.
- Surface water is expected to infiltrate into the exposed surface soils and directly into the dredge pond. Groundwater is expected to flow south towards Bate Bay and Boat Harbour.

### **6.2. Surface waters and wetlands**

The closest natural surface water body is Bate Bay and Boat Harbour (Tasman Sea) located immediately south of the site and Botany Bay located north of the site. A review of The National Dataset of Australia's Ramsar Wetlands (published by Department of the Environment and Energy) available online (<https://nationalmap.gov.au>) identified Towra Point Nature Reserve to be listed under the Ramsar Convention. This reserve is located north east and north west of Lot 2 North.

Quibray Bay, adjacent to Towra Point Nature Reserve is a protected marine sanctuary under the NSW Fisheries Management Act 1994.

### 6.3. Groundwater bores

Groundwater within Lot 2 South is monitored in compliance with relevant EPL 5658 conditions. The following groundwater bores are monitored for Standing Water Level (SWL), conductivity, nitrogen (ammonia) and pH on a 6-monthly basis:

- BORE1, BORE2, BBH4B, BBH7, BBH8, BBH9C and BBH10.

Location of these monitoring wells is shown on Figure 3.

Reference to the All Groundwater Map (published by NSW Department of Primary Industries (DPI) Office of Water) online (<http://allwaterdata.water.nsw.gov.au/water.stm>) found several registered groundwater bores on-site and within 500m from the site. A summary of the registered bores with site specific information added is provided in Table 2, and we note that many entries for the site no longer exist due to the impact of sand extraction. A copy of the database map relevant to the site is provided in Appendix C.

**Table 2: Summary of Registered Groundwater Bores**

Location	Groundwater Bore ID	Bore Type / Status	Comment
On-site - south east corner	GW107770	Water supply bore	Non-potable water used by occupants at Boat Harbour Village
On site – north west corner	GW107771	Stock / Converted	Lot 2 North: horse stables non-potable water supply
On site – north west corner	GW109383	Industrial / Converted	Lot 2 South: plant nursery non-potable water supply
On-site – southern boundary	GW104810	Monitoring / active	Monitoring bore BBH4B
On-site – south west corner	GW104813	Monitoring / Active	Monitoring bore BBH1
On site – western boundary	GW106824	Monitoring / Active	Monitoring bore BORE 1
On site – western boundary	GW106825	Monitoring / Active	Monitoring bore BORE 2
On site – north west corner	GW109826	Monitoring / Active	Monitoring bore BBH8
On-site – south west corner	GW109827	Monitoring / Active	Monitoring bore BBH9C
Off-site – vacant land adjacent to the northeast part of Lot 2 South	GW10467 to GW104277	Monitoring / Active	Installed during contamination assessment – no additional details available
Off-site – north east of the Boat Harbour access road	GW026617 GW075060 GW075061	Monitoring / -	On a developed industrial site

Location	Groundwater Bore ID	Bore Type / Status	Comment
Off-site – north east approximately 250m from the site boundary	GW101128	Monitoring / Active	No details available
Off-site – approximately 290m west of the site boundary	GW103445	Monitoring / Active	Breen development site

## 6.4. Critical habitats

A search of the NSW Office of Environment and Heritage Critical Habitat Register online (<http://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/about-threatened-species/critical-habitats>) was undertaken on 8<sup>th</sup> January 2018. Information on this register indicates there are no Critical habitat declarations at or within 500 m of the site under Sections 53-55 of the *NSW Threatened Species Conservation Act 1995*.

A copy of the search output is provided in Appendix C.

## 6.5. Geology and soil landscapes

NSW Geological Survey indicates the site is underlain by the Holocene marine deposits including:

- Qhbr – Marine quartz sand, minor shell content, interdune (swale) silt and fine sand.
- Qmd – Marine quartz sand.
- Qbd – medium to fine marine quartz sand with podsols.

The Soil Landscapes of the Wollongong and Port Hacking 1:100,000 Sheet report (Chapman G.A. and Murphy C.L., 1989), produced by Department of Conservation and Land Management, Sydney, indicate the site is underlain by the Wollongong soil landscape (wg) which typically comprises beaches / coastal fore-dunes of Quaternary Wind-Blown Sands. Soils are typically deep >200cm calcareous sands on beaches, siliceous sands on fore-dunes and isolated humic podsols in swales. Limitations include extreme wind erosion hazard, high permeability soils, very low fertility with localised flooding and permanently high water tables.

Lot 2 South has been used for sand extraction since 1968, with the south-eastern corner of the site to be quarried in the future. Sand extraction occurs to a level of -10mAHD, which is 15m below the surface level at Captain Cook Drive. Backfilling of the excavation is being undertaken using imported VENM which will be the underlying geology in this area following redevelopment. A 25m buffer zone is maintained around the site boundary where natural sands are not mined with a 125m set back area along the southern boundary of the site adjoining Bate Bay. Figure 2 shows the current area of sand extraction and future quarry area.

Coffey understands that Lot 2 North has not been, nor is intended to be, quarried for sand. Thus, the site comprises predominantly natural soils and geology with minor introduced fill around buildings to provide a trafficable surface. A coarse by-product from sand processing on Lot 2 South was brought to Lot 2 North for stabilisation and grassing of the natural sands after removal of unwanted vegetation, such as Bitou Bush and Lantana (Coffey 2001).

Surface soils were sampled across Lot 2 North and Lot 2 South as part of a Preliminary Salinity Assessment undertaken concurrently by Coffey and reported separately. Soil type and description was recorded at each sampling location by an experienced Coffey Environmental Scientist, in general the following soils were encountered:

- Lot 2 North: The surface soils were described as topsoil consisting of silty sand and sand, light brown to dark brown with inclusions of organic material, dead grass, mulch, sea shells, trace fine gravels in places. No odours or staining indicative of possible contamination were observed. This description is consistent with the natural soils expected at the site.
- Lot 2 South: areas containing natural sands which haven't been affected by sand extraction or backfilling were described as; silty sand / sand, light brown to dark brown, fine to medium grained, with inclusions of sea shells, some dead roots and grass in places, no odour or staining observed. This description is consistent with the natural soils expected at the site.
- Lot 2 South: area where sand extraction and backfilling has occurred; gravelly clay, silty clay and gravelly sand, medium plasticity clays, trace gravels, inclusions of organic material, dead roots, grass and mulch in places, no odours or staining observed.

## 6.6. Acid sulfate soils

Coffey's reference to the Acid Sulfate Soil (ASS) Port Hacking Map issued by Land and Water Conservation (1:250,000) identified the area of Lot 2 South to be within an area of 'Disturbed Terrain' which includes filled areas, and areas which have been mined or dredged. Besmaw imports VENM to rehabilitate the void created by sand quarrying under controls of EPL 5658.

Lot 2 North has a high probability for acid sulfate soils to exist, with a potentially adverse environmental impact if acid sulfate soils are disturbed by activities within one metre below the ground surface. To mitigate risk of uncontrolled acidification of excavated soils, any ground disturbance greater than 1 m depth should be controlled under a site-specific Acid Sulfate Soil Management Plan developed by an appropriately qualified and experienced environmental consultant.

Land rehabilitation operations on Lot 2 South may receive Potential Acid Sulfate Soils (PASS) in accordance with Special Conditions in the EPL 5658. The EPL requires that any PASS material must be delivered to the site within 24 hrs of excavation to avoid oxidation, placed at least one metre below the water table (in the dredge pond) and have a pH of not less than 5.5 when delivered. Coffey considers that PASS accepted at the site in compliance with Special Conditions of EPL 5658 poses a low risk of acidification because PASS is placed directly into the southern end of the dredge pond and below water level within 24 hours of excavation at the source site. Coffey also notes that the inclusion of PASS presents a low environmental risk because the quantity of PASS accepted is a small fraction of the total (approximately 0.8% based on Besmaw records for the period 1 February 2018 to 31 January 2019) and the PASS placement area will be covered by at least 10 m of VENM fill for the proposed landform.

## 6.7. Hydrogeology

A Groundwater assessment was undertaken as part of the Kurnell Sand Extraction proposal by Rocla Pty Limited in 2004 (Rocla, 2004) which aimed at locating the potential impacts of sand extraction and dredging on the groundwater regime. The hydrogeological basis defined in Rocla, 2004 is summarised below.

Groundwater occurs at shallow depths beneath the project area (0.5-3.5m below ground level) and forms a mound beneath the more elevated parts near the centre of Kurnell peninsula, with flow towards the north towards Quibray Bay through Lot 2 North and to the south towards Bate Bay within Lot 2 South.

Seasonal variations incur groundwater level which may range between 0.7m and more over short terms and 1.3m and more over longer periods. The potential sources of aquifer recharge are rainfall and surface run off from local catchment areas.

Underlying sands have moderate hydraulic conductivity ranging between 50-100m/day at shallow depths and 1-10m/day at depths close to the Hawkesbury sandstone bed rock lying at -3 to -24mAHD. Depth to bedrock generally increases from east to west across the site.

The aquifer within the underlying sands at the site is unconfined and is exposed within the dredge pond. Compliance with the EPL 5658 requires water quality monitoring of the dredge pond water and a several groundwater monitoring wells around the site perimeter.

A separate groundwater quality study has been undertaken by Coffey and is reported separately.

## 7. Site History Review

### 7.1. Aerial Photographs

#### 7.1.1. Shire Maps Records

Selected aerial photographs dating back to 1930, available from Sutherland Shire Council (<https://maps.ssc.nsw.gov.au/ShireMaps/>), were reviewed and a summary of features relevant to the site and surroundings is provided in Table 3.

**Table 3: Summary of Features Interpreted from Aerial Photographs**

Year of Photo	Site	Surrounding Area
1930	The site is vacant and appears to be coastal sand dunes.	Undeveloped, vegetated land is present surrounding the site, with Boat Harbour located immediately south and Quibray Bay located north.
1943	The site remains relatively unchanged from the 1930 photograph.	The surrounding area remains relatively unchanged compared to the 1930 photograph. Some residential dwellings have been built in the Kurnell township area approximately 2km north east.
1955	The site remains relatively unchanged from the 1943 photograph, except for some small residential structures present within the south eastern corner of the site (Lot 2 South), near Boat Harbour.	The surrounding area remains relatively unchanged compared to the previous photograph, except for the Caltex Refinery site located approximately 1km north east which has been cleared of vegetation and infrastructure including tanks has been built. Residential and some commercial buildings have been built within the Kurnell township area further north east.
1961	The site remains relatively unchanged from the 1955 photograph, except for some vegetation being present in patches across the site, particularly in the southern portion.	An area of land has been cleared of vegetation north east of the site, with some vehicle access roads present within this area. Some small structures are visible within this area.
1970	The site remains relatively unchanged from the 1961 photograph, except for the presence of a small structure within the north eastern corner of Lot 2 South with some vehicle access tracks in the area, possibly associated with establishment of the quarry.	The surrounding area remains relatively unchanged compared to the 1961 photograph except for the area north east of the site which is occupied by an industrial premises including warehouses and a processing plant. Another area of land located on the south western side of the site access road (Lot 4 in DP270389) has been cleared and developed for industrial use, with settling ponds and above ground storage tanks visible in the aerial photograph. Clearing of land south west of Sir Joseph Banks Drive is also underway.

Year of Photo	Site	Surrounding Area
1978	Vegetation cover has expanded across the southern half of Lot 2 South, a surface water body is present within the central portion of the site with a small structure (probably a sand dredge) and pipe work located within the water body. Some of the vegetation has been cleared from Lot 2 North, with some structures present (probably horse stables). Vehicle access tracks extend out to the estuary in Botany Bay.	The surrounding area remains relatively unchanged from the 1970 photograph.
1984	The site remains relatively unchanged compared to the 1978 photograph, except for a decrease in the size of the surface water body. A larger area of land has been cleared within Lot 2 North, and appears to be used as horse stables.	The surrounding area remains relatively unchanged from the 1978 photograph.
1994	Sand extraction has commenced at the site, with a large excavation present and stockpiled areas of sand. The extraction area is located predominantly within the north western / western areas of Lot 2 South, with the remaining area being relatively unchanged. Some vegetation within Lot 2 North has been cleared and replaced with grass.	Sand extraction is being undertaken on the adjoining western property (Lot 5 in DP1158627). Some of the infrastructure of the adjoining industrial property located on the south-western side of the site access road (Lot 4 in DP270389) has been removed.
2001	Sand extraction area has extended to the central portion of the site, rehabilitation of the northern portion of the sand quarry has commenced.	Clearing of vegetation of multiple lots to the north east of the site has been undertaken.
2006	Sand extraction area has extended to the south-eastern portion of the site, backfilling of the excavation within the northern portion of the site has increased. The number of residential dwellings has increased in the south-eastern corner of Lot 2 South (Boat Harbour).	The remaining industrial infrastructure on the adjoining property (Lot 4 in DP270389) has been removed, some large buildings/warehouses remain as well as a treatment pond. The north-western corner of this land appears to be covered with waste materials, possibly associated with the demolition of the former buildings. Sand extraction has eased at the adjoining western property (Lot 5 in DP1158627), with some areas of backfilling being undertaken.
2017 (Six Maps)	A large portion of the western area of the site has been rehabilitated and revegetated. Sand extraction is occurring in the southern and eastern areas of the site. Vegetation across Lot 2 North has been replaced by grass cover, except for the north-eastern area where some mounds are present in the grassed area. The origin of this material is uncertain.	Further landfilling/backfilling has been undertaken on the adjoining western property (Lot 5 in DP1158627), some commercial buildings have been constructed in the lots located to the north east of the site, which were previously cleared. The Sydney Water desalination plant has been built north east of the site.

### 7.1.2. Management of Lot 2 North

Aerial photographs available through Shire Maps (<https://maps.ssc.nsw.gov.au/ShireMaps/>) confirm that the area of Lot 2 North was covered by an active sand dune until the mid-1960s. Captain Cook



Drive was built in the early 1950s bisecting the active sand dune. Vegetation was establishing on Lot 2 North during the 1970s and the stables were built in the late 1970s.

A boundary fence (2m high chain wire) was erected in the early 2000s to enclose Lot 2 North. This was followed during the next decade by progressive clearance of vegetation and establishment of grassed paddocks. The footprint of the horse stables was not expanded significantly.

The natural sand on Lot 2 North is highly susceptible to wind erosion and had been part of an active sand dune into the 1960s. The sand dredging operations on Lot 2 South (commencing in the mid 1960s) produced sand for use in the building industry as a primary output, with a by-product of coarse material consisting of calcified sand and shell fragments. This by-product was called “overs” (because it was oversized for builders’ sand) and was effectively used on Lot 2 North and in rehabilitated areas of Lot 2 South for stabilisation of natural sand / fill and to aid the establishment of vegetation (such as grasses). Photograph 1 and Photograph 2 provide images of overs.



Photograph 1 Accumulation of overs at the sand washplant on Lot 2 South



Photograph 2 Close-up of the gravelly composition of overs

Aerial photographs from the first half of 2016 included in Shire Maps and also Google Earth show storage of a substantial quantity of overs in the middle of the northern half of Lot 2 North where unwanted vegetation, such as Bitou Bush and Lantana (Coffey 2001), was being cleared. The overs were spread across the cleared area and grass was established.



### 7.1.3. Summary

A review of aerial photographs from 1930 to 2023 identified sand quarrying activities commencing in Lot 2 South between 1961 and 1970 which is consistent with site records. Rehabilitation of the site with imported VENM started between 1994 and 2001. Lot 2 North remained undeveloped until between 1978 and 1984 when horse stables were built, clearing of vegetation, stabilisation of existing sand by placement of “overs” and promotion of grass cover occurred across the site except for the north eastern area which remains vegetated. Current surrounding land uses consist of NSW Parks forest, nature reserves and protected marine sanctuaries, industrial land uses including the Caltex Bulk Fuel Terminal (formerly an oil refinery), Sydney Water Desalination Plant and landfilling and recycling activities.

## 7.2. Government Register Search

### 7.2.1. NSW EPA contaminated land records

The on-line Contaminated Land Record and the List of NSW Contaminated Sites Notified to NSW EPA (as of 23 June 2017) was searched for properties within an approximate 500 m radius of the site for:

- Recorded notices under Section 58 of the CLM Act
- Notifications under Section 60 of the CLM Act.

A review of the records indicated there were no listed properties at or within 500 m of the site, except for:

- One former notice issued to Abbott Australasia Pty Ltd for a property located at Captain Cook Drive (Lot 1 in DP225973 and part of Lot 102 in DP1027438), approximately 177m north east of the Boat Harbour access road. This property was issued with a Voluntary Remediation agreement for contamination in soils and groundwater which were contaminated by various substances including, toluene, ethylbenzene, xylenes, VHCs, heavy metals (cadmium, chromium and nickel), PAHs, TPH and Codeine. A site audit statement has been issued for the site following remediation works and states that the site is suitable for use as commercial and industrial land uses. The risk associated with off-site contamination migration from this property to the site is low considering the groundwater flow direction within this area would be predominantly towards the north.
- Two other notices for properties within the Kurnell Area were identified, including the Caltex Bulk Fuel Terminal, which is located approximately 900m north east of the site. The risk associated with off-site contamination migration from this property to the site is negligible considering the distance of these properties to the site (>500m) and the groundwater flow direction.

### 7.2.2. Protection of the Environment Operation Public Registers

A search of the NSW EPA POEO Public Registers was undertaken on 27 February 2018 for:

- Activities licensed by the NSW EPA under Schedule 1 of the POEO Act 1997
- Former Licensed Activities under the POEO Act 1997, now revoked or surrendered.

The search identified two POEO licensed activities relating to the site:

- EPL licence 5658 issued to Besmaw Pty Limited for the rehabilitation of sand quarry with Virgin Excavated Natural Material only. Multiple s.58 Licence Variations are issued for this licence.

- EPL Licence 3629 issued to Allsands Pty Ltd for crushing, grinding or separating activities and land-based extraction activities. Multiple s.58 Licence Variations are issued for this licence.

Copies of these EPLs are provided in Appendix E.

Multiple licences were issued for properties within the Kurnell Peninsula, and the following properties were identified to be within 500m from the site:

- Breen Holdings Pty Ltd, located at Captain Cook Drive, located immediately north west of the site. Issued with multiple licences for s.91 Clean up notice, POEO licence and licences variations, compliance audit and penalty notice. Groundwater flow within this area is expected to be towards the south, with potential for groundwater to migrate from this property onto the site.
- Chevron International Technical Centre Pty Ltd, located at Sir Joseph Banks Drive, north east of the site. EPL no longer in force.
- Miranda Tyre Service Pty Ltd, Building 6 located at 260B Captain Cook Drive approximately 370m north east of the site. Issued with an s.91 Clean up notice.
- Sowellli Kurnell Pty Limited, located at 260 Captain Cook Drive, Kurnell approximately 500 m north east from the site Issue with a revoked EPL.

Coffey considers that the risk of migration of possible contamination from the above properties located north east of the site is minimal considering that the local groundwater flow direction is expected to be north/north west towards Botany Bay.

Groundwater flow on the Breen landfill site is expected to be towards the north and south. Two groundwater wells located in the middle of the western boundary of the site and adjacent to the Breen landfill are monitored as part of the EPL conditions, with historical detections of ammonia recorded within these bores. Coffey notes however that ammonia has also been detected at within other monitoring points on the site and across the Kurnell Peninsula and is considered to be a regional characteristic of groundwater.

A copy of the search results is provided in Appendix C.

### **7.2.3. NSW State Heritage Search**

A search of the NSW Office of Environment and Heritage register for aboriginal places and state heritage listed sites (<http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>) was undertaken on 22 February 2018, and confirmed that the site was not on this register. The adjoining property of Cronulla Sand Dune and Wanda Beach coastal landscape was identified as an area of historical and contemporary cultural significance to the Aboriginal community. The Kamay Botany Bay National Park and Towra Point Nature Reserve were also identified as an area of outstanding state heritage significance for Indigenous land prior to European settlement and shared history of Indigenous and non-Indigenous Australia. A copy of the search results is provided in Appendix C.

A search of the Sutherland Shire Councils Heritage Map (<https://maps.ssc.nsw.gov.au/ShireMaps/?layerTheme=Planning/Zoning>) did not identify the site as being an item of heritage significance. A copy of the search results is provided in Appendix C.

An Aboriginal heritage study is being undertaken as part of the suite of technical studies for the SEPP Kurnell Peninsula submission.

### **7.2.4. Former gasworks**

A search of NSW EPA List of Former Gasworks, undertaken on 8 January 2018, confirmed no known gasworks at or within 500 m of the site. A copy of the search results is provided in Appendix C.

## 7.2.5. Waste management facilities

The National Waste Management Database (published by Geoscience Australia) available online (<https://nationalmap.gov.au/>) was reviewed in relation to the site which identified a waste management facility undertaking disposal, recycling and reprocessing by the Kurnell Landfill Company operated by Breen Holdings Pty Limited at 260B Captain Cook Drive. Coffey notes that the location of the landfill is 330 Captain Cook Drive, located immediately west of the site. This is consistent with observations made during the site visit and review of historical aerial photographs.

Since the issue of this report in February 2020, Breen Holdings has submitted a State Significant Development Application (SSD-10412) for redevelopment of its property (330 Captain Cook Drive, Kurnell) as a Resource Recovery Facility. The proposal involves the construction and operation of a resource recovery facility to process up to 650,000 tpa of construction and demolition (C&D) and commercial and industrial (C&I) wastes and land restoration, landfilling and contouring. The current status of this application is more information is required (source: [www.planningportal.nsw.gov.au/major-projects/projects/breen-resource-recovery-facility](http://www.planningportal.nsw.gov.au/major-projects/projects/breen-resource-recovery-facility) accessed 1 November 2023). Recycling activity has commenced at the eastern end of the landfill site and includes construction of a substantial leachate evaporation enclosure.

## 7.2.6. Mine Areas and Storage Tanks

Mine areas and storage tanks within the Dynamic National Map Culture and Infrastructure dataset (published by Geoscience Australia) available online (<https://nationalmap.gov.au/>) was reviewed in relation to the site.

Mine areas are defined within the dataset as an excavation made by the removal of stone, gravel, clay or mineral from the ground for commercial or industrial purposes and tailings dumps from mining operations.

Storage tanks are defined within the dataset as large vessels of a commercial or industrial nature, used for the storage of liquids (not water) or gases and usually associated with refineries, chemical and sewage treatment plants or rural properties.

A review of the available data indicates there are no recorded mine areas within 500 m of the site. Coffey notes that this search did not identify Lot 2 South as being an active sand quarry. Furthermore, information regarding the former quarry at the adjoining Breen site was not provided in this search.

Multiple storage tanks were identified within the Caltex Bulk Fuel Terminal, which is more than 500m north east of the site.

A copy of the search results is provided in Appendix C.

## 7.2.7. Dangerous goods storage

A search of the SafeWork NSW records was not submitted as part of this investigation however, information regarding fuel storage was provided by Besmaw's representative during the site walkover. Fuel storage and equipment fuelling and maintenance has been reported on in the annual audit report reviewing environmental performance of the land rehabilitation activities covered under EPL 5658 (ERM, 2017).

- Two diesel, above-ground Storage Tanks (ASTs) are present within the office compound in the northeast corner of Lot 2 South. The ASTs are located under cover and within concrete bunding capable of holding the entire tank volume. Based on information provided during the site inspection Coffey understands the tanks are 11,500 litres and 12,000 litres capacity. The ASTs were observed to be in good condition, with no signs of leakage or spillage.

- The diesel is distributed around the site via small transfer tanks fitted to water trucks which also refuel earthmoving equipment. A fuel trailer was observed on site which is used to refuel the sand dredging barge.
- Information provided in the Audit report (Coffey, 2017) indicates that maintenance of equipment used in land rehabilitation activities, occurs on a purpose-built concrete pad having a shallow sump for containment of any minor accidental spillage of fuel or oil. Lubricants are stored in 20L containers within the AST bunded area.

Photographs of the ASTs and refuelling equipment are provided in Appendix B (photos 9 to 13).

## 7.2.8. Section 149 Planning Certificate

Besmaw provided Coffey with the following Section 149 Planning Certificates<sup>1</sup> issued by Sutherland Shire Council:

- Planning Certificate – Section 149(2)(5) Certificate dated 21/12/2017 for Lot 2 in DP559922
- Planning Certificate – Section 149(2)(5) Certificate dated 20/12/2017 for Lot 2 in DP1030269

Review of the Section 149 Planning Certificate indicated that Lot 2 in DP559922 (Lot 2 South) is identified as a 'deferred matter' being that the land is excluded from the Sutherland Shire Local Environmental Plan 2015. With zoning under the State Environmental Planning Policy (Kurnell Peninsula) 1989 for 4(a) General Industrial, 6(b) public recreation (proposed), 7(b) Environmental Protection – Special Development and 9(a) Regional Open Space (reservation). The property is in a known area of Aboriginal Cultural Significance with requirements for protecting Aboriginal sites under the National Parks and Wildlife Act 1974.

Review of the Section 149 Planning Certificate indicated that Lot 2 in DP1030269 (Lot 2 North) is identified as a 'deferred matter' being that the land is excluded from the Sutherland Shire Local Environmental Plan 2015. With zoning under the State Environmental Planning Policy (Kurnell Peninsula) 1989 for 6(c) Recreation Private.

A copy of the Section 149 Planning Certificates is provided in Appendix D.

## 8. Integrity assessment of data

The following sources of data were relied upon for this assessment:

- Local geology, hydrogeology, topography, soil salinity and acid sulfate soil risk maps;
- A selection of relevant historical aerial photographs covering the site and surrounds;
- Review of Section 149 Planning Certificates in relation to Lot 2 North and Lot 2 South;
- Registered groundwater bore information in the public register held by NSW Office of Water;
- Contaminated land records and environmental protection licence information in the public registers held by the NSW Environment Protection Authority.

Review of relevant historical information made available by Besmaw, which is a private company of the Holt family who were the original grantees of land on the Kurnell Peninsula, including the area of the site. In summary, Lot 2 North is currently partly cleared grassed land which is being used for horse

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<sup>1</sup> Section 149(2)(5) planning certificates are currently referred to as Section 10.7 (2) & (5) certificates as a result of revision of the NSW *Environmental Planning and Assessment Act 1979*.

stables, and Lot 2 South is currently operating under EPLs 5658 and 3629 as a sand extraction facility, with rehabilitation of the void using imported VENM under control of an Environmental Management Plan. The search of the EPA contaminated sites database found no listing for the site, and surrounding properties were identified however Coffey considered the risk posed by off-site contamination to be low although groundwater quality along the western boundary of Lot 2 South may be affected during periods of wet weather by leachate from the adjacent landfill and recycling centre. Historical aerial photographs were found to be consistent with records provided which indicate that sand extraction has been undertaken in Lot 2 South since 1968.

Given that the site has been owned by the Holt Family since 1861; historical title search was not included as part of this assessment. The observations made during the site walkover were generally consistent with the documented records referred to for the site history review.

In general, Coffey considers the historical data assessed was generally adequate, reliable and suitable in the context of the assessment objectives.

## 9. Previous reports

Coffey has reviewed the following reports pertaining to the site:

- Coffey, 2001. *Preliminary Site Assessment, Lot 4, Captain Cook Drive, Kurnell NSW*. Prepared for Besmaw Pty Ltd, dated 24 June 2001.
- ERM, 2017. *Annual Environmental Report 2016/2017, Holt Land Rehabilitation Centre*. Prepared for Besmaw Pty Ltd, report reference 0382127, dated February 2017.

### 9.1. Coffey, 2001

Coffey Geosciences Pty Ltd (Coffey), was commissioned by Besmaw to undertake a Preliminary Environmental Site Assessment (ESA) for the property located at Lot 4 in DP712157 (now referred to as Lot 2 North). The objective of the ESA was to assess the potential for contamination on the site and to provide recommendations (if any) for further investigation and/or remediation. The investigation included a desktop review and a series of test-pits with soil samples collected for analysis.

At the time of investigation, the site consisted of dense vegetation on dune sands, and swamp-like vegetation near the tidal areas (north) and several horse stables and exercise area.

According to anecdotal evidence, fill material was imported to the site to reduce ground compaction within the horse training area. This fill material was considered a potential contaminant source, with samples collected for analysis of heavy metals, total petroleum hydrocarbons (TPH), polyaromatic hydrocarbons (PAH) and organo-chlorine pesticides (OCPs). The soil profile was assessed with observations from four test-pits within the horse exercise area, and samples collected from two of those test-pits (test-pit 3 and test-pit 4). Laboratory results were compared to the NSW EPA (1998) soil investigation levels for human health on residential land with access and minimal access to soils, as well as provisional concentrations of for plants, known as phytotoxicity soil investigations levels. Soil results found heavy metal concentrations to be below the adopted criteria, with TPH, OCP and PAH fractions below the LOR. DDE in the soil sample from test pit 3 had a concentration of 0.10mg/kg which was below the ecological guideline of 4mg/kg which was taken from the Environmental Quality Objectives in the Netherlands (1994).

Coffey reported the following observation:

In the northeastern corner of the site, a layer of tar was observed beneath a Bitou Bush. While the extent of the tar could not be ascertained due to dense vegetation, that area exposed was approximately 1.0 m wide and approximately 20 cm thick (Plate 2). The tar comprised what appeared to be a mixture of asphalt, estuarine shells and soil. Limited dune migrations in the vicinity of the tar "outcrop", as indicated by the aerial photo review, suggests that the dumping may be an isolated incident.

A copy of Plate 2 is provided below.

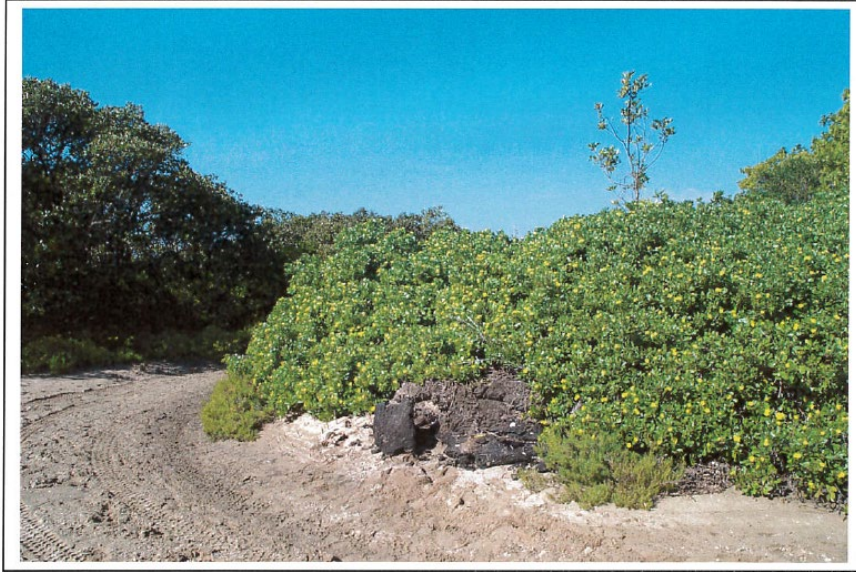


Plate 2: Edge of waste tar dump area on Lot 4; view looking south.

(Source: Coffey 20001)

Mr Darren Floyd, a Besmaw employee who also was very familiar with the horse stables and surrounding land on Lot 2 North, accompanied Coffey on the site walkover. Mr Floyd continues as a Besmaw employee and offered the following comments on this tar deposit (pers. comm, 31 October 2023):

- The observed tar deposit was likely to have been dumped in the sand flats years ago when Captain Cook Drive was being constructed. I recall having a major clean-up of the area when we were smoothing the surface to locate the sites boundaries and place marker stakes for a security fence installation. This piece of dumped asphalt / tar would have been removed for disposal along with some other material that was dumped in the area and exposed during this process of security fencing. We had a truck that we used to collect any waste found and dispose of it either directly at (Kurnell Landfill) now Breen's, or alternatively bring back to the quarry area and place in skip bins to be properly disposed of through then Pioneer Waste..
- I have been riding horses in the area since the early eighties, and recall the area was frequented by motorbikes and cars, with easy access to the sand flats at that time from Quibray Bay, where the viewing platform is now situated. Most of the dumping in the area was of stolen vehicles. In my many years of riding horses on the property in the area where the asphalt / tar was located, I can say that I never saw "tar pits" or any other tar in the area. I rode horses and walked on foot to the beach most weekends on many occasions throughout the day, leading and or assisting with trail rides by horseback from around mid-eighties to the late nineties. Trail rides ran on Sundays, and I generally went out on four one-hour rides across the land each Sunday.

Coffey concluded that overall the site has low potential for gross contamination, with soils suitable for residential use based on limited testing. There is potential for Acid Sulfate Soils to be present at the site which present potential environmental effects associated with land development and/or changes to groundwater. Offsite contamination migration from off-site land uses including the adjacent landfill (Breen Resources site) and various industrial activities was considered low when considering the environmental assessment and monitoring processes put in place at these sites.

## 9.2. ERM, 2017

Environmental Resource Management Australia Pty Ltd (ERM), produced an Annual Environment Report to provide an overview of environmental performance at the Holt Land Rehabilitation Centre (HLRC).

The objectives of the assessment were to:

- Report on the performance of HLRC over the period of 8 February 2016 to 7 February 2017 and to assess if the requirements of EPL 5658 are being met. The report focused on the rehabilitation of the void using VENM and monitoring of surface and ground water.

The scope of work included a review of the following information and a site walkover:

- Review of Besmaw's documentation held at Bewmaw's head office.
- Interviews with head office staff.
- Site inspection, review of documentation and discussions with site management and staff.
- Review of water monitoring analysis results supplied by Coffey who are contracted to collect the samples.

The report reviewed the process for inspecting imported VENM material including review of records of source site inspections, on-site inspections and any rejections which occurred over the period. Records for environmental incidents, fuel storage, complaints from the public and management of PASS material, including source and onsite inspections, placement and rejected loads were also reviewed. A detailed review of accepted and rejected loads was undertaken by ERM. Water quality monitoring results (collected for Besmaw by Coffey) were also reviewed to ensure compliance with environmental monitoring requirements in EPL 5658. Any non-conformances were identified and discussed in relation to improving Besmaw's internal processes, with recommendations provided.

Besmaw engages Coffey to dependently review the Annual Environmental Report, the following report was prepared by Coffey:

Coffey, 2017. *Audit of Annual Environmental Report, 2016/17*. Prepared for Besmaw, report reference SYDEN199492-R01, dated 15 March 2017.

## 10. Potential Areas of Environmental Concern

Based on the site history information and site observations, potentially contaminating activities/sources were noted along with the associated potential Areas of Environmental Concern (AECs) and Chemicals of Potential Concern (COPCs). These are summarised in Table 4, with the locations shown on Figure 2.

**Table 4: Summary of Potentially Contaminating Activities, Potential Areas of Environmental Concern, Likelihood of Contamination and Potential Chemicals of Concern**

Potentially Contaminating Activity/Source and Description	Potential Areas of Environmental Concern and Media affected	Likelihood of Contamination*	Potential Chemicals of Concern
<p>AEC1: Hazardous building materials &amp; historic Pesticide use in Lot 2 North</p> <p>Weathering of current/former site structures that may contain hazardous building materials and use of pesticides beneath structures</p>	<p>Near surface soils in the vicinity of former and current site structures within the horse stable buildings in Lot 2 North</p> <p><i>Soil potentially affected – targeted assessment of building footprint after demolition or removal.</i></p>	<p>Low likelihood of soil contamination, no hazardous building materials were identified on site expect for a potential ACM sheet within the horse stable area.</p> <p>Pesticides may have historically been used beneath buildings in the horse stable area.</p>	<p>Heavy metals (probably zinc and lead) and/or asbestos</p> <p>OCP, OPP</p>
<p>AEC2: Hazardous building materials &amp; historic Pesticide use in Lot 2 South at Boat Harbour Cabins</p> <p>Weathering of current/former site structures that may contain hazardous building materials and use of pesticides beneath structures</p>	<p>Near surface soils in the vicinity of former and current site structures at Boat Harbour Cabins</p> <p><i>Soil potentially affected – targeted assessment of building footprint after demolition or removal.</i></p>	<p>Low to medium likelihood of soil contamination. Previous and/or current structures may have included hazardous building materials, such as fibre cement sheeting.</p> <p>Pesticides may have historically been applied beneath cabins.</p>	<p>Heavy metals (probably zinc and lead) and/or asbestos</p> <p>OCP, OPP</p>
<p>AEC3: Current use of Herbicides</p> <p>Weed control is undertaken at the site using herbicides including Glyphosate.</p>	<p>Chemical storage area where herbicide is held and mixed with dye prior to application</p> <p><i>Soil and groundwater potentially affected - targeted assessment of soil in building footprint after demolition or removal, with groundwater assessment in substantial soil contamination is identified.</i></p>	<p>Low likelihood of soil contamination due to relatively low quantities used at any given time and contained storage.</p>	<p>Herbicides</p>
<p>AEC4: Imported VENM and PASS – Lot 2 South</p>	<p>Soils used for rehabilitation of the quarry void.</p> <p>Potential leaching of naturally occurring metals into the groundwater aquifer.</p> <p><i>Groundwater potentially affected. Current dredge pond monitoring results (required under EPL 5658) are a reliable indicator of</i></p>	<p>Low likelihood of soils containing higher natural metals content due to generally low mineralised deposits in the greater Sydney region. Imported material is predominantly VENM and small intake of PASS is managed appropriately.</p>	<p>Heavy metals, acidity.</p>



Potentially Contaminating Activity/Source and Description	Potential Areas of Environmental Concern and Media affected	Likelihood of Contamination*	Potential Chemicals of Concern
AEC5: Storage and use of Fuels	<i>leachability of metals from imported VENM. Historical results indicate a very low potential risk.</i>		
	<p>Near surface soils in the vicinity of the ASTs within Lot 2 South and in localised areas across the site from potential leaks / spillages associated with refuelling and transport of fuels</p> <p><i>Soil and groundwater potentially affected - targeted assessment of soil in building footprint after demolition or removal, with groundwater assessment in substantial soil contamination is identified.</i></p>	<p>Low likelihood due to secure bunding surrounding ASTs within Lot 2 South and relatively low volumes used refuel vehicles and equipment.</p> <p>Site staff are trained in emergency response for a fuel spill incident.</p>	TRH, naphthalene
AEC6: Potential off-site sources	<p>Potential off-site sources include:</p> <p>Breen Holdings former inert waste landfill located immediately west of Lot 2 South.</p> <p>Industrial properties east of the site</p> <p><i>Groundwater potentially affected. Current groundwater quality monitoring results (required under EPL 5658) are a reasonable indicator of change to groundwater quality over time. Historical results indicate no trend for change in groundwater quality.</i></p>	<p>Low likelihood due to groundwater flow direction and distance of these properties from the site. The 25m sand buffer zone around the perimeter of the site would provide a vent for possible hazardous ground gas.</p>	<p>Heavy metals, TRH, PAH, Volatile organic compounds</p> <p>Ammonia, nutrients</p>

Notes:

*\* It is important to note that this is not an assessment of financial risk associated with the AEC in the event contamination is detected, but a qualitative assessment of the probability of contamination being detected at the potential AEC, based on the site history study and field observations.*

*Heavy Metals = arsenic, cadmium, chromium, copper, lead, nickel, mercury, OCP = Organochlorine Pesticides; OPP = Organophosphorus Pesticides*

## 11. Conceptual site model (CSM)

A conceptual site model (CSM) is a representation of site related information regarding contamination sources, receptors and exposure pathways between those sources and receptors.

Based on the past uses, it is considered that widespread contamination is unlikely to be present at the site, with a low likelihood for soil and/or groundwater contamination to be present associated with the AECs identified at the site. These impacts (if present) would likely be surficial and localised.

If contaminants are discovered in these areas then they could present a potential health risk to future site users (through dermal contact, ingestion or inhalation of contaminated soils and/or vapours), or to ecological receptors, if not appropriately managed as part of the site redevelopment works.

Table 5 summarises the preliminary CSM for the site.

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**Table 5: Preliminary Conceptual Site Model**

Potential Contaminating Activity/ Area of Environmental Concern	Contaminants of Potential Concern and Affected Media	Likelihood of Impact^	Plausible Exposure Pathways	Receptors	Comments
<p><b>ACE1 and AEC2: Hazardous Building Materials and historic pesticide use</b></p> <p>Weathering of hazardous building material from current and/or former site buildings and use of pesticides beneath structures</p>	<p>Asbestos (bonded and friable forms), lead, zinc</p> <p>OCP, OPP</p> <p>Near surface soils in the building footprint and within 5m of the building perimeter</p>	<p>Low</p>	<p>Inhalation of airborne asbestos fibres</p> <p>Incidental ingestion of soil</p> <p>Dermal contact</p>	<p>Construction workers</p> <p>Future maintenance workers involved in excavation</p> <p>Current and future site users involved in excavation in AEC1 or AEC2</p>	<p>Weathering of hazardous building materials such as lead paint, metal roofing, plumbing fixtures (lead, zinc) and fibre cement products containing asbestos (ACM) likely to be used in older buildings have potential to impact shallow soils in the few metres immediately around the building. Weathering of these materials may have occurred, with potential for hazardous materials to be transported a few metres beyond the building footprint by wind and/or water runoff.</p> <p>There is potential for pesticides (including aldrin and dieldrin) to have been used beneath older buildings during construction. Contamination arising from pesticide use would typically occur in near surface soils within the building footprint.</p> <p>Workers involved in excavation may be exposed to impacted surface soils in the immediate vicinity of building footprints. Current and future site users could be exposed to impacted surface soils during excavation in areas formerly occupied by buildings.</p> <p>Disturbance of impacted soils in the immediate vicinity of former buildings during the proposed redevelopment works has the potential to result in asbestos fibres to become airborne. Airborne fibres (if respirable) may also pose a risk to both construction workers in the vicinity and surrounding land users in high wind conditions if fibres are present in sufficient quantity.</p>

Stage 1 – Preliminary Site Investigation – Kurnell Peninsula

Potential Contaminating Activity/ Area of Environmental Concern	Contaminants of Potential Concern and Affected Media	Likelihood of Impact^	Plausible Exposure Pathways	Receptors	Comments
<p><b>AEC3: Herbicide Use</b></p> <p>Storage and preparation of herbicide solutions for use in weed control on the site</p>	<p>Herbicides</p> <p>Potential impact to soil and groundwater at the chemical storage area in the northeast corner of Lot 2 South</p>	Low	<p>Inhalation of dust, incidental ingestion of and dermal contact with soil during excavation</p> <p>Impact to groundwater with long term discharge into receiving environment (Bate Bay)</p>	<p>Construction workers</p> <p>Current and future site users</p> <p>Marine environment</p>	<p>Herbicides (specifically Glyphosate) are currently used in selected areas around the perimeter of the site for weed control.</p> <p>Application of herbicides requires preparation of a spray solution from a concentrate. Potential for accidental spillage of a quantity of concentrated herbicide exists at the chemical storage area where spray solutions are prepared. No accidental spillage has been reported and the area of this activity shows no evidence of spillage, poor practices nor replacement of surface soils. Coffey notes that Glyphosate has a very short half-life (typically days) and breaks down readily in the environment and therefore the risk is considered to be low.</p>
<p><b>AEC4: Imported VENM and PASS</b></p> <p>Current and historic importation of VENM with natural heavy metal mineralisation and PASS for rehabilitation of the quarry void.</p>	<p>Heavy metal, acidity.</p> <p>Soil and groundwater across Lot 2 South</p>	Low	<p>Plant uptake</p> <p>Groundwater discharge into receiving environment</p>	<p>Terrestrial environment in Lot 2 South</p> <p>Marine environment in Bate Bay</p>	<p>Importation of VENM and PASS has been undertaken on site in accordance with EPL 5658 issued by NSW EPA. Stringent site management processes are in place to ensure only VENM is received and that imported PASS is managed appropriately. The environmental performance of the rehabilitation process is audited annually by ERM and independently reviewed by Coffey.</p> <p>There is potential for soils to be imported to the site which do not meet the VENM criteria which could result in subsequent contamination of the site. Inappropriate management of PASS could result in soils and/or groundwater contamination. However, the risk is considered negligible when the site management process is considered.</p>

Stage 1 – Preliminary Site Investigation – Kurnell Peninsula

Potential Contaminating Activity/ Area of Environmental Concern	Contaminants of Potential Concern and Affected Media	Likelihood of Impact <sup>^</sup>	Plausible Exposure Pathways	Receptors	Comments
AEC5: Storage and use of Fuels	TRH, naphthalene  Near surface soils, potentially groundwater in isolated small areas	Low	Inhalation of impacted dust Incidental ingestion of impacted soil dermal contact with impacted soil  Plant uptake from impacted soil  Impacted groundwater discharge into receiving environment	Construction workers, future maintenance workers, current and future site users involved in excavation in an area where a release of fuel occurred.  Marine environment (Bate Bay)	Two ASTs for diesel fuel are installed on Lot 2 South and both ASTs were located within concrete bunding which has capacity to contain any release from the tank. Thus, the risk of release of fuel to the environment due to failure of or damage to a tank is negligible. Fuel is transported to vehicles and equipment within via a 200L capacity fuel tank installed on a water truck (earthmoving vehicles) and a fuel trailer (sand dredges).  Thus, any incidental release during dispensing of diesel would be localised and managed under site emergency response processes, which have been practised in drills.

Stage 1 – Preliminary Site Investigation – Kurnell Peninsula

Potential Contaminating Activity/ Area of Environmental Concern	Contaminants of Potential Concern and Affected Media	Likelihood of Impact^	Plausible Exposure Pathways	Receptors	Comments
AEC6: Potential off-site sources	Heavy metal, TRH, PAH, Volatile organic compounds	Low	Incidental ingestion and dermal contact with impacted groundwater	Construction workers, future maintenance workers and current and future site users involved in excavation along the southern margin of Lot 2 North	<p>Contamination at a former chemical manufacturing facility to the east of the site has been remediated and a Site Audit Statement confirmed that the land was suitable for future commercial or industrial use. The existence of this Statement infers that residual contamination on the land does not pose an unacceptable risk to surrounding land.</p> <p>Possible leachate from the former landfill to the west of Lot 2 South is expected to remain in the sand aquifer on the western boundary of the site. Groundwater quality monitoring along the western margin of the site has not found ammonia at concentrations indicating impact from landfill leachate.</p> <p>Considering the groundwater flow direction, the risk of contamination migration from the potential off-site sources onto the site is considered to be low.</p>
	Ammonia, nutrients		Plant uptake of impacted groundwater		
	Groundwater				

**Notes:**

OCP: organochlorine pesticides

OPP: organophosphate pesticides

Heavy metals: arsenic, cadmium, chromium, copper, lead, mercury, nickel and zinc

TRH: Total Recoverable Hydrocarbons

PAH: Polycyclic Aromatic Hydrocarbons

## 12. Conclusions and Recommendations

- The site is located on the Kurnell Peninsula in Southerland Shire Local Government Area. Lot 2 North is currently operating as a horse stables. Lot 2 South currently operates under two separate Environment Protection Licences issued by the NSW Environment Protection Agency (EPA) for sand extraction (EPL 3629) and land reclamation (EPL 5658).
- Sand extraction has been undertaken on Lot 2 South since 1968 when the State Planning Authority granted approval. Rehabilitation of the void created by sand extraction is undertaken using imported Virgin Excavated Natural Material (VENM). Rehabilitation activity commenced in the northwest of Lot 2 South and is progressing to the southeast as sand extraction accesses the remaining resource. These activities have the potential to result in land contamination, however, historical and current environmental management of the site has processes to mitigate risk and current site conditions and results from monitoring quality of groundwater and surface water indicate low risk.
- Lot 2 North remained undeveloped until the late 1970s when horse stables were built as a private recreational facility. Some vegetation was cleared and replaced with grass but the north eastern area retains its natural vegetation. Progressive clearing of Lot 2 North included removal of objects disposed without approval in the bush vegetation, such as car bodies and other construction wastes.
- The site was not listed on the NSW EPA register of contaminated land, notified under section 60 of the Contaminated Land Management Act, however surrounding commercial/industrial properties including Abbott Australasia located at Captain Cook Drive (Lot 1 in DP225973 and part of Lot 102 in DP1027438) and the Caltex Bulk Fuel Terminal located further north east of the site, were on the register. The potential risk of contaminant migration from these properties to the site is minimal considering the groundwater flow direction and distance of these properties from the site.
- Lot 2 North has a high probability of acid sulfate soils existing below the shallow groundwater table. On Lot 2 South, potential acid sulfate soils (PASS) are imported to the site in minor quantities compared with VENM imported and disposed within the dredge pond in accordance with licence conditions. EPL 5658 requires all PASS to be placed at least 1 m below the water table within 24hrs of excavation and have a pH of not less than 5.5.
- The following potential environmental concerns were identified at the site:
  - Weathering of hazardous building materials including asbestos, zinc and/or lead from older building materials used in Lot 2 North and Boat Harbour Village in Lot 2 South, and potential historical use of pesticides beneath structures in those localities.
  - Storage and preparation of herbicide spray solutions from concentrates in the chemical storage area on Lot 2 South for localised weed control on Lot 2 South;
  - Importation for rehabilitation of the quarry void of VENM and PASS, with the potential for natural occurrence of metallic mineralisation;
  - Incidental release of diesel fuel associated with storage of diesel fuel within two ASTs and transport and use of fuel for refuelling equipment across the site; and
  - Potential migration of impacted groundwater to the site from off-site sources including the former Breen Holdings inert waste landfill immediately west of Lot 2 South and industrial properties north east of Lot 2 South.

A qualitative assessment of environmental risk associated with identified potential environmental concerns found low risk levels which did not warrant additional assessment.

Based on the findings of this assessment, Coffey concludes that:

- the site does not pose a significant threat to human health or the environment,

Stage 1 – Preliminary Site Investigation – Kurnell Peninsula

- land surrounding the site does not present an unacceptable risk of contaminant migration to the site, and
- the site is suitable for possible future land uses including residential, commercial and recreational provided that the current control of imported VENM, and PASS as applicable, is maintained.

Coffey concludes that a Stage 2 Detailed Environmental Site Assessment across Lot 2 South and/or Lot 2 North is not warranted.

Coffey recommends that a hazardous building materials survey is completed prior to the demolition of site buildings and appropriate controls of hazardous building materials are implemented during demolition to avoid potential contamination of the affected part of the site.

This report should be read in conjunction with the attached ***Important Information about your Coffey Environmental Report.***



## 13. References

Coffey, 2017. *Audit of Annual Environmental Report, 2016/17*. Prepared for Besmaw, report reference SYDEN199492-R01, dated 15 March 2017.

Coffey, 2001. *Preliminary Site Assessment, Lot 4, Captain Cook Drive, Kurnell NSW*. Prepared for Besmaw Pty Ltd, dated 24 June 2001.

DUAP/EPA (1998). *Managing Land Contamination, Planning Guidelines: State Environmental Planning Policy No 55 (SEEP 55) Remediation of Land*. Department of Urban Affairs and Planning and New South Wales Environment Protection Authority.

ERM, 2017. *Annual Environmental Report 2016/2017, Holt Land Rehabilitation Centre*. Prepared for Besmaw Pty Ltd, report reference 0382127, dated February 2017.

Rocla (2004): *Kurnell Sand Extraction Proposal, Specialist Consultant Studies Vol 2- Part 8: Groundwater Assessment*. Rocla Pty Limited- Report No.529/11-2004

National Environment Protection Council (1999) *Schedule B2, Guideline on Site Characterisation*, in the National Environment Protection (Assessment of Site Contamination) Measure (1999, revised 2013)

# Important information about your **Coffey** Environmental Report

## **Introduction**

This report has been prepared by Coffey for you, as Coffey's client, in accordance with our agreed purpose, scope, schedule and budget.

The report has been prepared using accepted procedures and practices of the consulting profession at the time it was prepared, and the opinions, recommendations and conclusions set out in the report are made in accordance with generally accepted principles and practices of that profession.

The report is based on information gained from environmental conditions (including assessment of some or all of soil, groundwater, vapour and surface water) and supplemented by reported data of the local area and professional experience. Assessment has been scoped with consideration to industry standards, regulations, guidelines and your specific requirements, including budget and timing. The characterisation of site conditions is an interpretation of information collected during assessment, in accordance with industry practice,

This interpretation is not a complete description of all material on or in the vicinity of the site, due to the inherent variation in spatial and temporal patterns of contaminant presence and impact in the natural environment. Coffey may have also relied on data and other information provided by you and other qualified individuals in preparing this report. Coffey has not verified the accuracy or completeness of such data or information except as otherwise stated in the report. For these reasons the report must be regarded as interpretative, in accordance with industry standards and practice, rather than being a definitive record.

## **Your report has been written for a specific purpose**

Your report has been developed for a specific purpose as agreed by us and applies only to the site or area investigated. Unless otherwise stated in the report, this report cannot be applied to an adjacent site or area, nor can it be used when the nature of the specific purpose changes from that which we agreed.

For each purpose, a tailored approach to the assessment of potential soil and groundwater contamination is required. In most cases, a key objective is to identify, and if possible quantify, risks that both recognised and potential contamination pose in the context of the agreed purpose. Such risks may be financial (for example, clean up costs or constraints on site use) and/or physical (for example, potential health risks to users of the site or the general public).

## **Limitations of the Report**

The work was conducted, and the report has been prepared, in response to an agreed purpose and scope, within time and budgetary constraints, and in reliance on certain data and information made available to Coffey.

The analyses, evaluations, opinions and conclusions presented in this report are based on that purpose and scope, requirements, data or information, and they could change if such requirements or data are inaccurate or incomplete.

This report is valid as of the date of preparation. The condition of the site (including subsurface conditions) and extent or nature of contamination or other environmental hazards can change over time, as a result of either natural processes or human influence. Coffey should be kept apprised of any such events and should be consulted for further investigations if any changes are noted, particularly during construction activities where excavations often reveal subsurface conditions.

In addition, advancements in professional practice regarding contaminated land and changes in applicable statutes and/or guidelines may affect the validity of this report. Consequently, the currency of conclusions and recommendations in this report should be verified if you propose to use this report more than 6 months after its date of issue.

The report does not include the evaluation or assessment of potential geotechnical engineering constraints of the site.

## **Interpretation of factual data**

Environmental site assessments identify actual conditions only at those points where samples are taken and on the date collected. Data derived from indirect field measurements, and sometimes other reports on the site, are interpreted by geologists, engineers or scientists to provide an opinion about overall site conditions, their likely impact with respect to the report purpose and recommended actions.

Variations in soil and groundwater conditions may occur between test or sample locations and actual conditions may differ from those inferred to exist. No environmental assessment program, no matter how comprehensive, can reveal all subsurface details and anomalies. Similarly, no professional, no matter how well qualified, can reveal what is hidden by earth, rock or changed through time.

The actual interface between different materials may be far more gradual or abrupt than assumed based on the facts obtained. Nothing can be done to change the actual site conditions which exist, but

steps can be taken to reduce the impact of unexpected conditions.

For this reason, parties involved with land acquisition, management and/or redevelopment should retain the services of a suitably qualified and experienced environmental consultant through the development and use of the site to identify variances, conduct additional tests if required, and recommend solutions to unexpected conditions or other unrecognised features encountered on site. Coffey would be pleased to assist with any investigation or advice in such circumstances.

### **Recommendations in this report**

This report assumes, in accordance with industry practice, that the site conditions recognised through discrete sampling are representative of actual conditions throughout the investigation area. Recommendations are based on the resulting interpretation.

Should further data be obtained that differs from the data on which the report recommendations are based (such as through excavation or other additional assessment), then the recommendations would need to be reviewed and may need to be revised.

### **Report for benefit of client**

Unless otherwise agreed between us, the report has been prepared for your benefit and no other party. Other parties should not rely upon the report or the accuracy or completeness of any recommendation and should make their own enquiries and obtain independent advice in relation to such matters.

Coffey assumes no responsibility and will not be liable to any other person or organisation for, or in relation to, any matter dealt with or conclusions expressed in the report, or for any loss or damage suffered by any other person or organisation arising from matters dealt with or conclusions expressed in the report.

To avoid misuse of the information presented in your report, we recommend that Coffey be consulted before the report is provided to another party who may not be familiar with the background and the purpose of the report. In particular, an environmental disclosure report for a property vendor may not be suitable for satisfying the needs of that property's purchaser. This report should not be applied for any purpose other than that stated in the report.

### **Interpretation by other professionals**

Costly problems can occur when other professionals develop their plans based on misinterpretations of a report. To help avoid misinterpretations, a suitably qualified and experienced environmental consultant should be retained to explain the implications of the report to other professionals referring to the report and then review plans and specifications produced to see how other professionals have incorporated the report findings.

Given Coffey prepared the report and has familiarity with the site, Coffey is well placed to provide such

assistance. If another party is engaged to interpret the recommendations of the report, there is a risk that the contents of the report may be misinterpreted and Coffey disowns any responsibility for such misinterpretation.

### **Data should not be separated from the report**

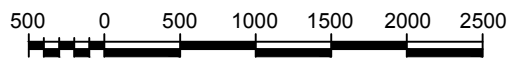
The report as a whole presents the findings of the site assessment and the report should not be copied in part or altered in any way. Logs, figures, laboratory data, drawings, etc. are customarily included in our reports and are developed by scientists or engineers based on their interpretation of field logs, field testing and laboratory evaluation of samples. This information should not under any circumstances be redrawn for inclusion in other documents or separated from the report in any way.

This report should be reproduced in full. No responsibility is accepted for use of any part of this report in any other context or for any other purpose or by third parties.

### **Responsibility**

Environmental reporting relies on interpretation of factual information using professional judgement and opinion and has a level of uncertainty attached to it, which is much less exact than other design disciplines. This has often resulted in claims being lodged against consultants, which are unfounded. As noted earlier, the recommendations and findings set out in this report should only be regarded as interpretive and should not be taken as accurate and complete information about all environmental media at all depths and locations across the site.


## Figures



Scale (metres) 1:50000

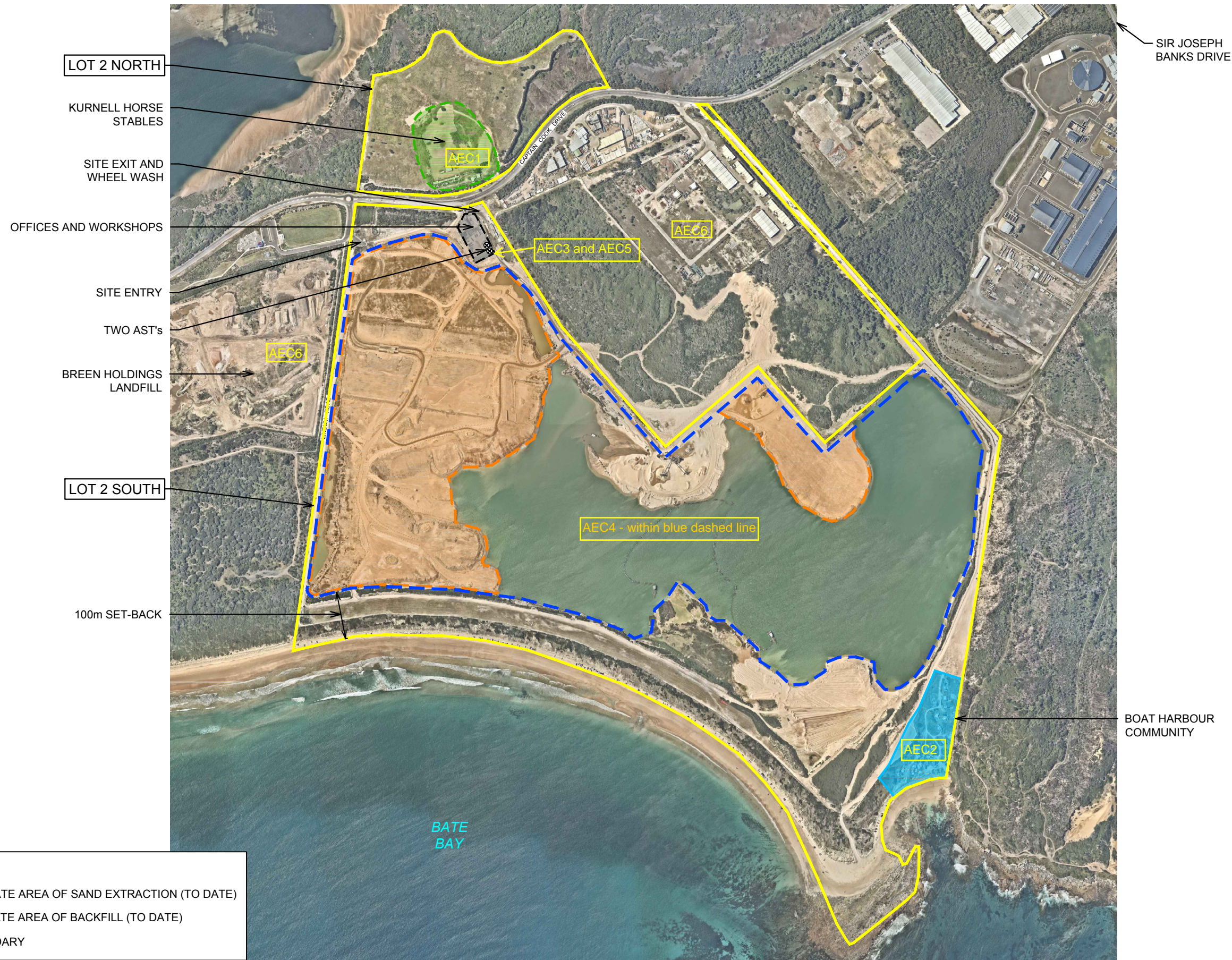
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PLOT DATE: 28/02/2018 10:54:07 AM DWG FILE: F:\1 PROJECTS\11 SYDENE\2017\SYDENE\21738 - BESMAW KURNELL - TECHNICAL STUDIES\CAD\754-SYDENE\21738-R01.DWG

drawn	JS / AW	 <b>coffey</b> A TETRA TECH COMPANY	client:	BESMAW PTY LTD		
approved	-		project:	STAGE 1 - PRELIMINARY SITE INVESTIGATION KURNELL PENINSULA, NSW		
date	28 / 02 / 18		title:	SITE LOCALITY PLAN		
scale	AS SHOWN		project no:	754-SYDENE211738-R01	figure no:	FIGURE 1
original size	A4		rev:	A		



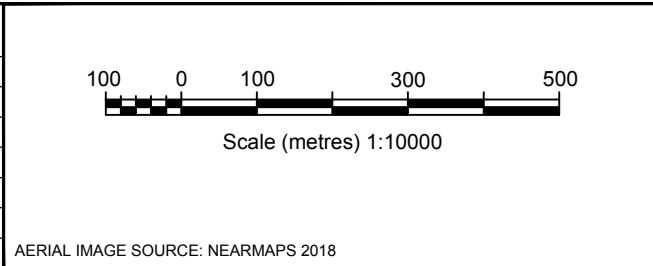
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**LEGEND**

- - - APPROXIMATE AREA OF SAND EXTRACTION (TO DATE)
- - - APPROXIMATE AREA OF BACKFILL (TO DATE)
- SITE BOUNDARY

	no.	description	drawn	approved	date
REVISION	A	ORIGINAL ISSUE			



drawn	JS / AW
approved	-
date	28 / 02 / 18
scale	AS SHOWN
original size	A3



client:	BESMAW PTY LTD		
project:	STAGE 1 - PRELIMINARY SITE INVESTIGATION KURNELL PENINSULA, NSW		
title:	SITE LAYOUT PLAN AND AREAS OF ENVIRONMENTAL CONCERN		
project no:	754-SYDEN211738-R01	figure no:	FIGURE 2
		rev:	A



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LOT 2 NORTH

LOT 2 SOUTH



SIR JOSEPH BANKS DRIVE

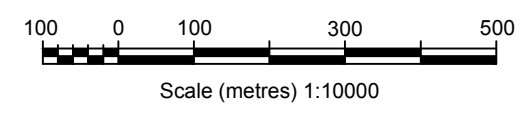


**LEGEND**

- APPROXIMATE AREA OF SAND EXTRACTION (TO DATE)
- APPROXIMATE AREA OF BACKFILL (TO DATE)
- SITE BOUNDARY
- + PROPOSED WATER QUALITY MONITORING LOCATION
- + APPROXIMATE LOCATION OF CURRENT MONITORING NETWORK PIEZOMETER

DRAFT

	no.	description	drawn	approved	date
REVISION	A	ORIGINAL ISSUE			



AERIAL IMAGE SOURCE: NEARMAPS 2018

drawn	JS / AW
approved	-
date	28 / 02 / 18
scale	AS SHOWN
original size	A3




client:	BESMAW PTY LTD	
project:	STAGE 1 - PRELIMINARY SITE INVESTIGATION KURNELL PENINSULA, NSW	
title:	CURRENT EPL MONITORING LOCATIONS FOR LOT 2 SOUTH	
project no:	754-SYDENE211738-R01	figure no: FIGURE 3
		rev: A



## **Appendix A - Proposed Development Drawings**





	WATER DETENTION AREA	10%
	SITE COVERAGE	38%
<b>(a)</b>	Aged Care + Village Retail	48,243 M2 (parcel footprint)
<b>(b)</b>	High Density Residential and services (small retail, supermarket, restaurants and professional services)	200,503 M2 (parcel footprint)
<b>(d)</b>	Prestige front beach houses (1-2 storeys)	80,500 M2 (parcel footprint)
<b>(e)</b>	Hospitality Higher Density -views to be considered-	78,096 M2 (parcel footprint)
<b>(f)</b>	Eco-Tourist villas (Eco beach villas in private ownership)	172,066 M2 (parcel footprint)

 SITE

MASTERPLAN  
SCALE 1:7500

FOOTPRINT 

## Appendix B - Photographic Log

**Selected Site Photographs**



**Photograph 1:**  
Horse Stables within Lot 2 North



**Photograph 2:**  
Horse Arena and stables within Lot 2 North





**Photograph 3:**  
Gently rolling grass land within Lot 2 North



**Photograph 4:**  
Residential dwellings at Boat Harbour – South Eastern corner of the Lot 2 South.



**Photograph 5:**  
Area of VENM backfill within Lot 2 South



**Photograph 6:**  
View of dredge, dredge pond and wash plant looking north.





**Photograph 7:**

Future area of sand extraction within the south eastern corner of Lot 2 South – looking north west.



**Photograph 8:**

Wash plant for sand processing.



**Photograph 9:**  
Fuel trailer refueling support Barge



**Photograph 10:**  
Diesel AST within bunded area.





**Photograph 11:**  
Second Diesel AST within bund and bowser.



**Photograph 12:**  
Containers with evidence of fuel located within bund.





**Photograph 13:**  
Workshop and fuel trailer




**Photograph 14:**  
An area of building rubble including wood and tiles within the south eastern corner of Lot 2 North.

## **Appendix C – Public Registers**

<b>Public Record</b>	Groundwater Bore Search
<b>Data Source</b>	http://allwaterdata.water.nsw.gov.au/water.stm
<b>Date Searched</b>	27 February 2018
<b>Data Custodian</b>	NSW Department of Primary Industries
<b>Copyright</b>	© State of New South Wales through the Department of Primary Industries

← → ↻ | allwaterdata.water.nsw.gov.au/water.stm | 🔍 ☆



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Office of Water

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Water Management
Water Licensing
Urban Water
Real-time data

home · help · login · contact · customise

**All Groundwater**  
find a site  
[All Groundwater Map](#)

bandwidth  high  low

[glossary and metadata](#)

**All Groundwater**

**All Groundwater Map**

All data times are Eastern Standard Time

Map | Info

current site: **GW075061**

**Groundwater Bores**

- Groundwater works
- ◆ Telemetered bores
- ▲ Logged bores
- Manual bores

**Monitoring Bore Types**

- Albionia
- Coastal Sands
- Fractured Rock
- Porous Rock
- Great Artesian Basin
- Discontinued

**Satellite**

Terrain

Map

Hybrid


**Groundwater Works**

Monitoring Bores

Telemetered Bores

Coal Basin Bores

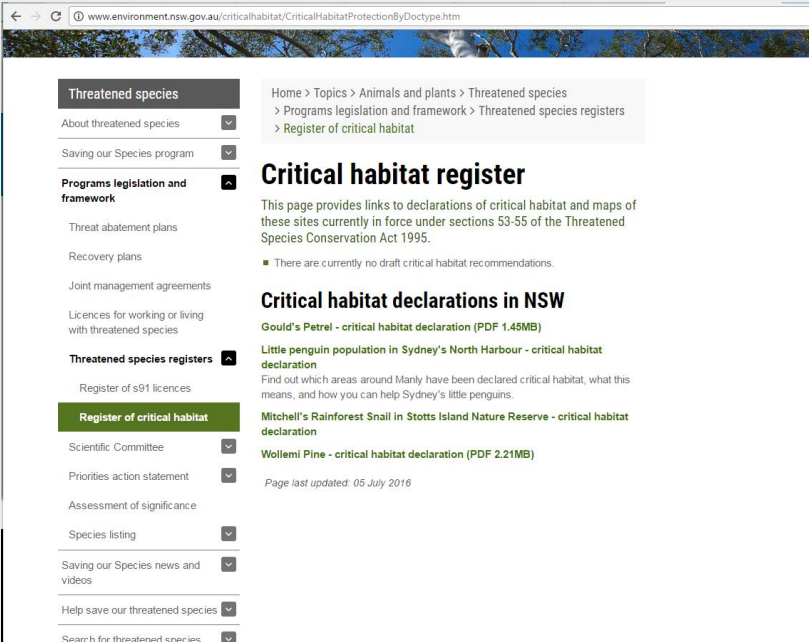
Discontinued Bores



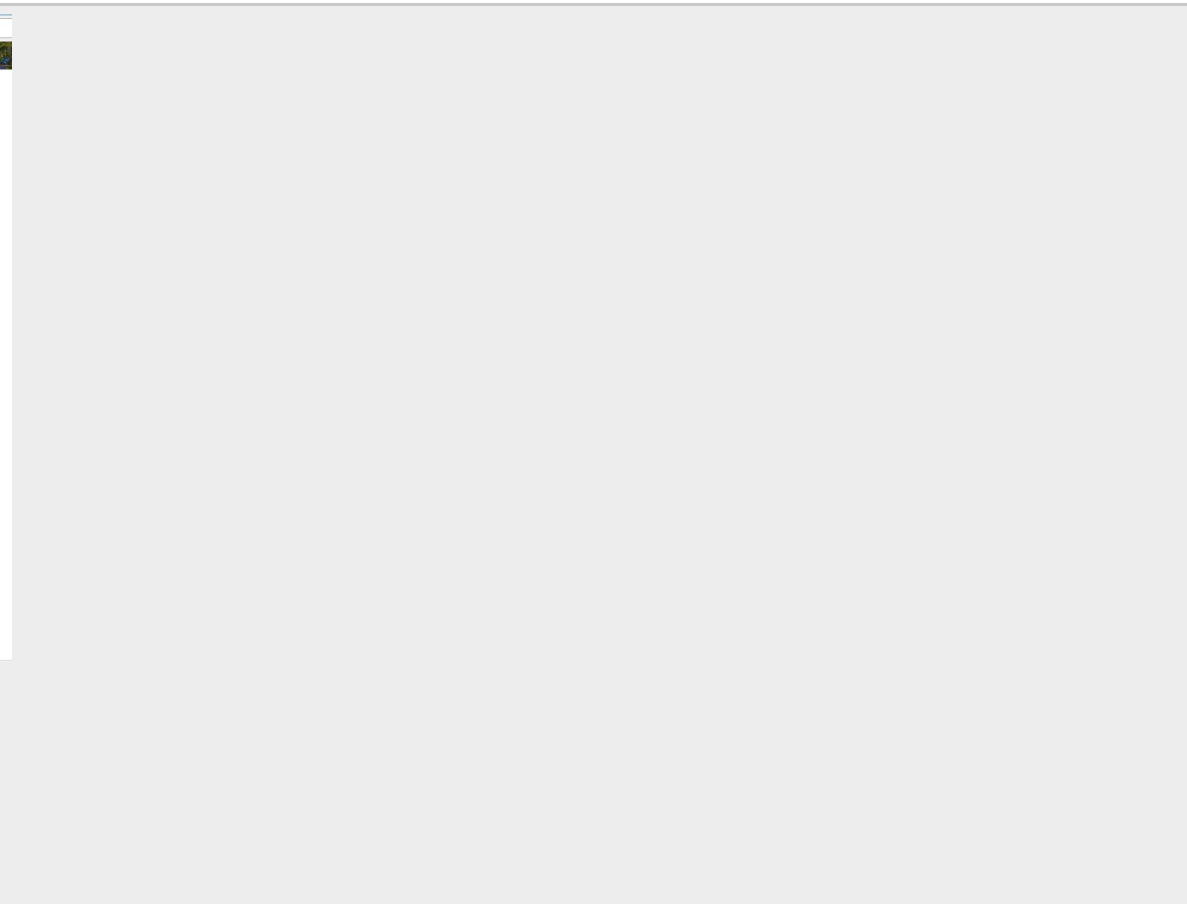
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Imagery ©2018, CNES / Airbus, DigitalGlobe, Sinclair Knight Merz | Terms of Use | Report a map error

<b>Public Record</b>	NSW Office of Environment and Heritage Critical habitat Register
<b>Data Source</b>	<a href="http://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/about-threatened-species/critical-habitats">http://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/about-threatened-species/critical-habitats</a>
<b>Date Searched</b>	8 January 2018
<b>Data Custodian</b>	NSW Office of Environment and Heritage
<b>Copyright</b>	© State of New South Wales through the NSW Office of Environment and Heritage

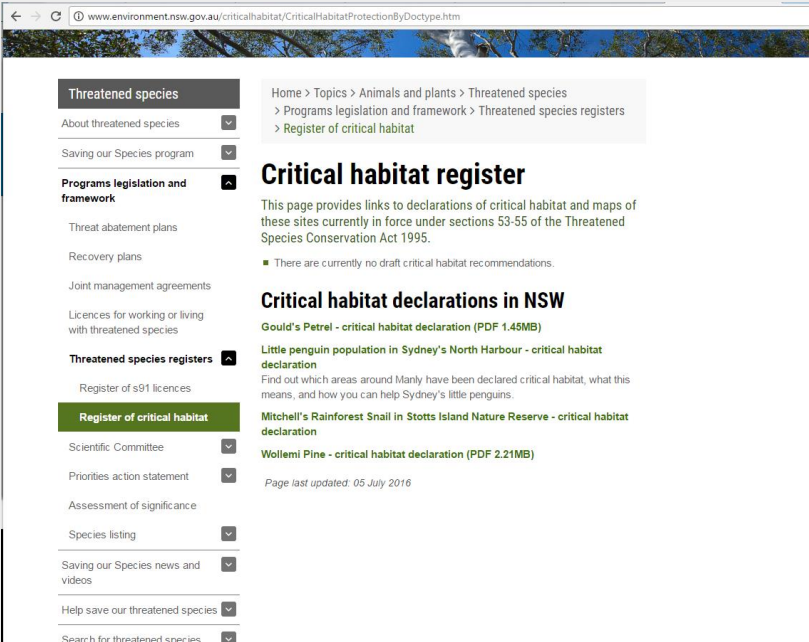


The screenshot shows a web browser window with the URL [www.environment.nsw.gov.au/criticalhabitat/CriticalHabitatProtectionByDoctype.htm](http://www.environment.nsw.gov.au/criticalhabitat/CriticalHabitatProtectionByDoctype.htm). The page content includes a navigation menu on the left with categories like 'Threatened species', 'Programs legislation and framework', and 'Threatened species registers'. The main content area features the title 'Critical habitat register' and a sub-section 'Critical habitat declarations in NSW'. Under this sub-section, there are three links to PDF documents: 'Gould's Petrel - critical habitat declaration (PDF 1.45MB)', 'Little penguin population in Sydney's North Harbour - critical habitat declaration', and 'Wollemi Pine - critical habitat declaration (PDF 2.21MB)'. A note states 'There are currently no draft critical habitat recommendations.' and the page is dated 'Page last updated: 05 July 2016'.





<b>Public Record</b>	NSW Office of Environment and Heritage Critical habitat Register
<b>Data Source</b>	<a href="http://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/about-threatened-species/critical-habitats">http://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/about-threatened-species/critical-habitats</a>
<b>Date Searched</b>	8 January 2018
<b>Data Custodian</b>	NSW Office of Environment and Heritage
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← → [www.environment.nsw.gov.au/criticalhabitat/CriticalHabitatProtectionByDoctype.htm](http://www.environment.nsw.gov.au/criticalhabitat/CriticalHabitatProtectionByDoctype.htm)

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> Programs legislation and framework > Threatened species registers  
> Register of critical habitat

## Critical habitat register

This page provides links to declarations of critical habitat and maps of these sites currently in force under sections 53-55 of the Threatened Species Conservation Act 1995.

- There are currently no draft critical habitat recommendations.

### Critical habitat declarations in NSW

**Gould's Petrel - critical habitat declaration (PDF 1.45MB)**

**Little penguin population in Sydney's North Harbour - critical habitat declaration**  
Find out which areas around Manly have been declared critical habitat, what this means, and how you can help Sydney's little penguins.

**Mitchell's Rainforest Snail in Stotts Island Nature Reserve - critical habitat declaration**

**Wollemi Pine - critical habitat declaration (PDF 2.21MB)**  
*Page last updated: 05 July 2016*

**Threatened species**

- About threatened species
- Saving our Species program

**Programs legislation and framework**

- Threat abatement plans
- Recovery plans
- Joint management agreements
- Licences for working or living with threatened species

**Threatened species registers**

- Register of s91 licences

**Register of critical habitat**

- Scientific Committee
- Priorities action statement
- Assessment of significance
- Species listing
- Saving our Species news and videos
- Help save our threatened species
- Search for threatened species

<b>Public Record</b>	<b>NSW EPA Public Register</b>				
<b>Data Source</b>	<a href="http://www.epa.nsw.gov.au/prpoeoapp/">http://www.epa.nsw.gov.au/prpoeoapp/</a>				
<b>Date Searched</b>	8 January 2018				
<b>Data Custodian</b>	NSW Environment Protection Authority				
<b>Copyright</b>	© State of New South Wales through the Environment Protection Authority				
Number	Name	Location	Type	Status	Issued date
3629	ALLSANDS PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	POEO licence	Issued	19-May-00
1009245	ALLSANDS PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	17-Jul-01
1503871	ALLSANDS PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	23-Jan-12
5658	BESMAW PTY. LIMITED	280-282 CAPTAIN COOK DRIVE, KURNELL, NSW 2231	POEO licence	Issued	1-Nov-00
1029718	BESMAW PTY. LIMITED	280-282 CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	6-Nov-03
1046518	BESMAW PTY. LIMITED	280-282 CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	24-May-05
1073760	BESMAW PTY. LIMITED	280-282 CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	31-May-07
1080046	BESMAW PTY. LIMITED	280-282 CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	10-Mar-08
1084613	BESMAW PTY. LIMITED	280-282 CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	8-Apr-08
1093239	BESMAW PTY. LIMITED	280-282 CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	29-Oct-08

1098840	BESMAW PTY. LIMITED	280-282 CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	22-Apr-09
1509844	BESMAW PTY. LIMITED	280-282 CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	20-May-13
1356	BORAL MASONRY LTD	SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	POEO licence	Surrendered	22-Aug-00
1028464	BORAL MASONRY LTD	SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	23-Jun-03
1501547	BREEN HOLDINGS PTY LIMITED	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.91 Clean Up Notice	Issued	29-Sep-11
20697	BREEN RESOURCES PTY LTD	Captain Cook Drive, KURNELL, NSW 2231	POEO licence	Pending	
4608	BREEN RESOURCES PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	POEO licence	Issued	1-Jun-01
1032581	BREEN RESOURCES PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	18-Mar-04
1040255	BREEN RESOURCES PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	1-Sep-04
1041676	BREEN RESOURCES PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	27-Oct-04
1046515	BREEN RESOURCES PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	24-May-05
1057832	BREEN RESOURCES PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	10-May-06
1081791	BREEN RESOURCES PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	16-Dec-08
1104804	BREEN RESOURCES PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	21-Aug-09

1117301	BREEN RESOURCES PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	10-Sep-10
1120519	BREEN RESOURCES PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	3-Dec-10
1125333	BREEN RESOURCES PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	14-Apr-11
1500437	BREEN RESOURCES PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	18-Aug-11
1501634	BREEN RESOURCES PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	14-Sep-11
1508592	BREEN RESOURCES PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	25-Oct-12
1509875	BREEN RESOURCES PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	Compliance Audit	Complete	2-Nov-12
3085770858	BREEN RESOURCES PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	Penalty Notice	Issued	14-May-13
1514262	BREEN RESOURCES PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	3-Jun-13
1524719	BREEN RESOURCES PTY LTD	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	17-Sep-14
837	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	POEO licence	Issued	30-Nov-00
1003972	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	21-Feb-01
1006939	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	4-May-01
1012295	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	16-May-02



1023716	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	24-Mar-03
1026788	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	21-Nov-03
1041406	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.91 Clean Up Notice	Issued	11-Oct-04
1041460	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.91 Clean Up Notice	Issued	13-Oct-04
1041670	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.91 Clean Up Notice	Issued	25-Oct-04
1045931	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.110 Variation of Clean Up Notice	Issued	24-Mar-05
1050241	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	22-Sep-05
1054156	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	29-Mar-06
1064972	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	7-Sep-06
1071603	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	2-Nov-07
1103985	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	1-Dec-09
1115113	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.91 Clean Up Notice	Issued	15-Jun-10
1115881	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.91 Clean Up Notice	Issued	2-Jul-10
1112284	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	1-Sep-10

1120888	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	7-Jan-11
1500503	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	13-Sep-11
1501631	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	29-Sep-11
1505019	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	27-Apr-12
3085763167	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	Penalty Notice	Issued	27-Apr-12
1506097	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	2-Jul-12
1509964	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	15-Nov-12
1511237	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	Mandatory Environmental Audit	Complete	25-Jan-13
1512428	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	Compliance Audit	Complete	27-Feb-13
1514299	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	14-Jun-13
3085771958	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	Penalty Notice	Issued	29-Jul-13
20349	CALTEX REFINERIES (NSW) PTY LTD	BOTANY BAY, KURNELL, NSW 2231	POEO licence	Surrendered	2-Oct-13
1519229	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	17-Jan-14
1521201	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.91 Clean Up Notice	Issued	2-Apr-14
1521564	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.91 Clean Up Notice	Issued	17-Apr-14

1521556	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	21-May-14
1526815	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.91 Clean Up Notice	Issued	1-Dec-14
3085775707	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	Penalty Notice	Issued	10-Dec-14
1524900	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	16-Jan-15
1530185	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	1-May-15
3085778026	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	Penalty Notice	Issued	25-Nov-15
1538422	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	10-Mar-16
1544521	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	26-Sep-16
1560268	CALTEX REFINERIES (NSW) PTY LTD	2 SOLANDER STREET , KURNELL, NSW 2231	s.58 Licence Variation	Issued	22-Dec-17
12243	CHEVRON INTERNATIONAL TECHNICAL CENTER PTY LTD	Sir Joseph Banks Drive, KURNELL, NSW 2231	POEO licence	No longer in force	18-Jan-05
516	CONTINENTAL CARBON AUSTRALIA PTY LTD	145-161 SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	POEO licence	Issued	11-Oct-00
1010611	CONTINENTAL CARBON AUSTRALIA PTY LTD	145-161 SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	8-Oct-01
1021199	CONTINENTAL CARBON AUSTRALIA PTY LTD	145-161 SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	8-Oct-03
1057968	CONTINENTAL CARBON AUSTRALIA PTY LTD	145-161 SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	20-Apr-06

1072204	CONTINENTAL CARBON AUSTRALIA PTY LTD	145-161 SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	25-Jul-07
1079376	CONTINENTAL CARBON AUSTRALIA PTY LTD	145-161 SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	16-Jan-08
1086293	CONTINENTAL CARBON AUSTRALIA PTY LTD	145-161 SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	28-May-08
1090261	CONTINENTAL CARBON AUSTRALIA PTY LTD	145-161 SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	17-Jul-08
1092610	CONTINENTAL CARBON AUSTRALIA PTY LTD	145-161 SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	30-Sep-08
1104889	CONTINENTAL CARBON AUSTRALIA PTY LTD	145-161 SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	30-Sep-09
1111469	CONTINENTAL CARBON AUSTRALIA PTY LTD	145-161 SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	27-Apr-10
1118213	CONTINENTAL CARBON AUSTRALIA PTY LTD	145-161 SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	9-Aug-10
1120891	CONTINENTAL CARBON AUSTRALIA PTY LTD	145-161 SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	19-Jan-11
1501587	CONTINENTAL CARBON AUSTRALIA PTY LTD	145-161 SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	1-Nov-11
1505066	CONTINENTAL CARBON AUSTRALIA PTY LTD	145-161 SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	2-May-12
1510971	CONTINENTAL CARBON AUSTRALIA PTY LTD	145-161 SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	18-Dec-12
1512087	CONTINENTAL CARBON AUSTRALIA PTY LTD	145-161 SIR JOSEPH BANKS DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	15-Feb-13
2695	HC EXTRACTIONS PTY LTD	LOT 1, CAPTAIN COOK DRIVE, KURNELL, NSW 2231	POEO licence	Surrendered	9-Jan-01

1016540	HC EXTRACTIONS PTY LTD	LOT 1, CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	2-Jul-02
1033352	HC EXTRACTIONS PTY LTD	LOT 1, CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	3-May-04
1072496	HC EXTRACTIONS PTY LTD	LOT 1, CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	13-Jul-07
1085733	HC EXTRACTIONS PTY LTD	LOT 1, CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	15-Jul-08
1099741	HC EXTRACTIONS PTY LTD	LOT 1, CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	22-Apr-09
1104982	HC EXTRACTIONS PTY LTD	LOT 1, CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	5-Nov-09
1120814	HC EXTRACTIONS PTY LTD	LOT 1, CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	17-Dec-10
1129634	HC EXTRACTIONS PTY LTD	LOT 1, CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	28-Jun-11
1502931	HC EXTRACTIONS PTY LTD	LOT 1, CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	8-Dec-11
1508279	HC EXTRACTIONS PTY LTD	LOT 1, CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	24-Sep-12
12115	MARITIME AUTHORITY OF NSW	Towra Point, KURNELL, NSW 2231	POEO licence	Surrendered	24-May-04
1040175	MARITIME AUTHORITY OF NSW	Towra Point, KURNELL, NSW 2231	s.58 Licence Variation	Issued	1-Sep-04
12858	MCCONNELL DOWELL CONSTRUCTORS (AUST) PTY LTD	Various streets from Kurnell to Erskineville, including the pipeline route across Botany Bay, KURNELL, NSW 2231	POEO licence	Surrendered	1-May-08

1091875	MCCONNELL DOWELL CONSTRUCTORS (AUST) PTY LTD	Various streets from Kurnell to Erskineville, including the pipeline route across Botany Bay, KURNELL, NSW 2231	s.58 Licence Variation	Issued	20-Oct-08
1526201	MIRANDA TYRE SERVICE PTY LTD	Building 6 - 260B Captain Cook Drive , KURNELL, NSW 2231	s.91 Clean Up Notice	Issued	19-Dec-14
5671	SABAUDIA PTY LIMITED	LOT 6 CAPTAIN COOK DRIVE, KURNELL, NSW 2231	POEO licence	Revoked	8-Aug-00
1022519	SABAUDIA PTY LIMITED	LOT 6 CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.79 Revocation of a Licence	Issued	11-Dec-02
817	SERENITY COVE BUSINESS PARK PTY LTD (C/- DELOITTE TOUCHE TOHMATSU ADMINISTRATOR)	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	POEO licence	Revoked	10-May-00
1021465	SERENITY COVE BUSINESS PARK PTY LTD (C/- DELOITTE TOUCHE TOHMATSU ADMINISTRATOR)	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	1-Jul-03
1030097	SERENITY COVE BUSINESS PARK PTY LTD (C/- DELOITTE TOUCHE TOHMATSU ADMINISTRATOR)	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	10-Nov-03
1033080	SERENITY COVE BUSINESS PARK PTY LTD (C/- DELOITTE TOUCHE TOHMATSU ADMINISTRATOR)	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	18-Dec-03
1073831	SERENITY COVE BUSINESS PARK PTY LTD (C/- DELOITTE TOUCHE TOHMATSU ADMINISTRATOR)	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.79 Revocation of a Licence	Issued	13-Dec-07
2425	SOWELLI KURNELL PTY LIMITED	260 CAPTAIN COOK DRIVE, KURNELL, NSW 2231	POEO licence	Revoked	28-Dec-00
1073827	SOWELLI KURNELL PTY LIMITED	260 CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.79 Revocation of a Licence	Issued	13-Dec-07

1728	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	POEO licence	Issued	25-May-00
1009235	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	28-Jun-01
1009758	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	23-Oct-01
1018146	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	26-Jun-02
1012662	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	Load Reduction Agreement	Issued	8-Nov-02
1021026	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	23-Dec-02
1028462	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	8-Jul-03
1032785	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	10-Feb-04
1035122	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	18-Mar-04
1038502	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	30-Jun-04
1048166	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	30-Jun-05
1054153	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	14-Dec-05
1054782	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	23-Dec-05
1061421	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	29-Jun-06

1116053	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	2-Jul-10
1117726	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	26-Jul-10
1125716	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	14-Apr-11
1129018	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	27-Jun-11
1504897	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	28-Jun-12
1511653	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	4-Feb-13
1512440	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	Compliance Audit	Complete	27-Feb-13
1513660	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	Compliance Audit	Complete	19-Apr-13
1523178	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	25-Jul-14
1528936	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	23-Mar-15
3085778502	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	Penalty Notice	Issued	10-Feb-16
1538184	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	19-Feb-16
1552474	SYDNEY WATER CORPORATION	CAPTAIN COOK DRIVE, KURNELL, NSW 2231	s.58 Licence Variation	Issued	31-May-17
12904	VEOLIA WATER OPERATIONS PTY LTD	Sir Joseph Banks Drive, KURNELL, NSW 2231	POEO licence	Issued	20-Oct-08



1115263	VEOLIA WATER OPERATIONS PTY LTD	Sir Joseph Banks Drive, KURNELL, NSW 2231	s.58 Licence Variation	Issued	11-Jun-10
1118168	VEOLIA WATER OPERATIONS PTY LTD	Sir Joseph Banks Drive, KURNELL, NSW 2231	s.58 Licence Variation	Issued	10-Aug-10
1501226	VEOLIA WATER OPERATIONS PTY LTD	Sir Joseph Banks Drive, KURNELL, NSW 2231	s.58 Licence Variation	Issued	2-May-12
1525581	VEOLIA WATER OPERATIONS PTY LTD	Sir Joseph Banks Drive, KURNELL, NSW 2231	s.58 Licence Variation	Issued	28-Jan-15
1536859	VEOLIA WATER OPERATIONS PTY LTD	Sir Joseph Banks Drive, KURNELL, NSW 2231	s.91 Clean Up Notice	Issued	24-Dec-15

<b>Public Record</b>	Unlicensed premises regulated by the EPA, Searched for the LGA of Sutherland
<b>Data Source</b>	<a href="http://www.epa.nsw.gov.au/prpoeo/unlicensedpremises.htm">http://www.epa.nsw.gov.au/prpoeo/unlicensedpremises.htm</a>
<b>Date Searched</b>	8 January 2018
<b>Data Custodian</b>	NSW Environment Protection Authority
<b>Copyright</b>	© State of New South Wales through the Environment Protection Authority

Local Govt Area	Licence No.	Accountable Party Name	A/P Street	Common Name of Premise	Prem Street	Prem Suburb	Prem State	Prem Postcode	Fee-Based Activity	Low Scale	>	High Scale
Sutherland	12243	CHEVRON INTERNATIONAL TECHNICAL CENTER PTY LTD	PO BOX 7044	Chevron	Sir Joseph Banks Drive	KURNELL	NSW	2231	Hazardous, Industrial or Group A Waste Generation or Storage	10		100

<b>Public Record</b>	NSW EPA Contaminated Sites Searched for the suburb of Kurnell
<b>Data Source</b>	<a href="http://www.epa.nsw.gov.au/your-environment/contaminated-land/notification-policy/contaminated-sites-list">http://www.epa.nsw.gov.au/your-environment/contaminated-land/notification-policy/contaminated-sites-list</a>
<b>Date Searched</b>	8 January 2018
<b>Data Custodian</b>	NSW Environment Protection Authority
<b>Copyright</b>	© State of New South Wales through the Environment Protection Authority

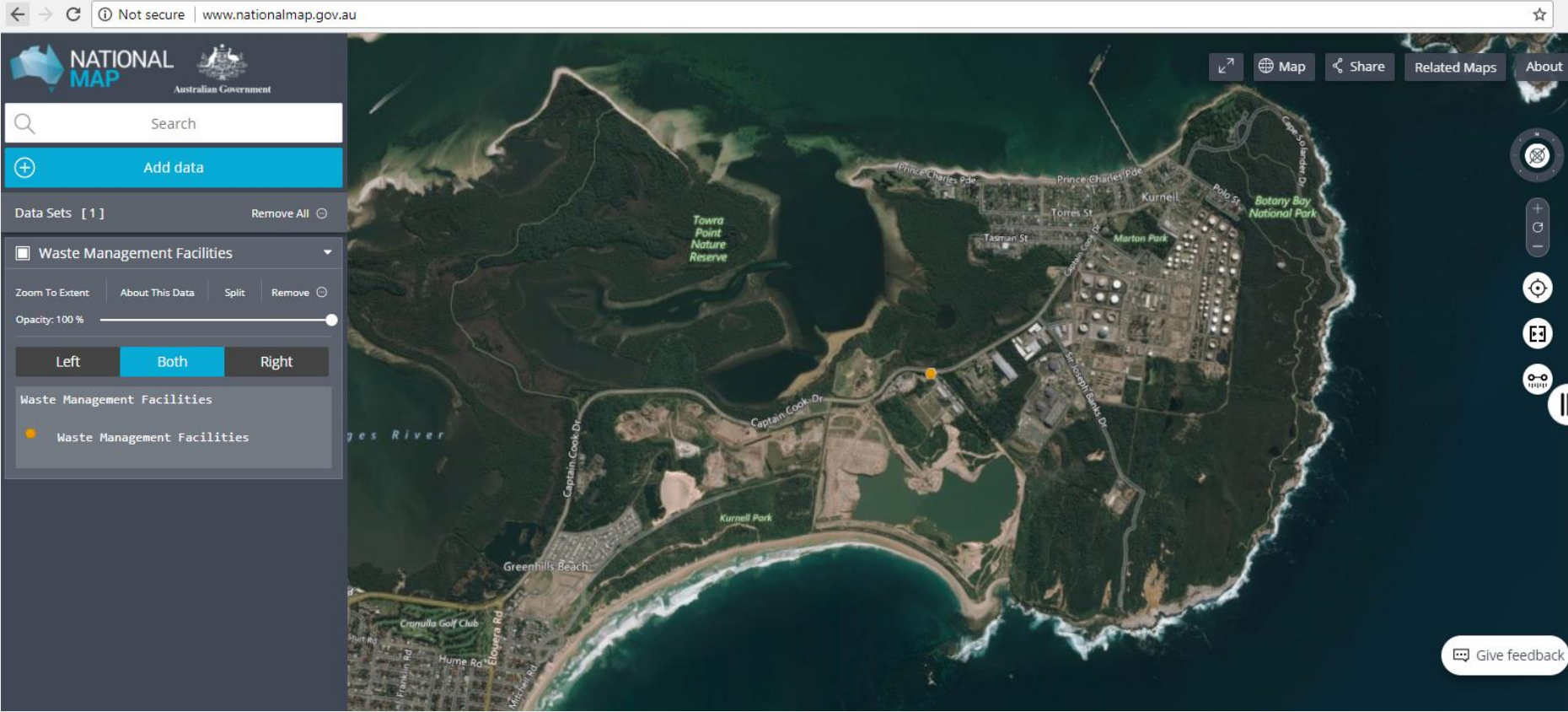
Suburb	Site Name	Site Address	Contamination Activity Type	EPA Management Class
KURNELL	Abbott Australasia	Captain Cook DRIVE	Chemical Industry	Contamination formerly regulated under the CLM Act
KURNELL	Caltex Refinery	2 Solander STREET	Other Petroleum	Contamination currently regulated under POEO Act
KURNELL	Former Caltex Kurnell Service Station	Corner Captain Cook Drive and Solander STREET	Service Station	Regulation under CLM Act not required
KURNELL	Former Phillips Imperial Chemicals site	260 Captain Cook DRIVE	Chemical Industry	Regulation under CLM Act not required

<b>Public Record</b>	NSW EPA List of Former Gasworks
<b>Data Source</b>	<a href="http://www.epa.nsw.gov.au/clm/gasworkslocation.htm">http://www.epa.nsw.gov.au/clm/gasworkslocation.htm</a>
<b>Date Searched</b>	8 January 2018
<b>Data Custodian</b>	NSW Environment Protection Authority
<b>Copyright</b>	© State of New South Wales through the Environment Protection Authority

← → ↻ [www.epa.nsw.gov.au/your-environment/contaminated-land/other-contamination-issues/former-gasworks-sites/remediating-former-gasworks-sites](http://www.epa.nsw.gov.au/your-environment/contaminated-land/other-contamination-issues/former-gasworks-sites/remediating-former-gasworks-sites) ☆

Newcastle City Council	Wharf Road, Newcastle	Contact council
North Sydney Council	High Street, North Sydney	<a href="#">Search record of EPA notices</a>
North Sydney Council	King Street, Waverton	<a href="#">Search record of EPA notices</a>
Orange City Council	Peisley Street, Orange	Contact council
Parkes Shire Council	Bogan Street, Parkes	Contact council
Parkes Shire Council	East Street, Parkes	Contact council
Parramatta City Council	George Street, Parramatta	Contact council
Richmond Valley Council	North Street, Casino	Contact council
Shoalhaven City Council	Lamonds Lane, Nowra	<a href="#">Search record of EPA notices</a>
Singleton Shire Council	Gas Street, Singleton	<a href="#">Search record of EPA notices</a>
Tamworth Regional Council	Peel Street, Tamworth	Contact council

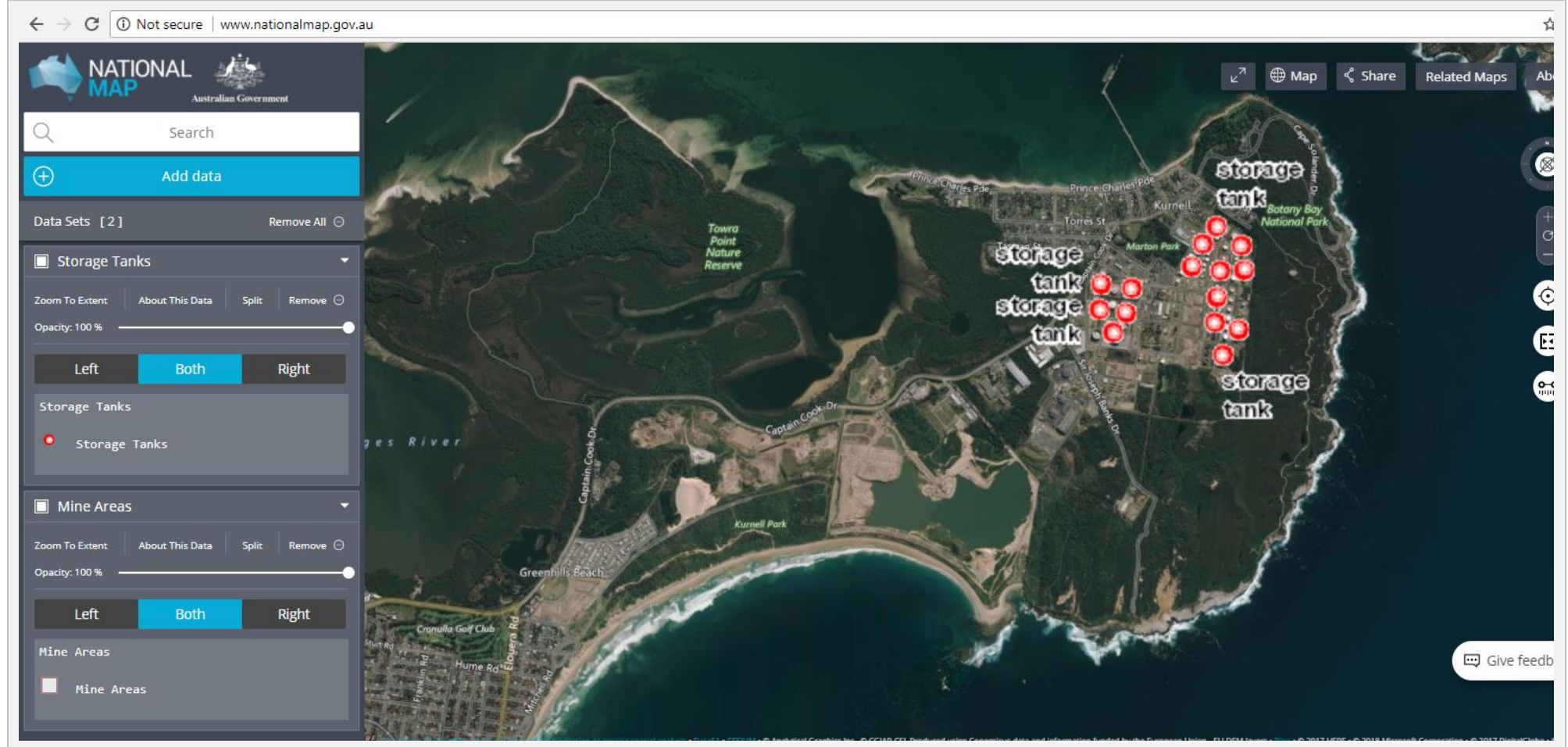
<b>Public Record</b>	Waste Management Facilities
<b>Data Source</b>	<a href="http://www.nationalmap.gov.au/">http://www.nationalmap.gov.au/</a>
<b>Date Searched</b>	8 January 2018
<b>Data Custodian</b>	Geoscience Australia
<b>Copyright</b>	Creative Commons Attribution 4.0 International Licence © Commonwealth of Australia (Geoscience Australia) 2015



The screenshot shows the National Map of Australia web application. The browser address bar displays "www.nationalmap.gov.au". The application interface includes a search bar, a "Data Sets" panel with one active set named "Waste Management Facilities", and a map of Botany Bay, Australia. A yellow dot on the map indicates the location of a waste management facility. The map shows various geographical features like the Towra Point Nature Reserve, Botany Bay National Park, and several streets including Prince Charles Pde, Torres St, and Captain Cook Dr. The interface also features navigation controls like zoom in/out and a "Give feedback" button.

<b>Public Record</b>	<b>Mine Areas and Storage Tanks</b>
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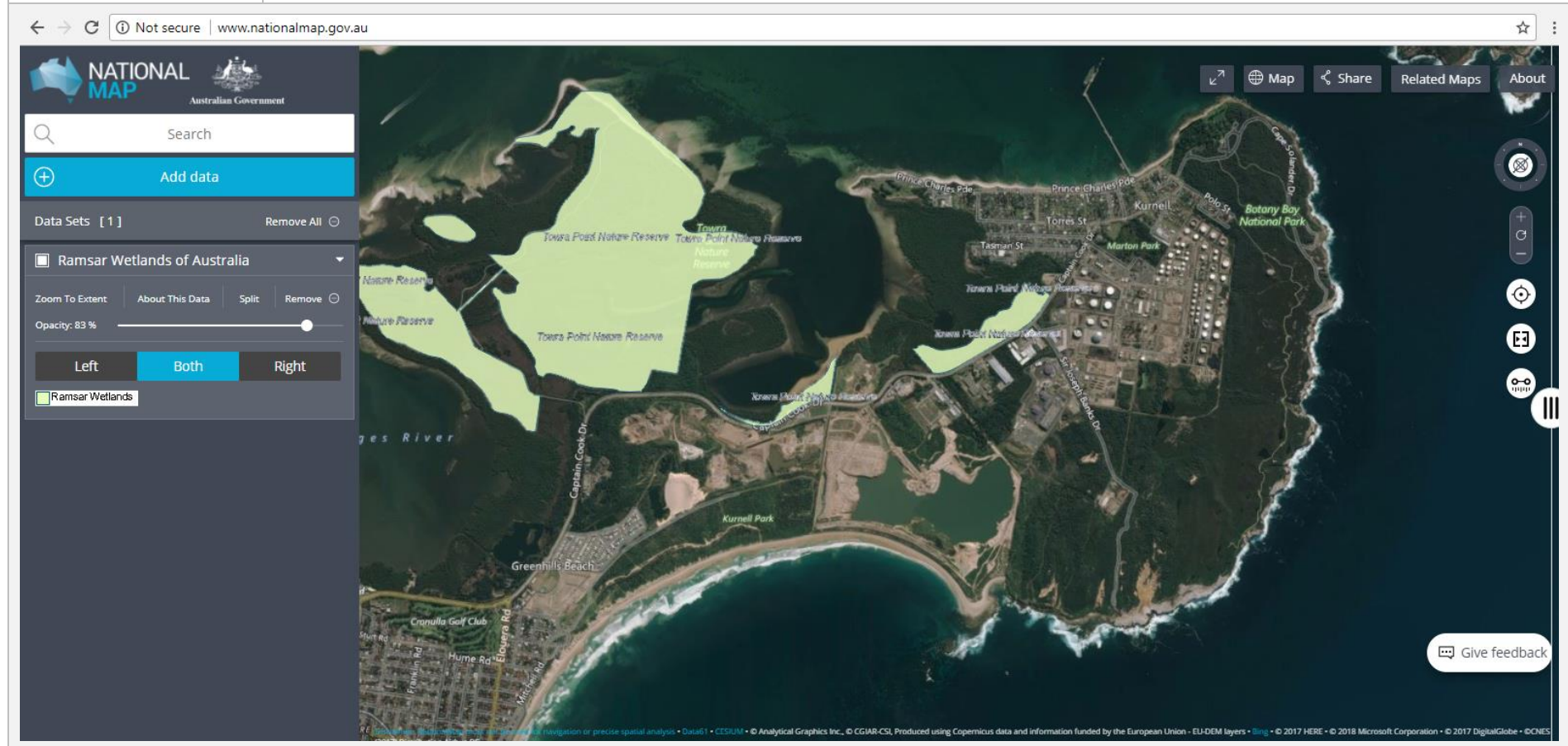
<b>Data Source</b>	http://www.nationalmap.gov.au/
<b>Date Searched</b>	8 January 2018
<b>Data Custodian</b>	Geoscience Australia
<b>Copyright</b>	Creative Commons Attribution 4.0 International (CC BY 4.0) © Geoscience Australia



The screenshot shows the National Map web application interface. The browser address bar displays "www.nationalmap.gov.au". The application header includes the "NATIONAL MAP Australian Government" logo and a search bar. A sidebar on the left contains a "Data Sets [ 2 ]" section with "Remove All" and "Storage Tanks" (checked) and "Mine Areas" (checked) options. Each data set has "Zoom To Extent", "About This Data", "Split", and "Remove" buttons, along with an "Opacity: 100%" slider and "Left", "Both", and "Right" view options. The main map area shows an aerial view of Kurnell, NSW, with several red circular markers labeled "storage tank" overlaid on the town. The map includes various geographical features like "Towra Point Nature Reserve", "Kurnell Park", and "Greenhills Beach". A "Give feedback" button is visible in the bottom right corner.



<b>Public Record</b>	Ramsar Wetlands of Australia
<b>Data Source</b>	<a href="http://www.nationalmap.gov.au/">http://www.nationalmap.gov.au/</a>
<b>Date Searched</b>	9 May 2017
<b>Data Custodian</b>	Department of the Environment and Energy
<b>Copyright</b>	Creative Commons Attribution 4.0 International (CC BY 4.0) © Department of the Environment and Energy

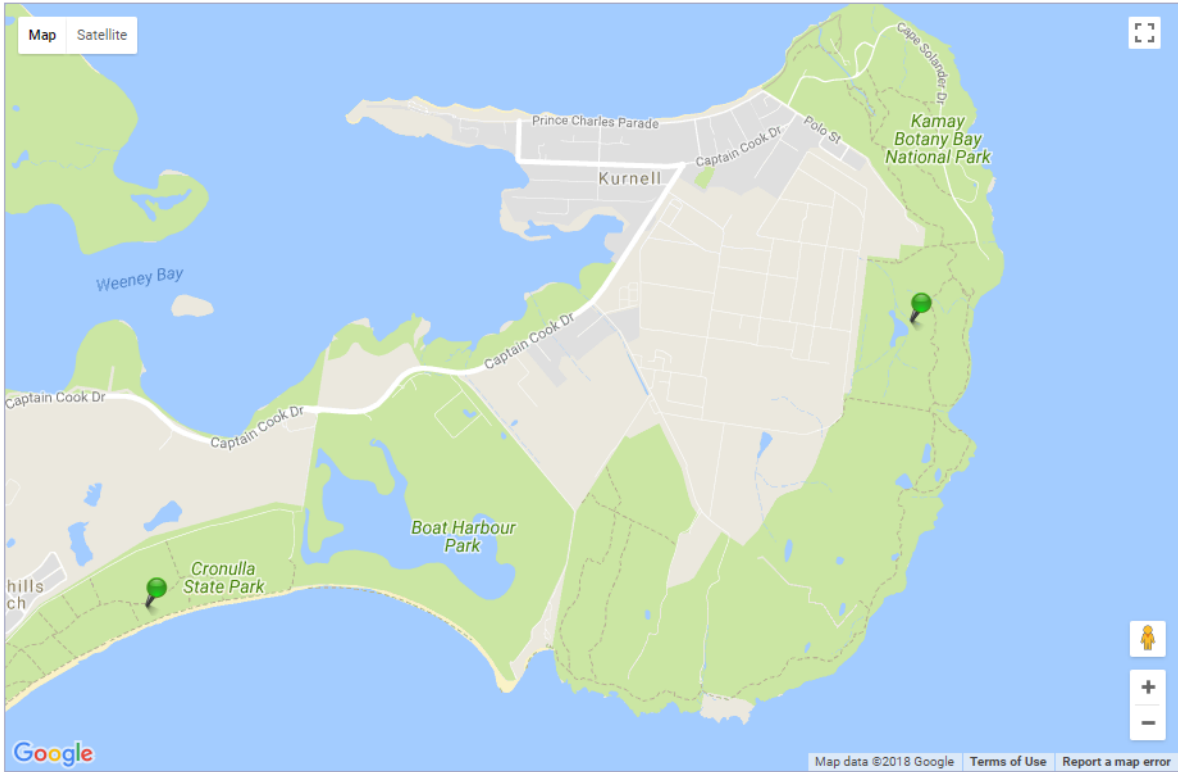


The screenshot shows the National Map web application interface. The browser address bar displays "www.nationalmap.gov.au". The application header includes the "NATIONAL MAP" logo and "Australian Government". A search bar is present, along with an "Add data" button. The "Data Sets" panel on the left shows "Ramsar Wetlands of Australia" selected, with an opacity slider set to 83% and "Both" selected for display. The main map area shows a satellite view of Botany Bay National Park with several wetland areas highlighted in light green. Labels on the map include "Torres Point Nature Reserve", "Kurnell Park", "Greenhills Beach", and "Botany Bay National Park". The interface includes navigation controls like zoom in/out, pan, and a "Give feedback" button.

<b>Public Record</b>	Office of Environment and Heritage – Search for NSW Heritage
<b>Data Source</b>	<a href="http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx">http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx</a>
<b>Date Searched</b>	22 February 2018
<b>Data Custodian</b>	NSW Government - Office of Environment and Heritage
<b>Copyright</b>	© State of New South Wales and Office of Environment and Heritage

← → ↻ ⓘ [www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx](http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx) ☆

Search Reset



The image shows a Google Maps interface displaying a coastal area in New South Wales, Australia. The map includes labels for 'Weeney Bay', 'Kurnell', 'Cronulla State Park', 'Boat Harbour Park', and 'Kamay Botany Bay National Park'. Major roads like 'Captain Cook Dr' and 'Prince Charles Parade' are visible. The map interface includes standard Google Maps controls: a 'Map' vs 'Satellite' toggle, a full-screen button, a street view pegman, and zoom in (+) and zoom out (-) buttons. At the bottom, there is a 'Google' logo and a footer with 'Map data ©2018 Google', 'Terms of Use', and 'Report a map error'.

## **Appendix D – Section 149 Certificate**

## Applicant:

Mr Philip Holt  
P O Box 1630  
NORTH SYDNEY NSW 2059

## Planning Certificate – Section 149(2)(5) Certificate Environmental Planning and Assessment Act, 1979

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Certificate no: e149:17/6588      Delivery option:  
Certificate date: 21/12/2017      Your reference: 201217

## Property:

Lot 2 DP 559922  
280-282 Captain Cook Drive KURNELL NSW 2231

## Zone:

### **Sutherland Shire Local Environmental Plan 2015:**

Pursuant to clause 1.3(1A) of Sutherland Shire Local Environmental Plan 2015, this land is identified as "deferred matter" being land that is excluded from this plan under section 59(3) of the Act.

### **State Environmental Planning Policy (Kurnell Peninsula) 1989**

4(a) General Industrial

6(b) Public Recreation (Proposed)

7(b) Environmental Protection - Special Development

9(a) Regional Open Space (Reservation)

Notes:

- (a) *The information in this certificate only relates to the real property Identifier associated with the property and not to any licence or permissive occupancy that may be attached to and included in the property details contained in the description of the land.*
- (b) *The Environmental Planning and Assessment Act 1979 will be referred to in this Certificate as 'the Act'.*

*Disclaimer:*

- (a) *This certificate contains information provided to Council by third parties and is as current as the latest information available to Council at the time of production of this document. Council does not warrant the accuracy of the information contained within the information provided by third parties and has not independently verified the information. It is strongly recommended that you contact the relevant third parties to confirm the accuracy of the information.*

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## INFORMATION PURSUANT TO SECTION 149(2), ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

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### 1. Names of relevant instruments and DCPs

1. The name of each environmental planning instrument that applies to the carrying out of development on the land:

- \* SEPP (Kurnell Peninsula) 1989
  
- \* Sydney Regional Environmental Plan No.09 (Extractive Industry (No.2) 1995) (deemed SEPP).
  
- \* SEPP (Building Sustainability Index: Basix) 2004
  
- \* SEPP (Exempt and Complying Development Codes) 2008
  
- \* SEPP No. 71 - Coastal Protection
  
- \* SEPP (Affordable Rental Housing) 2009
  
  
- \* SEPP No. 19 – Bushland in Urban Areas
- \* SEPP No. 21 – Caravan Parks
- \* SEPP No. 30 – Intensive Agriculture
- \* SEPP No. 33 – Hazardous and Offensive Development
- \* SEPP No. 50 – Canal Estates
- \* SEPP No. 55 – Remediation of Land
- \* SEPP No. 62 – Sustainable Aquaculture
- \* SEPP No. 64 – Advertising and Signage
- \* SEPP No. 65 – Design Quality of Residential Flat Development.
- \* State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)
- \* SEPP (Housing for Seniors or People with a Disability) 2004: (Does not apply to land to which State Environmental Planning Policy (Kurnell Peninsula) 1989 applies)
- \* State Environmental Planning Policy (Integration and Repeals) 2016
- \* SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- \* State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007
- \* SEPP (Infrastructure) 2007
- \* State Environmental Planning Policy (State and Regional Development) 2011
- \* SEPP (State Significant Precincts) 2005
- \* State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017



- \* State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

2. The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved):

The following Draft State Environmental Planning Policies apply: Amendments to SEPP (Infrastructure) 2007, SEPP (Mining, Petroleum Production and Extractive Industries) 2007, SEPP (State and Regional Development) 2011, SEPP (Housing for Seniors or People with a Disability) 2004, SEPP (State Significant Precincts) 2005, SEPP (Exempt and Complying Development Codes) 2008, SEPP (Educational Establishments and Child Care Facilities) 2017, SEPP (Affordable Rental Housing) 2009, and new draft SEPPs (Environment) and (Primary Production and Rural Development).

Draft State Environmental Planning Policy Coastal Management 2016 - (part of lot).

3. The name of each development control plan that applies to the carrying out of development on the land:

- \* DCP: Advertising Structures and Signs. Edition 3, 18/11/97.
- \* DCP: Amusement Centre. Edition 5, 27/03/2001.
- \* DCP: Car Parking. Edition 4, 18/11/2003.
- \* DCP: Child Care Centres. Edition 3, 08/05/2001.
- \* Contaminated land policy for Kurnell Peninsula, deferred and excluded land 03/08/2010.
- \* DCP: Duration of Development Consents. Edition 3, 06/07/2004.
- \* DCP: Environmental Site Management (Edition 1).
- \* DCP: Keeping of Horses, Edition 3, 8/5/2001.

- \* DCP: Industrial Development. Edition 5, 27/03/2001.
- \* DCP: Landscape. Edition 3, 11/06/2002.
- \* DCP: Notification of Development Applications. Edition 3, 08/05/2001.
- \* DCP: Stormwater Management. Edition 1, 24/05/05
- \* DCP: Stormwater Specification. Edition 1, 24/05/05

Note: In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

## 2. Zoning and land use under relevant LEPs

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) in any zone (however described).

- (a) The name and number of the zone:

**State Environmental Planning Policy (Kurnell Peninsula) 1989 - Industrial 4(A)**

- (b) Development allowed without development consent:

Nil.

- (c) Development that requires development consent:

Any purpose other than a purpose included in item d).

- (d) Development that is prohibited within the zone:

- boarding houses,
- bulky goods sales rooms or showrooms,
- car repair stations,
- caravan parks,
- clubs,
- commercial premises,
- dwelling houses or residential flat buildings (other than those essential to the operation of an industry and situated on the land on which such industry is conducted),
- educational establishments,
- extractive industries (other than sand mining),
- hazardous industry or storage establishments (other than those for which the proposed site layout of the buildings is such as to render the establishment non-hazardous to adjoining development and for which the adequate facilities are available for the treatment and disposal of all waste water and waste

- products,
- helipads,
- hospitals,
- hotels,
- institutions,
- junk yards,
- mines,
- motels,
- offensive industries,
- places of assembly,
- places of public worship,
- recreation areas,
- road transport terminals,
- roadside stalls,
- service stations,
- shops,
- tourist facilities,
- toxic industries,
- waste disposal.

**State Environmental Planning Policy (Kurnell Peninsula) 1989 - Public Recreation (Proposed) 6(B)**

(b) Development allowed without development consent:

- beach nourishment,
- recreation, sporting, entertainment and cultural activities not requiring the erection of any buildings,
- sand dune stabilisation,
- works for the purposes of landscaping, gardening and bushfire hazard reduction.

(c) Development that requires development consent:

- buildings for the purposes of landscaping, gardening and bushfire hazard reduction,
- car parking,
- drainage,
- helipads,
- kiosks,
- picnic areas,
- recreation areas,
- recreational facilities,
- refreshment rooms,
- roads,
- utility installations (other than gas holders or generating works).

(d) Development that is prohibited within the zone:

Any purpose other than a purpose included in item b) or c).

**State Environmental Planning Policy (Kurnell Peninsula) 1989 - Special Development 7(B)**

(b) Development allowed without development consent:

Nil.

(c) Development that requires development consent:

Any purpose other than a purpose included in item d).

(d) Development that is prohibited within the zone:

- dwelling houses,
- extractive industries (other than sand mining),
- hazardous industry or storage establishments,
- junk yards,
- mines,
- offensive industries,
- places of public worship,
- residential flat buildings (other than those used only for holiday or other non-permanent residential accommodation,
- stock and sale yards,
- toxic industries,
- transport terminals,
- units for aged persons,
- waste disposal.

**State Environmental Planning Policy (Kurnell Peninsula) 1989 - Regional Open Space (Reserve) 9(A)**

(b) Development allowed without development consent:

Beach nourishment works for the purposes of landscaping, gardening and bushfire hazard reduction.

(c) Development that requires development consent:

- buildings for the purposes of landscaping, gardening and bushfire hazard reduction,
- drainage,
- environmental educational facilities,
- environmental protection works,
- recreation areas (other than those involving the erection of permanent structures or buildings),
- roads,
- sand dune stabilisation,
- utility installations (other than gas holders or generating works).

- (d) Development that is prohibited within the zone:

Any purpose other than a purpose included in item b) or c).

**State Environmental Planning Policy (Kurnell Peninsula) 1989 – Clause 33  
Development for Certain Additional Purposes**

The Council may grant consent to a development application made by FAPACE PTY LIMITED dated March 1989 relating to Lot 4, DP 712157, Lot 2, DP 559922 and Lot 3, DP 225537 where the Council has taken into consideration the Deed dated 14 March 1989 between Besmaw Pty Limited, Fapace Pty Limited, the Minister administering the Environmental Planning and Assessment Act, 1979, the Director of Planning and the Council of the Shire of Sutherland relating to the land. Please contact Council's Environmental Planning Unit on 9710 0333 for further information.

- (e) Minimum land dimensions fixed for the erection of a dwelling-house on the land:

There are no relevant development standards under the State Environmental Planning Policy ( Kurnell Peninsula ) 1989 for the erection of a dwelling house due to site dimensions.

- (f) Does the land include or comprise critical habitat?

No

- (g) Is the land in a conservation area?

No

- (h) Is an item of environmental heritage situated on the land?

The property is in a known area of Aboriginal Cultural Significance and you should be aware of the National Parks and Wildlife Service requirements for the protection of Aboriginal sites as directed by the National Parks and Wildlife Act 1974.

**2A. Zoning and land use under State Environmental Planning Policy  
(Sydney Region Growth Centres) 2006**

To the extent that the land is within any zone (however described) under:

- (a) Part 3 of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the 2006 SEPP)*, or
- (b) a Precinct Plan (within the meaning of the 2006 SEPP), or
- (c) a proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act,

the particulars referred to in clause 2 (a)-(h) in relation to that land (with a reference to “the instrument” in any of those paragraphs being read as a reference to Part 3 of the 2006 SEPP, or the Precinct Plan or proposed Precinct Plan, as the case requires).

Note: Sutherland Shire Council does not currently have any land in the Growth Centres that has been zoned by a Precinct Plan in the Appendices to this SEPP, proposed to be zoned in a draft Precinct Plan (that has been publicly exhibited or formally consulted on) or has been zoned under Part 3 of the Growth Centres SEPP.

### **3. Complying Development**

- (1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- (2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.
- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

#### **Housing Code**

Complying development under the General Housing Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions:

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.



The land is partially identified by an environmental planning instrument as land reserved for a public purpose. For information on the extent of the reservation, please refer to State Environmental Planning Policy (Kurnell Peninsula) 1989 - Zoning Maps. Part of the land is on an Acid Sulfate Soils Map as being Class 1 and/or Class 2. For information on the extent of the exemption, please refer to Council's website ([www.sutherlandshire.nsw.gov.au](http://www.sutherlandshire.nsw.gov.au)) for the Acid Sulfate Soils map available through the Shire Maps tool. Part of the land is identified by an environmental planning instrument as excluded land being within a protected area. For more information on the extent of the land based exemption, please see the State Environmental Planning Policy (Kurnell Peninsula) 1989. Protected areas include land within Zones 7(a)(Waterways Zone) and 7(b)(Special Development Zone). Part of the land is within the 25 ANEF contour or a higher ANEF contour and no complying development is permitted on that part of the land unless the development is for the erection of ancillary development, the alteration of or addition to ancillary development or the alteration of a dwelling house. For more information on the extent of this exclusion please refer to the Sydney Airport Master Plan 2013 Figure 14.5 2033 ANEF for Sydney Airport available on the Sydney Airport website.

(Note: this code applies only to land within, or proposed to be within, the following zones R1, R2, R3, R4 or RU5. Check the zoning on the front of this certificate.)

### **Housing Alterations Code**

Complying development under the Housing Alterations Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions:

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.

### **Commercial and Industrial Alterations Code**

Complying development under the Commercial and Industrial Alterations Code may only be carried out on that part of the land not affected by a specific land exemption. The land is affected by the following specific land exemptions:

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the

exemption, contact Council's Environmental Planning Unit on 9710 0800.

### **Commercial and Industrial (New Buildings and Additions) Code**

Complying development under the Commercial and Industrial (New Buildings and Additions) Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions:

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.

The land is partially identified by an environmental planning instrument as land reserved for a public purpose. For information on the extent of the reservation, please refer to State Environmental Planning Policy (Kurnell Peninsula) 1989 - Zoning Maps.

Part of the land is on an Acid Sulfate Soils Map as being Class 1 and/or Class 2. For information on the extent of the exemption, please refer to Council's website ([www.sutherlandshire.nsw.gov.au](http://www.sutherlandshire.nsw.gov.au)) for the Acid Sulfate Soils map available through the Shire Maps tool.

Part of the land is identified by an environmental planning instrument as excluded land being within a protected area. For more information on the extent of the land based exemption, please see the State Environmental Planning Policy (Kurnell Peninsula) 1989. Protected areas include land within Zones 7(a)(Waterways Zone) and 7(b)(Special Development Zone).

(Note: this code applies only to land within, or proposed to be within, the following zones B1, B2, B3, B4, B5, B6, B7, B8, IN1, IN2, IN3, IN4 or SP3. Check the zoning on the front of this certificate.)

### **Container Recycling Facilities Code**

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.

### **Subdivisions Code**

Complying development under the Subdivisions Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions:

Part of the land is an environmentally sensitive area, being land that is

reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.

### **Rural Housing Code**

Complying development under the Rural Housing Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions:

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.

The land is partially identified by an environmental planning instrument as land reserved for a public purpose. For information on the extent of the reservation, please refer to State Environmental Planning Policy (Kurnell Peninsula) 1989 - Zoning Maps.

Part of the land is on an Acid Sulfate Soils Map as being Class 1 and/or Class 2. For information on the extent of the exemption, please refer to Council's website ([www.sutherlandshire.nsw.gov.au](http://www.sutherlandshire.nsw.gov.au)) for the Acid Sulfate Soils map available through the Shire Maps tool.

Part of the land is identified by an environmental planning instrument as excluded land being within a protected area. For more information on the extent of the land based exemption, please see the State Environmental Planning Policy (Kurnell Peninsula) 1989. Protected areas include land within Zones 7(a)(Waterways Zone) and 7(b)(Special Development Zone).

Part of the land is within the 25 ANEF contour or a higher ANEF contour and no complying development is permitted on that part of the land unless the development is for the erection of ancillary development, the alteration of or addition to ancillary development or the alteration of a dwelling house. For more information on the extent of this exclusion please refer to the Sydney Airport Master Plan 2013 Figure 14.5 2033 ANEF for Sydney Airport available on the Sydney Airport website.

(Note: this code applies only to land within, or proposed to be within, the following zones RU1, RU2, RU3, RU4, RU6 or R5. Check the zoning on the front of this certificate.)

### **General Development Code**

Complying development under the General Development Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land

exemptions:

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.

#### **Demolition Code**

Complying development under the Demolition Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions:

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.

#### **Fire Safety Code**

Complying development under the Fire Safety Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions.

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.

## **4. Coastal Protection**

Is the land affected by section 38 or 39 of the *Coastal Protection Act 1979* (so far as Council has been notified by the Department of Services, Technology and Administration)?

No

### **4A. Information relating to beaches and coasts**

(1) In relation to a coastal council - whether an order has been made under Part 4D of the *Coastal Protection Act 1979* in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to

that land), except where the Council is satisfied that such an order has been fully complied with.

(2) In relation to a coastal council:

- (a) whether the Council has been notified under section 55X of the *Coastal Protection Act 1979* that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land), and
- (b) if works have been so placed – whether the council is satisfied that the works have been removed and the land restored in accordance with that Act.

Note: Sutherland Shire Council has not issued any orders or been notified of any temporary coastal protection works to date.

#### **4B. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works**

In relation to a coastal council—whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

There are no properties subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services.

Note. “Existing coastal protection works” are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the Local Government Act 1993.

#### **5. Mine Subsidence**

Is the land proclaimed to be mine subsidence district within the meaning of section 15 of the *Mine Subsidence Compensation Act, 1961*?

No

#### **6. Road Widening and Road Realignment**

(a) Is the land affected by a road widening or road realignment under Division 2 of Part 3 of the *Roads Act 1993*?

No

- (b) Is the land affected by any road widening or road realignment under any environmental planning instrument?

No

- (c) Is the land affected by any road widening or road realignment under any resolution of the Council?

No

## 7. Council and other public authority policies on hazard risk restrictions

- (a) Is the land affected by a policy adopted by the council that restricts the development of the land because of the likelihood of landslip, bushfire, tidal inundation, subsidence, acid sulfate or any other risk?

Council, by resolution (PLN168-07 dated 14 May 2007) has adopted a policy of refusing residential subdivisions on the Kurnell Peninsula due to environmental risk. For further information please refer to the Department of Planning "Land Use Safety Study - Kurnell Peninsula - February 2007".

- (b) Is the land affected by a policy adopted by any other public authority that restricts the development of the land because of the likelihood of landslip, bushfire, tidal inundation, subsidence, acid sulphate or any other risk?

Clause 28 of State Environmental Planning Policy (Kurnell Peninsula) 1989 states as follows:

### **28 Consideration of certain reports**

*The Council shall not consent to the carrying out of development on land to which this plan applies unless it has first considered the contents of any reports prepared by the Department relating to:*

- (a) risk assessment for the Kurnell Peninsula,*
- (b) transportation on the Kurnell Peninsula,*
- (c) dangerous goods routes, and*
- (d) guidelines on risk assessment criteria and methodology.*

The Public Authority reports referred to in clause 28 above held by



Council, are:

(a) *risk assessment for the Kurnell Peninsula,*

- Department of Environment and Planning (1986) "A Risk Assessment Study for the Kurnell Peninsula" ISBN 0 7305 1785 3
- Department of Environment and Planning (1989) "Draft Land Use Safety Review Update for the Kurnell Peninsula" November 1989
- Department of Urban Affairs and Planning – "Risk Assessment: Hazardous Industry Advisory Paper No. 3; Environmental Risk Impact Assessment Guidelines"
- Department of Planning "Land Use Safety Study - Kurnell Peninsula - February 2007"

(b) *transportation on the Kurnell Peninsula,*

- Department of Environment and Planning (1986) "Kurnell Transportation Study; A Study of Traffic and Hazardous Good Movements on the Kurnell Peninsula"

(c) *dangerous goods routes,*

- As updated by the RTA

(d) *guidelines on risk assessment criteria and methodology.*

- Department of Urban Affairs and Planning (1997) "Multi-Level Risk Assessment". Revised Edition 1999.

Other reports held by Council are:

- Risk Assessment Report by VRJ Risk Engineers Pty Ltd dated 1 June, 2000.
- Assessment of Hazards Based on Review of Previous Risk Assessment Reports prepared by Holmes Fire and Safety Limited for Sutherland Shire Council dated 18 August 2004 Version C.

Note: The above reports are available for inspection at the Administration Office at Sutherland Shire Council, 2-20 Eton Street, Sutherland and at Sutherland Shire Council Central Library, 30-36 Belmont Street, Sutherland.

Anyone seeking to know the contents of "Land Use Safety Review Update for the Kurnell Peninsula " November 1989 report should contact the Department of Planning.

This property is affected by aircraft noise. This property located within the 25 – 30 ANEF contour.

Forecasts of future aircraft noise levels have been made by the

Sydney Airport Corporation Ltd and Airservices Australia. The Australian Noise Exposure Forecast (ANEF) map is one measure used to determine the level of discomfort due to exposure to aircraft noise.

*Factors taken into account in the ANEF calculation are the following:*

- *The numbers and types of aircraft forecast to operate on the day, their distribution on the various runways and flight paths at their destinations,*
- *The runway characteristics of each aircraft type at each phase of its operation (landing or taking off), and*
- *Whether the operation was in daytime (7am - 7pm) or night time (7pm - 7am).*

*Contours are plotted at steps of 5 ANEF over the range 20 to 40 ANEF - the higher the ANEF value the greater the noise exposure. Aircraft noise does not stop at the 20 ANEF contour, but outside 20 ANEF, noise from sources other than aircraft tends to predominate over aircraft noise.  
(SACL correspondence dated 19/08/05)*

The ANEF map used for land use planning purposes is available for inspection at:

- council's Administration Office, 4-20 Eton Street, Sutherland
- council's Central Library, 30-36 Belmont Street, Sutherland
- or council's website [www.sutherlandshire.nsw.gov.au](http://www.sutherlandshire.nsw.gov.au)

Further information on aircraft noise can be found in the Sydney Airport Masterplan 2013. The Sydney Airport Masterplan 2013 is available at:

- council's Administration Office at Sutherland Shire Council, 4-20 Eton Street, Sutherland
- council's Central Library, 30-36 Belmont Street, Sutherland
- Sydney Airport Corporation's website at [www.sydneyairport.com.au](http://www.sydneyairport.com.au)

The land has been classified as Class 2 on the Acid Sulfate Soils Maps supplied by the Department of Natural Resources and held at the offices of the Sutherland Shire Council. Accordingly the assessment of any development application on the land will involve consideration of the implications of this classification.

The land has been classified as Class 3 on the Acid Sulfate Soils Maps supplied by the Department of Natural Resources and held at the offices of the Sutherland Shire Council. Accordingly the assessment of any development application on the land will involve consideration of the implications of this classification.

The land has been classified as Class 4 on the Acid Sulfate Soils Maps supplied by the Department of Natural Resources and held at the offices of the Sutherland Shire Council. Accordingly the assessment of any development application on the land will involve consideration of the implications of this classification.

The land has been classified as Class 5 on the Acid Sulfate Soils Maps supplied by the Department of Natural Resources and held at the offices of the Sutherland Shire Council. Accordingly the assessment of any development application on the land will involve consideration of the implications of this classification.

Clause 23 of State Environmental Planning Policy (Kurnell Peninsula) 1989 contains planning guidelines where land is subject to aircraft noise.

### 23 Aircraft noise—restriction on development

(1) The Council shall not consent to the carrying out of development:

- (a) for residential purposes, where the noise level exceeds 25 ANEF, or
- (b) for schools, universities, hospitals or nursing homes, where the noise level exceeds 25 ANEF, or
- (c) for hotels, motels, hostels, other tourist accommodations or public buildings, where the noise level exceeds 30 ANEF, or
- (d) for commercial purpose, where the noise level exceeds 35 ANEF, or
- (e) for light industry, where the noise level exceeds 40 ANEF.

(2) The Council shall not consent to the carrying out of development:

- (a) for residential purposes where the ANEF is between 20 and 25, or
- (b) for schools, universities, hospitals or nursing homes, where the ANEF is between 20 and 25, or
- (c) for hotels, motels, hostels or other tourist accommodation, where the ANEF is between 25 and 30, or
- (d) for public buildings, where the ANEF is between 20 and 30, or
- (e) for commercial purposes where the ANEF is between 25 and 35, or
- (f) for light industry where the ANEF is between 30 and 40,

unless it is satisfied that the development meets Australian Standard 2021 regarding interior noise

- levels.
- (3) Nothing in this clause prevents the granting of consent for the reasonable repair, renovation, alteration, extension of or addition to an existing building, if there will be no resulting reduction in the degree of insulation of the building interior from noise.
  - (4) This clause does not apply to the carrying out of development for residential purposes, or for the purpose of schools, on land within Kurnell village.

**Australian Standard 2021** means Australian Standard AS2021 – 2000, *Acoustics – Aircraft noise intrusion – Building siting and construction* published by Standards Australia on 10 August 2000.

**ANEF**, in relation to land means the Australian Noise Exposure Forecast for the land, as notified to the Council from time to time by Airservices Australia. The **Kurnell village** means land identified as Kurnell village on the map marked “State Environmental Planning Policy – Development on Kurnell Peninsula” and deposited in the head office of the Department.

## 7A. Flood related development controls information

- (1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.

No

- (2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

No

- (3) Words and expressions in this clause have the same meanings as in the Instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

## 8. Land reserved for acquisition

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act?

Clause 31 (1), (2) and (3) of Sydney Regional Environmental Plan No.17 - Kurnell Peninsula 1989 states as follows:

- "31. (1) The owner of any land within Zone No. 9(a) may, by notice in writing, require the corporation to acquire that land.
- (2) Subject to subclause (3), on receipt of a notice referred to in subclause (1), the corporation, shall acquire by purchase the land to which the notice relates.
- (3) Where a person owns a parcel of land which is partly within Zone No. 9(a) and partly within any other zone, nothing in subclause (1) requires the corporation to acquire so much of the land within Zone No. 9(a) as could be required to be dedicated or transferred to the corporation as a condition of consent of the development of that part of the land within any other zone or otherwise under this plan."

## 9. Contribution Plans

Council has adopted the following Contribution Plans that apply to the land:

- \* The 2016 Section 94A Development Contributions Plan applies to this property (Effective 01/01/17).

## 9A. Biodiversity certified land

If the land is biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016*, a statement to that effect.

**Note.** Biodiversity certified land includes land certified under Part 7AA of the *Threatened Species Conservation Act 1995* that is taken to be certified under Part 8 of the *Biodiversity Conservation Act 2016*.

No

## 10. Biodiversity stewardship sites

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016*, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).

**Note.** Biodiversity stewardship agreements include biobanking agreements under Part 7A of the *Threatened Species Conservation Act 1995* that are taken to be biodiversity stewardship agreements under Part 5 of the *Biodiversity Conservation Act 2016*.

No

## **10A. Native vegetation clearing set asides**

If the land contains a set aside area under section 60ZC of the Local Land Services Act 2013, a statement to that effect (but only if the council has been notified of the existence of the set aside area by Local Land Services or it is registered in the public register under that section).

No

## **11. Bush fire prone land**

Is the land bush fire prone?

Some of the land to which this certificate relates is bushfire prone land as defined under the Environmental Planning and Assessment Act 1979.

## **12. Property Vegetation Plans**

Has Council been notified that a property vegetation plan under the *Native Vegetation Act 2003* applies to the land?

No

## **13. Orders Under Trees (Disputes Between Neighbours) Act 2006**

Whether an order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if Council has been notified of the order).

No.



#### **14. Directions under Part 3A**

Is there a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act that does not have effect?

No

#### **15. Site compatibility certificates and conditions for seniors housing**

Is there a current site compatibility certificate (seniors housing) under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, of which the council is aware, in respect of proposed development on the land? If there is a certificate, the period for which the certificate is current. Are there any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land?

No

#### **16. Site compatibility certificates for infrastructure**

Is there a valid site compatibility certificate (of which the council is aware), issued under clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land?

No

#### **17. Site compatibility certificates and conditions for affordable rental housing**

Is there a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land? If so this statement sets out the period for which the certificate is current and any conditions pursuant to cl17(1) of SEPP (Affordable Rental Housing) 2009.

No

## 18. Paper subdivision information

Is the land subject to any development plan adopted by a relevant authority or that is proposed to be subject to a consent ballot? If so, this statement sets out the date of any subdivision order that applies to the land.

Note: Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.

No

## 19. Site verification certificates

Is there a current site verification certificate, of which the council is aware, in respect of the land?

If so, this statement includes:

- (a) the matter certified by the certificate, and
- (b) the date on which the certificate ceases to be current (if any), and
- (c) that a copy may be obtained from the head office of the Department of Planning and Infrastructure.

Note. A site verification certificate sets out the Director-General's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land—see Division 3 of Part 4AA of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

No

## 20. Loose-fill asbestos insulation

Is the land to which the certificate relates identified on the Loose-Fill Asbestos Insulation Register maintained by the Secretary of NSW Fair Trading?

No

## 21. Affected building notices and building product rectification orders

Are there any affected building notices of which the council is aware that is in force in respect of the land.

No

If so, this statement includes:

- (a) whether there is any building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with, and
- (b) whether any notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.

Note: *affected building notice* has the same meaning as in Part 4 of the Building Products (Safety) Act 2017.

*building product rectification order* has the same meaning as in the Building Products (Safety) Act 2017.

**Note:** The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:

- (a) Is the land significantly contaminated land within the meaning of that Act?  
No
  
- (b) Is the land subject to a management order within the meaning of that Act?  
No
  
- (c) Is the land the subject of an approved voluntary management proposal within the meaning of that Act?  
No
  
- (d) Is the land subject to an ongoing maintenance order within the meaning of that Act?  
No
  
- (e) Is the land subject of a site audit statement within the meaning of that Act?  
No

### **Any Other Prescribed Matter**

**Note:** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the Council is provided with a copy of the exemption or authorisation by the Co-ordinator General under the Act.

No

### **Additional Information**

Council holds additional information relating to this property for provision in accordance with Section 149(5) of the Environmental

Planning and Assessment Act, 1979.

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## **ADDITIONAL INFORMATION PURSUANT TO SECTION 149(5), ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

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The following additional information relating to the land is provided in good faith. The information is not exhaustive of matters likely to affect the land. Section 149(6) states that a council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5).

### **Sensitive Coastal Location**

The land within 100m of mean high water mark, or within 100m of an aquatic reserve or national park, is identified in State Environmental Planning Policy No.71 - Coastal Protection as a sensitive coastal location. Certain development on land in or partly within a sensitive coastal location may require the approval of the Minister for Planning as a Major Project in accordance with the requirements of Schedule 2 of State Environmental Planning Policy (Major Projects) and Part 3A of the Environmental Planning and Assessment Act 1979. Development for the purpose of subdivision within a sensitive coastal location (including strata subdivision and boundary adjustments) will require a Masterplan approval from the Minister for Planning under State Environmental Planning Policy No.71. Any development below mean high water mark on land adjacent to a sensitive coastal location will require a referral to the Department of Planning under State Environmental Planning Policy No. 71.

This land is within an area of high Aboriginal Archaeological Sensitivity. Aboriginal objects and areas are protected by the National Parks and Wildlife Act 1974. It is an offence to damage, deface, remove or destroy or cause damage, defacement, removal or destruction of aboriginal objects and areas without the consent of the NSW Office of Environment and Heritage. Further information is available on Council and the OEH websites [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au).

Council's records indicate that one or more of the activities listed in Table 1 of the Managing Land Contamination Planning Guidelines 1998 may have been undertaken and/or approved on the land. Council's records do not currently contain sufficient information to determine that there is actual contamination of the land. Council may require further investigation of potential contamination, and remediation action where contamination is found, particularly if the land is to be redeveloped or the land use is to be changed to a more



sensitive use. Please contact Council for further information.

The Civil Aviation (Buildings Control) Regulations 1988, Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996, aim to protect airspace at, and around Sydney (KS) Airport in the interests of safety, efficiency or regularity of existing or future air transport operations. A building or structure (including a construction crane) in this area having a height greater than 150 feet or greater than 49 AHD, or development of a 'controlled activity' requires approval from Sydney Airport Corporation. 'Controlled Activity' includes any matter that may affect air transport operations including a building, structure, or activity that intrudes into the prescribed airspace, and sources of artificial lighting, facilities with highly reflective surfaces, activities that create air turbulence, or activities that emit smoke, dust, steam, gas, and the like. Further information is available from the Manager, Airfield Design, Sydney Airport Corporation Ltd. Council may undertake formal consultation with SACL as part of the development application process.

Part or all of this land has been identified as being at risk of future sea level rise by 2100, based on Council's 2016 Sea Level Rise Policy. Further information on the specifics of the future sea level rise for this land can be obtained by contacting Council on 9710 0333.

For further information please telephone [02] 9710 0333.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Mark Carlon', written over a horizontal line.

Mark Carlon  
Manager Environmental Planning

## Applicant:

Mr Philp Holt  
P O Box 1630  
NORTH SYDNEY NSW 2059

## Planning Certificate – Section 149(2)(5) Certificate Environmental Planning and Assessment Act, 1979

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Certificate no:	e149:17/6587	Delivery option:	
Certificate date:	20/12/2017	Your reference:	201217

## Property:

Lot 2 DP 1030269  
251 Captain Cook Drive KURNELL NSW 2231

## Zone:

### **Sutherland Shire Local Environmental Plan 2015:**

Pursuant to clause 1.3(1A) of Sutherland Shire Local Environmental Plan 2015, this land is identified as "deferred matter" being land that is excluded from this plan under section 59(3) of the Act.

### **State Environmental Planning Policy (Kurnell Peninsula) 1989**

6(c) Recreation Private

### Notes:

- (a) *The information in this certificate only relates to the real property Identifier associated with the property and not to any licence or permissive occupancy that may be attached to and included in the property details contained in the description of the land.*
- (b) *The Environmental Planning and Assessment Act 1979 will be referred to in this Certificate as 'the Act'.*

### Disclaimer:

- (a) *This certificate contains information provided to Council by third parties and is as current as the latest information available to Council at the time of production of this document. Council does not warrant the accuracy of the information contained within the information provided by third parties and has not independently verified the information. It is strongly recommended that you contact the relevant third parties to confirm the accuracy of the information.*



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## INFORMATION PURSUANT TO SECTION 149(2), ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

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### 1. Names of relevant instruments and DCPs

1. The name of each environmental planning instrument that applies to the carrying out of development on the land:

- \* SEPP (Kurnell Peninsula) 1989
  
- \* Sydney Regional Environmental Plan No.09 (Extractive Industry (No.2) 1995) (deemed SEPP).
  
- \* SEPP (Exempt and Complying Development Codes) 2008
  
- \* SEPP (Affordable Rental Housing) 2009
  
- \* SEPP No. 19 – Bushland in Urban Areas
- \* SEPP No. 21 – Caravan Parks
- \* SEPP No. 30 – Intensive Agriculture
- \* SEPP No. 33 – Hazardous and Offensive Development
- \* SEPP No. 50 – Canal Estates
- \* SEPP No. 55 – Remediation of Land
- \* SEPP No. 62 – Sustainable Aquaculture
- \* SEPP No. 64 – Advertising and Signage
- \* SEPP No. 65 – Design Quality of Residential Flat Development.
- \* State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)
- \* SEPP (Housing for Seniors or People with a Disability) 2004: (Does not apply to land to which State Environmental Planning Policy (Kurnell Peninsula) 1989 applies)
- \* State Environmental Planning Policy (Integration and Repeals) 2016
- \* SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- \* State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007
- \* SEPP (Infrastructure) 2007
- \* State Environmental Planning Policy (State and Regional Development) 2011
- \* SEPP (State Significant Precincts) 2005
- \* State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- \* State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

2. The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved):

The following Draft State Environmental Planning Policies apply: Amendments to SEPP (Infrastructure) 2007, SEPP (Mining, Petroleum Production and Extractive Industries) 2007, SEPP (State and Regional Development) 2011, SEPP (Housing for Seniors or People with a Disability) 2004, SEPP (State Significant Precincts) 2005, SEPP (Exempt and Complying Development Codes) 2008, SEPP (Educational Establishments and Child Care Facilities) 2017, SEPP (Affordable Rental Housing) 2009, and new draft SEPPs (Environment) and (Primary Production and Rural Development).

Draft State Environmental Planning Policy Coastal Management 2016 - (part of lot).

3. The name of each development control plan that applies to the carrying out of development on the land:

- \* DCP: Advertising Structures and Signs. Edition 3, 18/11/97.
- \* DCP: Amusement Centre. Edition 5, 27/03/2001.
- \* DCP: Car Parking. Edition 4, 18/11/2003.
- \* Contaminated land policy for Kurnell Peninsula, deferred and excluded land 03/08/2010.
- \* DCP: Duration of Development Consents. Edition 3, 06/07/2004.
- \* DCP: Environmental Site Management (Edition 1).
- \* DCP: Keeping of Horses, Edition 3, 8/5/2001.
- \* DCP: Landscape. Edition 3, 11/06/2002.
- \* DCP: Notification of Development Applications. Edition 3, 08/05/2001.

- \* DCP: Stormwater Management. Edition 1, 24/05/05
- \* DCP: Stormwater Specification. Edition 1, 24/05/05

Note: In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

## **2. Zoning and land use under relevant LEPs**

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) in any zone (however described).

- (a) The name and number of the zone:

### **State Environmental Planning Policy (Kurnell Peninsula) 1989 - Private Recreation 6(C)**

- (b) Development allowed without development consent:

Works for the purposes of landscaping, gardening and bushfire hazard reduction.

- (c) Development that requires development consent:

- buildings for the purposes of landscaping, gardening and bushfire hazard reduction,
- car parking,
- clubs,
- drainage,
- pleasure craft and recreational boat building,
- recreation areas,
- recreational facilities,
- refreshment rooms,
- roads,
- tourist facilities,
- utility installations (other than gas holders or generating works,
- watercraft landing facilities.

- (d) Development that is prohibited within the zone:

Any purpose other than a purpose included in item b) or c).

### **State Environmental Planning Policy (Kurnell Peninsula) 1989 – Clause 33 Development for Certain Additional Purposes**

The Council may grant consent to a development application made by FAPACE PTY LIMITED dated March 1989 relating to Lot 4, DP 712157, Lot 2, DP 559922 and Lot 3, DP 225537 where the Council has taken into consideration the Deed dated 14 March 1989 between Besmaw Pty Limited, Fapace Pty Limited, the



Minister administering the Environmental Planning and Assessment Act, 1979, the Director of Planning and the Council of the Shire of Sutherland relating to the land. Please contact Council's Environmental Planning Unit on 9710 0333 for further information.

- (e) Minimum land dimensions fixed for the erection of a dwelling-house on the land:

There are no relevant development standards under the State Environmental Planning Policy ( Kurnell Peninsula ) 1989 for the erection of a dwelling house due to site dimensions.

- (f) Does the land include or comprise critical habitat?

No

- (g) Is the land in a conservation area?

No

- (h) Is an item of environmental heritage situated on the land?

There is no item of environmental heritage situated on the property.

## **2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

To the extent that the land is within any zone (however described) under:

- (a) Part 3 of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the 2006 SEPP)*, or  
(b) a Precinct Plan (within the meaning of the 2006 SEPP), or  
(c) a proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act,

the particulars referred to in clause 2 (a)-(h) in relation to that land (with a reference to "the instrument" in any of those paragraphs being read as a reference to Part 3 of the 2006 SEPP, or the Precinct Plan or proposed Precinct Plan, as the case requires).

Note: Sutherland Shire Council does not currently have any land in the Growth Centres that has been zoned by a Precinct Plan in the Appendices to this SEPP, proposed to be zoned in a draft Precinct Plan (that has been publicly exhibited or formally consulted on) or has been zoned under Part 3 of the Growth Centres SEPP.

### 3. Complying Development

- (1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- (2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.
- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

#### **Housing Code**

Complying development under the General Housing Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions:

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.

Part of the land is on an Acid Sulfate Soils Map as being Class 1 and/or Class 2. For information on the extent of the exemption, please refer to Council's website ([www.sutherlandshire.nsw.gov.au](http://www.sutherlandshire.nsw.gov.au)) for the Acid Sulfate Soils map available through the Shire Maps tool.

(Note: this code applies only to land within, or proposed to be within, the following zones R1, R2, R3, R4 or RU5. Check the zoning on the front of this certificate.)

#### **Housing Alterations Code**

Complying development under the Housing Alterations Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land

exemptions:

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.

### **Commercial and Industrial Alterations Code**

Complying development under the Commercial and Industrial Alterations Code may only be carried out on that part of the land not affected by a specific land exemption. The land is affected by the following specific land exemptions:

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.

### **Commercial and Industrial (New Buildings and Additions) Code**

Complying development under the Commercial and Industrial (New Buildings and Additions) Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions:

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.

Part of the land is on an Acid Sulfate Soils Map as being Class 1 and/or Class 2. For information on the extent of the exemption, please refer to Council's website ([www.sutherlandshire.nsw.gov.au](http://www.sutherlandshire.nsw.gov.au)) for the Acid Sulfate Soils map available through the Shire Maps tool.

(Note: this code applies only to land within, or proposed to be within, the following zones B1, B2, B3, B4, B5, B6, B7, B8, IN1, IN2, IN3, IN4 or SP3. Check the zoning on the front of this certificate.)

### **Container Recycling Facilities Code**

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.

### **Subdivisions Code**

Complying development under the Subdivisions Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions:

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.

### **Rural Housing Code**

Complying development under the Rural Housing Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions:

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.

Part of the land is on an Acid Sulfate Soils Map as being Class 1 and/or Class 2. For information on the extent of the exemption, please refer to Council's website ([www.sutherlandshire.nsw.gov.au](http://www.sutherlandshire.nsw.gov.au)) for the Acid Sulfate Soils map available through the Shire Maps tool.

(Note: this code applies only to land within, or proposed to be within, the following zones RU1, RU2, RU3, RU4, RU6 or R5. Check the zoning on the front of this certificate.)

### **General Development Code**

Complying development under the General Development Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions:

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.

### **Demolition Code**

Complying development under the Demolition Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions:

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.

### **Fire Safety Code**

Complying development under the Fire Safety Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions.

Part of the land is an environmentally sensitive area, being land that is reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 or within 100 metres thereof. For more information on the extent of the exemption, contact Council's Environmental Planning Unit on 9710 0800.

## **4. Coastal Protection**

Is the land affected by section 38 or 39 of the *Coastal Protection Act 1979* (so far as Council has been notified by the Department of Services, Technology and Administration)?

No

### **4A. Information relating to beaches and coasts**

- (1) In relation to a coastal council - whether an order has been made under Part 4D of the *Coastal Protection Act 1979* in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land), except where the Council is satisfied that such an order has been fully complied with.
- (2) In relation to a coastal council:
  - (a) whether the Council has been notified under section 55X of the *Coastal Protection Act 1979* that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land), and

- (b) if works have been so placed – whether the council is satisfied that the works have been removed and the land restored in accordance with that Act.

Note: Sutherland Shire Council has not issued any orders or been notified of any temporary coastal protection works to date.

#### **4B. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works**

In relation to a coastal council—whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

There are no properties subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services.

Note. “Existing coastal protection works” are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the Local Government Act 1993.

### **5. Mine Subsidence**

Is the land proclaimed to be mine subsidence district within the meaning of section 15 of the *Mine Subsidence Compensation Act, 1961*?

No

### **6. Road Widening and Road Realignment**

- (a) Is the land affected by a road widening or road realignment under Division 2 of Part 3 of the *Roads Act 1993*?

No

- (b) Is the land affected by any road widening or road realignment under any environmental planning instrument?

No



- (c) Is the land affected by any road widening or road realignment under any resolution of the Council?

No

## 7. Council and other public authority policies on hazard risk restrictions

- (a) Is the land affected by a policy adopted by the council that restricts the development of the land because of the likelihood of landslip, bushfire, tidal inundation, subsidence, acid sulfate or any other risk?

Council, by resolution (PLN168-07 dated 14 May 2007) has adopted a policy of refusing residential subdivisions on the Kurnell Peninsula due to environmental risk. For further information please refer to the Department of Planning "Land Use Safety Study - Kurnell Peninsula - February 2007".

- (b) Is the land affected by a policy adopted by any other public authority that restricts the development of the land because of the likelihood of landslip, bushfire, tidal inundation, subsidence, acid sulphate or any other risk?

Clause 28 of State Environmental Planning Policy (Kurnell Peninsula) 1989 states as follows:

### **28 Consideration of certain reports**

*The Council shall not consent to the carrying out of development on land to which this plan applies unless it has first considered the contents of any reports prepared by the Department relating to:*

- (a) risk assessment for the Kurnell Peninsula,*
- (b) transportation on the Kurnell Peninsula,*
- (c) dangerous goods routes, and*
- (d) guidelines on risk assessment criteria and methodology.*

The Public Authority reports referred to in clause 28 above held by Council, are:

- (a) risk assessment for the Kurnell Peninsula,*
  - Department of Environment and Planning (1986) "A Risk Assessment Study for the Kurnell Peninsula" ISBN 0 7305 1785 3
  - Department of Environment and Planning (1989) "Draft Land

Use Safety Review Update for the Kurnell Peninsula”  
November 1989

- Department of Urban Affairs and Planning – "Risk Assessment: Hazardous Industry Advisory Paper No. 3; Environmental Risk Impact Assessment Guidelines"
- Department of Planning "Land Use Safety Study - Kurnell Peninsula - February 2007"

(b) *transportation on the Kurnell Peninsula,*

- Department of Environment and Planning (1986) "Kurnell Transportation Study; A Study of Traffic and Hazardous Good Movements on the Kurnell Peninsula"

(c) *dangerous goods routes,*

- As updated by the RTA

(d) *guidelines on risk assessment criteria and methodology.*

- Department of Urban Affairs and Planning (1997) "Multi-Level Risk Assessment". Revised Edition 1999.

Other reports held by Council are:

- Risk Assessment Report by VRJ Risk Engineers Pty Ltd dated 1 June, 2000.
- Assessment of Hazards Based on Review of Previous Risk Assessment Reports prepared by Holmes Fire and Safety Limited for Sutherland Shire Council dated 18 August 2004 Version C.

Note: The above reports are available for inspection at the Administration Office at Sutherland Shire Council, 2-20 Eton Street, Sutherland and at Sutherland Shire Council Central Library, 30-36 Belmont Street, Sutherland.

Anyone seeking to know the contents of "Land Use Safety Review Update for the Kurnell Peninsula " November 1989 report should contact the Department of Planning.

This property is affected by aircraft noise. This property located within the 20 – 25 ANEF contour.

Forecasts of future aircraft noise levels have been made by the Sydney Airport Corporation Ltd and Airservices Australia. The Australian Noise Exposure Forecast (ANEF) map is one measure used to determine the level of discomfort due to exposure to aircraft noise.

*Factors taken into account in the ANEF calculation are the following:*

- *The numbers and types of aircraft forecast to operate on the*

*day, their distribution on the various runways and flight paths at their destinations,*

- *The runway characteristics of each aircraft type at each phase of its operation (landing or taking off), and*
- *Whether the operation was in daytime (7am - 7pm) or night time (7pm - 7am).*

*Contours are plotted at steps of 5 ANEF over the range 20 to 40 ANEF - the higher the ANEF value the greater the noise exposure. Aircraft noise does not stop at the 20 ANEF contour, but outside 20 ANEF, noise from sources other than aircraft tends to predominate over aircraft noise.  
(SACL correspondence dated 19/08/05)*

The ANEF map used for land use planning purposes is available for inspection at:

- council's Administration Office, 4-20 Eton Street, Sutherland
- council's Central Library, 30-36 Belmont Street, Sutherland
- or council's website [www.sutherlandshire.nsw.gov.au](http://www.sutherlandshire.nsw.gov.au)

Further information on aircraft noise can be found in the Sydney Airport Masterplan 2013. The Sydney Airport Masterplan 2013 is available at:

- council's Administration Office at Sutherland Shire Council, 4-20 Eton Street, Sutherland
- council's Central Library, 30-36 Belmont Street, Sutherland
- Sydney Airport Corporation's website at [www.sydneyairport.com.au](http://www.sydneyairport.com.au)

The land has been classified as Class 2 on the Acid Sulfate Soils Maps supplied by the Department of Natural Resources and held at the offices of the Sutherland Shire Council. Accordingly the assessment of any development application on the land will involve consideration of the implications of this classification.

The land has been classified as Class 3 on the Acid Sulfate Soils Maps supplied by the Department of Natural Resources and held at the offices of the Sutherland Shire Council. Accordingly the assessment of any development application on the land will involve consideration of the implications of this classification.

The land has been classified as Class 4 on the Acid Sulfate Soils Maps supplied by the Department of Natural Resources and held at the offices of the Sutherland Shire Council. Accordingly the assessment of any development application on the land will involve consideration of the implications of this classification.

Clause 23 of State Environmental Planning Policy (Kurnell

Peninsula) 1989 contains planning guidelines where land is subject to aircraft noise.

### 23 Aircraft noise—restriction on development

(1) The Council shall not consent to the carrying out of development:

- (a) for residential purposes, where the noise level exceeds 25 ANEF, or
- (b) for schools, universities, hospitals or nursing homes, where the noise level exceeds 25 ANEF, or
- (c) for hotels, motels, hostels, other tourist accommodations or public buildings, where the noise level exceeds 30 ANEF, or
- (d) for commercial purpose, where the noise level exceeds 35 ANEF, or
- (e) for light industry, where the noise level exceeds 40 ANEF.

(2) The Council shall not consent to the carrying out of development:

- (a) for residential purposes where the ANEF is between 20 and 25, or
- (b) for schools, universities, hospitals or nursing homes, where the ANEF is between 20 and 25, or
- (c) for hotels, motels, hostels or other tourist accommodation, where the ANEF is between 25 and 30, or
- (d) for public buildings, where the ANEF is between 20 and 30, or
- (e) for commercial purposes where the ANEF is between 25 and 35, or
- (f) for light industry where the ANEF is between 30 and 40,  
unless it is satisfied that the development meets Australian Standard 2021 regarding interior noise levels.

(3) Nothing in this clause prevents the granting of consent for the reasonable repair, renovation, alteration, extension of or addition to an existing building, if there will be no resulting reduction in the degree of insulation of the building interior from noise.

(4) This clause does not apply to the carrying out of development for residential purposes, or for the purpose of schools, on land within Kurnell village.

**Australian Standard 2021** means Australian Standard AS2021 – 2000, *Acoustics – Aircraft noise intrusion – Building siting and construction* published by Standards Australia on 10 August 2000.

**ANEF**, in relation to land means the Australian Noise Exposure

Forecast for the land, as notified to the Council from time to time by Airservices Australia. The **Kurnell village** means land identified as Kurnell village on the map marked "State Environmental Planning Policy – Development on Kurnell Peninsula" and deposited in the head office of the Department.

## **7A. Flood related development controls information**

- (1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.

No

- (2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

No

- (3) Words and expressions in this clause have the same meanings as in the Instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

## **8. Land reserved for acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act?

No

## **9. Contribution Plans**

Council has adopted the following Contribution Plans that apply to the land:

- \* The 2016 Section 94A Development Contributions Plan applies to this property (Effective 01/01/17).

## 9A. Biodiversity certified land

If the land is biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016*, a statement to that effect.

**Note.** Biodiversity certified land includes land certified under Part 7AA of the *Threatened Species Conservation Act 1995* that is taken to be certified under Part 8 of the *Biodiversity Conservation Act 2016*.

No

## 10. Biodiversity stewardship sites

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016*, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).

**Note.** Biodiversity stewardship agreements include biobanking agreements under Part 7A of the *Threatened Species Conservation Act 1995* that are taken to be biodiversity stewardship agreements under Part 5 of the *Biodiversity Conservation Act 2016*.

No

## 10A. Native vegetation clearing set asides

If the land contains a set aside area under section 60ZC of the Local Land Services Act 2013, a statement to that effect (but only if the council has been notified of the existence of the set aside area by Local Land Services or it is registered in the public register under that section).

No

## 11. Bush fire prone land

Is the land bush fire prone?

Some of the land to which this certificate relates is bushfire prone land as defined under the Environmental Planning and Assessment Act 1979.



## **12. Property Vegetation Plans**

Has Council been notified that a property vegetation plan under the *Native Vegetation Act 2003* applies to the land?

No

## **13. Orders Under Trees (Disputes Between Neighbours) Act 2006**

Whether an order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if Council has been notified of the order).

No.

## **14. Directions under Part 3A**

Is there a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act that does not have effect?

No

## **15. Site compatibility certificates and conditions for seniors housing**

Is there a current site compatibility certificate (seniors housing) under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, of which the council is aware, in respect of proposed development on the land? If there is a certificate, the period for which the certificate is current. Are there any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land?

No

## 16. Site compatibility certificates for infrastructure

Is there a valid site compatibility certificate (of which the council is aware), issued under clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land?

No

## 17. Site compatibility certificates and conditions for affordable rental housing

Is there a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land? If so this statement sets out the period for which the certificate is current and any conditions pursuant to cl17(1) of SEPP (Affordable Rental Housing) 2009.

No

## 18. Paper subdivision information

Is the land subject to any development plan adopted by a relevant authority or that is proposed to be subject to a consent ballot? If so, this statement sets out the date of any subdivision order that applies to the land.

Note: Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.

No

## 19. Site verification certificates

Is there a current site verification certificate, of which the council is aware, in respect of the land?

If so, this statement includes:

- (a) the matter certified by the certificate, and
- (b) the date on which the certificate ceases to be current (if any), and
- (c) that a copy may be obtained from the head office of the Department of Planning and Infrastructure.

Note. A site verification certificate sets out the Director-General's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land—see Division 3 of Part 4AA of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

No

## 20. Loose-fill asbestos insulation

Is the land to which the certificate relates identified on the Loose-Fill Asbestos Insulation Register maintained by the Secretary of NSW Fair Trading?

No

## 21. Affected building notices and building product rectification orders

Are there any affected building notices of which the council is aware that is in force in respect of the land.

No

If so, this statement includes:

(a) whether there is any building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with, and

(b) whether any notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.

*Note: affected building notice* has the same meaning as in Part 4 of the Building Products (Safety) Act 2017.

*building product rectification order* has the same meaning as in the Building Products (Safety) Act 2017.

**Note:** The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:

(a) Is the land significantly contaminated land within the meaning of that Act?  
No

(b) Is the land subject to a management order within the meaning of that Act?  
No

(c) Is the land the subject of an approved voluntary management proposal within the meaning of that Act?  
No

(d) Is the land subject to an ongoing maintenance order within the meaning of that Act?  
No

(e) Is the land subject of a site audit statement within the meaning of that Act?

No

## **Any Other Prescribed Matter**

**Note:** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the Council is provided with a copy of the exemption or authorisation by the Co-ordinator General under the Act.

No

## **Additional Information**

Council holds additional information relating to this property for provision in accordance with Section 149(5) of the Environmental Planning and Assessment Act, 1979.

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## **ADDITIONAL INFORMATION PURSUANT TO SECTION 149(5), ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

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The following additional information relating to the land is provided in good faith. The information is not exhaustive of matters likely to affect the land. Section 149(6) states that a council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5).

The land is affected by tidal inundation. This land is within an area of high Aboriginal Archaeological Sensitivity. Aboriginal objects and areas are protected by the National Parks and Wildlife Act 1974. It is an offence to damage, deface, remove or destroy or cause damage, defacement, removal or destruction of aboriginal objects and areas without the consent of the NSW Office of Environment and Heritage. Further information is available on Council and the OEH websites [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au).

The Civil Aviation (Buildings Control) Regulations 1988, Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996, aim to protect airspace at, and around Sydney (KS) Airport in the interests of safety, efficiency or regularity of existing or future air transport operations. A building or structure (including a construction crane) in this area having a height greater than 150 feet or greater than 49 AHD, or development of a 'controlled activity' requires approval from Sydney Airport Corporation. 'Controlled Activity' includes any matter that may affect air transport operations including a building, structure, or activity that intrudes into the prescribed airspace, and sources of artificial lighting, facilities with highly reflective surfaces, activities that create air turbulence, or activities that emit smoke, dust, steam, gas, and the like. Further information is available from the Manager, Airfield Design, Sydney Airport Corporation Ltd. Council may undertake formal consultation with SACL as part of the development application process.

Part or all of this land has been identified as being at risk of future sea level rise by 2100, based on Council's 2016 Sea Level Rise Policy. Further information on the specifics of the future sea level rise for this land can be obtained by contacting Council on 9710 0333.

For further information please telephone [02] 9710 0333.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mark Carlon', with a long horizontal line extending to the right.

Mark Carlon  
Manager Environmental Planning



## **Appendix E – NSW EPA Licences**

# Environment Protection Licence



Licence - 3629

<b>Licence Details</b>	
Number:	3629
Anniversary Date:	20-July

<b>Licensee</b>
ALLSANDS PTY LTD
PO BOX 1630
NORTH SYDNEY NSW 2059

<b>Premises</b>
CAPTAIN COOK DRIVE
KURNELL NSW 2231

<b>Scheduled Activity</b>
Crushing, grinding or separating
Extractive activities

<b>Fee Based Activity</b>	<b>Scale</b>
Crushing, grinding or separating	> 500000-2000000 T annual processing capacity
Land-based extractive activity	> 500000-2000000 T annual capacity to extract, process or store

<b>Region</b>
Metropolitan - Illawarra
Level 3, NSW Govt Offices, 84 Crown Street
WOLLONGONG NSW 2500
Phone: (02) 4224 4100
Fax: (02) 4224 4110
PO Box 513 WOLLONGONG EAST
NSW 2520

# Environment Protection Licence



Licence - 3629

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# Environment Protection Licence

Licence - 3629



## Information about this licence

### Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

### Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

### Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

### Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

### Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

### Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).

# Environment Protection Licence

Licence - 3629



The EPA publication “A Guide to Licensing” contains information about how to calculate your licence fees. The licence requires that an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints), be submitted to the EPA. The Annual Return must be submitted within 60 days after the end of each reporting period. See condition R1 regarding the Annual Return reporting requirements.

Usually the licence fee period is the same as the reporting period.

## Transfer of licence

The licence holder can apply to transfer the licence to another person. An application form for this purpose is available from the EPA.

## Public register and access to monitoring data

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications;
- licence conditions and variations;
- statements of compliance;
- load based licensing information; and
- load reduction agreements.

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

## This licence is issued to:

<b>ALLSANDS PTY LTD</b>
<b>PO BOX 1630</b>
<b>NORTH SYDNEY NSW 2059</b>

subject to the conditions which follow.

# Environment Protection Licence

Licence - 3629



## 1 Administrative Conditions

### A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

Scheduled Activity	Fee Based Activity	Scale
Crushing, grinding or separating	Crushing, grinding or separating	> 500000 - 2000000 T annual processing capacity
Extractive activities	Land-based extractive activity	> 500000 - 2000000 T annual capacity to extract, process or store

A1.2 Notwithstanding A1.1, the scale of the land-based extractive activity authorised under this licence must not exceed \$Parameter1\$ tonnes per annum, being the amount equivalent to the extraction limit approved by the development consent granted under the *Environmental Planning and Assessment Act 1979* for the premises specified in A2.

### A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
CAPTAIN COOK DRIVE
KURNELL
NSW 2231
LOT 2 DP 559922

### A3 Information supplied to the EPA

A3.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:

- the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and
- the licence information form provided by the licensee to the EPA to assist the EPA in connection with



# Environment Protection Licence

Licence - 3629



the issuing of this licence.

## 2 Discharges to Air and Water and Applications to Land

### P1 Location of monitoring/discharge points and areas

P1.1 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

## 3 Limit Conditions

### L1 Pollution of waters

L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

## 4 Operating Conditions

### O1 Activities must be carried out in a competent manner

O1.1 Licensed activities must be carried out in a competent manner.

This includes:

- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

### O2 Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:

- a) must be maintained in a proper and efficient condition; and
- b) must be operated in a proper and efficient manner.

### O3 Dust

O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

# Environment Protection Licence



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## 5 Monitoring and Recording Conditions

### M1 Monitoring records

- M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.
- M1.2 All records required to be kept by this licence must be:
- in a legible form, or in a form that can readily be reduced to a legible form;
  - kept for at least 4 years after the monitoring or event to which they relate took place; and
  - produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
- the date(s) on which the sample was taken;
  - the time(s) at which the sample was collected;
  - the point at which the sample was taken; and
  - the name of the person who collected the sample.

### M2 Recording of pollution complaints

- M2.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.
- M2.2 The record must include details of the following:
- the date and time of the complaint;
  - the method by which the complaint was made;
  - any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
  - the nature of the complaint;
  - the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
  - if no action was taken by the licensee, the reasons why no action was taken.
- M2.3 The record of a complaint must be kept for at least 4 years after the complaint was made.
- M2.4 The record must be produced to any authorised officer of the EPA who asks to see them.

### M3 Telephone complaints line

- M3.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.
- M3.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

# Environment Protection Licence



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M3.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

## 6 Reporting Conditions

### R1 Annual return documents

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

1. a Statement of Compliance,
2. a Monitoring and Complaints Summary,
3. a Statement of Compliance - Licence Conditions,
4. a Statement of Compliance - Load based Fee,
5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
7. a Statement of Compliance - Environmental Management Systems and Practices.

At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

R1.3 Where this licence is transferred from the licensee to a new licensee:

- a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:

- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect *EPA* or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.

R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and

# Environment Protection Licence



Licence - 3629

Complaints Summary must be signed by:

- a) the licence holder; or
- b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

## **R2 Notification of environmental harm**

- R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.
- R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

## **R3 Written report**

- R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
  - a) where this licence applies to premises, an event has occurred at the premises; or
  - b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.
- R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- R3.3 The request may require a report which includes any or all of the following information:
  - a) the cause, time and duration of the event;
  - b) the type, volume and concentration of every pollutant discharged as a result of the event;
  - c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
  - d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
  - e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
  - f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
  - g) any other relevant matters.
- R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

# **Environment Protection Licence**

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Licence - 3629



## **7 General Conditions**

### **G1 Copy of licence kept at the premises or plant**

G1.1 A copy of this licence must be kept at the premises to which the licence applies.

G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.

G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

# Environment Protection Licence



Licence - 3629

## Dictionary

### General Dictionary

<b>3DGM [in relation to a concentration limit]</b>	Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples
<b>Act</b>	Means the Protection of the Environment Operations Act 1997
<b>activity</b>	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
<b>actual load</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>AM</b>	Together with a number, means an ambient air monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
<b>AMG</b>	Australian Map Grid
<b>anniversary date</b>	The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
<b>annual return</b>	Is defined in R1.1
<b>Approved Methods Publication</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>assessable pollutants</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>BOD</b>	Means biochemical oxygen demand
<b>CEM</b>	Together with a number, means a continuous emission monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
<b>COD</b>	Means chemical oxygen demand
<b>composite sample</b>	Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.
<b>cond.</b>	Means conductivity
<b>environment</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>environment protection legislation</b>	Has the same meaning as in the Protection of the Environment Administration Act 1991
<b>EPA</b>	Means Environment Protection Authority of New South Wales.
<b>fee-based activity classification</b>	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.
<b>general solid waste (non-putrescible)</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997



# Environment Protection Licence



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<b>flow weighted composite sample</b>	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
<b>general solid waste (putrescible)</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>grab sample</b>	Means a single sample taken at a point at a single time
<b>hazardous waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>licensee</b>	Means the licence holder described at the front of this licence
<b>load calculation protocol</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>local authority</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>material harm</b>	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
<b>MBAS</b>	Means methylene blue active substances
<b>Minister</b>	Means the Minister administering the Protection of the Environment Operations Act 1997
<b>mobile plant</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>motor vehicle</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>O&amp;G</b>	Means oil and grease
<b>percentile [in relation to a concentration limit of a sample]</b>	Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollutant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence.
<b>plant</b>	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
<b>pollution of waters [or water pollution]</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>premises</b>	Means the premises described in condition A2.1
<b>public authority</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>regional office</b>	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
<b>reporting period</b>	For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
<b>restricted solid waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>scheduled activity</b>	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
<b>special waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>TM</b>	Together with a number, means a test method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .

# Environment Protection Licence



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<b>TSP</b>	Means total suspended particles
<b>TSS</b>	Means total suspended solids
<b>Type 1 substance</b>	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
<b>Type 2 substance</b>	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
<b>utilisation area</b>	Means any area shown as a utilisation area on a map submitted with the application for this licence
<b>waste</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>waste type</b>	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non - putrescible), special waste or hazardous waste

Mr Tim Gilbert

Environment Protection Authority

(By Delegation)

Date of this edition: 19-May-2000

## End Notes

- 1 Licence varied by notice 1009245, issued on 17-Jul-2001, which came into effect on 11-Aug-2001.
- 2 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 3 Licence varied by notice 1503871 issued on 23-Jan-2012
- 4 Licence varied by notice 1532108 issued on 15-Jul-2015
- 5 Licence transferred through application 1537791 approved on 15-Feb-2016 , which came into effect on 17-Feb-2016
- 6 Licence format updated on 10-May-2017

# Environment Protection Licence



Licence - 5658

## Licence Details

Number:	5658
Anniversary Date:	07-February

## Licensee

BESMAW PTY. LIMITED  
 PO BOX 1630  
 NORTH SYDNEY NSW 2059

## Premises

BESMAW PTY LTD TRADING AS HOLT LAND  
 REHABILITATION CENTRE  
 280-282 CAPTAIN COOK DRIVE  
 KURNELL NSW 2231

## Scheduled Activity

N/A

## Fee Based Activity

## Scale

Other activities	Any annual capacity
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## Region

Waste & Resources - Waste Management  
 59-61 Goulburn Street  
 SYDNEY NSW 2000  
 Phone: (02) 9995 5000  
 Fax: (02) 9995 5999  
 PO Box A290 SYDNEY SOUTH  
 NSW 1232

# Environment Protection Licence

Licence - 5658



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# Environment Protection Licence

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Licence - 5658

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# Environment Protection Licence

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Licence - 5658



## Information about this licence

### Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

### Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

### Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

### Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

### Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

### Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).



# Environment Protection Licence

Licence - 5658



The EPA publication “A Guide to Licensing” contains information about how to calculate your licence fees. The licence requires that an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints), be submitted to the EPA. The Annual Return must be submitted within 60 days after the end of each reporting period. See condition R1 regarding the Annual Return reporting requirements.

Usually the licence fee period is the same as the reporting period.

## Transfer of licence

The licence holder can apply to transfer the licence to another person. An application form for this purpose is available from the EPA.

## Public register and access to monitoring data

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications;
- licence conditions and variations;
- statements of compliance;
- load based licensing information; and
- load reduction agreements.

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

## This licence is issued to:

<b>BESMAW PTY. LIMITED</b>
<b>PO BOX 1630</b>
<b>NORTH SYDNEY NSW 2059</b>

subject to the conditions which follow.

# Environment Protection Licence

Licence - 5658



## 1 Administrative Conditions

### A1 What the licence authorises and regulates

A1.1 This licence regulates water pollution resulting from the activity/ies specified below carried out at the premises specified in A2.

<u>Fee Based Activity</u>	<u>Scale</u>
Other activities	Any annual capacity

A1.2 For the purpose of this licence 'other activities' are limited to the rehabilitation of sand quarry - virgin excavated natural material only.

### A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

<b>Premises Details</b>
BESMAW PTY LTD TRADING AS HOLT LAND REHABILITATION CENTRE
280-282 CAPTAIN COOK DRIVE
KURNELL
NSW 2231
LOT 2 DP 559922

### A3 Other activities

A3.1 This licence applies to all other activities carried on at the premises, including:

<b>Ancillary Activity</b>
Rehabilitation of Sand Quarry - Virgin Excavated Natural Material Only

### A4 Information supplied to the EPA

A4.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:

a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and

b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

# Environment Protection Licence

Licence - 5658



## 2 Discharges to Air and Water and Applications to Land

### P1 Location of monitoring/discharge points and areas

- P1.1 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.
- P1.2 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

#### *Water and land*

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Water quality monitoring		Monitoring point at the surface of the Dredge Pond, labelled "DPW" on map title "Location Plan of Monitoring Points" dated 06/02/15.
2	Water quality monitoring		Monitoring point at eight metres below the surface level of the Dredge Pond, labelled "DPW" on map titled "Location Plan of Monitorings Points" dated 06/02/15.
3	Water quality monitoring		Monitoring point at the surface of the Dredge Pond, labelled "DPC" on map titled "Location Plan of Monitoring Points" dated 06/02/15.
4	Water quality monitoring		Monitoring point at eight metres below the surface level of the Dredge Pond, labelled "DPC" on map titled "Location Plan of Monitoring Points" dated 06/02/15.
5	Groundwater monitoring		Borehole labelled "Bore Hole 1" on map titled "Location Plan of Monitoring Points" dated 06/02/15.
6	Groundwater monitoring		Borehole labelled "Bore Hole 2" on map titled "Location Plan of Monitoring Points" dated 06/02/15.
7	Groundwater monitoring		Borehole labelled "BBH8" on map titled "Location Plan of Monitoring Points" dated 06/02/15.
8	Groundwater monitoring		Borehole labelled "BBH9C" on map titled "Location Plan of Monitoring Points" dated 06/02/15.
9	Water quality monitoring		Monitoring point at the surface level of the Return Water Basin, labelled "RWB" on map titled "Location Plan of Monitoring Points" dated 06/02/15.

# Environment Protection Licence

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10	Groundwater monitoring	Borehole labelled "BBH4B" on map titled "Location Plan of Monitoring Points" dated 06/02/15.
11	Water quality monitoring	Monitoring point at the surface level of the Dredge Pond, labelled "DPE" on map titled "Location Plan of Monitoring Points" dated 06/02/2015.
12	Water quality monitoring	Monitoring point at eight metres below the surface level of the Dredge Pond, labelled "DPE" on map titled "Location Plan of Monitoring Points" dated 06/02/2015.

## 3 Limit Conditions

### L1 Pollution of waters

L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

### L2 Waste

L2.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	Virgin excavated natural material	As defined in Schedule 1 of the POEO Act, as in force from time to time.	-	NA
NA	Potential Acid Sulfate Soils	As defined in Part 4 of the Waste Classification Guidelines	-	Refer to Condition E1
NA	Waste	Any waste received on site that is below licensing thresholds in Schedule 1 of the POEO Act, as in force from time to time	-	NA

# Environment Protection Licence

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## **L3 Potentially offensive odour**

L3.1 No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

## **4 Operating Conditions**

### **O1 Activities must be carried out in a competent manner**

O1.1 Licensed activities must be carried out in a competent manner.

This includes:

- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

### **O2 Maintenance of plant and equipment**

O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:

- a) must be maintained in a proper and efficient condition; and
- b) must be operated in a proper and efficient manner.

### **O3 Dust**

O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

### **O4 Waste management**

O4.1 Before entering into an agreement to accept VENM for disposal the licensee must:

- a) Receive a written application containing the information listed in condition E2.1(1) from the consignor; and
- b) Take all reasonable care to verify the accuracy of the classification of the waste identified in the written application by the consignor.

# Environment Protection Licence

Licence - 5658



## 5 Monitoring and Recording Conditions

### M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.

M1.2 All records required to be kept by this licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:

- the date(s) on which the sample was taken;
- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

### M2 Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

M2.2 Water and/ or Land Monitoring Requirements

#### POINT 1,2,3,4,11,12

Pollutant	Units of measure	Frequency	Sampling Method
Benzene	milligrams per litre	Yearly	Grab sample
Ethyl benzene	milligrams per litre	Yearly	Grab sample
Toluene	milligrams per litre	Yearly	Grab sample
Total petroleum hydrocarbons	milligrams per litre	Yearly	Grab sample
Xylene	milligrams per litre	Yearly	Grab sample

#### POINT 1,2,3,4,9,11,12

Pollutant	Units of measure	Frequency	Sampling Method
Alkalinity (as calcium carbonate)	milligrams per litre	Quarterly	Grab sample
Aluminium	milligrams per litre	Yearly	Grab sample
Arsenic	milligrams per litre	Yearly	Grab sample
Cadmium	milligrams per litre	Yearly	Grab sample
Calcium	milligrams per litre	Quarterly	Grab sample



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Chloride	milligrams per litre	Quarterly	Grab sample
Chromium (hexavalent)	milligrams per litre	Yearly	Grab sample
Chromium (total)	milligrams per litre	Yearly	Grab sample
Conductivity	microsiemens per centimetre	Quarterly	Probe
Copper	milligrams per litre	Yearly	Grab sample
Lead	milligrams per litre	Yearly	Grab sample
Magnesium	milligrams per litre	Quarterly	Grab sample
Manganese	milligrams per litre	Yearly	Grab sample
Mercury	milligrams per litre	Yearly	Grab sample
Nickel	milligrams per litre	Yearly	Grab sample
Nitrogen (ammonia)	milligrams per litre	Quarterly	Grab sample
Organochlorine pesticides	milligrams per litre	Yearly	Grab sample
Organophosphate pesticides	milligrams per litre	Yearly	Grab sample
pH	pH	Quarterly	Probe
Polycyclic aromatic hydrocarbons	milligrams per litre	Yearly	Grab sample
Potassium	milligrams per litre	Quarterly	Grab sample
Sodium	milligrams per litre	Quarterly	Grab sample
Sulfate	milligrams per litre	Quarterly	Grab sample
Total Phenolics	milligrams per litre	Yearly	Grab sample
Zinc	milligrams per litre	Yearly	Grab sample

## POINT 5,6,7,8,10

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Every 6 months	Probe
Nitrogen (ammonia)	milligrams per litre	Every 6 months	Grab sample
pH	pH	Every 6 months	Probe
Standing Water Level	metres	Every 6 months	In situ

## POINT 9

Pollutant	Units of measure	Frequency	Sampling Method
Benzene	milligrams per litre	Quarterly	Grab sample
Ethyl benzene	milligrams per litre	Quarterly	Grab sample
Toluene	milligrams per litre	Quarterly	Grab sample
Total petroleum hydrocarbons	milligrams per litre	Quarterly	Grab sample
Xylene	milligrams per litre	Quarterly	Grab sample

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## **M3 Testing methods - concentration limits**

M3.1 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

## **M4 Recording of pollution complaints**

M4.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M4.2 The record must include details of the following:

- a) the date and time of the complaint;
- b) the method by which the complaint was made;
- c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- d) the nature of the complaint;
- e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the licensee, the reasons why no action was taken.

M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

## **M5 Telephone complaints line**

M5.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M5.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M5.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

## **6 Reporting Conditions**

### **R1 Annual return documents**

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:  
a) a Statement of Compliance; and  
b) a Monitoring and Complaints Summary.

At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be

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completed and returned to the EPA.

- R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.
- R1.3 Where this licence is transferred from the licensee to a new licensee:
- a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
  - b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.
- R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:
- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
  - b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.
- R1.5 The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').
- R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.
- R1.7 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
- a) the licence holder; or
  - b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

## **R2 Notification of environmental harm**

- R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.
- R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

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## R3 Written report

- R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
- a) where this licence applies to premises, an event has occurred at the premises; or
  - b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
- and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.
- R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- R3.3 The request may require a report which includes any or all of the following information:
- a) the cause, time and duration of the event;
  - b) the type, volume and concentration of every pollutant discharged as a result of the event;
  - c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
  - d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
  - e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
  - f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
  - g) any other relevant matters.
- R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

## 7 General Conditions

### G1 Copy of licence kept at the premises or plant

- G1.1 A copy of this licence must be kept at the premises to which the licence applies.
- G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.
- G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

## 8 Special Conditions

### E1 Disposal of Potential Acid Sulfate Soils (PASS) underwater

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## Operating Conditions

- E1.1 Soil that has been assessed by a suitably qualified and experienced environmental professional employed by a practicing member of the Australian Contaminated Land Consultants Association (ACLCA) in accordance with the ASSMAC guidelines and determined to be PASS and which satisfies all of the requirements for classification as Virgin Excavated Natural Material (VENM), except that it contains sulfidic soils, and which is disposed of under water according to this licence may be classified as VENM in accordance with the definition of VENM in the POEO Act 1997.
- E1.2 The premises must receive documentation for each truck load of PASS received at the premises (see reporting conditions) that demonstrates that the excavation of PASS and its transport and handling was conducted in accordance with the NSW Acid Sulfate Soil Manual (Acid Sulfate Soil Management Advisory Committee, August 1998) to prevent the generation of acid.
- E1.3 PASS must be disposed of at least 1 metre below the permanent water table level at the premises.
- E1.4 Any PASS received at the premises must be placed below the water table within 24 hours of the time of its excavation at the originating site.

## PASS Limit Conditions

- E1.5 Any PASS which has dried out, undergone any oxidation of sulfidic minerals or which has a pH of less than 5.5 must not be disposed-of at this premises.
- E1.6 The pH of the PASS immediately prior to under-water disposal must be not less than 5.5.
- E1.7 The pH of the water into which the PASS is placed must not be less than 6.0 at any time.
- E1.8 If the pH of the water falls below 6.5 the licensee must not receive any more PASS at the premises until approval to continue is received in writing from the EPA.

## PASS Monitoring Conditions

- E1.9 The pH of each load of the PASS must be tested at the disposal site immediately prior to its placement under water using the test method referred to in NSW Acid Sulfate Soil Manual (Method 21A and/or Method 21Af).
- E1.10 The pH of the water into which the PASS is placed must be monitored using the sampling method, unit of measure, and sampling frequency, specified in the table below:

Pollutant	Unit of measure	Frequency	Sampling method
pH	pH	Special Frequency 1	Grab Sample

Note: Special Frequency 1 is daily during the PASS placement into water and thereafter weekly for a period of six months from the date the last load of PASS was placed underwater.

## PASS Reporting Conditions

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- E1.11 If the pH of the water falls below 6.5 the licensee must notify the EPA in writing as soon as practicable and within 24 hours.
- E1.12 The results of all monitoring required under condition 9 and 10 must be submitted to the EPA in the annual return.
- E1.13 A graph showing pH of the water at the monitoring frequency specified in Condition 10 for each year must be included in the annual return. The format should show the pond water pH trend over the life of the licence.
- E1.14 A graph showing pH in the up and down gradient groundwaters at the monitoring frequency specified in Condition M2 must be provided in a format that shows the groundwater pH trend for the 5 years preceeding the current reporting period.

## Other Waste Disposal

- E1.15 The licensee must retain certain documentation for each truck load of PASS received at the site which indicates:
  - a) the details of the originating site (name, address, owner & developer, contact details);
  - b) the details of the transporter (name, address, contact details, vehicle registration);
  - c) date and time of the extraction of the PASS;
  - d) pH of the PASS at the time of its extraction, and at the time immediately prior to its placement underwater; and
  - e) the name of the person (suitably qualified and experienced environmental professional employed by a practicing member of the ACLCA) who assessed the material and classified it as PASS.

The documentation must be retained by the licensee for four years from the date of receipt of the PASS.

- E1.16 Waste other than VENM must not be deposited in the water.

## E2 VENM Verification

- E2.1 The licensee must follow a VENM Verification Procedure designed to ensure that the only waste received at the premises is VENM. The licensee must follow procedures that include (but are not necessarily limited to) the following:

1) Pre-acceptance validation must be carried out prior to the licensee agreeing to accept VENM from all sources. This must incorporate a procedure for collection and recording of information about the waste including;

- a) The location of the site from which the waste originates (the Waste Origin Site), its street address;
- b) A short general description of the Waste Origin Site and any improvements on the site;
- c) A brief history of activities of the site with particular reference to the commercial or industrial activities which may have resulted in the site becoming chemically contaminated;
- d) Whether the Waste Origin Site has been the subject of contaminated site investigations and, if so, a summary of the findings of the investigations;
- e) A brief description of the physical nature of the material(s) proposed to be transported from the Waste Origin Site to the premises;
- f) Sufficient other background information or analysis data to satisfy the licensee that the material has

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been properly classified as VENM; and

g) An estimate of the total amount of VENM proposed to be received from a Waste Origin Site where such amounts are greater than 100 tonnes.

Note: The procedure should also include a mechanism whereby, having obtained the above information, the licensee diligently makes further inquiries as may be reasonably required, to satisfy itself that waste to be transported to the premises from the Waste Origin Site is VENM.

2) Verification at time of acceptance must provide reasonable assurance that the material is from a Waste Origin Site properly identified in accordance with the pre-acceptance Verification Procedure and is VENM from that site. The information obtained and recorded must include:

- a) The date and time of entry of the transporting vehicle;
- b) A description of the type(s) of VENM in the load;
- c) The weight of each load;
- d) The identification details of the source of the VENM (the VENM supplier) and site of origin;
- e) The details of the transporting vehicle including its registration number and driver;
- f) Identification details of the company/individual which has employed or contracted the driver to transport VENM to the premises.

3) A program of inspection and audit of deliveries designed to evaluate the overall effectiveness of the above procedures and:

- a) Is statistically designed to provide confidence that waste being transported to the premises from a Waste Origin Site has been properly classified as VENM;
- b) Segregates, in a defined area, any load of waste which is the subject of inspection and/or sampling until such time as the results of the inspection and/or sampling are known; and
- c) Segregates material which is found to be improperly classified as VENM in a discrete, defined area.

4) As soon as possible after becoming aware that any waste/material received at the premises is not VENM and has been placed into the landform the licensee must:

- a) Notify the EPA in writing;
- b) Remove the material/waste from the premises and dispose of it at a facility licensed to take such waste; and
- c) Implement a procedure to audit all further incoming loads from that Waste Origin Site prior to accepting any further waste, until such time as the results of such audits demonstrate that the Waste Origin Site's screening and assessment procedures have been corrected to prevent further mis-classification of waste.

E2.2 The licensee must ensure that all VENM received at the premises has been assessed in accordance with the VENM Verification Procedure (condition E2.1).



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## Dictionary

### General Dictionary

<b>3DGM [in relation to a concentration limit]</b>	Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples
<b>Act</b>	Means the Protection of the Environment Operations Act 1997
<b>activity</b>	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
<b>actual load</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>AM</b>	Together with a number, means an ambient air monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
<b>AMG</b>	Australian Map Grid
<b>anniversary date</b>	The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
<b>annual return</b>	Is defined in R1.1
<b>Approved Methods Publication</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>assessable pollutants</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>BOD</b>	Means biochemical oxygen demand
<b>CEM</b>	Together with a number, means a continuous emission monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
<b>COD</b>	Means chemical oxygen demand
<b>composite sample</b>	Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.
<b>cond.</b>	Means conductivity
<b>environment</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>environment protection legislation</b>	Has the same meaning as in the Protection of the Environment Administration Act 1991
<b>EPA</b>	Means Environment Protection Authority of New South Wales.
<b>fee-based activity classification</b>	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.
<b>general solid waste (non-putrescible)</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997

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<b>flow weighted composite sample</b>	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
<b>general solid waste (putrescible)</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>grab sample</b>	Means a single sample taken at a point at a single time
<b>hazardous waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>licensee</b>	Means the licence holder described at the front of this licence
<b>load calculation protocol</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>local authority</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>material harm</b>	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
<b>MBAS</b>	Means methylene blue active substances
<b>Minister</b>	Means the Minister administering the Protection of the Environment Operations Act 1997
<b>mobile plant</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>motor vehicle</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>O&amp;G</b>	Means oil and grease
<b>percentile [in relation to a concentration limit of a sample]</b>	Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollutant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence.
<b>plant</b>	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
<b>pollution of waters [or water pollution]</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>premises</b>	Means the premises described in condition A2.1
<b>public authority</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>regional office</b>	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
<b>reporting period</b>	For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
<b>restricted solid waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>scheduled activity</b>	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
<b>special waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>TM</b>	Together with a number, means a test method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .

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<b>TSP</b>	Means total suspended particles
<b>TSS</b>	Means total suspended solids
<b>Type 1 substance</b>	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
<b>Type 2 substance</b>	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
<b>utilisation area</b>	Means any area shown as a utilisation area on a map submitted with the application for this licence
<b>waste</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>waste type</b>	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non - putrescible), special waste or hazardous waste

Mr John Sparkes

Environment Protection Authority

(By Delegation)

Date of this edition: 01-November-2000

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## End Notes

- 1 Licence varied by notice 1029718, issued on 06-Nov-2003, which came into effect on 01-Dec-2003.
- 2 Licence varied by notice 1046518, issued on 24-May-2005, which came into effect on 02-Jun-2005.
- 3 Licence varied by notice 1073760, issued on 01-Jun-2007, which came into effect on 01-Jun-2007.
- 4 Licence varied by notice 1080046, issued on 10-Mar-2008, which came into effect on 10-Mar-2008.
- 5 Licence varied by notice 1084613, issued on 08-Apr-2008, which came into effect on 08-Apr-2008.
- 6 Licence varied by notice 1093239, issued on 29-Oct-2008, which came into effect on 29-Oct-2008.
- 7 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 8 Licence varied by notice 1098840, issued on 22-Apr-2009, which came into effect on 22-Apr-2009.
- 9 Licence varied by Correction to EPA Region data record., issued on 23-Jun-2010, which came into effect on 23-Jun-2010.
- 10 Licence varied by correction to DECCW Region data record, issued on 07-Jul-2010, which came into effect on 07-Jul-2010.
- 11 Licence varied by notice 1509844 issued on 20-May-2013
- 12 Licence varied by notice 1528700 issued on 29-Jun-2015

# **Appendix F –NSW Department of Planning, Industry and Environment – Scope of Works**



## State Environmental Planning Policy (Kurnell Peninsula) 1989 Review

251 and 280-282 Captain Cook Drive, Kurnell

Scope of works for technical studies

September 2017

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**Note:**

All studies should allow for at least one meeting with the PCG to present findings of draft studies.

## Land Capability, Hazards and Air Quality Scope of Work

### 1. Land Capability

The land capability study is required to:

- identify and map soil landscapes within the site and the limitations of the land including erosion and sedimentation hazards, and shrink swell hazards (volume expansion);
- verify hazards (in sufficient detail to inform rezoning, and assuming that more detailed studies may be undertaken at the development stage if necessary) through the analysis of soil samples and land uses on the Kurnell Peninsula;
- assess slope stability across the site, identifying areas which are, or are likely to be, prone to stability problems;
- based on the above factors, map the capability of the land for future urban development;
- provide recommendations on slope stability which recognise the range of potential land uses on the site, including conservation land, accessible open space, residential development and employment uses; and
- investigate the rehabilitation and construction of land following sand mining, including the structural stability and soil compaction of landforms, and demonstrate that a stable platform exists (or will exist) for the proposed forms of urban development.

#### Soil Salinity

An investigation into potential salinity issues is required. The impact of regional conditions in the areas surrounding the site should also consider:

- the potential extent, degree and location of actual or potential saline soils, and potential interaction with saline groundwater should be mapped.
- the key areas identified as being at risk to salinity or areas requiring further investigations are to be illustrated within the site.
- the recommendations to determine which concepts of Water Sensitive Urban Design (WSUD) are possible, and which are not, in areas of elevated soil salinity within the site. This is to ensure consistency is achieved between WSUD and any future Salinity Management Plans.

#### Contaminated Land Management

The study should demonstrate how the requirements of State Environmental Planning Policy 55 (SEPP 55), have been satisfied to ensure the suitability of a site for its proposed use. The assessment of contamination and subsequent remediation (if required) of soil and groundwater contamination may include but is not necessarily limited to the following initial stages:

- Stage 1 – Preliminary Environmental Site Assessment (PESA); and
- Stage 2 – Detailed Environmental Site Assessment (DESA).

This brief involves Stage 1, which is to be completed prior to the exhibition of the proposed SEPP amendment documents. Further investigations are likely to be required prior to the approval of rezoning or development applications (i.e. Stage 2- DESA and may include a Remedial Action Plan (RAP), Validation Assessment, and Site Audit Statement (SAS)) but these **do not** form part of this brief.

The objective of the PESA is to identify any past or present potentially contaminating activities and to provide a preliminary assessment of site contamination. The Stage 1 assessment shall be carried



out in accordance with the requirements of the relevant Environment Protection Authority (EPA) / Office of Environment and Heritage (OEH) guidelines.

The preliminary investigation typically contains:

- a detailed appraisal of the site history and a report based on visual site inspection (walk over);
- a review of historical aerial photography archives, and previous site ownership land titles;
- a search through the EPA Land Information records to confirm that there are no statutory notices on any parts of the site under the Contaminated Land Management Act (1997); and
- a list of Areas of Environmental Concern (AEC) and an assessment of the need for further investigations, using a risk approach (high, medium and low) with respect to its contamination potential.

The PESA may recommend and inform the requirements for further investigations including a detailed assessment DESA, which may be required to be carried out prior to rezoning or development.

#### Land use hazards

Review and analyse other land uses in the Kurnell Peninsula that may pose a risk to safety, including fuel storage and distribution operations. The investigation needs to consider:

- the potential for development on the site to impact on the Kurnell evacuation task during emergencies; and
- the additional evacuation implications for potential sensitive land uses such as hospitals, seniors housing, residential care facilities and group homes.

#### Groundwater

Where contaminating activities are suspected to have impacted groundwater, limited/preliminary sampling and analysis may also be required. If so, the contractor will be required to undertake groundwater sampling and analysis in accordance with the NSW EPA Sampling Design Guidelines, 1995 and the relevant Australian Standards for sampling for water quality and at all times utilise sound operational health and safety, decontamination and QA/QC procedures.

This analysis should be used to assist in reporting on water quality, contamination and salinity issues. Sampling locations should be mapped and recorded and results logged accordingly. Advice should include guidelines on the application of groundwater protection levels related to the vulnerability of groundwater in the site.

#### Air Quality Impact Assessment

Scope of works:

- Assessment should consider all potential air pollutants, including dusts, complex mixtures of odours, individual odorous pollutants and air toxics.
- The specific pollutants assessed must be selected based on a review of existing and potential emissions sources in the vicinity of the proposed development.
- The information provided indicates potential for contaminated land and water, due to previous land-uses. Air quality impacts associated with contamination and remediation activities must be evaluated.
- A Level 1 odour assessment as described in Technical Framework - Assessment and Management of Odour from Stationary Sources in NSW (and accompanying technical notes)

should be undertaken any identify any mitigation and management approaches including nominal separation distances.

- The Assessment should be undertaken with reference to:
  - approved Methods for the Modelling and Assessment of Air Pollutants in NSW;
  - technical Framework - Assessment and Management of Odour from Stationary Sources in NSW; and
  - development Near Rail Corridors and Busy Roads—Interim Guideline and the Infrastructure SEPP.
- Prepare information that outlines the findings of the Air Quality Impact Assessment, including maps identifying those areas where urban development would encroach into the ‘separation distance’ between it and any odour producing activities.
- Make specific recommendations on any mitigation approaches or measures including but not necessarily limited to staging development, separation distances to minimise exposure, architectural or building design treatments and transitional approaches. Consideration should be given to:
  - design approaches to minimise exposure to particle pollution next to major roads (eg Captain Cook Drive) especially where road volumes are expected to increase;
  - restricting installation of wood heaters and open fire places as wood heaters are a major contributing source of elevated particle levels in Sydney; and
  - applying best management practices at the construction stage as diesel and gas powered equipment used in construction can cause air pollution. Further information available on the EPA website at: <http://www.epa.nsw.gov.au/air/managenonroaddiesel.htm>.

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