



DOC19/1082661

13 December 2019

Mr Andy Nixey
Key Sites and Industry
Department of Planning, Industry and Environment
GPO Box 39,
Sydney NSW 2001

Dear Mr Nixey

**Ivanhoe Estate Redevelopment – Stage 1 (SSD 8903)
EPA comment on Response to Submissions**

I am writing to you in reply to the invitation to the Environment Protection Authority (EPA) to provide comment on the Response to Submissions (RtS) for Stage 1 of the Ivanhoe Estate Redevelopment.

The EPA has reviewed relevant RtS documents provided by the Department of Planning, Industry and Environment (DPIE) and has comments regarding noise and vibration, recommended conditions regarding contamination, and potential discharge of intercepted groundwater.

Noise and Vibration

The EPA reviewed the *Ivanhoe Estate, Macquarie Park Stage 1 DA Acoustic Assessment*, prepared by Acoustic Logic, (Rev 6, dated 15.10.19) and makes the following comments:

- 1) The EPA's comments on the Concept application (SSD 8707) is also applicable to Stage 1 because it has adopted noise assessment criteria based on the noise monitoring data described in the Concept application. The EPA has identified significant deficiencies with the Concept application, including the monitoring data (and other issues). **The recommended conditions of approval for the Concept report are also recommended for Stage 1.**
- 2) Section 5.1.2.4 of the Stage 1 Acoustic Assessment states that the noise emission criteria for Stage 1 are the same as the ones for the whole development as defined in the Concept report. However, the noise emission criteria developed in the Concept report are applicable to the total noise emissions at sensitive receivers from all relevant noise sources on the development site. They are not to be applied to each building or stage individually as this has the potential to cause a cumulative impact at receivers greater than the *Noise Policy for Industry* (EPA, 2017) Project Noise Trigger Levels. The assessment should be amended accordingly to take this into account.
- 3) The child care centre should be designed and managed to minimise noise emissions to residential receivers and other sensitive land uses. The design of the centre should also minimise noise intrusion into internal and external areas of the child care centre.
- 4) A construction noise and vibration management plan should be prepared to manage impacts at sensitive receivers during construction.

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- 5) Construction activities should be limited to standard construction hours, unless otherwise approved, as follows:
- Monday to Friday 7am to 6pm
 - Saturdays 8am to 1pm
 - No work Sundays and Public Holidays.

Contamination

Following review of the RtS regarding contaminated lands matters, the EPA has updated its previous advice regarding conditions of consent. The following conditions are recommended:

- 1) The applicant is required to implement the recommendations of the Remedial Action Plan as approved by the accredited site auditor.
- 2) The applicant must update the unexpected finds protocol following completion of additional testing. The protocol should include detailed procedures for identifying and dealing with unexpected contamination, asbestos and other unexpected finds. The applicant should ensure that the procedure includes details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved.
- 3) The applicant is required to ensure that following demolition of any existing buildings, roads, electricity substations and in-ground utilities, further investigation of soil contamination is undertaken within the footprint of those buildings, roads, electricity substations and in-ground utilities prior to undertaking any construction.
- 4) The applicant be required to conduct additional site investigation and prepare an updated Remedial Action Plan to address any identified contamination with proper regard to the:
 - (i) *NSW EPA Sampling Design Guidelines*
 - (ii) *Guidelines for the NSW Site Auditor Scheme (3rd edition) 2017*
 - (iii) *Guidelines for Consultants Reporting on Contaminated Sites 2011*
 - (iv) *National Environment Protection (Assessment of Site Contamination) Measure 2013 as amended*
 - (v) Other guidelines approved under s.105 of the *Contaminated Land Management Act 1997*.
- 5) The applicant should comply with the processes outlined in *State Environmental Planning Policy 55 - Remediation of Land (SEPP55)* when assessing the suitability of the land and any remediation required in relation to the proposed sensitive use.
- 6) The applicant be required to:
 - (a) provide a Section A Site Audit Statement (SAS) and accompanying Site Audit Report (SAR) prepared following completion of remediation and validation, certifying suitability of the development site for the proposed use prior to undertaking any construction;
 - (b) ensure that any contamination identified as meeting the trigger in the *EPA Guidelines for the Duty to Report Contamination* is notified in accordance with requirements of section 60 of the *Contaminated Land Management Act 1997*;
 - (c) ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination; and
 - (d) ensure that all reports prepared for the assessment of contamination must be prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's *Certified Environmental Practitioner (Site Contamination)*

Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

- 7) The applicant be required to satisfy the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 'asbestos wastes'.

Note: The EPA provides additional guidance material on its website:
<http://www.environment.nsw.gov.au/waste/asbestos/index.htm>.

- 8) The applicant is required to consult with Safework NSW concerning the handling of any asbestos waste that may be encountered during the project.

Water

The EPA notes the applicant's response to concerns regarding the potential to discharge intercepted groundwater to Shrimptons Creek. The EPA reminds DPIE that the applicant must manage its activities so that it does not result in any pollution of waters, as per section 120 of the *Protection of the Environment Operations Act 1997*.

Should you require clarification of any of the above please contact Anna Timbrell on 9274 6345 or email anna.timbrell@epa.nsw.gov.au.

Yours sincerely



SARAH THOMSON
Unit Head, Metropolitan Infrastructure
Environment Protection Authority