

Mr Andy Nixey
Department of Planning and Environment
GPO BOX 39
SYDNEY NSW 2001

Dear Mr Nixey

SSD 8707 – IVANHOE ESTATE RE-DEVELOPMENT CONCEPT PLAN – RESPONSE TO SUBMISSIONS (RtS) REPORT

I am writing to you in reply to your invitation to the Environment Protection Authority (EPA) to comment on the RtS report concerning the above project.

1. Addressing the EPA's submission

The EPA made a detailed submission on the environmental impact statement (EIS) dated 9 May 2018 which is on the Department's 'Major Projects' web site.

The RtS includes brief generalised statements concerning some of the issues raised in the EPA's EIS submission. However, Appendix A *Detailed Response to Agency Submissions* to the RtS whilst addressing comments in the EPA's cover letter, does not respond to the EPA's detailed advice and recommendations set out in Attachment A of its EIS submission. Accordingly, the EPA reaffirms its advice and recommendations concerning the project concept plan.

2. Site Contamination

Appendix A of the RtS indicates that the proponent has 'noted' the EPA's general (i.e. cover letter) comments concerning site contamination.

Table 4 to section 4.2 '*Consistency with relevant EPIs ...*' to the RtS does not appear to address State Environmental Planning Policy 55 despite explicit reference to that instrument in the project SEARs.

Whilst, the EPA is aware that Ivanhoe Estate Stage 1 EIS documentation includes supplementary site contamination data, analyses and a site audit report, that documentation does not appear to accompany the RtS in respect of the Re-development Concept Plan. The EPA also understands that existing roads and utilities, including substations (vis a vis potential PCB contamination), are proposed to be demolished pursuant to *SSD 8903 Ivanhoe Estate (Stage 1)*. The EPA anticipates further site investigation of the footprint and immediate environs of those demolished roads and utilities.

The EPA notes that demolition of existing buildings is being undertaken under a separate assessment process. However, the EPA is unclear about the timing and impact of demolition works in relation to the undertaking of the above mentioned site assessments, including access to the footprint of the demolished buildings for site investigation purposes as outlined in the EPA's EIS submission. For instance, the EPA understands that (in respect of existing buildings on the development site) residual termiticides would have typically been applied to the building footprint prior to pouring of footings/slabs on ground.

The table to section 5.0 *Environmental Risk Assessment* to the RtS briefly refers to remediation of an area of the site affected by a petrol spill (i.e. Total Residual Hydrocarbons) but otherwise does not address the EPA's advice and recommendations concerning the investigation of site contamination and appropriate remediation. The EPA understands all contaminated soil is proposed to be removed from the development site for disposal at a facility legally able to accept that waste.

The EPA is also aware that the site auditor has reviewed the Remediation Action Plan (RAP) section 9.1.2 of which comprises an unexpected finds protocol though that plan does not explicitly address the issue of investigation of the footprint of demolished buildings, roads and utilities.

The EPA recommends that the proponent clarify –

- (a) whether demolition of existing buildings across the development site has been completed, and
- (b) whether site contamination investigations were undertaken before or after demolition across the development site.

Accordingly, the EPA reaffirms its recommendations concerning site contamination; noting that the recommendation to prepare a RAP has been addressed. The EPA further recommends that the proponent be required to undertake investigation of soil contamination within the footprint and immediate environs of demolished buildings, roads and utilities (especially defunct electricity substations) across the development site.

3. Background Noise Assessment

Appendix A of the RtS notes the EPA's advice that the proponent is a 'public authority', and the EPA has provided appropriate noise assessment guidance material to all public authorities, being the Noise Policy for Industry.

The EPA emphasises that background noise measurement is fundamental to a consistent approach to the quantitative assessment of noise impacts of development. Those background noise levels are used to set the trigger levels for both construction and operational noise. Therefore, the EPA considers that properly establishing background noise levels is critical to the assessment and management of noise for the entire project and each stage thereof.

The EPA's EIS submission commented that background noise monitoring was not conducted in accordance with the Noise Policy for Industry (EPA, 2017) and that the proponent is required to establish background noise levels in accordance with Fact Sheet A and B of that Policy.

The EPA's view is that the RtS and Appendix W 'Ivanhoe Estate, Macquarie Park Revised Masterplan DA' (i.e. acoustic assessment report 20171369.3) do not adequately address the EPA's previous concerns about the background noise assessment.

4. Operational noise

The EPA's submission raised concerns that the EIS did not address impacts from all the development's proposed land uses. Appendix W does not adequately address potential noise impacts from proposed land uses across the estate, including:

- (a) the assumption that activities at the proposed school would be restricted to the day time assessment period (noting Government policy encouraging out of hours community use of school facilities);
- (b) the operation of the community centre, retail and cafes as potential noise sources; and
- (c) incorrectly proposing the maximum noise level event assessment trigger level for $L_{Aeq,15min}$ in Table 15 instead of deriving the trigger levels in accordance with Section 2.5 of the Noise Policy for Industry.

The EPA reaffirms its advice and recommendations concerning operational noise assessment.

Should you require clarification of any of the above please contact John Goodwin on 9995 - 6838.

Yours sincerely



SARAH THOMSON
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Environment Protection Authority