



DOC19/696309

12/9/19

Mr Chris Ritchie  
Director – Industry Assessments  
Department of Planning, Industry and Environment  
GPO Box 39,  
Sydney NSW 2001

[William.Hodgkinson@planning.nsw.gov.au](mailto:William.Hodgkinson@planning.nsw.gov.au)

Dear Mr Ritchie

**Light Horse Interchange Business Hub (SSD\_9667)  
Advice on the Environmental Impact Statement**

I am writing to you in reply to your invitation to the Environment Protection Authority (EPA) to provide advice on the Environmental Impact Statement (EIS), including recommendations for Conditions of Approval for the above proposal.

The EPA has reviewed the EIS provided by the Department of Planning, Industry and Environment (DPIE) and advises the following:

**1. Noise**

The Noise and Vibration Impact Assessment has assumed a certain noise level from the entire development, assessed as a homogenous noise source, with each tenancy emitting roughly the same noise level. This is the approach taken to assess the entire development when it is uncertain what it will be used for in the future. Although it satisfies the SEARs requirements, there can be complications in the future.

Each tenancy within the development will inevitably have noise conditions applied to it, but at any one time, the development may contain tenancies with potentially varying consent authorities and appropriate regulatory authorities (ARA) under the *Protection of the Environment Operations Act 1997* (POEO Act). Because licences and council conditions are applied independently of the SSD once the development is completed, there is no clear path to ensure that each tenancy does not exceed its portion of the assumed noise “budget” as determined in the SSD acoustic report. Further there is no single authority that has the capability to oversee the premises in a coordinated fashion to ensure the precinct does not exceed the noise levels that would be applied by consent conditions unless DPIE is willing to use the SSD approval as a mechanism to deliver this outcome.

To avoid the potential for occupants to exceed recommended project trigger noise levels the following specific operational noise condition is recommended:

**Phone** 131 555  
**Phone** 02 9995 5555  
(from outside NSW)

**Fax** 02 9995 6900  
**TTY** 133 677, then  
ask for 131 155

PO Box 668  
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[Condition No.] Mechanical plant and equipment must be selected, installed and operated both individually and cumulatively within the Light Horse Interchange Business Hub (SSD 9667), so that the operational noise levels from the entire development do not exceed the Project Noise Trigger levels identified in Table 18 of the EIS (reproduced here as Table X):

**Table X**

NCA	Receiver Type	Period	Recommended Amenity Noise Level LA <sub>eq(period)</sub> (dBA)	Measured Noise Level (dBA)		Project Noise Trigger Levels LA <sub>eq(15minute)</sub> (dBA)	
				RBL <sup>1</sup>	LA <sub>eq(period)</sub>	Intrusiveness	Amenity <sup>2,3</sup>
NCA01	Residential	Day	60	41	50	<b>46</b>	58
		Evening	50	41 <sup>4</sup> (43 actual)	50	<b>46</b>	48
		Night	45	38	46	<b>43</b>	43
NCA02	Residential	Day	60	47	52	<b>52</b>	58
		Evening	45	47	51	52	<b>48</b>
		Night	50	41	52	46	<b>43</b>
NCA01	Childcare <sup>5,6</sup>	When in use	50	n/a	n/a	n/a	<b>48</b>
NCA01	Educational <sup>5</sup>	When in use	45	n/a	n/a	n/a	<b>43</b>
NCA01	Place of Worship <sup>5</sup>	When in use	50	n/a	n/a	n/a	<b>48</b>
NCA01 NCA04	Hotel <sup>5,7</sup>	Day	65	n/a	n/a	n/a	<b>63</b>
		Evening	55	n/a		n/a	<b>53</b>
		Night	50	n/a		n/a	<b>48</b>
NCA01	Passive Recreation	When in use	50	n/a	50 <sup>8</sup>	n/a	<b>48</b>
All	Commercial	When in use	65	n/a	n/a	n/a	<b>63</b>

Note 1: RBL = Rating Background Level.

Note 2: The recommended amenity noise levels have been reduced by 5 dB to give the project amenity noise levels due to other sources of industrial noise being present in the area, as outlined in the NPfI.

Note 3: The project amenity noise levels have been converted to a 15 minute level by adding 3 dB, as outlined in the NPfI.

Note 4: RBL reduced to be no higher than the daytime RBL.

Note 5: The criterion is specified as an internal noise level for this receiver category. As the noise model predicts external noise levels, it has been conservatively assumed that all schools and places of worship have openable windows and external noise levels are therefore 10 dB higher than the corresponding internal level, which is generally considered representative of windows being partially open for ventilation.

Note 6: The NPfI and AS2107 do not provide specific guideline noise levels for childcare centres, as such an internal criteria of 40 dBA LAeq(15minute) has been adopted.

Note 7: Recommended amenity noise level set at 5 dBA above relevant residential recommended amenity noise level, as outlined in the NPfI.

Note 8: This level is taken to be equal to the measured evening LAeq(period) noise level at L02.

In addition, it is recommended that consent, if granted, include conditions for standard construction hours and for the preparation of an out of hours works protocol to identify a process for the consideration, management and approval of works that are outside the standard hours. This is in addition to construction environmental management plans.

## 2. Contaminated Lands

The Contamination Assessment has considered that the site is suitable for the proposed commercial development pending that the management recommendations are followed. However, management recommendations have not been prepared and included in the EIS and therefore the EPA does not consider that the suitability of the site has been determined.

The applicant is required to engage a NSW EPA accredited site auditor to provide a Section A site audit statement (SAS) and accompanying site audit report (SAR) certifying suitability of the land for the proposed land use. By engaging a site auditor to provide a Section A SAS, the site auditor will review the adequacy of the investigations, unexpected finds protocol, any remedial works or management plan required and confirm suitability of the land use.

Accordingly, the EPA recommends the following to be addressed in a Response to Submissions:

1. The applicant to conduct more detailed investigation. The following guidance, as relevant, should be considered when assessing contamination at the site:
  - *NSW EPA Sampling Design Guidelines*  
<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/95059samppgdline.pdf?la=en&hash=A3DCD536EA746E30A8F47B14FE6F043620A978B0>
  - *Guidelines for the NSW Site Auditor Scheme* (3<sup>rd</sup> edition) 2017  
<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/contaminated-land/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition.pdf>
  - Draft guidelines for *Consultants Reporting on Contaminated Land*, 2019  
<https://engage.environment.nsw.gov.au/consultants-reporting-on-contaminated-land>
  - *The National Environment Protection (Assessment of Site Contamination) Measure* 2013 as amended
  - *Technical Note – Investigation of Service Station Sites*, 2014  
<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/140315servstatsites.pdf>
2. The applicant to prepare an asbestos management plan, a plan to manage risk of unexploded ordnance (UXO), a remediation action plan (RAP), and an unexpected finds protocol (UFP).
3. The UFP must include a detailed procedure for identifying and dealing with unexpected finds. The applicant must 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.
4. The applicant to engage an EPA accredited site auditor to review the adequacy of the investigations, UFP, UXO related assessments, any remedial works or management plan required and confirm that the land can be made suitable for the proposed use.

The EPA also reminds the applicant of the following:

- The processes outlined in *State Environmental Planning Policy 55 - Remediation of Land (SEPP55)* be followed in order to assess the suitability of the land and any remediation required in relation to the proposed use.
- The proponent must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination [note that this would render the proponent the 'person responsible' for the contamination under section 6(2) of *Contaminated Land Management Act* (CLM Act)].
- The EPA should be notified under section 60 of the CLM Act for any contamination identified which meets the triggers in the *Guidelines for the Duty to Report Contamination*  
[www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf](http://www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf)
- The EPA recommends use of “*certified consultants*”. Please note that the EPA’s Contaminated Land Consultant Certification Policy (<http://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en>) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. Note that the EPA requires all reports submitted to the EPA to comply with the requirements of the CLM Act to be prepared, or reviewed and approved, by a certified consultant.

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

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Sarah Thomson', is positioned above the printed name.

**Sarah Thomson**  
**Unit Head Metropolitan Infrastructure**  
**NSW Environment Protection Authority**