

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 – Concept (SSD 8707)
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 the Ivanhoe Estate Redevelopment – Concept.

The EPA has reviewed relevant RtS documents provided by the Department of Planning, Industry and Environment (DPIE) and has comments regarding noise and vibration and recommended conditions regarding contaminated lands.

Noise and Vibration

Many of the issues raised in the EPA's submission on the Environmental Impact Statement (EIS) regarding noise and vibration have not been satisfactorily addressed. The EPA makes the following comments regarding the *Ivanhoe Estate, Macquarie Park Revised Masterplan DA*, prepared by Acoustic Logic, (Rev 2, dated 01.10.19) (revised RtS noise report) and the Letter to Frasers Property Ivanhoe Pty Ltd, from Acoustic Logic, (dated 26.09.19) (Acoustic Logic letter):

1. Background noise monitoring

The Acoustic Logic letter responds to the EPA's previous comments relating to the background noise monitoring. In summary, the EPA's concerns were:

- 1) The location of the noise monitoring was not at the nearest or most affected residential properties and no justification for use of alternative locations was provided;
- 2) The duration of the noise monitoring was not sufficient to satisfy the requirements of the *Noise Policy for Industry* (EPA, 2017) (NPfI);
- 3) The noise monitoring was not processed in accordance with the procedures in the NPfI, specifically regarding accounting for adverse weather conditions;
- 4) Extraneous noise was considered to have potentially affected some of the measurements, and no explanation or justification was provided; and
- 5) The report did not contain the information required to be reported according to the NPfI.

The Acoustic Logic letter and revised RtS noise report did not respond satisfactorily to these concerns as detailed below:

- Item 1) of the Acoustic Logic letter presents the same information already submitted and does not address the EPA's concerns regarding the suitability of the measurement locations to represent background noise levels at the nearest potentially affected receivers.
- Table 2 of the Acoustic Logic letter provides a checklist of items to be considered when determining background noise levels. However, whilst the table states that it complies with the appropriate duration of monitoring required to satisfy the NPfl, the data in Table 1 of the Acoustic Logic letter indicates that one week of valid data was not obtained due to several days of inclement weather. In some cases, only three to four days of valid data were collected, with two of those days being weekends. This is not considered representative and the Acoustic Logic letter does not provide justification that the data is representative of long-term noise levels at the nearest sensitive receivers.
- Further to this, some of the measurement data presented in Table 1 of the Acoustic Logic letter has been removed due to adverse weather. However, this has been done inconsistently. For example, measurements at Location 2 and Location 5 were carried out over the same time period in September 2017, but data from different periods have been removed. Inconsistencies are also apparent with Locations 4 and 6, undertaken over the same period in October 2017. There are six periods removed for Location 4 which were not removed for Location 6, without explanation. It appears that this was due to adverse weather data, and therefore it is not clear why this data was removed at one location and not the other. No explanation was provided in the information submitted.
- Wind and rain data have been included on the monitoring graphs in Appendices 1 to 6 of the revised RtS noise report, however the location and source of the data has not been included.
- The EPA's comment relating to extraneous noise has not been addressed in any of the responses provided by the proponent.
- Due to the lack of justification for the monitoring locations, the report did not satisfy Section B3 of the NPfl for reporting requirements for noise monitoring.

2. Intent of the Noise Policy for Industry (NPfl)

The revised RtS noise report repeats an incorrect claim that the NPfl is intended to limit audibility of noise emissions. The aim of the NPfl is to limit noise levels to an acceptable level, it does not address audibility. Developments approved under the NPfl that produce noise levels below the Project Noise Trigger Levels may still be audible at receivers.

3. Land uses other than residential

The proposed development has educational, child care, retail, and food and beverage premises land uses. The proponent has not developed enough detail to assess these land uses in detail yet. They should be assessed as part of the subsequent stage development approvals.

4. Recommended conditions of consent

The applicant has not satisfactorily addressed all of EPA's comments on the Concept proposal. However, conditions of consent have been recommended to mitigate the risk associated with the failure to address EPA's concerns. The EPA is recommending using the minimum noise limits available under the NPfl. It is noted that an assessment undertaken in accordance with the NPfl for the development may yield higher noise limits, however the applicant has failed to address EPA's comments relating to the application of the NPfl.

The following conditions of consent are recommended.

- 1) The cumulative noise level from mechanical plant and equipment from all buildings and/or activities on the development site at residential receivers is to be limited to the levels in Table 1. The limits apply to the total noise from all relevant noise sources within the development site at residential receivers. Noise limits in Table 1 are not to be applied to buildings or noise sources individually.

Table 1 – Noise limits for mechanical plant and equipment

Receiver location	Noise limit			
	Day	Evening	Night	Night
	L _{Aeq,15min} dB	L _{Aeq,15min} dB	L _{Aeq,15min} dB	L _{Amax} dB
Residential receivers	40	35	35	52

Note:

- Noise limits apply at residential receivers within and outside of the development site.
 - The limit applies to the sum of all mechanical plant and equipment noise emitted from the development and is not to be applied as a limit for individual buildings or equipment.
 - The definition of mechanical plant and equipment includes vehicle movements within car parks and waste collection on site.
 - Noise is to be assessed at the location defined by Section 2.6 of the *Noise Policy for Industry* (EPA, 2017).
- 2) Noise from community centres, community use of the school, retail premises and cafes/restaurants, amplified music and/or schools bells and PA systems are to be limited to an L_{eq,15min} dBA noise level equal to the Rating Background Level + 5 dB at the nearest and/or potentially most affected residential receiver. The Rating Background Level must be determined in accordance with Fact Sheets A and B of the *Noise Policy for Industry* (EPA, 2017).
 - 3) Construction noise and vibration conditions can be based on the previous EPA submissions on this project.

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 engage a site auditor accredited under the *Contaminated Land Management Act 1997* to review the adequacy of the site investigations and required unexpected finds protocol, remedial works and management plans.
- 2) The applicant must provide details of the proposed remediation and validation strategy to the accredited site auditor in a Works Plan and a Validation Sampling and Analysis Quality Plan (VSAQP) for review by the site auditor prior to remediation commencing.
- 3) The applicant must implement the recommendations of the Remedial Action Plan as approved by the accredited site auditor.
- 4) The applicant is to 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.
- 5) The applicant is to prepare an updated Asbestos Works Management Plan (AWMP) including stringent requirements for controlling dust emissions and to implement that plan following confirmation from the accredited site auditor that the updated plan is considered to

be appropriate particularly with regard to existing sensitive uses on the development site and adjoining site.

- 6) The applicant must ensure that an appropriate marker layer is installed above any emplaced contaminated fill material contained on the development site.
- 7) The applicant must ensure all in-ground services are installed above the marker layer, referred to in 6) above, to minimise any risks to workers undertaking future maintenance work in service trenches.
- 8) The applicant must develop a Long-Term Environmental Management Plan (LTEMP) following remediation of the development site to document:
 - (i) the expected limitations on the development site use,
 - (ii) relevant environmental and health and safety processes and procedures,
 - (iii) management processes, procedures and responsibilities to be adopted by future site users within the development site, and
 - (iv) details on the location and extent of emplaced asbestos impacted soil and other contaminated soil to be contained on the site.
- 9) The applicant is to 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*.
- 10) The applicant is to 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.
- 11) The applicant is to 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.

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
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