



DOC20/596872

27 July 2020

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

Dear Mr Nixey

**Ivanhoe Estate Redevelopment – Stage 1
Modification 1 – Clarification of Conditions (SSD 8903 Mod 1)
EPA Advice on Modification**

I am writing to you in reply to your invitation to the Environment Protection Authority (EPA) to provide comment on the above modification request.

The EPA has reviewed the modification report prepared by Ethos Urban, dated 22 June 2020, and provides the following advice regarding conditions for contamination:

- Condition B56 – Although not specifically requested in the applicant's modification request, the EPA notes that some guidelines provided in condition B56 are outdated and suggests updating the condition as follows:

The Applicant must conduct additional site investigations and prepare an updated Remediation Action Plan to address identified contamination with proper regard to:

- (a) NSW EPA Sampling Design Guidelines, 1995
- (b) Guidelines for the NSW Site Auditor Scheme (3rd edition), 2017
- (c) ~~Guidelines for Consultants Reporting on Contaminated Sites 2014~~ Consultants Reporting on Contaminated Land (Contaminated Land guidelines), (EPA, 2020)
- (d) National Environment Protection (Assessment of Site Contamination) Measure, 2013 as amended (as amended 2013)
- (e) ~~other~~ Relevant guidelines made or approved by the EPA under s105 of the Contaminated Land Management Act 1997

~~Details confirming compliance must be submitted to the Certifier prior to the commencement of any construction works.~~

- Condition B57 – Although not specifically requested in the applicant's modification request, the EPA suggests updating condition B57. As such it is recommended to:
 1. ~~delete existing condition B57: A Section A Site Audit Statement and accompanying Site Audit report, certifying the site is suitable for the approved use, must be submitted to the Certifier prior to the commencement of any construction works.~~

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
PARRAMATTA
NSW 2124

4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW
2150 AUSTRALIA

info@epa.nsw.gov.au
www.epa.nsw.gov.au
ABN 43 692 285 758

2. and replace with the following: **A Section A1 Site Audit Statement – or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan (prepared by a NSW EPA-accredited Site Auditor) – certifying that the site is suitable for the proposed use, must be submitted to the Planning Secretary and the Certifier prior to use of buildings and infrastructure included in this SSD consent.**

- **Condition B59** – The EPA is satisfied that condition B59 requiring the lodgement of an Unexpected Contamination Finds Protocol (UFP) can be deleted. The applicant states this was submitted with the SSD application. The EPA's submission on the EIS (letter dated 19.06.19) noted that the Remediation Action Plan (RAP) included a UFP but understood that it did not appear to explicitly address post-demolition investigation of the footprint and immediate environs of existing buildings, roads, electricity substations and utilities. Importantly under condition B58, the applicant must provide details of relevant reports to the Site Auditor for review, and that the Site Auditor must be satisfied before issue of a Site Audit Statement (A1 or A2) under B57.

- **Condition B60** – The EPA does not agree with deleting the requirement to engage a Site Auditor due to additional site investigations being undertaken (in accordance with B56 and B57). The EPA suggests deleting the existing condition and replacing with the following:

The Applicant must engage a NSW EPA-accredited Site Auditor throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

The Applicant must adhere to the management measures in the Remediation Action Plan that has been approved by the Site Auditor. Any variations to the approved Remediation Action Plan must be approved in writing by the Site Auditor.

- **Condition B63** – The EPA is satisfied that B63 can be deleted provided that the demolition being undertaken under the separate planning process (i.e. application for the demolition of all existing buildings, paths and driveways, fencing and miscellaneous public structures) includes requirements to ensure hazardous materials are managed appropriately.

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
Regulatory Operations – Metro South