

26 October 2020

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Mr Jim Betts  
Secretary  
Department of Planning, Industry and Environment  
12 Darcy Street,  
Parramatta NSW 2150

Attn: Andy Nixey

## SECTION 4.55(1A) MODIFICATION APPLICATION TO SSD-8903 Stage 1 – Ivanhoe Estate, Macquarie Park – Response to RFI

This letter has been prepared by Ethos Urban on behalf of Frasers Property Australia in response to the draft instrument of Modification to Stage 1 of the Ivanhoe Estate. The proponent accepts the instrument as drafted except for the following conditions outlined in **Table 1** below. Amendments to conditions have been depicted in ***bold italic*** text or ~~strikethrough~~ text.

**Table 1 Proposed changes to the conditions of consent**

Condition no.	DPIE draft instrument	Reason
B55	The Applicant must ensure that following demolition of any existing buildings, roads, electricity substations and in-ground utilities as part of the Stage 1 works, further investigation of soil contamination is undertaken within the footprint of those buildings, roads, electricity substations and inground utilities prior to undertaking any construction works. Details confirming compliance must be submitted to the Certifier prior to the commencement of any <b><i>remediation</i></b> works.	To enable certain demolition and construction works to occur which will not be impacted by any identified remediation works.
B56	The Applicant must conduct additional site investigations and prepare an updated Remedial Action Plan to address any identified contamination with proper regard to the:  (a) NSW EPA Sampling Design Guidelines, <b>1995</b> (b) Guidelines for the NSW Site Auditor Scheme (3rd edition) 2017 (c) Guidelines for Consultants Reporting on Contaminated Sites 2011 <b>Consultants Reporting on Contaminated Land (Contaminated Land guidelines (EPA, 2020)</b> (d) National Environment Protection (Assessment of Site Contamination) Measure, 2013 as amended ( <b><i>as amended 2013</i></b> ) (e) other <b><i>Relevant</i></b> guidelines approved under section 105 of the <i>Contaminated Land Management Act 1997</i> .  Details confirming compliance must be submitted to the Certifier prior to the commencement of any <del>construction</del> <b><i>remediation</i></b> works. <del>within eight weeks following the completion of all demolition works.</del>	Should additional site investigations require the RAP to be revised, this can be submitted to the certifier prior to the commencement of any remediation works.
B58	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 for review by the site auditor prior to remediation works commencing. Details confirming compliance must be submitted to the Certifier prior to the commencement of any <b><i>remediation</i></b> works.	To enable certain demolition and construction works to occur which will not be impacted by any identified remediation works.

Condition no.	DPIE draft instrument	Reason
B60	<p>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.</p> <p>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. <del>Details confirming compliance must be submitted to the Certifier prior to the commencement of any works.</del></p>	Strikethrough text to be deleted given that any variations to the measures under the RAP are likely to occur during works and not prior to commencement of any works. This condition still requires the site auditor to sign off on any variations irrespective of timing.
B61	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. Details confirming compliance must be submitted to the Certifier prior to the commencement of any <b>remediation</b> works.	To enable certain demolition and construction works to occur which will not be impacted by any identified remediation works.
C24	Public access to the temporary turning heads must be available <del>at all times during construction works</del> <b>following completion of Building A1 in March 2023</b> (Condition A15).	Strikethrough text to be deleted and replaced. Access to the turning head can be provided upon issue of the Occupation Certificate for Building A1 which is expected in March 2023.
D32	To ensure Council's existing and new stormwater infrastructures are adequately protected, there are no damages and the construction has been completed and is fit for purpose, a post-construction CCTV report on Council's existing stormwater drainage pipeline and all new trunk drainage works through the proposed development site and to the downstream discharge point is to be submitted to Council accompanied by a certificate from a suitably qualified stormwater engineer (registered on the NER of Engineers Australia) <b>or equivalent.</b>	The certifier for the subdivision works certificate is accredited and qualified to provide stormwater certification. The inclusion of 'or equivalent' will enable the certifier to satisfy this condition.

The following responses have been prepared in response to queries raised by email dated 16 October 2020.

1. *Commentary as to when the remediation works will be undertaken in relation to the demolition/early works/construction works.*

Should any contamination be revealed during site testing and investigation, the proponent will undertake remediation works of the subject area prior to the commencement of any early or construction works. This will not prevent construction works to commence on other areas of Stage 1 which are not affected by contamination. The proponent has also committed to ensuring that all remediation works are conducted within 8 weeks of the initial site investigation.

2. *We're potentially looking at up to 16 months between removal of the roundabout on Herring Road (December 2021 according to TfNSW) and the issue of the OC for Building A1 (March 2023) which is when the turning heads would need to be available. Please include justification as to why this outcome is acceptable in regard to traffic impacts.*

This matter has addressed by Ason Group in a Technical Note dated 20 October 2020. Ason Group have provided an analysis of the traffic impact to residents on the western side of Herring Road for an interim period should the existing roundabout be removed. A summary of the analysis and key findings are summarised below:

- Access to the Ivanhoe development during the Stage 1 construction activities is discouraged due to the safety risks that would result from the interaction of on-site construction activities and general public access (both vehicular and pedestrian access).
- Alternate travel routes would need to be adopted for demands generated by developments on the western side of Herring Road in lieu of access to the Ivanhoe development during the 16 month period. This will

predominately impact the PM Peak period with demands having been previously estimated and agreed through surveys (2016 and 2017) to be in the order of 40veh/hr.

- The signalisation of the subject intersection forms part of broader network capacity improvements to the precinct. Any works of such nature, will likely result in some adverse impacts to road users regardless of location. In this instance, the level of impact is minor particularly when compared to the possible safety implications and necessary mitigation measures that would be required should access to an active construction site be permitted.
- The main routes impacted relate to access via Herring Road from Lane Cove Road and the M2 Motorway. Both routes have multiple alternate access options and having consideration to the volume of redistributed vehicles, this will have no meaningful impact on the operation of key intersections affected. This is confirmed by TfNSW which has not raised any objections to the proposed modification (TfNSW letter dated 24 July 2020).

The analysis reveals that the temporary period will have a marginal impact on any redistribution and given the safety implications resulting from access to the site prior to completion of Stage 1 works, it is considered that the proposed modification is acceptable and should be supported.

3. *Please provide evidence of the certifier's accreditation/qualifications to provide stormwater certification (re: condition D41).*

It is noted that the amendment to Condition D41 is not being sought as previously requested..

The following responses have been prepared in response to queries raised by email dated 23 October 2020.

1. *With regard to Condition C24 (turning heads), please let me know what you think of deleting this condition and adding a new condition D52 instead:*  
*D52. Public access to the temporary turning heads must be available prior to the occupation or use of Building A1 (Condition A15).*

No objections are raised to the replacement of Condition C24 with Condition D52 as drafted above.

2. *Can you please clarify whether the proposed changes to conditions D31, D33 and D36 have been withdrawn?*

Yes, the previous amendments to Conditions D31, D33 and D36 are not being sought and accordingly are withdrawn.

On behalf of the proponent, we thank you for the ability to comment on the draft instrument of Modification and respectfully request that these changes are adopted. We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



**James McBride**  
Associate Director