



Our reference: SF22/7029

Department of Planning and Environment  
4 Paramatta Square, Pitt Street  
Sydney, NSW, 2001  
Attention: Christopher Eldred  
Senior Planning Officer, Industry Key Sites

15 February 2022

Dear Mr Eldred,

**State Significant Development (SSD) 15788005**  
**New Education Campus at Jindabyne (New Primary and High School)**

Thank you for providing the NSW Environment Protection Authority (EPA) with the opportunity to provide comments on the Environmental Impact Statement (EIS) for the proposed New Education Campus at Jindabyne (New Primary and High School) ('the Project'). The request was received from the Department of Planning and Environment via the Major Projects Portal on 20 January 2022.

The EPA considers that the project is not scheduled under the *Protection of the Environment Operations Act 1997* (the POEO Act) and therefore does not require an Environment Protection Licence (EPL). As per Section 6 of the POEO Act, the EPA is the appropriate authority (ARA) for activities carried out by a public authority, including Department of Education. In that regard, the EPA is the ARA for the project. The EPA has reviewed the EIS for the proposal and provides detailed comments in **Attachment 1** for your consideration.

The EPA takes this opportunity to remind the proponent that all construction and operation activities must be carried out with due diligence, duty of care and in accordance with best management practices. All staff associated with operations relating to the works must be aware of the strict liability provisions of the POEO Act, particularly section 120 of the POEO Act which prohibits the pollution of waters. In this regard, all personnel involved in the works should be aware of work plans, legislation and environmental sensitivity of the receiving waters and associated controls before any works commence.

If you have any questions or wish to discuss the matter further, please contact Lisa Fane on (02) 6229 7002 or at [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M Rizzuto', is positioned above the printed name.

**Matthew Rizzuto**  
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## ATTACHMENT 1: DETAILED COMMENTS FROM REVIEW OF EIS

### NOISE AND VIBRATION

The EIS assesses potential noise impacts during construction and operation in accordance with the Noise Policy for Industry (EPA 2017). The EIS identifies that there are multiple sensitive receivers located close to the project.

#### Construction

There is a predicted noise impact on one sensitive receiver to the south during demolition and earth work without the implementation of noise controls. The noise levels are predicted to generally exceed the noise management level, however no exceedance of the highly noise affected levels is foreseen. The EIS outlines a series of mitigation and management recommendations to address potential noise impacts during construction.

***The EPA recommends that the proponent develops and implements a Noise Mitigation and Management Plan prior to commencing works to minimise noise impacts on sensitive receivers.***

***The EPA recommends that the proponent identify and consider all reasonable and feasible measures to minimise noise impacts for nearby sensitive receivers during construction.***

#### Mechanical Plant and Equipment

The EIS identifies that the technical specification of the mechanical services, plant and equipment are unavailable at this stage and should be assessed in greater depth during the detailed design of the Project.

***The EPA recommends that the proponent ensure that mechanical plant and equipment installed does not generate noise that:***

***- Exceeds 5 dBA above the rating background noise level (day, evening and night) measured at the boundaries of the proposal site, and***

***- Exhibits tonal or other annoying characteristics.***

#### Hours of Operation

The EIS identifies that construction is proposed to occur from Monday to Friday (7am to 6pm) and Saturday (8am to 1pm). No construction works are proposed on Sundays or Public Holidays. Further, works conducted outside of standard construction hours will be conducted in accordance with an approved Out of Hours protocol that has been prepared, submitted, and approved prior to the commencement of works.

*Should works be undertaken outside of recommended standard construction hours, the EPA recommends that the proponent prepare a noise impact assessment to quantify out of hours construction noise impacts and identify all feasible and reasonable work practices and noise mitigation. The EPA recommends that the assessment be prepared with due regard to the Interim Construction Noise Guidelines (DEC, 2009).*

## WATER QUALITY

### WATER QUALITY OBJECTIVES

The receiving waterway for the proposal is Lees Creek, which ultimately flows into Lake Jindabyne which forms part of the high conservation value Snowy River Catchment which supports a range of environmental values and uses. As such, the EPA considers that a high standard of planning, implementation and operation of sediment

and erosion controls will be required to protect the NSW Water Quality Objectives and environmental values of the catchment.

The EIS does not consider the NSW Water Quality Objectives (WQOs) in receiving waters. The WQOs and Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG 2018) provide the general framework to assess the potential impacts of a discharge on the environmental values of the receiving waters.

***The EPA requires consideration of the receiving environment and relevant WQOs in relation to the project if any discharges to a waterway are proposed.***

***The EPA reminds the proponent that it is an offence under section 120 of the POEO Act to pollute waters.***

## CONSTRUCTION

The EIS identifies that, prior to any earthworks commencing onsite, soil and water management control measures that comply with *Managing Urban Stormwater Soil and Construction* 2004 (Blue Book) will need to be in place. The EPA acknowledges that sediment and erosion control measures are briefly discussed in the EIS, including the installation of a temporary sediment basin to capture site runoff. Details on the capacity, sizing, design rain event, catchment and management of the sediment basin has not been provided.

***The EPA recommends further information to demonstrate the capacity, sizing, design rain event, catchment and management of the sediment be provided to clearly show hows Lees Creek and Lake Jindabyne will be protected.***

***The EPA recommends that a detailed Sediment and Erosion Control Management Plan is developed for the proposed construction prior to the commencement of works.***

## AGRICULTURAL PLOT MANAGEMENT

***The EPA notes that the proposal includes the addition of an agricultural plot associated with the high school. Consideration should be given to the management of runoff and erosion from the agricultural plot following the completion of construction activities to ensure there is no impact on the environmental values of the receiving waterways.***

## AIR QUALITY

The EIS does not identify management measures to minimise dust emissions during construction. The proponent is encouraged to consider:

1. Reusing water collected in sediment basins for dust suppression;
2. Covering and stabilising stockpiles; and
3. Staging earthworks to minimise exposed areas

***The EPA recommends all reasonable and feasible dust mitigation measures are implemented during construction and operation to prevent dust emissions.***

## CONTAMINATION

### ABESTOS

The EIS identifies that site investigations have found asbestos and pesticide use have been concerns of primary contamination. The investigation has indicated that pesticide contamination is a low risk, however found that

asbestos in the topsoil fill material present in the south-eastern portion of the site exceeded the adopted Health Screening Level-A. Additionally, further investigation should be undertaken in the area prior to development.

***The EPA encourages the development of a Construction Environment Management Plan to address any asbestos protocols.***