



Our reference: DOC14/11909-02
Contact: Sarah Deards 9995 6816

Mr Simon Truong
Senior Planning Officer
Industry, Key Sites and Social Projects
Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Dear Mr Truong

RE: SICEEP – The Haymarket, Mixed Use Commercial Office Building and Public Car Park, North West Plot – Response to Submissions (SSD 6013)

I refer to your request to the Environment Protection Authority (EPA) to comment on the Submissions Report for the Haymarket, Mixed Use Commercial Office Building and Public Car Park, North West Plot (SSD 6013) component of the SICEEP Project. The EPA has reviewed the Submissions Report and wishes to make comments and recommend Conditions of Approval in relation to a number of areas of concern. Recommended Conditions primarily relate to noise impacts, however the EPA has also provided recommended Conditions of Approval in relation to issues previously raised during the review of 'The Haymarket' concept plan EIS. Comments and recommended Conditions of Approval can be found in Attachment 1.

Please note that in accordance with the *Protection of the Environment Operations Act 1997*, the EPA is the appropriate regulatory authority (ARA) for activities being undertaken by or on behalf of public authorities. Therefore, the EPA is the ARA for construction of the SICEEP Haymarket project.

If you wish to discuss any of the issues raised in this letter, please contact Sarah Deards on 9995 6816.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Frank Garofalow', with a long horizontal line extending to the right.

FRANK GAROFALOW
Manager Infrastructure
Environment Protection Authority

25-2-14

Attachment 1 – The EPA's comments and recommended Conditions of Approval for the SICEEP – The Haymarket, Mixed Use Commercial Office Building and Public Car Park, North West Plot – Response to Submissions (SSD 6013)

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Licensing

The EPA is currently working with Lend Lease to determine whether an Environment Protection Licence is required for construction works across the SICEEP site. The EPA will advise the Department of Planning and Infrastructure of the outcome once the matter is resolved.

Construction and Operational Noise

Construction hours

The EPA notes that the construction hours included in the EIS are not in accordance with the standard construction hours in the Interim Construction Noise Guideline (DECC 2009). The EPA recommends the following conditions of approval (CoA):

The Proponent shall only undertake construction works associated with the project during the following hours:

- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
- b) 8:00 am to 1:00 pm on Saturdays; and
- c) at no time on Sundays or public holidays.

Notwithstanding the above condition, construction works associated with the project may be undertaken outside the hours specified under that condition in the following circumstances:

- a) construction that causes LAeq(15mintue) noise levels that are:
 - I. no more than 5dB above Rating Background Level at any residence in accordance with the Interim Construction Noise Guideline (DECC 2009); and
 - II. no more than the Noise Management Levels specified in Table 3 of the Interim Construction Noise Guideline (DECC 2009) at other sensitive land uses; or
- b) for the delivery of materials required by the police or other authorities for safety reasons; or
- c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
- d) as approved through the process outlined in the condition below.

The hours of construction activities specified above may be varied with the prior written approval of the Director General of the Department of Planning and Infrastructure. Any request to alter the hours of construction shall be:

- a) considered on a case-by-case or activity-specific basis;
- b) accompanied by details of the nature and justification for activities to be conducted during the varied construction hours;
- c) accompanied by written evidence to the Director General of the Department of Planning and Infrastructure that appropriate consultation with potentially affected sensitive receivers and notification of relevant Council(s) (and other relevant agencies) has been and will be undertaken;
- d) all reasonable and feasible noise mitigation measures have been put in place; and
- e) accompanied with a noise impact assessment consistent with the requirements of the Interim Construction Noise Guideline (DECC 2009).

Where changes to standard construction hours are approved by the CoA above, the proponent must notify noise sensitive receivers likely to be affected by noise or vibration from work undertaken outside the standard construction hours of those works not less than 5 days and not more than 14 days before the work commences and must:

- (i) make that notification by letterbox drop, by posting clearly on the licensee’s project website home page if such a website exists, and by email to those occupants of noise sensitive receivers whom have elected to be notified by email;
- (ii) outline the reasons why the work is required to be undertaken out of hours, with a particular emphasis on those works proposed to be undertaken during evening and night times;

- (iii) outline the nature and duration of the work to be undertaken;
- (iv) outline the noise mitigation measures, including respite times to be implemented in respect of the work;
- (v) include a diagram showing the location of the work in relation to public roads and local landmarks or geographical features;
- (vi) include a list of machinery to be used during the work;
- (vii) invite community comment on the work;
- (viii) highlight the number of any telephone complaints line as the 24 hour contact for complaints and additional information and community comment/ feedback on the work; and
- (ix) provide contact details in community languages relevant to the locality.

The EPA further recommends that any CoAs for the project require the proponent to coordinate works with other projects in the vicinity of the project to minimise impacts on and maximise respite for the affected sensitive receivers.

Construction Noise & Vibration Levels

The EPA recommends the following CoAs:

Construction Noise Management Levels (CNML) shall be established using the Interim Construction Noise Guideline (DECC 2009). Vibration criteria shall be established using the Assessing Vibration: a technical guideline (DEC 2006). Any construction activities identified as exceeding the CNML and/or vibration criteria shall be managed in accordance with the Construction Noise and Vibration Management Plan (CNVMP) and Construction Work Method Statements (CWMS) required by this approval. The Proponent shall implement all reasonable and feasible noise mitigation measures with the aim of achieving the CNMLs and vibration criteria.

NOTE: The ICNG (DECCW 2009) identifies 'particularly annoying' activities that require the addition of 5dB(A) to the predicted level before comparing to the CNML.

Prior to commencement of works, the proponent shall undertake a detailed land use survey to identify potentially critical working areas (e.g. hospital operating theatres, precision laboratories etc.) that are sensitive to vibration and ground-borne noise impacts. A specific plan of management, where relevant, shall be submitted to, and approved by, the Director General of the Department of Planning and Infrastructure outlining the proposed mitigation measures for both construction and operational impacts. The outcomes of specific consultation with affected receivers shall be reported.

Construction Noise and Vibration Management Plan

The EPA recommends the following CoA:

Prior to commencement of construction, the Proponent shall submit to, and have approved by the Director General of the Department of Planning and Infrastructure, a Construction Noise and Vibration Management Plan consistent with the guidelines contained in the Interim Construction Noise Guideline (DECC 2009) to detail how construction noise and vibration impacts would be minimised and managed across the project.

Environmental Noise Construction Method Statement

The EPA recommends the following CoA:

An Environmental Noise Construction Methods Statement (ENCMS), based on the detailed design and finalised work methods, shall be prepared for the work site(s) to detail noise mitigation and management measures. The ENCMS may form part of the Construction Noise and Vibration Management Plan required by the above condition.

The ENCMS shall include, but not be necessarily limited to:

- i) identification of sensitive noise receivers likely to be impacted by construction noise and vibration;
- ii) identification of applicable Construction Noise Management Levels (CNML), vibration criteria and ground-borne noise levels, as relevant;
- iii) details of construction activities and a schedule for construction works for each work site;
- iv) identification of construction activities that have the potential to generate noise and/ or vibration levels exceeding the relevant criteria;

- v) a detailed description of what feasible and reasonable actions and measures would be implemented to ensure, to the greatest extent practicable, that these works would comply with the relevant noise and vibration criteria/ guidelines or impacts mitigated by other means;
- vi) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity, as well as procedures for dealing with and responding to noise complaints; and
- vii) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be conducted, how the results of this monitoring would be recorded; and corrective preventative actions if any non-compliance is detected.

Construction ground-borne noise and vibration limits

The EPA recommends the following CoAs:

Reasonable and feasible noise mitigation measures shall be applied to construction activities when the following residential ground-borne noise levels are exceeded:

- Evening (6pm to 10pm) – Internal LAeq(15min) 40dB(A)
- Night-time (10pm to 7am) – Internal LAeq(15min) 35dB(A)

The mitigation measures shall be included in the CNVMP and ENCMS required under the conditions above.

Any work generating high noise impact (e.g. rock hammering) must only be undertaken:

- (a) between the hours of 8:00am and 6:00pm Monday to Friday;
- (b) between the hours of 8:00am and 1:00pm Saturday; and
- (c) in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers.

For the purposes of this condition 'continuous' includes any period during which there is less than a 1 hour respite between ceasing and recommencing any of the work the subject of this condition.

Blasting

The EPA recommends the following CoA:

No blasting shall occur without the prior approval of the Director General of the Department of Planning and Infrastructure.

Operational noise

The EPA recommends a CoA requiring the proponent to undertake further assessment of the operational noise impacts associated with this proposal during the detailed design stage, to be completed in accordance with NSW Industrial Noise Policy (EPA 2000).

The EPA also recommends a CoA that noise from air conditioning and other such plant and building services equipment must not exceed 55 dB LAeq,15minute at the Peak Apartments, located at 2 Quay Street. Note that modification factors for characteristics such as tonality and impulsiveness contained within Section 4 of the NSW Industrial Noise Policy must be applied; however there is no need to consider meteorological conditions due to the proximity of the receiver to the noise source.

Groundwater

In the EPA's letter to DP&I regarding the EIS for the Haymarket concept plan it was noted that the high water table encountered on site in the Preliminary Geotechnical Assessment (Appendix F of EIS) may mean that dewatering of excavations will be required during construction and from basements during operation of the development. Neither the EIS for the Haymarket concept plan nor the EIS for the Haymarket North West Plot project include an assessment of the likely groundwater inflow volume or rate to excavations or basement areas and the need for dewatering. The Preliminary Geotechnical Assessment provided in the EIS for the Haymarket concept plan, to which the Geotechnical Assessment prepared for the current proposal refers, does however

recommend that any basement areas should be tanked to prevent groundwater inflow, and that cutoff walls should be utilised to minimise dewatering requirements during construction.

The EPA therefore recommends a CoA requiring that all areas of the building below the standing groundwater level be designed and constructed in a manner that ensures minimal groundwater inflow.

The EPA notes that it is likely that groundwater (and rainwater) will need to be removed from excavations on site during construction. To ensure that water is disposed of in an acceptable manner, the EPA recommends the following CoA:

Any water discharged from the site to stormwater or surrounding waterways must be of sufficient quality to comply with section 120 of the *Protection of the Environment Operations Act 1997*. This may require testing of water to ensure compliance as well as treatment of water prior to discharge.

Water quality and site management

The Response to Submissions Report contains a 'mitigation measure' to prepare a Construction Environmental Management Plan (CEMP) incorporating the principles of the preliminary Construction Management Plan already prepared. In order to ensure the CEMP is prepared in accordance with best practice guidelines, the EPA recommends the following CoA:

An Erosion and Sediment Control Plan must be prepared prior to construction and implemented during construction on site. The Plan must be prepared in accordance with 'Managing urban stormwater: soil and construction' (Landcom 2004).

Air quality

In order to ensure air quality and odour impacts are appropriately managed during construction works, the EPA recommends a CoA requiring development of an Air Quality Management Plan prior to construction works beginning on site. This Plan may be incorporated into the CEMP for the site.

The EPA also recommends a CoA requiring the proponent to minimise dust on site and prevent dust leaving the site during construction works.

Acid sulfate soils

The EIS states that it is likely that acid sulphate soils will be encountered during construction and includes a 'mitigation measure' to prepare a detailed Acid Sulfate Soils Management Plan. To ensure this Plan is prepared in accordance with best practice and implemented during construction works, the EPA recommends a CoA requiring preparation of a site-specific acid sulfate soil management plan, prepared in accordance with the *Acid Sulfate Soils Manual* (Stone *et al.* 1998), prior to construction.

The EPA also recommends an additional CoA requiring that the proponent comply with the Acid Sulfate Soils Management Plan during construction works.

Waste

Construction waste management

The EPA recommends a CoA requiring that all waste generated on site must be classified and disposed of in accordance with the *Waste Classification Guidelines* (DECC 2008).

The EPA also recommends a CoA requiring the proponent to develop and implement a construction waste management plan to maximise resource recovery and recycling of construction waste materials, and ensure appropriate handling of construction and demolition waste.

Operational waste management

The EPA recommends a CoA requiring that all waste management facilities in commercial components of the building, including office space, be designed in accordance with the 'Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities' (EPA 2012).

Community consultation

The EPA recommends a CoA requiring the development of a Community Consultation and Engagement Plan prior to construction beginning on site. The plan should include a strategy for managing cumulative impacts from works associated with construction of other SICEEP elements, as well as procedures for receiving and managing community complaints.