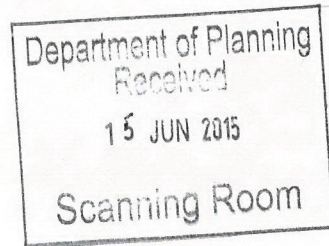


PCU060051

Our reference: EF13/4671:DOC15/154698-02:PW
Contact: Paul Wearne (02) 4224 4100

Department of Planning and Environment
(Attention: Peter McManus)
GPO Box 39
SYDNEY NSW 2001



Dear Sir

SUTHERLAND HOSPITAL REDEVELOPMENT, CARINGBAH (SSD 6847)

I am writing in response to your email dated 8 May 2015 to the Environment Protection Authority (EPA) seeking comments on the above proposed State Significant Development (SSD).

The EPA has reviewed the submitted information and provides its comments in the attachment to this letter (Attachment A) for Department of Planning and Environment's (DPE) consideration in its assessment of the proposed development. These relate to the following key matters:

- Statutory Considerations
- Air Quality
- Noise and Vibration
- Water Quality
- Waste
- Contaminated Land Management
- General Matters.

If you have questions regarding the above, please phone Paul Wearne on (02) 4224 4100.

Yours sincerely



11/6/15

PETER BLOEM
Manager Illawarra
Environment Protection Authority

Attachment A

ATTACHMENT A

1. Statutory Considerations

Based on a review of the information provided, the proposed development does not appear to require an Environment Protection Licence (EPL) under the *Protection of the Environment Operations (POEO) Act 1997*. However, given that the applicant (Health Infrastructure) is a public authority, the EPA will be the appropriate regulatory authority for the proposed development under the POEO Act. In general the proponent should ensure that the proposed development complies with the requirements of the POEO Act and its associated regulations. This includes but is not necessarily limited to the following:

- Prevent pollution of waters
- Prevent land pollution
- Ensure activities are not carried out in an environmentally unsatisfactory manner. "*Environmentally unsatisfactory manner*" is defined in Section 95 of POEO Act; and
- Duty to notify pollution incidents.

The EPA administers the *Radiation Control Act*, registration and associated legal instruments. The Act and Regulation apply to the use and possession of radiation apparatus and radioactive substances. Should consent be granted for the proposed development, NSW Health must ensure that any radiation apparatus installed are registered with EPA upon completion of the facility. All operators of the apparatus must also be licensed. During the registration process the radiation apparatus must be tested and certified by an EPA accredited radiation expert. The apparatus must meet the requirements of the publication, *Radiation Guideline 6*. This publication is available at the following web site:

<http://www.epa.nsw.gov.au/radiation/CREinfo.htm>.

2. Air Quality

The demolition, excavation and construction stages of the proposal have the potential to generate dust emissions. It is important that measures are implemented to prevent or minimise dust emissions from the premises at all times. In this regard, the EPA recommends the following requirements be secured as consent conditions if approved:

- *Activities occurring in or on the premises must be carried out in a manner that will prevent or minimise the generation or emission from the premises of dust including wind-blown or traffic generated dust.*
- *The proponent must also ensure that the proposed development does not cause or permit the emission of offensive odour beyond the boundary of the premises.*

A Construction Environmental Management Plan (CEMP) should be developed which clearly documents measures to demonstrate how the above requirements will be achieved at the site during the construction phase.

3. Noise and Vibration

The submitted information has not included an assessment of any potential noise and vibration impacts associated with the demolition activities and the construction of the new car park and road ways. However it does state that a *Construction Noise and Vibration Management Plan* (CNVMP) will be developed prior to commencement of construction to ensure that noise and vibration criteria are complied with. This should be included as part of the CEMP.

The EPA recommends that all demolition and construction activities associated with the proposal must be carried out in accordance with the *Interim Construction Noise Guideline* (ICNG) (DECC 2009). In this regard, the CNVMP should include appropriate management strategies, monitoring programs and mitigation measures to ensure that noise generated from the proposed new works is minimised as far as practicable and achieves the project specific noise criteria as identified in the ICNG.

In addition, the EPA also recommends the inclusion of a condition that requires validation of the noise criteria detailed in the submitted information. As the proposal is being undertaken by the Crown, the EPA recommends that such validation be undertaken to the satisfaction of the certifying authority prior to commencement of use.

4. Water quality

All activities undertaken at the site during both the construction and operational phases should ensure:

- there is no pollution of waters (including surface and groundwater)
- promotes integrated water cycle management that optimises opportunities for sustainable water supply, wastewater and stormwater management and reuse initiatives where it is safe and practicable to do so
- bunding is designed in accordance with the EPA's *Bunding and Spill Management Guidelines*.

The CEMP should clearly document measures to demonstrate how the above requirements will be achieved at the site. This plan should also include a *Soil and Water Management Plan* developed and implemented prior to construction in accordance with the *Managing Urban Stormwater: Soils and Construction*, vol. 1 (Landcom 2004) and vol. 2 (A. Installation of services; B Waste landfills; C. Unsealed roads; D. Main Roads; E. Mines and quarries) (DECC 2008).

5. Waste

The application contains limited information on the potential presence of asbestos and its management that may be encountered during demolition. The proponent must develop and document appropriate management measures as part of the CEMP to protect human health and the environment. The CEMP should detail the proposed methodology for handling, removing and disposing of any asbestos contaminated material generated by the demolition and excavation stages of the development. The storage, disposal and transport of asbestos waste must be undertaken in accordance with the *Protection of the Environment Operations (Waste) Regulation 2005*. EPA also recommends that NSW Health Infrastructure consult with NSW Health and Workcover in regard to this matter.

The EPA also recommends that the following requirements be secured as consent conditions if approved:

- Any waste generated during demolition and construction including contaminated soil and associated waste materials needs to be classified in accordance with the EPA's *Waste Classification Guidelines* and managed in accordance with that classification
- Waste stored or removed on site must comply with EPA legislation and guidelines
- Any waste being removed from the site can only be transported to a site that can lawfully receive that type of waste. The EPA legislation and guidelines should be consulted in relation to this.

DPE should also consult the *Waste Not Development Control Plan (DCP) Guideline* (EPA 2008) when assessing and determining this proposal. This guideline provides suggested planning approaches and conditions for planning authorities to consider at the development application phase in relation to waste minimisation and resource recovery. This includes consideration of demolition and construction waste and the provision of facilities and services to allow the ongoing separation, storage and removal of waste and recyclables.

A key component of this guideline includes the requirement of developers to submit a plan showing estimates of waste generation during demolition, construction and ongoing use of the site, as well as details on how these wastes will be sorted, stored and removed for recycling and/or disposal. A copy of the guideline can be obtained at the following site:

(<http://www.epa.nsw.gov.au/resources/warr/08353SiteWasteMin2.pdf>).

In addition, the EPA also recommends the proponent should consult the following guidelines to assist the development of waste management strategies:

- The *Better Practice for Public Place Recycling* (DEC 2005) provides information on standards for recycling systems in public places, such as parks, shopping centres, footpaths, bus-stops, etc. This guideline can be accessed at: <http://www.epa.nsw.gov.au/warr/publicrecycling.htm>.
- The *Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities* (EPA, December 2012). This guide can be accessed at: <http://www.epa.nsw.gov.au/warr/BPGuideCIFacilities.htm>.

6. Contaminated Land Management

The *State Environmental Planning Policy (SEPP) 55* states that as part of any land use change processes the following key considerations should be addressed when preparing an environmental planning instrument:

- Whether the land is contaminated
- If the land is contaminated whether it is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes to which the land will be used
- If the land requires remediation; will be made suitable for any purpose for which the land will be used.

In cases where land is potentially contaminated, the investigation and any remediation and validation work should be carried out in accordance with the guidelines made or approved by the EPA under Section 105 of the *Contaminated Land Management Act 1997* and be in accordance with the requirements and procedures in the following:

- *Contaminated Land Management Act 1997*
- *Contaminated Land Management Regulation 2013*
- *State Environmental Planning Policy 55 – Remediation of Land.*

As per the SEPP, DPE should ensure that land contamination has been adequately assessed. If there is a past history of site contamination and/or has been the subject of a Remediation Action Plan, the EPA recommends that DPE consider the involvement of an EPA-accredited Site Auditor during the contamination management process, including the provision of a Site Audit Statement certifying that the land is suitable for the proposed use(s). In addition the recommendations in the submitted contamination report should also be secured as consent conditions if approval and the Preliminary Construction Management Plan (PCMP) be updated where appropriate. These include:

- *An Unexpected Finds Protocol (UFP) is incorporated into the Construction Environmental Management Plan (CEMP) for the project*
- *Waste classification (for materials to be removed) and validation (for materials to remain) be undertaken within the expanded areas during construction to confirm the contamination status in these areas of the site.*

7. General Matters

The EPA recommends the certifying authority ensure that the CEMP has been prepared and certified by a suitably qualified person to ensure it satisfies relevant environmental requirements. In addition, the certifying authority must also ensure that effective mechanisms are in place to ensure the measures detailed in the plans are implemented and maintained.

The PCMP appears to contain outdated references and the CEMP should ensure that it satisfies contemporary requirements. For example, the PCMP refers to *Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites"* which has been superseded and the *Noise Control Act 1975* no longer exists and has been replaced with the *Protection of the Environment Operations Act 1997*.