

Our reference : DOC17/278968
Contact: Daniel Stokes
Date: 17 May 2017

Mr David Gibson
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Mr Peter McManus

Dear Mr Gibson,

I refer to the Project Application, Environmental Assessment (EA) and accompanying information provided for the proposed Dubbo Base Hospital redevelopment (stages 3 and 4 ref SSD 7720), received by the Environment Protection Authority (EPA) on 3 April 2017.

The EPA has reviewed the information in the EA and has determined that it is able to support the proposal subject to the proponent addressing the information requirements outlined below.

In summary, the additional information requested relates to potential impacts upon and measures to protect noise amenity.

The Secretary's Environmental Assessment Requirements require the Environmental Impact Statement to:

- identify and provide a quantitative assessment of the main noise and vibration generating sources during construction and operation of the hospital;
- outline measures to minimise and mitigate the potential noise impacts on surrounding occupiers of land; and
- take into account the industrial noise policy, interim construction noise guideline and assessing vibration: a technical guideline.

The EPA requests that the proponent be required to prepare and provide a Noise Impact Assessment (NIA) that meets the secretary's environmental assessment requirements.

The NIA must include a quantitative assessment of operational noise generated by the project, in accordance with the Industrial Noise Policy:

1. The proponent should monitor noise levels at the nearest affected residential receivers to determine project specific noise levels in the absence of noise from the hospital site. The criteria in the acoustic report were based on measurements on the hospital site, and include noise from the hospital. Alternatively, the minimum rating background level of 30 dB(A) could be adopted, leading to a project specific noise level of $L_{eq(15 \text{ min})}$ 35 dB(A) at all times of day.
2. The proponent needs to demonstrate, through appropriate modelling and in accordance with the Industrial Noise Policy, that the project will meet the project specific noise levels at

sensitive receiver locations. The acoustic assessment listed operational noise and vibration criteria for the project, but did not adequately assess the project against those criteria.

3. If the project specific noise levels are not met the proponent needs to demonstrate that the predicted levels include all feasible and reasonable mitigation measures, and that there are no other feasible and reasonable mitigation measures available.

The proponent must also provide a quantitative assessment of construction noise generated by the project:

1. The acoustic assessment listed construction noise and vibration criteria for the project, but did not adequately assess the project against those criteria.
2. The proponent needs to demonstrate, including appropriate modelling, that the project's construction noise impacts will be managed in line with the Interim Construction Noise Guideline.

The proponent should provide strong justification for extended construction hours proposed on Saturdays up to 5pm. As stated in the Interim Construction Noise Guideline, extended hours should only be allowed for reasons other than convenience.

The NIA should include noise logger result graphs to be provided as one day to a page, including relevant weather data (wind speed and rainfall) to assist with interpreting those graphs. The proponent should also check the times in Table 4-1 of the acoustic assessment as the report text indicates attended monitoring occurred at location P2 in the night time, however the table indicates that it occurred in the morning.

It should be noted that addressing the outstanding issues are integral to the EPA's ongoing support for the proposal.

The EPA recommends that the proponent be required to provide the additional information specified above and that the EPA is provided with a further opportunity to review this new information before the project proceeds to the determination stage.

It is also expected that the EPA will be given an opportunity to review the draft Secretary Environmental Assessment Report for this proposal prior to finalization.

The EPA would also appreciate receiving a copy of the submissions received by DPE (or a report summarizing these submissions) in response to the exhibition of the EA. This is to assist the EPA to review the draft Secretary's Report and to recommend additional conditions of approval, if required.

If you have any questions, or wish to discuss this matter further, please contact Daniel Stokes in the Dubbo EPA Office by telephoning 02 6883 5384 or by email to central.west@epa.nsw.gov.au.

Yours sincerely



BRAD TANSWELL
Head Central West Operations- Dubbo
Environment Protection Authority



Our reference: DOC17/283098
Date: 19 May 2017

Mr David Gibson
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Mr Peter McManus

Dear Mr Gibson

Dubbo Base Hospital Redevelopment - Stages 3 and 4 (SSD 7720)

I refer to the Project Application and Environmental Assessment (EA) for the proposed Dubbo Base Hospital Redevelopment Stages 3 and 4 (SSD 7720), received by the Environment Protection Authority (EPA) on 3 April 2017. I also refer to advice provided by the EPA on the exhibited EA for the project on 17 May 2017.

In addition to advice provided on the 17 May 2017 the EPA would like to provide the following comments in relation to the handling, management and disposal of asbestos contaminated material.

The EPA is aware that the premise has been contaminated by both friable and bonded asbestos due to previous dumping activities of building waste on-site. The EPA also notes that the site is registered on Dubbo City Council's Contaminated Land Register. In this case the EPA remains the Appropriate Regulatory Authority under the *Protection of the Environment Operations Act 1997* as the works are being undertaken by a Public Authority.

The EA states that it is proposed that deficit fill where possible will be retained on site with some excavated material being suitable for reuse in general fill areas. The EPA recommends that all material contaminated with asbestos that has been, or will be excavated, or disturbed during the works, be disposed at a landfill that lawfully can receive such material.

Disposal needs to be in accordance with Clause 80 of the *Protection of the Environment Operations (Waste) Regulation 2014* (the Regulation) and SafeWork NSW 'Code of Practice How to Safely Remove Asbestos', (dated September 2016). Asbestos contaminated waste must be transported in accordance with the requirements of Clause 78 of the Regulation. I have attached a copy of this for your convenience.

The EPA recommends that any remaining soil at the premises that will not be excavated or disturbed, but is known or suspected to contain asbestos, be managed according to the following principles:

- Accurately survey and record the location of asbestos and suspected asbestos.
- Include the information noted above in the asbestos register and asbestos management plan for the site.

- Place a notation (s149 notation or equivalent) on the title of the property regarding the presence of asbestos contaminated material and details of its location.
- Place a high visibility marker layer over the top of contaminated material, and then cover it with relevant civil engineering systems (such as geotextile) prior to capping.

The EPA would like to take this opportunity to reinforce the importance of proper care, handling, transportation and disposal of asbestos and asbestos contaminated waste. Clearly, it is critical that the health and safety of workers and the public are protected at all times and to ensure there are negligible impacts to the environment. In regards to the safety of workers and the public, the proponent may wish to contact SafeWork NSW.

For your convenience please find attached copies of Clauses 78 and 80 of the *Protection of the Environment Operations (Waste) Regulation 2014*, which set out the requirements relating to the handling, transport and disposal of asbestos waste. Soil that has been contaminated with asbestos must be treated the same way as asbestos waste. All asbestos contaminated material must be transported and disposed in accordance with these requirements.

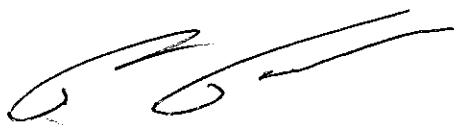
The EPA also requires that transportation of asbestos waste within NSW is to be reported in accordance with Clause 79 of the *Protection of the Environment Operations (Waste) Regulation 2014* (the Regulation). Clause 79 of the the Regulation requires the transport of Asbestos be recorded from the place of generation to its final destination. Operators must use the EPA's online WasteLocate system to comply with these requirements. I have also enclosed a copy of this for your convenience.

The EPA recommends that the proponent discuss logistics around timing and volume of hazardous waste disposal with appropriate landfills to ensure they have sufficient capacity to cater for proposed works. The Whylandra Waste Depot is the closest landfill that can lawfully accept asbestos contaminated material.

The EPA recommends that the Department of Planning and Environment include a condition requiring that the requirements outlined above are incorporated into the project Construction Environment Management Plan (CEMP) to be prepared by the proponent.

Should you have any further enquiries regarding this matter please contact Daniel Stokes at the Dubbo Office of the EPA by telephoning (02) 6883 5384.

Yours sincerely



BRAD TANSWELL
Head Central West Operations - Dubbo
Environment Protection Authority

Contact officer: DANIEL STOKES
02 6883 5384

Encl: Clauses 78, 79 and 80 of the Protection of the Environment Operations (Waste) Regulation 2009



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PROTECTION OF THE ENVIRONMENT OPERATIONS (WASTE) REGULATION 2014 - REG 78

General requirements applying to transportation of asbestos waste

78 General requirements applying to transportation of asbestos waste

(cf clause 42 (3) of 2005 Reg)

A person who transports asbestos waste must ensure that:

- (a) any part of any vehicle in which the person transports the waste is covered, and leak-proof, during the transportation, and
- (b) if the waste consists of bonded asbestos material-it is securely packaged during the transportation, and
- (c) if the waste consists of friable asbestos material-it is kept in a sealed container during transportation, and
- (d) if the waste consists of asbestos-contaminated soils-it is wetted down.

Maximum penalty: 400 penalty units in the case of a corporation, 200 penalty units in the case of an individual.

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PROTECTION OF THE ENVIRONMENT OPERATIONS (WASTE) REGULATION 2014 - REG 79

Reporting on transportation of asbestos waste solely within New South Wales

79 Reporting on transportation of asbestos waste solely within New South Wales

- (1) This clause applies to the transportation of asbestos waste.
- (2) However, this clause does not apply to any of the following:
 - (a) the transportation of less than 100 kilograms of asbestos waste, or of less than 10 square metres of asbestos waste that is asbestos sheeting, in any single load,
 - (b) the transportation of asbestos waste if Part 4 applies to the transportation,
 - (c) the transportation of asbestos waste in an emergency to protect human health, the environment or property,
 - (d) the transportation of asbestos waste that commenced before 1 July 2015.
- (3) The transporter of a load of asbestos waste must cause the following information to be given to the EPA (in the prescribed form and manner) before the transportation of the load commences:
 - (a) the address of the site at which the asbestos waste has been generated (by its removal from the site), if known to the transporter,
 - (b) the name, address and contact details of the premises from which the load is proposed to be transported,
 - (c) the date on which it is proposed that the transportation commence,
 - (d) the name, address and contact details of the premises to which the waste is proposed to be transported,
 - (e) the approximate weight (in kilograms) of each class of asbestos waste in the load (rounded to the nearest kilogram and, if the amount to be rounded is 0.5 kilogram, rounded up),
 - (f) any other information specified in the Asbestos and Waste Tyres Guidelines.
- (4) If the premises to which the load is delivered (the "receiving premises") are not the same as the premises specified under subclause (3) (d), the transporter causing the delivery must ensure that the EPA is given the name, address and contact details of the receiving premises (in the prescribed form and manner) within 24 hours after the delivery.
- (5) The transporter of a load of asbestos waste must ensure that the occupier of any premises to which the transporter causes the load to be delivered is given the following information (in the prescribed form and manner) no later than on delivery:
 - (a) the unique consignment code issued by the EPA in relation to that load,
 - (b) any other information specified in the Asbestos and Waste Tyres Guidelines.

(6) The occupier of a waste facility to which a load of asbestos waste is delivered must cause the EPA to be given the following information (in the prescribed form and manner) within 3 days after the delivery:

- (a) the date and time of delivery,
- (b) the approximate weight (in kilograms) of each class of asbestos waste in the load (rounded to the nearest kilogram and, if the amount to be rounded is 0.5 kilogram, rounded up),
- (c) any other information specified in the Asbestos and Waste Tyres Guidelines.

(7) The EPA may grant an exemption under Part 9 from the whole of, or any provision within, this clause.

(8) A reference in this clause to the "**prescribed form and manner**" in which information is to be given is a reference to the form and manner in which the Asbestos and Waste Tyres Guidelines specify the information is to be given.

(9) For the purposes of this clause, the classes of asbestos waste are as follows:

- (a) bonded asbestos material,
- (b) friable asbestos material.

(10) In this clause:

"Asbestos and Waste Tyres Guidelines" means the document of that name, published by the EPA in the Gazette (as amended or replaced, from time to time, by notice published in the Gazette).

Note : A copy of the guidelines is available on the EPA's website (www.epa.nsw.gov.au).

"transporter" of asbestos waste means:

- (a) in the case of asbestos waste that is transported in the course of business-the person who carries on the business, or
- (b) in any other case-any individual who carries out the transportation.

Maximum penalty: 200 penalty units in the case of a corporation, 100 penalty units in the case of an individual.

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Protection of the Environment Operations (Waste) Regulation 2014

Current version for 1 April 2017 to date (accessed 19 May 2017 at 13:27)

Part 7 □ Clause 80

80 Disposal of asbestos waste (cf clause 42 (4) of 2005 Reg)

- (1) A person disposing of asbestos waste off the site at which it is generated must do so at a landfill site that can lawfully receive the waste.
- (2) When a person delivers asbestos waste to a landfill site, the person must inform the occupier of the landfill site that the waste contains asbestos.
- (3) When a person unloads or disposes of asbestos waste at a landfill site, the person must prevent:
 - (a) any dust being generated from the waste, and
 - (b) any dust in the waste from being stirred up.
- (4) The occupier of a landfill site must ensure that asbestos waste disposed of at the site is covered with virgin excavated natural material or (if expressly authorised by an environment protection licence held by the occupier) other material:
 - (a) initially (at the time of disposal), to a depth of at least 0.15 metre, and
 - (b) at the end of each day's operation, to a depth of at least 0.5 metre, and
 - (c) finally, to a depth of at least 1 metre (in the case of bonded asbestos material or asbestos-contaminated soils) or 3 metres (in the case of friable asbestos material) beneath the final land surface of the landfill site.

Maximum penalty: 400 penalty units in the case of a corporation, 200 penalty units in the case of an individual.

