

Ms Ellen Mannix
Department of Planning and Environment
GPO BOX 39
SYDNEY NSW 2001

Dear Ms Mannix

**SSD 9452 – AUSTRALIAN MUSEUM RE-DEVELOPMENT – RESPONSE TO SUBMISSIONS
(RtS) REPORT**

I am writing to you in reply to your invitation to the Environment Protection Authority (EPA) to comment on the RtS report (the Report) concerning the above project.

1. Environmental Management Plans

Report Appendix A 'Response to submissions Summary Table' references various environmental plans including a Preliminary Construction Management Plan. The EPA confirms its advice in the third paragraph of its environmental impact statement (EIS) submission that for reasons of maintaining regulatory 'arm's length' it will not review or endorse any environmental management plan or the like

2. Site contamination

Report section 4.7 suggests the Preliminary Site Investigation (being EIS Appendix I) adequately addresses potential site contamination issues. Section 7.0 to EIS Appendix I explicitly indicates the potential presence of "... asbestos (and other HBM) ..." and indicates the need to undertake further assessment of the site following demolition work. Report section 5.0 'Final Mitigation Measures' paraphrases the post-demolition action recommended in EIS Appendix I.

The Report and Appendix A thereto do not appear to address the majority of the EPA's recommendations concerning –

- (a) the proper investigation and management of site contamination (items 2 to 6 inclusive), and
- (b) identification, handling and disposal of hazardous building materials (items 1 to 4 inclusive).

Accordingly, the EPA confirms its advice and recommendations concerning the investigation and management of soil contamination and the identification, handling and disposal of hazardous building materials.

Underground Petroleum Storage System (UPSS)

The EPA acknowledges that section 3.2 to EIS Appendix I indicates that a UPSS (referred to as a UST) is not located on the development site. Whilst the Report refers to the above mentioned observation made in Appendix I, it does not address whether any change to the current system is proposed to provide the continuity of emergency power required for the purpose of ensuring uninterrupted climate control for exhibits, including those related to international exhibitions. The EPA confirms its earlier advice and recommendations concerning any proposed Underground Petroleum Storage System.

3. Construction noise and vibration

Table 2 'Final Mitigation Measures' to the Report indicates that the proponent would "... implement the recommendations of the Construction Noise and Vibration Strategy dated October 2018" including restriction of external works "... to ICNG standard hours and daytime OOH only; ...". The EPA provided detailed advice and recommendations concerning demolition, construction and construction-related works. The Report does not provide –

- (a) any strong justification for undertaking works outside standard hours, and
- (b) does not appear to address intra-day respite periods.

general demolition/construction hours

The EPA emphasises that the Australian Museum Trust is a 'public authority' within the meaning of the *Protection of the Environment Administration Act 1991*. Further, that the EPA has general responsibility under that Act for amongst other things:

- (a) ensuring that the best practicable measures are taken for environment protection in accordance with the environment protection legislation and other legislation, and
- (b) coordinating the activities of all public authorities in respect of those measures.

Table 1 to the EPA's Interim Construction Noise Guideline (ICNG) clearly identifies the best practicable measures in respect of the recommended standard hours of construction. ICNG Table 2 states that "[a] strong justification would typically be required for works outside the recommended standard hours".

The EPA reaffirms its EIS submission recommendations concerning standard hours of construction and, re-affirms its recommendation that activities "... likely to be audible at any noise sensitive receivers such as surrounding residences are only undertaken during the standard construction hours, ...".

Intra-day respite periods

The Report does not appear to acknowledge the EPA's EIS submission concerning the need for intra-day respite periods in respect of works that emit noise considered to be particularly annoying to noise sensitive receivers including surrounding residence and the adjoining education establishment. The ICNG suggests that respite periods should apply when demolition/construction activities generate noise levels that exceed the "highly affected noise level" identified in ICNG Table 2. However, the ICNG goes further -

- (a) in section 4.1.2 the impact on sensitive land uses (such as the adjoining school) should not be such as to be inconsistent with the principle that "... the characteristic activities for each of these land uses should not be unduly disturbed.", and
- (b) in section 4.5 to identify demolition/construction activities that "... have proven to be particularly annoying to nearby residents."

The EPA is aware from long experience that scheduled intra-day respite periods are a proven feasible and reasonable noise management measure in respect of noise emissions from 'particularly annoying demolition/construction activities'. The EPA emphasised in its advice about the need for intra-day respite periods and that those periods "... are not proposed to apply to those demolition, site preparation, bulk earthworks, construction and construction-related activities that do not generate noise with particularly annoying or intrusive characteristics." As such, the EPA re-affirms its advice and recommendation concerning intra-day respite periods.

Should you require clarification of any of the above please contact John Goodwin on 9995 - 6838.

Yours sincerely



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Environment Protection Authority