

Mr Alex Hill
Department of Planning and Environment
GPO BOX 39
SYDNEY NSW 2001

Dear Mr Hill

SSD 9606 – UNSW D14 ACADEMIC BUILDING – RESPONSE TO SUBMISSIONS REPORT

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

1. Construction management and other environmental management plans

The EPA emphasised in its submission on the environmental impact statement (EIS) that it does not review or endorse environmental management plans or the like.

The EPA provided detailed advice and recommendations concerning various environmental management issues including dust management, erosion and sediment control, and waste management. However, the RtS does not appear to respond to the EPA's advice and recommendations concerning the above mentioned matters.

Accordingly, the EPA confirms its advice and recommendations concerning:

- hazardous materials;
- dust control and management;
- erosion control;
- waste control and management (general);
- waste control and management (concrete and concrete rinse water); and
- operational waste management.

2. Site contamination

The EPA notes that Section 2.8 and Section 4.5 of the RtS report provide the proponent's response to EPA's submission on contamination issues. The EPA has no objections to the response to contamination issues, as mentioned in Table 2.

The EPA also notes that the RtS report includes a letter that contains Douglas Partners' response to EPA comments for UNSW D14 Building in High Street Kensington (Appendix K). The EPA has the following comments:

- a. The report submitted as Appendix K recognised the existing data gap pointed out by the EPA in its comments on the EIS dated 22 February 2019 (EPA reference DOC18/659717-5).
- b. Based on the original remediation action plan, the site is part of Lot 3 in Deposited Plan 1104617 with an area of approximately 5,200m². Soil samples were collected from 6 boreholes for 5,200m² area. As per Appendix K, the boundary of the proposed work expanded by 1,200m², hence the total area is about 6,400m². The EPA notes that the recommended minimum number of sampling points specified in the Sampling Design Guidelines (NSW EPA, 1995), is 13 for 5,000m² and 17 for 7,000m².
- c. The consultant commented that "the data gap assessment will include a further 9 test locations such that the eventual sampling plan will exceed the minimum recommended in the Sampling Design Guidelines." The EPA disagrees with this comment. The proposed number of additional samples is still not sufficient due to increased area totalling 6,400m². The EPA recommends additional 11 sampling locations (instead of just 9) during the proposed additional investigation to help meet the minimum number of samples for an area of approximately 6,400m².
- d. The EPA emphasises the importance of considering spatial distribution of the samples during the proposed data gap assessment, to properly assess the lateral extent of contamination (if any).

The EPA notes that the Remediation Action Plan (RAP) dated 29 November 2018 and the addendum dated 14 March 2019 did not have a stamp of a "certified consultant". The EPA recommends use of certified consultants. If the consultants used are certified, it is recommended that they put the stamp on future reports (e.g. data gap assessment) which will be prepared as part of this development application.

Please note that the EPA's Contaminated Land Consultant Certification Policy (<http://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en>) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. Note that the EPA requires all reports submitted to the EPA to comply with the requirements of the *Contaminated Land Management Act 1997* (CLM Act) to be prepared, or reviewed and approved, by a certified consultant.

In addition to the recommendations that were already noted and accepted by the proponent, the EPA has the following recommendations for inclusion in the conditions of consent:

1. Increase the proposed number of sampling locations (from 9 locations to 11 locations) to accommodate the increase in boundary area of this proposed development.
2. Ensure the spatial distribution of the samples is considered during the proposed data gap assessment, to properly assess the lateral extent of contamination (if any).
3. If more significant contamination is identified during the proposed activities for UNSW D14 building, consideration should be given to the use of site auditor accredited under the CLM Act. The site auditor should be engaged to provide a Section A site audit statement (SAS) and accompanying site audit report (SAR) certifying suitability of the land for the proposed land use. By engaging a site auditor to provide a Section A SAS, the site auditor will review the adequacy of the investigations, unexpected finds protocol, any remedial works or management plan required and confirm suitability of the land use.

3. Construction hours

The proponent is a 'public authority' within the meaning of the *Protection of the Environment Administration Act 1991*. 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 clearly identifies the best practicable measures in respect of the recommended standard hours of construction (in the absence of strong justification for alternative hours).

The proponent suggests that, as the proposed building is to be of timber construction, noise impacts associated with that construction would be insignificant being limited to noise from operation of the tower crane.

The EPA anticipates that despite the proposed timber construction, potentially significant noise impacts during construction of the upper levels may arise as the result of use of various plant, including power saws and mobile plant fitted with reversing/movement alarms. The EPA does not accept that the proponent has provided strong justification for working outside the recommended standard construction hours. Thus, the EPA reaffirms its advice and recommendations concerning standard construction hours and 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