



Health Research Facility, Alexandria (SSD-63067458)

Submission in response to public exhibition of the EIS

Acknowledgement of Country

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Table of Revisions

Revision	Date	Description	Author	Reviewed	Approved
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1 Introduction

EME Advisory (EME) has been engaged by the owner of a residential property at 102 Wyndham Street, Alexandria to review the EIS for a proposed Health Research Facility (the project) on the neighbouring site at 100 Wyndham Street (the project site). 102 Wyndham Street is located immediately adjacent to the southern boundary of the project site.

The applicant for the Health Research Facility is Kurraba Group and the reference for the project is SSD-63067458.

Both sites are located in the Botany Road Precinct which was rezoned by the City of Sydney in 2022 in response to the development opportunities created by the nearby Sydney Metro Waterloo Station. The rezoning created new planning controls leading to increased building height and floor space ratio allowances with the aim of encouraging commercial development to generate employment growth in the Redfern-Waterloo Area.

The EIS for the project states the design is compliant with new planning controls and that concessions have been made to the built form to reduce impact on residential areas.

Compliance with planning controls does not negate the need to identify, assess and mitigate impacts to acceptable levels. The owner of 102 Wyndham Street has concerns about the potential for significant impacts on the liveability and amenity of his property. These concerns are compounded by significant gaps in the EIS in relation to impact assessment and mitigation and the lack of direct engagement by the applicant with the property owner during preparation of the EIS. The only meeting between the applicant and property owner came after publication of the EIS and at the property owner's instigation.

The remainder of this submission details the property owners concerns about the potential impacts on his property and the information presented in the EIS. This submission is an objection to the SSD application.

2 EIS and impacts to 102 Wyndham Street

2.1 Noise and vibration

A detailed review of the Noise and Vibration Impact Assessment (Renzo Tonin, September 2024) is provided in Appendix A. The review identifies a number of material gaps in the assessment that must be addressed to understand the approach to the assessment, whether impacts will be mitigated to acceptable levels and whether there is compliance with the Noise Policy for Industry.

A key point identified in the review is that estimates of construction noise in the R1 receiver group (including 102 Wyndham Street) are significantly in excess of the Highly Noise Affected Level of 75 dB LAeq but this has not been identified in the assessment. This is important as, when a receiver is identified as Highly Noise Affected, the Draft Construction Noise Guideline (EPA, 2020) recommends a mitigation approach that may involve consultation with regulators and the affected community to seek their feedback on reasonable and feasible mitigation measures. Mitigation strategies may include negotiated agreements with the affected property or respite periods to restrict work activity.

Another point identified in the review is the absence of a vibration assessment. Information presented in the EIS indicates excavation of the basement levels will be within 1-2 m of the 102 Wyndham Street building façade. At this proximity, there is a real risk of exceedance of human comfort vibration criteria and potentially structural damage criteria depending on the final construction method. However, this has not been assessed.

Given the significant construction noise impacts predicted at the site, it is not acceptable to defer the identification and assessment of mitigation measures to a post-approval management plan. This assumes the project can be approved on the basis of the identified and unmitigated impacts. In addition, the post-approval management plan is not publicly exhibited or subject to any public scrutiny creating an unfair process for those impacted by the project.

The noise assessment also notes that dilapidation surveys will be undertaken for nearby industrial developments. It is not clear why dilapidation surveys are limited to industrial developments given the proximity of the residential properties and the concerns of property owners in relation to damage to properties as a result of construction works.

2.2 Overshadowing / solar access

Section 6.3.2 provides an assessment of overshadowing caused by the project on surrounding areas. The focus of the assessment is a comparison of a development that would be built to the full extent allowed by the planning controls with the project which reduces built form on the southern aspect. This assessment concludes:

In particular, there significant improvement and reduction to overshadowing to the dwellings to the south along Wyndham Street and Buckland Street, and the commercial property to the south at 110 Botany Road

However, Section 6.3.2 does not present an analysis or commentary on the overshadowing impact when compared to the existing situation as required by the SEARs:

Assess amenity impacts on the surrounding locality, including lighting impacts, solar access, visual

privacy, visual amenity, view loss and view sharing, overshadowing and wind impacts. A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated.

Provide a solar access analysis of the overshadowing impacts of the development within the site, on surrounding properties and public spaces (during summer and winter) at hourly intervals between 9am and 3pm, when compared to the existing situation and a compliant development (if relevant)

The overshadowing analysis diagrams (Figure 58 of the EIS) indicate the site would be fully overshadowed in the assessed scenarios, with significant loss of amenity to the property owner. The assessment has not addressed the SEARs requirement to assess the existing situation and to demonstrate a high level of amenity for surrounding residential or other sensitive land uses.

2.3 Traffic assessment

The SEARs for the traffic and accessibility assessment require:

analysis of the impacts of the proposed development during construction and operation (including justification for the methodology used), including predicted modal split, a forecast of additional daily and peak hour multimodal network flows as a result of the development (using industry standard modelling), identification of potential traffic impacts on road capacity, intersection performance and road safety (including pedestrian and cyclist conflict) and any cumulative impact from surrounding approved developments.

The construction traffic assessment in the EIS refers to a Preliminary Construction Traffic Management Plan (PCTMP) which outlines processes that will be implemented to manage traffic and ensure public safety, among other matters. However, the EIS or the PCTMP does not provide an analysis of construction traffic as required by the SEARs.

Despite the absence of the required analysis, the EIS concludes:

Construction vehicle volumes

There is expected to be minimum traffic generated from the delivery of materials to and from the site. All deliveries will occur outside peak commuter periods. Exact traffic volumes will be confirmed within the detailed Construction Management Plan.

There is no data or evidence to support this conclusion. It is noted that a similar statement is made in the Statement of Environmental Effects (SEE) for a development application to Council for a commercial building on the neighbouring site at 78-82 Wyndham Street by the same applicant. The SEE states the commercial building would be integrated with the Health Research Facility and constructed concurrently. There is no assessment in the EIS or SEE of the combined construction traffic impacts of the SSD and Council application.

2.4 Hazards assessment

The SEARs for the hazards assessment require:

Where there are dangerous goods and hazardous materials associated with the development

provide a preliminary risk screening in accordance with Chapter 3 of SEPP (Resilience and Hazards) 2021.

Where required by SEPP (Resilience and Hazards) 2021, provide a Preliminary Hazard Analysis prepared in accordance with Hazardous Industry Planning Advisory Paper No.6 – Guidelines for Hazard Analysis and Multi-Level Risk Assessment.

The EIS provides a Preliminary Risk Screening as required by the SEARs. It notes the assessment methodology involves reviewing the quantities and types of dangerous goods and hazardous materials which would be stored and handled on-site during the operational phase and frequency of transport of these materials against the screening threshold quantities defined in Applying SEPP 33.

It also notes: ‘Once a list of hazardous materials proposed on site are collated, and the class of each hazardous material is determined, an assessment against the thresholds pertained in Applying SEPP 33 can be undertaken’. The rationale for not providing this information is the quantities of dangerous goods stored and used is dependent on the tenant which is unknown at this time. However, the EIS assumes that the storage and use of materials will not exceed the maximum threshold in Applying SEPP 3 and is therefore not potentially hazardous, avoiding the need for a Preliminary Hazard Analysis.

The Preparing an EIS Guideline (DPHI, 2022) acknowledges that aspects of a proposed development may be uncertain at the time of preparing an EIS. It recommends that any key uncertainties should be identified and the proposed measures to deal with these uncertainties, including further technical investigation.

It is reasonable to assume that data on dangerous goods storage could have been obtained, for example by reference to similar projects are similar activities. The EIS does not demonstrate how it addresses the uncertainty regarding dangerous goods quantities other than an assumption they will not exist beyond threshold quantities. As storage of dangerous goods on a site can have implications for the layout of a site including storage areas, the separation distance between different types of dangerous goods and the separation distance between dangerous goods and property boundaries, further information on the likely quantities of dangerous goods should have been included in the EIS and subject to a Preliminary Risk Screening.

The absence of this information on the assumption that threshold quantities will not be exceeded means any risks associated with dangerous goods, including risks to neighbouring properties, have not been assessed.

2.5 Cumulative impacts

The SEARs do not require a cumulative impact assessment other than in relation to the traffic assessment:

analysis of the impacts of the proposed development during construction and operation (including justification for the methodology used), including predicted modal split, a forecast of additional daily and peak hour multimodal network flows as a result of the development (using industry standard modelling), identification of potential traffic impacts on road capacity, intersection performance and road safety (including pedestrian and cyclist conflict) and any cumulative impact from surrounding approved developments.

The traffic assessment considers the cumulative impact of the project with the Waterloo Metro

Quarter Over Station Development (SSD 10441). It does not consider any other approved developments in the surrounding area despite Section 2.4 of the EIS identifying seven approved or operational developments in the surrounding area with a note that ‘the cumulative impacts associated with these proposals are considered under the relevant issue in Section 6.0’.

Section 6.0 of the EIS does not demonstrate that the cumulative impacts of the proposals has been considered or assessed, yet Section 6.21 of the EIS concludes:

Cumulative Impacts

As outlined in Section 2.4 a range of recently approved applications are within vicinity of the site. It is considered that the development can be constructed simultaneous to surrounding development without the creation of any adverse environmental impacts.

The issue of cumulative impacts assessment and management is a key concern for the owner of 102 Wyndham Street having lived through five years of Waterloo Station construction. It is not clear how the conclusion on cumulative impacts has been reached in the absence of any assessment of cumulative impacts.

2.6 Related development

78-82 Wyndham Street

The owner of 102 Wyndham Street received notification from City of Sydney on 25 October 2024 in relation to a development application (D/2024/885) for construction of a commercial office building by Kurraba Group at 78-82 Wyndham Street, Alexandria. The DA was originally on exhibition until 29 November 2024 and is currently identified on Council’s DA tracker as being ‘Re-notified’.

The Statement of Environmental Effects (SEE) notes ‘the application is made as an ‘Amending DA’, utilising Section 4.17 of the EP&A Act. This mechanism is intended to impose a condition that, once satisfied, will administratively ‘modify’ the adjoining State Significant Development Application (SSDA) (SSD-63067458) for a new health research facility, which is also being developed by Kurraba Group. This administrative modification is intended to merge the two consents to allow for a consolidate development precinct. Further consideration of the Amending DA pathway is to be undertaken in consultation with Council.’

The SEE also describes the proposed integration of the development at 78-82 Wyndham and the Health Research Facility:

As mentioned, while the proposed development subject to this DA is a capable of a standalone development for planning purposes, it is intended to be constructed and delivered concurrently with the adjoining SSDA at 100 Botany Road.

Minor ‘amendments’ will be required predominately to the basement and ground floor of the site to facilitate the integration of the proposal with the adjoining site at 100 Botany Road. This includes amendments to create an integrated basement car park including integrated loading and servicing arrangements and resulting changes to the ground floor. Additionally, the setback to the northern boundary is anticipated to become a pedestrian access path which links to the central laneway network to be delivered as part of the 100 Botany Road development.

Given the integrated nature of the two developments and the intent to construct concurrently it is not clear why the 78-82 Wyndham Street development was not included in the scope of the SSD application.

As the SEE for 78-82 Wyndham Street does not consider the cumulative impacts with the SSD application, it is not clear how a consent authority can consider the total impacts of the developments combined, nor how the public can understand the combined impacts.

For example, the traffic assessment for 78-82 Wyndham includes similar wording to the SSD application in relation to construction traffic volumes:

The delivery of materials to and from the site will result in minimal generated traffic activity associated with the works.

Notwithstanding the lack of data and analysis to support this conclusion, it is reasonable to assume that construction traffic impacts from both project should be identified and assessed together given the intent to construct both developments at the same time.

It is recommended that the SSD application be amended to include the 78-82 Wyndham Street development with an updated EIS to assess the combined or total impacts. The amended application and updated EIS should be re-exhibited to provide procedural fairness to the community and property owners who are impacted by the combined project.

Sub-station

Section 3.5.2 of the EIS notes a new substation is required to supply the development based on the proposed electrical demand. It also notes:

It is expected the existing 11kV network can be augmented to accommodate the proposed substation. This will be subject to further development and consultation with Ausgrid.

It is not clear if the new sub-station and 11kV network augmentation form part of the scope of the SSD application or if they will be assessed and determined under a separate approval pathway such as Part 5 of the Act. An assessment of impacts of the electrical infrastructure upgrades should be combined with the assessment of impacts of the commercial building at 78-82 Wyndham Street and the Health Research Facility, so that the total or combined impacts of the projects can be fully understood.

2.7 Engagement

Chapter 5 of the EIS describes the approach to community and stakeholder engagement during the preparation of the EIS. Section 6.10 of the EIS and the supporting technical study on Social Impact Assessment also describes additional engagement activities required for the SIA.

Section 6.1 of the SIA notes:

Throughout the preparation of the EIS process, a comprehensive list of community members and stakeholders to consult has been developed through identification of:

- *Neighbours who would be impacted by the proposal;*

- *Stakeholders who would have a particular interest in the proposal;*
- *Stakeholders who would have information of value to the proposal, for example, Aboriginal groups with cultural knowledge relating to the site;*
- *The Department of Planning, Housing and Infrastructure (the Department). This included the community members and stakeholders listed in the proposals SEARs that the applicant was required to consult with.*

Despite being the closest neighbour to the project site and with potential to be significantly impacted, at no point was the property owner directly approached by the applicant to discuss concerns about project impacts and mitigation solutions either through the broader engagement process or SIA specific engagement.

2.8 Engineers Report

The 102 Wyndham Street property owner has engaged an Engineering Consultant to assess the risk of structural damage to the property resulting from the construction of the Health Research Facility including risks associated with the excavation of a basement adjacent to the property boundary.

Noting the absence of a vibration assessment, the Engineering review will identify if impacts have been fully identified and assessed, including measures to mitigate impacts to acceptable levels.

The review is currently being finalised and will be provided as a follow on to this submission in the coming days.

3 Summary and conclusion

Kurraba Group are proposing to develop a Health Research Facility on multiple lots located between Botany Road and Wyndham Street in Alexandria. The application is being assessed as State significant development. 102 Wyndham street is a private residence located on the southern boundary of the project site.

The owner of 102 Wyndham Street is concerned about the potential impacts of the construction and operation of the project on the liveability and amenity of his property and gaps in the EIS in relation to impact assessment. The EIS has not properly addressed these concerns as potential impacts are not fully assessed against the SEARs. Detailed assessment and mitigation has been deferred to the post-approval stage for a number of matters and assertions made about impacts without supporting evidence. This includes:

- A review of the noise report has identified issues with the noise assessment methodology which have underestimated noise impacts. In addition, the noise assessment does not identify or assess the effectiveness of mitigation measures or identify the property as being Highly Noise Affected.
- There is no assessment of construction traffic impacts despite it being a SEARs requirement.
- There is no assessment of the risks associated with the storage of dangerous goods on site despite it being a SEARs requirement.
- The assessment of cumulative traffic impacts with other nearby approved development (a SEARs requirement) is limited to one project, despite the EIS identifying seven approved project nearby
- There is no assessment of cumulative impacts of the project with the seven approved projects nearby despite the EIS stating that these impact will be assessed in Section 6 of the EIS
- Overshadowing impacts are presented as an improvement based on a comparison of the proposed built form, which reduces building mass on the southern elevation, with a built form developed to maximum building controls. It does not assess overshadowing impacts on the existing environment as required by the SEARs.

In addition, an application to Sydney Council for development consent for commercial development at 78-82 Wyndham Street notes the intention for the commercial development to be integrated with the Health Research Facility including concurrent construction. It also notes the intention to seek a condition on the SSD consent to administratively modify the Council consent to integrate the commercial development into the Health Research Facility.

As the commercial development is integrated with the SSD, it should be assessed through the SSD process so that full and combined impacts can be understood and considered by the community and the consent authority.

It is recommended that the SSD application be amended to include the 78-82 Wyndham Street development with an updated EIS to assess the combined or total impacts. The amended application and updated EIS should be re-exhibited to provide procedural fairness to the community and property owners who are impacted by the combined project.

Appendix A Review of Noise Impact Assessment

Appendix B Engineers Report



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