



Our Ref: DOC17/207116-04
Your Ref: SSD 16_7543

Mr David Gibson
Team Leader, Social Infrastructure Assessments
Department of Planning and Environment
via email: brent.devine@planning.nsw.gov.au

Dear Mr Gibson

North Shore Private Hospital Exhibition – SSD 7543

I refer to your letter dated 4 April 2017 requesting the NSW Environment Protection Authority's (EPA) comments on the publically exhibited State Significant Development application (including Environmental Impact Statement) for the above proposal (your ref: SSD 7543).

The EPA understands that the proposal includes site preparation works and the construction and operation of a 6 storey private hospital at 12 Frederick St, St Leonards (the site). The EPA notes that the site appears to be zoned IN1 General Industrial, under which hospitals are a prohibited use.

Separate assessment processes (site establishment and demolition)

The EPA understands that existing structures on the site may be demolished under a separate planning assessment process and thus the demolition of those structures is considered to be a separate activity to the SSD 7543 project.

Recommendation

The EPA recommends that the proponent employs a holistic approach to environmental management for the project, to ensure that environmental risks are not increased due to separate assessment processes, staging or contractor engagement. That is, there should be a seamless integration of environmental management controls between the demolition, site preparation, bulk excavation and construction stages of the project.

Contamination

The EPA understands that the proposed development includes site preparation works such as excavation works, tree removal and removal of any associated Underground Petroleum Storage System (UPSS) infrastructure. Should UPSS infrastructure be present, the proposal includes decommissioning, remediation, and remediation validation of this infrastructure. The remediation is proposed to be achieved through excavation and removal of any contaminated material to an appropriately licenced waste disposal facility.

Recommendation

The EPA recommends that DPE considers requiring:

- a Site Audit Statement (Part B) certified by a site auditor accredited by the EPA under the *Contaminated Land Management Act 1997* that confirms that the entire site can be made suitable for the proposed use by implementation of the Remedial Action Plan, and
- a Site Audit Statement (Part A) certified by a site auditor accredited by the EPA under the *Contaminated Land Management Act 1997* for the entire site, prior to construction works beginning, which confirms the suitability of the proposed land use.

Noise and Vibration

The EPA notes that the proposed construction works may include a number of significantly noisy activities with the potential for vibration, including: piling, use of hand tools such as angle grinders, diesel cranes, concrete pumps, and plant and vehicle movements.

Appendix 08 – Noise Impact Assessment indicates that a detailed quantitative acoustic and vibration assessment of the construction activity has not been undertaken due to not “knowing the activities/construction methods proposed, their duration and location”. This document also indicates that noise levels are likely to exceed the criteria in the *Interim Construction Noise Guidelines (EPA, 2009)*.

The operational noise assessment at Appendix 8 appears to be a “preliminary” assessment which does not include:

- data on the sound power levels of the equipment proposed to be used,
- the location of all noise sources on the site plan,
- the acoustical prediction methods used and formulae,
- a prediction of noise levels at all relevant receiver points,
- comparison of predicted results to the relevant noise goals,
- details of mitigation methods and subsequent new predictions, or
- the qualifications of the consultant responsible for the report.

It does not appear that a vibration assessment has been undertaken for the project. The guidelines within the document *Assessing Vibration: a technical guideline (EPA, 2006)* have not been followed, despite reference to this guideline.

A proactive and preventative approach to noise mitigation measures should be taken based on quantitative acoustic modelling and data. This should include the assessment of feasible and reasonable noise mitigation and management measures (including time restrictions) to minimise noise and vibration impacts on surrounding residences and receivers.

Recommendation

The EPA considers that SEAR Requirement 8 (Noise and Vibration) has not been met. It does not appear that a quantitative assessment of the main noise and vibration generating sources during construction and operation has been made. This should be addressed prior to any works commencing.

Radiation licensing

The EPA administers the *Radiation Control Act 1990* (and *Radiation Control Regulation 2013*) and anticipates that ‘regulated material’ will be stored and possessed on the proposed site. ‘Regulated material’ means -

- (a) radioactive substances,
- (b) ionising radiation apparatus,
- (c) non-ionising radiation apparatus of a kind prescribed by the regulations, and
- (d) sealed source devices.

A 'person responsible' within the meaning of section 6 of the *Radiation Control Act 1990* is obliged to hold an appropriate 'radiation management licence' in respect of regulated material at the proposed hospital.

A natural person who uses regulated material at the proposed hospital must hold a 'radiation user licence' and must comply with any conditions to which the licence is subject. Frequently asked questions about radiation management licences are available via the following link: <http://www.epa.nsw.gov.au/radiation/management/faq.htm>

Recommendation

That the proponent be required to apply for and obtain any necessary amendment to the 'radiation management licence' currently held under the name of North Shore Private Hospital Pty Limited in respect of regulated material at the new facility and the management and handling of any waste containing radioactive material.

Waste

The EPA notes that procedures and protocols relating to classification of waste under the EPA's *Waste Classification Guidelines (2014)* during the site preparation works and remediation phase (including protocols relating to unexpected finds) are found in the site *Remedial Action Plan* (Appendix 09) and not in the site Waste Management Plan which only covers the operation of the proposed hospital. This is not made clear in the main EIS documentation.

Activities scheduled under the POEO Act

Based on the information provided, the proposal does not constitute a Scheduled Activity under Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) and does not require an Environment Protection Licence. The EPA understands that the proposal is not being undertaken on behalf of a NSW public authority. The EPA is therefore not the appropriate regulatory authority for the environmental performance of the project and has no further interest in the proposal.

Please contact Laura Ansted on (02) 9995 6812 if you have any queries regarding this advice.

Yours sincerely



10/05/2017

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NSW Environment Protection Authority