



DOC16/617397-03

Department of Planning and Environment
GPO BOX 39
SYDNEY NSW 2001

Attention: Michelle Niles

Dear Ms Niles

**BULLI HOSPITAL AGED CARE CENTRE OF EXCELLENCE (SSD 7751)
NOTICE OF EXHIBITION**

I am writing in response to the above major project and the exhibition of the Environmental Impact Statement (EIS).

The Environment Protection Authority (EPA) provides the attached comments (Attachment A) to assist Department of Planning and Environment in the assessment and determination of the application. These comments relate to the following:

- General
- Contaminated Land Management
- Noise

If you have questions regarding the above please phone the contact officer on (02) 4224 4100.

Yours sincerely

A handwritten signature in blue ink, followed by the date '31/01/17' written in blue ink.

PETER BLOEM
Manager Regional Operations Illawarra
Environment Protection Authority

Contact officer: PETER BLOEM
(02) 4224 4100

ATTACHMENT A

GENERAL

The EIS indicates the development will not require an Environment Protection Licence (EPL) under the Protection of the Environment Operations (POEO) Act 1997. The applicant is NSW Health Infrastructure. The EPA is the appropriate regulatory authority for premises occupied by, or activities carried out by a state or public authority.

While the activity does not appear to require an EPL, the applicant has a responsibility to ensure all activities undertaken at the site comply with the requirements of the POEO Act and any associated regulations at all times. This includes, but is not necessarily be limited to, the following:

- Prevent pollution of waters
- Prevent land pollution
- Ensure activities are not carried out in an environmentally unsatisfactory manner
- Ensure the EPA is notified of any pollution incidents that may cause or threaten material harm to the environment. Any notification must be reported to Environment Line on 131555.

The EPA can issue notices (including clean up and prevention notices) or take other regulatory action if pollution concerns arise from this activity.

CONTAMINATED LAND MANAGEMENT

The EIS states the site has the potential for the presence of asbestos that precludes the proposed development of the site in its current condition. This potential for contamination exists primarily through the filling of the site through its development as a car park and demolition of previous structures. Hazardous building material may have been used in the construction of the building in the eastern portion of the site. It is considered that a low to moderate potential for contamination associated to the degradation of hazardous building materials may exist localised to the areas directly below and adjacent to the site structures.

To determine the extent and degree of asbestos contamination impact a Preliminary Site Investigation (Appendix 19) and Detailed Site Investigation (Appendix 20) was undertaken to determine the suitability of the site for the proposed development or to allow for the preparation of a Remediation Action Plan (RAP). A RAP has been prepared as part of the EIS (Appendix 21) to identify suitable strategies for remediating the site so that it could be compatible with the proposed development. The proposed remediation method involves the on-site management of soils impacted by asbestos containing materials by consolidating and capping with concrete building slabs and pavements within the site development area. Nominal capping is also proposed as an interim measure for the management of landscape areas. It also details the suggested sequence of remediation and confirms recommendations for disposal, stockpiling, loading and transport of contaminated materials and management of imported fill.

The EIS recommends that a long term Environmental Management Plan (EMP) be prepared for the site at the completion of remediation works. The EMP will promote awareness of the contamination management and the requirements to avoid disturbance (where possible), and provide an outline of maintenance requirements. Notification is proposed on the Section 149 planning certificate detailing the site has been remediated and is subject to a long term EMP to ensure future landholders (if any) or future developments on the site are aware of the management requirements for the development area.

The RAP confirms the need for a Validation Report to be prepared by a suitably qualified environmental consultant and submitted to the consent authority at the completion of the remediation works program. This is to confirm that the site has been remediated to a suitable standard for the proposed development. An Unexpected Finds Protocol and Contingency Plan has also been outlined in the RAP. A Construction Environmental Management Plan (CEMP) will be prepared to address practices to be employed during site remediation works and provide further details regarding contingency procedures, including incident management and unexpected finds protocol.

The excavation and construction stages of the development have the potential to generate dust emissions from the premises. The EIS states as a precaution, air monitoring will be conducted at the boundaries of the site to monitor the presence of airborne asbestos fibres by an Occupational Hygienist. Air quality management and monitoring measures should be identified and documented as part of the CEMP. This should be used to help identify all reasonable and feasible measures to ensure that activities occurring in or on the premises are carried out in a manner that will minimise the generation or emission, of wind-blown or traffic generated dust.

The EIS states a site auditor accredited under the *Contaminated Land Management Act 1997* will be engaged to prepare a Site Audit Statement, if deemed necessary. The EPA recommends an accredited site auditor be engaged to review the adequacy of the RAP and proposed management measures to ensure the protection of the environment and human health. This should include the adequacy of the asbestos management/monitoring measures and Unexpected Finds Protocol. The accredited site auditor should also review the validation report once remediation works have been completed, and provide confirmation on the suitability of the site for the intended land use.

The EPA advises that the proponent should consider whether the contamination triggers the requirement to notify the site to the EPA in accordance with the *Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997* ((EPA, 2015).

NOISE

Operational Noise

The acoustic assessment (Appendix 16) used data from a noise logger on the site to determine rating background levels used to calculate project specific noise levels. The Industrial Noise Policy (INP) states that background noise monitoring should be done at the most or potentially most affected noise-sensitive location/s. The noise logging data in Appendix 1 of the assessment also seems to show a large amount of excluded data, so the amount of valid data used to derive rating background levels may be limited. However, adopted project specific noise levels for day, evening and night appear appropriate for the area.

The assessment did not derive the proposed project specific noise level for the morning shoulder period in accordance with the INP and it is not clear how it was derived. The application notes for the INP suggest that a much longer monitoring period than one week would be required to generate a statistically valid data set for determining the 90th percentile L_{A90} . The INP suggests an appropriate way of dealing with morning shoulder periods can be to assign a rating background level that is the midpoint between the rating background levels of the day and night time periods. In this case that would mean the morning shoulder rating background level would be 35 dBA.

The acoustic assessment included three operational noise predictions:

- It predicted that the loading dock will meet the daytime project specific noise level, but not the evening or night time project specific noise levels, at residences to the east and north.
- It stated that car park noise would comply with project specific noise levels at all times of day, but presented a predicted noise level at residences to the south of $L_{Aeq(15min)}$ 37 dB (2 dB above the night time project specific noise level). This was based on a car sound power level of 84 dBA, which seems low.

Any approval for the project should include a condition restricting loading dock operation to the INP daytime period: 7am to 6pm Monday to Saturday, 8am to 6pm Sundays and Public Holidays. The proponent should also investigate what feasible and reasonable measures are available to mitigate carpark noise.

Any approval should also contain appropriate conditions to require the project to be designed, built and operated so noise from mechanical plant, including the proposed generator, does not exceed $L_{Aeq(15min)}$ 35 dB or L_{Amax} 45 dB at any time, except for generator testing during the day time (7am to 6pm Monday to Saturday, 8am to 6pm Sundays and Public Holidays).

Construction Noise

The EIS states construction of the facility has the potential to impact on surrounding residences, primarily due to construction traffic, excavation works and potential noise impacts. An Acoustic Assessment (Appendix 16) and Preliminary Construction Management Plan (Appendix 24) have been prepared as part of the EIS. No assessment of construction outside standard hours was provided in the acoustic assessment.

Any approval for the project should limit construction to standard hours only and include the following conditions:

- L6.8 *Construction work associated with the project must be undertaken:*
- a) *between 7:00 am and 6:00 pm, Mondays to Fridays*
 - b) *between 8:00 am and 1:00 pm on Saturdays; and*
 - c) *at no time on Sundays or public holidays.*
- L6.9 *Construction work associated with the project may be undertaken outside the hours specified in Condition L6.8 if it is:*
- a) *construction that causes LAeq(15min) noise levels that are:*
 - i. *no more than 5 dB above Rating Background Level at any residence in accordance with the Interim Construction Noise Guideline (DECC, 2009); and*
 - ii. *no more than the Noise Management Levels specified in Table 3 of the Interim Construction Noise Guideline (DECC, 2009) at other noise sensitive land uses; or*
 - b) *for the delivery of materials required by the police or other authorities for safety reasons; or*
 - c) *required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or*
 - d) *approved through the process outlined in Condition L6.10.*
- L6.10 *The hours of construction specified under Condition L6.8 may be varied with the prior written approval of the Secretary. Any request to alter the hours of construction shall:*
- a) *be considered on a case-by-case or activity-specific basis*
 - b) *be accompanied by details of the nature and justification for activities to be conducted during the varied construction hours*
 - c) *be accompanied by written evidence to the Secretary that appropriate consultation with potentially affected noise sensitive receivers and notification of relevant Council(s) and other relevant agencies has been and will be undertaken*
 - d) *demonstrate that all reasonable and feasible noise mitigation measures have been put in place; and*
 - e) *be accompanied by a noise impact assessment consistent with the requirements of the Interim Construction Noise Guideline (DECCW, 2009).*

The acoustic assessment suggested that some activities would result in noise at nearest sensitive receivers above the adopted noise management level, and that construction noise would be managed through a construction noise and vibration management plan. A condition of any approval should require a construction noise and vibration management plan to be developed and implemented for the project:

- The proponent must prepare and implement a detailed construction noise and vibration management plan, before commencing construction, including but not necessarily limited to:*
- a) *identification of each work area, site compound and access route (both private and public).*
 - b) *identification of the specific activities that will be carried out and associated noise sources at the premises and access routes.*
 - c) *identification of all potentially affected sensitive receivers.*
 - d) *the construction noise and vibration objectives identified in accordance with the Interim Construction Noise Guideline and Assessing Vibration: A Technical Guideline*

- e) *assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in (d).*
- f) *where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts.*
- g) *description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers.*

The acoustic assessment suggested that some activities would result in noise at nearest sensitive receivers above the highly noise affected level of $L_{Aeq(15min)}$ 75 dB. Department of Planning and Environment should consider providing respite to any receivers affected by noise above the highly noise affected level.

