

Ms Karen Harragon
Director – Social and Infrastructure Assessments
Department of Planning, Industry and Environment
GPO Box 39,
Sydney NSW 2001

Dear Ms Harragon

**Prince of Wales Hospital – Addition to approved Acute Services Building
for health research use (SSD-10339)
Advice on the Environmental Impact Statement**

I am writing to you in reply to the invitation to the Environment Protection Authority (EPA) to provide advice on the Environmental Impact Statement (EIS), including recommendations for Conditions of Approval for the above proposal.

The EPA has reviewed the EIS provided by the Department of Planning, Industry and Environment (DPIE) and advises the following with regards to noise and contaminated lands:

1. Noise

The EPA has considered the following aspects of the development:

- Noise and vibration from the construction of the development
- Noise and vibration from the continuing operation of the development.

The EPA understands that SSD 10399 relates to a proposed addition to the Acute Services Building (ASB) approved under SSD 9113. The addition or “Integrated Acute Services Building” (IASB) comprises a 10-storey building connected to the western façade of the approved ASB. The IASB will be built over a portion of Hospital Road and Delivery Drive and will necessitate lowering a portion of Hospital Drive. The EPA understands that the works on Hospital Drive and Delivery Drive will affect access to the delivery dock and is the basis for a requirement for out of standard hours construction work.

The EPA notes that the acoustic assessment of the current SSD 10339 for the Integrated Acute Services Building has been undertaken by Acoustic Studio with reference to the previous Acoustic Studio report, prepared for the initial SSD 9113 application. The documentation referred to hereafter is as follows:

- Acoustic Studio report number 20180808 AUR.0003.Rep.docx, Issue 5, dated 8 August 2018 for SSD 9113 (*“the 9113 report”*)
- Acoustic Studio report number 20190805 AUR.0101.Rep.docx, Issue 5, dated 5 August 2019 for SSD 10339 (*“the 10339 report”*)

- SSD 9113 Development Consent for Prince of Wales Hospital Expansion Stage 1, Acute Services Building (*“the development consent”*)
- EPA response to EIS for SSD 9113, reference DOC18/621287-02, dated 28 September 2018 (*“The EPA response”*).

The 10339 report indicates that the general traffic noise level associated with SSD 10339 will not differ from the predicted noise levels presented within the 9113 report and has therefore not been further evaluated by the EPA.

However, the EPA has identified other issues with the 10339 report that may warrant more discussion:

- The 10339 report contains information relating to the control of mechanical plant noise emission from the proposed IASB development. As mechanical plant selections have not yet been made, the advice is conceptual only and is provided to enable future compliance with the noise limits set within 9113 report. The EPA advises that, given the scope of the mechanical plant associated with 10339, when considered in addition to the plant that forms part of SSD 9113, it is likely to require detailed acoustic design and significant remediation to enable compliance with the noise limits in SSD 9113. (Note: Table 4 of Section 5.2.1.1.1 of the 10339 report mirrors the SSD 9113 requirements).
- Presently, allowance has been made for “acoustic louvres and attenuation” for the chillers, fans and compressors included within SSD 10339. The EPA advises that these units (i.e. all mechanical plant approved under SSD 9113 and if approved SSD10339) must comply cumulatively with the noise limits applied in the SSD 9113 approval, and SSD 10339 should include a condition to require this.

In addition to the noise emission from the operation of the development, the 10339 report addresses noise and vibration impacts associated with the construction of the IASB. The 10339 report states the following within section 9:

Construction Noise

Proposed construction hours for the Project are as follows:

- Monday to Friday – 7:00am to 6:00pm.
- Saturday – 8:00am to 5:00pm.
- Sunday and Public Holidays – No works.

In addition to the regular working hours above, forty weekends of works will be required over 18 months to ensure operational continuity of the loading dock during core working hours during the week. These works are to take place during those weekends between:

- Friday – 6:00pm to 10:00pm
- Saturday and Sunday – 8:00am to 10:00pm.

On face value, the construction of the IASB could impede the operational integrity of the loading dock and potentially compromise hospital functions, and therefore is likely a valid consideration for out of standard hours works. However, additional and specific justification from the proponent should be sought to support this position. More importantly though, development consent (SSD 9113) does not include any outside of standard hours protocol or approval pathway for out of standard hours works. Should consent be granted for out of hours construction work, the EPA recommends that the approval include a requirement for DPIE assessment and approval (perhaps via an out of standard hours works protocol or Construction Noise and Vibration Impact Statement) for out of standard hours construction to ensure that the recommendations for out of hours noise reduction as per section 8 of the 10339 report are applied at detailed design stage.

Below are some draft conditions of consent for DPIE to ensure that the above items are covered adequately (please note, DPIE will need to amend the highlighted condition numbers and references accordingly):

Recommended conditions of consent relating to noise and vibration management

Construction:

- D14** Construction activities associated with SSD 10339 must only be undertaken during the following standard construction hours:
- (a) 7:00 am to 6:00 pm Mondays to Fridays, inclusive; and
 - (b) 8:00 am to 1:00 pm Saturdays;
 - (c) at no time on Sundays or public holidays.
- D15** Notwithstanding condition **D14**, construction works associated with SSD 10339 may be undertaken outside the hours specified under **D14** conditions where the following are satisfied:
- (a) construction works that cause LAeq (15 minute) noise levels that are
 - i. no more than 5 dB(A) 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 sensitive land uses, and
 - iii. continuous or impulsive vibration values, measured at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.2 of *Assessing vibration: a technical guideline* (DEC, 2006), and
 - iv. intermittent vibration values measured at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.4 of *Assessing vibration: a technical guideline* (DEC, 2006); or
 - (b) where a negotiated agreement has been reached with affected receivers, where the prescribed noise and/or vibration levels cannot be achieved;
 - (c) for the delivery of materials required by the police or other authorities for safety reasons; or
 - (d) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
 - (e) construction works approved through an Out-Of-Hours Work Protocol prepared as part of the Construction Noise and Vibration Management Plan, provided the relevant council, local residents and other affected stakeholders and sensitive receivers are informed of the timing and duration at least **X days** prior to the commencement of the works. The impacts of the out of hours work should be quantified prior to the works with a Construction Noise and Vibration Impact Statement;
 - (f) to ensure public and construction worker safety;
 - (g) where works involve the need for a road occupancy licence and the relevant authority will not grant a licence for standards hours or the works involve utility service adjustments and the relevant utility provider requires the works to be undertaken outside of standard construction hours;
 - (h) to minimise impacts on the function and safety of hospital operations;
- D16** Prior to the commencement of any construction works, an appropriately qualified person must prepare a detailed Construction Noise and Vibration Management Plan (CNVMP) based on detailed project design that includes, but is 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 using the construction noise objectives identified in accordance with the *Interim Construction Noise Guideline* (DECC 2009), vibration objectives as identified in accordance with the document *Assessing Vibration: A Technical Guideline* (DEC 2006), and the road traffic noise objectives as identified in accordance with the *NSW Road Noise Policy* (DECCW 2011).
 - (d) Assessment of noise and vibration from the construction methods (including noise from construction traffic) against the objectives identified in (c) above.
 - (e) Where the noise objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures be implemented to minimise construction noise and vibration.

- (f) Description of management methods and procedures and specific noise mitigation measures that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers/bunds where relevant.
- (g) Procedures to engage with and notifying residents of construction and vibration activities that are likely to affect their noise and vibration amenity.
- (h) Procedures to assess and manage noise impacts associated with essential out of standard hours works performed in accordance with **D14**.
- (i) Measures to monitor noise performance and respond to complaints.

Operation – Plant and Equipment:

E1 Mechanical plant and equipment must be selected, installed and operated both individually and cumulatively within SSD 10339, so that the operational noise levels from the entire Acute Services Building (SSD 9113 and SSD 10339) do not exceed the Project Noise Trigger levels identified in Table 4 of Section 5.2.1.1.1 of the noise impact assessment.

2. Contaminated Lands

The following reports were considered in the review of contaminated land matters:

- *Environmental Impact Statement – State Significant Development Application SSD – 10339 Prince of Wales Hospital – Addition to Approved Acute Services Building*, prepared by Advisian Worley Group, dated 20 August 2019
- *Detailed Site Investigation*, Douglas Partners Pty Ltd, dated 19 February 2019 (Appendix S, pp.5-379 of 474)
- *Remediation Action Plan*, Douglas Partners, dated 7 August 2019 (Appendix S, pp.380-474)

Assessment against SEARs for Contamination

Assess and quantify any soil and groundwater contamination and demonstrate that the site is suitable for the proposed use in accordance with SEPP55:

The detailed site investigation report prepared by Douglas Partners (Appendix S, pp.5-379 of 474) assessed the soil and groundwater contamination. The report stated that the site can be made suitable for the proposed development subject to the revised Remediation Action Plan (RAP) that was submitted also as part of Appendix S of this EIS report (pp.380-474). It is considered that the EIS complied with this SEAR item.

Undertake a hazardous materials survey of all existing structures and infrastructure prior to any demolition or site preparation works:

The Douglas Partners report referred to the Hazardous Materials Audit report dated 11 December 2018 which was not provided as part of this EIS. However, the RAP included a description of the hazardous materials survey (section 5.8) and Section 10.1 discussed the management of hazardous building materials. As such the EIS complied with this SEAR item.

Note: The EPA does not make a conclusion on the suitability of the site for the proposed development. Site auditors can provide increased certainty to planning authorities of the suitability of a site for a specific use. Therefore the EPA recommends inclusion of a development consent condition that requires the proponent to submit a Section A Site Audit Statement that certifies that the site has been made suitable for the proposed development.

Recommended conditions of consent relating to contaminated land management

1. If unexpected contamination is found, the applicant must conduct more detailed investigation. The following guidance, as relevant, should be considered when assessing contamination at the site:

- *NSW EPA Sampling Design Guidelines*
www.epa.nsw.gov.au/resources/clm/95059samppgdline.pdf
 - *Guidelines for the NSW Site Auditor Scheme* (3rd edition) 2017
<https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition>
 - *Guidelines for Consultants Reporting on Contaminated Sites*, 2011
www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf
 - The *National Environment Protection (Assessment of Site Contamination) Measure 2013* as amended.
2. The proponent is required to engage an EPA-accredited site auditor to review the adequacy of the investigations, unexpected finds protocol, any remedial works or management plan required and confirm that the land can be made suitable for the proposed use. The proponent must adhere to the management measures accepted by the Auditor.
 3. The processes outlined in *State Environmental Planning Policy 55 - Remediation of Land (SEPP55)* must be followed in order to assess the suitability of the land and any remediation required in relation to the proposed use.
 4. The proponent must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination [note that this would render the proponent the 'person responsible' for the contamination under section 6(2) of the *Contaminated Land Management Act 1997*].
 5. The EPA is to be notified under section 60 of the *Contaminated Land Management Act 1997* for any contamination identified which meets the triggers in the *Guidelines for the Duty to Report Contamination* (www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf)
 6. The EPA recommends use of "certified consultants". 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* to be prepared, or reviewed and approved, by a certified consultant.

3. Waste, Water, Air Quality

The consent conditions should ensure that the development complies with standard requirements regarding waste management, water management (preventing run-off and subsequent pollution of waters) and appropriate site management to minimise air quality impacts, particularly dust.

Should you require clarification of any of the above please contact Anna Timbrell on 9274 6345 or email anna.timbrell@epa.nsw.gov.au.

Yours sincerely



SARAH THOMSON
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Environment Protection Authority