



Our reference: FIL11/9583:DOC11/57445:PB  
Contact: Mr Peter Bloem, (02) 4224 4100

NSW Department of Planning and Infrastructure  
(Attention: Simon Truong)  
GPO Box 39  
SYDNEY NSW 2001



Dear Sir

**EXHIBITION OF ENVIRONMENTAL ASSESSMENT FOR DEVELOPMENT OF A  
DENTAL HOSPITAL KIORA RD – MIRANDA**

I am writing in response to your letter dated 14 December 2011 to the Environment Protection Authority (EPA) seeking comments on the above Environmental Assessment (EA).

On the basis of a review of the information provided, the EPA provides comments on several key issues in the attachment to this letter (Attachment 1). These issues relate to the following:

1. Appropriate Regulatory Authority
2. Radiation Control
3. Environmental Management Plans
4. Construction Noise and Vibration
5. Air quality; and
6. Soil and water.

Should you have any questions regarding the above, please contact me on (02) 4224 4100 or [peter.bloem@environment.nsw.gov.au](mailto:peter.bloem@environment.nsw.gov.au).

Yours sincerely

  
6/2/12  
**PETER BLOEM**  
Manager Illawarra  
Environment Protection Authority

Att:

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## **ATTACHMENT 1 - EPA COMMENTS ON EXHIBITED EA**

### **1. Appropriate Regulatory Authority**

The facility does not appear to be required to hold an environment protection licence issued under the *Protection of the Environment Operations (POEO) Act 1997*. Sutherland Shire Council will be the appropriate regulatory authority for this development under the POEO Act.

### **2. Radiation Control**

The EA states there will be a Department of Radiology on Level One and the floor plans appear to indicate several X-ray units. It is unclear from the EA, however, on the exact nature of any radiation apparatus that will be installed.

The EPA administers the *Radiation Control Act 1990* and its subordinate Regulation. The Act and Regulation apply to use and possession of radiation apparatus and radioactive substances.

EPA regulatory requirements apply once construction of the radiology practice is complete. The owner of the practice must ensure that radiation apparatus are registered and those using them are licensed. During the registration process, the radiation apparatus must be tested and certified by an EPA accredited radiation expert. The apparatus must meet the requirements of the publication *Radiation Guideline 6*.

In addition, the structure of the radiology department must ensure that members of the public do not get more than 1 mSv of radiation a year from x-ray apparatus and occupationally exposed persons must not get more than 20 mSv a year. This may require a shielding assessment to be carried out. *Radiation Guideline 7* can provide guidance on radiation shielding design assessment and verification requirements. EPA does not accredit persons to carry out shielding assessments.

### **3. Environmental Management Plans**

The EA suggests a Construction Management Plan (CMP) will be developed for the proposed works. The EA also identifies a number of other management plans that will also be developed. The requirement for a Construction Management Plan and related sub plans (for example noise and vibration, air quality, waste, soil and water management etc) should be clarified and strengthened as a statement of Commitment and/or condition of approval (if approved). All plans should be prepared prior to the commencement of construction activities with appropriate procedures for regularly reviewing and updating the requirements of each plan where necessary. This is to ensure they are up to date and consistent with best-practice as well as guidelines, policies and laws relevant to the operations and activities.

As part of the CMP, the EPA recommends that the proponent also prepare a Community Consultation Plan (CCP) to engage the community during the proposed works. Issues that should be considered in preparing this documentation may include:

- procedures for consulting and notifying nearby residents of the commencement of the construction activities. This should included procedures for providing written notification
- procedures for consulting and notifying nearby residents at appropriate stages throughout the construction activities of any specific works that may result in potential noise impacts
- details of a telephone complaints line (including a daytime and an after hours contact phone number) for the purposes of receiving any complaints or enquiries from members of the public in relation to the activities
- contact details of relevant site persons responsible for following up complaints
- procedures for handling and monitoring all complaints received by the proponent; and
- details of proposed contingency measures to be implemented where complaints are received.

### **4. Construction Noise & Vibration**

There is little or no information in the EA on the impacts of construction noise and measures proposed to mitigate these impacts. The EA states (Appendix 11) that "... *detailed methodology statements for the demolition, excavation and construction of the development are not available at Part 3A Application stage, and as such, an assessment and subsequent treatment of items cannot be undertaken at this stage. We*



*recommend that a detailed assessment of noise emissions from construction activities be undertaken at Construction Certificate Stage...*"

An assessment of construction noise and vibration impacts is normally contained within an EA. This documentation provides the proponent with an up-front understanding of what needs to be done to minimise noise impacts (and, indirectly, the costs of managing the impacts) from the proposed works. It can be either quantitative or qualitative, depending on the size, complexity and expected noise impact from a proposal.

To manage and control any impacts the proponent has committed to preparing a detailed Noise and Vibration Assessment prior to the commencement of any construction works. This assessment should be undertaken in accordance with the *Interim Construction Noise Guideline* (DECC 2009).

The information from this noise and vibration assessment should also inform the Construction Management Plan (noise and vibration sub plan). Particular attention should be given to identifying any highly significant noisy activities that may be undertaken at the site. This includes, but is not limited to; rock breaking, jack hammering, crushing, pole driving and blasting. The Plan should also detail appropriate management strategies, monitoring programs and mitigation measures to ensure that noise generated from the proposed works is minimised as far as practicable and achieves the desired noise criteria as identified in the noise assessment. As stated above, the plan should also be completed prior to the commencement of construction activities.

## **5. Air Quality**

The demolition, excavation and construction stages of the development have the potential to generate dust emissions from the premises. The EA does not appear to address the issue of dust control from the site. The EPA recommends that an Air Quality Management Plan be developed as part of the CMP. This plan should identify all reasonable and feasible measures to minimise the generation of dust from the premises. The proponent must ensure that all activities occurring in or on the premises (including during demolition and construction) are carried out in a manner that will minimise the generation or emission from the premises, of wind-blown or traffic generated dust.

## **6. Soil and Water**

The EPA recommends that a Soil and Water Management Plan be developed as part of the CMP. To adequately manage stormwater at the premises, all clean stormwater must be diverted away from any contaminated areas at the site and beneficially reused or directed into the existing stormwater drains. The clean areas must also be maintained in a satisfactory manner to ensure pollution of waters does not occur. All contaminated water from the premises must be captured and stored at the premises and beneficially reused where safe and practicable to do so or disposed of in an approved manner.