



DOC19/1101632

18 December 2019

Ms Ingrid Berzins
Social Infrastructure and Other Assessments
Department of Planning, Industry and Environment
GPO Box 39,
Sydney NSW 2001

Dear Ms Berzins

**University of NSW B22 Building (SSD 9673)
Advice on the Environmental Impact Statement (EIS)**

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) for the above proposal.

The EPA understands that the project involves construction of a new mixed-used building known as "B22" on the site of the existing administrative building "The Chancellery" (C22), the Chancellery car park, substation (C21) and utility room (B21). The building is almost 60 metres in height over a five-storey podium and comprises a gross floor area of 18,392 sqm to accommodate teaching and learning facilities, student facilities, events and exhibition space, ground floor retail (food outlets), and administration functions and a modern chancellery.

It is noted that site establishment works such as building demolition, services augmentation and associated tree removal, and the Gate 9 forecourt landscape works are, or have been, addressed via separate approval pathways.

The EPA has reviewed the applicant's EIS provided by the Department of Planning, Industry and Environment (DPIE) and provides the advice below regarding noise and vibration, contaminated lands, waste, air quality and water management.

1. Noise

The EPA reviewed *Acoustic Services Report to Address SEARS Requirements*, prepared by Norman Disney and Young (dated 17.09.19), and has identified issues with the assessment that require additional information or amendments. Issues with the background noise monitoring and project noise trigger levels are critical for the proposal to operate at appropriate noise levels. The issues identified should be rectified prior to issuing any recommended approval conditions and are as follows:

Background noise monitoring

The background noise monitoring was not conducted at the most potentially affected residential receivers. The applicant should either demonstrate that the noise logging location is representative of the noise environment at the potentially most affected receivers, or use noise monitoring data obtained in accordance with *Noise Policy for Industry* (NPfI) (EPA, 2017) Fact Sheets A and B.

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Project Noise Trigger Levels

The proponent has not derived the Project Noise Trigger Levels (PNTLs) in accordance with the NPfl. The project amenity levels have not been correctly derived for residential properties in the evening and night, and for active recreational areas and school classrooms. The noise report appears to have set the amenity level using the measured ambient noise level minus 10 dB. This approach is only applicable to industrial noise as stated in Section 2.4 of the NPfl. It is not applicable to general ambient noise. The proponent should either:

1. Demonstrate that the existing industrial noise level is 10 dB or more above the relevant amenity levels or
2. Derive project amenity levels in accordance with NPfl Section 2.

The proposed approach in Chapter 4.2.3 of the noise report to use Victorian noise guidelines for the assessment of generators is not appropriate. Generators and other emergency equipment should be designed and operated to meet the requirements of the NPfl. The noise report should be updated accordingly.

Operational noise assessment

The noise report refers repeatedly to achieving boundary compliance with the NPfl. However, the assessment location for the NPfl is not limited to the boundary. The assessment location is defined in NPfl Section 2.6. This is a potentially important distinction because there are a number of multi storey buildings near to the site where assessment at the boundary may not appropriately define the impact. The noise report should use an assessment location consistent with NPfl Section 2.6.

Predicted noise levels from activities or equipment have not been provided in the report. The EPA recommends that all operational noise relevant to the NPfl is designed and operated to meet the requirements of the NPfl.

Construction noise and vibration assessment

The construction noise assessment has defined noise levels at 10m, however has not provided noise levels at the surrounding sensitive receivers. If a quantitative assessment is used, it should include a prediction of likely noise levels from construction noise at receivers and assessment using the Interim Construction Noise Guideline (ICNG) (DECC, 2009). The report should be updated to include this information.

The ICNG standard construction working hours are as follows:

- Monday to Friday 7am to 6pm
- Saturdays 8am to 1pm
- No work Sundays and Public Holidays

The hours of work quoted in in Chapter 6.3.2 are inconsistent with these hours for Saturdays. The ICNG requires a strong justification (not including convenience or project schedule) for working outside of the standard hours. If the proponent has a justified requirement to work outside of standard hours, it should be included in the report to be assessed.

The construction vibration assessment should include consideration of piling.

Chapter 6.3.7 of the noise report has nominated Council to determine monitoring periods and requirements, however the EPA is the Appropriate Regulatory Authority for this development.

2. Contaminated Lands

The EPA reviewed the *Report on Contamination Investigation, Project Area 1 High Street, Kensington*, prepared by Douglas Partners Pty Ltd (dated 05.11.19).

Based on the findings of the preliminary site investigation, there is potential for asbestos and acid sulfate soils to be found at the site. These would need to be managed before the site could be made suitable for the proposed use.

A remediation action plan (RAP), acid sulfate soil management plan and unexpected finds protocol were not provided as part of the EIS. As such, the EPA considers that the EIS has not yet demonstrated that the site is suitable for the proposed use in accordance with *State Environmental Planning Policy 55 – Remediation of Land* (SEPP55).

The EPA recommends that the following reports are submitted as part of the proponent's response to submission:

- Remediation action plan
- Acid sulfate soil management plan
- Unexpected finds protocol
- Section B site audit statement confirming that:
 - a. the nature and extent of contamination have been appropriately assessed; and
 - b. the site can be made suitable to the proposed use if the site is remediated in accordance with the remediation action plan.

The following project-specific conditions have been recommended in relation to contaminated lands matters:

1. The proponent is required to prepare an unexpected finds protocol that includes detailed procedures for identifying and dealing with unexpected contamination, asbestos and other unexpected finds. The proponent should ensure that the procedure includes details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved.
2. The proponent is to ensure that all reports, management plans and remediation action plan(s) are prepared by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.
3. The proponent is required to engage an EPA accredited Site Auditor to issue a Section A Site Audit Statement which certifies that the areas are suitable for the proposed land use.
4. The proponent must ensure that the implementation of the RAP would be validated by a suitably qualified environmental consultant, who would document the validation in a validation report. The validation report must be reviewed by a site auditor.
5. The proponent must adhere to remedial and management measures accepted by an EPA accredited Site Auditor.
6. 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.
7. 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 that would 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*].
8. 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)

3. Waste, air quality, soil and water management

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.

4. Seamless transition of site controls

The EPA acknowledges that the proponent may consider it useful to engage different contractors to undertake demolition, site preparation, bulk excavation, and construction stages of the project. The EPA thus expects the proponent to adopt all such means as may be necessary to ensure a seamless transition of environmental impact mitigation measures between demolition, site preparation, bulk excavation, and construction stages of the project, particularly if different contractors are to be engaged for some, or all, of those stages of the project.

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
Unit Head, Metropolitan Infrastructure
Environment Protection Authority