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Attention: David Glasgow

EPA Advice on Environmental Impact Statement

Dear David

Thank you for the request for advice from Public Authority Consultation (PAE-1422), requesting the review by the NSW Environment Protection Authority (EPA) of the Environmental Impact Statement (EIS) for the proposed Atlassian Office and Hotel Development (Application SSD 10405) at 8-10 Lee Street, Haymarket.

The EPA has reviewed the following documents:

- *Environmental Impact Statement, Atlassian Central, 8-10 Lee Street, Haymarket (Final) – Urbis Pty Ltd – 03.12.2020*
- *Vertical First Pty Ltd, Commercial and hotel development above the Former Inwards Parcel Shed at 8-10 Lee Street, Haymarket, Air Quality Assessment (Rev 1) – GHD – 22.09.2020 (the AQA)*
- *Atlassian Central, Noise and Vibration Impact Assessment, State Significant Development Application (Rev 3) – Stantec Australia Pty Ltd – 23.09.2020 (The NVIA)*

The EPA understands that the proposal is for:

- Construction of a new mixed-use tower development comprising tourist and visitor accommodation and commercial office space.

Based on the information provided, the proposal may require an environment protection licence under section 48 of the *Protection of the Environment Operations Act 1997* (POEO Act) for Electricity Generation, under clause 17 of Schedule 1 of the POEO Act.

The EPA requires further information to adequately assess the proposal, and provides the following comments and recommendations:

1. Matters to be addressed prior to determination

a. Electricity generation from diesel generators

The EIS states that the proposal will include installation of several stand-by emergency diesel generators. Section 5.2.2 of the AQA states that “The standby generators would be for emergency use only and would not be operated under normal circumstances.” However, section 8.10.1 of the EIS indicates that these generators will be operated during testing and maintenance. The EIS does not provide fuel consumption figures for the generators, or details about how often and how long the generators will be operated during testing and maintenance. Clause 17 of Schedule 1 of the POEO Act states that the generation of electricity by means of electricity plant that:

- is based on, or uses, an internal combustion engine; and
- that is situated in the metropolitan area; and
- has capacity to burn more than 3 megajoules of fuel per second; and
- operates for more than 200 hours a year

is required to be licensed by the EPA.

Under clause 17, ‘plant’ includes all generators on the premises collectively, and 200 hours a year includes testing and maintenance. Therefore, if all of the generators combined at the premises have a capacity to burn more than 3 megajoules of fuel per second, and if the sum of the hours operated for testing and maintenance all of the generators at the premises exceeds 200 hours a year, the proposal will require an Environment Protection Licence under the POEO Act.

The EPA recommends that the proponent provide details about:

- the individual and combined electrical generation capacity of the generators;
- the individual fuel rate and combined fuel consumption capacity of the generators;
- the proposed generator testing and maintenance regime;
- the combined annual hours of operation of the generators, including testing and maintenance;
- the total amount of fuel proposed to be stored on site for the generators; and
- whether an Environment Protection Licence is required for the proposal under clause 17 of Schedule 1 of the POEO Act.

If the proposal requires an Environment Protection Licence under the POEO Act, the proponent will need to apply to the EPA separately for the licence.

b. Air Quality Assessment (AQA)

The EPA notes that that AQA has adopted a qualitative approach to assess potential air quality impacts. The EPA has reviewed the AQA and considers that it does not provide adequate information to enable the EPA to accurately assess the air quality impacts associated with operation of the proposal. The EPA recommends that the AQA be revised to provide further information on the following:

a) Emissions

- Table 14 in Appendix A of the AQA provides the emission concentrations of the diesel generators for NO_x, CO, HC and PM. The EPA recommends that Table 14 be updated to also include emission concentrations for SO₂, PAHs and VOCs.

- The EPA recommends that the proponent justify the proposed backup power source, and detail the alternative options considered.
 - Section 6.2 of the AQA provides a list of recommended mitigation measures to minimise potential air quality impacts during operation. The EPA recommends that the proponent provide further details to demonstrate that all reasonable and feasible emission controls have been considered to prevent or minimise air pollution from operation of the generators.
- b) Model scenarios
- The EPA recommends that the AQA include a more robust assessment of the generator testing regime for all possible hours of operation and present the impacts at identified receptors in accordance with the EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (2016).
 - The EPA recommends that the AQA revise the normal and worst-case operational model scenarios to assess the potential impacts of operating the emergency generators during testing and maintenance, and for extended periods during emergencies. The AQA should provide justification for the frequency and length of emergency operation modelled.
 - The EPA recommends that the AQA include an evaluation of the number of hours in a year, if any, that exceedances of the ground level concentrations at nearby receptors are predicted to occur for the worst-case scenario including generator operation.
- c) Impact assessment criteria exceedances
- The EPA recommends that the AQA include contour plots for all pollutants for all modelled scenarios. Predicted impacts at the identified receptors should be presented in the AQA that includes highest increments and highest background air quality with the corresponding hourly background or increment.

2. Minor matters

a. Noise and vibration impacts from rail operations

The EPA's response to the request for input to the Secretary's Environmental Assessment Requirements (SEARS) for the proposal (EPA ref. DOC19/1037631-2, dated 5 December 2019) recommended that "Any future planning approvals permitting development of the site should include acceptable vibration and ground-borne noise limits for spaces within the development drawn from the EPA's Rail Infrastructure Noise Guideline (EPA, 2013) and Assessing Vibration: a technical guideline (DECC, 2006)."

The EPA notes that the potential for noise and vibration impacts from rail infrastructure has been considered in the EIS and NVIA. The EPA recommends that, if approved, the proposal should be consistent with the EPA's Rail Infrastructure Noise Guideline (EPA, 2013) and Assessing Vibration: a technical guideline (DECC, 2006)."

If you have any questions about this letter, please contact Mark Hanemann on 9995 6845 or via email at mark.hanemann@epa.nsw.gov.au.

Yours sincerely

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