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Mr Jason Maslen
Team Leader – Social and Other Infrastructure Assessments
Department of Planning, Industry and Environment
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Parramatta NSW 2124

By email: jason.maslen@dpie.nsw.gov.au

Dear Mr Maslen

**Pendle Hill High School Redevelopment (SSD 9579147)
EPA Advice on Environmental Impact Statement (EIS)**

I am writing to you in reply to your invitation to the Environment Protection Authority (EPA) to provide comment on the Environmental Impact Statement (EIS) for the above project.

The EPA has reviewed the relevant sections of the EIS provided by the Department of Planning, Industry and Environment (DPIE) and provides the following advice regarding noise and vibration, contaminated land and waste.

Noise and Vibration

The EPA reviewed the *SSD Application Acoustic Assessment*, Rev 3, dated 30 April 2021, prepared by Aurecon and is generally satisfied with the assessment. However, the EPA makes the following comments:

1. The report adequately identifies noise sources associated with the development and uses appropriate assessment criteria for those noise sources. However, it is noted that the assessment of mechanical plant indicates that significant noise mitigation is required due to the proximity of the boundary. The EPA advises that the feasibility of such a mitigation option identified in the report should be assessed prior to commencing the design of the mechanical plant.
2. The Acoustic Assessment has identified that there will be a number of receivers that are significantly above the “noise affected” (construction) noise management level as outlined in the *Interim Construction Noise Guideline* (DECC, 2009). As such, they have listed a considerable number of mitigation measures deemed to be feasible and reasonable in order to reduce the construction noise impact at the nearest receiver locations. Whilst it is important to identify these measures and develop management plans, they will need to be implemented. The EPA would encourage actions to ensure that mitigation measures are applied throughout the construction period.

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Contaminated Land

The EPA reviewed:

- *Report on Supplementary Contamination Assessment*, Rev 2, dated 4 May 2021, prepared by Douglas Partners (Appendix S) – that consisted of a review of the 2020 Preliminary Site Investigation by Douglas Partners and additional intrusive soil investigations; and
- *Remediation Action Plan*, Rev 2, dated 4 May 2021, prepared by Douglas Partners (RAP) (Appendix P).

Both the Supplementary Contamination Assessment and the RAP noted the presence of friable asbestos and asbestos fines (FA/AF) within fill in the northern portion of the site. Both reports noted the presence of brick, tile, concrete and glass material indicating that demolition waste was used as fill and as such, there is a high likelihood of further asbestos in the fill.

Additional investigations are recommended once the site is demarcated, fenced off and appropriate controls are in place. Waste classification should be confirmed by a qualified environmental consultant ex situ during bulk excavation to ensure appropriate disposal. Further to this, additional investigations should be undertaken to confirm the presence or absence of FA/AF in the topsoil, as an additional safety measure for the existing site users.

The RAP also recommended a HAZMAT survey of the buildings present on site by a licenced occupational hygienist prior to demolition, and off-site disposal of contaminated soils; that an unexpected finds protocol is prepared; and that a Validation Report will need to be prepared following completion of remediation works.

Given the presence of contaminants of concern, the EPA recommends the applicant engages an EPA-accredited site auditor throughout the duration of works to ensure that any work required in relation to contamination is appropriately managed. The site auditor will independently review the consultant's activities to ensure the work complies with current regulations and guidelines and meets the standard appropriate for the proposed land use.

It is imperative that a site auditor is engaged as early in the site assessment and remediation process as possible. Early communication between the landowner or developer, consultant and site auditor improves the efficiency of the audit process by ensuring all environmental issues have been addressed to the satisfaction of the auditor, in an appropriate manner and in accordance with guidelines made or approved by the EPA.

The following conditions are recommended to ensure site remediation is appropriately managed:

1. The Applicant must engage an NSW EPA-accredited Site Auditor throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.
2. Prior to commencing with the remediation, the Applicant must submit to the Certifier, an Interim Audit Advice from the Site Auditor that advises that the site can be made suitable for the proposed use subject to the implementation of the Remedial Action Plan and that the Remedial Action Plan is appropriate. A copy should also be provided to the Planning Secretary.
3. The applicant must adhere to the management measures in the Remedial Action Plan as approved by the Site Auditor.
4. Any variations to the approved Remedial Action Plan must be approved in writing by the Site Auditor.
5. If work is to be completed in stages, the Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice/s.

6. The Applicant must obtain a Section A1 Site Audit Statement – or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan – from the accredited Site Auditor and submit it to the consent authority prior to commencement of operation. The Site Audit Statement must certify the site is suitable for the proposed use.
7. Prior to operation, the applicant must obtain confirmation from the Certifying Authority in writing that the requirement of condition 6 has been met.

Waste

The EPA notes the inclusion of Construction and Operational Waste Management Plans and reminds the applicant of the following:

- All asbestos waste loads over 100 kilograms or 10 square metres removed from the site must be tracked using the EPA's online "WasteLocate" system, according to the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014*. Further details on these requirements can be found on the EPA's website at: <https://www.epa.nsw.gov.au/your-environment/waste/transporting-asbestos-waste-tyres/tracking-asbestos-waste-locate>
- The applicant must not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal, except Virgin Excavated Natural Material as defined by the *Waste Classification Guidelines* issued by the EPA that are current at that time, unless expressly permitted by planning legislation and/or approvals and/or consents relevant to the site.
- Processing of fill material containing asbestos is prohibited. Any loads of waste from the works that are rejected from a waste facility due to the presence of asbestos must not be reprocessed but transported to a facility that can lawfully receive asbestos waste.
- It is the EPA's expectation that effective oversight of contractors, sub-contractors and agents is maintained in relation to the lawful disposal of waste from the site.

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



STEPHANIE TODD
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