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Senior Planner
Social and Other Infrastructure Assessments
Department of Planning, Industry and Environment
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By email: joina.mathew@dpie.nsw.gov.au

Dear Ms Mathew

**Crows Nest Over Station Development (OSD) Site C – Stage 2 (SSD 13852803)
EPA Advice on Environmental Impact Statement (EIS)**

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

The EPA understands the proposal involves the construction of a nine-storey commercial building on 'Site C' which forms part of the *Sydney Metro Crows Nest Over Station Development* (SSD 9579) Concept development consent that was approved 23 December 2020. 'Site A' and 'Site B' are subject to future separate applications.

The EPA has determined that it will be the Appropriate Regulatory Authority (ARA) for the construction of the project, due to section 6(2)(c) of the *Protection of Environment Operations Act 1997* (POEO Act) which states: "A local authority is the appropriate regulatory authority for non-scheduled activities in its area, except in relation to ... (c) activities carried on by the State or a public authority, whether at premises occupied by the State or a public authority or otherwise ..." As Sydney Metro is a public authority, the EPA will be the ARA during construction.

Contamination

The EPA notes that site investigations were completed under the State Significant Infrastructure (SSI) works for Sydney Metro Chatswood to Sydenham (SSI 7400) and therefore contaminated lands are unlikely to be encountered. Notwithstanding **the EPA recommends the applicant implement an unexpected finds protocol in the event that contamination is encountered during construction.**

Noise and Vibration

The EPA reviewed the document *Noise and Vibration Impact Assessment*, ver 1, dated April 2021, prepared by Sydney Metro (NVIA) and **does not consider the assessment to be adequate** as it does not meet the conditions of consent for the Concept approval, nor the policies and guidelines

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which it claims to have used. Following is a summary of some of the issues identified that require rectification or further information before review:

1. **Receiver identification** – All potentially affected sensitive receivers have not been identified nor assessed. The NVIA must be revised to identify and assess all potentially affected noise and vibration sensitive receivers.
2. **Background noise monitoring** – There does not appear to be enough valid background noise monitoring data as there are multiple large sections of data excluded. Fact Sheet B of the *Noise Policy for Industry* (EPA, 2017) (NPfI) requires at least 7 days valid noise monitoring data. The measurements appear to be affected by extraneous noise which has not been justified nor explained. The NVIA must justify the location of the monitoring, explain the results and noise sources contributing to the noise environment, and state if it was conducted in the free-field or else what adjustments have been made. The NVIA must include the reporting requirements of NPfI Fact Sheet B. Justification should be provided that the background noise monitoring conducted will be representative of levels that may occur when Site A is completed and provides shielding to receivers on Clarke Street. The NVIA should present the additional reporting requirements and justification, or additional monitoring data should be presented.
3. **Attended noise monitoring** – The information supplied to support the attended noise monitoring is not complete. It must contain the information required in Fact Sheet B of the NPfI. Project Noise Trigger Levels for residential receivers – The report does not contain enough information to support its determination of Project Noise Trigger Levels (PNTLs) for residential receivers. The report must demonstrate that the existing noise levels are dominated by **existing industrial noise** (this excludes road traffic noise) in order to use the existing industrial noise level minus 10 dB approach. The determination of the PNTLs must be revised to follow the procedure in NPfI Section 2.
4. **Project Noise Trigger Levels for non-residential receivers** – The determination of PNTLs for non-residential receivers must follow the process in Section 2.4 of the NPfI. The report currently does not appear to have followed the process.
5. **Maximum noise levels** – The report must include the determination of the maximum noise level event trigger levels as per NPfI Section 2.5.
6. **Operational noise assessment** – The NVIA does not provide a quantitative assessment of operational noise. Conditions B27 and B28 of the SSD-9579 Conditions of Approval (CoA) require that a quantitative assessment of operational noise is carried out and therefore the NVIA must be revised to include quantitative assessment of both $L_{Aeq,15min}$ and maximum noise level events.
7. **Human comfort vibration criteria** – The criteria for assessing vibration for human comfort for both operational and construction vibration must be determined and assessed using *Assessing Vibration A Technical Guideline* (DEC, 2006).
8. **Vibration assessment** – Condition B27(b) of the Concept consent SSD 9579 requires the NVIA to demonstrate that construction activities do not exceed the vibration limits in BS 7385-2. The NVIA currently references a German and Australian Standard and therefore must be revised to meet the approval conditions.
9. **Construction noise criteria** – The application of the noise management levels is currently not consistent with the *Interim Construction Noise Guideline* (DECC, 2009) (ICNG). The NVIA must be revised to apply the noise management levels as per the ICNG. All reasonable and feasible mitigation measures should be identified and included in the report and a statement about the potential reduction on noise impacts.

10. **Construction noise assessment** – There is not enough information in the NVIA to support the outcomes of the construction noise assessment. The NVIA must include information about shielding, location of equipment, source and receiver heights, calculation method and any and all assumptions used, an indicative schedule of works, equipment and methods to be used and stages for the entire construction of the project.
11. **Road traffic noise** – The NVIA must include an assessment of operational and construction noise from road traffic generated by the proposal. It should include consideration of the change in volumes of both light and heavy vehicles.
12. **Interaction with OSD Concept Approval (SSD-9579)** – The NVIA must list and detail how it has addressed all of the recommendations and conclusions of the OSD Concept Noise and Vibration Impact Assessment report as required by CoA Condition B29.

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



19 July 2021

ERIN BARKER
Manager
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