



DOC20/546138

7 July 2020

Mr Nicholas Gunn
Planning Officer
Key Sites and Industry Assessments
Department of Planning, Industry and Environment
GPO Box 39
Sydney NSW 2001

Dear Mr Gunn

**Darlington Public School Redevelopment (SSD 9914)
Advice on Environmental Impact Statement (EIS)**

I am writing to you in reply to your invitation to the Environment Protection Authority (EPA) to provide input to the development of 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, contamination and waste.

Noise and Vibration

The EPA reviewed the *SSDA Acoustic Assessment*, dated 4 June 2020, prepared by Acoustic Logic, and considers that the noise criteria determined by the loggers appear to be representative of the acoustic environment of residential receivers. Although some of the data is weather affected, the EPA is confident that the noise levels presented within the acoustic assessment are representative of the noise level in the area.

Operational noise considerations do not include the preliminary review of noise from service and mechanical plant. However, it is mentioned that noise from mechanical plant can be treated sufficiently following selection of the plant items. The EPA recommends that waste collection occur during the day-time period only.

The acoustic assessment requests that the standard construction hours on a Saturday be extended to 3:30 pm to allow site workers time to remove hazardous material that cannot be removed during school hours. The EPA recommends that construction works be limited to standard hours of construction work described in Table 1 of the *Interim Construction Noise Guideline* (DECC, 2009) (ICNG), unless for the specific purpose of removing hazardous waste. All other construction activities are to cease after standard construction hours.

The EPA also recommends that any consent include a condition that noise from mechanical plant should be designed to achieve no greater than background noise + 5 dB.

In addition, any consent should require the proponent to adopt the noise mitigation described in:

Phone 131 555
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(from outside NSW)

Fax 02 9995 6900
TTY 133 677, then
ask for 131 155

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- Section 8 Operational Noise Emission of the acoustic assessment to manage operational noise; and
- Section 11.8 Construction Noise and Vibration Mitigation Recommendations of the acoustic assessment to manage potential construction noise impacts.

Contamination

The EPA reviewed the *Preliminary Site Investigation – Contamination*, dated 16 April 2018, the *Detailed Site Investigation for Contamination*, dated 19 February 2019, the *Remediation Action Plan (RAP)*, dated 4 June 2020, and the *Hazardous Building Materials Assessment*, dated 20 April 2018 – all prepared by Douglas Partners, and the *Asbestos Register*, reviewed 28 February 2017 by Parsons Brinckerhoff.

Results of the preliminary and detailed site investigations confirmed total recoverable hydrocarbons (TRH), polycyclic aromatic hydrocarbons (PAH) and lead impacts in fill material across the site. While most of the site is sealed, there are some unsealed areas in the central eastern portion of the site that provide a potential pathway to contamination.

The RAP proposes on-site management of contaminated soils through capping and containment to limit ingestion or dermal contact pathways. If required, materials that are considered not suitable to remain on-site would be excavated and disposed of off-site in accordance with the EPA's *Waste Classification Guidelines* (EPA, 2014).

Given the presence of contaminants of concern, the EPA recommends the applicant engages a NSW EPA-accredited site auditor throughout the duration of works to ensure that any work required in relation to contamination is appropriately managed.

As part of the Response to Submission, it is recommended the applicant be required to submit interim audit advice from the accredited site auditor commenting on the nature and extent of the contamination and what further works are required.

The EPA notes the applicant has committed to develop a Hazardous Materials Management Plan and Asbestos Management Plan prior to the commencement of any demolition or construction works on site. The EPA recommends these requirements be included as conditions of consent.

In addition, the EPA reminds the applicant of the following:

1. The processes outlined in State Environmental Planning Policy 55 - Remediation of Land (SEPP55) are to be followed in order to assess the suitability of the land and any remediation required in relation to the proposed use.
2. 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 so as to result in significant contamination [note that this would render the proponent the 'person responsible' for the contamination under section 6(2) of *Contaminated Land Management Act (CLM Act)*].
3. The EPA should be notified under section 60 of the CLM Act 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
4. The EPA recommends use of "certified consultants". Please note that the EPA's Contaminated Land Consultant Certification Policy (<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en&hash=D56233C4833022719BCE0F40F870C19DC273A1F7>) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. Note that the EPA requires all reports submitted to the EPA to comply with the requirements of the CLM Act to be prepared, or reviewed and approved, by a certified consultant.

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 "Waste Locate" 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,



LAURA ANSTED
A/Unit Head – Regulatory Operations, Metro South
NSW Environment Protection Authority