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21 November 2019

Mr Jason Maslen
Social and Other Infrastructure Assessments
Department of Planning, Industry and Environment
GPO Box 39,
Sydney NSW 2001

Dear Mr Maslen

Multi-Trades and Digital Technology Hub at TAFE Meadowbank (SSD 10349)
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), including recommendations for Conditions of Approval, for the above proposal.

The EPA understands that the project is a component of the Meadowbank Education and Employment Precinct that also includes a new school (K-12) on the northern part of the site which is being determined under a separate application (SSD 9343). The subject SSD 10349 application is for a TAFE facility that would consolidate the Multi-Trades component and Digital Technology component into a building with a maximum height of six storeys (27.4 metres) presenting as a two storey frontage to See Street, and includes various learning spaces, workshop areas, digitally enabled spaces, seminar rooms and industry engagement spaces, basement parking for 200 cars, loading dock and services accessible from See Street, activation of the laneway and courtyard space adjacent to Building P and associated landscaping works.

The EPA has reviewed the EIS provided by the Department of Planning, Industry and Environment (DPIE) and advises the following with regards to noise and vibration, contaminated lands, and water, waste and air quality.

1. Noise and Vibration

The EPA reviewed the EIS main report and *Noise and Vibration Impact Assessment (*NVIA) (Appendix N) for the proposal and considers that a number of technical issues are required to be addressed prior to the EPA providing a position on the proposal. These are as follows:

- Background noise monitoring is fundamental to deriving project noise trigger levels in accordance with the *Noise Policy for Industry* (NPfI) (EPA, 2017). The NPfI requires that background noise monitoring be undertaken at the "*reasonably most- or potentially most-affected residence(s)*". The NPfI further provides that "*where it is impractical or not possible to monitor at the reasonably most- or potentially most-affected location(s), the location selected should be fully justified as being representative of background noise levels*". The NVIA presents the results of background noise monitoring undertaken on the TAFE premises and immediately adjacent to an electricity zone substation. This location needs to be fully justified as being representative of background noise levels at the reasonably most- or potentially most-affected residence(s) and that the monitoring location was not unduly influenced by noise from the zone substation and/or

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activities on the TAFE site, noting that residences on See Street are significantly further removed from the substation than the background monitoring location.

- The NVIA should be reviewed for technical accuracy and completeness. The following points provide examples of areas in the assessment requiring clarification and/or further assessment:
    - NVIA, s.5.3.1 – Methodology to assess breakout noise from the carpentry workshop. Fully outline and justify the method used to predict noise levels to the nearest sensitive receiver from the use of power tools in the carpentry workshop. The assessment should consider the applicable project noise trigger level derived from the NPfI (EPA, 2017).
    - NVIA, s.5.3.2 – Assessment of noise from outdoor workshops. The assessment has considered three educational receiver locations, however has assessed the predicted noise levels against residential assessment criteria and not the criteria applicable to educational facilities. Fully outline and justify the method used to predict noise levels to the nearest sensitive receiver from the use of the outdoor workshops, including an assessment to the nearest residential receiver locations. The assessment should consider the applicable project noise trigger level derived from the NPfI (EPA, 2017).
    - NVIA, s.5.4 – External Loading Yard. The assessment should consider the applicable project noise trigger level derived from the NPfI (EPA, 2017).
    - NVIA, s.5.5 – Traffic Generation – Sleep arousal assessment. The NVIA indicates that *"Noise levels have been considered as continuous over a 15-minute assessment period to provide the worst-case scenario"*. However, the LAeq assessment in Table 22 then applies a -12dB time correction based on 1m operation over a 15-minute period. The LAmax assessment in Table 23 also adopts the -12dB time correction. The application of a time correction for the LAeq assessment is inconsistent with the purported worst-case assessment approach adopted for the assessment. Regardless, a time correction should not apply to the LAmax assessment due to the nature of the noise descriptor being assessment. The assessment should be revised, and the likely additional impacts considered.

Further, the NVIA proposes hours of construction work that differ from the recommended standard hours of construction described in Table 1 of the *Interim Construction Noise Guideline* (DECCW, 2009) (ICNG) without any justification. The EPA recommends that construction work is limited to the standard ICNG construction hours.

2. Contaminated Lands

The EPA reviewed the EIS main report, the *Preliminary Site Investigation* (PSI) (Appendix P), the *Report on Limited Detailed Site (Contamination) Investigation* (LDSI) (Appendix P1), and the *Report on Remediation Action Plan* (RAP) (Appendix P2), in its review of contaminated land matters and considers that contamination assessment has only been partially addressed.

The main contaminants of concern identified in on-site soils include:

- Heavy metals
- Total recoverable hydrocarbons (TRH)
- Benzene, toluene, ethylbenzene (BTEX)
- Polycyclic aromatic hydrocarbons (PAH)
- Polychlorinated biphenyls (PCB)
- Organochlorine pesticides (OCP)
- Organophosphorus pesticides (OPP)
- Phenols and asbestos.

The results of chemical testing of soil and groundwater indicates that the measured levels of contaminants were below the laboratory practical quantification limits (PQL) and therefore less than the adopted site acceptance criteria, with the exception of some heavy metals that exceeded groundwater criteria. However, the EPA notes that only two groundwater monitoring wells were installed at the site. This is not sufficient to determine the direction of groundwater flow. The EPA

advises that at least one additional well is required to be installed and sampled and results included in the Response to Submissions.

The sampling density reported in the LDSI for the site with approximate area of 0.79 hectares is less than the recommended number of sampling locations. For sites of this size, the EPA (1995) sampling guidelines recommend a minimum of 19 sampling points. On this basis, the density of investigation completed for statistical assessment of certain contaminants of potential concern has not been adequately addressed. Unless justification is provided for this insufficient sampling density, the EPA considers that the site has not been sufficiently characterised to determine that the proposed remediation and management measures are appropriate.

The EPA requires additional investigation to address the data gaps, as part of Response to Submission, to properly characterise the site and refine the management measures proposed in the Remediation Action Plan. The EPA also requests the applicant to consolidate all soil analytical results (if there are other soil sampling events not reported in the subject EIS) and present these locations on a map.

Due to limited sampling undertaken, the EPA believes that the LDSI and other contamination reports have not yet demonstrated that the site is suitable for the proposed use in accordance with the requirements of SEPP55. The potential remains for isolated pockets of contamination to be present in untested areas of the site.

It is noted that a RAP included a section on unexpected finds protocol to address the potential risks that may be posed by the above contaminants of concern. Following additional investigations, the unexpected finds protocol will require updating ahead of commencement of the site's redevelopment.

The LDSI stated that there was anecdotal evidence to suggest the site was previously used as a military base during the war. The EPA is concerned that a site containing unexploded ordnance (UXO) represents a safety hazard and must be assessed by a qualified expert to determine if the site is safe, or an appropriate level of site investigation has occurred to identify the presence or likelihood of UXO being found on site.

Recommended conditions of approval

1. The unexpected finds protocol in the Remediation Action Plan must be refined to include the potential for unexploded ordnance (UXO) (noting that the Preliminary Site Investigation indicates a low likelihood of UXO being present). This will enable the applicant to appropriately manage unexpected potential contamination issues which might be encountered during development works. The protocol should include a detailed procedure for identifying and dealing with unexpected contamination, asbestos and other unexpected finds. The applicant must 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. If unexpected contamination is found, the applicant must update the Remediation Action Plan. If remediation is required, the applicant must engage an EPA accredited Site Auditor to provide increased certainty to planning authority of the nature and extent of contamination, the appropriateness of the Remediation Action Plan and the suitability of this site for the proposed use. The applicant must adhere to the remediation and management measures accepted by the Auditor.

3. The processes outlined in *State Environmental Planning Policy 55 - Remediation of Land* (SEPP55) be followed in order to assess the suitability of the land and any remediation required in relation to the proposed use.

4. The applicant 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 applicant the 'person responsible' for the contamination under section 6(2) of the *Contaminated Land Management Act 1997*].

5. 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)

6. The EPA recommends the use of "certified consultants". Please note that the EPA's *Contaminated Land Consultant Certification Policy*, Version 2, November 2017, (http://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminatedland-consultant-certification-policy.pdf?la=en) 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 *Contaminated Land Management Act 1997* to be prepared, or reviewed and approved, by a certified consultant.

3. Waste, Water, Air Quality

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.

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
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Environment Protection Authority