



DOC19/1053115

3 December 2019

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

Dear Ms Dickson

**UTS Blackfriars Precinct Research Building Stage 2 (SSD 9571)
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 Consent, for the above proposal.

The EPA understands that the project involves the demolition of buildings CB23 (former child care centre) and CB24 (demountable classroom), site preparation works, and the construction of a five storey building, plus rooftop plant and two basement levels (Gross Floor Area 6,000 sqm) for educational use (research and development) and associated landscape and public domain works, at 4-12 Buckland Street Chippendale.

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 waste, water and air quality:

1. Noise and Vibration

The EPA reviewed the *SSDA Acoustic Assessment*, Issue 1, dated 23.08.19, by ARUP for the proposal. A number of issues are required to be addressed prior to the EPA providing recommended conditions of consent. These are as follows:

Background noise monitoring

Table 6 of the noise report notes construction noise was a contributor at all measurement locations. The Rating Background Level (RBL) is intended to be representative of the long-term noise levels at sensitive receivers. Construction noise is a temporary noise source and is considered extraneous according to the *Noise Policy for Industry* (NPfI) (EPA, 2017). The applicant should either: justify that the noise monitoring is representative of the long-term background noise levels at residential receivers excluding extraneous noise sources, such as demonstrating that the construction noise noted in Table 6 did not influence the measured background noise levels; or collect background noise data in accordance with Fact Sheets A and B of the NPfI.

The photos of the location of monitoring equipment at 29 Buckland Street and 13 Blackfriars Place in Appendix B appear to show the microphones located close to at least three reflecting surfaces other than the ground. Both locations are stated in the report as free-field, however the photos would

Phone 131 555
Phone 02 9995 5555
(from outside NSW)

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

PO Box 668
PARRAMATTA
NSW 2124

Level 13
10 Valentine Avenue
PARRAMATTA NSW
2150 AUSTRALIA

info@epa.nsw.gov.au
www.epa.nsw.gov.au
ABN 43 692 285 758

suggest otherwise. The presence of the reflecting surfaces is likely to raise the noise levels at the microphone, and as a result raise the Project Noise Trigger Levels (PNTL). The report has not identified this as an issue and has not addressed the likely increase in recorded noise levels at these receivers. The EPA requests clarification on the monitoring locations, including that the applicant demonstrate that these locations are representative of the background noise levels of the assessment locations and any adjustments made to correct reverberant levels to free-field noise levels.

The measured unattended ambient noise levels at Location 3 in Table 5 are significantly higher than those recorded in Table 6 during attended measurements. The EPA requests that the applicant provides an explanation for these differences.

Project Noise Trigger Levels (PNTL)

Chapter 3.1.2.4 has not derived a PNTL for residential and non-residential sensitive receivers in accordance with the NPfl. The NPfl requires that the PNTL is derived as an LAeq,15min noise level. The assessment should derive a PNTL using the method in NPfl Section 2.

The amenity level based on the measurement at Location 3 has applied the provision of NPfl Section 2.4.1 for high traffic noise areas. However, whilst it is located near to a major road, the attended noise measurements in Table 6 did not identify road traffic noise as the dominant noise source. Section 2.4.1 of the NPfl requires that road traffic noise must be the dominant noise source at the monitoring location for the high traffic noise area to apply. The EPA requests that the applicant demonstrate that road traffic noise is the dominant noise source in all assessment periods at the location for the high traffic noise provisions to be applied in each assessment period.

The PNTLs should be reviewed and amended consistent with the outcomes of the issues raised with the noise monitoring.

Operational noise assessment

The noise report states that the operational noise levels in Chapter 4 were predicted using the CONCAWE method under neutral and adverse weather conditions and in Chapter 5 construction noise was predicted using the ISO 9613-2 method. It is not clear why two different methods have been used to predict noise from the same premises to the same receivers. The EPA requests that the applicant provide a rationale for the use of the different methods, including a technical justification.

Chapter 4.1 of the noise report states the sound power levels of preliminary mechanical plant selections, patrons and waste removal activities. However, predicted noise levels have not been included in the report, nor an assessment of those levels against the PNTL for all sources. The noise report should present the predicted noise levels used in the assessment at the potentially most affected receivers.

Patron noise from the outdoor terrace has been assessed against the NPfl intrusive level. Section 1.5 of the NPfl excludes patron noise from being assessed using the NPfl. However, an LAeq,15min assessment criteria equal to RBL + 5 dB is conservative and considered acceptable in this case for patron noise associated with the Level 3 outdoor terrace.

The operational management plan for the development should include noise management measures for noise sources such as waste removal and recycling activities, other maintenance activities, such as external cleaning, and other activities with the potential to generate noise at sensitive receivers.

The conclusions in Chapter 6.2 of the noise report regarding the mechanical plant and patron noise are not substantiated by the information currently in the noise report. Further information is required as outlined in the comments above.

2. Contaminated Lands

The EPA reviewed the EIS main report, the *Report on the Remedial Action Plan*, (RAP), Rev 0, dated 23.08.19, prepared by Douglas Partners in its review of contaminated land matters.

The RAP noted that most contaminants were at concentrates within the adopted site assessment criteria, but that certain heavy metals, TPH and PAH contaminants, were present at a number of locations at concentrations that would be deemed as hotspots. The RAP also mentioned that the detected contaminants are generally considered to be associated with the presence of ash and slag, which is sporadically distributed in the filling material located on the site.

However, this could not be confirmed since no contamination assessment reports were provided as part of this EIS report. Therefore, it is unknown how many soil and groundwater samples were collected from the site, the type of analysis conducted, and if contamination at the site has been adequately characterised.

The EPA considers that the requirement to assess and quantify any soil and groundwater contamination has not been addressed and that the EIS has not yet demonstrated that the site is suitable for the proposed use in accordance with the *State Environmental Planning Policy 55 - Remediation of Land* (SEPP55).

Similarly, no hazardous material survey report was submitted as part of the EIS – one of the Secretary's Environmental Assessment Requirements (SEARs).

The EPA requires that the following be submitted as part of the applicant's Response to Submissions (RtS):

1. Detailed site investigation reports which became the basis of the RAP
2. Hazardous materials survey report
3. Section B site audit statement confirming that:
 - the nature and extent of contamination have been appropriately assessed; and
 - the site can be made suitable to the proposed use if the site is remediated in accordance with the remediation action plan

Following are recommended conditions of consent that would also be subject to the additional requested information being provided in the applicant's RtS.

Draft conditions of consent

1. The applicant must prepare an Unexpected Finds Protocol. The protocol should include detailed procedure for identifying and dealing with unexpected contamination, asbestos and other unexpected finds. The applicant must ensure that the protocol includes details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved.
2. The applicant must adhere to the management measures (if any) accepted by the Auditor in the Section B Site Audit Statement.
3. The applicant must engage an EPA accredited Site Auditor to prepare a Section A Site Audit Statement that confirms that the land has been made suitable for the proposed use.
4. The applicant must update the site's Hazardous Building Materials Survey on a regular basis. (This is assuming that the applicant will submit a hazardous materials survey as part of the RtS.)

5. 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.
6. 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*].
7. 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)
8. 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
Unit Head, Metropolitan Infrastructure
Environment Protection Authority