



Our reference: DOC14/275043-01  
Contact: Wendy Stevenson 9995 6866

Matthew Rosel  
Metropolitan Projects  
Department of Planning & Environment  
GPO Box 39  
Sydney NSW 2001

Dear Mr Rosel

**Darling Square - North East Plot SSDA7: Exhibition of Development Application and EIS**

I refer to the letter from the Department of Planning and Environment dated 14 November 2014 inviting comments from the Environment Protection Authority (EPA) on the above proposal. It is noted that the EPA previously provided comments on the SEARs for this proposal (refer to letter dated 11 August 2014, EPA document reference number DOC14/147267).

This letter contains recommended Conditions of Consent and associated comments for the key issues of concern within the jurisdiction of the EPA, in particular licencing and the management of noise and vibration, groundwater, surface water, dust and waste. The recommended Conditions of Consent and associated comments are contained in Attachment 1.

If you wish to discuss any of the issues raised in this letter, please contact Wendy Stevenson on 9995 6866.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Peter Morral', followed by the date '9.12.14'.

**Peter Morral**  
**A/ Unit Head infrastructure**  
**Environment Protection Authority**

Attachment 1 – EPA's recommended Conditions of Consent – Darling Square North East Plot Mixed Use Residential Building

## Attachment 1 - EPA's recommended Conditions of Consent Darling Square – North East Plot Mixed use Residential Building

### Licensing

In previous comments on the SEARs, the EPA noted that excavation works undertaken as part of the proposed development may constitute 'extractive activities' as defined under Schedule 1 of the POEO Act. Schedule 1 states that an environment protection licence is required for works involving "the extraction, processing or storage of more than 30,000 tonnes per year of extractive materials, either for sale or re-use, by means of excavation, blasting, tunnelling, quarrying or other such land-based methods."

The need for an environment protection licence has not been addressed in the EIS. The requirements for an environmental protection licence will need to be considered and addressed prior to commencement of works.

### Construction noise and vibration

The EPA recommends the following Conditions of Consent:

- Construction works associated with the project may only be undertaken during the following hours unless permitted by a subsequent condition or otherwise approved by the Secretary:
  - a) 7:00 am to 6:00 pm, Mondays to Fridays;
  - b) 8:00 am to 1:00 pm on Saturdays; and
  - c) at no time on Sundays or public holidays.
- Notwithstanding the above condition, construction works associated with the project may be undertaken outside the hours specified under that condition in the following circumstances:
  - a) where the construction works cause LAeq(15mintue) noise levels that are:
    - i) no more than 5dB above the Rating Background Level at any residence in accordance with the Interim Construction Noise Guideline (DECC 2009); and
    - ii) no more than the Noise Management Levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC 2009) at other sensitive land uses; or
  - b) for the delivery of materials required by the police or other authorities for safety reasons; or
  - c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
  - d) as approved through the process outlined for out of hours works.
  - e) as approved by an EPL.
- Out of hours works may be undertaken with the prior written approval of the Secretary. Any request to undertake out-of-hours works shall be:
  - a) considered on a case-by-case or activity-specific basis;
  - b) accompanied by details of the nature of and justification for the activities to be conducted;
  - c) accompanied by written evidence to the Secretary that appropriate consultation with potentially affected sensitive receivers and notification of relevant council(s) (and other relevant agencies) has been and will continue to be undertaken; and
  - d) accompanied by a noise impact assessment consistent with the requirements of the *Interim Construction Noise Guideline* (DECC 2009).
  - e) accompanied by details of the noise mitigation measures that will be put in place.



- Any work generating high noise impact (e.g. rock hammering) must only be undertaken:
  - a) between the hours of 8:00am and 6:00pm Monday to Friday;
  - b) between the hours of 8:00am and 1:00pm Saturday; and
  - c) in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers.

For the purposes of this condition 'continuous' includes any period during which there is less than a 1 hour respite between ceasing and recommencing any of the work the subject of this condition.

- No blasting shall occur without the approval of the Secretary.
- Any construction activities identified as exceeding the Construction Noise Management Levels and/or vibration criteria shall be managed in accordance with a Construction Noise and Vibration Management Plan and Environmental Noise Construction Work Method Statement.
- Prior to the start of construction, the proponent shall have an approved Construction Noise and Vibration Management Plan (approved by the Secretary) that is consistent with the guidelines contained in the *Interim Construction Noise Guideline* (DECC 2009) and details how construction noise and vibration impacts will be minimised and managed across the project.
- An Environmental Noise Construction Work Method Statement, based on the detailed design and finalised work methods, shall be prepared for the work site to detail noise mitigation and management measures. The Environmental Noise Construction Work Method Statement shall include the following at a minimum:
  - a) identification of sensitive noise receivers likely to be impacted by construction noise and vibration;
  - b) identification of applicable Construction Noise Management Levels, vibration criteria and ground-borne noise levels, as relevant;
  - c) details of construction activities and a schedule for construction works for each work site;
  - d) identification of construction activities that have the potential to generate noise and/or vibration levels exceeding the relevant criteria;
  - e) a detailed description of what feasible and reasonable actions and measures would be implemented to ensure, to the greatest extent practicable, that these works would comply with the relevant noise objectives and vibration criteria;
  - f) procedures for notifying residents of construction activities that are likely to result in noise or vibration impacts, and procedures for responding to noise and vibration complaints; and
  - g) a description of how the effectiveness of management and mitigation measures would be monitored during construction, how often this monitoring would be conducted, how the results of this monitoring would be recorded, and the actions that would be taken if any non-compliance is detected.

The EPA further recommends that any conditions of approval for the project require the proponent to coordinate works with other works in the vicinity of the project to minimise impacts on and maximise respite for the affected sensitive receivers.

### **Groundwater and surface water management**

The EPA notes that it is likely that groundwater and rainwater will need to be removed from excavations on site during construction. The construction site will also need to be managed to prevent off-site transport of soils and sediment and other pollutants to waterways.

The EPA recommends the following Conditions of Consent:

- Any water discharged from the site to stormwater or surrounding waterways must be of sufficient quality to comply with Section 120 of the *Protection of the Environment Operations Act 1997*. This may require treatment and testing of water prior to discharge.

- Appropriate soil and water management measures that are consistent with the guidelines of the '*Managing urban stormwater: soils and construction*' publications (including *Volume 1 – Blue Book* and *Volume 2A – Installation of Services*) shall be implemented during construction.

### **Dust**

The EPA recommends a condition of consent that requires dust emissions from the construction site to be minimised.

### **Waste management**

The EPA recommends a Condition of Consent requiring all waste generated on site be classified and disposed of in accordance with the *Waste Classification Guidelines* (DECC 2008).

The EPA also recommends a Condition of Consent requiring the proponent to develop and implement a construction waste management plan to maximise resource recovery and recycling of construction waste materials, and ensure appropriate handling of construction and demolition waste.