

Mr Andrew Hartcher  
Department of Planning and Environment  
GPO BOX 39  
SYDNEY NSW 2001

Dear Mr Hartcher

**SSD 8671 – WALSH BAY ARTS AND CULTURAL PRECINCT  
RESPONSE TO SUBMISSIONS (RtS) REPORT**

I am writing to you in reply to your invitation to the EPA to comment on the RtS report (the Report) of the above project. I apologise for the delay in responding.

The EPA notes that The Summary to Submissions Table to the Report refers to the EPA's submission (including its letters dated 15 August 2014 and 16 December 2016).

The EPA requests that the following comments be considered having regard to the detailed comments provided in its letter dated 10 April 2017 concerning the 'Stage 2' Response to Submissions Report.

Site contamination

The Report refers to the Response to Submissions Report in respect of 'Stage 2' as confirmation that site contamination issues have been addressed.

The EPA having considered the Stage 2 Response to Submissions Report recommends that -

1. The proponent be required to implement the site auditor recommendations including the development and implementation of a site contamination unexpected finds protocol prior to commencement of any works on the development site.
2. The proponent be required to assess and manage any acid sulfate soil (ASS) and potential acid sulfate soil (PASS) excavated or otherwise disturbed during the course of the project in accordance with:
  - (a) the 1998 *Acid Sulfate Soils Manual* published by the NSW Acid Sulfate Soil Management Advisory Committee (ASSMAC); and;
  - (b) the EPA's *Waste Classification Guidelines Part 4: Acid Sulfate Soils, November 2014*.

3. The proponent be required to include heavy metals and PAHs in the range of analytes encompassed by any baseline water monitoring program.

Demolition and Construction - noise, vibration, dust, and erosion and sediment

The Summary to Submissions Table to the Report items C5d (waste management), C5e (Sedimentation, erosion and dust management) and C5f (noise and vibration) indicate that the matters raised by the EPA have been addressed by various environmental management plans.

The EPA confirms its advice that it does not review or endorse environmental management plans or the like for reasons of maintaining regulatory 'arm's length'. Please note that the EPA has not reviewed any environmental management plan forming part of or referred to in the EIS or the Response to Submissions Report.

The Summary to Submissions Table to the Report items C5f 'noise and vibration (construction)' indicates inter alia that –

- (a) standard construction hours are proposed, and
- (b) Report Appendix 2 further addresses the EPA's EIS submission.

However, Report Appendix 2 appears to ignore the noise and vibration impact issues raised by the EPA. Accordingly, the EPA confirms its earlier comments and recommendations.

Noise and vibration (operation)

The Summary to Submissions Table to the Report items C5g 'noise and vibration (operation)' indicates amongst other things that Report Appendix 2 further addresses the EPA's EIS submission. However, Report Appendix 2 appears to ignore the noise and vibration impact issues raised by the EPA in respect of mechanical plant and equipment noise. The EPA reiterates that its comments and recommendations concerning 'mechanical plant and equipment' and 'waste collection' in its letter dated 10 April 2017 should apply to the current project.

Should you require clarification of any of the above please contact John Goodwin on 9995 - 6838.

Yours sincerely



**SARAH THOMSON**  
**Unit Head, Metropolitan Infrastructure**  
**Environment Protection Authority**