

28 June 2019

218948

Mr Jim Betts
Secretary
NSW Department of Planning and Environment
320 Pitt Street
Sydney NSW 2000

Attention: Aditi Coomar (Principal Planner, Priority Projects Assessments)

Dear Aditi,

Response to Submissions
Section 4.55(1A) Modification No.2 to State Significant Development Consent 9249

Further to your letter of 19 June 2019, please find enclosed the Response to Submissions in relation to the abovementioned Modification Application in accordance with clause 85A(2) of the *Environmental Planning and Assessment Regulation 2000*. We trust that the Department now has sufficient information to complete its assessment and determine the application.

Should you have any queries, please do not hesitate to contact the undersigned.

Yours sincerely,



Anna Nowland
Senior Urbanist
02 9956 6962
anowland@ethosurban.com



Michael Oliver
Associate Director, Planning
02 9409 4961
moliver@ethosurban.com

Attachments:

- Attachment 1 – Response to Agency and Public Submissions
- Attachment 2 – Letter from Site Auditor regarding Unexpected Contamination Finds Protocol

Attachment 1. Response to Agency and Public Submissions

Table 1 Response to agency submissions

Agency Submission Extract		Response
Department for Planning and Environment (DPE)		
DPE1	Site Auditor's Report <i>The Site Auditor's report indicates that 1 metre deep topsoil is proposed to be imported to the site to form part of the future playing pitch. Please confirm whether this forms part of the current application.</i>	The importation of materials for the playing pitch does not form part of the proposed modification, rather this forms part of the construction of the stadium at Stage 2.
DPE2	Unexpected Finds Procedure <i>As required by the Environment Protection Authority, a copy of the Unexpected Finds Procedure in relation to soil contamination should be submitted to the Department and a Site Auditor's Statement confirming the adequacy of this procedure should be provided.</i>	The appointed Site Auditor for the project has reviewed the Unexpected Contamination Finds Protocol and confirmed that this is adequate and appropriate. This advice is provided at Attachment 1 .
Roads and Maritime Services (RMS)		
RMS1	<i>Roads and Maritime has reviewed the submitted application and raises no objection to the proposed modifications as it is unlikely to have a significant impact on the classified road network.</i>	No response required.
Environment Protection Authority (EPA)		
EPA1	1. Site Contamination <i>The EPA understands that the Detailed Site Investigation accompanying the modification application was reviewed by a site auditor accredited under the Contaminated Land Management Act. However, the modification application does not appear to include a copy of the Unexpected Contamination Procedure (UCP). The accredited site auditor should review this "unexpected contamination procedure".</i> <i>However, the modification application does not appear to include a copy of the Unexpected Contamination Procedure (UCP). The accredited site auditor should review this "unexpected contamination procedure".</i> <i>Recommendations:</i> <i>The proponent be required to engage a site auditor accredited under the Contaminated Land Management Act to prepare a Section A site audit statement on the suitability of the development site for the proposed use.</i> <i>The proponent be required to engage a site auditor accredited under the Contaminated Land Management Act to prepare a Section B site audit statement stating appropriateness of the management plan prepared for the development site.</i> <i>The proponent be required to:</i> <i>(prior to commencing any work on the development site) prepare and implement a procedure for identifying and dealing with unexpected finds of site contamination (including asbestos containing materials) and 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;</i>	It is emphasised that the proposed modification does not alter or otherwise influence the approved use of land, rather, it simply seeks to alter the current staging of works to enable the efficient and timely delivery of the new stadium that is the subject of Stage 2 of the project. The proposed demolition works do not necessitate the preparation of additional Site Auditor Statements. The recommended measures outlined in point 3 to point 6 are appropriate and supportable and have been integrated into Unexpected Contamination Finds Protocol which has been separately review and endorsed by the Site Auditor (see Attachment 1).

Agency Submission Extract	Response
ii. ensure that it notifies the EPA under section 60 of the Contaminated Land Management Act of any contamination encountered on the development site which meets the triggers in the EPA's Guidelines for the Duty to Report Contamination; and iii. ensure that the processes outlined in State Environmental Planning Policy 55 - Remediation of Land (SEPP 55) are followed in order to assess the suitability of the land and any remediation required in relation to the proposed use. 4. The proponent be required to ensure management plans for demolition works and waste management are reviewed by the accredited site auditor and any recommendations by that auditor are implemented. 5. The proponent be required to manage the existing underground petroleum storage system at the eastern end of the development site in accordance with the requirements of the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014. 6. The proponent be required to fence off and otherwise protect the existing underground petroleum storage system (including storage tanks, pipework and leak detection systems) from any impact from demolition work and associated excavation undertaken on the development site.	
EPA2 2. Construction (Demolition) Management Plan The EPA notes that Appendix C to the Modification Application comprises an Addendum to the Construction (Demolition) Management Plan. The EPA's EIS submission emphasised that the EPA does not review or endorse environmental management plans. As such, the EPA has not reviewed the Construction (Demolition) Management Plan of the Addendum.	No response required.
EPA3 3. Noise (concrete crushing) Section 2.1 to the Modification Application states that "Demolished material will be carted from the site for recycling and disposal at a licensed waste facility." Accordingly, the EPA understands that on site crushing of concrete waste from demolition of the work encompassed by the Modification Application would not occur. The proponent should clarify whether recyclable concrete demolition waste arising from the demolition of the existing stadium down to ground level is being crushed on the development site or elsewhere. The EPA confirms its advice and recommendations concerning noise impact and mitigation measures in respect of any concrete crushing proposed to be undertaken on the development site.	Concrete crushing does not form part of the development at this time. Accordingly, concrete crushing will occur off-site.
EPA4 4. Noise (demolition of ground slabs, pavement, footings and piles) Section 2 to Appendix G (Supplementary Acoustic Statement) to the Modification Application proposes that the "... anticipated activities to take place as part of the modification works, identified as hammering and excavating, have been previously assessed as part of the original Stage 1 works Noise and Vibration Impact Assessment ...". Whilst the EPA considers that additional noise impact assessment is not required in respect of the works encompassed by the Modification Application, the EPA emphasises its previous advice and recommendations concerning:	These recommendations were incorporated into the final Mitigation Measures governing the Stage 1 demolition works on the site. No change is proposed to these Mitigation Measures contained in Appendix 2 of the consent for SSD 9249.

Agency Submission Extract		Response
	1. <i>limitation of demolition and associated works to the standard hours set out in Table 1 to the Interim Construction Noise Guideline;</i> 2. <i>the implementation of intra-day respite periods in respect of those high noise impact demolition activities such as concrete impact hammering and pulverising; and</i> 3. <i>the adoption of least noisy demolition methods, such as the use of pneumatic shears instead of impact hammers and pulverisers.</i>	
Office of Environment and Heritage (OEH)		
OEH1	<i>The modification involves amendments to the scope of demolition works approved under SSD 9249 to permit the removal and disposal of the existing ground slabs, pavements, footings and piles and it is also proposed to divert some existing stormwater infrastructure located within the site of the former Sydney Football Stadium.</i> <i>OEH have reviewed the supporting documentation and make the following comments:</i> Biodiversity <i>As you are aware DPE is the determining authority for this application and as stipulated in section 7.17 of the Biodiversity Conservation Act 2016 (BC Act) if the determining authority is not satisfied that the modification will not increase the impact on biodiversity values, then the applicant will need to submit a biodiversity assessment report. Given that OPE is the determining authority, DPE needs to be satisfied that the proposed modification will not increase the impact on biodiversity values.</i> <i>To assist DPE, OEH has reviewed the supporting documentation prepared by Ethos Urban dated 21 May 2019 and notes that in this documentation prepared by Ethos Urban within Table 2 titled "summary of consistency of modification with applicable legislation and planning instruments" have commented that "The proposed modification does not give rise to any further environmental impacts beyond those already addressed in the Biodiversity Development Assessment Report provided with the EIS".</i> <i>Based on the information submitted OEH has formed the view that the proposed modification is unlikely to increase the impact on biodiversity values, however, DPE as the determining authority must be satisfied that the modification will not increase the impacts on biodiversity values.</i> <i>Please note that separate advice should be sought from OEH - Heritage Division with respect to Bushy's Bore as this is listed on the State Heritage Register.</i>	No response required.

Agency Submission Extract		Response
	Transport for New South Wales (TfNSW)	
TfNSW1	The above modification proposal has been reviewed and it is advised that: 1. The Construction Pedestrian and Traffic Management Plan (CPTMP) endorsed by the Sydney Coordination Office within TfNSW shall be updated by the applicant for any changes to the demolition methodology or duration; and 2. The updated CPTMP shall be endorsed by the Coordinator General, Transport Coordination within TfNSW before the commencement of any works approved under the modification application.	These proposed conditions are supportable.
	City of Sydney (The City)	
COS1	The City of Sydney (the City) has reviewed the information provided as part of the public exhibition to amend the scope of the Stage 1 demolition works to include the removal of the ground slabs of the existing buildings, removal of part of the existing piles of the former stadium and associated stormwater diversion drainage works. The City objects to the modification application based on the following concerns raised below: 1. Noise The works proposed as part of the modification will be undertaken concurrently with works already approved under SSD 9249. This will include demolition of the slabs using the current excavators fitted with hammers and pulverisers. Demolished material will be taken from the site for recycling and disposal at a licenced waste facility. The size or times of these intrusive appliances to be used have not been adequately detailed in the submission. The City previously raised concerns regarding the noise issues from the excavation and demolition works proposed in the Construction Noise and Vibration Management Plan (CNVMP). A satisfactory report was never received by the City and therefore the City could not support the application due to lack of information. AS2436-2010 - Guide to noise and vibration control on construction, demolition and maintenance sites was not fully considered and it is still unclear what actual noise mitigation measures are in place. The noise levels are predicted to be BG + 20dB at some noise sensitive receivers, the BG noise level (L90) for the area is approximately 55dBA therefore, the normal criteria set for such a site would be 65dBA in the City of Sydney Local government area. If noise levels from demolition are going to be that excessive the length of time of these works should be limited by respite periods or similar. The City also raised concerns regarding the noise levels at the childcare centre, educational centres as these premises are seen as particularly noise sensitive receivers. It is unclear what noise mitigation has been approved for these developments or acceptable noise criteria. The supplementary Acoustic statement prepared by ARUP dated 13 May 2019 states: <i>"The loudest anticipated activities to take place as part of the modification works, identified as hammering and excavating, have been previously assessed as part of the original Stage 1 works Noise and Vibration Impact Assessment (2018-06-05 - AC01-v5_SFSR_Noise and Vibration Impact Assessment, Arup, June 2018) and appropriate recommendations were provided in accordance with the Interim Construction Noise Guideline (DECC, 2009).</i> <i>No additional acoustic impacts due to the modification works are expected and therefore no mitigation measures additional to those proposed as part of the Stage 1 works acoustic assessment are considered necessary."</i> <i>This is not a position that is supported by the City, as the noise for the Stage 1 concept development was not assessed to the City's satisfaction. The acoustic statement does not state the predicted noise levels of the additional</i>	The City's specific previously raised relevant concern regarding construction noise <i>"The childcare centre noise management levels are set at 70dBLAeq, 15 minute. This is considered excessive and will impact on the ability for centres to provide outdoor play and 'rest' times for children."</i> The existing ambient road traffic noise level along Moore Park Road is LAeq(day) 68 dBA at 256 Moore Park Road. The noise management levels for the CC2 – Kira Child Care Centre are therefore considered reasonable in the context of the existing acoustic environment. At the CC2 – Kira Child Care Centre, the highest predicted construction noise levels of 66 dBA are predicted to occur during the demolition of the stadium, conservatively based on all equipment operating simultaneously. The predicted noise levels are therefore 2 dB(A) below the existing ambient noise levels at the childcare centre and would result in only a 'minor' increase in overall noise levels. With closed windows, an external noise level of 66 dBA would result in internal noise levels of below 45dBA, the Noise Management Level for school classrooms in accordance with the ICNG. In addition, consultation with Kira Child Care Centre was conducted on a number of occasions in order to understand the sensitive times during 'rest periods', and continuous noise monitoring is underway to periods identify excessive noise impacts. It is noted that measures for intra-day respite periods was incorporated into the final Mitigation Measures governing the Stage 1 demolition works on the site. All construction works occurring on site will be in accordance with the standard construction hours specified in the Stage 1 consent (SSD 9249) that are not proposed to be modified. The specific size of equipment to be used, and its specific expected operation periods during these standard construction hours, cannot be confirmed at this preliminary stage.

Agency Submission Extract	Response
<i>works proposed, but it is understood that the approximate duration of the modification works at SFSR will be 11 months, which will be a significant impact on existing residents.</i> <i>Dilapidation reports will need to be conducted prior to the works being approved/commenced due to possible vibration impacts from the works.</i>	A dilapidation report has been conducted, and continuous vibration monitoring on site is also underway. Additional noise contributions due to these modification works are not predicted to increase the maximum noise impacts. All recommendations and requirements put forward are therefore considered to be satisfied.
COS2 2. Stormwater <i>The diversion of the existing Sydney Water stormwater main will involve connecting the new pipe to the existing pit and constructing a new main to the west of the proposed stadium. These works are required to ensure the demolition of buildings approved within SSD 9249 do not impact the existing stormwater servicing through the site. The existing stormwater drain through the site will be decommissioned and removed following installation and commissioning of the new drain.</i> <i>Due to the size of the storm water installation and depth it is envisaged a 30T excavator will be based on site to do the excavation, bedding and installation of pipe. For pipe sizes 1050mm/1500mm the excavation strategy will require the use of heavy-duty shoring box for excavations deeper than 2.5m. Excavations less than 2.5m will be benched out in accordance with the relevant code of practices.</i> <i>In addition to the above, a revised Construction Soil & Water Management Plan should be provided which includes information as to how water from the detention /settling ponds will be tested prior to discharge into the stormwater infrastructure in Driver Avenue to ensure that it meets applicable standards.</i> <i>It is recommended a Dewatering Management Plan (DMP) be prepared to ensure that there are no contaminants prior to being released into the stormwater infrastructure. The DMP must clearly state that the water quality monitoring will be self-certified by an experienced water quality expert. Water is to be tested prior to discharge. There should also be a name and contact point for the site manager and water quality expert monitoring the discharge. The water quality expert monitoring the site is to sign and date water testing – stating that the water quality meets the above mentioned standards. If testing finds that it does not meet these standards discharge must be stopped immediately. The water quality expert is to clearly state in the final report that they believe all discharge met water quality standards.</i>	A Construction Soil and Water Management Plan can be required as a condition of consent to be prepared prior to the commencement of ground slab demolition. Dewatering is not required.
COS3 Contamination <i>Condition 24 of the SSD consent states:</i> <i>The Phase 2 Environmental Site Assessment report is to be reviewed by an EPA accredited Site Auditor to confirm the adequacy of the investigations to date, the required unexpected finds protocol, the proposed approach to managing or resolving potential contamination risks and/or to confirm the suitability of the proposed land use.</i> <i>A letter has been submitted from NSW EA accredited Site Auditor Jason Clay stating that the DESI reports submitted by Douglas Partners Pty Ltd concluded that:</i> <i>The site is considered suitable for its proposed continued use as a sporting stadium, provided that unexpected finds are managed appropriately during the construction phase of the project. The USTs present in the eastern portion of the site will need to be managed in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008."</i>	It is emphasised that the proposed modification does not alter or otherwise influence the approved use of land, rather, it simply seeks to alter the current staging of works to enable the efficient and timely delivery of the new stadium that is the subject of Stage 2 of the project. The proposed demolition works do not necessitate the preparation of additional Site Auditor Statements.

Agency Submission Extract		Response
	<i>The Auditor noted a number of deficiencies in the DESP report. However, concluded that 'adequate sampling locations have been investigated at the site to make up for the lack of information on some of the potential areas of concern/information on historical activities (including the petroleum infrastructure and the potential military past).'</i> 1. Drill - 77 boreholes 2. Nine temporary groundwater monitoring wells <i>One (1) metre of topsoil is proposed to be imported to site to form the playing pitch and as such, the minor exceedances of recreational open space criteria noted in some samples collected in this area are not considered to be significant and will likely be removed during the construction of the new stadium.</i> <i>The auditor considers that the reports have sufficiently characterised the potential contamination status of the site and that a remedial action plan does not need to be developed at this stage for the proposed development.</i> <i>Asbestos was detected in only one of the 90 samples of filling analysed. This suggests that asbestos containing materials (ACM) may be encountered during site works, this should be dealt with via an Unexpected Finds Protocol.</i> <i>The Site Auditor has not confirmed in his letter that the site is currently suitable for the ongoing use as a sports stadium as required under Condition 24 of SSD 9249. It is recommended that the Auditor's advice letter be amended to be incorporated to confirm this conclusion.</i> <i>It is noted the consent does not require that a Section A Site Audit Statement be obtained from a Site Auditor confirming the site is suitable for the proposed land use. As this audit review is determined to be a statutory site audit the Auditor will however be required under the Contaminated Land Management Act 1997 to provide a Site Audit Statement confirming that the site is suitable for the land use.</i>	
COS4	Transport <i>The supplementary Traffic Impact Statement prepared by ARUP estimates that 30-40 construction vehicle movements will be generated in a day by the proposed demolition activities. It is suggested that the large truck movements should avoid the network peak hour.</i> <i>It is recommended the proponent prepare an updated Construction Traffic and Pedestrian Management Plan in consultation with the Council to ensure that any traffic/transport impact due to the demolition work in the City road network is managed appropriately.</i>	The CTPMP will be updated in accordance with TfNSW's requirements detailed above, which will include consideration of truck movements.
COS5	Heritage <i>An Addendum Archaeological Impact Statement prepared by Curio Projects in May 2019 has been submitted with the application. It is considered to adequately address the potential archaeological impacts of the proposal, the recommendations in Section 7 of the Addendum should be required to be complied with.</i>	No response required.
NSW Heritage Council		
HC1	<i>Although the Sydney Football Stadium building is not individually listed on any statutory heritage register, the subject site includes the State Heritage Register (SHR) listed item, the Busby's Bore located between Centennial Park to College Street, Sydney (SHR No 00568). The site is also located within the boundaries of the Sydney Cricket Ground HCA (Sydney LEP 2012), and is adjacent to the Sydney Cricket Ground - Members Stand and Lady Members Stand (SHR No 00353), at Driver Avenue. It is in the vicinity of Centennial Park, Moore Park, Queens Park (SHR No 01384) and other state and local heritage items and Heritage Conservation Areas (HCAs).</i> <i>Additionally, the site is listed by the National Trust for its social significance and architectural values.</i>	Noted.

Agency Submission Extract	Response
HC2 Built Heritage <i>It is noted no addendum Heritage Impact Statement (HIS) was provided. The EIS modification document prepared by Ethos Urban, dated 21 May 2019, states that the development is substantially the same as that originally proposed and the modifications would result in no additional adverse impacts on built heritage that cannot be appropriately managed and mitigated.</i> <i>In a letter dated 16 July 2018, the Heritage Division provided comments recommending additional information be requested. Following review of the proposed modifications, these comments remain unchanged. Please see attached letter for Heritage Division comments relating to built heritage.</i>	Noted.
HC3 Historical Archaeology <i>As noted in the EIS due to the extensive modifications for the current stadium the study area retains a low potential for archaeological remains associated with the former Engineers/Military Depot and the Sydney Sports Ground. It also notes that Busby's Bore is known to be present within the study site, including shafts 9, 10 and 11 and intervening shaft 4, however the exact locations of only shafts 9 and 10 have been able to be confirmed.</i> <i>An Addendum Archaeological Assessment has been prepared by Curio Projects to assess the changes to archaeological impacts from the modification. The assessment indicates that generally the works are located in areas without historical archaeological potential. Unexpected finds are considered sufficient for these areas. One area, a small section of the trenching required for the diversion of the stormwater main is located within an area of Low to Moderate archaeological potential. For this area archaeological monitoring is recommended. Overall, this assessment is considered to be appropriate.</i>	Noted.
HC4 Recommended Conditions relevant to historical archaeology: <i>To ensure that any future development of the site appropriately assesses and manages archaeological impacts the following is recommended:</i> <i>• All recommendations of the report entitled 'Archaeological Assessment for Sydney Football Stadium, Stage 1 Concept Design' prepared by Curio Projects, dated 5 June 2018 should be implemented by the proponent.</i> <i>• All recommendations of the report entitled 'Addendum Archaeological Impact Assessment Sydney Football Stadium Redevelopment Stage 1 SSDA 4.55 Modification, prepared by Curio Projects, dated May 2019, should be implemented by the proponent.</i>	Noted, these can be incorporated in the conditions of consent.
HC5 Recommended Historical Archaeological Advice for future stages of this project: <i>Busby's Bore is an item of Engineering Significance at a State Level recognised by its listing on the State Heritage Register. To ensure the next stage of the project does not harm Busby's Bore the following advice is reiterated to the DPE to provide to the applicant for the next stage planning of detailed design:</i> <i>• Busby's Bore should be subject to additional investigation to confirm its precise locations within the site. This is essential to informing the detailed design stage to ensure this State Heritage Register item is protected and should occur as soon as possible.</i> <i>• Busby's Bore should be avoided by the project to ensure the significance of this item is retained. All measures should be considered to avoid this item from direct or indirect impacts, including obtaining the advice of a structural engineer.</i> <i>• An additional archaeological assessment or an amendment of the current archaeological assessment should be completed for all subsequent stages of the project, to assess the impacts of development on the archaeological information at the site.</i> <i>• An appropriate archaeological research design and excavation methodology should be prepared by a suitably qualified Excavation Director for review by the Heritage Council of NSW or its delegate for any works which will impact archaeological information or Busby's Bore.</i>	Noted, these are not relevant to this Modification Application however it is expected that the Heritage Council will make a submission on SSD 9835 for the detailed design, construction and operation of the new Sydney Football Stadium.

Agency Submission Extract		Response
Sydney Water		
SW1	<i>The proposed works include deviation to a major stormwater infrastructure owned by Sydney Water. Sydney Water does not object with the proposed diversion of its stormwater assets however, prior to any further approvals the applicant must address the following Sydney Water requirements:</i> • Hydraulic Capacity Feasibility Study <i>This study must demonstrate that the hydraulic capacity and performance of the existing stormwater system will not be impacts. This ensures the existing capacity of the stormwater system is maintained.</i> • Disconnection I connection methodology <i>Clearly describe and specify how disconnection / connection of Sydney Water's stormwater assets will take place.</i> • Interim Operating Procedure <i>An Interim Operating Procedure (IOP) must be prepared by the proponent to own, operate and maintain temporary stormwater assets. The IOP will indicate that the applicant/ developer will own, operate and maintain the temporary stormwater assets and must address any impacts (including financial). Once Sydney Water's stormwater assets are disconnected, Sydney Water will have no responsibility on the operations and maintenance of the temporary stormwater asset. Sydney Water may resume to own, operate and maintain the permanent stormwater drainage system if it is constructed to Sydney Water's requirements.</i> • Risk management controls and emergency response plan <i>A risk workshop must be conducted with relevant design consultants, Water Servicing Coordinators and contractors to identify key risks, management controls and develop and emergency response plan to ensure safety of people and property in the event of asset and/or embankment failing or flooding. This plan is to be developed and approved by the relevant authorities.</i> • Backfilling <i>Plans must provide detailed specifications for any redundant pipes that will be backfilled.</i>	Noted, these requirements can be imposed as conditions of consent.
SW2	<i>The developer has submitted an application directly to Sydney Water for the proposed deviation works. Sydney Water is currently working with the developer during the development of the design for the deviation to ensure the works meet Sydney Water's requirements.</i> <i>While the proposed modification does not directly relate to provision of water or wastewater services for the development, Sydney Water confirms that the developer has also lodged an application for services (to obtain a Section 73 Certificate). It should be noted that there are constraints within both the water and wastewater system. Sydney Water is currently assessing the application for services and will provide requirements for works to our water and wastewater system directly to the developer as part of this process.</i>	Noted.
SW3	<i>Sydney Water has a State Heritage Listed item, Busby's Bore, in the vicinity of the proposed development. Any future impact on Busby's Bore as part of the redevelopment of the Sydney Football Stadium must be referred to Sydney Water. The applicant is required to obtain Heritage Council approval for any work in the vicinity of Busbys Bore. General requirements for Sydney Water servicing and work on our stormwater systems are included in the attachments.</i>	Noted.

Table 2 Response to public submissions

Public submission		Response
P1	<i>I oppose destroying all 26 trees. This proposal must be stopped. It is typical of this Government, tree felling large parts of NSW, destroying the environment. Destroying the stadium on publicly-owned land had no point, no business model, no justification. Illicit work all night in late January has been ignored in Compliance, indeed the person told me to collect the witnesses, of whom there were many. I have no respect for this Department after such rude and peremptory treatment. The meaning of the word compliance is turned around. I believe you've allowed Lend Lease to do what it wants.</i>	The proposed modification does not seek to remove any trees, or change the existing hours of work that are consistent with the standard hours in NSW under the EPA's Interim Construction Noise Guideline.

Attachment 2. Letter from Site Auditor regarding Unexpected Contamination Finds Protocol

26 June 2019

Angus Morten
Lendlease
Level 14, Tower Three, International Towers Sydney
Exchange Place, 300 Barangaroo Avenue
Barangaroo, NSW, 2000

Dear Angus,

Re: Sydney Football Stadium Redevelopment, Moore Park IAA #2: Review of Lendlease Unexpected Finds Protocol

1. Introduction and Background

Jason Clay (the auditor) of Senversa Pty Ltd has been engaged by Lendlease Building Pty Ltd (Lendlease) as a NSW Environment Protection Authority (EPA) accredited site auditor for the redevelopment of the Sydney Football Stadium, located on Diver Avenue Moore Park, NSW. The site is legally defined as Lot 1 on Deposited Plan 205794 and part Lot 1528 on Deposited Plan 752011 and part Lot 1530 on Deposited Plan 752011.

The Department of Planning and Environment has written to Lendlease requiring that it responds to certain issues raised during the exhibition of the development application which ended on 13 June 2019. One of those issues is:

“Unexpected Finds Procedure

As required by the Environment Protection Authority, a copy of the Unexpected Finds Procedure in relation to soil contamination should be submitted to the Department and a Site Auditor’s Statement confirming the adequacy of this procedure should be provided.”

The purpose of this Interim Auditor Advice therefore is to comment on the unexpected finds procedure detailed below.

2. Documents Reviewed

The auditor has been provided with the following documents:

- Lendlease (2018) *Sydney Football Stadium (B12 – Construction Environmental Management Plan) Project EHS Management Plan, Issue 4*. Dated 16 July 2018. This is hereafter referred to as ‘the CEMP’.
- Lendlease (2019) *Unexpected Contamination Finds Protocol_V2.1*. Dated June 2019. This is hereafter referred to as ‘the UFP’ (attached).

The existence of the UFP is noted as a sub-plan in Appendix 1 of the CEMP.



The CEMP and the UFP was reviewed in conjunction with the following reports:

- DP (2018) *Report on Preliminary Site Investigation (Contamination), Sydney Football Stadium Redevelopment, Moore Park, NSW*, dated 18 May 2019 and referenced 86276.00.R.001.Rev0.Stage 1 ESA. This is hereafter referred to as 'the PSI'.
- DP (2019a) *Report on Detailed Site Investigation (Contamination), Sydney Football Stadium Redevelopment, Moore Park, NSW*, dated 15 May 2019 and referenced 86529.00.R.006A.Rev0.DSI S96 Application. This is hereafter referred to as 'the S96 DSI'.
- DP (2019b) *Report on Detailed Site Investigation (Contamination), Sydney Football Stadium Redevelopment, Moore Park, NSW*, dated 15 May 2019 and referenced 86529.00.R.006A.Rev0.DSI. This is hereafter referred to as 'the DSI'.

The auditor notes that there is no technical difference in the S96 DSI or the DSI.

3. Summary of the UFP

The UFP lists the contaminant sources that might typically appear on an urban Sydney redevelopment site that have not shown up in previous investigations to a significant extent. These include:

- Buried waste, including asbestos.
- Putrescible matter.
- Underground storage tanks, pipework, etc.
- Ash or slag.
- Hydrocarbons.
- Unusually odorous material.

The UFP's instructions are to:

1. Stop work.
2. Cordon off the area.
3. Engage a suitably qualified expert to deal with the relevant issue.
4. Where waste is required to be removed from site, it should be waste classified and disposed of at a licensed facility in accordance with regulatory requirements.

4. Auditor's Conclusions

There is no substantive guidance made or approved by the NSW EPA on what should be included in unexpected finds protocol; however, the use of them has become common in NSW and auditors deal with them frequently. They are appropriate where sites have been properly investigated and found to be uncontaminated and where significant demolition or earthworks are to go ahead after investigations have taken place.

An unexpected finds protocol is generally a relatively straightforward set of instructions that set out the actions to be undertaken under certain circumstances. As with all plans of this nature, it must sit within a management regime so that it is not forgotten after works commence. In being part of Lendlease's overall CEMP, it is considered to be part of an appropriate management structure, and if properly executed should lead to the appropriate management of unexpected finds of contamination.

The auditor therefore considers that an adequate UFP has been provided and that it should be executed in accordance with regulatory requirements.



5. Close

We trust this meets your requirements. Should you have any queries or require further information, please do not hesitate to contact the undersigned.

Yours sincerely,
On behalf of **Senversa Pty Ltd**

Jason Clay

NSW EPA Accredited Contaminated Sites Auditor (0801)

Enc. The Unexpected Finds Protocol

Technical Limitations and Uncertainty – *This Interim Advice is not a Site Audit Report or a Site Audit Statement, as defined in the Contaminated Land Management Act 1997*

Lendlease included limitations in its documents, and therefore this review will also be subject to those limitations. The auditor has prepared this document in good faith but is unable to provide certification outside areas that auditor has had some control over or is reasonably able to check. The auditor has relied on the documents referenced in Section 2 in preparing the auditor's opinion in Sections 4. If the auditor is unable to rely on any of those documents, the conclusions contained herein could change.

Reliance – *This document has been prepared solely for the use of Lendlease Building Pty Ltd. No responsibility or liability to any third party is accepted for any damages arising out of the use of this document by any third party.*

Copyright and Intellectual Property – *This document is commercial in confidence. No portion of this document may be removed, extracted, copied, electronically stored or disseminated in any form without the prior written permission of Senversa. Intellectual property in relation to the methodology undertaken during the creation of this document remains the property of Senversa.*

This Unexpected Contamination Finds Protocol (the Protocol) outlines the work requirements in the event of unexpected finds occurring during demolition at the Sydney Football Stadium, inclusive of .

The aim of this Protocol is to manage the risk of potential exposure to asbestos/hazardous materials and limit disturbance from unexpected finds. All PCBU's associated with the demolition works are to adopt the protocol into their own site specific SWMS based on individual tasks and associated risks.

This Protocol has been prepared to satisfy Condition B7 in the Sydney Football Stadium Stage 1 (Demolition) development consent (SSD 9294), which requires that:

Prior to the commencement of any works, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the Construction Environmental Management Plan (CEMP) in accordance with condition B15 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

This Protocol has been updated as Version 2 (June 2019) to further satisfy the SSD-9249-Mod-2 (Removal of ground slabs and existing piles) requirement for an Unexpected Finds procedure.

Potential Unexpected Finds

Based on findings of site history and site contamination investigation works undertaken at the site, unexpected finds which could reasonably occur within the site are summarised below.

Potential Unexpected Find	Observed Characteristic
Buried dry waste materials including asbestos	May include a variety of waste materials including wood, plastic, metal fragments, building rubble (e.g. concrete, brick, asphalt, forms of asbestos etc.).
Buried putrescible wastes	Putrescible waste materials typically comprise decomposed organic waste materials intermixed within the fill materials on site, with an associated characteristic rotten egg type odour. Such materials should not be confused with decomposed plant matter and/or marine sediments found within the natural sandy soils.
Structures or conduits containing deleterious materials	• A buried tank or former process pipelines; • Deeper sand fill sometimes with visual/olfactory indications of contamination • Presence of small concrete footings surrounding by odorous or visually impacted soils and/or groundwater.
Ash or slag deposits	Ash materials typically light weight, black, grey and/or white and generally gravel sized (1mm to 10mm) particles. Slag materials can be varied in consistency and colour and may comprise pale grey to blue/green/grey/black, and be loose or cemented. Slag gravels can be very angular and appear to have a 'honeycomb' texture.
Hydrocarbon Compounds	May be identified by a hydrocarbon odour which may vary in strength from weak (just detectable) to very strong (easily detectable at a distance from the source). The odour may or may not be accompanied by specific areas of dark staining (black-grey) or larger scale discolouration of strata from a previously identified 'natural colour' e.g. staining of orange and brown clay to dark grey and green. May also be visible as a distinct coloured sheen on water within an excavation.
Other unusual odours	• Solvent/acetone odour • Acidic (Acetic/Formic/Citric) odour • Alcohol odour • Ammonia odour • Caustic odour • Sulfur (rotten egg) odour

Phase 2 Environmental Site Assessment (Douglas Partners, 2019) and Auditor Review Letter (Senversa, 2019)

Douglas Partners (DP) conducted a Detailed Contamination Site Investigation (DSI) in 2019 on behalf of Lendlease. This DSI was prepared to support the Section 96 Modification for the existing demolition approval (SSD-9249-Mod-2).

The DP DSI concluded the following with regards to site suitability:

"On the basis of the results outlined in this report, the site is considered suitable for its proposed continued use as a sporting stadium without the requirement for remediation, proved that unexpected finds are managed appropriately during the construction phase of the project. The USTs present in the eastern portion of the site will continue to be used post-development and therefore it is recommend that they are managed in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014."

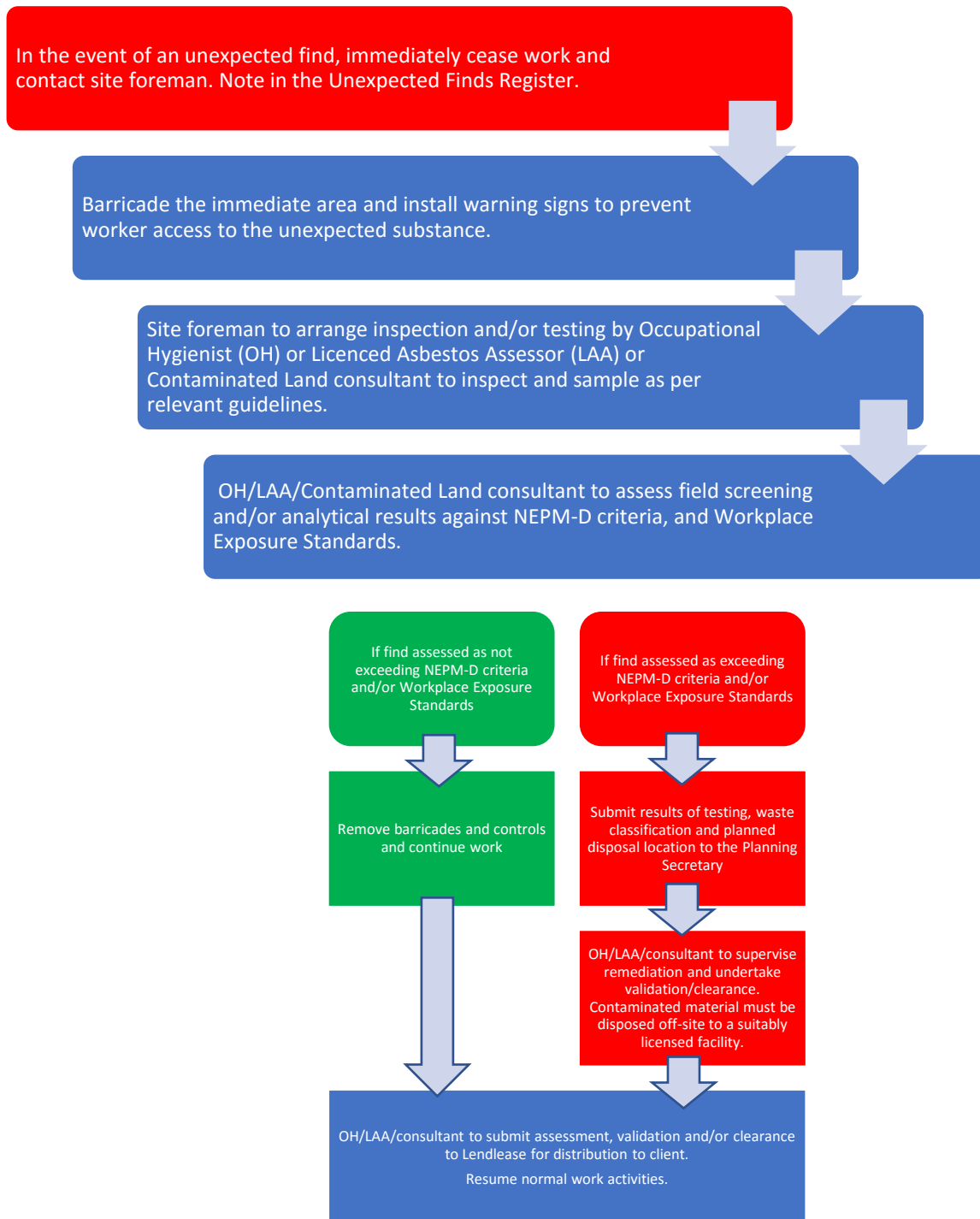
Jason Clay (Auditor) from Senversa was engaged by Lendlease to undertake a review of the DP DSI against the requirements specified in the *Guidelines for the NSW Site Auditor Scheme (3rd edition)* (NSW EPA, 2017) and the *Guidelines for Consultants Reporting on Contaminated Sites* (NSW Office of Environment and Heritage, 2011).

The Auditor review letter concluded the following with respect to unexpected finds:

"The Auditor recommends: A CEMP is developed for the construction phase of the development and must set out clear protocols for unexpected finds encountered."

Unexpected Finds Process

The following process outlines the requirements in the event of unexpected finds occurring on site. The aim of the procedure is to minimise the risk of potential exposure to hazardous substances and limit the disturbance of such substances. Workers should be inducted into the unexpected finds procedure and encouraged to notify the Lendlease project manager or site foreman in the event that unexpected finds are encountered.



Note the development consent requirement in Condition B7 that testing results and disposal location must be submitted to the Planning Secretary prior to removal off site.