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Dear Mr Roppolo

**Open Water Surf Facility, Sydney Olympic Park Precinct (SSD-7942-MOD-1)  
EPA Advice on Modification**

I am writing in reply to your invitation to the NSW Environment Protection Authority (EPA) to provide comments on the proposed modification to the Open Water Surf Facility State Significant Development (SSD), located at Pod B, P5 Car Park, Hill Road, Sydney Olympic Park Precinct (Lot 71 DP 1191648).

The proposed modification proposes to include changes to design of the lagoon form and foreshore, services area, building envelope and facility layout, with extension to hours of operation and increase in proposed staff numbers.

The EPA notes that the proposed development is sited over part of the Haslam's Reach North landfill which is presently used as a car park. This landfill was historically used for uncontrolled tipping of power station ash, demolition waste and other wastes. The landfill was remediated in the 1990s, however impacted material remains onsite. Sydney Olympic Park Authority (SOPA), the landowner is responsible for maintaining integrity of landfill form and management of leachate in accordance with the Sydney Olympic Park Remediated Lands Management Plan (SOPA, 2009).

The Development Consent granted on 20 December 2017 appears to acknowledge the presence of the landfill, requiring that suitable measures are adopted to protect the integrity of a *containment cell in the southern portion of the site* (Conditions C6 & D4), and the consent requires that *remediation works are to be undertaken under the supervision of a suitably qualified and experienced expert (or experts) in accordance with the Remedial Action Plan (dated October 2017)* (Condition D3). The Consent does not clarify what metrics are to be used to confirm suitable qualifications of the remediation expert. It is also unclear if the remediation strategy has been endorsed by a site auditor. Asbestos has been identified onsite as discussed in the modification submission.

In consideration of the above, the EPA makes the following recommendations:

1. It is strongly recommended that the Applicant considers engaging a contaminated site auditor accredited by the NSW EPA to review and endorse contamination assessment reports and plans for the development, and to issue Section A Site Audit Statement and Report on completion of the development to certify suitability of the land for the proposed use. This is

particularly recommended as the site will be used for recreational purposes as a wave pool facility, being more sensitive land use than its current configuration as a sealed car park.

2. The EPA recommends use of “certified consultants” to prepare contamination assessment reports, remediation and management plans. Please note that the EPA’s Contaminated Land Consultant Certification Policy supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants (<http://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en>).
3. The Applicant must liaise with the landowner, SOPA, to ensure the integrity of the landfill is not compromised and can be continued to be managed appropriately. The EPA recommends the Applicant provides the landowner with all environmental reports and plans produced for the proposed development.
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 so as to result in significant contamination [note that this would render the proponent the ‘person responsible’ for the contamination under section 6(2) of *Contaminated Land Management Act 1997*].
5. The EPA must be notified under section 60 of the *Contaminated Land Management Act 1997* for any contamination identified on the development area, 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](http://www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf))
6. All excavated material, including asbestos containing material, and wastewater generated during the investigation works must be classified, handled, transported and disposed of offsite at a licensed facility that is authorised to accept the material in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*.

Should you wish to discuss any of the matters raised above, please contact Christina Low on 9995 5670 or email [christina.low@epa.nsw.gov.au](mailto:christina.low@epa.nsw.gov.au)

Yours sincerely



**SARAH THOMSON**  
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