

DOC19/919737

23 October 2019

Mr Andy Nixey
Social and Infrastructure Assessments
Department of Planning, Industry and Environment
GPO Box 39,
Sydney NSW 2001

Dear Mr Nixey

**Stadium Australia Redevelopment (SSD 10342)
Advice on the Environmental Impact Statement**

I am writing to you in reply to your invitation to the Environment Protection Authority (EPA) to provide advice on the Environmental Impact Statement (EIS), including recommendations for Conditions of Approval for the above proposal.

The EPA reviewed the EIS provided by the Department of Planning, Industry and Environment (DPIE) and provides comments below regarding noise and vibration, contamination, waste, water and air quality.

1. Noise and Vibration

The noise report has provided assessment of some of the aspects required by the Secretary's environmental assessment requirements (SEARs), however further information is required to meet all the SEARs requirements. The EPA has also made comments on the noise management of events, which is currently regulated by the Sydney Olympic Park Authority.

Noise measurements

- a) Appendices B and C of the Noise and Vibration Assessment (Noise Report) – Appendix T of the EIS – do not present data for all of the noise monitoring that has been relied on for the assessment in *Table 6: Long-term monitoring results*. The applicant should present all noise monitoring data used in the assessment, as required by the *Noise Policy for Industry* (EPA 201&) (NPfI) Section B3.
- b) The applicant should clarify if noise (event and non-event) from the existing premises influenced the background noise measurements.

Non-event operational noise

- a) The Noise Report has not assessed mechanical plant and other non-event operational noise. The SEARs requested that operational noise impacts are assessed, and management measures are outlined. The Noise Report is required to include this information.

Construction noise assessment

- a) The assessment of construction traffic noise requires clarification. Section 3.5 of the Transport Impact Assessment – Appendix S of the EIS – classifies Edwin Flack Avenue and

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Dawn Fraser Avenue as local roads. Table 22 appears to assess road traffic impacts over a 15-hour period however, the assessment period for local roads is 1 hour. The applicant must clarify which criteria have been used in the construction traffic assessment and amend the assessment accordingly.

- b) The Noise Report has not considered all of the construction traffic routes that are included in the Transport Impact Assessment and therefore it is not clear if all potentially affected sensitive receivers have been assessed. The Noise Report must include an assessment of all of the proposed construction traffic routes.
- c) The construction traffic noise assessment has only considered noise levels during daytime. However, construction is proposed to start at 7am, therefore construction related vehicles may be travelling to the site prior to 7am, during the night period. The applicant must confirm the times when workers will be travelling to the site and amend the assessment accordingly.

Event noise management

- a) The *Sydney Olympic Park Authority Act 2001* establishes the Sydney Olympic Park Authority (SOPA) as the Appropriate Regulatory Authority (ARA) for the stadium. The Act also includes a noise limit for events as the maximum permissible noise level from event noise of $L_{10,15min}$ 85 dB(A) at the nearest residential façade. The Noise Report has only presented a change in noise level in $Leq,15min$. The EPA notes that the proposed modifications are generally minor in nature with regard to noise emissions. The Noise Report presents a comparative noise assessment for operational noise from events at the stadium. The predicted difference in noise levels presented in the report is relatively minor. The assessment does not present predicted noise as an absolute noise level and therefore the noise level potentially experienced by receivers adjacent to the stadium is not included in the report. This means that the footprint of noise impacts is not defined in the report and, as a result, an analysis of measures which could be implemented to reduce the noise footprint of the stadium is not able to be undertaken.
- b) It is not clear from Section 4.2 of the Noise Report how the stadium's public address systems have been included in the noise assessment for different concert or sporting events. The applicant should provide a clarification of all the different types of sound systems considered in the noise assessment.
- c) The SEARs required an assessment of pyrotechnic noise which is not included in the assessment. The Noise Report must include this assessment.
- d) The Noise Report has not proposed any operational or event noise mitigation measures. The applicant must confirm what measures will be used to manage noise and ensure the operation of the stadium meets its environmental noise requirements.
- e) The EPA considers that this redevelopment, together with major land use changes in the Carter Street Precinct, provides an opportunity to review the currency and efficacy of the existing SOPA Noise Management Plan for the stadium.

Recommended conditions

The EPA recommends that conditions of consent with regard to standard construction hours and the preparation of construction noise management plans be applied for this project. However, the EPA requires the applicant to address the outstanding noise requirements noted above to enable reassessment and consideration of additional consent conditions, if required.

2. Contamination

The Preliminary Environmental Site Assessment (PESA) – Appendix O of the EIS – and Section 5.4 of the EIS addressed the SEARs requirement to determine if any of the proposed works would disturb or influence land, management systems or monitoring systems that are the subject of the Maintenance Remediation Notice No. 28040. The PESA has been prepared to comply with the requirement of *SEPP 55 – Remediation of Land*. The EPA notes proposed mitigation measures include:

- An unexpected finds protocol is to be developed, and implemented throughout the construction process, with regard to contaminated soil, asbestos or soil potentially containing contamination or asbestos outside identified impacted zones;
- Any waste transported off-site is waste classified in line with EPA guidelines and taken to an appropriately licensed facility; and
- No works are to occur in areas subject to the Maintenance of Remediation Notice no. 28040.

Recommended conditions of consent relating to contamination

1. The applicant is required to prepare an unexpected finds protocol. The protocol should include detailed procedure for identifying and dealing with unexpected contamination, asbestos and other unexpected finds. The proponent must ensure 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.
2. If unexpected contamination is found, the applicant must conduct more detailed investigation. The following guidance, as relevant, should be considered when assessing contamination at the site:
 - *NSW EPA Sampling Design Guidelines*
www.epa.nsw.gov.au/resources/clm/95059samppgdline.pdf
 - *Guidelines for the NSW Site Auditor Scheme* (3rd edition) 2017
<https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition>
 - *Guidelines for Consultants Reporting on Contaminated Sites*, 2011
<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/20110650consultantsreportglines.pdf?la=en&hash=ADA6F5BEA134F3E87217764484F14618E40C98EA>
 - The *National Environment Protection (Assessment of Site Contamination) Measure 2013* as amended.
3. If unexpected contamination is found, the applicant must prepare a remediation action plan.
4. If remediation is required, the applicant is required to engage an EPA accredited site auditor to prepare a section B site audit statement that confirms that the land can be made suitable for the proposed use. The site auditor is required to review the adequacy of the investigations, unexpected finds protocol, any remedial works or management plan required. The proponent must adhere to the management measures accepted by the auditor.
5. If the site requires remediation, the applicant is required to engage an EPA accredited site auditor to also prepare a section A site audit statement to confirm the land is suitable for the proposed use. This section A site audit statement must be submitted after the remediation has been completed.
6. The processes outlined in *State Environmental Planning Policy 55 - Remediation of Land* (SEPP55) must be followed in order to assess the suitability of the land and any remediation required in relation to the proposed use.
7. 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 proponent the 'person responsible' for the contamination under section 6(2) of *Contaminated Land Management Act 1997* (CLM Act)].
8. The EPA must be notified under section 60 of the CLM Act 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)

9. The EPA recommends use of “*certified consultants*”. Please note that the EPA’s Contaminated Land Consultant Certification Policy (<http://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-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 CLM Act 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



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