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Contact: Paul Wearne (02) 4224 4100

NSW Department of Planning & Environment
(Attention: Pilar Aberasturi)
GPO Box 39
SYDNEY NSW 2001

Dear Ms Aberasturi

**REQUEST FOR SEARS FOR RESIDENTIAL/RETAIL MIXED USE DEVELOPMENT AT SITE 53
2 FIGTREE DRIVE, SYDNEY OLYMPIC PARK (SSD 7033)**

I am writing in response to your request dated 19 May 2015 for input into the development of Secretary Environmental Assessment Requirements (SEARs) for the above development at Sydney Olympic Park.

Department of Planning and Environment (DPE) has advised Environment Protection Authority (EPA) that it has received our letter dated 15 May 2015 outlining the environmental issues associated with the proposed development site and the operations of the Homebush Liquid Waste Treatment Plant (LWTP). The EPA advised in this letter that it was not in a position at the present time to provide comments on the SEARs. The EPA recommended DPE convene a meeting with Sydney Olympic Park Authority (SOPA) and EPA to discuss these issues and how to best proceed with the request for SEARs for the above development.

DPE have subsequently advised the EPA that as the proposed developed is permissible at the above site there is a legal obligation to issue SEARs. To assist DPE in the development of SEARs we have attached some key requirements (Attachment A) for DPE's consideration. These relate to:

- General Matters
- Odour
- Noise
- Contaminated Land Management
- Water
- Waste Management.

DPE has also advised the EPA that a broader strategic approach is required to be developed to manage issues associated with odour impacts from the LWTP and new development proposals across the Sydney Olympic Park precinct. I am advised that the EPA has been invited to a meeting on Thursday, 21 May 2015 regarding a review of the Sydney Olympic Park Master Plan involving SOPA and DPE. This meeting could provide an opportunity to initiate discussions between all parties on the above strategic approach.

The EPA advises that additional matters may arise from the above discussions as well as the Carter Street Urban Activation Precinct (UAP), which may also inform the development of this EIS.

If you have any questions regarding this matter, please contact Mr Paul Wearne on (02) 4224 4100.

Yours sincerely

G Howard 20/5/2015

GISELLE HOWARD
Director Metropolitan
Environment Protection Authority

Att

ATTACHMENT

1. General

Consistent with EPA letter dated 15 May 2015, is important for decisions that arise out of the Carter Street UAP to be used to help inform new development in the SOPA precinct. The EPA advised in this letter that it was not in a position at the present time to provide comments on the SEARs. That is, because of the potentially serious implications for quality of life for new residents and business owners and the risk of increased complaints in relation to odour and noise, a consistent pathway to address these issues is needed first. The EPA recommended DPE convene a meeting with SOPA and EPA to discuss these issues and how to best proceed with the request for SEARs for the above development.

2. Odour

Land Use Planning

The EPA recommends that DPE consult Chapter 5 of the *Technical Framework: Assessment and Management of Odour from Stationary Sources in New South Wales*. This chapter provides guidance on some of the options available for avoiding and mitigating potential or existing odour impacts. It is recognised that where odour impacts cannot be avoided through land use planning (for example, zoning sensitive receptors in areas that are not adjacent to activities that are odour generating) odour impacts can be managed and mitigated at the source, the pathway and even at receptors via a process of negotiation with all relevant stakeholders.

We refer DPE in particular to Section 5.2 of the above technical framework titled “A strategic approach to avoiding odour through land-use”. This section includes but is not limited to the following advice:

- Change in proximity of receptors could trigger land use conflicts, especially if the activity’s original odour mitigation strategy may have been based in part on an assumption that the neighbour’s land use would remain unchanged for the life of the activity.
- Planning authorities need to make clear to both parties the strategic direction of land use in a given area and where feasible, establish protocols for dealing with conflict as the preferred land use changes from one function to another.
- Where there are unacceptable off-site odour impacts from an existing development, consideration will have to be given to whether these odours can be further contained through best management practices. Where this presents difficulties for existing industry, staged improvement programs or a negotiated agreement could be an appropriate mechanism for managing the issue. If not, where that activity is considered to be the preferred activity in that area, the affected area may have to be regarded as unsuitable for certain kinds of development.

Odour impact assessment is one of a number of tools available to planners in the development of strategic approaches to reconciling land use conflicts and in particular where residential development is proposed in the vicinity of existing odour generating industries. It is a risk management tool to inform whether there is a high or low likelihood of potential for odour impacts and whether additional controls and management options may be required to reduce the risk of odour impacts at sensitive receptors.

Given the complexity of potential land use conflicts and multiple odour sources, a comprehensive odour impact assessment is useful for decision making purposes. A comprehensive assessment should ideally include odour emission rates based on measured data and odour management systems at the odour generating facilities within the study area and take into account other odour sources within the precinct. Focus should be on assessment of staged development within the precinct with reduction in odour generating activities within the region as the predominant land use transitions to residential dwellings.

Odour generating processes require an ongoing and dynamic management approach in addition to zoning to reduce and mitigate the risk of odour impacts. A successful approach requires the engagement of and negotiation between all relevant stakeholders.

Odour Impact Assessment

The EPA recommends that the proponent undertake a comprehensive Odour Impact Assessment be prepared in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (DEC 2005). This should take into account guidance in *The Assessment and Management of Odour from Stationary Sources in NSW: Technical Framework* (DEC2006) and *The Assessment and Management of Odour from Stationary Sources in NSW: Technical Notes* (DEC 2006).

This assessment should also take into account issues raised in the EPA submission on the Carter Street UAP dated 6 May 2014. This includes the uncertainty of predicting off site odour impacts where process variability is expected, and where it is likely that worst case impacts during upset or no routine operations are difficult to quantify and assess with certainty.

The assessment should document a clarification, resolution and negotiation approach that includes a range of feasible and practicable management and mitigation options to reduce the risk of odour impacts at future residential receptors. For example, these could include but not necessarily limited to design/architectural treatments, management and negotiated agreement processes. While there is a whole of government process proceeding on the future of the LWTP, the assessment must consider how to manage potential odour impacts should residential development proceed while the LWTP remains operational. In this regard DPE may also wish to seek a peer review by an independent suitably qualified consultant/expert on the adequacy of the assessment and any recommended mitigation measures or approaches.

3. Noise

The entertainment precinct of Sydney Olympic Park is managed by SOPA. In general, this Authority is the Appropriate Regulatory Authority (ARA) under the Protection of the Environment Operations (POEO) (General) Regulation in relation to potential noise impacts associated with entertainment activities carried on at Sydney Olympic Park. While infrequent, there can also be situations where the EPA may have an ARA role if the activity is carried on by the state or a public authority.

The SOPA Act 2001 regulated by SOPA also establishes a maximum permissible noise level of 85dB(A) LA10 15mins for events and SOPA's current Noise Management Plan is built around this limit. Specific noise limits may also be set for individual events. Section 48A of the SOPA Act also establishes that the emission of noise from a major event at Sydney Olympic Park does not constitute a public or private nuisance and that no action may be taken, except where noise exceeds the maximum permissible noise level at the nearest residential façade.

There are a range of noise issues associated with the operation of entertainment venues and other noise sources such as the LWTP which can result in land use conflict where they adjoin residential communities. In this regard, a noise impact assessment should be undertaken to ensure that potential noise related land use conflicts are identified and where necessary addressed at the design and construction stage of development. In particular sustainable land use planning involving the careful siting and design of sensitive land uses and the management of existing noise sources will lead to the best environmental outcome. Addressing noise issues retrospectively may be limited, complex and more expensive.

The EPA recommends that any development should satisfy the requirements in the *Infrastructure SEPP 2007* and the *Development Near Rail Corridors and Busy Road—Interim Guideline* (Department of Planning 2008). These guidelines provide planning guidance and recognise the need for judicious land use planning, architectural design, building orientation and good internal layout to achieve acceptable acoustic amenity in close proximity to busy transport corridors.

The assessment should consider, but not necessarily be limited to, the following:

- Consider and identify mitigation measures associated with any high noise-level events that will occur at Sydney Olympic Park. Historical information on event numbers per year, and information on proposed future events should guide any assumptions used in the assessment.

- Assess any impacts from all night events held at Acer Arena or other locations at Sydney Olympic Park. Although these events are not held often, they have the potential to cause impact on surrounding residents as they continue throughout the night and generate low frequency noise impact from amplified music. The EPA recommends the impacts from such events be assessed and appropriate mitigation measures identified.
- Impacts associated with fireworks which are often part of concerts and other events including the Royal Easter Show should also be considered. SOPA has previously informed the EPA that they have received complaints regarding fireworks in the past. In this regard, advice should be sought from SOPA that all potential noise sources from SOPA activities have been assessed and appropriate management practices identified.
- There are other potential noise sources surrounding the precinct including the operations at the Liquid Waste Disposal Facility and other surrounding commercial and industrial activities. The assessment should seek to identify and assess all potentially noisy activities and recommend appropriate mitigation options to minimise land use conflict.
- Where architectural acoustical measures are necessary to mitigate noise impacts associated with the operations of the Sydney Olympic Park; particular attention should be given to ensure that glazing and mechanical ventilation are suitable for mitigating low frequency noise from entertainment activities.
- The identification of measures to ensure that purchasers of residential premises and tenants are aware of the mixed use nature of the zoning and the potential for legitimate noise generating activities to be audible and potentially impinge on their acoustic amenity.
- Identification of approaches to validate noise predictions and adequacy of the recommended noise mitigation measures.

4. Contaminated Land

The State Environmental Planning Policy (SEPP) 55 states that as part of any land use change process, the following key considerations should be addressed when preparing an environmental planning instrument:

- Whether the land is contaminated
- If the land is contaminated whether it is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes to which the land will be used
- If the land requires remediation; will be made suitable for any purpose for which the land will be used.

The EPA considers that the investigation of land contamination is an important consideration that should be delivered through the planning process as part of land use change and for new development. There is a history of land contamination issues associated with past activities associated with lands in the Sydney Olympic Park precinct that should be appropriately investigated, remediated and validated for its proposed land use. In cases where land is potentially contaminated, the investigation and any remediation and validation work is to be carried out in accordance with the guidelines made or approved by the EPA under *Section 105 of the Contaminated Land Management Act 1997* and be in accordance with the requirements and procedures in the following:

- *Contaminated Land Management Act 1997*
- *Contaminated Land Management Regulation 2013*
- *SEPP 55 – Remediation of Land.*

The EPA recommends that DPE may wish to consider the involvement of an EPA-accredited Site Auditor during the contamination management process. This also includes the provision of a Site Audit Statement certifying that the land is suitable for the proposed use(s).

5. Water

The EPA promotes development that maintains or restores the community's uses and values of waterways (including human and environmental health) through the achievement of relevant NSW Water Quality Objectives (WQO). The EPA considers that an important environmental outcome for the proposed

development is ensuring that the WQO developed for the Sydney Harbour and Parramatta River catchment are supported. In this regard, EPA recommends that the EIS:

- Provide an assessment of any potential impacts of the proposal on the surface and groundwater of the area, with particular focus on water quality and the community's agreed environmental values and human uses for the relevant watercourses, also known as the NSW Water Quality Objectives
- Provide a concept Stormwater Management Plan outlining the general stormwater management measures for the proposal, including the use of sustainability measures such as Water Sensitive Urban Design (WSUD) to create more resilient and adaptable urban environments. Note: The plan should also be integrated with any contaminated site assessment to ensure any risks are identified and appropriately managed in relation to any interception of any potentially contaminated groundwater and to ensure WSUD can be adequately undertaken at the site.
- Outline opportunities for the use of integrated water cycle management practices and principles to optimise opportunities for sustainable water supply, wastewater and stormwater management across the development.

Sewage

Information should be documented in the EIS on whether the existing sewage reticulation system can cater for any new additional load. Information should also be provided on whether any additional load will impact the systems environmental performance especially in relation to sewage overflows from any existing sewage pumping stations and discharges from any associated Sewage Treatment Plant. The EPA's policy is that for new systems there should be no pollution of waters as a result of overflows during dry weather and that overflows during wet weather should be minimised. Sewage overflows have been identified as one of the major contributors to diffuse source water pollution in urban environments.

6. Waste Management

The EIS should detail information on waste management. The EPA has developed information to improve waste management associated with new residential development which should be consulted when preparing the EIS. This includes but not limited to:

- The *Waste Not Development Control Plan (DCP) Guideline* (EPA 2008). This guideline provides suggested planning approaches and conditions for planning authorities to consider at the development application phase in relation to waste minimisation and resource recovery. This includes consideration of demolition and construction waste and the provision of facilities and services to allow the ongoing separation, storage and removal of waste and recyclables.
- The EPA's *Multi-Unit Development Guidelines* should also be consulted as it provides waste and recycling requirements for multi-Unit Residential developments. This guide can be accessed at: <http://www.epa.nsw.gov.au/warrlocal/multi-unit-dwell.htm>

The EPA has also developed *Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities* (Dec 2012) for commercial development proposals that can be accessed at: <http://www.epa.nsw.gov.au/resources/managewaste/120960-comm-ind.pdf> and the *Better Practice for Public Place Recycling* (DEC 2005) which helps to set up standard recycling systems in public places, such as parks, shopping centres, footpaths, bus-stops, etc. These guidelines should also be consulted for new development. This guide can be accessed at: <http://www.epa.nsw.gov.au/resources/warrlocal/050156-public-place-recycle-guide.pdf>