Your reference SSD 7445
Our reference: DOC16/201154-03

Mr Brendon Roberts
Acting Team Leader
Department of Planning and Environment, Planning Services
GPO Box 39
SYDNEY NSW 2001

12 December 2018

Dear Mr Roberts,

Request for EPA input to Residential Development at 1 & 2 Murray Rose Avenue, Sydney Olympic Park (SSD 9403)

I refer to the request for EPA input to SEARs for Residential Development at 1 & 2 Murray Rose Avenue (SSD 9403), received by the Environment Protection Authority (EPA) on 16 November 2018.

On the basis of the information provided, the proposal does not constitute a Scheduled Activity under Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act). The EPA does not consider that the proposal will require an Environment Protection Licence (EPL) under the POEO Act.

However, the EPA has identified a range of potential environmental issues which need to be addressed. The EPA also notes that the types of work to be undertaken for the project and their proximity to sensitive receivers will present particular challenges. Accordingly, the EPA recommends that the proponent gives consideration to the following:

- air quality management during the construction phase;
- soil and water management during the construction phase;
- contaminated land management;
- appropriate classification, storage and handling of hazardous material and dangerous goods; and
- incident risks and contingency practices.

The EPA has previously provided comments on proposed developments at various stages of the planning process at the Sydney Olympic Park site. The EPA maintains that the issues associated with the unique character of the site need to be taken into consideration when making planning decisions to avoid land use conflicts and prevent avoidable impacts on future residents and users of this development. For convenience a summary of these comments are provided at 'Attachment A'.

Please contact Jane Burgett, Senior Operations Officer Sydney Industry on 9995 6911 with any queries or if anything should change in regards to the proposal.

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Yours sincerely

Jacqueline Ingham
Unit Head Sydney Industry
Environment Protection Authority

Attachment A

Request for EPA input to Residential Development at 1 & 2 Murray Rose Avenue, Sydney Olympic Park (SSD 9403)

Construction stage issues

Environment Protection Licence
At present the current outlined activities do not demonstrate a need for an Environmental Protection Licence under the current *Protection of the Environment Operations Act* ("POEO Act").

Air Quality Management
Air quality from construction activities must be to prevent impacts to sensitive receivers located near the site. Activities need to be monitored closely for air quality impacts such as excess dust generation and where necessary effective controls need to be implemented to prevent air quality impacts to nearby sensitive receivers. The implemented air quality controls should be reviewed for performance and take into account changing site activities/methodologies and conditions that may adversely affect air quality at nearby sensitive receivers.

Soil and Water Management
Soil and water impacts and associated management measures from each activity/section of the proposed works will need to be identified. Each proposed activity/zone may vary in requiring management methodologies that are more suited in order to achieve the EPA's discharge expectation of meeting the water quality objectives for the receiving environment. ANZECC water quality triggers should be adopted for all activities including potential discharges.

To ensure minimal impacts to soil and water quality, the proponent should thoroughly assess their activities and associated controls. When reviewing current controls and performance the proponent should consider the following:

- How sediment and other potential pollutants will be managed to prevent water quality impacts especially during construction activities;
- How any fuel, hydraulic oils, paints, chemicals, etc. involved with the project will be managed to prevent/manage spillage;
- How well management practices/operating procedures perform in reducing water quality impacts;
- How any issues around soil and water quality are detected and promptly acted upon/rectified to prevent impacts;
- If discharges are required into the receiving environment at any stage, how these are to be managed to prevent adverse effects; and
- If required, how the use of flocculants/coagulants or other water treatment measures associated with the water quality improvement processes are selected and managed to prevent water quality impacts from these additives.

Any contractors or personnel undertaking works on the premises should be made aware of any risks associated with water quality and implement/maintain effective controls. These controls should be

reviewed for performance throughout the duration of the activity. For example, any excess concrete slurry from any potential concreting works undertaken at the premises should be stored/disposed of adequately as to not impact the receiving environment. Any materials present on the premises should be stored/handled appropriately as to not negatively affect stormwater runoff from the premises.

Noise Impact Management
In undertaking these operations the proponent should identify and manage any noise sources from the construction and operational phase and undertake all practical measures to mitigate the impacts of noise on any potential sensitive receivers.

The EPA recommends that any significantly audible construction activities are undertaken within the following recommended standard hours of operation:

- Monday to Friday 7:00am to 6:00pm
- Saturdays 8:00am to 1:00pm
- No work on Sundays or Public Holidays.

Construction noise associated with the project should be assessed/managed using the Interim Construction Noise Guideline, EPA, 2009. The above guideline can be viewed online at http://www.environment.nsw.gov.au/noise/constructnoise.htm

Operational noise from all activities to be undertaken on the premises should be assessed/managed using the guidelines contained in the NSW Industrial Noise Policy, EPA. The above guideline can be viewed online at http://www.epa.nsw.gov.au/resources/noise/ind_noise.pdf

Dangerous Goods/Chemical/Waste Management
The proponent must ensure that environmental risks associated with the storage, procession and handling of hazardous materials and dangerous goods are reviewed appropriately. Storage and handling of any dangerous goods must be undertaken in accordance with The Storage and Handling of Dangerous Goods Code of Practice, 2005 which can be viewed online at - *http://www.workcover.nsw.gov.au/__data/assets/pdf_file/0019/17074/storage-handling-dangerous-goods-1354.pdf*

The type, quantity and location of all dangerous goods, chemicals and wastes needs to be easily identified by site personnel and included in management plans/documentation for the premises.

Effective controls need to be implemented and maintained in the storage, procession and handling of chemicals at the premises. These controls should also include operating and maintaining bunds or spill containment systems where necessary to minimise the risk of pollution from potential spills and leaks. Information on bunding and spill management can be found online at - http://www.epa.nsw.gov.au/mao/bundingspill.htm

Wastes generated from the proposed works must be classified within the EPA Waste Classification Guidelines; Part 1: Classifying Waste, November 2014 found online at http://www.epa.nsw.gov.au/resources/wasteregulation/140796-classify-waste.pdf

General Advice
The proponent needs to be aware of the strict liability provisions of the POEO Act. All site personnel must be aware of the details of the any works plans, environmental legislation/guidelines and associated pollution controls before any works commence and during the undertaking of relevant activities.

The proponent should note and be aware of its responsibility to notify each relevant authority of any pollution incident, in accordance with Section 148 of the Protection of the Environment Operations Act 1997 (POEO Act). Incident triggers and notification protocols need to be detailed so that compliance with section 148 of the POEO Act is achieved.

Post-construction issues for consideration

1. Odour

There is a history of odour impacts associated with industrial and commercial activities in the vicinity of the Sydney Olympic Park precinct that should be appropriately assessed and managed. For example, odours from operations of the Homebush Liquid Waste Treatment Plant (LWTP) are a key consideration.

The assessment should be informed by previous odour assessments and associated EPA comments in relation to the mixed use development proposed at the site in response to SSD 7033. The assessment should also consider odour assessments and issues raised in the EPA's submissions on the Carter Street Urban Activation Precinct.

2. Noise

The entertainment precinct of Sydney Olympic Park is managed by the Sydney Olympic Park Authority (SOPA). In general, SOPA is the Appropriate Regulatory Authority (ARA) under the Protection of the Environment Operations (General) Regulation 2009 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 *Sydney Olympic Park Authority Act 2001* (the SOPA Act) which is administered by SOPA establishes a maximum permissible noise level of 85dB(A) $_{LA10\ 15mins}$ for events and SOPA's current Noise Management Plan is based 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.

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 assessment should include, 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 can 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 it has received complaints regarding fireworks. Advice should be sought from SOPA to ensure 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 LWTP 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.
- Identify 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.
- Identify approaches to validate noise predictions and adequacy of the recommended noise mitigation measures.

The EPA has previously discussed with SOPA a framework to address noise from current and future land uses (including entertainment events) to consolidate all noise management requirements within the precinct. The framework would also set out procedures to proactively manage noise, including community notification and complaints management. DPE should seek an update from SOPA if the development of this framework has progressed and if so whether it could inform the current proposal.

Development should also 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.

3. Contaminated Land Management

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 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.*

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).

4. Water

In general development should maintain or restore the community's uses and values of waterways (including human and environmental health) through the achievement of relevant NSW Water Quality Objectives (WQO). An important environmental outcome for the proposed development is ensuring that the WQO developed for the Sydney Harbour and Parramatta River catchment are supported. The Environmental Impact Statement (EIS) should:

- 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.
- Detail measures to collect and manage any seepage waters from basement or underground car parking areas is undertaken in a manner that will prevent pollution of waters. Consideration should be given to waterproofing or "Tanking" and basement levels likely to interfere with an aquifer to prevent the need for treatment and discharge of groundwater.

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.

5. Waste Management

The EIS should detail information on waste management. The following guidelines should be consulted when preparing the EIS to improve waste management associated with new residential development.

- 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.* This guideline provides waste and recycling requirements for multi-Unit Residential developments. This guideline can be accessed at: http://www.epa.nsw.gov.au/warrlocal/multi-unit-dwell.htm
- The *Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities* (DEC 2012) for commercial development proposals. This guideline 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. This guideline can be accessed at: http://www.epa.nsw.gov.au/resources/warrlocal/050156-public-place-recycle-guide.pdf