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Contact: Paul Wearne (02) 4224 4100

NSW Department of Planning & Environment
(Attention: Anna Johnston)
GPO Box 39
SYDNEY NSW 2001

Dear Ms Johnston

CARTER STREET LIDCOMBE - URBAN ACTIVATION PRECINCT

I am writing to provide comment on the exhibited report and associated studies in relation to the Carter Street Lidcombe Urban Activation Precinct received by the Environment Protection Authority (EPA) on 14 March 2014.

The planning report states that the renewal of the Carter Street precinct will support Sydney Olympic Park in its role as a Specialised Centre/Town Centre and provide a mix of housing, employment and retail services. It is also supported by the *Draft Metropolitan Strategy for Sydney 2031* and consistent with the *NSW Urban Activation Precinct Guidelines*. The precinct borders Sydney Olympic Park and the Homebush Bay Liquid Waste Treatment Plant (LWTP)

Currently, a range of commercial and industrial land uses occupy this land and provide a buffer to existing residential housing to the south of the precinct at Lidcombe in relation to the operation of Sydney Olympic Park and the Homebush Bay Liquid Waste Treatment Plant (LWTP). These facilities have had a past history of community complaint to the EPA regarding odour associated with the operation of the LWTP and noise complaints associated with the operation of Sydney Olympic Park.

The EPA advises that it is not in a position at the present time to support the rezoning proposal. On the basis of review of submitted information the EPA has identified several key issues that require further clarification and resolution as part the assessment and determination of this rezoning proposal. They relate to the adequacy of the information submitted to assess impacts and mitigate the effects of these impacts. These key issues are detailed in **Attachment A** and include the following:

1. The operation of the LWTP, its importance for NSW as critical infrastructure and the risk of land use conflict due to potential odour impacts if residential rezoning proceeds;
2. The operation of Sydney Olympic Park, its regulation and the adequacy of proposed measures to mitigate and manage any potential noise impacts.
3. Contaminated Land Management; and
4. General Matters.

I do encourage a meeting to be set up between Department of Planning and Environment (DPE) and EPA at a mutually convenient time to further discuss the above issues, Please contact me on 9995 6800 to action this. If

you have any questions on the detail of this submission in the regarding this matter, please contact Mr Paul Wearne on (02) 4224 4100.

Yours sincerely

J Howard 6/5/2014

**Director Metropolitan
Environment Protection Authority**

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ATTACHMENT A

1. Homebush Bay Liquid Waste Treatment Plant (LWTP)

Overview

The Homebush Bay Liquid Waste Treatment Plant (LWTP) is critical infrastructure for NSW that treats approximately two thirds of liquid hazardous waste generated in the Sydney Greater Metropolitan Region. The LWTP treats a wide range of liquid wastes including difficult to treat wastes for which there are no alternative treatment options in NSW. The plant also treats leachate from former landfills managed by the Sydney Olympic Park Authority (SOPA).

The submitted odour assessment states that approximately 25 per cent of the precinct may be adversely affected by odour from operations associated with the LWTP. To mitigate this impact, the proposal does recommend that residential development could be progressively staged furthest from the LWTP (southern area of precinct) to the closest areas (to the west of the precinct) until the end of the life of the LWTP. The proposal does acknowledge the importance of the LWTP and that a solution will require a whole of Government approach but does not indicate a process for this to be achieved.

The EPA currently regulates the LWTP under an Environment Protection Licence (EPL 4560) and has been working with the Company to deliver substantial improvements in relation to odour control at the plant in the last ten years. These agreed Pollution Reduction Programs are still continuing. However, the design of the plant, including many potential sources of fugitive emissions, its age, the types of waste it treats and the potential for offsite odour emissions through the sewerage system, mean that adverse odour impacts on any nearby residents are unlikely to be completely avoided. In addition, even with the best pollution controls unforeseen events can also happen which can result in odour emissions.

These matters have been previously raised by EPA to DPE during consultation on this proposal and past land rezoning proposals in relation to the development of Sydney Olympic Park. In this regard, the EPA is unable to support the rezoning proposal at this time until a process is agreed by Government to address incompatibility between the LWTP and the proposed residential precinct.

The EPA understands that the land occupied by the LWTP is currently rezoned for residential and commercial use under the Sydney Olympic Park Master Plan 2030. While previous consideration was given to relocation of the LWTP prior to the Sydney Olympics and again in 2010, no alternative was identified. Irrespective, the EPA supports and would participate in a whole of Government approach in guiding and developing solutions to inform the future of the LWTP. The EPA considers that this process should not be left to a post-approval phase but rather undertaken as part or in parallel with the current proposal to inform the assessment and ultimately the determination of the proposal.

Odour

The EPA has undertaken a review of the Odour Assessment and provides the following comments for DPE's consideration. In general the EPA considers that the impacts associated from the operation of the LWTP may have been underestimated resulting in a larger proportion of the proposed precinct to be impacted by odour. If the rezoning proceeds, the EPA considers there is a high potential for future land use conflict. The EPA provides the following comments for DPE's consideration in relation to these concerns:

- a) The odour assessment concludes that there is potential for odour impacts within the proposed precinct due to the operations of the LWTP;
- b) The assessment conclusion, that the LWTP has potential to cause off-site odour impacts, is consistent with the EPA's operational experience in the area;
- c) It is likely that worst case impacts occur during process upsets or non-routine operations at the site. These conditions are very difficult to quantify and assess with certainty;
- d) There is considerable uncertainty associated with constructing a modelling scenario of odour impacts where process variability is expected. For example, quantifying the effect of (list not exhaustive):
 - emission control performance and/or bypass

- frequency and duration of process upsets
 - variability of process/feed material
 - emission sampling data variability;
- e) It is not clear that all potential odour sources in the region were included in the assessment. EPA notes that there are other existing odour sources that, if included in the model, could impact on the frequency, duration and geographical extent of odours predicted in the Urban Activation Precinct. These sources may include (list not exhaustive):
- Auburn Resource and Recovery Centre
 - Sydney Water sewer pumping stations
 - Other nearby existing industrial premises;
- f) Based on the above factors, it is not possible to confirm with certainty that worst case scenarios and odour impacts for the precinct have been assessed. However, the main conclusion of the odour assessment, highlighting the potential for odour impacts and land-use conflict in the precinct, remains valid;
- g) It is unlikely that revising the odour modelling assessment will provide certainty of the frequency, duration or geographical extent of potential odour impacts in the precinct;
- h) A land-use planning conflict potentially exists between existing industry, including state significant infrastructure, and proposed residential development in the area.

These matters require further clarification and resolution as part the assessment and determination of this rezoning proposal.

2. Sydney Olympic Park

Overview

The entertainment precinct of Sydney Olympic Park is managed by SOPA. In general, this Authority is the Appropriate Regulatory Authority (ARA) under the 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.

Noise

The proposal relies on final building design layout and architectural acoustical treatments of buildings to mitigate impacts associated with the operation of Sydney Olympic Park. To ensure this is achieved, the Draft Development Control Plan (DCP) for the precinct contains proposed noise criteria for future dwellings on the site. In addition, it also proposes a covenant advising property owners that *'residents will not complain in any forum or seek to make any claim or institute action against SOPA in relation to specified impacts of noise associated with events within Sydney Olympic Park.'* The EPA provides the following comments for Department of Planning and Environments (DPE) consideration in relation to these approaches and associated noise assessment.

- a) The EPA generally supports the use of a positive covenant so that future property owners are aware of restrictions on potential recourse for impacts associated with events at Sydney Olympic Park. However, the EPA recommends that this covenant apply to only those aspects that are provided for in existing legislation and that these links are made clear. For example, section 48A of the SOPA Act provides that where noise exceeds 85 dB(A) at the nearest residential façade, then this may constitute a nuisance. The covenant should therefore not impede the ability of future property

owners to address noise exceeding this limit, or any other impact not expressly excluded by legislation.

- b) The draft DCP proposes recommended and maximum noise criteria for internal spaces for building. While the EPA supports the use of specific noise criteria in the draft DCP, the EPA considers that both set of criteria is not warranted and may cause confusion. In this regard, the criteria should be consistent with the *NSW State Infrastructure SEPP and Development Near Rail Corridors and Busy Roads – Interim Guideline*. In addition, the EPA also considers that limits addressing low frequency noise should also be specified to capture low frequency impacts associated with entertainment events. Noise design criteria should also be adopted for all sensitive land uses including the proposed primary school. DPE may also wish to consider as a design process outcome for the proposed precinct the delivery of a reasonable acoustic amenity for any outdoor spaces. For example balconies, open spaces and parks etc are important features and provide relief for residents. In this regard information should be documented on the adequacy of the proposed noise criteria and how the above issues can be addressed.
- c) The EPA recommends that the wording the draft DCP Section 4.6 Acoustic Assessment subsection 2 be amended as follows to provide certainty that the noise criteria will be met.
"Development applications are to demonstrate how buildings will comply with the noise criteria specified in Table 4.

In addition, the EPA also recommends a condition should also be included that provides a process that validates achievement of the criteria post construction. This process could include detailed acoustic design input into the construction certificate plans and specification. Validation could also be undertaken prior to the issue of an occupation certificate to ensure any acoustic design measures have been satisfactorily incorporated into the development as a further check and balance.

- d) Page 25 of the Noise Assessment states '*Given the location of Project site immediately adjacent to the SOP entertainment precinct, there exist grounds for requesting Council a relaxation of 35 dB(A) internal noise criterion adopted above for residential apartments.*' Clarification is required on whether the draft DCP provides such a process for relaxation of conditions as it would not be supported by the EPA.
- e) The Noise Assessment proposes glazing as an acoustical architectural treatment. Clarification should be sought on whether such acoustical treatments are suitable for mitigating low frequency noise from entertainment activities. In addition, these features are only feasible when they are closed requiring the need for mechanical ventilation. In this regard, clarification is also required on whether the impacts of any proposed mechanical ventilation systems have been considered in the assessment.
- f) The submitted Noise Assessment has assumed that high noise-level events will only occur twice per year. The EPA considers historical information on event numbers per year should guide the assumption used in the assessment. In this regard justification should be sought on the adequacy of the number used in the assessment.
- g) The EPA notes that the Noise Assessment did not assess noise from all night dance parties held at Acer Arena as these were considered to be infrequent. 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 dance music. The EPA recommends that the impacts from such events be assessed and appropriate mitigation measures identified.
- h) The Noise Assessment has not assessed impacts associated with fireworks which are often part of concerts and other events including the Royal Easter Show. SOPA has previously informed the EPA that they have received complaints regarding fireworks in the past. In this regard, clarification

is required that all potential noise sources from SOPA activities have been assessed and appropriate mitigation identified.

- i) The Noise Assessment appears to be limited to noise impacts associated with the operation of Sydney Olympic Park, however there are other potential noise sources surrounding the precinct including the operations at the Lidcombe Liquid Waste Disposal Facility and other surrounding commercial and industrial activities. In this regard, information is required that ensures all potentially noisy activities have been identified and appropriately assessed and mitigation identified if required to ensure land use conflict is prevented.

These matters require further clarification and resolution as part the assessment and determination of this rezoning proposal.

3. Contaminated Land

The EPA has undertaken a review of the submitted WSP's Preliminary Site Investigation report. The report appears to be limited to only the southern section of the Carter Street Urban Activation Precinct, being the area to the south of Carter Street, west of Hill Road and east of Birnie Avenue. In this regard, justification should be provided on the reasons for limiting the site investigations to only this area. As SEPP 55 requires a similar level of assessment to be undertaken over the entire area of the precinct to inform decisions regarding rezoning of these lands.

The report also did not include appendices B to G which included Council Documents, aerial photographs and Geotechnical Reports etc. In this regard, these Appendices should be sought and included with the report to inform the assessment of the proposal.

The report states that the area covered by the site investigation was vacant open grassland up to the 1970s. A rail line ran through the area from the 1930s to the 1960s which was associated with a nearby abattoir. The site was developed into its current mixed industrial/commercial (mostly warehousing) configuration in the 1970s and 1980s. For the purpose of the investigation, the site was divided into 13 properties based on current ownership. Three of these properties couldn't be accessed for inspection (these include a sewer pumping station and an Ausgrid substation). The main issues identified by the investigations include historical filling and underground fuel storage at three of the 13 properties.

The EPA concurs with the recommendations detailed in the report for additional investigation to be undertaken to inform the rezoning of the lands. However the EPA recommends that these additional investigations should also include clarification and/or additional information on the following matters:

- a) The report states that *"high pressure oil lines were noted to run adjacent to Carter Street and through every property within the site along the northern boundaries"*. Further information should be sought on the history of the pipelines, including any history of leakages, and the need for soil and/or groundwater investigations in relation to the pipeline;
- b) Further information should be sought from Ausgrid on the history of the substation, including whether there are any investigation reports for that site. This should also include any information on any other properties that could not be accessed during the investigations;
- c) Clarification is required on whether there are any potential groundwater impacts and potential for offsite impacts especially with an area of environmental concern being adjacent to Haslems Creek;
- d) While the report includes some discussion on underground service storage tanks (former and existing), there is no reference to WorkCover Dangerous Goods information. Clarification should be sought on whether WorkCover was consulted during the investigations and document the outcomes of this discussion.

4. General Matters

- a) Page 24 of the 'Carter Street Lidcombe Urban Activation Precinct Proposal' states the '*M4 Motorway creates acoustic and air quality issues*' that will be a key constraint for the proposed precinct. However, the accompanying studies don't include any information or assessment on these key issues. Clarification or additional information should be sought on how these constraints have been addressed.
- b) There will be a time of transition where some existing industrial landuses remain as part of the proposed staging process for residential growth in the precinct. However, until completion of the precinct, there is a potential for land use conflict arising regarding noise and air quality issues as new residential development encroach upon these existing industrial activities. The EPA recommends that these issues should be addressed through the draft DCP.
- c) Section 3.8 of the 'Carter Street Lidcombe Urban Activation Precinct Proposal' states that '*The extension of Sydney Olympic Park's recycled water system (Water Reclamations and Management Scheme), which currently serves Sydney Olympic Park and Newington, will be examined as a major ecologically sustainable development initiative for the Carter Street precinct.*' The EPA advises that SOPA currently holds Environment Protection Licence 10020, which relates to the operation of this scheme. Any operational changes proposed that will impact on the licensed activities must be made in consultation with, and approved by, the EPA.
- d) Information should be provided 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.

