



DOC19/1038631

28 November 2019

Ms Megan Fu  
Senior Planning Officer  
Department of Planning, Industry and Environment  
GPO Box 39,  
Sydney NSW 2001

Dear Ms Fu

**Western Sydney University Bankstown City Campus (SSD 9831)  
Advice on the Environmental Impact Statement (EIS)**

I am writing to you in reply to the 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 understands that the project involves construction of a 19-storey building of 29,270 sqm gross floor area including two basement levels of car and bicycle parking and loading dock; ground floor retail; above-ground levels comprising tertiary education and conference facilities; landscaped podiums, terraces and balconies and ground level landscaping and public domain works including a pedestrian plaza along The Appian Way. The campus would be located on a 3,378 sqm site fronting Rickard Road within the 'Civic Precinct' of the Bankstown Central Business District.

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

**1. Noise and vibration**

The EPA reviewed the *Acoustic Services Report (ASR)* prepared by Norman Disney and Young in Appendix V (28.08.19) and the *Environmental Impact Statement* prepared by Urbis (dated 24.10.19) (EIS) – Section 8.20 Acoustic Amenity for Western Sydney University Bankstown City Campus.

The EPA considers that the assessment has not adequately quantified the main noise and vibration generating sources during construction and operation; and has not provided adequate information on the measures to minimise and mitigate potential noise and vibration impacts. Following are the EPA's comments on the noise assessment:

- The ASR and EIS have not appropriately applied EPA noise and vibration policy to assess noise and vibration impacts associated with the construction and operation of the Campus. Although the ASR and EIS has identified the *Noise Policy for Industry* (EPA, 2017) (NPfI) and the *Interim Construction Noise Guideline* (DECC, 2009) (ICNG), it has not considered potential impacts from road traffic noise in accordance with the *NSW Road Noise Policy* (DECCW, 2011).

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- The background noise monitoring has not been undertaken in accordance with the NPfl and cannot be relied upon to derive project noise trigger levels for operational noise. Seven days of valid noise monitoring has not been provided when wind affected data is considered in the noise monitoring. Further, the receivers on Chapel Road do not appear to be residential and therefore not considered representative of noise-sensitive receivers.
- No quantitative operational noise assessment has been provided as required by the Secretary's environmental assessment requirements (SEARs). The proposed measures to minimise and mitigate noise are not supported by quantitative noise prediction modelling and are considered inadequate.
- Plant on northern side of level 18 are close to the residential receivers at 61-63 Rickard Road. No feasible and reasonable alternative consideration is provided regarding layout and options to protect these receivers by orientating the plant to the southern facing side of the building.
- The EIS concludes that construction work will result in significant exceedances of the Highly Noise Affected management level of 75 dB(A) for some construction work taking place during the recommended standard hours of work described in the ICNG. However, the ASR does not provide predicted construction noise levels and offers only generic noise management options. This approach is inadequate and inconsistent with the SEARs requirement to prepare a quantitative assessment of construction noise impacts and identify measures to minimise and mitigate noise impacts.
- No quantitative assessment has been provided for vibration impacts from construction activities at the closest sensitive receivers, including the adjacent Bankstown Library and Knowledge Centre and residential dwellings, as required by the SEARs.
- Furthermore, the assessment has not considered how construction noise and vibration will impact on the Hoyts Cinema and Council buildings located at the south western corner of Rickard Road and Jacobs Street, Bankstown.
- No consideration has been given to potential construction and operational traffic noise impacts at the closest sensitive receivers.

## **2. Contaminated lands**

The EPA reviewed the *Report on Detailed Site Investigation – Bankstown City Campus*, prepared by Douglas Partners Pty Ltd (contamination report), and the EIS Section 8.11 – Acoustic Amenity.

Soil and groundwater sampling and analysis was undertaken to determine the level of potential for contamination on the site. The soil sample contaminants were below the Limit of Reporting (LOR) or the Site Assessment Criteria (SAC) and there was no asbestos detected at the reporting limit of 0.1g/kg. It was found that the concentration of contaminants in the groundwater were either below detection or the adopted site acceptance criteria except for some concentrations of zinc and copper which were considered typical of groundwater conditions within an urban setting.

The contamination report stated that due to the age of the former structures at this site, it is likely that hazardous building materials, including asbestos containing material (ACM) were used in the construction materials. A hazardous material survey report was prepared as part of the EIS which contained generic mitigation measures to address this risk.

The potential remains for isolated pockets of contamination to be present in untested areas of the site. To appropriately manage unexpected potential contamination issues encountered during development works, the EPA recommends the preparation and implementation of an unexpected finds protocol during the development at this site.

The EPA recommends the following conditions be included in a Development Consent:

1. The proponent is required to prepare an unexpected finds protocol that includes detailed procedures for identifying and dealing with unexpected contamination, asbestos and other unexpected finds. The proponent should 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 proponent must prepare a remediation action plan. If remediation is required, the proponent should 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 proponent must adhere to the management measures accepted by the auditor.
3. The proponent must update the site's hazardous building materials on a regular basis.
4. 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.
5. The proponent 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 the *Contaminated Land Management Act 1997*].
6. The EPA is to be notified under section 60 of the *Contaminated Land Management Act 1997* 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](http://www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf))
7. The EPA recommends the use of "certified consultants". Please note that the EPA's *Contaminated Land Consultant Certification Policy*, Version 2, November 2017, (<http://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminatedland-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 Contaminated Land Management Act 1997 to be prepared, or reviewed and approved, by a certified consultant.

### **3. Waste, air quality, soil and water management**

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](mailto:anna.timbrell@epa.nsw.gov.au)

Yours sincerely



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