

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*
 Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

Application Number	SSD-10464
Project Name	50-52 Phillip Street New Hotel and Residential Building Stage 1 Concept DA
Location	50-52 Phillip Street, Sydney within Sydney LGA
Applicant	Built Development Group Pty Ltd
Date of Issue	09/06/2020
Date of Modification	29/07/2020
Date of Further Modification	23/03/2021
General Requirements	<p>The Environmental Impact Statement (EIS) must be prepared in accordance with, and meet the minimum requirements of clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> (the Regulation).</p> <p>Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development.</p> <p>Where relevant, the assessment of key issues below, and any other significant issues identified in the risk assessment, must include:</p> <ul style="list-style-type: none"> - adequate baseline data - consideration of the potential cumulative impacts due to other developments in the vicinity (completed, underway or proposed) - measures to avoid, minimise and if necessary, offset predicted impacts, including detailed contingency plans for managing any significant risks to the environment. <p>The EIS must also be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> - a detailed calculation of the Capital Investment Value (CIV) (as defined in clause 3 of the Regulation) of the proposal, including details of all assumptions and components from which the CIV calculation is derived. The report shall be prepared on company letterhead and indicate applicable GST component of the CIV - an estimate of jobs that will be created during the construction and operational phases of the proposed development - certification that the information provided is accurate at the date of preparation.
Key issues	The EIS must address the following specific matters:

1. Statutory and Strategic Context

- o Address all relevant Environmental Planning Instruments, plans, policies and guidelines, including (but not limited to those) outlined at **Appendix A**.
- o The permissibility of the proposal, detailing the nature and extent of any prohibitions that apply to the development.
- o Identify compliance with the development standards applying to the site and provide a detailed justification for any non-compliances.

2. Use

- o Provide a table identifying the proposed land uses including a floor-by-floor breakdown of gross floor area (GFA) and floor space ratio (FSR).
- o Provide details of the proposed use for each component of the development, the relationship between the different uses within the building and how this would be managed.

3. Design Excellence

- o Prepare a Design Excellence Strategy to demonstrate how the proposal exhibits design excellence.
- o Provide a Design Excellence Strategy for the future stages of the development to demonstrate how the proposal exhibits design excellence. The Strategy should set out:
 - o The process of achieving design excellence at each stage of the planning and construction stage
 - o The type of competitive design process
 - o The scope of the competitive design process
 - o The number of competitors
 - o The composition of the jury
 - o Design principles to guide the competitive design process
 - o If a height or floor space bonus is sought as a result of the competitive design process
 - o ESD benchmark targets.

4. Built Form and Urban Design

- o Address the height, setbacks, bulk and scale of the proposal, massing, building articulation and scale, including compliance with height and floor space ratio controls, consideration of the building layout, impacts on the existing heritage building and surrounding context.
- o Provide a massing study that explores the various massing options that demonstrate that the preferred option is the best possible solution for the site. The study must also illustrate consideration of the relevant sun access planes.
- o Prepare studies of setbacks to all street frontages, neighbouring buildings as well as to the height and extent of the cantilever over the heritage building.

- o Address the design quality of the proposal including consideration of building articulation, street activation and interface with the public domain, including both Phillip Street and Phillip Lane.
- o Assess environmental amenity including access to natural daylight and ventilation, acoustic separation, access to landscape and outdoor spaces and future flexibility, for both occupants of the building and occupants of neighbouring developments
- o Demonstrate how the future development potential of adjoining properties would not be compromised by the proposal.
- o Identify any change to the use and or layout of the existing building(s) and associated impacts on circulation movements, access and linkages.
- o Address integration of any signage.
- o Address integration of services including waste management, loading zones, and mechanical plant.
- o Identify impacts on the relevant special character areas.
- o Outline potential design considerations aimed at mitigating any impacts identified.
- o Address Crime Prevention Through Environmental Design Principles (CPTED).
- o Consider opportunities for public art in areas visible from the streets and lanes or accessible to the public.

5. Visual Impacts

Prepare a Visual Impact Assessment and view analysis of the proposal to/from key vantage points including existing photographs, photomontages and perspectives of each elevation and 3 dimensional images of the proposal, addressing:

- o Key elements and views of the development from key locations, including close views showing the relationship of the heritage buildings with the proposed tower as well as Phillip Lane.
- o Key views, vistas and view corridors from the public domain and residential buildings that may be impacted as determined by the view analysis.
- o Planning principles for impacts on private and public domain views.

6. Public domain and public access

- o Include the scope of public domain improvements, street activation, key pedestrian linkages with and between other public domain spaces, existing and proposed buildings and surrounding areas.
- o Identify works within the public domain that will be intended to be dedicated to Council.

7. Environmental amenity

The EIS must demonstrate how a high level of environmental amenity would be

achieved by:

- o assessing impacts associated with view loss, lighting, reflectivity and wind
- o assessing overshadowing impacts of the proposed development within the site, on surrounding buildings and public spaces (during winter and summer solstice and spring and autumn equinox) at hourly intervals between 9am and 3pm, when compared to the existing situation and a compliant development
- o where applicable, providing an assessment of the proposed development against State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development and the associated guidelines.

8. Heritage

Provide a Statement of Heritage Impact (SOHI) prepared by a suitably qualified heritage consultant in accordance with the guidelines in the NSW Heritage Manual. The SOHI is to address the impacts of the proposal on the heritage significance of the site and adjacent areas and is to identify the following:

- o All heritage items (state and local) within the vicinity of the site including built heritage, landscapes and archaeology, detailed mapping of these items, and assessment of why the items and site(s) are of heritage significance, including the National Listing of the Governors Domain and Civic Precinct
- o Provide justification for any non-compliances with any setback controls for heritage buildings as prescribed under Sydney DCP 2012.
- o Compliance with the policies and management guidelines contained in the current endorsed Conservation Management Plan (CMP). If an updated CMP is proposed to be submitted with the application, it must be endorsed by the Heritage Council prior to the finalisation of the proposal and submission of the EIS.
- o The impacts of the proposal on heritage item(s) including a visual impact assessment and photomontages.
- o Demonstrate attempts to avoid and/or mitigate the impact on the heritage significance or cultural heritage values of the site and the surrounding heritage items and heritage conservation areas, and provide an evaluation of the effectiveness of the proposed mitigation measures.
- o Provide justification for any changes that may have a major impact of the heritage significance of the heritage items including any options analysis.
- o Demonstrate the integration of the interpretation of the site's heritage significance, archaeology and historical association within the development proposal.
- o Outline pedestrian and circulation impacts on the heritage building and how the design addresses and mitigates any adverse impacts.
- o If the SOHI identifies impact on potential historical archaeology, an historical archaeological assessment should be prepared by a suitably qualified archaeologist in accordance with the guidelines, Archaeological Assessment (1996) and Assessing Significance for Historical Archaeological Sites and

Relics (2009). This assessment should identify what relics, if any, are likely to be present, assess their significance and consider the impacts from the proposal on this potential archaeological resource. Where harm is likely to occur, it is recommended that the significance of the relics be considered in determining an appropriate mitigation strategy. If harm cannot be avoided in whole or part, an appropriate Research Design and Excavation Methodology should also be prepared to guide any proposed excavations or salvage program.

- o Provide documentary evidence from a Structural Engineer, with experience in heritage buildings, confirming that the proposal would not have any adverse impacts on the structural integrity of the Chief Secretary's building and its extension. This must include an investigation of the structure and footing conditions of the existing heritage building.

9. Aboriginal Cultural Heritage

- o Identify and describe the Aboriginal cultural heritage values that exist across the whole area that would be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). The identification of cultural heritage values must be conducted in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH 2010), and guided by Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011).
- o Consultation with Aboriginal people must be undertaken and documented in accordance with the Aboriginal Cultural heritage Consultation Requirements for Proponents 2010 (DECCW). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.
- o Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.

10. Transport, Traffic, Access and Parking

The EIS must include a Traffic and Transport Impact Assessment (TTIA) prepared in accordance with relevant guidelines. The TTIA must, include but not limited to, the following:

- o Details of the current and likely daily and peak hour vehicle, public transport, point to point transport, coaches, pedestrian and bicycle movements from the site, together with cumulative impacts of existing, proposed and approved developments in the area and any transport/ traffic upgrades.
- o Daily and peak traffic movements generated by the project for all modes (driving, walking, cycling, public transport, bus/coach, taxi/point to point transport, other as appropriate for the site).
- o The safety and performance of the surrounding road network, including a

detailed assessment of the existing and future performance of key intersections providing access to the site, supported by appropriate modelling and analysis to the satisfaction of TfNSW.

- o Proposed car parking provision for residents, staff and visitors, including consideration of the availability of public transport and the requirements of the relevant parking codes.
- o Proposed locations for hotel pick-ups and drop-offs via 'kiss and drop', point-to-point services, bus and coach without adverse traffic impacts on general traffic and public transport operation within the CBD.
- o Detailed pedestrian route assessment of key routes between public transport nodes (existing and future) and the proposed development site.
- o Measures to be implemented to encourage users of the development to make sustainable travel choices, including walking, cycling, public transport and car sharing, such as provision of adequate bicycle parking and end-of-trip facilities in accordance with the City of Sydney DCP 2012.
- o Any proposed temporary or permanent changes to transport and access on surrounding streets.
- o An assessment and details of proposed vehicle access arrangements, including loading dock and servicing provision, adequacy and management ensuring all servicing and loading occurs on-site and does not rely on kerbside controls.
- o Mitigation measures for the impacts identified in the TTIA, including management practices proposed for loading, drop-off and pick-up, walking access, cycling access, vehicle access and parking, bus/coach parking, and any other transport management and access issues as appropriate to the site.

11. Noise and Vibration

- o Prepare a noise and vibration assessment in accordance with the relevant EPA guidelines. This assessment must detail noise impacts on nearby sensitive receivers and outline the proposed management and mitigation measures that would be implemented.

12. Contamination

- o Prepare a contamination assessment for the site, by a qualified environmental consultant and demonstrate that the site is suitable for the proposed development, in accordance with the requirements of SEPP 55.

13. Flooding and stormwater

- o Assess flooding impacts in accordance with the Floodplain Development Manual (2005), identify minimum floor levels for the building and recommend flood management and/or an evacuation plan.
- o Include a stormwater management strategy which considers the relevant Council stormwater management policy and Water Sensitive Urban Design Principles.

14. Water and soils

The EIS shall map the following features relevant to water and soils including:

- o Acid sulphate soils, and if present, consider whether an Acid Sulphate Soils Management Plan is required under Clause 7.14 of Sydney LEP 2012.
- o Rivers, streams, wetlands, estuaries.
- o Groundwater.
- o Groundwater dependent ecosystems.
- o Proposed intake and discharge locations.
- o Describe the background conditions for any water resource likely to be affected by the development and assess the impacts of the development on water quality and hydrology.
- o Outline any sustainability initiatives that will minimise the demand for drinking water, including any alternative water supply and end uses of drinking and non-drinking water that may be proposed, and demonstrate water sensitive urban design principles.
- o Identify any potential impact of the development on groundwater levels, flow paths and quality.
- o Identify any water licensing requirements or other approvals required under the *Water Act 1912* or *Water Management Act 2000*.
- o Assess any geotechnical impacts.

15. Servicing and Waste

- o Identify appropriate servicing arrangements (including but not limited to, waste management, loading zones and mechanical plant) for the site.
- o Identify the path of access for users and collection vehicles.
- o Identify indicative waste generation rates and demonstrate how the principles of Circular Economy will be incorporated in the design, construction and operation of the development.

16. Utilities

Assess the following, in consultation with relevant agencies:

- o The capacity of existing services and utilities and identify any upgrades required to facilitate the development, including arrangements for drinking water, wastewater and recycled water
- o The impacts of the proposal on existing utility infrastructure and service provider assets and describe how any potential impacts would be managed.

17. Social & Economic Impacts

- o The EIS must include an assessment of the social and economic impacts of the development, including consideration of any increase in demand for community infrastructure and services.

18. Ecologically Sustainable Development

- o Detail how ESD principles (as defined in clause 7(4) of Schedule 2 of the

	<p><i>Environmental Planning and Assessment Regulation 2000</i>) will be incorporated in the design, construction and ongoing operation phases of the development.</p> <ul style="list-style-type: none"> o Include a framework for how the proposed development will reflect leading national and international best practice sustainable building principles to improve environmental performance include energy and water efficient design and technology and use of renewable energy. o Demonstrate a NABERS performance target and energy efficiency commitment for the development. <p>19. Biodiversity</p> <ul style="list-style-type: none"> o Assess any biodiversity impacts associated with the proposal in accordance with the requirements of the <i>Biodiversity Conservation Act 2016</i>, including the preparation of a Biodiversity Development Assessment Report where required. o Consider use of more appropriate local data when considering the biodiversity impacts, particularly flight movements of avian species. o Consider impacts to priority species listed in the City of Sydney Urban Ecology Strategic Action Plan, particularly avian species. o Consider the impacts of the development on threatened or vulnerable species, such as the Powerful Owl, including abundance and occurrence, movement including consideration of any non-natural features, non-native vegetation and human built structures and building materials as well as flight movements. <p>20. Staging</p> <ul style="list-style-type: none"> o Provide details regarding the staging of the proposed development. <p>21. Developer contributions</p> <ul style="list-style-type: none"> o Outline the scope of developer contributions required. <p>22. Land ownership and Tenure</p> <ul style="list-style-type: none"> o Detail the current land ownership and proposed management of future ownership. o Detail any proposed modifications to the existing Rights of Way, including the written agreement of all affected property/s owners that benefit from these rights.
<p>Plans and Documents</p>	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Regulation. Provide these as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include the following:</p> <ul style="list-style-type: none"> - High quality files of maps and figures of the subject site and proposal - Survey plan extending to the middle of each surrounding road (A3)

	<ul style="list-style-type: none"> - Site context plan (A3) - Overall site plan (A3) - Architectural drawings, including floor plans, elevations and sections (A3) - Detailed architectural drawings of the existing heritage building (A3) - Materials schedule and photomontages - 3D building height plane diagram (A3) - Detailed overshadowing diagrams (A3) - Public domain plans (A3) - A table identifying the proposed land uses including a breakdown of GFA, total GFA and site coverage - Physical and 3D digital model (in accordance with City of Council requirements) - Quantity surveyor report.
Consultation	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>In particular you must consult with:</p> <ul style="list-style-type: none"> - Commonwealth Department of Water, Agriculture and the Environment - City of Sydney Council - NSW Government Architect's Office - Heritage NSW - Heritage Council of NSW - Australian Heritage Council - Royal Botanical Gardens & Domain Trust - Sydney Coordination Office within Transport for NSW - Environment Protection Authority - Environment, Energy and Science Group of the Department of Planning, Industry and Environment - Ausgrid - Sydney Living Museums - Sydney Water

	<ul style="list-style-type: none"> - Sydney Trains - Fire & Rescue NSW - NSW Police - Liquor and Gaming NSW - Surrounding residents, businesses and local community groups. <p>The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>
Further consultation after 2 years	If you do not lodge a Development Application and EIS for the development within 2 years of the issue date of these SEARs, you must consult further with the Planning Secretary in relation to the preparation of the EIS.
References	The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this proposal.

ATTACHMENT A
Policies, Plans and Guidelines

The following guidelines may assist in the preparation of the Environmental Impact Statement. This list is not exhaustive and not all of these guidelines may be relevant to your proposal.

Many of these documents can be found on the following websites:

<http://www.planning.nsw.gov.au>

<http://www.legislation.nsw.gov.au>

<http://www.shop.nsw.gov.au/index.jsp>

<http://www.australia.gov.au/publications>

Policies, Plans and Guidelines	
Statutory policies and plans	<ul style="list-style-type: none"> · <i>Environmental Planning & Assessment Act 1979</i> · <i>Heritage Act 1977</i> · <i>Gaming and Liquor Administration Act 2007</i> · <i>Liquor Act 2007</i> · <i>Roads Act 1993</i> · <i>Water Management Act 2000</i> · <i>Work Health and Safety Act 2011</i> · State Environmental Planning Policy (State & Regional Development) 2011 · State Environmental Planning Policy (Infrastructure) 2007 · State Environmental Planning Policy No.64 – Advertising and Signage · State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development · State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 · State Environmental Planning Policy No.55 – Remediation of Land · Draft State Environmental Planning Policy (Remediation) · State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 · State Environmental Planning Policy (Coastal Management) 2018 · Draft State Environmental Planning Policy (Environment) · Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 · Sydney Local Environmental Plan 2012 · Any exhibited Planning Proposal · Sydney Development Control Plan 2012 · Draft City of Sydney Local Strategic Planning Statement · Central Sydney Planning Strategy · National Heritage Listing – Governors’ Domain and Civic Precinct · Any relevant Conservation Management Plan
Strategic plans	<ul style="list-style-type: none"> · Future Transport 2056 · NSW State Infrastructure Strategy 2018-2038 · Greater Sydney Region Plan · Eastern City District Plan · Sustainable Sydney 2030 · Sydney Green Grid · Sydney City Centre Access Strategy · Visitor Economy Industry Action Plan
Guidelines	<ul style="list-style-type: none"> · Apartment Design Guide (DPE, 2015) · Draft Environmental Impact Assessment Guidance Series (DPE, 2017) · Guide to Traffic Generating Developments (RMS, 2002)

- Planning guidelines for walking and cycling (DIPNR & RTA, 2004)
- Managing Land Contamination: Planning Guidelines - SEPP 55 Remediation of Land (DUAP)
- Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development (Austroads, 2016)
- City of Sydney Public Art Policy and Guidelines for Public Art in Private Development
- Healthy Urban Development Checklist 2009
- The City of Sydney Competitive Design Policy
- Better Placed – an integrated design policy for the built environment of NSW
- Better Placed – Design Guide for Heritage
- Development near rail corridors and busy roads (Roads and Maritime Services)
- All relevant City of Sydney Council guidelines, manuals, strategies and action plans, including but not limited to:
 - o Guidelines for waste management in new developments
 - o Leave Nothing to Waste – City of Sydney Waste Strategy and Action Plan
 - o City of Sydney Environmental Action 2016-2021 (Strategy and Action Plan)
 - o Making Sydney a Sustainable Destination
 - o Public Domain Manual
 - o Sydney Streets Design Code
 - o Interim Floodplain Management Policy
 - o Stormwater and Drainage Manual
 - o Inclusion and Accessible Public Domain Policy and Guidelines
 - o Inclusions (Disability) Action Plan 2017-2021
 - o Visitor Accommodation Action Plan (Hotels and Serviced Apartments)
 - o Tourism Action Plan
 - o Urban Ecology Strategic Action Plan
- Statement of Heritage Impact Guide (OEH)
- Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (phase 1) 2006
- Crime Prevention Through Environmental Design Principles
- NSW and ACT Government Regional Climate Modelling (NARClIM)
- Design in context: Guidelines for infill development in the Historic Environment (NSW Heritage Office, 2005)
- Managing Urban Stormwater – Soils & Construction Volume 1 (Landcom, 2004)
- Interim Construction Noise Guideline (DECC, 2009)
- Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA, 2005)
- Floodplain Development Manual (2005)
- Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW 2010
- Heritage Division, Office of Environment and Heritage Guidelines Archaeological Assessment (1996)
- Assessing Significance for Historical Archaeological Sites and Relics (2009)
- Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011)
- Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010
- Aboriginal Heritage Management Strategy 2018-2021.

ATTACHMENT B
Government Authority Responses to Request for Key Issues
For Information Only