

# 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*

<b>Application Number</b>	SSD-10475
<b>Project Name</b>	Winter Sports Resort
<b>Location</b>	2-4 Trench Avenue Jamisontown, Lot 1 DP 38950
<b>Applicant</b>	Penrith City Council
<b>Date of Issue</b>	21 July 2020 and 13 May 2022 (revised)
<b>General Requirements</b>	<p>The Environmental Impact Statement (EIS) must meet the minimum form and content requirements as prescribed by Part 8 of the Environmental Planning and Assessment Regulation 2021 (EP&amp;A Regulation) and must have regard to the State Significant Development Guidelines.</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"> <li>• adequate baseline data;</li> <li>• consideration of the potential cumulative impacts due to other developments in the vicinity (completed, underway or proposed);</li> <li>• measures to avoid, minimise and if necessary, offset predicted impacts, including detailed contingency plans for managing any significant risks to the environment; and</li> <li>• a health impact assessment of local and regional impacts associated with the development, including those health risks associated with relevant key issues.</li> </ul> <p>The EIS must also be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• an estimate of jobs that will be created during the construction and operational phases of the proposed development; and</li> <li>• certification that the information provided is accurate at the date of preparation.</li> </ul>

<p><b>Key issues</b></p>	<p>The EIS must address the following specific matters:</p> <p><b>1. Statutory and Strategic Context</b></p> <ul style="list-style-type: none"> <li>• Address all relevant Environmental Planning Instruments, plans, policies and guidelines, including (but not limited to those) outlined at <b>Appendix A</b></li> <li>• Detail the nature and extent of any prohibitions that apply to the development</li> <li>• Identify compliance with the development standards applying to the site and provide a detailed justification for any non-compliances</li> </ul> <p><b>2. Design Excellence</b></p> <p>The EIS shall:</p> <ul style="list-style-type: none"> <li>• detail the Design Excellence process for the proposal, in accordance with the Planning Proposal, which proposes to introduce a requirement for design competition for the proposal</li> <li>• include a Design Excellence Strategy clearly describing the competition process and subsequent design integrity process, prepared in consultation with GANSW. The Design Excellence Strategy and Competition Brief must be endorsed by GANSW prior to the commencement of the competition process.</li> </ul> <p><b>3. Built form and urban design</b></p> <p>The EIS shall:</p> <ul style="list-style-type: none"> <li>• address the how the height, bulk and scale of the proposed development responds to the low-density context of the site, with specific consideration of the overall site layout, open spaces, interface with the public domain, facades, massing, setbacks, building articulation, solar access and overshadowing, materials, colours, signage or signage envelopes</li> <li>• provide a detailed visual and view impact analysis, which considers the impact of the proposal when viewed from the public domain and key vantage points surrounding the site, including the locally heritage listed Madang Park, Penrith City Centre and view corridors from Mulgoa Road to the Nepean River, Blue Mountains Escarpment, and from Emu Plains across the Nepean River.</li> <li>• address Crime Prevention Through Environmental Design Principles (CPTED)</li> <li>• detail how services, including but not limited to, waste management, loading zones, and mechanical plant are integrated into the design of the development to minimise impacts on the public domain.</li> </ul> <p><b>4. Public domain and landscaping</b></p> <p>The EIS shall</p> <ul style="list-style-type: none"> <li>• demonstrate how the proposal will be configured to integrate with the surrounding public domain</li> <li>• identify and integrate key pedestrian and cycle links between the site and the surrounding street network</li> <li>• address impacts on existing trees, including opportunities to retain and integrate existing trees</li> <li>• identify any native trees or shrubs to be removed, retained or transplanted</li> <li>• include details on the native vegetation community (or communities) that</li> </ul>

occur, or once occurred on site, with a list of local provenance species (trees, shrubs and ground covers) to be used for landscaping

- specify that any landscaping will use a diversity of local provenance species (trees, shrubs and ground covers) from the native vegetation community (or communities) that occur, or once occurred, on the site to improve biodiversity.

## **5. Environmental amenity**

The EIS shall:

- detail the impacts of the development on views, sunlight/overshadowing, wind impacts, reflectivity, visual and acoustic privacy to achieve a high level of environmental amenity
- include shadow diagrams demonstrating any potential overshadowing to adjoining properties
- detail any external lighting or illumination and consider the impacts of this lighting/illumination to surrounding properties and the public domain.

## **6. Ecologically Sustainable Development (ESD)**

The EIS shall:

- identify how the development will incorporate ESD principles (as defined in Clause 193 of the Regulation) in the design, construction and ongoing operation phases of the development, and include innovative and best practice proposals for environmental building performance
- include a framework for how the development will be designed to consider and reflect best practice sustainable building principles to improve environmental performance and reduce ecological impact. This should be based on a materiality assessment and include waste reduction design measures, future proofing, use of sustainable and low-carbon materials, energy and water efficient design (including water sensitive urban design) and technology and use of renewable energy
- use the climate change projections developed for the Sydney Metropolitan area to inform the building design and asset life of the project and address impacts including:
  - increased frequency of extreme heat days
  - extended heatwave events
  - more extreme (intense) rainfall events.

## **7. Social Impact Assessment**

The EIS shall:

- include a social impact assessment, in accordance with the Social Impact Assessment Guidelines for State Significant Projects which:
  - identifies and analyses the potential social impacts of the development, from the points of view of the affected community/ies and other relevant stakeholders, i.e. how they expect to experience the project
  - considers how potential environmental changes in the locality may affect people's: way of life; community; access to and use of infrastructure, services, and facilities; culture; health and wellbeing; surroundings; personal and property rights; decision-making systems; and fears and aspirations, as relevant and considering how different groups may be disproportionately affected
  - assesses the significance of positive, negative, and cumulative social impacts considering likelihood, extent, duration, severity/scale,

sensitivity/importance, and level of concern/interest

- includes mitigation measures for likely negative social impacts, and any proposed enhancement measures
- details how social impacts will be adaptively monitored and managed over time.

- **NOTE: Projects with SEARs issued prior to 1 October 2021 and submitting an EIS after 31 March 2022 required to comply with the new Social Impact Assessment Guideline for State Significant Projects.**

### **8. Biodiversity**

The EIS shall provide an assessment of the proposal's biodiversity impacts in accordance with the Biodiversity Conservation Act 2016, including the preparation of a Biodiversity Development Assessment Report where required under the Act, except where a waiver for preparation of a BDAR has been granted.

### **9. Water and soil quality**

The EIS shall:

- map acid sulphate soils, rivers, streams, wetlands, estuaries, groundwater, groundwater dependent ecosystems and proposed intake and discharge locations
- assess water quality and hydrology impacts of the development, including any downstream impacts for both surface and groundwater and any impacts on natural processes and functions, demonstrating how the development protects and contributes to the Water Quality Objectives (as endorsed by the NSW Government)
- include a water sensitive urban design strategy addressing Councils water sensitive Urban Design Policy

### **10. Flooding and Drainage**

The EIS shall:

- consider the relevant provisions of the NSW Floodplain Development Manual (2005) and include a flood risk assessment which considers any changes in potential flood risk to the site and other developments or land, resulting from the development.
- demonstrate that downstream stormwater systems have adequate capacity to accommodate stormwater flows generated from the development including any mitigation measures
- detail the potential impacts of the development on flood evacuation to the surrounding transport network for pre and post-development scenarios, including modelling of local overland flows.

### **11. Contamination**

The EIS must assess and quantify any soil or groundwater contamination and demonstrate that the site is suitable (or will be made suitable, after remediation) for the development in accordance with State Environmental Planning Policy No 55- Remediation of Land and the associated guidelines.

### **12. Noise and vibration**

The EIS shall:

- assess the noise impacts on the proposed development from all surrounding land uses
- identify appropriate noise mitigation measures and management practices to be adopted
- identify the main noise and vibration generating sources and activities at all stages of construction, and any noise sources during operation, outlining measures to minimise and mitigate potential noise and vibration impacts on surrounding occupiers of land.

### **13. Transport and accessibility (operation)**

The EIS shall include a Traffic and Transport Impact Assessment that addresses the following:

- analysis of the cumulative future daily and peak hour vehicle, public transport, pedestrian and bicycle movements likely to be generated by the proposed development (including any other nearby approved/proposed planning proposals and developments) and assessment of the impacts on the local road network, including key intersection capacity and any potential need for upgrading or road works (if required)
- a forecast of the impacts of the predicted traffic volumes on road safety and capacity of the road network including consideration of cumulative traffic impacts at the following key intersections using SIDRA or similar traffic model as prescribed by TfNSW. The traffic modelling must consider the scenarios of year 2026, 2031 and 2036
  - Mulgoa Road/Jamison Road;
  - Mulgoa Road/Western Motorway (M4) northern ramps;
  - Mulgoa Road/Western Motorway (M4) southern ramps;
  - Mulgoa Road/Blaikie Road;
  - Mulgoa Road/Spencer Street/Schoolhouse Road; and
  - Tench Avenue/Harris Street
  - Jamison Road/Blake Road
- measures, to promote travel choices for employees and visitors, that support the achievement of State Plan targets, such as implementing a location-specific sustainable travel plan and provision of end of trip facilities for staff.
- details of the proposed access, bicycle and car parking provision and end of trip facilities associated with the proposed development including compliance with relevant parking codes and Australian Standards
- details of servicing vehicle movements and site access arrangements including vehicle types and likely arrival and departure times of service vehicles, loading dock provision and access.

### **14. Construction**

The EIS shall include a Construction and Pedestrian and Traffic Management Plan addressing:

- details of peak hour and daily construction and servicing vehicle movements and access arrangements and cumulative impact from surrounding development sites, on the local road network, public transport services and parking
- road safety at key intersections and locations subject to heavy vehicle movements and high pedestrian activity
- details of access arrangements for workers to/from the site, emergency vehicles and service vehicle movements

- details of temporary cycling and pedestrian access during construction demonstrating that pedestrian and bicycle rider movements along footways and cycleways are maintained at all times during construction activities. Should the development require closure of either facility, adequate safety measures and diversion measures to limit time delay and detour distances should be detailed.
- assessment of traffic and transport impacts during construction and how these impacts will be mitigated for any associated traffic, pedestrians, cyclists and public transport operations
- potential impacts of the construction on surrounding areas including the public realm with respect to noise and vibration, air quality and odour impacts, dust and particle emissions, water quality, storm water runoff, groundwater seepage, soil pollution and construction waste.

### **15. Servicing and waste**

The EIS shall:

- identify, quantify and classify the likely waste streams to be generated during construction and operation of the development and describe the measures to be implemented to minimise, manage, reuse, recycle and safely dispose of this waste with reference to relevant guidelines
- identify appropriate servicing arrangements (including but not limited to, waste management, loading zones and mechanical plant) for the site.

### **16. Heritage and archaeology**

The EIS shall include 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 must provide an assessment of the potential direct and indirect impacts of the proposal on State and local heritage items including:

- built heritage
- landscape (including setting and views, particularly to and from Glenleigh Estate and Madang Park) and
- historical archaeology.

If the SOHI identifies impacts to potential Aboriginal or historical archaeology, an Aboriginal and/or historical archaeological assessment shall be prepared in accordance with the Archaeological Assessment Guidelines (1996) and Assessing Significance for Historical Archaeological Sites and Relics (2009).

### **17. Aboriginal cultural heritage**

The EIS shall:

- 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).
- Ensure consultation has taken place with Aboriginal people and is documented in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW)
- Assess impacts on Aboriginal cultural heritage values and document them in the ACHAR. This must demonstrate attempts to avoid impacts, identify any conservation outcomes and measures to mitigate impacts.

	<p><b>18. Utilities</b> The EIS shall:</p> <ul style="list-style-type: none"> <li>• address the existing capacity and future requirements of the development for the provision of utilities, including staging of infrastructure in consultation with relevant agencies</li> <li>• detail impacts to any existing infrastructure assets of utility stakeholders from demolition/construction and any proposed mitigation/protection measures.</li> </ul> <p><b>19. Staging</b> The EIS shall provide details regarding the staging of the proposed development (if proposed).</p> <p><b>20. Bushfire</b> The EIS shall address bushfire hazard and if required, prepare a report that addresses the requirements for Special Fire Protection Purpose Development as detailed in Planning for Bush Fire Protection 2019 guidelines.</p> <p><b>21. Public benefit and contributions</b> The EIS shall provide confirmation of the public benefit to be derived from the proposal and address the requirements of Penrith City Council's Development Contributions Plan, in consultation with Council.</p>
<p><b>Plans and Documents</b></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. In addition, the EIS must include the following:</p> <ul style="list-style-type: none"> <li>• high quality files of maps and figures of the subject site and proposal</li> <li>• site survey plan, showing existing levels, location and height of existing and adjacent structures/buildings</li> <li>• site analysis plan</li> <li>• architectural drawings</li> <li>• public domain and landscape plan</li> <li>• urban design report</li> <li>• visual and view impact assessment</li> <li>• heritage impact statement</li> <li>• shadow diagrams and overshadowing analysis</li> <li>• schedule of materials and finishes</li> <li>• noise impact assessment</li> <li>• access impact assessment</li> <li>• arborist report</li> <li>• ESD report</li> <li>• Building Code of Australia report</li> <li>• evidence of registration with the Green Building Council of Australia for the relevant Green Star Design and As Built Rating</li> <li>• consultation summary report</li> <li>• traffic and transport impact assessment</li> <li>• preliminary construction management plan, inclusive of a construction and pedestrian traffic management plan</li> <li>• demolition plan</li> </ul>

	<ul style="list-style-type: none"> <li>• stormwater management plan</li> <li>• floor risk assessment</li> <li>• bushfire assessment</li> <li>• sediment and erosion control plan</li> <li>• geotechnical and structural report</li> <li>• contamination assessment, including remedial action plan and site audit statement (if required)</li> <li>• integrated water management plan including water sensitive urban design strategy</li> <li>• servicing and operational waste management plan</li> <li>• social impact assessment.</li> </ul>
<b>Engagement</b>	<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"> <li>• Penrith City Council</li> <li>• Government Architect NSW</li> <li>• Transport for NSW</li> <li>• Surrounding residents, business and local community groups</li> <li>• if the development would have required an approval or authorisation under another Act but for the application of s 4.41 of the EP&amp;A Act or requires an approval or authorisation under another Act to be applied consistently by s4.42 of the EP&amp;A Act, the agency relevant to that approval or authorisation.</li> </ul> <p>The EIS must detail the engagement undertaken and demonstrate how it was consistent with the <i>Undertaking Engagement Guide: Guidance for State Significant Projects</i>. The EIS must detail how issues raised and feedback provided have been considered and responded to in the project.</p>
<b>Expiry Date</b>	<p>If you do not lodge a Development Application and EIS for the development prior to 1 July 2023, your SEARs will expire.</p>
<b>References</b>	<p>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.</p>

## Appendix A

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.shop.nsw.gov.au/index.jsp>

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

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

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

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

### Polices Plans and Guidelines

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|---------------------|--|
| Statutory documents | <ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act 1979</li><li>• Roads Act 1993</li><li>• Rural Fires Act 1997</li><li>• Water Management Act 2000</li><li>• Biodiversity Conservation Act 2016</li><li>• Environmental Planning and Assessment Regulation 2021</li><li>• Biodiversity Conservation Regulation 2017</li><li>• State Environmental Planning Policy (Planning Systems) 2021</li><li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li><li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li><li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li><li>• State Environmental Planning Policy (Industry and Employment) 2021</li><li>• Penrith Local Environmental Plan 2010</li><li>• Draft Environment SEPP</li><li>• Draft State Environmental Planning Policy (Remediation)</li></ul> |
| Strategic Plans     | <ul style="list-style-type: none"><li>• NSW State Priorities</li></ul>   |

- Greater Sydney Region Plan 2018
- Western City District Plan 2018
- Penrith Local Strategic Planning Statement (March 2020)
- Future Transport Strategy 2056 and supporting plans

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Strategic plans,  
policies and  
guidelines

- State Significant Development Guidelines (DPIE, 2021)
- Department's Community Participation Plan (DPIE, 2019)
- Undertaking Engagement Guidelines for State Significant Projects (DPIE, 2021)
- Registered Environmental Assessment Practitioner Guidelines (DPIE, 2021)
- Cumulative Impact Assessment Guidelines for State Significant Projects (DPIE, 2021)
- Social Impact Assessment Guidelines for State Significant Projects (DPIE, 2021)
- Better Placed – an integrated design policy for the built environment of NSW 2017
- NSW Planning Guidelines for Walking and Cycling
- Managing Land Contamination: Planning Guidelines - SEPP 55 Remediation of Land (DUAP)
- Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development
- Australian Standards AS2890 Parking Facilities Set
- Cycling Aspects of Austroads Guides (2017)
- Interim Construction Noise Guidelines (DECCW, 2009)
- Crime Prevention Through Environmental Design Principles
- Guide to Traffic Generating Developments (Roads and Maritime Services)
- Guide to Traffic Management Part 12: Integrated Transport Assessments for Developments
- Healthy Urban Development Checklist 2009
- Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH)

- Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW 2011 (DECCW)
  - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW)
  - Statement of Heritage Impact Guide (OEH)
  - Managing Urban Stormwater – Soils & Construction Volume 1 (Landcom, 2004)
  - ANZECC (2000) Guidelines for Fresh and Marine Water Quality
  - Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions
  - Better Placed: An integrated design policy for the built environment of New South Wales (GANSW, 2017)
  - Healthy Urban Development Checklist (NSW Health, 2009)
  - Draft Greener Places Design Guide (GANSW, 2020)
  - Crime Prevention through Environmental Design Principles
  - NSW Floodplain Development Manual 2005
  - Flood Risk Management Manual (DPIE 2022) and associated Draft Guidelines
  - Hawkesbury Nepean Flood Risk Management Strategy (INSW 2017)
  - Water Quality Objectives (as endorsed by the NSW Government)
  - Penrith Section 7.12 Citywide Development Contributions Plan for Non-Residential Development
  - Penrith Green Grid Strategy
  - NSW Aquifer Interference Policy (2012)
  - Relevant Water Sharing Plans
  - Planning for Bush Fire Protection 2019 guidelines.
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## **Appendix B**

Government Authority Responses to Request for Key Issues

For Information Only