

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-12982045
Project Name	Newcastle Jockey Club - New Stables
Location	125 Chatham Street, Broadmeadow (Lot 13 DP 227704, Lot 14 DP 227704, Lot 82 in DP 1138209) within City of Newcastle
Applicant	Newcastle Jockey Club Ltd
Date of Issue	8 February 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 Environmental Planning and Assessment Regulation 2000 (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; and - a health impact assessment of local and regional impacts associated with the development, including those health risks associated with relevant key issues. <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; and - 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

- Address all relevant Environmental Planning Instruments, plans, policies and guidelines, including (but not limited to those) outlined at **Attachment A**.
- Provide details of the proposed use for each component of the development, and the relationship between the different uses within the building.
- Detail the nature and extent of any prohibitions that apply to the development.
- Identify compliance with the development standards applying to the site and provide a detailed justification for any non-compliances.

2. Built form and Urban Design

The EIS must demonstrate that the design and visual impact of the proposed development is consistent with the character of the Newcastle Racecourse and the surrounding area. The assessment should address the following issues:

- Siting, height, bulk, scale, form and character of the proposed development.
- Visual impacts upon the public domain and surrounding residential development.
- Heritage and conservation significance on site, as well as surrounding heritage items and Heritage Conservation Areas.
- Landscape and open space concepts that assist in reducing visual impact, including planting layout, species and water sensitive management/design practices.
- Services, including but not limited to waste management, loading zones, and mechanical plant are integrated into the design of the development.

3. Trees

- Where relevant, provide an Arboricultural Impact Assessment prepared by a Level 5 (Australian Qualifications Framework) Arborist, which details the number, location and condition of trees to be removed and retained, includes detailed justification for each tree to be removed.

4. Traffic and Parking

- The EIS must be accompanied by a Traffic and Accessibility Impact Assessment (TIA) prepared in accordance with relevant guidelines. The TIA must:
 - o Assess the traffic impacts of the development on the surrounding local and classified road network using SIDRA or similar traffic model and specify any road upgrade works (local and classified) required to maintain acceptable levels of service.
 - o The anticipated additional vehicular traffic generated from both the construction and operational stages of the project.
 - o The assessment is to include traffic and parking generated by existing and approved developments, as well as that by the proposal.
 - o Determine the number of parking spaces required for the operation of the racecourse and assess the on-street parking impacts on the

surrounding local streets and intersections.

- o Address the impact of trips generated by the proposed development on nearby intersections having regard to the cumulative impacts from other existing surrounding developments in the vicinity.
 - o Assess road and pedestrian safety in the immediate vicinity of the proposed development and the details of road safety measures.
 - o Estimate the total daily and peak hour trips generated by the proposal, including vehicle, public transport, pedestrian and bicycle trips.
 - o Demonstrate the proposed road layout, access points, and car parking can comply with the relevant Australian Standards and the requirements of the City of Newcastle.
 - o Detail the measures to mitigate any associated traffic, public transport, pedestrian and bicycle network impacts.
 - o Identify any necessary road network infrastructure upgrades that are required to maintain existing levels of service on both the local and classified road network for the development. Have regard to the roundabout proposed for the intersection of Darling and Chatham Streets by City of Newcastle Council under the 'Broadmeadow Traffic Scheme'.
 - o Any other impacts on the regional and state road network including consideration of pedestrian, cyclist and public transport facilities and provision for service vehicles.
- Prepare a preliminary Construction Traffic Management Plan for the proposal and outline how construction traffic, public transport, bicycle and pedestrian impacts, and parking impacts would be appropriately managed and mitigated.

5. Impacts on Existing Operations During Construction

The EIS must outline how the existing racecourse activities will be managed as a result of construction occurring on site and provide information relating to the staging of the proposal. Detail should be provided on any proposed temporary structures.

6. Environmental and Residential Amenity

The EIS must address any likely impacts on environmental and residential amenity and identify necessary mitigation measures including:

- Solar access, acoustic privacy, visual impact, privacy loss, noise, odour and dust impacts.
- The degree of intensification of the existing use and its impact on surrounding residential uses, including any changes to hours of movement/transport of horses and increased capacity.
- Provide a Lighting Impact Assessment which includes:
 - o an analysis of any proposed lighting on-site that may impact surrounding sensitive receivers.
 - o impacts of vehicle headlight glare from the proposed vehicular accesses on neighbouring residential properties.

- mitigation measures to manage any impacts.
- Provide an Odour Impact Assessment which is to include consideration of the following:
 - impacts of the proposed development including storage of waste on site.
 - the elimination or minimisation of any unsealed surfaces to prevent wind-blown or traffic generated dust.
 - management of planned unsealed areas to minimise dust generation.
 - assessment of any relevant Guidelines.

7. Ecological Sustainable Development

- Detail how ESD principles (as defined in clause 7(4) of Schedule 2 of the Environmental Planning and Assessment Regulation 2000) will be incorporated in the design, construction and ongoing operation phases of the development.
- Demonstrate how future buildings would meet minimum building sustainability and environmental performance standards.

8. Environmental Health and Animal Welfare

- The EIS must address impacts from noise, pests, management of waste (solids and wastewater) and emergency/biosecurity issues relating to animal evacuations or disposal of animal biosecurity risk.
- A Pest Assessment is to be provided which considers the following:
 - minimisation of pests through the proposed construction of the facility.
 - management measures to minimise pests (minimising food sources\access to food or waste storage).
 - pest control procedures.
 - Provide a Wastewater Assessment which includes the following:
 - identification of measures to separate clean stormwater from any wastewater or areas from which polluted runoff will occur and to prevent water pollution.
 - provide details of the methods for the collection\treatment\reuse and disposal of wastewater (i.e. disposal or reuse of wastewater from stables\training areas\washdown areas \ the equine pool).
- The EIS is to demonstrate the proposal is consistent with any relevant requirements of the NSW Department of Primary Industries concerning horse health and welfare.
- The EIS must demonstrate the proposal is consistent with the NSW Animal Welfare Code of Practice No.3 – Horses in Riding Centres and Boarding Stables.

9. Stormwater

- Prepare a stormwater management report demonstrating how stormwater would be appropriately managed in accordance with City of Newcastle requirements.

10. Water Quality

- 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.

11. 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 (Heritage Office and DUAP, 1996) and Assessing Heritage Significance (OEH, 2015).

12. Aboriginal Cultural Heritage

- Provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) that:
 - o identifies and describes the Aboriginal cultural heritage values that exist across the site.
 - o includes surface surveys and test excavations where necessary.
 - o has been prepared in accordance with the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011) and Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH, 2010).
 - o incorporates consultation with Aboriginal people in accordance with Aboriginal Cultural Heritage Consultation Requirements for Proponents (Department of Environment, Climate Change and Water, 2010).
 - o documents the significance of cultural heritage values of Aboriginal people who have a cultural association with the land.
 - o identifies, assesses and documents all impacts on the Aboriginal cultural heritage values.
 - o demonstrates attempts to avoid any impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR and EIS must outline measures proposed to mitigate impacts.
 - o demonstrates attempts to interpret the Aboriginal cultural heritage significance identified into the development.

Any Aboriginal objects recorded as part of the Aboriginal Cultural Heritage Assessment Report must be documented and notified to the Aboriginal Heritage Information Management System (AHIMS) within Heritage NSW of the Department of Premier and Cabinet.

13. Social & Economic Impacts

- 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.

14. Public Benefit and Contributions

- Outline the contributions and proposed public benefits to be delivered as a part of the proposal including details of any Voluntary Planning Agreement.

15. Noise and Vibration

- Prepare a noise and vibration assessment in accordance with the relevant EPA guidelines. This assessment must detail construction and operational noise impacts on nearby sensitive receivers and outline the proposed management and mitigation measures that would be implemented.
- The noise and vibration assessment must have regard to traffic noise impacts and, if proposed, the impacts of horses being walked on the public roads in proximity to residential receivers.

16. Contamination

- 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.
- The contamination assessment is to have regard to any fuel or other chemical storage areas associated with the previous uses of the areas to be redeveloped.

17. Hazards and Risk

- Provide a preliminary risk screening regarding all dangerous goods and hazardous materials associated with the development.
- Provide a Preliminary Hazard Analysis, if required, where the development includes handling or storage of dangerous or hazardous material.

18. Biodiversity

- Provide a Biodiversity Development Assessment Report (BDAR) that assesses the biodiversity impacts of the proposed development in accordance with the requirements of the *Biodiversity Conservation Act 2016*, Biodiversity Conservation Regulation 2017 and Biodiversity Assessment Method, except where a BDAR waiver has been issued in relation to the development or the development is located on biodiversity certified land.
- Where a BDAR is not required because a BDAR waiver has been issued in relation to the development, provide:
 - o a copy of the BDAR waiver and demonstrate that the proposed development is consistent with that covered in BDAR waiver
 - o an assessment of flora and fauna impacts where significant vegetation or flora and fauna values would be affected by the proposed development.

Note: Further guidance is provided in the Biodiversity and Conservation Division advice attached to the SEARs.

19. Soil and Water

The EIS must include a:

- Geotechnical assessment
- Acid Sulfate Soils Assessment

- Groundwater Assessment.
- The EIS must map the following features relevant to water and soils including:
 - o Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map).
 - o Rivers, streams, wetlands, estuaries (as described in s4.2 of the Biodiversity Assessment Method).
 - o Wetlands.
 - o Groundwater dependent ecosystems.
 - o Proposed intake and discharge locations.
- The EIS must assess the impacts of the development on water quality.
- The EIS must assess the impact of the development on hydrology.
- The EIS is to include:
 - o The identification of an adequate and secure water supply for the life of the project.
 - o A detailed and consolidated site water balance.
 - o Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
 - o Proposed surface and groundwater monitoring activities and methodologies.

20. Flooding and Coastal Erosion

- Identify any flood risk on-site in consultation with Council and having regard to the most recent flood studies for the development area and the potential effects of climate change, sea level rise and an increase in rainfall intensity.
- Assess the impacts of the development, including any changes to flood risk onsite or off-site, and detail design solutions to mitigate flood risk where required. The EIS must describe the potential effects of coastal processes and hazards (within the meaning of the Coastal Management Act 2016), including sea level rise and climate change:
 - o On the proposed development
 - o Arising from the proposed development.

21. Utilities

- In consultation with relevant agencies prepare a services and utilities impact assessment which:
 - o assesses the capacity of existing services and utilities and identify any upgrades required to facilitate the development
 - o assesses the impacts of the proposal on existing utility infrastructure and service provider assets and describe how any potential impacts would be managed.

22. Staging and consents

	<ul style="list-style-type: none"> · Provide details regarding the staging of the proposed development. · Detail the proposal's relationship to, and consistency with, any existing development consents. <p>23. Construction Management Plans</p> <ul style="list-style-type: none"> · Prepare a preliminary Construction Management Plan for the proposed works and outline how construction impacts would be appropriately managed and mitigated. <p>24. Air Quality</p> <ul style="list-style-type: none"> · Assess the construction and operation air quality impacts and ensure they meet the requirements of the City of Newcastle and/or the Environment Protection Authority. <p>25. Mine Subsidence</p> <ul style="list-style-type: none"> · Provide a Geotechnical Investigation and Report which addresses potential subsidence risks, stabilisation works required/undertaken and confirms stability of the site for the proposed development.
Consultation	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, local community groups and affected landowners.</p> <p>In particular, you must consult with:</p> <ul style="list-style-type: none"> · City of Newcastle · Heritage NSW · Transport for NSW · NSW Roads and Maritime Services · Ausgrid · Subsidence Advisory · 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	<p>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.</p>
Documents and Plans	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Environmental Planning and Assessment Regulation 2000.</p>

	<p>In addition to the documents and plans listed in the key issues above, the EIS must include the following:</p> <ul style="list-style-type: none">· Survey plan (A3)· Overall site plan (A3)· Elevations, floor plans and sections of the proposal (A3)· Compliance tables for all relevant planning controls· Detailed overshadowing diagrams (A3)· Energy Efficiency Report· Concept landscape and public domain plans (A3)· Water Cycle Management Plan Strategy· Arborist report (if required)· Pre-submission consultation statement· Quantity surveyor report
--	---

ATTACHMENT A

Policies, Plans and Guidelines

The assessment of the key issues listed above must take into account relevant policies, plans and guidelines. The following list, whilst not exhaustive, may assist in the preparation of the environmental impact statement for 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>

<https://www.centralcoast.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"> · Environmental Planning & Assessment Act 1979 · Biodiversity Conservation Act 2016 · State Environmental Planning Policy (State & Regional Development) 2011 · State Environmental Planning Policy (Infrastructure) 2007 · State Environmental Planning Policy No.55 – Remediation of Land · State Environmental Planning Policy No 64 - Advertising and Signage · State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 · State Environmental Planning Policy (Coastal Management) 2018 · Newcastle Local Environmental Plan 2012 · Draft State Environmental Planning Policy (Remediation of Land). · Draft State Environmental Planning Policy (Environment).
Strategic Plans	<ul style="list-style-type: none"> · Future Transport Strategy 2056 and supporting plans · Hunter Regional Plan 2036 · State Infrastructure Strategy 2018-2038 · Greater Newcastle Future Transport Plan · Greater Newcastle Metropolitan Plan 2036 · Newcastle Local Strategic Planning Statement 'Planning for Newcastle 2040' · Newcastle Community Strategic Plan 2030 (2018) · Newcastle Heritage Strategy (2020)
Guidelines and policies	<ul style="list-style-type: none"> · Newcastle Development Control Plan 2012 · Floodplain Development Manual 2005 (NSW Government) · EIS Guidelines – Roads and Related Facilities (DoPI) · Guide to Traffic Generating Developments (RMS, 2002), including Section 2 Traffic Impact Studies · Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development (Austroads, 2016) · Standards Australian AS2890 Parking Facilities Set · Draft Environmental Impact Assessment Guidance Series (DPE, 2017) · Managing Land Contamination: Planning Guidelines - SEPP 55 Remediation of Land (DUAP)

- | | |
|--|---|
| | <ul style="list-style-type: none">· Managing Urban Stormwater – Soils & Construction Volume 1 (Landcom, 2004)· NSW Aquifer Interference Policy (2012)· Interim Construction Noise Guideline (DECC, 2009)· Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA, 2005) |
|--|---|

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