

# 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-22536006
<b>Project Name</b>	Pacific Bay Resort Studios & Village
<b>Location</b>	Resort Drive, Coffs Harbour Lots 5, 6 and 7 DP 1112654 and SP53080
<b>Applicant</b>	Pacific Bay Resort Studios & Village Pty Limited
<b>Date of Issue</b>	29/07/2021
<b>General Requirements</b>	<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"> <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, including details of the methodology used to determine the figures provided; and</li> <li>- certification that the information provided is accurate at the date of preparation.</li> </ul>
<b>Key issues</b>	The EIS must address the following specific matters:

## 1. Statutory and Strategic Context

The EIS must:

- o address all relevant Environmental Planning Instruments (EPIs) (including drafts), plans, policies and guidelines, including (but not limited to those) outlined at **Attachment A**.
- o detail the nature and extent of any prohibitions that apply to the development, including (but not limited to) the percentage of the use (compared to the total floor area for that use) in a zone where the use is prohibited
- o identify compliance with applicable development standards and provide detailed justification for any non-compliances
- o provide detailed particulars outlining what portion of the development each land use will occupy, the total floor area and site coverage
- o demonstrate the relationship between the different uses within the site including, but not limited to,
  - § the frequency of use between the studio and non-studio uses
  - § how each non-studio use is required to support the studio use and its viability
  - § the details, including legal mechanisms, of how the residential and tourist accommodation will be managed to ensure their availability for occupation by staff associated with the studio use over general public use
- o detail the relationship with any existing development consents (if any), the status of other development consents applying to the land and whether they will be surrendered as part of this proposal.

## 2. Built Form and Urban Design

The EIS must:

- o outline the design process leading to the proposal with justification of the suitability of the site for the proposal and detailing the criteria used to select the site
- o demonstrate how the proposed built form (layout, height, bulk, scale, separation, setbacks, interface and articulation) addresses and responds to the context, site characteristics, streetscape and existing and future character of the locality
- o demonstrate how building design will deliver a high-quality development, including consideration of façade design, articulation, activation, roof design, materials, finishes, colours, public domain, solar access, overshadowing, views, crime prevention through environmental design principles and any signage
- o provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development. Where the visual analysis has identified potential for significant visual impact, provide a visual impact assessment that addresses the impacts of the development on the existing catchment

- o clearly identify the area and buildings which will be publicly accessible
- o detail of how services, including but not limited to waste management, loading zones, and mechanical plant are integrated into the design of the development
- o assess how the development complies with the relevant accessibility requirements.

### **3. Building Use**

The EIS must include operational details for the development, including but not limited to, typical hours of operation and patron capacity.

### **4. Design Excellence**

The EIS must:

- o demonstrate how the development will achieve:
  - § design excellence in accordance with any relevant EPI provisions.
  - § good design in accordance with the seven objectives for good design in Better Placed.
- o where required by an EPI or concept approval, or where proposed, demonstrate how the development has been subject to a competitive design process, carried out in accordance with an endorsed brief and Design Excellence Strategy. Recommendations (from the jury and Design Integrity Panel) are to be addressed prior to lodgement
- o in all other instances, demonstrate that the development has been reviewed by the State Design Review Panel (SDRP). Recommendations are to be addressed prior to lodgement.

### **5. Public domain and landscaping**

The EIS must:

- o demonstrate how ground level of the buildings will be configured to provide safe and active street frontages and provide visual interest to the public domain
- o identify and integrate key pedestrian and cycle links within the site and between the site and the surrounding street network
- o identify the parts of the site which will be publicly accessible and how the interface between private/public spaces will be managed
- o address impacts on existing trees, including opportunities to retain and integrate existing trees and number of trees to be removed
- o identify any trees or shrubs to be removed, retained or transplanted
- o include details of the native vegetation community (communities) that occur, or once occurred on site, with a list of local provenance species (trees, shrubs and ground covers) to be used for landscaping
- o 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
- o provide a Landscape Plan, that details the proposed site planting, including

location, number and species of plantings, heights of trees at maturity and proposed canopy coverage.

## **6. Environmental Amenity**

The EIS must:

- o address how good levels of internal and external environmental amenity would be achieved, including access to natural daylight and ventilation, pedestrian movement throughout the site, access to landscape and outdoor spaces
- o assess amenity impacts on the surrounding locality (both within and outside the site), including lighting impacts, solar access, visual privacy, visual amenity, view loss and view sharing, overshadowing, wind impacts and acoustic impacts. A high level of environmental amenity for any surrounding residential land uses must be demonstrated.
- o include a solar access analysis of the overshadowing impacts of the development within the site, on surrounding buildings and public spaces (during summer and winter solstice and spring and autumn equinox) at hourly intervals between 9am and 3pm, when compared to the existing situation and a compliant development (if relevant)
- o detail any external lighting or illumination and consider the impacts of this lighting/illumination within the site, to surrounding properties and the public domain.
- o where applicable, provide an assessment against SEPP 65 and the Apartment Design Guideline (ADG)

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

The EIS must:

- o 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 of the development
- o demonstrate how the development will meet or exceed the relevant industry recognised building sustainability and environmental performance standards
- o demonstrate how the development minimises greenhouse gas emissions (reflecting the Government's goal of net zero emissions by 2050) and consumption of energy, water (including water sensitive urban design) and material resources

## **8. Transport and Accessibility**

The EIS must include a Traffic and Transport Impact Assessment that includes, but is not limited to the following:

- o analysis of the existing transport network including road hierarchy, existing infrastructure, access points to the site, details of current daily and peak hour vehicle movements, existing performance levels of nearby intersections
- o details of the proposed development, including pedestrian and vehicular access arrangements (including swept path analysis of the largest vehicle and height clearances), parking arrangements and rates (including bicycle, end-of-trip

facilities and bus/coach facilities), drop-off/pick-up-zone(s) and bus bays (if applicable), and provisions for servicing and loading/unloading

- o analysis of the impacts of the proposed development (including justification for the methodology used), including predicted modal split, a forecast of additional daily and peak hour multimodal network flows as a result of the development (using industry standard modelling) and peak movements during events (if relevant), identification of potential traffic impacts on road capacity, intersection performance and road safety (including pedestrian and cyclist conflict) and any cumulative impact from surrounding approved developments
- o measures to mitigate any traffic impacts, including details of any new or upgraded infrastructure to achieve acceptable performance and safety, and the timing, viability and mechanisms of delivery (including proposed arrangements with local councils or government agencies) of any infrastructure improvements in accordance with relevant standards
- o explanation and justification of all inputs informing the proposed mitigation measures and conclusions
- o measures to promote sustainable travel choices for employees, guests and visitors, such as connections into existing walking and cycling networks, minimising car parking provision, encouraging car share and public transport, providing adequate bicycle parking and high quality end-of-trip facilities, and implementing a Green Travel Plan
- o additional matters identified by Transport for New South Wales at **Attachment B**.

#### **9. Biodiversity**

The EIS must:

- o assess any biodiversity impacts associated with the proposal in accordance with the Biodiversity Conservation Act 2016 and the Biodiversity Assessment Method 2020, including the preparation of a Biodiversity Development Assessment Report (BDAR).

Where a BDAR is not required, because a BDAR waiver has been issued, in relation to the development, the EIS shall provide:

- § a copy of the BDAR waiver and demonstrate that the proposed development is consistent with that covered in BDAR waiver.
- § an assessment of flora and fauna impacts where significant vegetation or flora and fauna values would be affected by the proposed development.
- o where development is proposed that adjoins, is in the immediate vicinity of, or is upstream of National Parks and Wildlife estate, address the matters in the *Developments adjacent to National Parks and Wildlife Service lands Guidelines for consent and planning authorities* (DPIE 2020)

#### **10. Contamination**

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

*Remediation of Land* and the associated guidelines.

### **11. Aboriginal Heritage**

The EIS must include an Aboriginal Cultural Heritage Assessment Report (ACHAR) in accordance with relevant guidelines, identifying cultural heritage values, impacts and mitigation measures.

### **12. Flooding**

The EIS must:

- o identify and describe any on-site flood impacts and risks associated with the proposed development, having regard to the relevant provisions of the NSW Floodplain Development Manual and other local or State studies and guidance
- o assess the impacts of the development, including any changes to flood risk both on-site or off-site, and identify any mitigation and management measures to minimise the impacts of flooding on the proposed development.

### **13. Bushfire and safety**

The EIS must:

- o include a bush fire assessment that details proposed bush fire protection measures and demonstrates compliance with Planning for Bush Fire Protection
- o prepare an assessment on the emergency planning and management measures required to facilitate an emergency services response and the other obligations imposed by clause 43 of the Work Health and Safety Regulation 2000.

### **14. Stormwater drainage and water quality**

The EIS shall:

- o include an Integrated Water Management Strategy that considers water, wastewater and stormwater. The strategy must:
  - § be prepared in consultation with Council
  - § detail the proposed drainage design for the site including any on-site treatment, reuse and detention facilities, water quality management measures and the nominated discharge points
  - § demonstrates compliance with the local council or other drainage or water authority requirements and avoids adverse impacts on any downstream properties
- o where drainage infrastructure works are required that would be handed over to the local council, or other drainage or water authority, provide full hydraulic details and detailed plans and specification of proposed works that have been prepared in consultation with, and comply with the relevant standards of, the local council or other drainage or water authority

### **15. Ground and water conditions**

The EIS must:

- o assess potential impacts on soil resources, including related infrastructure and riparian lands on and near the site

- o assess potential impacts on surface and groundwater resources (quality and quantity), including related infrastructure, hydrology, aquatic and groundwater dependent ecosystems, drainage lines, downstream assets and watercourses
- o assess salinity, acid sulfate soil impacts, geotechnical impacts and sediment and erosion controls and demonstrate that the proposed development can be accommodated on the site.

#### **16. Social**

Prepare a social impact assessment, in accordance with the Social Impact Assessment Guidelines for State Significant Projects, which:

- o 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
- o 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
- o assesses the significance of positive, negative, and cumulative social impacts considering likelihood, extent, duration, severity/scale, sensitivity/importance, and level of concern/interest
- o includes mitigation measures for likely negative social impacts, and any proposed enhancement measures
- o details how social impacts will be adaptively monitored and managed over time

#### **17. Noise and Vibration**

The EIS must include a noise and vibration assessment in accordance with the relevant EPA guidelines. This assessment must detail construction and operational noise and vibration impacts on nearby sensitive receivers (both within and external to the site) and outline the proposed management and mitigation measures that would be implemented

#### **18. Construction**

This EIS must:

- o include an assessment of any potential impacts of construction on the amenity of the surrounding area (including the public domain and within the site) with respect to noise and vibration, air quality, dust and particle emissions, water quality, storm water runoff, groundwater seepage, soil pollution and construction waste, having regard to relevant standards and guidelines, and identify required measures to mitigate potential impacts to acceptable levels
- o 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 (including the temporary loss of parking on the site)

§ 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.

### **19. Servicing and Waste**

The EIS must:

- o identify, quantify and classify the likely waste to be generated during construction and operation, including the disposal facility nominated for each waste type during construction
- o describe measures to be implemented to minimise, reuse, recycle and safely dispose of this waste
- o identify appropriate servicing arrangements (including but not limited to, waste management storage and collection, loading zones and mechanical plant) for the site.

### **20. Infrastructure and Utilities**

The EIS must, in consultation with the relevant service provider:

- o assess the impacts of the development on existing utility infrastructure and service provider assets surrounding the site
- o identify any infrastructure upgrades required on-site and off-site to facilitate the development and any arrangements to ensure that the upgrades will be implemented on time and be maintained
- o provide an infrastructure delivery and staging plan, including a description of how infrastructure requirements would be co-ordinated, funded and delivered to facilitate the development
- o address any requirements of the Infrastructure SEPP in relation to development on or adjacent to utilities and infrastructure

### **21. Staging**

The EIS must provide:

- o details of how construction and operation would be managed and any impacts mitigated.
- o details of the staging and/or sequencing of the proposed development



	<p><b>22. Public Benefit and Development Contributions</b></p> <p>The EIS must:</p> <ul style="list-style-type: none"> <li>o address the requirements of any relevant contributions plan(s), planning agreement or EPI requiring a monetary contribution, dedication of land and/or works-in-kind, and include details of any proposals for further material public benefit. Where the proposed development includes alternative public benefit or a departure from an existing contributions framework, Council, the Department and relevant State agency must be consulted, and comments addressed prior to lodgement</li> <li>o assess the economic and social impacts of the development including consideration of any increase in demand for community infrastructure and services.</li> </ul>
<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.</p> <p>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; and</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>- Overshadowing analysis</li> <li>- Schedule of materials and finishes</li> <li>- Details of any business identification signage</li> <li>- Demolition plan</li> <li>- Cut and Fill Plan</li> <li>- Stormwater management plans</li> <li>- Erosion and Sediment Control Plans</li> <li>- Social Impact Assessment</li> <li>- Noise Impact Assessment</li> <li>- Access Impact Statement</li> <li>- Arborist report</li> </ul>

	<ul style="list-style-type: none"> <li>- Aboriginal Cultural Heritage Report</li> <li>- ESD report</li> <li>- Building Code of Australia 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>- Consultation summary report</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</li> <li>- Servicing and operational waste management plan</li> </ul>
<p><b>Consultation</b></p>	<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>o Coffs Harbour City Council (Council)</li> <li>o Transport for New South Wales (TfNSW) and any other relevant agencies</li> <li>o the community (proportionate to the scale, likely impacts and likely level of community interest in the development)</li> <li>o if the development would have required an approval or authorisation under another Act but for the application of section 4.41 and 4.42 of the EP&amp;A Act, the agency relevant to that approval or authorisation</li> <li>o if the development meets any threshold for referral or concurrence under SEPP (Infrastructure) 2007, the agency relevant to that referral or concurrence.</li> </ul> <p>Additionally, prior to preparation of the Traffic Impact Assessment (TIA), the traffic consultant must submit a draft Methodology Statement to TfNSW and Council for review and feedback. A draft copy of the TIA must be submitted to TfNSW for review and feedback prior to submission of the EIS to the Department.</p> <p>The EIS shall detail consultation undertaken consistent with the Undertaking Engagement: Guidance for State Significant Projects, including any issues raised and feedback provided, and how the development has considered and responded. Where amendments have not been made to address an issue, a short explanation</p>

	should be provided.
<b>Further consultation after 2 years</b>	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.

**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>

<b>Policies, Plans and Guidelines</b>	
<b>Statutory policies and plans</b>	<ul style="list-style-type: none"> <li>· Environmental Protection and Biodiversity Conservation Act 1999</li> <li>· Environmental Planning and Assessment Act 1979</li> <li>· National Parks and Wildlife Act 1974</li> <li>· Protection of The Environment Operations Act 1997</li> <li>· Road 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 2000</li> <li>· Biodiversity Conservation Regulation 2017</li> <li>· State Environmental Planning Policy (State and Regional Development) 2011</li> <li>· State Environmental Planning Policy (Koala Habitat Protection) 2020</li> <li>· State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>· State Environmental Planning Policy (Coastal Management) 2018</li> <li>· State Environmental Planning Policy (Infrastructure) 2007</li> <li>· State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>· State Environmental Planning Policy No.33 – Hazardous and Offensive Development</li> <li>· State Environmental Planning Policy No.55 – Remediation of Land</li> <li>· State Environmental Planning Policy No.64 – Advertising and Signage</li> <li>· State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development &amp; Accompanying Apartment Design Guide</li> <li>· Draft State Environmental Planning Policy (Remediation)</li> <li>· Coffs Harbour Local Environmental Plan 2013</li> </ul>
<b>Strategic plans</b>	<ul style="list-style-type: none"> <li>· NSW State Priorities</li> <li>· North Coast Regional Plan 2036</li> <li>· Coffs Harbour Regional City Action Plan 2036</li> </ul>

	<ul style="list-style-type: none"> <li>· Coffs Harbour Local Strategic Planning Statement</li> <li>· Coffs Harbour Local Growth Management Strategy</li> <li>· Coffs Harbour Development Control Plan 2015</li> </ul>
<p><b>Guidelines a n d policies</b></p>	<ul style="list-style-type: none"> <li>· State Significant Development Guidelines (DPIE, 2021)</li> <li>· Department's Community Participation Plan (DPIE, 2019)</li> <li>· Undertaking Engagement Guidelines for State Significant Projects (DPIE, 2021)</li> <li>· Registered Environmental Assessment Practitioner Guidelines (DPIE, 2021)</li> <li>· Cumulative Impact Assessment Guidelines for State Significant Projects (DPIE, 2021)</li> <li>· Social Impact Assessment Guidelines for State Significant Projects (DPIE, 2021)</li> <li>· EIS Guidelines – Roads and Related Facilities (DoPI)</li> <li>· NSW Planning guidelines for walking and cycling (DIPNR &amp; RTA, 2004)</li> <li>· Guide to Traffic Generating Developments (RMS, 2002), including Section 2 Traffic Impact Studies</li> <li>· Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development (Austroads, 2016)</li> <li>· Standards Australian AS2890 Parking Facilities Set</li> <li>· Cycling Aspects of Austroads Guides (2017)</li> <li>· Draft Environmental Impact Assessment Guidance Series (DPE, 2017)</li> <li>· Managing Land Contamination: Planning Guidelines - SEPP 55 Remediation of Land (DUAP)</li> <li>· Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011)</li> <li>· Statement of Heritage Impact Guide (OEH)</li> <li>· Design in context: Guidelines for infill development in the Historic Environment (NSW Heritage Office, 2005)</li> <li>· Managing Urban Stormwater – Soils &amp; Construction Volume 1 (Landcom, 2004)</li> <li>· NSW Aquifer Interference Policy (2012)</li> <li>· Guidelines for Controlled Activities on Waterfront Land (2018)</li> <li>· Interim Construction Noise Guideline (DECC, 2009)</li> <li>· Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA, 2005)</li> <li>· Better Placed: An integrated design policy for the built environment of New South Wales (GANSW, 2017)</li> <li>· Healthy Urban Development Checklist (NSW Health, 2009)</li> <li>· Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning 2008)</li> </ul>

**ATTACHMENT B**

**Government Authority Responses to Request for Key Issues**