

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 27028161
Project Name	Trinity Point Mixed Use Development
Location	81 Trinity Point Drive, Morisset Park (Lots 101 and 102 in DP 1256630 and Lot 32 in DP 1117408)
Applicant	Johnson Property Group Pty Ltd
Date of Issue	24 September 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

	<p>applicable GST component of the CIV;</p> <ul style="list-style-type: none"> - 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.
<p>Key issues</p>	<p>The EIS must address the following specific matters:</p> <p>1. Statutory and Strategic Context</p> <p>The EIS must:</p> <ul style="list-style-type: none"> • 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 buildings. • Detail the nature and extent of any prohibitions that apply to the development. • Provide an explanation of how the portion of the development that is not SSD is sufficiently related to the component that is SSD. • Address the economic feasibility of the proposal, with particular reference to the proposed staging to ensure the intended mixed use tourism and residential outcomes can be achieved. • Identify compliance with the development standards applying to the site and provide a detailed justification for any non-compliances. • Provide detailed particulars outlining what portion of the development each land use will occupy and the total floor area. • 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. • Detail the relationship with any planning proposal under Part 3 of the EP&A Act to facilitate the development and include estimates of the timeframe for major milestones in the planning proposal pathway including request for gateway determination, exhibition and finalisation. <p>2. Design Quality</p> <p>The EIS must:</p> <ul style="list-style-type: none"> • Demonstrate how the development will achieve: <ul style="list-style-type: none"> ○ design excellence in accordance with any relevant EPI provisions. ○ good design in accordance with the seven objectives for good

design in *Better Placed*.

- 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.
- 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.

3. Built Form and Urban Design

The EIS must:

- 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.
- Demonstrate how the building design will deliver a high-quality development, including consideration of façade design, articulation, activation, roof design, materials, finishes, colours, any signage and integration of services.
- Detail of how services, including but not limited to waste management, loading zones, and mechanical plant are integrated into the design of the development.
- Concept plans must provide an appropriate level of detail and clearly show the proposed building envelopes, including any important dimensions to Australian Height Datum (AHD), building setbacks and separation, building widths and width of pedestrian link(s).

4. Public Domain and Landscaping

The EIS must:

- Outline the scope of public domain improvements, pedestrian and bicycle linkages, street activation, and landscaping to be provided as a part of the proposal.
- Demonstrate how the public open space on the site would be utilised and activated and integrate with the wider landscape.
- 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

- Consider how landscaping and public domain works will integrate with the Plan of Management for the public foreshore lands.
- Clearly outline the site area and any proposed works proposed on Council land.
- Provide a Concept Landscape Plan(s) that demonstrate how the proposal would:
 - maximise permeability throughout the development and provide access to public open space
 - provide sufficient open space for future residents
 - identify the parts of the site which will be publicly accessible and how the interface between private/public spaces will be managed
 - provide access for people with disabilities
 - minimise potential vehicle, bicycle and pedestrian conflicts
 - address impacts on existing trees, including opportunities to retain and integrate existing trees and number of trees to be removed
 - contribute to the objective of increased urban tree canopy cover
 - 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
 - address the use of planting that is proportional to the built form, and appropriately designed boundary reinforcement (fencing) that is sensitive to the public foreshore
 - maximise opportunities for green infrastructure, consistent with Greener Places.

5. Visual Impact

The EIS must:

- Prepare a comprehensive Visual Impact Assessment and view analysis of the proposal to/from key vantage points depicting images of the proposal in the background of those views. Photomontages or perspectives should be provided showing the project.
- Demonstrate how visual permeability is provided from Trinity Point Drive through the development and to the foreshore reserve.
- 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.

6. Environmental and Residential Amenity

The EIS must:

- Assess the environmental and residential amenity impacts associated with the proposal, including solar access, acoustic impacts, visual privacy, view loss, overshadowing, lighting impacts and wind impacts. A high level of environmental amenity must be demonstrated.
- Demonstrate how the proposal maintains solar access to key public open spaces including the reserve, Bluff Point and the adjoining residential development to the west.
- Provide a solar access analysis of the overshadowing impacts of the development within the site, on surrounding properties 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.
- Demonstrate that the proposed building envelopes are capable of complying with SEPP 65 and the Apartment Design Guide (ADG) and ensure the proposal achieves a high level of environmental and residential amenity.

7. Transport and Accessibility

- The EIS must include a Traffic and Transport Impact Assessment that includes, but is not limited to the following:
 - an analysis of the existing transport network and connectivity to the site from Morisset, including the road hierarchy and any pedestrian, bicycle or public transport infrastructure
 - current daily and peak hour vehicle movements, and existing performance levels of nearby intersections.
 - 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), dropoff/pick-up-zone(s) and bus bays (if applicable), and provisions for servicing and loading/unloading.
 - 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.

- consideration of the traffic impacts on existing and proposed intersections, in particular, the following intersections of:
 - Fishery Point Road and Macquarie Street,
 - Mandalong Road, Wyee Road, Dora Street and Freemans Drive,
 - Dora Street & Ourimbah St, and
 - any other impacted intersections along Macquarie Road such as Campview Road, Wyee Street and Bridge Street
- 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.
- 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.
- additional matters identified by Transport for NSW at **Attachment B**.

8. Biodiversity

The EIS must:

- 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.

9. Flooding

The EIS must:

- 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
- 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
- Consider sea level rise impacts to the development, and identify any mitigation and management measures.
- Consider additional matters identified by Biodiversity Conservation Division at **Attachment B**.

10. Stormwater and Drainage

The EIS must:

- Prepare a preliminary stormwater management report demonstrating how stormwater would be appropriately managed in accordance with Council's requirements and the Australian Rainfall and Runoff 2019 Guidelines.

11. Water Quality

The EIS must:

- 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.

12. Ground and Water Conditions

The EIS must:

- Include a geotechnical assessment, Acid Sulfate Soils Assessment and groundwater assessment.
- Identify an adequate and secure water supply for the life of the project and include a detailed and consolidated site water balance
- Assess 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.

- Outline proposed surface and groundwater monitoring activities and methodologies.

13. Social Impact

The EIS must:

- Prepare 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
 - considers how the proposed residential buildings and private communal space provide a sense of community and interaction amongst residents.

14. 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.

15. Mine subsidence

The EIS must:

- Provide a Geotechnical Investigation and Report which addresses potential subsidence risks, stabilisation works required/undertaken and confirms suitability of the site for the proposed development.

16. Aviation

The EIS must:

- Assess the impacts of the development on the adjacent helicopter landing site and any existing flight paths.

17. Noise and Vibration

The EIS must:

- Provide a noise and vibration assessment prepared in accordance with the relevant NSW Environment Protection Authority (EPA) guidelines. The assessment must detail construction and operational noise, including impacts from the adjacent helicopter landing site, and vibration impacts on nearby sensitive receivers and structures and outline the proposed management and mitigation measures that would be implemented.

18. Heritage

The EIS must:

- Assess any impacts on State and local heritage items, including conservation areas, natural heritage areas, relics, gardens, landscapes, views and trees and recommend mitigation and management measures where required.
- Where there is potential for direct or indirect impacts on the heritage significance of items of environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (if potential impacts to archaeological resources are identified), prepared in accordance with the relevant guidelines, which assesses any impacts and outlines measures to ensure they are minimised and mitigated.

19. Aboriginal Cultural Heritage

The EIS must:

- Provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts for any Aboriginal cultural heritage values on the site and mitigation measures.
- Consider the approved heritage interpretation strategy for the site, and how the new proposal does or does not align with this proposal, and any

changes required.

20. Ecologically Sustainable Development (ESD)

The EIS must:

- 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 or exceed minimum building sustainability and environmental performance standards.
- 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.

21. Staging

The EIS must:

- Provide details of the staging and/or sequencing of the proposed development, including staging for the hotel (SSD) and residential (non-SSD) components.
- Demonstrate how staged construction will not adversely impact the local road network, pedestrian connections, completed stages and the continued public use of open space.

22. Construction Management Plans

The EIS must:

- Prepare a preliminary Construction Management Plan for the proposed works and outline how construction impacts would be appropriately managed and mitigated.
- Demonstrate how public safety will be maintained during construction and operation, including any public safety measures that will be implemented.

23. Servicing and Waste

The EIS must:

- Identify, quantify and classify the likely waste to be generated during construction and operation
- Describe measures to be implemented to minimise, reuse, recycle and

safely dispose of this waste

- Identify appropriate servicing arrangements (including but not limited to, waste management, loading zones and mechanical plant) for the site.

24. Infrastructure and Utilities

The EIS must:

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

25. Contributions and Public Benefit

The EIS must:

- Assess the economic and social impacts of the development including consideration of any increase in demand for community infrastructure and services.
- 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 development proposes alternative public benefits or a departure from an existing contributions framework, the local council, the Department and relevant State agencies are to be consulted prior to lodgement and details, including how comments have been addressed, are to be provided.

Plans and Documents

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.

In addition to the documents and plans listed in the key issues above, the EIS must include the following:

- Survey plan (A3)
- Overall site plan (A3)
- Concept elevations, floor plans and sections of the proposal (A3)
- Visual Impact Assessment
- Design Review Report
- Compliance tables for all relevant development standards and planning controls
- Detailed overshadowing diagrams (A3)
- Aboriginal Cultural Heritage Report
- Traffic and Transport Impact Assessment
- Contamination assessment, including remedial action plan and sit audit statement (if required)
- Geotechnical and structural report
- Social Impact Assessment
- Noise Impact Assessment
- Access Impact Statement
- Arborist report
- BDAR or BDAR waiver
- Cross ventilation diagrams (A3)
- Ecologically Sustainable Development (ESD) / Energy Efficiency Report

- Concept landscape and public domain plans (A3)
- A table identifying the proposed land uses including a floor-by-floor breakdown of GFA, total GFA and site coverage
- Water Cycle Management Plan Strategy
- Arborist report (if required)
- Pre-submission consultation statement
- Quantity Surveyor Report

<p>Consultation</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"> - Lake Macquarie City Council - Transport for NSW and any other relevant agencies - Biraban and Bahtabah Local Aboriginal Land Councils and Registered Aboriginal Parties - the community (proportionate to the scale, likely impacts and likely level of community interest in the development) including the Morisset Park and District Action Group - 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&A Act, the agency relevant to that approval or authorisation - if the development meets any threshold for referral or concurrence under SEPP (Infrastructure) 2007, the agency relevant to that referral or concurrence. <p>The EIS must describe the consultation undertaken consistent with the <i>Undertaking Engagement: Guidance for State Significant Projects</i>, 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 should be provided.</p>
<p>Expiry Date</p>	<p>If you do not lodge a Development Application and EIS for the development within 2 years of the issue date of these SEARs, your SEARs will expire. If an extension to these SEARs will be required, please consult with the Planning Secretary 3 months prior to the expiry date.</p>
<p>References</p>	<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>

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>

<https://www.lakemac.com.au/Development>

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 (Building Sustainability Index BASIX) 2004 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • State Environmental Planning Policy (Coastal Management) 2018 • State Environmental Planning Policy No.55 – Remediation of Land • State Environmental Planning Policy No 64 - Advertising and Signage • State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development & Accompanying Apartment Design Guide • Draft State Environmental Planning Policy (Remediation) • Lake Macquarie Local Environmental Plan 2014 • Lake Macquarie City Council Section 7.11 Contributions Plan- Morisset Catchment
Strategic plans	<ul style="list-style-type: none"> • NSW State Priorities • State Infrastructure Strategy 2018 – 2038 • Future Transport Strategy 2056 • Hunter Regional Plan 2036 • Greater Newcastle Metropolitan Plan 2036 • Lake Macquarie Development Control Plan 2014 • Lake Macquarie Local Strategic Planning Statement 2020.
Guidelines and policies	<ul style="list-style-type: none"> • 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) • EIS Guidelines – Roads and Related Facilities (DoPI)

- NSW Planning guidelines for walking and cycling (DIPNR & RTA, 2004) · 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 · Cycling Aspects of Austroads Guides (2017)
- Managing Land Contamination: Planning Guidelines - SEPP 55 Remediation of Land (DUAP)
- Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011)
- Statement of Heritage Impact Guide (OEH) · Design in context: Guidelines for infill development in the Historic Environment (NSW Heritage Office, 2005)
- Managing Urban Stormwater – Soils & Construction Volume 1 (Landcom, 2004)
- NSW Aquifer Interference Policy (2012) · Guidelines for Controlled Activities on Waterfront Land (2018)
- Interim Construction Noise Guideline (DECC, 2009)
- Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA, 2005)
- Better Placed: An integrated design policy for the built environment of New South Wales (GANSW, 2017)
- Draft Greener Places Design Guide (GANSW).
- Healthy Urban Development Checklist (NSW Health, 2009)
- Crime Prevention through Environmental Design (CPTED) Principles.
- Better Placed: An integrated design policy for the built environment of New South Wales (Government Architect NSW (GANSW), 2017).
- NSW Aquifer Interference Policy (2012)
- Guidelines for Controlled Activities on Waterfront Land (2018).

ATTACHMENT B

Government Authority Response to Request for Key Issues