

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-34122745
Project Name	Mount Canobolas Mountain Bike Trails
Location	<p>Mt Canobolas State Conservation Area and Glenwood State Forest</p> <p>Lots 42, 52, 72, 88, 69, 44, 181, 168, 54,118, 119, 191, 190 DP750143, Lots 1 and 2 DP260407, Lots 265, 293, 266, 259, 276 DP750415, Lot 9028 and 9027 DP1201721, Lot 155 DP756910, Lot 7002 DP1020355, Lot 172 DP40556, Lot 1 DP 610003, Lot 165 DP 750371, Lot 3 DP 260407, Lot 6 DP 917280, Lot A DP 380835, Lot 95 DP 1200169, Lot 1 DP258470, Lot 1 DP442252, Lot 1 DP409850, Lot 149 DP756910, Lot 144 DP1151224, Lot 193 DP 1139390, Lot 7300 DP 1154513, Lot 7301 DP1154513, Lots 108, 124, 128 DP756910, Lot 1 DP 1221281, Lot 1 DP 1129071, Lot 2 DP 610003, Lot 170 DP39656, Lot 1 DP 231900.</p>
Applicant	Orange City Council
Date of Issue	8 February 2022
General Requirements	<p>The Environmental Impact Statement (EIS) must meet the minimum form and content requirements as prescribed by Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation) and must have regard to the <i>State Significant Development Guidelines</i>.</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

	<p>with the development, including those health risks associated with relevant key issues.</p> <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	<p>The EIS must address the following specific matters:</p> <p>1. Statutory and Strategic Context</p> <p>The EIS must address the statutory provisions applying to the development contained in all relevant environmental planning instruments, including:</p> <ul style="list-style-type: none">o Address all relevant Environmental Planning Instruments, 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.o Address the economic feasibility of the proposal, with particular reference to the proposed staging to ensureo Provide details of the proposed use for each component of the development (including definition under the LEP), and the relationship between the different uses.o Provide detailed particulars outlining what portion of the development each land use will occupy and the total development area.o Provide an explanation of how any parts of the of the development that are not SSD are sufficiently related to the component that is SSD.o 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 Excellence</p>

The EIS must:

- 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*.
- In all other instances, demonstrate that the development has been reviewed by the State Design Review Panel (SDRP), or confirm that review is not required.

3. Transport and Accessibility

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

- The need for improvements to the classified road network, and the improvements proposed such as road widening and intersection treatments, to cater for and mitigate the impact of project related traffic.
- Proposed road facilities, access and intersection treatments on any classified road are to be identified and be in accordance with Austroads Guide to Road Design including provision of Safe Intersection Sight Distance (SISD).
- Plans illustrating the location and suitable treatment of new access points.
- Traffic volumes:
 - Existing background traffic including current traffic counts,
 - Project-related traffic for each phase or stage of the project for each trail (or primary access location for cluster of trails),
 - Projected cumulative traffic at commencement of operation including traffic associated with any event seeking consent under SSD-34122745.
- Traffic characteristics:
 - Number and ratio of heavy vehicles to light vehicles,
 - Peak times for existing traffic,
 - Peak times for project-related traffic including commuter periods,
 - Interactions between existing and project-related traffic.
- The impact of traffic generation on the public road network and

measures employed to ensure traffic efficiency and road safety during construction and operation.

- The layout of the internal road network, parking facilities and infrastructure.
- Impact on public transport (public and school bus routes) and consideration for alternative transport modes such as walking and cycling.

4. 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).
- Demonstrate that any tracks proposed in the Mount Canobolas SCA avoid areas of threatened and regionally significant ecological communities and species and that adequate buffers on tracks have been applied to minimise impacts to no-go and high constraint areas.
- Assess further impacts associated with the proposal, including (but not limited to):
 - Spread of weeds and pathogens (eg Phytopthera)
 - Damage to track-side vegetation by mountain bikes and spectators
 - Use of the tracks by pest animals (foxes, dogs, cats, goats, pigs etc)
 - Use of the tracks by motorbike riders
 - Vandalism to park signage and infrastructure
 - Ecosystem fragmentation
 - Vehicle strikes through increased traffic to trail heads, and mountain bike collisions with fauna.
- Assess additional matters identified by at Biodiversity, Conservation and Science Directorate (BCS) and the National Parks and Wildlife Service (NPWS) at **Attachment B**.
- If the proposed development is likely to be a 'Controlled Action' under the EPBC Act, the accredited assessor should contact the BCS North West Planning team prior to submission of the EIS.
- Prior to the Biodiversity Development Assessment Report being submitted to the consent authority, the accredited assessor should

submit a proposed land categorisation method to the BCS North West Planning team for endorsement.

5. Heritage

The EIS must:

- Include a Statement of Heritage Impact (SOHI) addressing the impacts of the proposal on the heritage significance of the site and adjacent areas and is to identify the following:
 - all heritage items (state and local) within the vicinity of the site including built heritage, landscapes and archaeology, detailed mapping of these items, and assessment of why the items and site(s) are of heritage significance;
 - the impacts of the proposal on heritage item(s) including visual impacts;
 - the attempts to avoid and/or mitigate the impact on the heritage significance or cultural heritage values of the site and the surrounding heritage items; and
 - justification for any changes to the heritage fabric or landscape elements including any options analysis.
- If the SOHI identifies impact on potential historical archaeology, an historical archaeological assessment should be prepared by a suitably qualified archaeologist in accordance with the guidelines Archaeological Assessment (1996) and Assessing Significance for Historical Archaeological Sites and Relics (2009). This assessment should identify what relics, if any, are likely to be present, assess their significance and consider the impacts from the proposal on this potential archaeological resource. Where harm is likely to occur, it is recommended that the significance of the relics be considered in determining an appropriate mitigation strategy. If harm cannot be avoided in whole or part, an appropriate Research Design and Excavation Methodology should also be prepared to guide any proposed excavations or salvage program.
- Consider additional matters identified by Heritage NSW at **Attachment B**.

6. 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.

- Consultation with Aboriginal people must be undertaken and documented in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.
- Consider additional matters identified by Heritage NSW at **Attachment B**.

7. 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 additional matters identified by Biodiversity Conservation Division at **Attachment B**.

8. Bushfire

The EIS must:

- include a bush fire assessment that details proposed bush fire protection measures and demonstrates compliance with Planning for Bush Fire Protection.

9. Stormwater and Drainage

The EIS must:

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

10. 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.

11. 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.

12. 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.

13. 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.

14. 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 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.

15. Staging

The EIS must:

- Provide details of the staging and/or sequencing of the proposed development, including staging for the trail and ancillary 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.

16. Built Form and Urban Design

The EIS must:

- Demonstrate how the proposed built form of any trail head facilities address and respond to the context, site characteristics, streetscape and existing and future character of the locality.
- 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.

- Detail of how services, including but not limited to waste management, loading zones, and mechanical plant are integrated into the design of the development.

17. Construction and Waste

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
- 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.
- describe measures to be implemented to minimise, reuse, recycle and safely dispose of this waste.

18. 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.

19. Contributions and Public Benefit

The EIS must:

- Address the requirements of any relevant contributions plan(s), planning

	<p>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.</p> <ul style="list-style-type: none"> ○ 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.
<p>Plans and Documents</p>	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Regulation. Provide these as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include the following:</p> <ul style="list-style-type: none"> - High quality files of maps and figures of the subject site and proposal; and - Survey plans (A3) - Overall site plan (A3) - Architectural plans - Compliance tables for all relevant development standards and planning controls - Social Impact Assessment - BDAR - Aboriginal Cultural Heritage Report - Statement of Heritage Intent - Site Environmental Management Plan - Bushfire Report - Flooding and Stormwater Report - Quantity Surveyor Report
<p>Engagement</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"> - Cabonne Shire Council

	<ul style="list-style-type: none"> - Heritage NSW, Biodiversity Conservation and Science Directorate, National Parks and Wildlife Service, Crown Lands, Transport for NSW and any other relevant agencies - Orange Local Aboriginal Land Council and Registered Aboriginal Parties - the community (proportionate to the scale, likely impacts and likely level of community interest in the development) including any local action groups - 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 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>
Expiry Date	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.
References	The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this proposal.

ATTACHMENT A

Policies, Plans and Guidelines

The following guidelines may assist in the preparation of the environmental impact statement. This list is not exhaustive and not all of these guidelines may be relevant to your proposal.

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

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

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

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

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

<https://www.cabonne.nsw.gov.au/Planning-Development>

Policies, Plans and Guidelines

Statutory policies and plans	<ul style="list-style-type: none"> • Aboriginal Land Rights Act 1983 • Environmental Planning & Assessment Act 1979 • Environmental Protection and Biodiversity Conservation Act 1999 • Biodiversity Conservation Act 2016 • Crown Land Management Act 2016 • Forestry Act 2021 • National Parks and Wildlife Act 1974 • State Environmental Planning Policy (State & Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Rural Lands) 2008 • State Environmental Planning Policy (Koala Habitat Protection) 2021 • State Environmental Planning Policy No.55 – Remediation of Land • State Environmental Planning Policy No 64 - Advertising and Signage • Draft State Environmental Planning Policy (Remediation) • Cabonne Local Environmental Plan 2012
Strategic plans	<ul style="list-style-type: none"> • NSW State Priorities • State Infrastructure Strategy 2018 – 2038 • Future Transport Strategy 2056 • Central West and Orana Regional Plan 2036 • Cabonne 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) • Mount Canobolas State Conservation Area Plan of Management • Sustainability Assessment Criteria for Visitor Use and Tourism in National Parks • 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) • OEH Cycling Policy (2011) • Sustainable Mountain Bike Strategy (2011) • Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011) • Code of Practice for Archaeological Investigation in NSW (DECCW 2010) • Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW

2010)

- Archaeological Assessment (1996) and Assessing Significance for Historical Archaeological Sites and Relics (2009)
- Statement of Heritage Impact Guide (OEH)
- 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).