

# Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979* (the Act) and Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation)

<b>Application Number</b>	SSD-38881729
<b>Project Name</b>	Harbourside Shopping Centre Redevelopment
<b>Description</b>	Bulk Excavation works
<b>Location</b>	Harbourside Side Shopping Centre, 10-12 Darling Drive, Darling Harbour; Lot 1 in DP776815 and Lot 2015 DP1234971
<b>Applicant</b>	Mirvac Projects Pty Ltd
<b>Date of Issue</b>	11 April 2022
<b>General Requirements</b>	<p>A development application (DA) for State significant development (SSD) must include all relevant information and documents specified in Part 1 of Schedule 1 of the Regulation, including an environmental impact statement (EIS) (section 4.12(8) of the Act and clause 2(1)(e) of Schedule 1 of the Regulation). The DA must be lodged on the NSW planning portal (clause 50(1)(d) of the Regulation).</p> <p>The form and content of the EIS must be prepared in accordance with clauses 6 and 7 of Schedule 2 of the Regulation. Any document adopted or referenced in the EIS will form part of the EIS (clause 9(1) of Schedule 2 of the Regulation).</p> <p>The EIS must include a report certified to be accurate at the time of publication by a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> <li>• a detailed calculation of the capital investment value (CIV) of the proposal (as defined in clause 3 of the Regulation), including details of all assumptions and components for the CIV calculation, including consultant costs</li> <li>• an estimate of jobs that will be created during the construction and operational phases of the proposal.</li> </ul>
<b>Key issues to be addressed</b>	<p><b>1. Statutory and strategic context</b> The EIS must:</p> <ul style="list-style-type: none"> <li>• address all relevant legislation (including sections 1.3 and 4.15 of the Act and clauses 6 and 7 of Schedule 2 of the Regulation), Environmental Planning Instruments (EPIs), draft EPIs, plans, policies and guidelines</li> <li>• detail the nature and extent of any prohibitions, including partial prohibitions, applicable to the proposal, and provide detailed justification for any prohibitions</li> <li>• identify compliance with applicable development standards and provide a detailed justification for any non-compliances</li> <li>• address the requirements of any approvals applying to the site, including any concept approval or recommendations from any Gateway determination</li> <li>• comply with these SEARs (cl 3(8) of Schedule 2 of the Regulation).</li> </ul> <p><b>2. Consistency with the Concept Approval</b> The EIS shall:</p>

- demonstrate the proposal complies with the terms of approval and all relevant Future Environmental Assessment Requirements (FEARs) of the Concept Approval and is in accordance with the approved plans.

## **2. Traffic Management and access**

The EIS must include:

- an assessment of road and pedestrian safety adjacent to the proposed development and the details of required road safety measures and personal safety.
- a Construction Traffic and Pedestrian Management Plan (CTPMP) prepared in consultation with Transport for NSW, Place Management NSW and Council with comments addressed prior to lodgement. The CTPMP must include:
  - an assessment of cumulative impacts associated with other construction activities (if any).
  - an assessment of road safety at key intersection and locations subject to heavy vehicle construction traffic movements and high pedestrian activity.
  - an assessment of impacts on the Sofitel Hotel and the ICC and program
  - details of construction program detailing the anticipated construction duration and highlighting significant and milestone stages and events during the construction process.
  - details of anticipated peak hour and daily construction vehicle movements to and from the site.
  - details of on-site car parking and access arrangements of construction vehicles, construction workers to and from the site.
  - details of temporary cycling and pedestrian access during construction.
  - emergency vehicle access, service vehicle access, delivery and loading arrangements and estimated service vehicle movements (including vehicle type and the likely arrival and departure times).
  - measures to reduce reliance on private vehicle travel for construction workers
  - proposed management and mitigation measures to address any impacts on traffic, pedestrian and cycle networks.

## **3. Contamination**

The EIS must include a detailed site investigation assessing and quantifying any soil or groundwater contamination, and demonstrating that the site is suitable (or may be made suitable after remediation) for the proposed use, in accordance with the State Environmental Planning Policy (Resilience and Hazards) 2021 and the associated guidelines.

Where recommended in the preliminary investigation, or requested by the Planning Secretary, the EIS must also include a detailed site investigation, a remediation action plan and/or a preliminary long-term environmental management plan, peer reviewed by an NSW accredited Site Auditor.

## **4. Heritage**

The EIS must include:

- a Heritage Impact Statement (HIS), prepared in accordance with relevant guidelines, assessing the impact of the proposal on the heritage significance of the site and surrounding area and in particular the heritage and visual impact on the context and setting, view and vistas to and from the State

heritage listed Pyrmont Bridge, including archaeology, and include measures to reduce or mitigate any unavoidable impacts

- provide a historical archaeological assessment to inform the HIS and identify any archaeology protected under the Heritage Act 1977
- an Aboriginal Cultural Heritage Assessment Report in accordance with relevant guidelines, identifying, describing, and assessing any impacts for any Aboriginal cultural heritage values on the site, including archaeology

#### **5. Flooding**

The EIS must include a flood impact assessment, which:

- identifies and describes any on-site flood impacts and risks associated with the proposed development, having regard to relevant provisions of the NSW Floodplain Development Manual and other local or State studies and guidance
- identifies mitigation and management measures to minimise the impacts of flooding on the proposed development.

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

The EIS must include an Integrated Water Management Plan that:

- is prepared in consultation with Council and any other relevant drainage authority
- details the proposed drainage design for the site, including on-site detention facilities, water quality measures and the nominated discharge point(s)
- demonstrates compliance with relevant provisions of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 and Council or other drainage authority requirements and avoids adverse impacts on any downstream properties, watercourses, riparian land, and groundwater dependent ecosystems
- details of how sediment runoff from the site will be managed and prevented from flowing into Cockle Bay.

Where drainage infrastructure works are required that would be handed over to Council, provide full hydraulic details and detailed plans and specifications of proposed works that have been prepared in consultation with Council and comply with Council's standards.

#### **7. Public Domain:**

The EIS must address the following:

- the extent of any affected public domain areas on and surrounding the site (stormwater and civil infrastructure, services alignment, footway, pedestrian boulevard, street lighting, furniture, street trees) for the duration of the works, including any phasing of works, vehicle and construction crossings, storage areas.
- details of measures to make good any affected areas should works be halted for significant periods
- details any changes required to existing pedestrian, cycle and vehicle networks and wayfinding measures to be installed.

#### **8. Tree Management**

The EIS must include:

- an Arboricultural Assessment prepared by a suitability qualified Arboriculturist assessing any impact on street trees and trees within the public domain, with any recommended measures include root protection zones and trunk protection in place and documented prior to commencement of works

- a tree retention plan, prepared in consultation with PMNSW, detailing the number of existing trees (Cabbage Palms) to be retained and re-used as part of future planting scheme. The plan shall also include an appropriate horticulture methodology for the removal and maintenance of the trees until they can be replanted back into the development site area at a later stage.

#### **9. Air Quality**

The EIS must include an air quality assessment of onsite and offsite air quality impacts, including odours, in accordance with the relevant EPA guidelines. The assessment must detail construction and operational air quality impacts both onsite and on nearby sensitive receivers and outline the proposed management and mitigation measures that would be implemented to reduce any air quality impacts.

#### **10. Noise and vibration**

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

#### **11. Ground conditions**

The EIS must assess any geotechnical and acid sulphate soil impacts and sediment and erosion controls.

#### **12. 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, unless a waiver is granted.

#### **13. Waste and servicing**

The EIS must identify, quantify and classify the likely waste to be generated and describe measures to be implemented to minimise, reuse, recycle and safely dispose of this waste, including:

- a waste management plan including material storage areas for reusable materials and recyclables during demolition and construction.
- identify, quantify and classify the likely waste to be generated and describe measures to be implemented to minimise, reuse, recycle and safely dispose of this waste.
- vehicle access to material storage areas; estimation of quantities and types of materials to be reused, recycled or left over for removal from the site.
- address the City of Sydney's Guidelines For Waste Management In New Developments 2018.

#### **14. Infrastructure and Utilities**

The EIS must:

- detail the existing infrastructure and services on site and outline what infrastructure and services will be decommissioned.
- outline proposed infrastructure and services and identify possible impacts to, and measures to protect, infrastructure including but not limited to:
  - Sydney Trains 33kV High Voltage Cable located west of the site.
  - transport infrastructure and the operation of the Sydney Light Rail
- detail measures to mitigate the impacts of the proposal on any remaining infrastructure items, including proposed relocation.

	<ul style="list-style-type: none"> <li>consider any requirements of the Transport and Infrastructure SEPP in relation to development on or adjacent to utilities and infrastructure.</li> </ul> <p><b>15. Temporary Structures</b> The EIS must:</p> <ul style="list-style-type: none"> <li>detail the proposed temporary structures on site, including sheds, compounds, hoardings and identify possible visual and amenity impacts.</li> <li>detail measures to mitigate the impacts of the temporary structures on roads, streets and public domain areas.</li> <li>address how graphics and relevant site information may be displayed on site hoarding, in consultation with and ultimately approved by PMNSW.</li> </ul> <p><b>16. Site Security</b> The EIS must address site security, and include a draft site security management plan prepared in consultation with PMNSW detailing after hours contacts, site access details, strategies for managing theft, unauthorised access, persons injured on site and response measures including details of on-site security measures to be adopted during major events, graffiti issues etc.</p> <p><b>17. Staging and Impacts to Darling Harbour</b> The EIS must:</p> <ul style="list-style-type: none"> <li>detail the proposed excavation and construction timeframe and staging, including the works proposed as part of this application and future application/s for built form and public domain works.</li> <li>detail any measures required to minimise impacts on the entertainment and recreation uses within Darling Harbour.</li> </ul>
<b>Plans and Documents</b>	<p>The EIS must include all relevant plans, architectural drawings, diagrams, lists, certificates and any other documentation required under Schedule 1 of the Regulation and a report demonstrating compliance with relevant requirements of the Building Code of Australia.</p> <p>If the Department identifies any other document required to be included in the EIS before the DA is lodged, those documents must also be included in the EIS.</p>
<b>Consultation</b>	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, utility providers, community groups and affected landowners, as identified in any meeting with the Department before the DA is lodged.</p> <p>The EIS must describe the consultation process, the issues raised during consultation, and how the proposal addresses those issues. Where amendments have not been made to address an issue, a succinct explanation should be provided.</p>
<b>Further consultation after 2 years</b>	<p>You must lodge a DA and EIS within 2 years of the date of this SEARs. If you do not lodge a DA and EIS within 2 years of the date of this SEARs, you must consult with the Planning Secretary in relation to the preparation of the EIS.</p>