Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*

Part 8 of the *Environmental Planning and Assessment Regulation 2021*

Application Number	SSD-39121472
Project Name	Cedar Mill Hunter Valley
Location	482-542 McDonalds Road, Pokolbin within the Cessnock City local government area (LGA)
Applicant	Winarch Capital Pty Ltd
Date of Issue	26 April 2022
General Requirements	The Environmental Impact Statement (EIS) must meet the minimum form and content requirements as prescribed by Part 8 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and must have regard to the *State Significant Development Guidelines*. Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development. Where relevant, the assessment of key issues below, and any other significant issues identified in the risk assessment, must include: o adequate baseline data o consideration of the potential cumulative impacts due to other developments in the vicinity (completed, underway or proposed); o measures to avoid, minimise and if necessary, offset predicted impacts, including detailed contingency plans for managing any significant risks to the environment; and o a health impact assessment of local and regional impacts associated with the development, including those health risks associated with relevant key issues. The EIS must also be accompanied by a report from a qualified quantity surveyor providing: o a detailed calculation of the capital investment value (CIV) (as defined in the EP&A 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. o the report must clearly delineate the CIV of the State Significant Development (SSD) components of the proposal separately to the overall CIV for the proposal.

	○ an estimate of jobs that will be created during the construction and operational phases of the proposed development certification that the information provided is accurate at the date of preparation.
Key Issues	**The EIS must address the following specific matters:** **1. Statutory and Strategic Context** The EIS must: ○ address all relevant environmental planning instruments, plans, policies and guidelines, including (but not limited to), those outlined at **Attachment A**; ○ address the RU4 zone objectives of the Cessnock Local Environmental Plan 2011. ○ clearly describe all proposed land uses on the site and their permissibility in accordance with relevant environmental planning instruments (EPIs). ○ clearly describe, detail and confirm the SSD components of the proposal in accordance with Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021. The gross floor area and site coverage calculations of the SSD components must be provided. ○ clearly detail all land uses proposed which are not SSD and how they are subservient and relate to the SSD components of the proposal, providing justification for their inclusion as part of the proposal. ○ clearly describe and detail any land uses prohibited on the site under an EPI and how these uses relate to the SSD components of the proposal, providing justification for their inclusion as part of the proposal. ○ describe the operation and use of each specific land use proposed. ○ identify compliance with the development standards applying to the site and provide a detailed justification for any non-compliances. ○ address consistency with strategic land use plans (State and local) which apply to the site. ○ include operational details for the development, including, but not limited to typical hours of operation, typical activities, and patron capacity; ○ address the current and future agricultural production viability of the site in the context of the proposal. ○ address potential land use conflict between the proposal, existing and proposed developments within the vicinity of the site. ○ include a land use conflict risk assessment (LUCRA) to detail the potential impacts that the proposed development may have on neighbouring agricultural land uses (in particular viticulture) and the measures proposed to mitigate these impacts. Consultation with the owners and operators of the agricultural businesses on adjoining lots will help to inform the potential impacts and mitigation measures. **2. Design Excellence and Quality** The EIS is to: ○ demonstrate how the development will achieve: o design excellence in accordance with any design excellence requirements of applicable EPIs and planning controls. o 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 is to: ○ address the height, density, bulk and scale, setbacks and interface of the development in relation to topography, rural landscape setting, any public open spaces and watercourses, having regard to applicable planning controls and objectives; ○ address design quality and built form, with specific consideration of the overall site layout, rural landscape setting, open spaces, façades, roof forms, massing, setbacks, building articulation, materials and colour palette; ○ demonstrate how good environmental amenity would be provided, including access to natural daylight and ventilation, acoustic separation, access to landscape and outdoor spaces and future flexibility for each component of the proposal; and ○ provide a visual impact assessment incorporating photomontages or perspectives that identifies any potential impacts on the surrounding built environment, rural landscape setting and land uses including views to and from the site and any adjoining/nearby heritage items. ○ Demonstrate that Aboriginal culture and heritage is considered and incorporated holistically in the design proposal. **4. Public Domain, Trees and Landscaping** The EIS must: ○ identify the parts of the site which will be publicly accessible and how the interface between any private/publicly accessible spaces will be managed; ○ address impacts on existing trees, including opportunities to retain and integrate existing trees and number of trees to be removed (if any); ○ identify any trees, shrubs and/or ground covers to be removed, retained or transplanted; ○ 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; ○ demonstrate 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; and ○ provide a Landscape Plan Masterplan, that details the proposed site plantings, including location, number and species of plantings, heights of trees at maturity, materials to be used and proposed canopy coverage. The Landscape Master Plans must be accompanied by a report prepared by a suitably qualified Landscape Architect.

	5. Transport and Accessibility The EIS must include a Transport and Accessibility Impact Assessment, which is tailored to the scope of the proposal and includes, but is not limited to the following: ○ a map of the surrounding road network identifying the site access, relevant traffic route/s and connections to the classified (State) road network. ○ addresses comments provided by Council in **Appendix B.** ○ assessment of all relevant vehicular traffic routes and intersections for access to / from the subject properties. ○ 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. ○ Current traffic counts for all relevant traffic routes and relevant intersections, including connections to the classified (State) road network. (note: any counts undertaken are not to be within close proximity to the school holidays or long weekends and are to be to include a typical day including a Thursday and a Friday). ○ the anticipated additional vehicular traffic generated from both the construction and operational stages of the project. ○ detail on how the proposed development traffic generation impacts on future neighbouring development, where identified, can be ameliorated; ○ site and traffic management plan on how to manage number of vehicles likely to be generated during construction and operation and awaiting loading, unloading or servicing, and assessment of potential impacts on the surrounding road network; ○ the distribution on the road network of the trips generated by the proposed development. It is requested that the predicted traffic flows are shown diagrammatically to a level of detail sufficient for easy interpretation. ○ detailed plan of proposed layout of internal road network to demonstrate that the site will suitably accommodate vehicular access/egress and parking on site in accordance with the relevant Australian Standard and applicable Development Control Plan(s); ○ an assessment of turn treatment warrants in accordance with the Austroads Guide to Traffic Management Part 6 and Austroads Guide to Road Design Part 4A for relevant intersections along the identified transport route/s, including connections to the classified (State) road network. ○ consideration of the traffic impacts on existing and proposed intersections, in particular, the intersection at McDonalds Road and Broke Road. Consideration shall also include access to the site, and the capacity of the local and classified road network to safely and efficiently cater for the additional vehicular traffic generated by the proposed development, during both the construction and operational stages. The traffic impact shall also include the cumulative traffic impact of other proposed developments in the area. ○ identify the necessary road network infrastructure upgrades that are required to maintain existing levels of service on both the local and classified road network for the development. In this regard, preliminary concept drawings shall be submitted with the EIS for any identified road infrastructure upgrades. However, it should be noted that any identified road infrastructure upgrades will need to be to the satisfaction of TfNSW and Council. ○ traffic analysis of any major/relevant intersections impacted, using SIDRA or similar traffic model, including:

- Current traffic counts and 10-year traffic growth projections
- With and without development scenarios
- 95th percentile back of queue lengths
- Delays and level of service on all legs for the relevant intersections
- Electronic data for TfNSW review.
- identification and consideration of approved, and proposed, developments/planning proposals/road upgrades in the vicinity

- details of any travel demand management measures to minimise any impacts on general traffic and public transport operations, including details of a location-specific sustainable travel plan (Green Travel Plan and specific Workplace Travel Plan) and the provision of facilities to increase the non-car mode share for travel to and from the site;
- Relevant swept path analysis for the largest design vehicle accessing the site.
- any other impacts to the road network including consideration of active transport and public transport facilities.
- identification of necessary road upgrades that are required to mitigate the impact of the development. Preliminary concept drawings for any road upgrades shall be designed in accordance with Austroads Guidelines, Australian Standards and TfNSW Supplements and be submitted with the EIS. Road upgrades shall be to the satisfaction of TfNSW and/or Council in accordance with relevant Roads Act functions.
- details of the adequacy of existing public transport or any future public transport infrastructure within the vicinity of the site, pedestrian and bicycle networks and associated infrastructure to meet the likely future demand for the proposed development.
- measures to integrate the development with any existing/future public transport network.
- the preparation of a preliminary Construction Pedestrian and Traffic Management Plan (CPTMP) to demonstrate the proposed management of the impact in relation to construction traffic. The CPTMP and associated Traffic Control Plans (TCPs) should be prepared by suitably qualified persons in accordance with the TfNSW *Traffic Control at Work Sites Manual*, addressing the following:
  - 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;
  - 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, emergency vehicles and service vehicle; and
  - details of temporary cycling and pedestrian access during construction.

6. Ecologically Sustainable Development

The EIS must:

	○ detail how ESD principles (as defined in the Environmental Planning and Assessment Regulation 2021) will be incorporated in the design, construction and ongoing operation of the development; ○ demonstrate how the development will meet or exceed the relevant industry recognised building sustainability and environmental performance standards; and ○ 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 ○ outline any sustainability initiatives and integrated water management arrangements that will enable use of recycled water, reduce the demand for drinking and non-drinking water. **7. Environmental and Residential Amenity** The EIS must: ○ assess environmental and residential amenity impacts associated with the proposal, including solar access, acoustic impacts, visual privacy, view loss, overshadowing, glare, reflectivity, and lighting impacts. A high level of environmental amenity must be demonstrated; and ○ demonstrate that the proposal has considered and adopted best practice Crime Prevention Through Environmental Design (CPTED) principles. **8. Flooding** The EIS must: ○ Assess and map potential flooding impacts associated with the development and consider the relevant provisions of the NSW Floodplain Development Manual/ Flood Risk Management Manual, including potential impacts of climate change and increased rainfall intensity. The following features relevant to flooding as described in the Floodplain Development Manual/Flood Risk Management Manual are to be mapped, including: o Flood prone land. o Flood planning area, the area below the flood planning level. o Hydraulic categorisation (floodways and flood storage areas) o Flood Hazard. ○ describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 1 in 10 year, 1 in 100 year flood levels and the probable maximum flood (PMF), or an equivalent extreme event. All modelling and risk assessment is to consider the full range of flooding, including events up to the PMF. ○ include modelling that considers and documents: o existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies; o the impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood, or an equivalent extreme flood; o impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazard categories and hydraulic categories; o relevant provisions of the NSW Floodplain Development Manual 2005/Flood Risk Management Manual.

	○ model the effect of the proposed development (including fill) on the flood behaviour under the following scenarios: o Current flood behaviour for a range of design events as identified in 11 above. This includes the 1 in 200 and 1 in 500 year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change. ○ model the effect of the proposed development (including fill) on the flood behaviour under the following scenarios: o current flood behaviour for a range of design events as identified above. This also includes the 1 in 200 and 1 in 500 year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change ○ assess the impacts on the proposed development on flood behaviour, including: o whether there will be detrimental increases in the potential flood affectation of other properties, assets and infrastructure. o consistency with Council floodplain risk management plans. o consistency with any Rural Floodplain Management Plans. o compatibility with the flood hazard of the land. o compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land. o whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site. o whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses. ○ assess emergency management matters, in consultation with the NSW State Emergency Service (SES) and Council, including: o any impacts the development may have upon existing community emergency management arrangements for flooding, including the cumulative impact on evacuation capacity for the locality o specific measures to manage risk to life from flood, including early site evacuation and / or non-attendance in the event of a flood or probable flood o any measures proposed to improve the road network for evacuation (or to fund network improvements); o emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event) o assess the level of carparking provided and any public transport (such as shuttle buses etc), having regard to the evacuation constraints of the site and the requirements of any Flood Response Guidelines (if available) ○ assess any impacts the development may have on the social and economic costs to the community as consequence of flooding. **9. Stormwater Management** The EIS must: ○ include an Integrated Water Management Strategy that considers water, wastewater and stormwater. The strategy must: o demonstrating how stormwater would be appropriately managed in accordance with Council's requirements o 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 o provide details of any Water Sensitive Urban Design (WSUD) treatments, including an electronic MUSIC model o assess stormwater quality and quantity pre and post development flows **10. Water and Soils** The EIS must: o map the following features relevant to water and soils including: o Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map) o Rivers, streams, estuaries and wetlands (as described in s4.2 of the Biodiversity Assessment Method) o Groundwater, o Groundwater dependent ecosystems o Proposed intake and discharge locations o describe background conditions for any water resource likely to be affected by the development including: o existing surface and groundwater o hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations o water Quality Objectives (as endorsed by the NSW Government https://www.environment.nsw.gov.au/ieo/index.htm) including groundwater as appropriate that represent the community's uses and values for the receiving waters o indicators and trigger values/criteria for the environmental values identified, in accordance with the ANZECC (2000) Guidelines for Fresh and Marine Water Quality and/or local objectives, criteria or targets endorsed by the NSW Government o assess the impacts of the development on water quality, including: o the nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the development protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction. o identification of proposed monitoring of water quality. o assess the impact of the development on hydrology, including: o a detailed and consolidated site water balance including quantity, quality and source. o any effects to downstream rivers, wetlands estuaries, marine waters and floodplain areas. o any effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems. o any impacts to natural processes and functions within rivers wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches). o assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.

- changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water.
- mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options.
- identification of proposed monitoring of hydrological attributes (both surface and groundwater), including methodologies.

11. 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 the State Environmental Planning Policy (Resilience and Hazards) 2021 and associated guidelines.

12. Biodiversity

The EIS must include the following:

- Biodiversity impacts related to the proposed development are to be assessed in accordance with the Biodiversity Assessment Method 2020 and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the Biodiversity Conservation Act 2016 (s6.12), Biodiversity Conservation Regulation 2017 (s6.8) and Biodiversity Assessment Method 2020.
- The BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the Biodiversity Assessment Method 2020.
- The BDAR must include details of the measures proposed to address the offset obligation as follows:
  - The total number and classes of biodiversity credits required to be retired for the development/project;
  - The number and classes of like-for-like biodiversity credits proposed to be retired;
  - The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules
  - Any proposal to fund a biodiversity conservation action;
  - Any proposal to conduct ecological rehabilitation (if a mining project);
  - Any proposal to make a payment to the Biodiversity Conservation Fund.
- If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits.
- The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2020 under s6.7 of the Biodiversity Conservation Act 2016.

13. Bushfire and Safety

The EIS must:

- include a bush fire assessment that details proposed bush fire protection

measures and demonstrates compliance with the NSW Rural Fire Service document *Planning for Bush Fire Protection 2019*.

14. Heritage

The EIS must include:

- a Statement of Heritage Impact (SOHI) prepared by a suitably qualified heritage consultant in accordance with the guidelines in the NSW Heritage Manual. The SOHI is to address the impacts of the proposal on any heritage significance of the site and adjacent areas.
- An historical archaeological assessment (where the SOHI identifies impact on potential historical archaeology), prepared by a suitably qualified archaeologist.

15. Aboriginal Cultural Heritage

The EIS must include an Aboriginal Cultural Heritage Assessment Report (ACHAR) which identifies cultural heritage values, impacts and mitigation measures:

- the ACHAR must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development. This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the Code of Practice for Archaeological Investigation in NSW (DECCW 2010), and be guided by the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales (OEH 2011).
- 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.
- impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to Heritage NSW.
- the assessment of Aboriginal cultural heritage values must include a surface survey undertaken by a qualified archaeologist. The result of the surface survey is to inform the need for targeted test excavation to better assess the integrity, extent, distribution, nature and overall significance of the archaeological record. The results of surface surveys and test excavations are to be documented in the ACHAR.
- the ACHAR must outline procedures to be followed if Aboriginal objects are found at any stage of the life of the project to formulate appropriate measures to manage unforeseen impacts.
- the ACHAR must outline procedures to be followed in the event Aboriginal burials or skeletal material is uncovered during construction to formulate appropriate measures to manage the impacts to this material

16. Noise and Vibration

The EIS must:

- include a noise and vibration assessment in accordance with the relevant Environmental Protection Authority (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. The Acoustic Assessment is to:

- be undertaken by acoustic specialists with knowledge of, and access to, technical expertise relevant to the proposed development and associated equipment and activities.
- present noise contours informing of the predicted noise levels, assessed against typical background noise levels across day, evening and night-time periods, and model noise predictions on 'worst-case scenario' conditions such as maximum capacity, most impactful equipment/activities and meteorological conditions occurring
- assess the cumulative impact of the proposal in conjunction with the operation of other nearby developments (existing and proposed)
- details permanent and temporary noise and vibration mitigation measures.

17. Lighting

The EIS must:

- include an external lighting plan and lighting impact assessment which demonstrates compliance with the most recent/applicable version of Australian Standard AS/NZS 4282 Control of the obtrusive effects of outdoor lighting.

18. Social and Economic Impacts

The EIS must:

- include a Social Impact Assessment prepared in accordance with the Social Impact Assessment Guideline for State Significant Projects, dated November 2021;
- include an Economic Impact Assessment addressing the impacts on the local service economy within the locality, as well as macro-economic impacts and more broadly across the Cessnock City LGA; and
- assess the economic and social impacts of the development including consideration of any increase in demand for community infrastructure and services.

19. Infrastructure and Utilities

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

- detail the proposed on-site sewerage management system(s) and facilities to accommodate the proposed development. This must include a detailed wastewater report, prepared by a suitably qualified environmental professional. The report must:
  - identify if an environmental protection licence is required for the system(s).
  - clearly consider each element of the development and calculates the hydraulic load conservatively based on the peak load/capacity. Having calculated and documented the basis for this calculation separately for each element the overall hydraulic load for the proposed development can be transparently outlined. That is, the report addresses in totality the onsite wastewater proposal.

- Include system design and associated hydraulic calculations consistent with all other documentation submitted in support of the proposal.
- Clearly identify and consider site constraints both inherent, and introduced in connection with the proposal.
- Clearly delineate and address management of different waste streams (i.e. human waste, brewery waste/distillery waste)
- addresses how, where multiple systems are proposed, they relate to and may impact on each other, even when separate approvals are required.
- Includes a detailed site plan.

- assess the impacts of the development on existing and proposed utility infrastructure and service provider assets surrounding the site
- 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
- provide an infrastructure delivery and staging plan, including a description of how infrastructure requirements would be coordinated, funded and delivered to facilitate the development;
- identify an adequate and secure water supply for the life of the project. This includes confirmation that water can be sourced from an appropriately authorised and reliable supply. This is also to include an assessment of the current market depth where water entitlement is required to be purchased. Please also note advice from Hunter Water in **Appendix B**.
- address any requirements of the State Environmental Planning Policy (Transport and Infrastructure) 2021 in relation to development on or adjacent to utilities and infrastructure and consider the impacts of the development on adjacent infrastructure.

20. Waste

The EIS must:

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

21. Hazards and Risks

The EIS must include:

- a preliminary risk screening in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021 regarding any dangerous goods and hazardous materials associated with the development.
- a Preliminary Hazard Analysis, if required, where the development includes handling or storage of dangerous or hazardous materials, undertaken in accordance with the Planning Advisory Paper No 6: Hazard Analysis (Department of Planning (DoP), 2011). The hazard analysis must include, and not be limited to:
  - an estimate the cumulative risk to the proposed development from all high pressure dangerous goods that are within or in the vicinity of the proposed development.

	○ demonstration that the proposed development would comply with the relevant qualitative and quantitative risk criteria detailed in the Hazardous Industry Planning Advisory Paper No 10: Land Use Safety Planning (DoP, 2011). **22. Air Quality & Pollution** The EIS must: ○ assess the construction and operation air quality impacts and ensure they meet the requirements of Council and/or the EPA. ○ detail the proposed management and mitigation measures that would be implemented, and clearly demonstrate that no risk to public health will result during construction and operation. ○ demonstrate whether any activities associated with the proposed development would be a scheduled activity as listed in Schedule 1 of the Protection of the Environment Operations Act 1997 (the POEO Act), or other legislative requirements administered by the EPA. **23. Public Benefit and Development Contributions** The EIS must: ○ 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. **24. Easements and Construction Staging** The EIS must provide: ○ details of any easements, restrictions or positive covenants on site ○ details of the staging and/or sequencing of the proposed development which may be proposed ○ details of any temporary (or continued) use or temporary activation of the land during staged construction ○ demonstrate how any staged construction will not adversely impact the local road network or pedestrian connections. ○ details of how construction and operation would be managed and any impacts mitigated.
Plans and Documents	The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under the EP&A Regulation. Provide these as part of the EIS rather than as separate documents. In addition, the EIS must include the following: ○ High quality files of maps and figures of the subject site and proposal; ○ Site survey plan, showing existing levels, location and height of existing and adjacent structures/buildings; ○ Site analysis plan; ○ Architectural drawings; ○ Design Excellence Strategy (where design excellence is required by an EPI);

	○ Design Competition Report (where a competitive design process has been held); ○ Design Review report (where the project has been reviewed by the SDRP); ○ Public domain and landscape plan (and accompanying report); ○ Overshadowing analysis; ○ Schedule of materials and finishes; ○ Details of any business identification signage; ○ Demolition plan; ○ Cut and Fill Plan; ○ Stormwater management plans; ○ Erosion and Sediment Control Plans; ○ Lighting impact assessment; ○ Preliminary risk screening (any dangerous goods and hazardous materials associated with the development); ○ Social Impact Assessment; ○ Economic Impact Assessment ○ Noise and Vibration Impact Assessment; ○ Reflectivity report; ○ Arborist report; ○ Civil engineering designs (hydraulic, stormwater and roads); ○ Wastewater report and plans for on-site sewerage management; ○ Biodiversity Development Assessment Report (BDAR); ○ Aboriginal Cultural Heritage Assessment Report; ○ Heritage Impact Statement (Statement of Heritage Impact); ○ ESD report; ○ Building Code of Australia report; ○ Access report, addressing the Disability (Access to Premises –Buildings) Standard 2010; ○ Crime Prevention through Environmental Design (CPTED) report; ○ Traffic and Transport Impact Assessment; ○ Preliminary Construction Management Plan, inclusive of a construction and pedestrian traffic management plan; ○ Operational management plan; ○ Emergency management plan; ○ Green Travel Plan; ○ Consultation summary report; ○ Geotechnical and structural report; ○ Contamination assessment, including remedial action plan and site audit statement (if required); ○ Integrated water management strategy; ○ Servicing and operational waste management plan; ○ Bush Fire Assessment; ○ Site Specific Flood Assessment; and ○ Flood Evacuation Plan.
Engagement	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.

	In particular you must consult with: ○ Cessnock City Council ○ Government Architect NSW (through the State Design Review Panel process) ○ Transport for NSW ○ NSW Rural Fire Service (RFS) ○ NSW State Emergency Service (SES) ○ NSW Police ○ NSW Ambulance Service ○ Ausgrid ○ Hunter Water ○ Special Interest Groups, including local Aboriginal land councils and Registered Aboriginal Parties ○ Surrounding landowners, occupiers and business (including agricultural businesses) that are likely to be impacted by the proposal ○ if the development would have required an approval or authorisation under another Act but for the application of s 4.41 of the EP&A Act or requires an approval or authorisation under another Act to be applied consistently by s4.42 of the EP&A Act, the agency relevant to that approval or authorisation. The EIS must detail the engagement undertaken and demonstrate how it was consistent with the *Undertaking Engagement Guide: Guidance for State Significant Projects*. The EIS must detail how issues raised and feedback provided have been considered and responded to in the project.
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.

Technical and Policy 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:

https://www.legislation.nsw.gov.au/

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

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

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

http://www.epa.nsw.gov.au/

http://www.environment.nsw.gov.au/

http://www.dpi.nsw.gov.au/

Policies, Guidelines & Plans	
Statutory Polices and Plans	○ Environmental Protection and Biodiversity Conservation Act 1999 ○ Environmental Planning and Assessment Act 1979 ○ National Parks and Wildlife Act 1974 ○ Protection of the Environment Operations Act 1997 ○ Contaminated Land Management Act 1997 ○ Environmentally Hazardous Chemicals Act 1985 ○ Roads Act 1993 ○ Rural Fires Act 1997 ○ Water Management Act 2000 ○ Biodiversity Conservation Act 2016 ○ Environmental Planning and Assessment Regulation 2021 ○ Biodiversity Conservation Regulation 2017 ○ Protection of the Environment Operations (Clean Air) Regulation 2010 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Industry and Employment) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Primary Production) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Cessnock Local Environmental Plan 2011
Strategic Plans	○ NSW State Priorities ○ State Infrastructure Strategy 2018 – 2038 Building the Momentum ○ Future Transport Strategy 2056 ○ Hunter Regional Plan 2036 ○ Draft Hunter Regional plan 2041 ○ Greater Newcastle Metropolitan Plan 2036 ○ Greater Newcastle Future Transport Plan 2056 ○ Cessnock Local Strategic Planning Statement 2036 ○ Cessnock 2027 Community Strategic Plan 2017 ○ Cessnock City Wide Settlement Strategy ○ Cessnock Development Control Plan 2010
Guidelines and Policies	○ 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) ○ Cessnock City Wide Contributions Plan 2020 ○ NSW Planning guidelines for walking and cycling (DIPNR & RTA, 2004 ○ Guide to Traffic Generating Developments (RMS, 2002) ○ Guide to Traffic Management Part 12: Integrated Transport Assessments for Developments ○ Standards Australian AS2890 Parking Facilities Set ○ Cycling Aspects of Austroads Guides (2017) ○ Land Use Conflict Risk Assessment (LUCRA) Guide (DPI, 2011)

	○ Buffer Zones to Reduce Land Use Conflict with Agriculture – An Interim Guideline (DPI, 2018) ○ Guide to Licensing Under the Protection of the Environment and Operations Act 1997 (EPA, 2016) ○ Approved methods for modelling and assessment of air pollutants in NSW (EPA, 2016) ○ Draft Environmental Impact Assessment Guidance Series (DPE, 2017) ○ Managing Land Contamination: Planning Guidelines - SEPP 55 Remediation of Land (DUAP) ○ Draft Contaminated Land Planning Guidelines (DPIE, 2018) ○ Guidelines for Consultants Reporting on Contaminated Sites (EPA, 2000) ○ 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) ○ Guidelines for Controlled Activities on Waterfront Land (2018) ○ Interim Construction Noise Guideline (DECC, 2009) ○ Draft Construction Noise Guideline (EPA, 2020) ○ Assessing Vibration: a technical guideline (DEC, 2006) ○ NSW Road Noise Policy (DECCW, 2011) ○ 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) ○ Healthy Urban Development Checklist (NSW Health, 2009) ○ Draft Greener Places Design Guide (GANSW, 2020) ○ Crime Prevention through Environmental Design Principles ○ NSW Floodplain Development Manual 2005 ○ Flood Risk Management Manual (DPIE 2022) and associated Draft Guidelines ○ NSW Aquifer Interference Policy (2012) ○ Relevant Water Sharing Plans ○ ANZECC (2000) Guidelines for Fresh and Marine Water Quality ○ Hazardous Industry Planning Advisory Paper No 10: Land Use Safety Planning ○ (DoP, 2011). ○ Planning Advisory Paper No 6: Hazard Analysis (Department of Planning (DoP), ○ 2011) ○ Guidelines for Controlled Activities on Waterfront Land (2018) ○ Environmental Health Risk Assessment: ○ Guidelines for assessing human health risks from environmental hazards (enHealth, 2012)

ATTACHMENT B

Government Authority Responses to Request for Key Issues

For Information Only