

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-82160220
Project	Mixed Use Development, 184-186 Fifth Avenue Austal
Location	184-186 Fifth Avenue Austal within Liverpool Local Government Area
Proponent	21 Derwent Road PTY LTD
Date of Issue	7 May 2025

Rezoning Report

Content and guidance

The concurrent rezoning should be clearly described in a Rezoning Report which includes the following information.

Item	Supporting Information
Rezoning proposal - Site description - Local context - Proposed development	This section shall include: - the legal description of the site - relevant maps or diagrams - full description of the proposed development.
1. Proposed Amendments - Address all relevant legislation, environmental planning instruments (EPIs) (including drafts), plans, policies, guidelines and planning circulars. - Identify compliance with applicable development standards and provide an explanation of proposed amendments. - Land application - Land use zoning - Height of buildings - Floor space ratio - Minimum allotment sizes (if applicable) - Provision of affordable housing - Site specific provisions - State Environmental Planning Policies (SEPPs) - Contributions	An explanation of the provisions that are to be included in the proposed legislative changes. This section should be clearly stated and contain enough information on the proposal including but not limited to: proposed zones and/or development standards if known at this stage.

- State contributions - Local contributions (including Affordable Rental Housing contributions)	
2. Strategic and Site-Specific Merit • Regional Plans and strategies • Local strategic documents (e.g. LSPS, Housing Strategy) • Address matters raised by Council at Appendix A	- The proposals demonstrated alignment with the NSW strategic planning framework or current government priority. - A proposal's demonstrated environmental, social and economic impact on the site and surrounds and ability to be accommodated within the capacity of the current and/or future infrastructure and services.
3. Relevant Issues Including, but not limited to the following: • Connecting with Country • Environmental - Flooding - Bushfire - Biodiversity - Contamination - Heritage • Social and Economic - Urban Design - Affordable housing - Public benefit • Infrastructure funding and delivery - Transport - Utilities • Cumulative impact of the proposed development standard changes on the Leppington Town Centre taking into consideration other Minister declared projects under the HDA program. • Consideration of the development standards above what is proposed/adopted under the State Assessed Rezoning for the Leppington Town Centre. • Address comments raised by Liverpool City Council at Appendix A.	The section shall cover off all relevant issues relating to the subject site and proposed changes.
4. Consultation • Cumulative impact of this and other HDA projects on the Leppington Town Centre. • Address comments raised by Camden and Liverpool Councils and Appendix A.	Details of consultation undertaken with Government agencies, council or other authorities, and community consultation that is to be undertaken in relation to the proposal.
5. Annexures • Proposed statutory maps.	Include details of the existing and proposed maps, where relevant, to

	identify the effect of the proposed changes and the area to which it applies.
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Environmental Impact Assessment Requirements

Content and guidance

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 the State Significant Development Guidelines. The EIS must also address the issues set out below. Relevant policies, guidelines and planning circulars can be found at <https://www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines>

Issue and Assessment Requirements	Supporting Documentation
1. Statutory Context - Address all relevant legislation, environmental planning instruments (EPIs) (including drafts), plans, policies, guidelines and planning circulars. - Identify compliance with applicable development standards and provide a detailed justification for any non-compliances. - Provide an explanation of how the development as described in the EIS is consistent with the development as was described in the request for SEARs (including any components that were not SSD) and provide a justification for any differences. - Address the requirements of any approvals applying to the site, including any concept approval, any endorsed or draft master plan, precinct plan or any recommendation from Gateway determination. - Provide an accurate summary of the detailed assessment of the impacts of the project and integrate the findings and recommendations of technical reports into the justification and evaluation of the project as a whole. - Provide the name and ABN of the registered community housing provider that will be responsible for managing the affordable housing component, along with documentation confirming the provider's agreement to this responsibility.	- Address in the EIS - Clause 4.6 Variation Request (for any non-compliances with applicable development standards)
2. Estimated Development Cost and Employment - Provide the estimated development cost (EDC) of the development prepared in accordance with the relevant planning circular using the Standard Form of EDC Report. - As applicable, the EDC Report must separately specify the EDC of:	EDC Report

Issue and Assessment Requirements	Supporting Documentation
○ the residential component of the development. ○ the tenant component of the built-to-rent development. ○ the seniors housing component of the development.	
3. Contributions and Public Benefit • Address the requirements any relevant contribution plan(s), planning agreement or EPI requiring a monetary contribution, dedication of land and/or works-in-kind agreement. and include details of any proposal for further material public benefit. • Where a voluntary planning agreement is proposed, prepare a draft planning agreement in accordance with the <i>Planning agreements – Practice note - February 2021</i>.	• Address in EIS If required: • Draft planning agreement if proposed.
4. Engagement • Demonstrate that engagement and consultation activities have been undertaken in accordance with the <i>Undertaking Engagement Guidelines for State Significant Projects</i> and identify how issues raised, and feedback received have been considered in the design of the project. ○ 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 s 4.42 of the EP&A Act, the agency relevant to that approval or authorisation must be consulted.	• Engagement Report
5. Design Quality • Demonstrate how the development will achieve: ○ design excellence in accordance with any applicable EPI provisions. ○ good design in accordance with the seven objectives for good design in Better Placed. • Demonstrate that the development: ○ has been reviewed by the State Design Review Panel (SDRP) where required under the NSW SDRP: Guidelines for Project Teams, or • has been granted an exemption to SDRP.	• Design Review Report (where the project has been reviewed by the SDRP) OR • An Architectural Design Report (where the project has not been reviewed by the SDRP).
6. Built Form and Urban Design • Demonstrate how the proposed built form (layout, height, bulk, scale, separation, setbacks, interface and articulation)	Architectural Drawings Design Report

Issue and Assessment Requirements	Supporting Documentation
addresses and responds to the context, site characteristics, streetscape and existing and future character of the locality. Where relevant explain and illustrate the application of any bonuses under an EPI. • Provide an assessment of the development against the design principles for residential apartment development set out in Schedule 9 of the Housing SEPP and the <i>Apartment Design Guide</i> (ADG). This should include a table which demonstrates how each dwelling (including affordable dwellings) performs against the ADG design criteria. • Provide a floorplan outlining the gross floor area and dwellings that are provided as affordable housing. • Provide a floorplan and details of the proposed child care facility. • Demonstrate consistency with Crime Protection Through Environmental Design (CPTED) principles. • Address comments raised by Council at Appendix A	Survey Plan Schedule of Colours, Materials and Finishes Design Verification Statement CPTED Report
7. Environmental Amenity • Assess amenity impacts on the surrounding locality, including solar access, visual privacy, view loss and view sharing, as well as wind, lighting and reflectivity impacts. A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated. • Provide a solar access analysis of the overshadowing impacts of the development within the site, on surrounding properties and public spaces (during winter solstice) at hourly intervals between 9am and 3pm, comparing the proposed development, existing situation and where applicable, a development with no bonuses applied.	• Shadow Diagrams • Chapter 4 Housing SEPP Assessment (ADG) • View Impact Analysis
8. Visual Impact • Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development. • Provide a visual impact assessment that addresses the visual impacts of the development on the existing catchment.	• Visual Impact Analysis Visual Impact Assessment
9. Transport • Provide a Transport Impact Assessment (TIA) in accordance with the processes and methodology recommended in the <i>Guide to Transport Impact Assessment</i> (GITA) published by TfNSW.	• Transport Impact Assessment • Preliminary Construction Traffic

Issue and Assessment Requirements	Supporting Documentation
• Provide a preliminary Construction Traffic (or Transport) Management Plan (CTMP) should be prepared as part of the TIA to mitigate any such impacts. • Provide an outline on any interim and final access arrangements proposed • Address comments raised by Council and Transport for NSW at Appendix A	(or Transport) Management Plan
10. Noise and Vibration • Provide a noise and vibration impact assessment prepared in accordance with the relevant NSW Environment Protection Authority (EPA) guidelines. The assessment must detail construction and operational noise and vibration impacts on nearby sensitive receivers and structures and outline the proposed management and mitigation measures that would be implemented. • Address matters raised by Council at Appendix A	Noise and Vibration Impact Assessment
11. Water Management • Detail the proposed drainage design and servicing infrastructure to be incorporated as part of the development (stormwater and wastewater). • Demonstrate how the development complies with council's drainage requirements and identify proposed stormwater treatment and water quality management measures to minimise adverse environmental impacts.	Integrated Water Management Plan
12. Ground and Groundwater Conditions • Assess potential impacts on soil resources and related infrastructure and riparian lands on and near the site and including soil erosion. • Where required provide a Groundwater Impact Assessment in accordance with relevant Groundwater Guidelines. If the proposed development is on land identified as having high salinity or acid sulfate soil potential in an EPI provide a Salinity Management Plan or Acid Sulfate Soil Management Plan that includes appropriate management measures and strategies.	Geotechnical Assessment <u>If required:</u> Groundwater Impact Assessment Salinity Management Plan Acid Sulfate Soils Management Plan
13. Contamination and Remediation • In accordance with Chapter 4 of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>, assess and quantify any soil and groundwater contamination and	Preliminary Site Investigation Report <u>If required:</u>

Issue and Assessment Requirements	Supporting Documentation
demonstrate that the site is suitable (or will be suitable, after remediation) for the development. Address matters raised by Council at Appendix A	Detailed Site Investigation Remedial Action Plan Preliminary Long-term Environmental Management Plan
14. Trees and Landscaping - Provide a landscape plan, that: - details the proposed site planting, including location, number and species of plantings, heights of trees at maturity and proposed canopy coverage (as a percentage of the site area). - provides evidence that opportunities to retain significant trees have been explored and/or inform the plan. - If the proposal involves impacts to trees, provide an Arboricultural Impact assessment that assesses the number, location, condition and significance of trees to be removed and retained including: - any existing canopy coverage to be retained on-site. - tree root mapping. if the proposal involves significant impacts to tree-protection zones of retained trees identified as being significant	- Landscape Plan - Arboricultural Impact Assessment
15. Ecologically Sustainable Development (ESD) - Identify how ESD principles (as defined in section 193 of the EP&A Regulation) are incorporated in the design and ongoing operation of the development. - Where relevant, provide an assessment of the development against the standards for non-residential development set out in Chapter 3 of <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>.	- ESD Report - BASIX Certificate
16. Biodiversity Unless a waiver has been granted, provide a Biodiversity Development Assessment Report (BDAR) that assesses any biodiversity impacts associated with the development in accordance with the <i>Biodiversity Conservation Act 2016</i> and the <i>Biodiversity Assessment Method 2020</i>. OR	- Biodiversity Development Assessment Report or BDAR Waiver - Ecology Report

Issue and Assessment Requirements	Supporting Documentation
• If the development is on biodiversity certified land, provide information to identify the site (using associated mapping) and demonstrate the proposed development is consistent with the relevant biodiversity measure conferred by the biodiversity certification. • Address comments raised by CPHR at Appendix A	
17. Waste Management • Provide the measures to be implemented to manage, reuse, recycle and safely dispose of waste, including in accordance with any council waste management requirements. • Identify appropriately sited waste storage areas, collection access paths/roads, and appropriate servicing arrangements for the site. • address comments raised by Council at Appendix A	• Waste Management Plan
18. Social Impact • The EIS must consider social impacts and, should any significant social impacts be identified, a Social Impact Assessment must be prepared in accordance with the <i>Social Impact Assessment Guideline for State Significant Projects</i>.	• Social Impact Assessment in accordance with the guidelines
19. Flood Risk • Identify the flood planning area and level as set out in the relevant EPI and other supporting documents to determine; ○ The flood extent and velocity up to the Probable Maximum Flood and risk on-site having regard to adopted flood studies and, floodplain risk management studies and plans ○ The site access and egress routes ○ the potential effects of climate change, ○ any relevant provisions of the <i>NSW Flood Risk Management Manual</i>, and any other relevant guidelines • Where the development is occurring on flood prone land a flood impact and risk assessment (FIRA) must be prepared having regard to the <i>Flood Impact and Risk Assessment – Flood Risk Management Guide LU01</i>. When determining the scope and category of the FIRA the requirements outlined in the FIRA guide must be considered. • Detail any flood risk management measures that are to be incorporated as part of the development having regard to relevant guidelines (including any design solutions, flood	• Flood Impact and Risk Assessment (FIRA)

Issue and Assessment Requirements	Supporting Documentation
modification measures, property modification measures, operational procedures or Flood Emergency Response Plan).	
20. Bush Fire Risk The development is on mapped bush fire prone land, provide a bush fire assessment that details proposed bush fire protection measures and demonstrates compliance with <i>Planning for Bush Fire Protection</i>.	Bush Fire Assessment
21. Aboriginal Cultural Heritage - Where there is known, or reasonably likely, to be Aboriginal cultural heritage on or near the site demonstrate that impacts have been adequately investigated and assessed by: - Identifying that an appropriate prior planning process has already considered these impacts, e.g. a rezoning or development application, or - Providing an initial assessment of the potential impacts. - If potential impacts are significant, provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) which: - Identifies, describes and assesses any impacts to Aboriginal cultural heritage sites or values associated with the site. - Is prepared in accordance with relevant guidelines.	Aboriginal Cultural Heritage Assessment Report
22. Environmental Heritage Where there is potential for direct or indirect impacts on environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (where required), in accordance with the relevant guidelines.	<u>If required:</u> - Statement of Heritage Impact - Archaeological Assessment
23. Public Space - If public space is proposed as part of the development, demonstrate how the development: - maximises the amount, access to and quality of public spaces (including open space, public facilities and streets/plazas within and surrounding the site), reflecting relevant design guidelines and advice from the local council and the Department. - provides accessible public space. - maximises permeability and connectivity.	Public Space Plan

Issue and Assessment Requirements	Supporting Documentation
○ maximises the amenity of public spaces in line with their intended use, such as through adequate facilities, solar access, shade and wind protection. ○ maximises street activation. ○ minimises potential vehicle, bicycle and pedestrian conflicts. • Address comments made by Council at Appendix A	
24. Hazards and Risks • If the development is affected by above ground dangerous goods storages from the surrounding developments and/or underground high-pressure dangerous goods pipelines in the vicinity of proposal location: ○ Report on any consultation outcomes with operators. ○ Consider whether the development would cause these storages non-compliance with <i>Australian Standards</i>. • Where applicable, provide a Hazard Analysis in line with relevant guidelines and planning circular.	<u>If required:</u> • Hazard Analysis
25. Staging • Provide a staging plan for the development that outlines the details of the staging and/or sequencing of the proposed development as well as the dwellings to be delivered per stage.	• Staging Plan
26. Infrastructure Requirements and Utilities In consultation with relevant service providers: • Assess the impacts of the development on existing 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 co-ordinated, funded and delivered to facilitate the development • Identify potential impacts to existing utility infrastructure, as a result of the development. • Address comments raised by Endeavour Energy and Sydney Water at Appendix A.	• Infrastructure Delivery, Management and Staging Plan • Evidence of consultation with providers.

Appendix A
Government Authority Responses to Request for Key Issues