

Planning Secretary's Environmental Assessment Requirements

Housing

Development details

Application number	SSD-82276964
Project name	Mixed Use Development 47 Darby St Cooks Hill
Location	Lot 103 DP 786055 within Newcastle City
Applicant	VIVACITY PROPERTY PTY LTD
Date of issue	10 April 2025

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>.

Key issues and supporting documentation

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. - If affordable housing is being proposed, provide the name and ABN of the registered community housing provider that will be responsible for managing	<u>If required:</u> Clause 4.6 Variation Request (for any non-compliances with applicable development standards)

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the affordable housing component, along with documentation confirming the provider's agreement to this responsibility.	
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: - the residential component of the development. - the tenant component of the built-to-rent development. - the seniors housing component of the development.	EDC Report
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 <u>If required:</u> Draft planning agreement
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: - where required by an EPI or concept approval, or where proposed, has	Design Excellence Strategy (where design excellence is required by an EPI) Competition Report (where a competitive design process has been held)

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been subject to a competitive design process, carried out in accordance with an endorsed brief and Design Excellence Strategy; or - in all other instances, has been reviewed by the State Design Review Panel (SDRP) where required under the NSW SDRP: Guidelines for Project Teams. - Recommendations of the jury and Design Integrity Panel (where a competitive design process has been held) or the SDRP are to be addressed prior to lodgement.	Design Review Report (where the project has 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) 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. - If relevant, provide an assessment of the development against: - the design principles for seniors housing set out in Schedule 8 of <i>State Environmental Planning Policy (Housing) 2021</i> (Housing SEPP) and the <i>Seniors Housing Design Guide</i>. - 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. - If affordable housing is proposed, provide a floorplan outlining the gross floor area and dwellings that are provided as affordable housing.	Architectural Drawings Design Report Survey Plan Schedule of Colours, Materials and Finishes Design Verification Statement
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) <u>If required:</u> 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.	Visual Impact Analysis <u>If required:</u> Visual Impact

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If the proposal would result in significant visual impact not anticipated by the planning controls, provide a visual impact assessment that addresses the visual impacts of the development on the existing catchment.	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. - If the construction of the development would cause interruptions to regular pedestrian and transport routes (including public transport, active transport or general traffic), a preliminary Construction Traffic (or Transport) Management Plan (CTMP) should be prepared as part of the TIA to mitigate any such impacts.	Transport Impact Assessment <u>If required:</u> Preliminary Construction Traffic (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.	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	Preliminary Site

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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 demonstrate that the site is suitable (or will be suitable, after remediation) for the development.	Investigation Report <u>If required:</u> 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 <u>If required:</u> 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

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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.	
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.	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>.	Address in EIS <u>If required:</u> 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 modification measures, property modification measures, operational procedures or Flood Emergency Response Plan).	<u>If required:</u> Flood Impact and Risk Assessment (FIRA)

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20. Bush Fire Risk If the development is on mapped bush fire prone land, or a bush/grass fire threat is identified on or adjoining the site, provide a bush fire assessment that details proposed bush fire protection measures and demonstrates compliance with <i>Planning for Bush Fire Protection</i>.	<u>If required:</u> 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.	<u>If required:</u> 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. - maximises the amenity of public spaces in line with their intended use, such as through adequate facilities, solar access, shade and wind	<u>If required:</u> Public Space Plan

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protection. ○ maximises street activation. ○ minimises potential vehicle, bicycle and pedestrian conflicts.	
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