

SEARs and Rezoning Requirements

Compliance Table

planning&co

SSD-88113706

Nicholson Street Build-to-Rent

SEARS

Issue and Assessment Requirement	EIS Section	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 aa 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 the affordable housing component, along with documentation confirming the provider's agreement to this responsibility.	Section 3.5 Section 3.6 Section 5.0 Section 8.0	Appendix L
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.	Section 4.14	Appendix O

Issue and Assessment Requirement	EIS Section	Documentation
- 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.		
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>.	Section 1.5	No additional documentation
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.	Section 6.0	Appendix U
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 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.	Section 3.2.8 Section 3.7 Section 7.1	Appendix K

Issue and Assessment Requirement	EIS Section	Documentation
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.		
6. Built Form an 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.	Section 3.0 Section 4.0 Section 7.1-7.2	Appendix B Appendix C Appendix H Appendix K Appendix V
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.	Section 7.4	Appendix B Appendix K Appendix X Appendix Y
8. Visual Impact - Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development. - 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.	Section 7.4.3	Appendix X

Issue and Assessment Requirement	EIS Section	Documentation
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.	Section 7.5	Appendix J
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.	Section 7.6	Appendix Z
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.	Section 7.7	Appendix AA
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.	Section 7.8	Appendix DD
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 demonstrate that the site is suitable (or will be suitable, after remediation) for the development.	Section 7.9 Section 7.10	Appendix EE Appendix Q Appendix R

Issue and Assessment Requirement	EIS Section	Documentation
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	Section 1.3.4 Section 4.8-4.10 Section 7.11	Appendix C
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>.	Section 7.12 Section 8.3.1	Appendix D Appendix M
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 and the Biodiversity Assessment Method 2020</i>. OR - 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.	Section 7.15	Appendix E Appendix F
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.	Section 7.19	Appendix CC

Issue and Assessment Requirement	EIS Section	Documentation
Identify appropriately sited waste storage areas, collection access paths/roads, and appropriate servicing arrangements for the site.		
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>.	Section 7.22	Appendix S
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 NSW Flood Risk Management Manual, 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 Flood Impact and Risk Assessment – Flood Risk Management Guide LU01. 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).	Section 7.17	Appendix G
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>.	Section 7.16	-
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:	Section 7.13	Appendix I

Issue and Assessment Requirement	EIS Section	Documentation
- 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.		
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.	Section 7.14	Appendix I
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 protection. - maximises street activation. - minimises potential vehicle, bicycle and pedestrian conflicts.	Section 1.5 Section 4.7- 4.10 Section 7.1 Section 7.2	Appendix B Appendix C Appendix K Appendix V
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.	Section 7.20	Appendix Q

Issue and Assessment Requirement	EIS Section	Documentation
- 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.		
Additional Assessment Requirements from DPHI's Planning SEARs Requirements Letter		
Solar access 1. The site is subject to substantial overshadowing mid-winter from development to the north. The EIS must demonstrate that a high level of residential amenity is achieved for apartments that do not receive at least two hours of continuous solar access in mid-winter through measures such as enhanced outlook, cross ventilation, improved apartment layout and size or well-designed communal or private open space.	Section 7.1-7.3	Appendix B Appendix K Appendix P
Affordable Housing 2. Provide affordable housing above the base rate of 3% of the development's gross floor area under the Crows Nest Transit Oriented Development Precinct, or delivery of an alternative public benefit. Proposed affordable housing contributions should be supported by a feasibility or economic analysis that demonstrates a proportionate response to the scale of the uplift in height and FSR over the controls contained within the <i>Lane Cove Local Environmental Plan 2009</i>.	Section 1.5 Section 4.13 Section 7.23	Appendix H Appendix L
Newlands Park 3. Demonstrate that the proposal would not result in the overshadowing of Newlands Park between 10am to 3pm in the Winter Solstice.	Section 7.4.1	Appendix B Appendix K
Concept Application SSD-56527976 4. The proposal described in the Scoping Report appears inconsistent with the approved concept development application currently in force on the site (SSD-56527976). The EIS must clearly demonstrate how the concept approval is to be amended or surrendered in accordance with Clause 4.24 of the <i>Environmental Planning and Assessment Act 1979</i>. The EIS must include a detailed explanation of the proposed approach.	Section 1.3.2	-

REZONING REPORT REQUIREMENTS

Matter	Supporting Information	Rezoning Proposal Section	Documentation
1. Rezoning Proposal Summary	This section shall include:	Section 1.0 Section 2.0	-

Matter	Supporting Information	Rezoning Proposal Section	Documentation
• Site Description • Local Context • Proposed Development	• a legal description of the site, lot and DP numbers, area, and existing zoning • a description of the surrounding land uses, nearby developments, strategic centres, or infrastructure. • a full description of the proposed development.		
2. Proposed Amendments • Address all relevant legislation, including current and draft Environmental Planning Instruments (EPIs), plans, policies, guidelines, and planning circulars. • Identify and explain compliance with applicable development standards and provide an explanation and justification of proposed amendments. • Describe the land application and its intended use. • Specify building height limits and any proposed variations. • Outline the floor space ratio (FSR) and justification for any changes. • Indicate minimum allotment sizes, if applicable. • Address the provision of affordable housing. • Include any site-specific planning provisions or exceptions. • Reference the applicable Development Control Plan (DCP), if relevant. • Identify relevant State Environmental Planning Policies (SEPPs). • Detail applicable contributions (local and state)	This section must clearly outline the specific provisions intended for inclusion in the proposed legislative changes. It should provide sufficient detail, that addresses any applicable identified matters, to inform stakeholders and decision-makers of the scope and intent of the proposal.	Section 4.0	Appendix FF
3. Strategic and Site-Specific Merit	A demonstration that the proposal:	Section 5.0	-

Matter	Supporting Information	Rezoning Proposal Section	Documentation
Demonstrate consistency with and merit under: - Regional and district plans - Local Strategic Planning Statements (LSPS) - Crows Nest Transport Oriented Development Precinct Design Guide Local Housing Strategy or other relevant local strategic documents	- aligns with the NSW strategic planning framework or current government priorities - assesses the environmental, social, and economic impacts on the site and surrounding area, and demonstrates how these can be supported by existing or planned infrastructure and services		
4. Technical Studies and Assessments Include supporting technical documentation where relevant: - Connecting with Country - Environmental: - Flooding - Contamination - Urban Design and Amenity - Urban design principles - Public domain and open space - Built form and shadowing - Social and Economic: - Affordable housing provision above the base rate of 3% in the Crows Nest TOD Precinct, or an alternative public benefit proportionate to the uplift in planning controls sought - Economic impact and feasibility analysis - Employment lands analysis - Infrastructure and Services:	The section shall cover off all relevant issues relating to the subject site and proposed changes.	Section 6.0	Appendix C Appendix D Appendix E Appendix F Appendix G Appendix J Appendix K Appendix S Appendix T Appendix U Appendix X Appendix Y Appendix BB

Matter	Supporting Information	Rezoning Proposal Section	Documentation
- Transport and accessibility - Utility services			
5. Consultation • Local council and planning authority • Relevant State government agencies • Community engagement (past and proposed) • Summary of feedback received and how it has been addressed	Details of consultation undertaken with Government agencies, council or other authorities, and community consultation that is to be undertaken in relation to the proposal.	Section 7.0	Appendix U
6. Mapping and Data Provide spatial and statutory mapping to accompany the proposal: • Existing and proposed zoning maps • Height and FSR maps • Any other relevant statutory or contextual mapping	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.	Section 8.0	Appendix FF