

## Planning Secretary's Environmental Assessment Requirements

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

<b>Application Number</b>	SSD 9579
<b>Project Name</b>	Sydney Metro – Crows Nest Over Station Development Concept
<b>Location</b>	14 Clark Street, 477-495 Pacific Highway and 497-521 Pacific Highway, Crows Nest
<b>Applicant</b>	Sydney Metro
<b>Date of Issue</b>	26 September 2018
<b>General Requirements</b>	<p>The environmental impact statement (EIS) must be prepared in accordance with, and meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> (the Regulation).</p> <p>Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development.</p> <p>Where relevant, the assessment of key issues below, and any other significant issues identified in the risk assessment, must include:</p> <ul style="list-style-type: none"> <li>• justification of impacts</li> <li>• consideration of the potential cumulative impacts due to other developments in the vicinity</li> <li>• measures to avoid, minimise and if necessary, offset predicted impacts, including detailed contingency plans for managing any significant risks to the environment</li> </ul> <p>The EIS must also be accompanied by a report from a qualified Quantity Surveyor providing:</p> <ul style="list-style-type: none"> <li>• a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the Regulation) of the proposal, including details of all assumptions and components from which the CIV calculation is derived.</li> <li>• an estimate of jobs that will be created during the construction and operational phases of the proposed development</li> <li>• verification that the CIV was accurate at the date of preparation.</li> </ul>
<b>Key issues</b>	<p>The EIS must address the following specific matters:</p> <p><b>1. Environmental Planning Instruments (EPIs), Policies and Guidelines</b></p> <p>Address the relevant statutory provisions applying to the site contained in the relevant EPIs, including:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State &amp; Regional Development) 2011</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (Urban Renewal) 2010</li> </ul>

- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the Apartment Design Guide
- Draft State Environmental Planning Policy (Environment)
- Draft State Environmental Planning Policy (Remediation of Land)
- North Sydney Local Environmental Plan 2013
- any exhibited Planning Proposal or draft State Environmental Planning Policy relating to the land

Address the relevant provisions, goals and objectives in the following:

- NSW State and Premier Priorities
- Sydney Region Plan: A Metropolis of Three Cities
- North District Plan
- Towards our Greater Sydney 2056
- Future Transport Strategy 2056
- State Infrastructure Strategy 2018
- Sydney's Walking Future
- Sydney's Cycling Future
- Sydney's Bus Future
- Sydney's Light Rail Future
- Sydney's Ferry Future
- Development near Rail Corridors and Busy Roads – Interim Guideline
- Guide to Traffic Generating Developments, Roads and Maritime Services
- Heritage Council Guideline on Heritage Curtilages 1996
- Heritage Council Guideline, Design in Context – guidelines for infill development in the Historic Environment, 2005
- Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW 2011)
- Better Placed – an integrated design policy for the built environment in NSW 2017 and relevant policy documents published by the Government Architect NSW
- Director General's Design Excellence Guidelines 2011 or Government Architect NSW's Design Excellence Competition Guidelines once adopted
- Draft Contaminated Land Planning Guidelines
- Relevant Council policies, codes and guidelines (where required pursuant to relevant Local Environmental Plan)
- the Department's St Leonards and Crows Nest Station Precinct Interim Statement (2017) and any subsequent draft strategic planning strategy that applies to the site and surrounding area.

## **2. Land Use and Infrastructure**

The EIS shall:

- include details and justifications for the proposed density and the mix of land uses and floor space
- include a detailed gross floor area (GFA) / floor space ratio (FSR) schedule and calculations, including a detailed breakdown of non-residential GFA into its components

	<ul style="list-style-type: none"> <li>• detail the permissibility of the proposal and any components of the proposal that may only be carried out if an environmental planning instrument is amended</li> <li>• demonstrate that the proposal will meet the strategic objectives as identified in the relevant government policies and the environmental, social and economic needs of the occupants of the development and the wider area. This shall include an assessment of the proposal's economic and social impacts to: <ul style="list-style-type: none"> <li>○ demonstrate that the proposed mix of land uses will be consistent with the strategic objectives of the North District Plan and contribute to the employment targets for the St Leonards Strategic Centres</li> <li>○ demonstrate retail, services and employment needs of future residents, workers and/or visitors of the development will be met</li> <li>○ illustrate the social and economic impacts of the development to the wider area, including nearby local centres</li> <li>○ consider any social housing and affordable housing needs of the development.</li> </ul> </li> <li>• demonstrate the proposed development will be supported by adequate infrastructure and services including the provision of open spaces, recreation facilities, community and social services, drainage, road, transport and social infrastructure. This shall include details on satisfactory arrangement and implementation mechanism to deliver any new or upgrade infrastructure and services required to support the development such as any contributions framework.</li> </ul> <p><b>3. Integration with Sydney Metro Station infrastructure</b> The EIS shall:</p> <ul style="list-style-type: none"> <li>• identify the extent of the proposal that is State Significant Development (SSD) and how this relates to the approved Critical State Significant Infrastructure applications and any modifications</li> <li>• identify any specific requirements of the CSSI approval that has influenced the design</li> <li>• set out the staging and delivery options of the proposed development, the relationship with the delivery of the Sydney Metro stations, timing of public domain works and any other relevant work such as interim activation and access to transport</li> <li>• demonstrate how the proposal will integrate with the delivery of the Sydney Metro station infrastructure such as design, access, way finding and construction. This should include illustration on how the proposal integrates with the Station Design Precinct Plan and Interchange Access Plan for the new Crows Nest Metro Station.</li> </ul> <p><b>4. Staging</b> The EIS shall outline the staging of the proposed development application, including the delivery of buildings, infrastructure, public benefits and approval pathways.</p> <p><b>5. Built Form and Urban Design</b> The EIS shall: describe the design process leading to the Concept Proposal including an urban design analysis demonstrating how the proposed building forms, typologies, orientation, height, setbacks, bulk, scale, and massing of the proposed development will fit within the context of the site and the existing and future desired</p>
--	---

	<p>character of the locality. This must include planning justifications for the proposed development density, scale and built form with consideration of strategic planning objectives of the wider St Leonards and Crows Nest Precinct</p> <ul style="list-style-type: none"> <li>• illustrate how the proposal relates to existing and future developments at the locality with consideration of any relevant design guidelines, local development controls, draft strategic planning framework, and local policies such as North Sydney Council's <i>Sydney Metro Planning Study, Crows Nest Placemaking and Principles Study</i> and <i>St Leonards / Crows Nest Planning Study for Precincts 1, 2 and 3</i></li> <li>• demonstrate how the proposed built forms will facilitate appropriate transition of building scale to surrounding developments and the wider locality, including section plans at 1:1000 scale</li> <li>• provide comparative analysis of proposed built forms with respect to applicable development standards and development controls</li> <li>• include an indicative design with supporting options analysis of the proposed built forms illustrating the consideration of the benefits and potential impacts of each option. This analysis must include, but not limited to: <ul style="list-style-type: none"> <li>○ response to local character</li> <li>○ orderly redevelopment of land</li> <li>○ overshadowing, view and other amenity impacts</li> <li>○ public domain, pedestrian access and connectivity and integration with the new Metro Station</li> </ul> </li> </ul> <p><b>6. Design Excellence</b> The EIS shall:</p> <ul style="list-style-type: none"> <li>• provide a design excellence strategy prepared in consultation with Government Architect NSW which demonstrates how design excellence will be achieved. This may include a schedule for regular design review throughout the planning process by the State Design Review Panel or alternative design excellence process endorsed by the Government Architect NSW, including an outline of how feedback will be documented</li> <li>• provide evidence of consultation with the Government Architect NSW, including a record of the issues raised during the consultation and how the proposed strategy responds to those issues.</li> <li>• include design quality guidelines for the endorsement of the Government Architect or its endorsed design review panel for the future stage(s) of development and built forms with specific guidance on: <ul style="list-style-type: none"> <li>○ public and private space</li> <li>○ integration with the Metro station</li> <li>○ building articulation, materials, massing and setbacks</li> <li>○ connectivity, including any through site links</li> <li>○ public domain, open space and landscaping</li> <li>○ street activation</li> <li>○ land uses</li> <li>○ microclimate conditions</li> <li>○ overshadowing</li> <li>○ public art</li> <li>○ building entrances</li> <li>○ parking, loading and servicing arrangements</li> </ul> </li> </ul>
--	--

	<p><b>7. Prescribed airspace for Sydney Airport</b> The EIS shall:</p> <ul style="list-style-type: none"> <li>• identify any impacts of the proposal on the prescribed airspace for Sydney Airport</li> </ul> <p><b>8. Amenity</b> The EIS shall:</p> <ul style="list-style-type: none"> <li>• demonstrate the proposal's consistency with the requirements of SEPP 65 and the Apartment Design Guide.</li> <li>• address the following in relation to the surrounding area including neighbouring properties/buildings and the public domain. This includes neighbouring buildings within the proposal and future stages adjacent: <ul style="list-style-type: none"> <li>○ solar access / overshadowing</li> <li>○ privacy</li> <li>○ views and visual impacts</li> <li>○ reflectivity</li> <li>○ noise and vibration impacts</li> </ul> </li> <li>• include a detailed solar access and overshadowing analysis outlining impacts on adjoining developments and the public domain. The analysis must include, at a minimum, shadow diagrams at half-hourly intervals at equinox and winter/summer solstice and additional diagrams to detail impacts on any affected public open space and private open space. Shadow diagrams at 15 minute intervals at equinox and winter/summer solstice should be lodged in relation to overshadowing to Willoughby Road, Ernest Place, Crows Nest Community Centre and Holtermann Street Car Park rooftop</li> <li>• identify important sight lines and visual connectivity to and through the site</li> <li>• provide a visual impact assessment to identify the visual changes and impacts on the site and its surrounds. This must include a view analysis to and from the site from adjoining developments, key vantage points and streetscape locations including photomontages or perspectives of the proposed development. The view locations and methodology for the analysis must be prepared in consultation with the Department and Council</li> <li>• outline provisions to meet servicing requirements, including waste management, mechanical plant and vehicle accesses and identify any impacts to amenity</li> <li>• provide wind analysis (including wind tunnel modelling) outlining the impacts, in particular any impacts to existing and proposed public domain areas and open space. The wind impact assessment must identify the existing wind characteristics of the site and its locality, significant locations for wind sensitivity and mitigating measures</li> <li>• provide a Crime Prevention Through Environmental Design Report</li> </ul> <p><b>9. Noise and Vibration</b> The EIS shall include a noise impact assessment identifying:</p> <ul style="list-style-type: none"> <li>• measures to minimise and mitigate potential noise and vibration impacts of the proposal on surrounding developments.</li> <li>• the impacts of likely noise and vibration from surrounding land uses, such as noise from the operation of the rail line and surrounding road networks and mitigation measures to protect amenity</li> </ul>
--	--

## **10. Heritage and Archaeology**

The EIS shall provide:

- a detailed heritage impact statement (HIS) that identifies and addresses the extent of heritage impact of the proposal on the site, site curtilage and surrounding area, including any built and landscape items, views and setting
- consideration of any endorsed conservation management plans for heritage items in the vicinity of the site and the surrounding area
- include a heritage interpretation strategy.
- consideration of any archaeological impacts if relevant

## **11. Aboriginal Heritage**

The EIS shall include a detailed Aboriginal heritage impact statement (AHIS) that identifies and addresses the extent of Aboriginal heritage impacts of the proposal on the site and the surrounding area, including objects, places or features (including biological diversity) of cultural value within the landscape. If Aboriginal Cultural Heritage is found at the site, a full Aboriginal Cultural Heritage Assessment Report together with document of required consultation must be provided.

## **12. Traffic, Transport Access**

The EIS must include a Transport and Traffic Impact Assessment that provides, but is not limited to, the following:

- accurate details of the current daily and peak hour vehicle, public transport, point to point transport services, pedestrian and bicycle movements from existing or former buildings/uses on the site using the adjacent and surrounding road network.
- forecast total daily and peak hour trips likely to be generated by the proposed development including vehicle, public transport, point to point transport services, pedestrian and bicycle trips, together with cumulative impacts of existing, proposed and approved developments in the area and any transport/traffic upgrades. Traffic generation assessment is to ensure that accurate background growth rates are included in modelling.
- detailed assessment of the existing and future performance of key intersections providing access to the site, supported by appropriate modelling and analysis to the satisfaction of RMS and TfNSW, including key intersections of Pacific Highway/Oxley Street, Pacific Highway/Hume Street and Pacific Highway/Shirley Road/Falcon Street.
- measures to mitigate impacts of the proposed development on the operation of existing and future traffic, public transport, pedestrian and bicycle networks including any required upgrades. Provide information regarding the impact of future pedestrian demands on traffic performance of the Pacific Highway including detailed pedestrian modelling.
- measures to be implemented to encourage users of the development to make sustainable travel choices, including walking, cycling, public transport and car sharing, such as the integration with rail and bus infrastructure and provision of adequate bicycle parking and end of trip facilities.
- proposed car and bicycle parking provision for future occupants and visitors to the development, including consideration of the availability of public transport and the requirements of the relevant parking codes and Australian Standards
- any provision to support transport mode interchange and pedestrian connections to the metro station, including an

	<p>assessment of the public domain surrounding the site to accommodate the future pedestrian demands safely and adequately and mitigation measures identified.</p> <ul style="list-style-type: none"> <li>• proposed vehicle access arrangements and management, including for service and loading activities and measures to mitigate impacts to bus services and passengers interchanging between bus and rail. Make allowances and provide information to demonstrate that on-site loading/servicing is achieved.</li> <li>• describe preliminary construction traffic arrangements and management measures, including consideration of the cumulative construction traffic impacts from infrastructure works in the surrounding road/transport network.</li> </ul> <p><b>13. Ecologically Sustainable Development</b> The EIS shall identify how ESD principles (as defined in clause 7(4) Schedule 2 of the EP&amp;A Regulation 2000) will be incorporated in the design and operation of the development, including commitments to relevant industry benchmarks and best practice in waste and water management strategy.</p> <p><b>14. Flooding and Stormwater</b> The EIS shall:</p> <ul style="list-style-type: none"> <li>• demonstrate consideration of flood impacts, if necessary, and identify minimum floor levels for buildings and recommend flood management and/or evacuation plan as relevant to the concept proposal.</li> <li>• include a stormwater management strategy which considers the relevant Council stormwater management policy and Water Sensitive Urban Design Principles.</li> </ul> <p><b>15. Soils and Contamination</b> The EIS shall:</p> <ul style="list-style-type: none"> <li>• demonstrate compliance with the requirements of SEPP 55</li> <li>• demonstrate the suitability of the site for the development having regard to the site's geotechnical characteristics including erosion potential, subsidence, potential salinity and acid sulphate soils</li> </ul> <p><b>16. Biodiversity</b> The EIS shall:</p> <ul style="list-style-type: none"> <li>• provide an assessment of the proposal's biodiversity impacts in accordance with the <i>Biodiversity Conservation Act 2016</i>, including the preparation of a Biodiversity Development Assessment Report (BDAR) where required under the Act.</li> </ul> <p><b>17. Public Benefits, Contributions and/or Voluntary Planning Agreement Public Benefits</b> The EIS shall:</p> <ul style="list-style-type: none"> <li>• detail the proposed method of calculating developer contributions payable</li> <li>• any additional contributions or material public benefits associated with the development</li> <li>• address the applicable s94 Contribution Plan and the provision of public benefit, land dedication, services and infrastructure in consultation with key stakeholders and provide details of any voluntary planning agreement (VPA) or other legally binding instrument agreed between relevant public authorities and the applicant.</li> </ul>
--	---

	<p><b>18. Utilities</b></p> <p>The EIS shall:</p> <ul style="list-style-type: none"> <li>• identify the existing capacity of the site to service the development proposed and any augmentation requirements for utilities, including arrangements for electrical network requirements, drinking water, waste water and recycled water</li> </ul>
<b>Consultation</b>	<p>During the preparation of the EIS, you must consult with relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners. In particular, you must consult with:</p> <ul style="list-style-type: none"> <li>• North Sydney Council</li> <li>• Lane Cove Council</li> <li>• Willoughby Council</li> <li>• Government Architect NSW</li> <li>• NSW Roads and Maritime Services</li> <li>• Transport for NSW</li> <li>• Sydney Trains</li> <li>• Environment Protection Authority NSW</li> <li>• NSW Police</li> <li>• Fire and Rescue NSW</li> <li>• NSW Office of Environment and Heritage</li> <li>• Surrounding residents and businesses</li> <li>• Relevant community groups</li> <li>• Relevant special interest groups.</li> </ul> <p>The EIS must describe the consultation process and the issues raised and identify where the design or proposed outcomes of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>
<b>Further consultation after 2 years</b>	<p>If you do not lodge a Development Application and EIS for the development within 2 years of the issue date of these SEARs, you must consult further with the Planning Secretary in relation to the preparation of the EIS.</p>
<b>References</b>	<p>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.</p>

<b>Plans and Documents</b>	
<b>Plans and Documents</b>	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedules 1 and 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>. Provide these as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include the following:</p> <ul style="list-style-type: none"> <li>• clause 4.6 variation written request (if required)</li> <li>• site title diagrams and survey plan, showing existing levels, location and heights of existing and adjacent structures/ building</li> <li>• site analysis plan</li> <li>• schedule of proposed gross floor area per land use</li> <li>• assessment of social and economic impacts (including employment and retail studies)</li> </ul>



	<ul style="list-style-type: none"> <li>• building envelopes showing the relationship with proposed and existing buildings in the locality</li> <li>• architectural drawings (to a useable scale at A3)</li> <li>• architectural and urban design statement</li> <li>• physical and virtual models</li> <li>• visual and view impact analysis and photomontages</li> <li>• staging plan and any associated activation and infrastructure delivery strategy</li> <li>• design guidelines and design excellence strategy</li> <li>• heritage impact assessment</li> <li>• transport traffic and parking assessment</li> <li>• solar access analysis report and diagrams</li> <li>• wind impact assessment (including a wind tunnel study)</li> <li>• flood impact assessment/storm water management plan</li> <li>• soil and contamination report</li> <li>• ESD statement (incorporating a sustainability framework)</li> <li>• access / DDA impact statement</li> <li>• services and utilities impact assessment</li> <li>• signage strategy (if proposed)</li> <li>• noise and vibration report</li> <li>• CPTED assessment</li> <li>• preliminary construction management statement</li> <li>• pre-submission consultation report</li> </ul>
<p><b>Documents to be submitted</b></p>	<ul style="list-style-type: none"> <li>• 1 hard copy and 1 electronic copy of all the documents and plans for review prior to exhibition</li> <li>• 7 hard copies (including 3 bound copies for public exhibition at local council offices) and 12 electronic copies of the documents and plans (once the application is considered acceptable). Electronic copies of the documentation must be on a USB with documents in PDF format with file sizes not exceeding 20Mb, and ideally less than 10Mb. The hard copies should include plans printed in A3. One additional A1 set of plans may also be provided.</li> </ul>