

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*

Application Number	SSD 9694
Proposal Name	Stage 1 concept proposal for a hotel development
Location	301-305 Kent Street and 35-39 Erskine Street, Sydney
Applicant	Romanous Developments Pty Ltd
Date of Issue	19 November 2018
General Requirements	The Environmental Impact Statement (EIS) must be prepared in accordance with, and meet the minimum requirements of, clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> (the Regulation). 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: • adequate baseline data • consideration of potential cumulative impacts due to other development in the vicinity (completed, underway or proposed) • measures to avoid, minimise and if necessary, offset the predicted impacts, including detailed contingency plans for managing any significant risks to the environment. The EIS must also be accompanied by a report from a qualified quantity surveyor providing: • a detailed calculation of the capital investment value (CIV) of the development (as defined in clause 3 of the Regulation), including details of all assumptions and components from which the CIV calculation is derived • an estimate of the jobs that will be created by the development during construction and operation • verification that the CIV was accurate on the date that it was prepared.
Key issues	The EIS must include the following: 1. Environmental Planning Instruments, policies and guidelines Address the relevant statutory provisions applying to the site contained in the relevant EPIs, including: • State Environmental Planning Policy (State & Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) • Draft Remediation of Land SEPP • State Environmental Planning Policy No.64 Advertising and Signage • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • State Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP Sydney Harbour) • Draft Environment SEPP • Sydney Local Environmental Plan 2012 • Any exhibited Planning Proposal.

	Address the relevant provisions, goals and objectives in the following: • NSW State Priorities • Future Transport Strategy 2056 and associated plans • Better Placed – An integrated design policy for the built environment of New South Wales • Draft Better Placed: Design Guide for Heritage guidelines • Guide to Traffic Generating Developments (RMS) • Greater Sydney Region Plan • Eastern City District Plan • Sydney Development Control Plan 2012 • Sydney's Cycling Futures • Sydney's Walking Futures • Sustainable Sydney 2030 • Draft Central Sydney Planning Strategy • Sydney City Centre Access Strategy 2013 • City of Sydney Policy for Waste Minimisation in New Development • City of Sydney Street Tree Masterplan • City of Sydney Public Art Policy and Guidelines for Public Art in Private Development • City of Sydney Interim Floodplain Management Policy and • City of Sydney Lights Design Code 2014 • EIS Guidelines – Road and Related Facilities (DoPI) • Cycling Aspects of Austroads Guidelines • Guide to Traffic Management – Part 12: Traffic Impacts of Development (AUSTROADS). 2. Design excellence The EIS shall include a design excellence strategy in accordance with Clause 6.21 of SLEP 2012, prepared in consultation with the NSW Government Architect and the City of Sydney, demonstrating how the proposal will achieve design excellence. This strategy shall identify: • the process to ensure that design excellence is achieved, including an outline of the design competition process • how comments from the NSW Government Architect have been addressed • justification and suitability of the site for the proposal • whether bonus height and/or floor space will be sought for the proposal and how that would be distributed across the site. 3. Built form and urban design In consultation with the NSW Government Architect ensure that the proposal demonstrates design quality through consideration of the following: • an outline of the design process leading to the proposal with justification of the suitability of the site for the proposal • site and context including planning, massing, access and circulation options and preferred strategy for future development • contextual fit including height, bulk and scale, setbacks and interface of the proposal with surrounding development, topography, streetscape, public open spaces and heritage items • built form, including overall site layout, planning and massing, building articulation and scale, including compliance with height and floor space ratio controls • integration of services including waste management, loading zones, and mechanical plant • demonstration of the future redevelopment of the adjoining properties • integration of any signage. • OEHL recommends that the EIS incorporates green walls, green roof and/or cool roof into the design. The benefits are outlined in the OEHL (2015) Urban Green Cover in NSW Technical Guidelines
--	---

	- Green roofs can increase habitat and biodiversity at the site, particularly if local native plant species are used from the relevant vegetation community. 4. Building use The EIS shall: - contain a table identifying the proposed land uses including a floor-by-floor breakdown of gross floor area (GFA) and floor space ratio (FSR). 5. Staging of development The EIS shall: - detail the breakdown of how the development applications will be staged including the timing of the applications and what will be sought. 6. Amenity The EIS shall: - detail the impacts of the development on view loss, sunlight/overshadowing, wind impacts, reflectivity, visual and acoustic privacy to achieve a high level of environmental amenity - demonstrate overshadowing of open space and neighbouring properties with shadow information provided showing appropriate context. 7. Visual impacts The EIS shall: - include a visual impact assessment to identify the visual changes and view impacts of the project to/from key vantage points and surrounding land from the public domain at eye level. Photomontages or perspectives should be provided showing the project. - the visual impact assessment must consider the impact of the development on any existing and proposed developments including any view loss. 8. Public domain and public access The EIS shall: - include the scope of public domain improvements, street activation, key pedestrian linkages with and between other public domain spaces, existing and proposed buildings and surrounding areas. - identify works within the public domain that will be intended to be dedicated to the City of Sydney 9. Transport, traffic, parking and access (Operation) The EIS shall include a Transport and Traffic Impact Assessment that provides, but is not limited to, the following: - current daily and peak hour traffic generation (light and heavy vehicle), public transport network, coaches, point to point transport, walking and cycling movements, existing traffic and transport facilities located within the vicinity of the proposed development - estimated daily and peak hour traffic generation (light and heavy vehicle), public transport, point-to-point transport, coaches, walking and cycling trip generation during operation - an assessment of the impact of additional traffic generated by the proposed development on the existing road network and bus service operation, including the cumulative impact of traffic generated from surrounding approved development, including adjoining approved hotel at 41-45 Erskine Street, Sydney - an assessment of existing and future performance of key intersections (including Kent Street and King Street) providing access to the site, and any required upgrades (road/ intersections) as a result of the development - details of bicycle parking provisions including end-of-trip facilities considering the availability of public transport and the requirements of the relevant parking codes and Australian Standards
--	--

- details of sustainable travel initiatives, that support the achievement of State targets, for employees, students and visitors, particularly for the provision of, green travel plans and wayfinding strategies and need to be provided in secure, convenient, accessible areas close to main entries incorporating lighting and passive surveillance
- proposed car parking and access arrangements including vehicle access, pick-up/drop-off and coach parking drop-off arrangements (including point to point transport), service vehicles, emergency vehicles and loading areas for the development
- proposed capacity within the site to accommodate the demand for the proposed development in accordance with appropriate parking codes, ensuring all loading and servicing, pick-up/drop-off and coach parking is conducted on-site
- access to, from and within the site from the road network including intersection locations, design and sight distance (i.e. turning lanes, swept paths, sight distance requirements)
- information demonstrating the suitability of the proposed Erskine Street vehicular entry particularly noting the level of pedestrian movement between the Wynyard and Darling Harbour precincts.
- an assessment of predicted impacts on road safety
- demonstrate adequate provision for servicing of the site in relation to loading demands, size of waste collection area and method of collection to/from and within the site.

10. Heritage and Archaeology

The EIS shall:

- include a Statement of Heritage Impact (SOHI) prepared by a suitably qualified heritage consultant in accordance with the guidelines in the NSW Heritage Manual and best practice conservation principles. The SOHI is to address the impacts of the proposal on any heritage significance of the site and adjacent areas and is to identify the following:
 - all heritage items (state and local) and heritage conservation areas and buildings older than 50 years on and within the vicinity of the site including built heritage, landscapes and archaeology, detailed mapping of these items, and assessment of why the items and site(s) are of heritage significance
 - the impacts of the proposal on heritage items and heritage conservation areas including visual impacts
 - compliance with any relevant Conservation Management Plan
 - the attempts to avoid and/or mitigate the impact on the heritage significance or cultural heritage values of the site and the surrounding heritage items heritage conservation areas
 - demonstrate engagement with appropriate local stakeholders.
- include an Aboriginal Cultural Heritage Assessment Report (ACHAR) to identify and describe Aboriginal cultural heritage values existing across the area affected by the development. This may include a surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW, and guided by Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW.
 - consultation with Aboriginal people must be undertaken and documented in accordance with the Aboriginal Cultural heritage consultation requirements for proponents 2010 (DECCW). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.
 - the ACHAR must also document any impacts on Aboriginal cultural heritage values including attempts to avoid impacts. Where impacts are unavoidable, the ACHAR must outline measures proposed to mitigate

impacts. Any objects recorded as part of the assessment must be documented and notified to the Office of Environment and Heritage.

11. Waste

The EIS shall:

- demonstrate adequacy of vehicle turning paths and clearances to/from and within the site including how a waste collection vehicle, can enter and exit the site in a forward direction.

12. Biodiversity

The EIS shall:

- provide an assessment of the proposal's biodiversity impacts in accordance with the requirements of the *Biodiversity Conservation Act 2016*, including the preparation of a Biodiversity Development Assessment Report where required under the Act.
- The BDAR must include details of the measures proposed to address the offset obligation.
- The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the *Biodiversity Conservation Act 2016*.

13. Ecologically Sustainable Development (ESD)

The EIS shall:

- detail how best practice ESD principles (as defined in clause 7(4) of Schedule 2 of the Regulation) will be incorporated in the design and ongoing operation phases of the development.

14. Soil and Contamination

The EIS shall:

- identify any potential impact of the development on groundwater levels, flow paths and quality
- identify any water licensing requirements or other approvals required under the *Water Act 1912* or *Water Management Act 2000*
- any geotechnical issues
- demonstrate compliance with the requirements of SEPP 55.

15. Water and soils

The EIS shall map the following features relevant to water and soils including:

- acid sulphate soils (Class 1,2, 3 or 4)
- rivers, streams, wetlands, estuaries
- groundwater
- groundwater dependent ecosystems
- proposed intake and discharge locations
- the EIS shall describe the background conditions for any water resource likely to be affected by the development and assess the impacts of the development on water quality and hydrology.
- the EIS shall outline any sustainability initiatives that will minimise the demand for drinking water, including any alternative water supply and end uses of drinking and non-drinking water that may be proposed, and demonstrate water sensitive urban design principles.

16. Flooding and stormwater

The EIS shall:

- demonstrate consideration of flood impacts, if necessary, and identify minimum floor levels for the building and recommend flood management and/or an evacuation plan.
- include a stormwater management strategy which considers the relevant Council stormwater management policy and Water Sensitive Urban Design Principles.

	17. Developer contributions The EIS shall: - outline the scope of developer contributions required. 18. Infrastructure The EIS shall: - identify the existing and future infrastructure on-site and any possible impacts of the construction and operation of the proposal on this infrastructure and associated mitigation measures. - the existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure and additional licence/approval requirements in consultation with relevant agencies. - contain a report demonstrating compliance with the Sydney Metro Underground Corridor Protection Guidelines (available from www.sydneymetro.info). - determine service demands following servicing investigations and demonstrate that satisfactory arrangements for drinking water, wastewater and recycled water (if required) services have been made. 19. Land ownership and Tenure The EIS shall: - detail of the current land ownership and proposed management of future ownership. - detail any proposed modifications to the existing Right of Ways, including the written agreement of all affected property/s owners that benefit from these Rights.
Consultation	During the preparation of the EIS, the applicant must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners. In particular, consultation is required for the following agencies: - The City of Sydney Council - NSW Government Architect's Office - Roads and Maritime Services - Sydney Coordination Office within Transport for NSW - Sydney Trains - Sydney Metro - The Office of Environment and Heritage - The Office of Environment and Heritage – Heritage Division - Environment Protection Authority - Sydney Water - Liquor & Gaming NSW - NSW Police - Ausgrid - Local Aboriginal and community groups. The EIS must describe the consultation process and the issues raised, and identify where the design 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. Consultation should commence as soon as possible.
Further consultation after 2 years	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 Secretary in relation to the preparation of the EIS.

References	The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans. 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.
-------------------	---

Plans & Documents

Plans and Documents

The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*. These are to be provided as part of the EIS rather than as separate documents.

In addition, the EIS must include the following:

1. An existing site survey plan drawn at an appropriate scale illustrating:

- The location of the land, boundary measurements, area (sqm) and north point
- The existing levels of the land in relation to buildings and roads
- Location and height of existing structures on the site
- Location and height of adjacent buildings
- All levels to be to Australian Height Datum (AHD).

2. A locality/context plan drawn at an appropriate scale should be submitted indicating:

- Significant local features such as parks, community facilities and open space and heritage items
- The location and uses of existing buildings, shopping and employment areas
- Traffic and road patterns, pedestrian routes and public transport nodes.

3. Drawings at an appropriate scale illustrating:

- Site analysis plan, sections and elevations of the development, including site features and their relationship to adjoining sites (at a minimum scale of 1:200)
- The height (AHD) of the proposed development in relation to the land and any changes that will be made to the level of the land by excavation, filling or otherwise
- An integrated urban design and landscape plan, including links to surrounding public transport details of new and retained planting and shade structures.

4. Visual Impact Assessment including focal lengths, must be done in accordance with Land and Environment Court principles as follows:

Visual assessment methodology

- The consultant's methodology should be explicit. This may include a flow-chart indicating how the analysis is to be undertaken, or a narrative description of the proposed sequence of activities
- As part of the methodology, the consultant should provide, and explain, criteria for assessment relevant to the site, local context and proposed built form and public domain outcomes. A rationale should be provided for the choice of criteria. Criteria must include reference to the planning framework
- Visual catchment should be defined and explained (see below)
- An assessment matrix should be produced including number of viewers, period of view, distance of view, location of viewer to determine potential visual impact - i.e. high, medium or low.

Visual catchment

- Potential visual catchments and view locations, including contours (areas from which the development is visible) should be identified
- Categories of views (e.g. from public open space, from key streets, from main buildings and from key heritage items) should be defined
- Photos are required for representative view categories, plotted on a map.

	<u>Visual material</u> • Reference to be made to site analysis • Provide key plan indicating where viewpoints are located and narrative explaining why these have been selected • The built form should be illustrated in the context of the visual catchment to enable assessment of the visual impact • The location of cross-sections should be clearly shown on a key plan and the choice of positions explained. The cross sections should be shown in the context of the visual catchment • Vertical exaggeration should provide an accurate rather than 'flattened' impression of buildings in the context of the visual catchment • A key plan must be provided for photomontages. In addition, the choice of locations should be explained. Photomontages should be provided for close as well as distant views • Assessment must benchmark against the existing situation with the proposed plans • Photomontages to be provided for key viewpoints from all directions, and from several positions within the visual catchment • As above, support visual evidence such as cross sections to be drawn to realistic scales and shown in context. A comparison of 'before' and 'proposed' is fundamental to a visual impact assessment, therefore the visual impact assessment (A3 in size) should be undertaken using human eye focal lengths (50mm at 35mm FX format and 46° angle of view) from long range, medium range and short range positions so that they can be assessed with respect to visibility, visual absorption capacity and visual impact rating. 5. Shadow diagrams showing solar access to the site and surrounding areas at summer solstice (21 December), winter solstice (21 June) and the equinox (21 March/21 September) at 9.00 am, 12.00 pm and 3.00 pm. 6. Design report demonstrating how design quality will be achieved in accordance with Key Issues, Built Form and Urban Design, Amenity, Heritage and Archaeology and Public Domain and Public Access including: • Architectural design statement • Diagrams, illustrations and drawings to clarify the design intent of the proposal • Detailed site and context analysis • Analysis of options considered including building envelope study to justify the proposed site planning and design approach • Summary of feedback provided by GANSW and NSW SDRP and responses to this advice • Summary record of consultation with the Aboriginal community and response to any feedback provided. 7. Wind analysis including wind tunnel testing. 8. Acoustic report
Documents to be submitted	• 1 hard copy and 1 electronic copy of all the documents and plans for review prior to exhibition. • 4 hard copies 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 5Mb. The hard copies should include plans printed in A3. • physical and 3D digital model (in accordance with the City of Sydney specifications)