

Secretary's Environmental Assessment Requirements

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

Application Number	SSD 9827
Proposal Name	Mixed use development including commercial/ retail uses and residential apartments
Location	45 Honeysuckle Drive, Newcastle (Lot 1 DP 1236735)
Applicant	Miller Property Corporation Pty Ltd
Date of Issue	31 January 2019
General Requirements	The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 the <i>Environmental Planning and Assessment Regulation 2000</i>. 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 the 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 • 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 be accompanied by a report from a qualified quantity surveyor providing: • a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the <i>EP&A Regulation 2000</i>) of the proposal, including details of all assumptions and components from which the CIV calculation is derived • a detailed cost report prepared in accordance with Newcastle Section 94A Development Contributions Plan 2009 • an estimate of the jobs that will be created by the future development during the construction and operational phases of the development • certification that the information provided is accurate at the date of preparation.
Key issues	The EIS must address the following specific matters: 1. Statutory and Strategic Context Address the statutory provisions applying to the development contained in all relevant environmental planning instruments, including: • State Environmental Planning Policy (State & Regional Development) 2011 • State Environmental Planning Policy 55 – Remediation of Land • State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development & Accompanying Apartment Design Guide • State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Coastal Management) 2018

- Honeysuckle Foreshore Public Domain Plan 2019
- Newcastle Local Environmental Plan (LEP) 2012.

Permissibility

Detail the nature and extent of any prohibitions that apply to the development.

Development Standards

Identify compliance with the development standards applying to the site and justification for any variations proposed.

The EIS shall address the relevant planning provisions, goals and strategic planning objectives in the following:

- NSW 2021 (State Plan)
- Hunter Regional Plan 2036
- Greater Newcastle Metropolitan Plan 2036
- Future Transport Strategy 2056 and supporting plans
- Greater Newcastle Future Transport Plan
- Newcastle Urban Renewal Strategy 2014
- Better Placed – an integrated design policy for the built environment of NSW 2017
- Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011)
- Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010
- Newcastle Archaeological Management Strategy 2015
- Aboriginal Heritage Management Strategy 2018-2021
- Interim Construction Noise Guidelines (DECCW, 2009)
- Guidelines for Controlled Activities on Waterfront Land (2012)
- Policy and Guidelines for Fish Habitat Conservation and Management (2013)
- Crime Prevention Through Environmental Design Principles
- Guide to Traffic Generating Developments (Roads and Maritime Services)
- Guide to Traffic Management – Part 12: Traffic Impacts of Development (AUSTROADS)
- Roads and related facilities DPE EIS guidelines
- NSW and ACT Government Regional Climate Modelling (NARCLIM)
- OEH (2015) Urban Green Cover in NSW Technical Guidelines
- Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (phase 1) 2006
- Newcastle Section 94A Development Contributions Plan 2009
- Port Master Plan 2040
- Aquifer Interference Policy (2012).

2. Design Excellence

The EIS shall:

- describe the design process leading to the proposed design
- provide a design excellence strategy, including opportunities for design review throughout the planning process, which demonstrates how design excellence will be achieved in accordance with the requirements of clause 7.5 of the Newcastle LEP 2012, in consultation with the Government Architect NSW.

3. Built Form and Urban Design

The EIS shall:

- address design quality, with specific consideration of bulk and scale, overall site layout, axis, vistas and connectivity, open spaces and edges,

- ground floor activation, primary elements, façade, rooftop, mechanical plant, massing, setbacks, building articulation, materials and colours
- provide a detailed landscape design that demonstrates how the proposal provides pedestrian access and amenity along the foreshore
- provide design approaches to mitigate any potential flooding
- detail how services, including but not limited to waste management, loading zones, deliveries and mechanical plant are integrated into the building operation
- consider and address the Newcastle Development Control Plan.

4. Residential Amenity

The EIS shall:

- demonstrate consistency with SEPP 65 and the Apartment Design Guide (ADG) to ensure a high level of environmental and residential amenity
- demonstrate how hierarchy of entrances and provision of common areas achieves best practice for residents
- address any impacts resulting from the colocation of commercial and residential uses at ground floor level and outline measures to minimise and mitigate any potential impacts.

5. Noise

The EIS shall:

- identify the likely noise impacts and any acoustic measures required to ensure acceptable residential amenity, noting the proximity to the operational areas of the Port of Newcastle, and the proximity of the proposed commercial and residential uses.
- identify the main noise generating sources and activities at all stages of construction, and any noise sources during operation. Outline measures to minimise and mitigate the potential noise impacts on surrounding occupiers of land and future occupiers of the development.

6. Ecologically Sustainable Development (ESD)

The EIS shall:

- detail how ESD principles (as defined in clause 7(4) of Schedule 2 of the Environmental Planning and Assessment Regulation 2000) will be incorporated in the design, construction and ongoing operation phases of the development
- demonstrate how the proposed development responds to sustainable building principles and best practice, and improves environmental performance through energy efficient design, technology and renewable energy
- demonstrate how material selection responds to ESD principles, including sustainable sourcing, recycled content and durability
- include a description of the measures that would be implemented to minimise consumption of resources, water and energy, including an Integrated Water Management Plan which details any proposed alternative water supplies, proposed end uses of potable and non-potable water, and water sensitive urban design.

7. Transport and Accessibility (Operation)

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

- details of the current daily and peak hour vehicle, public transport, pedestrian and bicycle movements and existing traffic and transport facilities provided on the road network and located adjacent to the proposed development
- traffic modelling and analysis of the future daily and peak hour vehicle, public transport, pedestrian and bicycle movements likely to be

generated by the proposed development and assessment of the impacts on the local road network, including key intersection capacity and any potential need for upgrading or road works (if required)

- assessment of the operation of existing and future transport networks and their ability to accommodate the forecast number of trips to and from the development
- assessment of the cumulative impacts of traffic volumes from the proposal together with existing and approved developments in the area, and proposed measures to mitigate any associated impacts on public transport, pedestrian, cycle and traffic networks
- proposed access arrangements and measures to mitigate any associated traffic, public transport, pedestrian and bicycle network impacts
- appropriate car and 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
- location of pedestrian and bicycle parking facilities in secure, convenient, accessible areas close to main entrances incorporating lighting and passive surveillance
- measures to promote sustainable travel choices for employees, visitors and residents, such as implementing a location-specific travel plan and provision of end of trip facilities
- service vehicle access, delivery and loading arrangements and estimated service vehicle movements (including vehicle type, routes and the likely arrival and departure times)
- a road safety assessment of any proposed signage, lighting displays and reflectivity on roads.

8. Construction

The EIS shall include a Construction Pedestrian and Traffic Management Plan addressing:

- details of peak hour and daily construction and servicing vehicle movements and access arrangements, and cumulative impact from surrounding development sites on the local road network, public transport services and parking
- road safety at key intersections and locations subject to heavy vehicle movements and high pedestrian activity
- details of access arrangements for workers to/from the site, emergency vehicles and service vehicle movements, including measures to reduce construction worker private vehicle trips
- details of temporary cycling and pedestrian access during construction
- details of proposed construction vehicle access arrangements at all stages of construction
- assessment of traffic and transport impacts during construction and how these impacts will be mitigated for any associated traffic, pedestrians, cyclists and public transport operations
- potential impacts of the construction on surrounding areas and the public realm with respect to noise and vibration, air quality and odour impacts, dust and particle emissions, water quality, storm water runoff, groundwater seepage, soil pollution and construction waste
- annual volume of materials to be extracted, processed or stored onsite during construction and how the extracted material will be disposed of or reused
- details of any crane locations and road closures
- details of a consultation strategy for liaison with surrounding stakeholders.

9. Flooding

The EIS is to include an assessment of any potential flood risk on site in accordance with any relevant provisions of the NSW Floodplain Development Manual (2005), the Honeysuckle Redevelopment Area Flood Study 2018 and the Newcastle Floodplain Risk Study 2012 including an:

- assessment of existing flood behaviour and impact of sea level rise, climate change, and ecosystem migration
- assessment of potential flood impacts on the proposed development and measures to mitigate any potential flooding
- assessment of potential impacts of the proposed development on flood behaviour at the site and impacts on adjacent land, and measures to mitigate any potential flooding
- emergency management measures and evacuation
- consistency with any floodplain risk management plans
- compatibility with the flood hazard of the land
- assessment of whether the proposal will significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses
- detailed consideration of the proposed drainage associated with the proposal, including stormwater and drainage infrastructure.

10. Water Quality

The EIS shall:

- provide an assessment of existing site hydrogeology, groundwater quality and levels and licensing requirements (including details of groundwater dewatering required during the construction phase and for ongoing water take following completion of the project)
- detail any structural works due to potential subsidence impacts and whether such activity will cause displacement of groundwater to surface
- provide an assessment of any potential cumulative impacts on water resources, and any proposed options to manage the cumulative impacts
- provide an assessment of impacts to surface water and groundwater resources as they relate to infrastructure, adjacent licensed water users, watercourses and riparian land and details of proposed monitoring activities and methodologies.

11. Mine Subsidence

The EIS shall provide a Geotechnical Investigation and Report (prepared by a recognised professional in consultation with the Mine Subsidence Board) which addresses potential subsidence risks, stabilisation works required/undertaken and confirms suitability of the site for the proposal.

12. Heritage

The EIS shall:

- identify if there are any listed or potential heritage items and conservation areas within or in the vicinity of the site. If any listed or potential heritage items and areas are likely to be affected, a Heritage Impact Statement (HIS) must be prepared in accordance with the Heritage Council of NSW guidelines. The HIS must identify the level of significance of any listed or potential heritage items and conservation areas, the likely impact due to the proposal and measures to avoid adverse impacts to heritage resources such as significant buildings, structures, natural heritage areas, gardens, landscapes, trees, plantings, streetscapes and views.
- identify if there are any areas with historical archaeological potential within the proposed project area that could be impacted by the works. If impact on potential archaeology is identified, a historical archaeological assessment should be prepared by a suitably qualified historical archaeologist in accordance with the Heritage Council Guidelines for

	Archaeological Assessment (1996) and Assessing Significance for Historical Archaeological Sites and 'Relics' (2009). This assessment should identify what relics, if any, are likely to be present, assess their significance and consider the impacts from the proposal on this potential resource. Where harm is likely to occur, it is recommended that the significance of the relics be considered in determining an appropriate mitigation strategy. If harm cannot be avoided in whole or part, an appropriate Research Design and Excavation Methodology should also be prepared to guide any proposed excavations. • identify and describe the Aboriginal cultural heritage values that exist across the whole area to be affected and document these in the Aboriginal Cultural Heritage Assessment Report (ACHAR) • address Aboriginal Heritage in accordance with the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW 2011 and Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010. 13. Biodiversity The EIS shall provide an assessment of the proposal's biodiversity impacts in accordance with the Biodiversity Conservation Act 2016, including the preparation of a Biodiversity Development Assessment Report where required under the Act. 14. Sediment, Erosion and Dust controls (Construction and Excavation) The EIS shall: • identify measures and procedures to minimise and manage the generation and off-site transmission of sediment, dust and fine particles • provide an assessment of presence of acid sulfate soils on the site and any mitigation measures required. 15. Utilities The EIS shall: • address the existing capacity and future requirements of the development for the provision of utilities, including staging of infrastructure in consultation with relevant agencies • detail impacts to any existing infrastructure assets of utility stakeholders from demolition/construction and any proposed mitigation/protection measures. 16. Public Benefit and Contributions The EIS shall: • provide confirmation of the public benefit offer to be derived from the proposal and address Council's Section 94A Contribution Plan and/ or details of any Voluntary Planning Agreement • public benefit contribution should consider the surrounding public domain and waterway. 17. Servicing and Waste (construction and operation) The EIS shall: • identify, quantify and classify the likely waste streams to be generated during construction and operation and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste. • identify appropriate servicing arrangements (including but not limited to, waste management, loading zones, mechanical plant) for the site.
Plans and documents	The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the <i>EP&A Regulation 2000</i>. Provide these as part of the EIS rather than as separate documents.

	In addition, the EIS must include the following: • architectural drawings (to a usable scale at A3) to include: plans, elevations, cross sections and longitudinal section, sections through any void spaces, wall details including sections at 1:20 for windows, doors cladding systems and balconies • architectural design statement including a written statement outlining how the proposal has responded to SDRP feedback • design excellence strategy including records of any design review • landscape drawings (to a usable scale at A3) to include extended site context along foreshore and creek • landscape design statement • site survey plan, showing existing levels, location and height of existing and adjacent structures/buildings • site and context analysis • shadow diagrams • ESD statement • pre-submission consultation statement • heritage impact assessment • archaeological impact assessment • traffic and transport impact assessment • visual and view impact analysis and photomontages • stormwater concept plan • flood risk assessment • sediment and erosion control plan • operational management plan • waste management plan • air quality management plan (construction and operation) • preliminary construction management plan, including a construction traffic management plan, construction noise and vibration management plan, construction waste management plan and cumulative impact of construction activities on other nearby sites • geotechnical and structural report • services and infrastructure report • contamination assessment • schedule of materials and finishes.
Consultation	During the preparation of the EIS, you are required to consult with the relevant local, State or Commonwealth Government authorities, service providers, and the local community. You must consult with the City of Newcastle, Government Architect NSW, Transport for NSW and Roads and Maritime Services. The EIS must describe the pre-submission consultation process, issues raised and how the proposed development has been amended in response to these issues. A short explanation should be provided where amendments have not been made to address an issue.
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.