

# Secretary's Environmental Assessment Requirements

## Section 78A (8A) of the *Environmental Planning and Assessment Act 1979* Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

<b>Application Number</b>	SSD 9063
<b>Proposal Name</b>	Stage 1 concept proposal for a mixed-use development at Cudgegong Station south mixed-use development, road layouts, landscaping and open space.
<b>Location</b>	Cudgegong Road Station Precinct South
<b>Applicant</b>	Landcom on behalf of Transport for NSW
<b>Date of Issue</b>	16 February 2018
<b>General Requirements</b>	<p>The Environmental Impact Statement (EIS) must address the <i>Environmental Planning and Assessment Act 1979</i> and meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 the <i>Environmental Planning and Assessment Regulation 2000</i>.</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 the key issues below, and any other significant issues identified in the risk assessment, must include:</p> <ul style="list-style-type: none"> <li>adequate baseline data;</li> <li>consideration of potential cumulative impacts due to other development in the vicinity; and</li> <li>measures to avoid, minimise and if necessary, offset the predicted impacts, including detailed contingency plans for managing any significant risks to the environment.</li> </ul> <p>The EIS must 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 <i>EP&amp;A Regulation 2000</i>) of the proposal, including details of all assumptions and components from which the CIV calculation is derived;</li> <li>an estimate of the jobs that will be created by the future development during the construction and operational phases of the development; and</li> <li>certification that the information provided is accurate at the date of preparation.</li> </ul>
<b>Key issues</b>	<p><b>1. Statutory and strategic context</b></p> <p>The EIS shall address the statutory provisions applying to the development contained in all relevant environmental planning instruments, including:</p> <ul style="list-style-type: none"> <li>State Environmental Planning Policy (BASIX) 2004</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Sydney Region Growth Centres) 2006 &amp; any exhibited Draft Amendments relevant to the North-West Growth Centres</li> <li>State Environmental Planning Policy (Urban Renewal) 2010</li> <li>State Environmental Planning Policy No. 19 – Bushland in Urban Areas</li> <li>State Environmental Planning Policy No 55 – Remediation of Land</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development &amp; the Apartment Design Guide</li> </ul>

	<p>The EIS shall address the relevant planning provisions, goals and strategic planning objectives in the following:</p> <ul style="list-style-type: none"> <li>• NSW State Priorities</li> <li>• Premier's Priorities</li> <li>• A Plan for Growing Sydney</li> <li>• Revised Draft Central City District Plan</li> <li>• North West Rail Link Corridor Strategy</li> <li>• NSW Long Term Transport Master Plan</li> <li>• Draft Architecture and Design Policy for NSW</li> <li>• Development Near Rail Corridors and Busy Roads - Interim Guideline</li> <li>• Noise Policy for Industry (EPA 2017)</li> <li>• Guide to Traffic Generating Developments</li> <li>• NSW Planning Guidelines for Walking and Cycling</li> <li>• Better Placed – an integrated design policy for the built environment of NSW 2017</li> <li>• Draft Greener Places Policy;</li> <li>• Interim Construction Noise Guidelines</li> <li>• Heritage Council Guideline on Heritage Curtilages 1996</li> <li>• Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011)</li> <li>• Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010</li> <li>• Draft Planning for Bush Fire Protection 2017</li> </ul> <p><b>2. Land Use and Permissibility</b></p> <p>The EIS shall:</p> <ul style="list-style-type: none"> <li>• include details and justifications for the proposed mix of land uses and demonstrate that the proposal will meet the strategic objectives and the social and economic needs of the Local Centre and the wider North-West Growth Precinct;</li> <li>• demonstrate the proposed dwelling density will be supported by sufficient open space and be serviced by adequate infrastructure; and</li> <li>• assess the permissibility of the proposal, including consultation with the relevant acquisition authority with respect to any land identified for local drainage, road and other infrastructure.</li> </ul> <p><b>3. Site Layout, Staging and Integration with Sydney Metro station infrastructure</b></p> <p>The EIS shall:</p> <ul style="list-style-type: none"> <li>• illustrate a site design and subdivision plan, including road layout which is responsive to the existing and/or proposed land uses with linkages to key destination points such as station entrance, community facilities, and recreation areas;</li> <li>• identify the extent of the proposal that is State Significant Development (SSD), and how this relates to the approved State Significant Infrastructure (SSI-5414) and any modifications required to the SSI;</li> <li>• show how the proposal (being the SSD components) will integrate with the Sydney Metro station infrastructure such as design, access, way finding and construction;</li> <li>• identify any specific requirements of the SSI approval that has influenced the design of the proposal; and</li> <li>• set out the staging of the proposed development, including subdivision, land dedication, the relationship with the delivery of the Sydney Metro stations, timing of public domain works and any other relevant work such as interim precinct activation. This shall include a Land Use and Infrastructure Implementation Plan, if a plan has not been made for the <i>Cudgegong Road Precinct (Area 20)</i> by the relevant planning authority.</li> </ul>
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#### **4. Built Form, Urban Design and Public Domain**

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 character of the Cudgegong Road Precinct and the North-West Growth Area;
- provide a design excellence strategy for the future stage(s) of the development which demonstrates how design excellence will be achieved, to the satisfaction of the Government Architect NSW;
- include a proposed schedule for regular design review throughout the planning process, with an independent panel endorsed by the Government Architect NSW, including an outline of how feedback will be documented and addressed;
- include design quality guidelines, endorsed by the design review panel, for the future built form with specific guidance on:
  - public and private space
  - integration with the Metro station
  - building articulation, materials, massing and setbacks
  - connectivity
  - street activation
  - microclimate conditions
  - over shadowing
  - building entrances and loading/services arrangements
  - integrated landscaping
  - Crime Prevention Through Environmental Design principles
  - rooftop and mechanical servicing/plant
- provide indicative buildings showing possible built forms within the proposed building envelopes; and
- considers the relevant design guidelines and the Structure Plan/Indicative Layout Plan in the *Blacktown City Council Priority Growth Area Precincts Development Control Plan* and how the proposed development will integrate with future developments including infrastructure delivery in the *Cudgegong Road Precinct (Area 20)*.

#### **5. Transport, Traffic, Parking and 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, pedestrian and bicycle movements from existing 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, pedestrian and bicycle trips, together with cumulative impacts of existing, proposed and approved developments in the area and any transport/ traffic upgrade;
- impacts of the proposed development on the operation of existing and future transport networks, including the public transport capacity and its ability to accommodate the forecast number of trips to and from the development;
- 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;
- 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;
- proposed car and bicycle parking provision for workers and visitors, including consideration of the availability of public transport and the requirements of the relevant parking codes and Australian Standards;
- loading dock and servicing arrangements;

	<ul style="list-style-type: none"> <li>• 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 provision of adequate bicycle parking and end of trip facilities; and</li> <li>• identify potential work zones/construction areas and the functionality and impact on pedestrian amenity and public domain.</li> </ul> <p><b>6. Amenity</b> The EIS shall:</p> <ul style="list-style-type: none"> <li>• demonstrate consistency with the requirements of SEPP 65 and the Apartment Design Guide;</li> <li>• address solar access, acoustic impacts, visual privacy, views and visual impacts, reflectivity, overshadowing and noise and vibration impacts to the surrounding area, including neighbouring properties and the public domain;</li> <li>• view analysis to and from the site from key vantage points and streetscape locations including photomontages or perspectives of the proposed development; and</li> <li>• illustrate the proposal's potential amenity impacts to surrounding properties, including low-density residential development to the south (The Ponds), and any proposed mitigating measures in respect to solar access, privacy, views and any other amenity impacts.</li> </ul> <p><b>7. Noise Impacts</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; and</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 the amenity of residents/ visitors/ employees.</li> </ul> <p><b>8. Air quality</b> The EIS shall include air quality assessment in accordance with relevant Environment Protection Authority guidelines identifying all potential sources of air and odour emissions from surrounding land uses and a description and appraisal of any mitigation and monitoring measures required.</p> <p><b>9. Heritage and Archaeological Impacts</b> The EIS shall:</p> <ul style="list-style-type: none"> <li>• a detailed Heritage Impact Assessment (HIS) must be prepared in accordance with the guidelines in the NSW Heritage Manual that addresses the significance of, and provides an assessment of the proposal's impact on the heritage significance of State Heritage Register heritage items in the vicinity of the development site and includes strategies to avoid and mitigate any adverse impacts. The HIS must include a view impact assessment informed and illustrated with photomontages. The HIS should also address the project's compliance with the policies of the Conservation Management Plan for the former Royal Oak Inn and Rouse Hill House.</li> </ul> <p>The HIS should also identify if there are any areas with historical archaeological potential within the project area that could be impacted by the proposal. If the HIS identifies impact on potential archaeology, an historical archaeological assessment should be prepared by a suitably qualified historical archaeologist in accordance with the Heritage Division, Office of Environment and Heritage Guidelines 'Archaeological Assessments Guidelines' 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. In the</p>
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	<p>event that harm cannot be avoided in whole or part, an appropriate Research Design and Excavation Methodology should also be prepared to guide any proposed excavations; and</p> <ul style="list-style-type: none"> <li>• identify any Aboriginal Cultural Heritage in accordance with the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011) and Aboriginal Cultural Heritage Consultation requirements for Proponents 2010.</li> </ul> <p><b>10. Ecologically Sustainable Development (ESD)</b> The EIS shall:</p> <ul style="list-style-type: none"> <li>• detail how ESD principles (as defined in clause 7(4) of Schedule 2 of the <i>EP&amp;A Regulation 2000</i>) will be incorporated in the design, construction and ongoing operation of the development; and</li> <li>• include a framework for how the proposed development will reflect best practice sustainable building principles to improve environmental performance, including energy and water efficient design and technology, and use of renewable energy. This shall include commitments to relevant ESD benchmarks.</li> </ul> <p><b>11. Biodiversity</b> The EIS shall provide:</p> <ul style="list-style-type: none"> <li>• an assessment of the proposal's biodiversity impacts, including the preparation of a Biodiversity Development Assessment Report, if required under the Biodiversity Conservation Act 2016; and</li> <li>• assess the consistency of the proposal with the applicable Biodiversity Certification Order conferred on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.</li> </ul> <p><b>12. Riparian Corridor</b> The EIS shall include an assessment of the proposal on the ecological values of the riparian corridors in proximity to the site, namely First Ponds Creek to the west and Second Ponds Creek to the east.</p> <p><b>13. Bushfire Safety</b> The EIS shall include a bush fire assessment report which assesses the proposal against the relevant provisions of <i>Planning for Bushfire Protection (PBP) (2006)</i> and the potential for revegetation SP2 Local Drainage and RE1 Public Recreation zoned land to the east of the subject site and its impacts on the future development.</p> <p><b>14. Flooding</b> The EIS shall:</p> <ul style="list-style-type: none"> <li>• include a detailed flood impact assessment in accordance with the <i>NSW Floodplain Development Manual (2005)</i> and consistent with the finding of the flood assessment undertaken as part of SSI-5415 and the recommendations made by the Department of Planning and Environment relating to the Cudgegong Road Station Precinct; and</li> <li>• identify minimum floor levels for buildings and flood evacuation strategies, where necessary.</li> </ul> <p><b>15. Soil and Water</b> The EIS shall:</p> <ul style="list-style-type: none"> <li>• include a description of local soils, topography, drainage and landscapes;</li> <li>• include a water management strategy prepared with consideration of Water Sensitive Urban Design principles and the relevant provisions in <i>Council's Engineering Guide for Development 2005</i> and <i>Blacktown Development Control Plan 2015</i>;</li> <li>• determine the presence, extent and severity of soil salinity affecting the site. This shall include the assessment of impacts of the proposal on soil salinity and how it may affect groundwater resources and hydrology; and</li> </ul>
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	<ul style="list-style-type: none"> <li>include an assessment in accordance with ASSMAC Guidelines for the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures.</li> </ul> <p><b>16. Contamination</b> The EIS shall outline measures to remediate the site so it is suitable for the intended land uses, in accordance with <i>State Environmental Planning Policy No 55 – Remediation of Land</i>.</p> <p><b>17. Utilities</b> The EIS shall:</p> <ul style="list-style-type: none"> <li>in consultation with relevant agencies, identify and address the proposed demand for utilities from the development, having regard to the existing capacity, augmentation and servicing requirements, including the staging of infrastructure; and</li> <li>provide details of how relevant infrastructure assets, easements or property of various utility stakeholders will be identified and protected / relocated to accommodate the development.</li> </ul> <p><b>18. Public benefits, contributions and/or voluntary planning agreement</b> The EIS shall 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.</p>
<b>Plans and Documents</b>	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the <i>EP&amp;A 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>architectural drawings (to a usable scale at A3)</li> <li>physical and 3D digital model, photomontages and streetscape elevations</li> <li>site analysis plan</li> <li>site diagrams and survey plan, including design levels (as proposed)</li> <li>concept subdivision and staging plan with consideration of preliminary construction management principles, infrastructure implementation and any interim precinct activation</li> <li>schedule of proposed gross floor area per land uses and public open space</li> <li>building envelopes</li> <li>If required, Clause 4.6 variation written request and comparative models/analysis to identify the potential impacts of any breach of development standards</li> <li>Design Excellence Strategy/Design Guideline, including public domain and landscaping strategy</li> <li>visual and view impacts analysis</li> <li>solar access analysis report and diagrams</li> <li>wind analysis</li> <li>air quality report</li> <li>noise and vibration report</li> <li>flood assessment and water management plan</li> <li>contamination investigation report and remediation plan</li> <li>salinity and acid sulfate soil investigation report</li> <li>Social and Economic Impact Study</li> <li>ESD statement (incorporating a sustainability framework and benchmark commitments)</li> <li>heritage and archaeological impacts assessments</li> <li>transport, traffic and parking assessment</li> </ul>

	<ul style="list-style-type: none"> <li>• services and utilities infrastructure report</li> <li>• waste strategy</li> <li>• CPTED assessment</li> <li>• accessibility DDA report</li> <li>• pre-submission consultation statement</li> </ul>
<b>Consultation</b>	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers and community groups. In particular, you must consult with:</p> <ul style="list-style-type: none"> <li>• Government Architect of NSW;</li> <li>• Blacktown Council;</li> <li>• Roads and Maritime Services;</li> <li>• Office of Environment and Heritage;</li> <li>• NSW Rural Fire Service;</li> <li>• TfNSW (Sydney Coordination Office, Sydney Trains and Sydney Metro); and</li> <li>• Surrounding residents, businesses and local community groups.</li> </ul> <p>The EIS must include a report describing the pre-submission consultation undertaken, including a record of the stakeholders consulted, the issues raised during the consultation and how the proposal responds to those 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 two years of the issue date of these SEARs, you must consult further with the Secretary in relation to the preparation of the EIS.</p>
<b>Documents to be submitted</b>	<ul style="list-style-type: none"> <li>• 1 hard copy and 1 electronic copy of all documents and plans for review prior to lodgement of EIS</li> <li>• 3 hard copies of all documents, 4 hard copies of plans and 10 electronic copies of the documents and plans (once the application is considered acceptable for lodgement)</li> </ul>