

# Secretary's Environmental Assessment Requirements

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

<b>Application Number</b>	SSD 9454
<b>Proposal Name</b>	Mixed use development
<b>Location</b>	90-102 Regent Street, Redfern
<b>Applicant</b>	Trustee for the Cirillo Planning Trust
<b>Date of Issue</b>	30 July 2018
<b>General Requirements</b>	<p>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).</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>• adequate baseline data</li> <li>• consideration of potential cumulative impacts due to other development in the vicinity (completed, underway or proposed)</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 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) 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</li> <li>• an estimate of the jobs that will be created by the development during construction and operation</li> <li>• verification that the CIV was accurate on the date that it was prepared.</li> </ul>
<b>Key issues</b>	<p>The EIS must include the following:</p> <p><b>1. Environmental Planning Instruments, Policies and Guidelines</b></p> <ul style="list-style-type: none"> <li>• Consideration of the relevant statutory provisions contained within the applicable EPIs, including: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State &amp; Regional Development) 2011</li> <li>○ State Environmental Planning Policy (State Significant Precincts) 2005</li> <li>○ State Environmental Planning Policy (Urban Renewal) 2010</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)</li> <li>○ Draft Remediation of Land SEPP</li> <li>○ State Environmental Planning Policy No 64—Advertising and Signage</li> <li>○ State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</li> </ul> </li> </ul>

- Consideration of the relevant provisions, goals and objectives in the following:
  - *NSW State Priorities*
  - *Future Transport Strategy 2056 and associated plans*
  - *Development near rail corridors and busy roads*
  - *Better Placed – An integrated design policy for the built environment of New South Wales.*
  - *Guide to Traffic Generating Developments (RMS)*
  - *A Plan for Growing Sydney*
  - *Revised draft Eastern City District Plan*
  - *Towards our Greater Sydney 2056*
  - *Sydney Local Environmental Plan 2012*
  - *Sydney Development Control Plan 2012*
  - *Sydney's Cycling Futures*
  - *Sydney's Walking Futures*
  - *Sustainable Sydney 2030*
  - *Central to Eveleigh Urban Transformation Strategy*
  - *Redfern-Waterloo Built Environment Plan (Stage One) August 2006*
  - *Redfern-Waterloo Development Contributions Plan 2006*
  - *Redfern-Waterloo Affordable Housing Contributions Plan 2006*
  - *Redfern Centre Urban Design Principles.*
- 2. Design excellence**
  - A design excellence strategy prepared in consultation with the Government Architect NSW, 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 Government Architect NSW have been addressed
    - justification and suitability of the site for the proposal
    - demonstrate how the proposal will deliver increased public benefit.
- 3. Built Form and Urban Design**
  - An outline of the design process leading to the proposal with justification of the suitability of the site for the proposal.
  - An urban design analysis with consideration of the proposed building form, height, setbacks, bulk and scale in the context of the immediate locality, the wider area, street activation and the desired future character of the area, including views, vistas, open space, the public domain and connectivity.
  - Evidence of a genuine attempt to amalgamate the site to the south to prevent the isolation of allotments.
  - Given that the site area is less than the minimum required by the Draft Urban Design Principles, the proposal is to demonstrate that the proposed setbacks and building height are appropriate in the context of the site and do not result in a disproportionately tall development on a small site.
  - Demonstration of the future redevelopment of the adjoining properties.
  - Consideration of the incorporation of a Green Roof or Cool Roof.
- 4. Building use**
  - A table identifying the proposed land uses including a floor-by-floor breakdown of GFA, total GFA and site coverage.
  - Details of the proposed use and operational details for each component of the development, including but not limited to:
    - hours of operation
    - patron capacity
    - details of any music to be provided on the premises
    - proposed lighting and illumination
    - the relationship between the proposed uses of the building

	<ul style="list-style-type: none"> <li>• A plan of management in accordance with the relevant City of Sydney Council guidelines where required.</li> </ul> <p><b>5. Amenity</b></p> <ul style="list-style-type: none"> <li>• Detail regarding 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.</li> <li>• The subject site is located on Regent Street (RMS classified Road) and within close proximity to a rail corridor. Demonstrate how the development can comply with SEPP (Infrastructure) 2007 and the Acoustic Privacy controls in the ADG and Section 4.2 of the <i>Sydney Development Control Plan 2012</i>.</li> <li>• Demonstrate compliant levels of overshadowing of the adjoining open space and neighbouring residential properties with shadow information provided showing appropriate context. If there are non-compliances, the portions of the building creating the non-compliance need to be clearly identified with justification provided.</li> <li>• Demonstrate the appropriateness of the proposed tower with respect to wind mitigation.</li> <li>• Outline and address the proposed development's impacts in terms of safety and security, including consideration of Crime Prevention through Environmental Design (CPTED) principles.</li> <li>• Detail any external lighting or illumination and consider the impacts of this lighting/illumination to surrounding properties and the public domain.</li> </ul> <p><b>6. Visual Impacts</b></p> <ul style="list-style-type: none"> <li>• A visual impact assessment to identify the visual changes and view impacts of the project to/from key vantage points and surrounding land. Photomontages or perspectives should be provided showing the project.</li> <li>• The visual impact assessment must consider the impact of the development on any existing and proposed developments including any view loss.</li> </ul> <p><b>7. Transport, Traffic, Parking and Access</b></p> <ul style="list-style-type: none"> <li>• A transport and accessibility impact assessment prepared in accordance with the relevant guidelines identifying: <ul style="list-style-type: none"> <li><u>Operation</u> <ul style="list-style-type: none"> <li>○ current daily and peak hour traffic generation (light and heavy vehicle), public transport network, walking and cycling movements, existing traffic and transport facilities located within the vicinity of the proposed development</li> <li>○ estimated daily and peak hour traffic generation (light and heavy vehicle), public transport, point to point transport, walking and cycling trip generation during operation</li> <li>○ an assessment of the impact of additional traffic generated by the proposed development on the existing road network and bus service operation</li> <li>○ an assessment of the existing and future pedestrian and cycle facilities within the vicinity of the site and identify measures to manage the likely increase in public transport, pedestrian and cycle demands</li> <li>○ an assessment of the parking, loading and servicing demand and capacity for the proposed development in accordance with appropriate parking codes and justification for the amount of car parking, loading and servicing facilities provided for the proposed development</li> <li>○ 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)</li> <li>○ proposed access arrangements including vehicle access, drop-off arrangements, service vehicles, emergency vehicles and loading areas for the development</li> </ul> </li> </ul> </li> </ul>
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- an assessment of existing and future performance of key intersections providing access to the site, and any required upgrades (road/intersections) as a result of the development.
- sustainable travel initiatives for employees, students and visitors, particularly for the provision of green travel plans and wayfinding strategies
- the existing, proposed and any temporary pedestrian and bicycle routes as well as measures to maintain road and personal safety in accordance with CPTED principles
- an assessment of predicted impacts on road safety
- provisions for end-of-trip facilities and on-site bicycle parking in accordance with relevant RMS guidelines and Australian Standards. The bicycle storage/parking area is to have a completely separate and self-contained area for the residential component
- 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.

#### Construction

- an assessment of traffic and transport impacts during construction and how these impacts will be mitigated for any associated traffic, pedestrians, cyclists, including the preparation of a draft Construction Pedestrian Traffic Management Plan. This Plan shall include vehicle routes, truck numbers, construction program, works zone location, hours of operation, access arrangements, cumulative impacts of other development including Sydney Metro City and Southwest, mitigation measures and traffic control measures for all works. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the transport network.
- details of construction vehicle routes, peak hour and daily truck movements, hours of operation, access arrangements at all stages of construction and traffic control measures for all works
- an assessment of construction impacts on road safety at key intersections and locations for potential pedestrian, vehicle and bicycle conflicts
- details of any temporary cycling and pedestrian access during construction
- details of access arrangements for workers, emergency services and the provision for safe and efficient access for loading and deliveries.

#### **8. Signage**

- Detail on the location, size and content of any proposed signage.
- Address any building signage at an early stage as part of the consideration of the built form and urban design of the development.

#### **9. Heritage and Archaeology**

- A Statement of Heritage Impact (SOHI) prepared by a suitably qualified heritage consultant in accordance with the guidelines in the NSW Heritage Manual. 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) within the vicinity of the site
  - the impacts of the proposal on heritage items 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.
- A historic archaeological assessment prepared by a suitable historical archaeologist in accordance with the Heritage Division, Office of Environment and Heritage Guidelines including but not limited to 'Assessing

*Significance for Historical Archaeological Sites and Relics'* 2009. The assessment is to demonstrate the following;

- the Aboriginal cultural heritage and historical archaeological relics likely to be present within the site and their significance
- the likely impacts of the proposal on these relics
- opportunities for avoidance through careful consideration of redesign where state significant archaeological resources are identified
- appropriate mitigation strategies where harm is likely to occur.
- An interpretation strategy that includes the provision for interpretation of any archaeological resources uncovered during the works.
- A Aboriginal Cultural Heritage Assessment Report (ACHAR) is required to identify and describe Aboriginal cultural heritage values that 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 OEH.

#### **10. Public Domain and Public Access**

- 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.
- Address public art opportunities in areas visible from the streets or accessible to the public.

#### **11. Noise and Vibration**

- A noise and vibration assessment prepared in accordance with the relevant EPA guidelines. This assessment must detail construction and operational noise impacts on nearby noise sensitive receivers and outline proposed noise mitigation and monitoring procedures.

#### **12. Air Quality, Odour and Waste**

- The potential air quality, odour and waste impacts during the construction and operation of the development and appropriate mitigation measures.
- Address the requirements of the City of Sydney Waste Minimisation in New Developments 2005, and the Sydney Streets Design Code and Sydney Streets Technical Specification.
- Demonstrate adequacy of vehicle turning paths to/from and within the site including how a Council waste collection vehicle, as specified by the Waste Minimisation Policy, can enter and exit the site in a forward direction.

#### **13. Drainage and Flooding**

- The drainage/flooding issues associated with the site, including:
  - stormwater and drainage infrastructure
  - assessment of any flood risk in accordance with the guideline contained in the *NSW Floodplain Development Manual 2005*, including potential effects of climate change, sea level rise and an increase in rainfall intensity.

	<p><b>14. Soil and Water</b></p> <ul style="list-style-type: none"> <li>• The erosion, sediment and stormwater management and controls during construction and management and mitigation measures for the prevention of potential water quality impacts during construction.</li> <li>• The potential impact of the development on groundwater levels, flow paths and quality.</li> <li>• The potential impacts in terms of the <i>NSW Aquifer Policy</i> (DPI, 2012).</li> <li>• Any water licensing requirements or other approvals required under the <i>Water Act 1912</i> or <i>Water Management Act 2000</i>.</li> <li>• The geotechnical issues (including Acid Sulphate Soils) associated with the construction of the development.</li> </ul> <p><b>15. Biodiversity</b></p> <ul style="list-style-type: none"> <li>• An assessment of the proposal's biodiversity impacts in accordance with the requirements of the <i>Biodiversity Conservation Act 2016</i>, including the preparation of a Biodiversity Development Assessment Report where required under the Act.</li> </ul> <p><b>16. Ecologically Sustainable Development (ESD)</b></p> <ul style="list-style-type: none"> <li>• Detail of how best practice ESD principles (as defined in clause 7(4) of Schedule 2 of the Regulation) will be incorporated in the design, construction and ongoing operation phases of the development,</li> </ul> <p><b>17. Contamination</b></p> <ul style="list-style-type: none"> <li>• Compliance with the requirements of SEPP 55.</li> </ul> <p><b>18. Developer Contributions</b></p> <ul style="list-style-type: none"> <li>• The scope of developer contributions proposed.</li> </ul> <p><b>19. Building Code of Australia and the <i>Disability Discrimination Act</i></b></p> <ul style="list-style-type: none"> <li>• A BCA and access report demonstrating compliance with the Building Code of Australia and the <i>Disability Discrimination Act 1992</i>.</li> </ul> <p><b>20. Infrastructure</b></p> <ul style="list-style-type: none"> <li>• Identify the existing infrastructure on-site and any possible impacts of the construction and operation of the proposal on this infrastructure.</li> <li>• 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.</li> <li>• A report demonstrating compliance with the Sydney Metro Underground Corridor Protection Guidelines (available from <a href="http://www.sydneymetro.info">www.sydneymetro.info</a>).</li> <li>• The Applicant should determine service demands following servicing investigations and demonstrate that satisfactory arrangements for drinking water, wastewater and recycled water (if required) services have been made.</li> </ul> <p><b>21. Land Ownership and Tenure</b></p> <ul style="list-style-type: none"> <li>• Detail of the current landownership and proposed management of future ownership.</li> </ul> <p><b>22. Construction, Environment Management Plan</b></p> <ul style="list-style-type: none"> <li>• Prepare a draft Construction, Environment Management Plan and site management plan for the proposed works, including the following: <ul style="list-style-type: none"> <li>○ community consultation, notification and complaints handling</li> <li>○ impacts of construction on adjoining development and proposed measures to mitigate construction impacts</li> <li>○ noise and vibration impacts on and off site</li> <li>○ water quality management for the site</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>o dust control measures</li> <li>o construction waste classification, transportation and management methods in accordance with <i>DECCW's Know Your Responsibilities: Managing Waste from Construction Sites Guideline</i></li> <li>o identification, handling, transport and disposal of any asbestos waste, lead-based paint and PCBs that may be encountered during demolition, site preparation and construction.</li> </ul>
<b>Consultation</b>	<p>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:</p> <ul style="list-style-type: none"> <li>• The City of Sydney Council</li> <li>• Government Architect NSW</li> <li>• Roads and Maritime Services</li> <li>• Sydney Coordination Office within Transport for NSW</li> <li>• Sydney Trains</li> <li>• Sydney Metro</li> <li>• The Office of Environment and Heritage</li> <li>• Environment Protection Authority</li> <li>• Sydney Water</li> <li>• Local Aboriginal and community groups.</li> </ul> <p>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.</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 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. 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>

## Plans & Documents

<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>Environmental Planning and Assessment Regulation 2000</i>. These are to be provided as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include the following:</p> <ol style="list-style-type: none"> <li><b>1. An existing site survey plan</b> drawn at an appropriate scale illustrating: <ul style="list-style-type: none"> <li>• The location of the land, boundary measurements, area (sqm) and north point</li> <li>• The existing levels of the land in relation to buildings and roads</li> <li>• Location and height of existing structures on the site</li> <li>• Location and height of adjacent buildings</li> <li>• All levels to be to Australian Height Datum (AHD).</li> </ul> </li> <li><b>2. A locality/context plan</b> drawn at an appropriate scale should be submitted indicating: <ul style="list-style-type: none"> <li>• Significant local features such as parks, community facilities and open space and heritage items</li> <li>• The location and uses of existing buildings, shopping and employment areas</li> <li>• Traffic and road patterns, pedestrian routes and public transport nodes.</li> </ul> </li> <li><b>3. Drawings at an appropriate scale</b> illustrating: <ul style="list-style-type: none"> <li>• Detailed plans, sections and elevations of the development, including all temporary structures, landscaping and public domain works, and site features and their relationship to adjoining sites (at a minimum scale of 1:200)</li> <li>• 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</li> <li>• An integrated urban design and landscape plan including active transport and existing, proposed and potential footpaths and bicycle paths and links to surrounding public transport. The landscape plan is to give preference to local native tree species where appropriate.</li> <li>• A detailed signage plan showing the location, size and content of each sign.</li> </ul> </li> <li><b>4. Materials and finishes</b> <ul style="list-style-type: none"> <li>• A materials and finishes schedule including elevation plans and a physical samples board.</li> <li>• A physical and electronic model in accordance with the City of Sydney specifications.</li> </ul> </li> <li><b>5. Visual Impact Assessment</b> including focal lengths, must be done in accordance with Land and Environment Court principles as follows: <p><u>Visual assessment methodology</u></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Visual catchment should be defined and explained (see below).</li> <li>• 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.</li> </ul> <p><u>Visual catchment</u></p> <ul style="list-style-type: none"> <li>• Potential visual catchments and view locations, including contours (areas from which the development is visible) should be identified.</li> </ul> </li> </ol>
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	<ul style="list-style-type: none"> <li>• Categories of views (e.g. from public open space, from key streets, from main buildings and from key heritage items) should be defined.</li> <li>• Photos are required for representative view categories, plotted on a map.</li> </ul> <p><u>Visual material</u></p> <ul style="list-style-type: none"> <li>• Reference to be made to site analysis.</li> <li>• Provide key plan indicating where viewpoints are located and narrative explaining why these have been selected.</li> <li>• The built form should be illustrated in the context of the visual catchment to enable assessment of the visual impact.</li> <li>• 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.</li> <li>• Vertical exaggeration should provide an accurate rather than 'flattened' impression of buildings in the context of the visual catchment.</li> <li>• 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.</li> <li>• Assessment must benchmark against the existing situation with the proposed plans.</li> <li>• Photomontages to be provided for key viewpoints from all directions, and from several positions within the visual catchment.</li> <li>• As above, support visual evidence such as cross sections to be drawn to realistic scales and shown in context.</li> </ul> <p>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.</p>
<b>Documents to be submitted</b>	<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>• 3 hard copies and 3 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.</li> </ul>