

Planning 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 9537
Development Description	<p>Concept development application for expansion of Lingard Private Hospital, including:</p> <ul style="list-style-type: none"> • a concept proposal for the expansion of the private hospital across three precincts, including building envelopes and site access arrangements; and • concurrent first stage of the development, comprising construction of the three storey building within the Kingsland Precinct, and associated demolition and siteworks.
Location	Merewether Street, Lingard Street and Hopkins Street, Merewether
Applicant	KDC Pty Ltd
Date of Issue	8 October 2018
General Requirements	<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 the Environmental Planning and Assessment Regulation 2000 (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 the key issues below, and any other significant issues identified in the risk assessment, must include:</p> <ul style="list-style-type: none"> • 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. <p>The EIS must be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> • a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the Environmental Planning and Assessment Regulation 2000) of the proposal, 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 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	<p><u>Concept Proposal</u></p> <p>The EIS must address the following specific matters:</p> <p>1. Statutory and Strategic Context – including: Address the statutory provisions contained in all relevant environmental planning instruments, including:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (State & Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No 33 – Hazardous and Offensive Development • State Environmental Planning Policy No.55 – Remediation of Land • Draft State Environmental Planning Policy (Remediation of Land) • Draft State Environmental Planning Policy (Environment) • Newcastle Local Environmental Plan 2012. <p><i>Permissibility</i> Detail the nature and extent of any prohibitions that apply to the development.</p> <p><i>Development Standards</i> Identify compliance with the development standards applying to the site and provide justification for any contravention of the development standards, including the nature and timing for any proposed Local Environmental Plan amendments to facilitate the proposed development.</p> <p>2. Policies Address the relevant planning provisions, goals and strategic planning objectives in the following:</p> <ul style="list-style-type: none"> • NSW Premier's and State Priorities • Hunter Regional Plan 2036 • Greater Newcastle Metropolitan Plan 2036 • Future Transport Strategy 2056 and supporting plans • Better Placed: An integrated design policy for the built environment of New South Wales • Crime Prevention Through Environmental Design (CPTED) Principles • Healthy Urban Development Checklist, NSW Health • Newcastle Development Control Plan 2012. <p>3. Built Form and Urban Design</p> <ul style="list-style-type: none"> • Provide a building envelope study to provide justification for the proposed built form. • Establish appropriate design guidelines and development parameters within the context of the locality, including but not limited to: <ul style="list-style-type: none"> ○ site layout. ○ gross floor area. ○ building footprint. ○ height and massing. ○ site access. ○ landscaping and tree planting. <p>4. Staging Provide details regarding the staging of the proposed development.</p>
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	<p>5. Environmental Amenity Assess amenity impacts on surrounding locality, including overshadowing and acoustic impacts.</p> <p>6. Transport and Accessibility Include a transport and accessibility impact assessment which details, but is not limited to, the following:</p> <ul style="list-style-type: none"> • the existing and proposed pedestrian and bicycle movements within the vicinity of and surrounding the site and to public transport facilities as well as measures to maintain road and personal safety in line with CPTED principles. • an estimate of the total daily and peak hour trips generated by the proposal, including vehicle, public transport, pedestrian and bicycle trips. • the adequacy of public transport, pedestrian and bicycle provisions to meet the likely future demand of the proposed development. • impact of the proposed development on existing and future public transport and walking and cycling infrastructure within and surrounding the site. • measures to promote travel choices that support sustainable travel, such as a location-specific sustainable travel plan, provision of end-of-trip facilities, green travel plans and wayfinding strategies. • the daily and peak (AM, PM) vehicle movements impact on nearby intersections, with consideration of the cumulative impacts from other approved developments in the vicinity, and the need/associated funding for upgrading or road improvement works (if required). • the proposed walking and cycling access arrangements and connections to public transport services. • the proposed access arrangements, including car pick-up/drop-off facilities, and measures to mitigate any associated traffic impacts and impacts on public transport, pedestrian and cycle networks. • proposed car and bicycle parking provision, including consideration of the availability of public transport and the requirements of the relevant parking codes and Australian Standards. • provision of end of trip facilities (i.e. showers, lockers, change rooms etc.) for the use of employees who choose to walk or cycle to/from work as well as undertake activities during work hours. • service vehicle access, delivery and loading arrangements and estimated service vehicle movements (including vehicle type and the likely arrival and departure times). <p>→ <i>Relevant Policies and Guidelines:</i></p> <ul style="list-style-type: none"> • <i>Guide to Traffic Generating Developments (Roads and Maritime Services)</i> • <i>EIS Guidelines – Road and Related Facilities (DoPI)</i> • <i>Cycling Aspects of Austroads Guides</i> • <i>NSW Planning Guidelines for Walking and Cycling</i> • <i>Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development</i> <p>7. Ecologically Sustainable Development (ESD)</p> <ul style="list-style-type: none"> • Detail how ESD principles (as defined in clause 7(4) of Schedule 2 of the Environmental Planning and Assessment Regulation
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	<p>2000) will be incorporated in the design, construction and ongoing operation phases of the development.</p> <ul style="list-style-type: none"> • Include a description of the measures that would be implemented to minimise consumption of resources, water (including water sensitive urban design) and energy. <p>8. Noise and Vibration Identify and provide a quantitative assessment of the main noise and vibration generating sources during operation. Outline measures to minimise and mitigate the potential noise impacts on and from surrounding occupiers of land.</p> <p>→ <i>Relevant Policies and Guidelines:</i></p> <ul style="list-style-type: none"> • <i>Noise Policy for Industry (EPA)</i> • <i>Interim Construction Noise Guideline (DECC)</i> • <i>Assessing Vibration: A Technical Guideline 2006</i> <p>9. Biodiversity A suitably qualified person must assess and document the flora and fauna impacts related to the proposal.</p> <p><i>Note: Notwithstanding these requirements, the Biodiversity Conservation Act 2016 requires that State significant development applications be accompanied by a Biodiversity Development Assessment Report unless otherwise specified under the Act.</i></p> <p>10. Aboriginal Heritage</p> <ul style="list-style-type: none"> • Address Aboriginal Cultural Heritage (ACH) in accordance with the <i>Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW</i> (DECCW, 2011) and <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> (DECCW). • The EIS must demonstrate attempts to avoid any impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH. <p>11. Utilities Prepare a preliminary Infrastructure Management Plan in consultation with relevant agencies, detailing information on the existing capacity and any augmentation requirements of the development for the provision of utilities including staging of infrastructure.</p> <p>12. Contamination Assess and quantify any soil and groundwater contamination and demonstrate that the site is suitable for the proposed use in accordance with SEPP 55.</p> <p>→ <i>Relevant Policies and Guidelines:</i></p> <ul style="list-style-type: none"> • <i>Managing Land Contamination: Planning Guidelines - SEPP 55 Remediation of Land (DUAP)</i> <p>13. Contributions Address Council's Section 94A Contribution Plan and/or details of any Voluntary Planning Agreement.</p> <p>14. Drainage Provide a stormwater concept plan detailing how water quality and quantity impacts on drainage systems would be managed.</p>
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15. Flooding

Assess any flood risk on site (detailing the most recent flood studies for the project area) and consideration of any relevant provisions of the NSW Floodplain Development Manual (2005), including the potential effects of climate change, sea level rise and an increase in rainfall intensity.

Stage 1

The EIS must address the following specific matters:

1. Built Form and Urban Design

- Address the height, density, bulk and scale, setbacks and interface of the proposal in relation to the surrounding development, topography, streetscape and any public open spaces.
- Address design quality and built form, with specific consideration of the overall site layout, streetscape, open spaces, façade, rooftop, massing, setbacks, building articulation, materials and colours.
- Provide details of any digital signage boards, including size, location and finishes.
- Detail how services, including but not limited to waste management, loading zones, and mechanical plant are integrated into the design of the development.
- Provide detailed site and context analysis to justify the proposed site planning and design approach including massing options and preferred strategy for future development.
- Provide a detailed site-wide landscape strategy.
- Provide a visual impact assessment that identifies any potential impacts on the surrounding built environment and landscape including views to and from the site and any adjoining heritage items.
- Provide details of how mine subsidence has been addressed.

2. Environmental Amenity

- Assess amenity impacts on the surrounding locality, including solar access, visual privacy, visual amenity, overshadowing and acoustic impacts. A high level of environmental amenity for any surrounding residential land uses must be demonstrated.
- Conduct a view analysis to the site from key vantage points and streetscape locations (photomontages or perspectives should be provided showing the building envelope and likely future development).
- Include a lighting strategy and measures to reduce spill into the surrounding sensitive receivers.

3. Transport and Accessibility

Include a transport impact assessment, which details, but not limited to the following in relation to construction traffic:

- assessment of cumulative impacts associated with other construction activities;
- an assessment of road safety at key intersection and locations subject to heavy vehicle construction traffic movements and high pedestrian activity;
- details of construction program detailing the anticipated construction duration and highlighting significant and milestone stages and events during the construction process;
- details of anticipated peak hour and daily construction vehicle movements to and from the site;

- details of access arrangements of construction vehicles, construction workers to and from the site, emergency vehicles and service vehicle;
- details of temporary cycling and pedestrian access during construction;
- details of proposed construction vehicle access arrangements at all stages of construction; and
- how traffic and transport impacts during construction will be mitigated for any associated traffic, pedestrian, cyclists, parking and public transport impacts, including the preparation of a draft Construction Traffic Management Plan to demonstrate the proposed management of the impact (which must include vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures for all demolition/construction activities).

4. Noise and Vibration

Identify and provide a quantitative assessment of the main noise and vibration generating noise sources and activities during construction. Outline measures to minimise and mitigate the potential noise impacts on surrounding occupiers of land.

→ Relevant Policies and Guidelines:

- *Interim Construction Noise Guideline (DECC)*
- *Assessing Vibration: A Technical Guideline 2006.*

5. Ecologically Sustainable Development (ESD)

- Detail how 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.
- Include a framework for how the development in Stage 1 will be designed to consider and reflect national best practice sustainable building principles to improve environmental performance and reduce ecological impact. This should be based on a materiality assessment and include waste reduction design measures, future proofing, use of sustainable and low-carbon materials, energy and water efficient design (including water sensitive urban design) and technology and use of renewable energy.
- Include preliminary consideration of building performance and mitigation of climate change, including consideration of Green Star Performance.
- Provide a statement regarding how the Stage 1 works is responsive to the CSIRO projected impacts of climate change. Specifically:
 - hotter days and more frequent heatwave events
 - extended drought periods
 - more extreme rainfall events
 - gustier wind conditions
 - how these will inform landscape design, material selection and social equity aspects (respite/shelter areas).

→ Relevant Policies and Guidelines:

- *NSW and ACT Government Regional Climate Modelling (NARClIM) climate change projections.*

6. Waste

Identify, quantify and classify the likely waste streams to be generated during construction and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this

	<p>waste. Identify appropriate servicing arrangements (including but not limited to, waste management, loading zones) for the site.</p> <p>7. Sediment, Erosion and Dust Controls Detail measures and procedures to minimise and manage the generation and off-site transmission of sediment, dust and fine particles.</p> <p>→ <i>Relevant Policies and Guidelines:</i></p> <ul style="list-style-type: none"> • <i>Managing Urban Stormwater – Soils & Construction Volume 1 2004 (Landcom)</i> • <i>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA)</i> • <i>Guidelines for development adjoining land and water managed by DECCW (OEH, 2013)</i> <p>8. Construction Hours Identify proposed construction hours and provide details of the instances where it is expected that works will be required to be carried out outside the standard construction hours.</p>
Plans and Documents	<p>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. 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"> • Building envelope drawings, including dimensions and RLs (Concept) • Architectural drawings for Stage 1, including but not limited to the following requirements: <ul style="list-style-type: none"> ○ dimensioned and including RLs; ○ site and context plans that demonstrate active transport linkages with existing, proposed and potential footpaths and bicycle paths and public transport links; and • Site survey plan, showing existing levels, location and height of existing and adjacent structures/buildings • Site analysis plan • View analysis/photomontage (Concept and Stage 1) • Shadow diagrams (Concept and Stage 1) • Schedule of materials and finishes (Stage 1) • Stormwater Concept Plan (Concept and Stage 1) • Sediment and Erosion Control Plan (Stage 1) • Landscape Plan, including identifying any trees to be removed and trees to be retained or transplanted (Concept and Stage 1) • Preliminary Construction Management Plan, inclusive of details any works required to be undertaken outside of standard construction hours and a Preliminary Construction Traffic Management Plan detailing vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures for all demolitions/construction activities (Stage 1) • Geotechnical and Structural Report • Accessibility Report (Stage 1) • Acid Sulphate Soils Management Plan (if required) • Arborist Report.
Consultation	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p>

	<p>In particular you must consult with the City of Newcastle Council.</p> <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>
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 as identified.