

15 September 2020

2200220

Mr Jim Betts
Secretary
NSW Department of Planning, Industry and Environment
4 Parramatta Square
Parramatta NSW 2150

Attention: Amy Watson, Team Leader, Key Sites Assessments

Dear Amy,

Request for Secretary's Environmental Assessment Requirements Cockle Bay Wharf – Stage 2 State Significant Development Application

On behalf of DPT Operator Pty Ltd and DPPT Operator Pty Ltd (the Proponent), we hereby request Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) to accompany a Stage 2 State Significant Development Application (SSDA) for the proposed redevelopment of the site. This application relates to the detailed construction and operation of the proposed mixed-use commercial office development consistent with Concept DA SSD 7684, which was approved by the Independent Planning Commission (IPC) on 13 May 2019.

As the proposed development has a capital investment value (CIV) of more than \$10 million and is located within the Darling Harbour Site under State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), the proposal is State Significant Development (SSD). In accordance with Clause 8(2) of the SRD SEPP, all parts of a single development application are also declared SSD for the purposes of *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Proponent requests that the Department also consider this application for consideration of 'fast-track' SSDA planning approval. This request is made for the following reasons:

- The Development has already obtained Stage 1 SSDA approval,
- The Proponent has worked extensively to obtain support for the development amongst all key stakeholders including Property NSW and Transport for NSW
- The development is valued in excess of \$700m and will act as a further economic stimulus for NSW, creating over 2,300 new full-time jobs throughout its development,

To support the request for the SEARs, this letter provides an overview of the proposed development, sets out the statutory context, and identifies the key likely environmental and planning issues associated with the proposal. This letter is accompanied by Preliminary Architectural Drawings prepared by Henning Larsen and Scott Carver (**Attachment A**) and a preliminary estimate of the CIV by Rider Levett Bucknall (under separate cover).

1.0 The Site

The Site is located at 241-249 Wheat Road, Sydney, within the City of Sydney local government area. Existing development on the site comprises the Cockle Bay Wharf entertainment precinct, which includes a range of tourism-oriented restaurants, cafés, function spaces and entertainment venues. The existing three-storey building extends from the edge of the Pyrmont Bridge in the north down to the Druiett Street bridge connection in the south, and is bounded by the Darling Harbour promenade to the west and the Western Distributor to the east. Completed in 1988,

the development coincided with Australia's Bicentenary and the urban renewal of Darling Harbour. Like other projects completed within Darling Harbour in this era, such as the former Convention Centre, Exhibition Centre, Entertainment Centre and the IMAX, the existing building is due for renewal and serves as a significant opportunity to reconnect Darling Harbour with the Sydney CBD.

As illustrated in **Figure 1**, the site comprises approximately 2.2 hectares of land located at the south-eastern corner of Cockle Bay, encompassing Cockle Bay Wharf and parts of the Western Distributor, Wheat Road, Pyrmont Bridge and Darling Park. The site also includes part of the pedestrian bridges connecting Darling Harbour to Market Street and Druiit Street in the east, as well as public domain surrounding the buildings. Immediately to the east, the Darling Park commercial office precinct is also owned by the Proponent and will have a significant interface with the project. The land is owned by the NSW Government and administered by Property NSW (formerly the Sydney Harbour Foreshore Authority), with the majority of the site currently subject to a long-term lease to the proponent. The legal description of the Site is outlined in **Table 1** below.

Table 1 Site description and existing ownership/lease

Lot and DP	Owner	Head Lessee
Lot 10 DP801770	Sydney Harbour Foreshore Authority	DPPT Operator Pty Limited and DPT Operator Pty Limited
Lot 17 DP801770	Sydney Harbour Foreshore Authority	
Lot 19 DP801770	Sydney Harbour Foreshore Authority	
Lot 42 DP864696	Sydney Harbour Foreshore Authority	
Lot 50 DP1009561	Place Management NSW	
Lot 60 DP1009964	Sydney Harbour Foreshore Authority	
Lot 65 DP1009964	Place Management NSW	
Lot 30 DP1007434	Sydney Harbour Foreshore Authority	N/A
Lot 32 DP1007434	Sydney Harbour Foreshore Authority	N/A
Lot 33 DP1007434	Sydney Harbour Foreshore Authority	N/A
Lot 34 DP1007434	Sydney Harbour Foreshore Authority	N/A
Lot 35 DP1007434	Sydney Harbour Foreshore Authority	N/A
Lot 37 DP1007434	Sydney Harbour Foreshore Authority	N/A
Lot 56 DP1009561	Sydney Harbour Foreshore Authority	N/A
Lot 61 DP1009964	Sydney Harbour Foreshore Authority	N/A
Lot 63 DP1009964	Sydney Harbour Foreshore Authority	N/A
Lot 64 DP1009964	Place Management NSW	N/A
Lot 11 DP1125890	Place Management NSW	N/A
Lot 2 DP1048307	Place Management NSW	Ausgrid
Lot 2015 DP1234971	Place Management NSW	N/A
Lot 1 DP1199026	Roads and Traffic Authority of NSW	N/A
Lot 2 DP1199026	Place Management NSW	N/A

The final property description and site boundary is subject to further detailed design in relation to the project's interfaces with its surrounds, particularly with Darling Park and the Pyrmont Bridge, and the exact site boundary will be confirmed in the EIS.



 Indicative Site Boundary

Figure 1 Site aerial with indicative boundary



Figure 2 Images of the existing Cockle Bay Wharf development

2.0 Background

2.1 Concept DA Approval

A State Significant Development Application was approved by the NSW Independent Planning Commission on 13 May 2019 for:

- **Concept Proposal** for:
 - A commercial building envelope, comprising:
 - A maximum height of RL 183.0 AHD
 - A maximum GFA of 89,000m², including
 - 75,000 m² commercial office GFA
 - 14,000 m² retail GFA
 - Minimum publicly accessible open space of 6,500 m²
 - Building controls and design guidelines
- **Stage 1 works** for the demolition of:
 - Existing Cockle Bay Wharf buildings and structures
 - The Crescent Garden to Cockle Bay Wharf enclosed pedestrian bridge and associated structure
 - The former monorail station and associated structure.

Approval of the SSD DA followed an extensive planning assessment process undertaken by the NSW Department of Planning, Industry and Environment and the Proponent between 2016 and 2019. This process included a thorough process of technical studies and assessments, multiple rounds of community consultation and public exhibition of the proposal, and an independent urban design review commissioned by the Department, which resulted in the Proponent making substantive changes to the project to improve its environmental impacts. The building envelope approved under the Concept Proposal (**Figures 2 and 3**) comprises a podium form addressing the Darling Harbour promenade, a large expanse of public open space spanning across the Western Distributor to Sussex Street, and a tower form comprising a mid-podium with the tower above chamfered at the top to minimise overshadowing of surrounding public places.

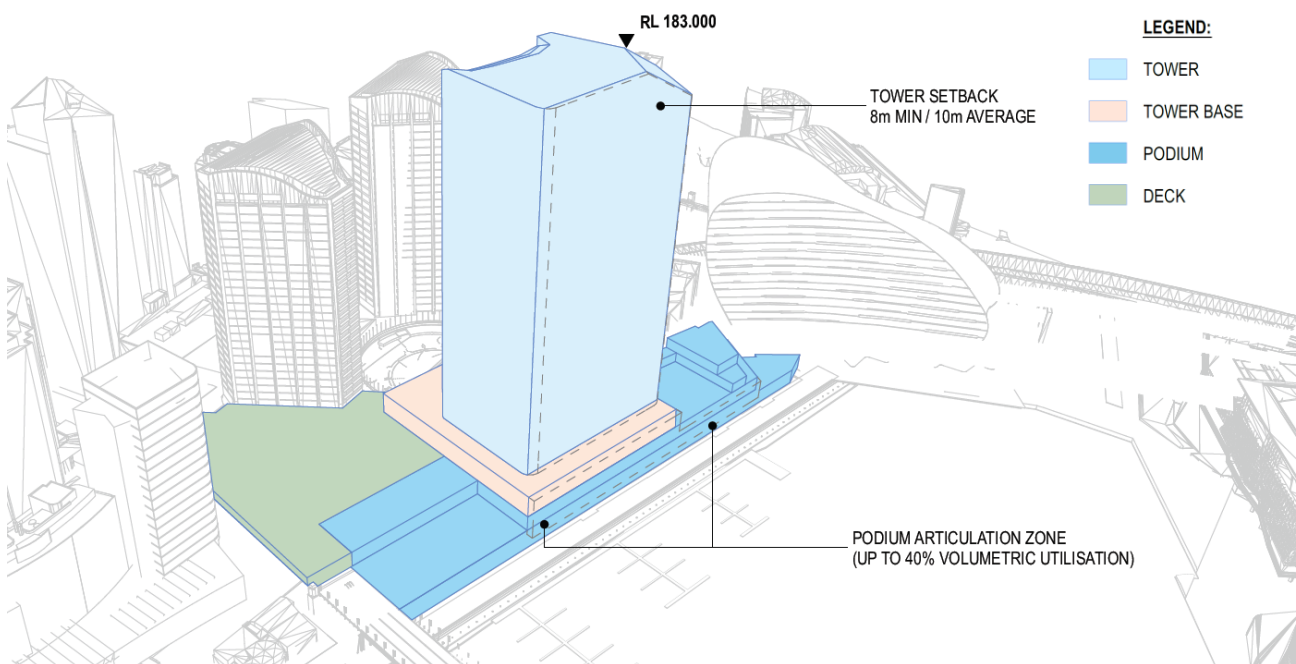


Figure 3 Axonometric view of approved building envelope from north-west (top) and south-west (lower)

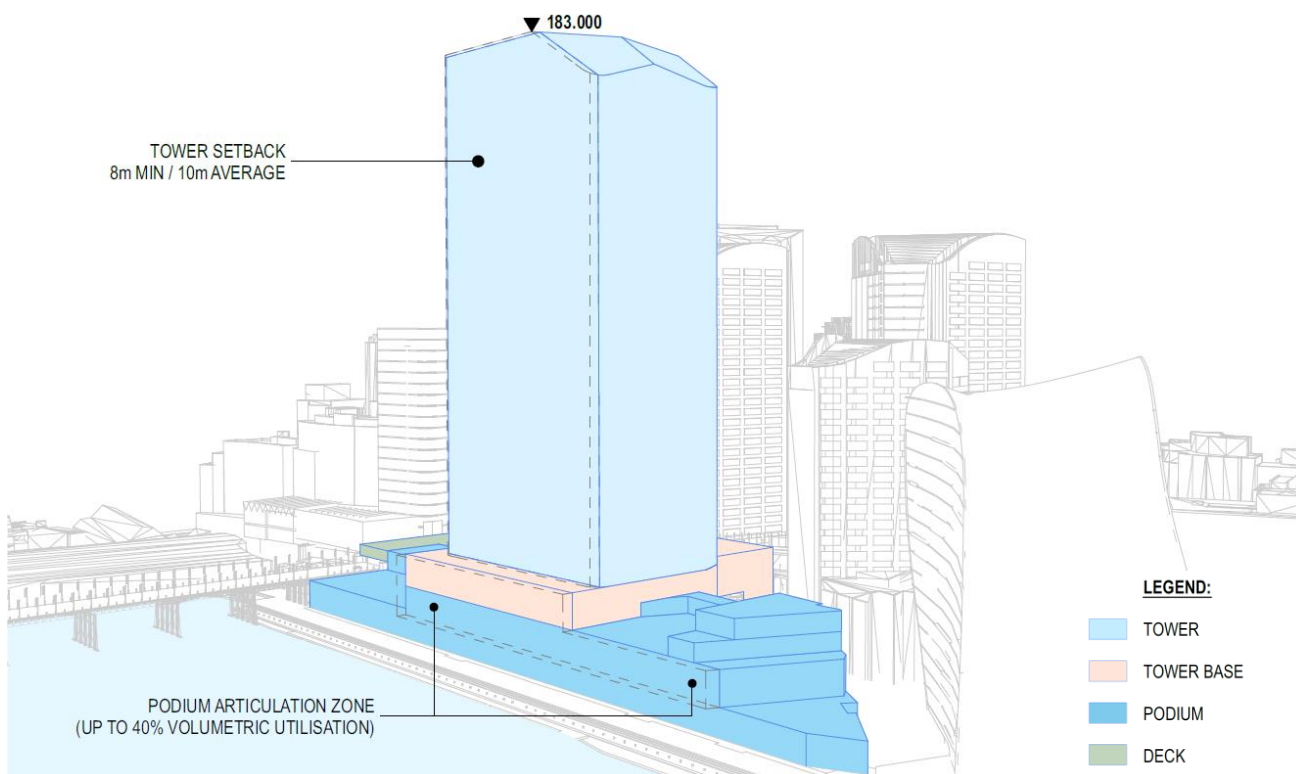


Figure 4 Axonometric view of approved building envelope from north-west (top) and south-west (lower)

2.2 Invited Architectural Design Competition

In accordance with the Design Excellence Strategy approved under the Concept DA, an Invited Architectural Design Competition was undertaken between September and December 2019. The purpose of this design competition was to select the highest quality architectural, landscape and urban design solution for the Stage 2 SSDA.

The entrants who were invited to participate in the process were selected due to their demonstrated ability to design high-quality and sustainable residential/mixed-use towers and public/retail spaces. The six architectural practices and their partnerships who participated were:

- FJMT;
- Grimshaw;
- Henning Larsen;
- UN Studio and Cox Architecture;
- Wilkinson Eyre; and
- Woods Bagot.

Following deliberations, Henning Larsen were selected by the Jury as the winner of the design competition and designers of the scheme most capable of achieving design excellence. The Jury considered that Henning Larsen's scheme demonstrated a superior response to the design, commercial and retail objectives of the competition brief, and is capable of achieving design excellence. The Jury concluded that the qualities of the Henning Larsen scheme, most notably the public open space areas, new public domain connections, transition between the podium and harbour edge, and the commercial office tower, were superior to the other schemes. The Jury recommended, consistent with Condition A16 of the Concept Approval, that a Design Integrity Panel be established to review and evaluate the development of the scheme addressing the target design issues as well as to ensure that the design integrity of key conceptual elements is retained as they develop.

2.3 Further Stakeholder Engagement

In addition to the extensive stakeholder engagement and community consultation undertaken and documented as part of the Concept and Stage 1 SSD DA, the Proponent has undertaken further engagement with the following NSW Government agencies and the community as outlined in **Table 1**.

Table 2 Summary of stakeholder engagement since Concept Approval

Meeting Date	Organisation met with	Topics discussed
4 September 2019	PNSW	Project Control Group (PCG) to discuss design, planning and commercial matters
19 December 2019	PNSW	Project Control Group (PCG) to discuss design, planning and commercial matters
31 January 2020	PNSW	Project Control Group (PCG) to discuss design, planning and commercial matters
February 2020	Ausgrid	Review of power load requirements and access to local sub station
7 February 2020	PNSW	Project Control Group (PCG) to discuss design, planning and commercial matters
13 March 2020	PNSW	Project Control Group (PCG) to discuss design, planning and commercial matters
24 March 2020	Transport for NSW	Architectural Design Competition Outcomes and process for future coordination
30 April 2020	Fire & Rescue NSW	Review of concept design and proposed locations of access and fire protection systems
1 May 2020	Transport for NSW	Cycle paths, landbridge design criteria, Western Distributor as-built drawings
4 May 2020	Transport for NSW	Works Authorisation Deed drafting
5 May 2020	Transport for NSW	General Landbridge engineering questions
8 May 2020	Transport for NSW	Fire & Life Safety
21 May 2020	Sydney Water	Review of proposed stormwater main diversion
4 June 2020	Transport for NSW	Smart Motorways Coordination
5 June 2020	Sydney Water	Further review of proposed stormwater diversion
19 June 2020	Transport for NSW	Landbridge design criteria, services zones, Marine structures
2 July 2020	PNSW	Project Control Group (PCG) to discuss design, planning and commercial matters
9 July 2020	PNSW	Project Control Group (PCG) to discuss design, planning and commercial matters
13 July 2020	Transport for NSW	Landbridge Fire & Life Safety
16 July 2020	Transport for NSW	Asset division feedback on setbacks and Western Distributor asset protection
31 July 2020	Transport for NSW	Western Distributor Dangerous Goods analysis
3 August 2020	Transport for NSW	Process for TfNSW Agreement in Principle of Concept design
12 August 2020	PNSW	Project Control Group (PCG) to discuss design, planning and commercial matters
Ongoing	Ausgrid	Relocation of local substation. Access and route for new Mains supply and diversion of existing beneath landbridge.

3.0 Description of Proposed Development

The SSD Application will seek consent for the detailed development (Stage 2), based on the competition-winning scheme by Henning Larsen, comprising:

- Construction of a landbridge across part of the Western Distributor between Darling Harbour and Darling Park
- The design, construction and use of the new 43 storey mixed-use development, including:
 - Up to 89,000m² of retail and commercial GFA
- At least 6,500 m² of publicly accessible open space.
- Site interface works to ensure the provision of appropriate interfaces and connectivity between the new development and the Pyrmont Bridge and Darling Park towers.
- Subdivision

Preliminary architectural drawings prepared by Henning Larsen and Scott Carver are provided for reference as **Attachment A**. An indicative photomontage of the design is provided at **Figure 4**.



Figure 5 Indicative render from south-west

4.0 Planning Context

The following are the key relevant legislation and environmental planning instruments that will apply to the proposed development:

- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulation 2000*;
- State Environmental Planning Policy (State & Regional Development) 2011;
- State Environmental Planning Policy (Infrastructure) 2007;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Harbour REP); and
- Darling Harbour Development Plan No. 1 (DHDP).

4.1 State Environmental Planning Policy (State and Regional Development) 2011

The Site is located within the Darling Harbour precinct, which is identified as a State Significant Site in Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*. As the proposed development will have a capital investment exceeding \$10 million, it is declared to be State Significant Development (SSD) for the purpose of the EP&A Act.

Certain elements of the proposed development, notably the interface works including part of the western pedestrian connections to the CBD, are subject to detailed design development and may fall outside of the Darling Harbour State Significant Site. Clause 8 of the State and Regional Development SEPP states that *"If a single proposed development the subject of one development application comprises development that is only partly State significant development ... the remainder of the development is also declared to be State significant development. As a result, the whole project will be SSD.*

4.2 Environmental Planning and Assessment Act 1979

The Act establishes the assessment framework for SSD. Under Sections 4.5 and 4.38 of the EP&A Act, the Independent Planning Commission is the consent authority for State Significant Development. Section 4.12(8) requires that a development application for SSD is to be accompanied by an Environmental Impact Statement (EIS) in the form prescribed by the Regulations.

4.3 Darling Harbour Development Plan No. 1

The principal environmental planning instrument applicable to the Site is the Darling Harbour Development Plan No. 1 (DHDP). Clause 6 in conjunction with Schedule 1 of the DHDP specifies land use permissibility, which includes development for the purpose of commercial/retail facilities. The proposal is permissible with consent and considered to satisfy the objectives of the DHDP. There are no height, FSR or other development controls contained within the DHDP.

4.4 State Environmental Planning Policy (Infrastructure) 2007

The proposed development involves a commercial office building of more than 10,000m² gross floor area, and is therefore defined as traffic-generating development requiring referral to Transport for NSW (TfNSW) under Clause 104 of the Infrastructure SEPP. The development will also involve excavation for structure to a depth of at least 3m below existing ground level within and adjacent to the Western Distributor road corridor, triggering referral to the TfNSW under Clause 103 of the SEPP.

4.5 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Harbour REP applies to the Site. The Site is not zoned under the Harbour REP, however, is located within the City Foreshores Area Strategic Foreshore Site and is also within the Foreshores and Waterways area. The

consent authority is required to take into consideration a number of matters when assessing any development application for this area. These matters are generally as follows:

- Biodiversity, ecology and environmental protection;
- Public access to, and use of, foreshores and waterways;
- Maintenance of a working harbour;
- Interrelationship of waterway and foreshore uses;
- Foreshore and waterway scenic quality; and
- Maintenance protection and enhancement of views.

4.6 Other planning policies

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No.64 – Advertising and Signage
- State Environmental Planning Policy (Infrastructure) 2007
- Draft State Environmental Planning Policy (Environment)
- *Greater Sydney Region Plan*
- *Eastern City District Plan*
- *NSW Long Term Transport Master Plan*;
- *Development Near Rail Corridors and Busy Roads – Interim Guideline*
- *Planning Guidelines for Walking and Cycling*
- *Transport for NSW Cycling Strategic Plan 2020*
- *Sydney's Cycling Future*
- *Sydney's Walking Future.*

5.0 Overview of Likely Planning Matters for Further Assessment

Based on our preliminary environmental assessment, the following are the key environmental assessment issues that will need to be considered as part of the Stage 2 SSDA:

- Compliance with strategic and statutory plans;
- Compliance with the Concept Approval;
- Design excellence, architectural design, built form and public domain;
- Amenity impacts, including overshadowing, visual and view impacts, wind effects (noting that the project will be generally consistent with the Concept DA building envelope);
- Heritage conservation;
- Relationship and environmental impacts on Western Distributor;
- Ecologically sustainable development;
- Traffic, access, parking and servicing;
- Pedestrian access and bicycle connectivity;
- Contamination, structural and geotechnical considerations;
- Construction and operational impacts; and

- Social and economic impacts.

A preliminary overview of the key likely assessment issues is provided below.

5.1 Compliance with strategic and statutory plans

The EIS will analyse the proposed development and outline how the proposal is consistent with the strategies and objectives of Greater Sydney Region Plan and the Eastern City District Plan. The EIS will also assess the proposal against the relevant SEPPs and the DHDP. It is noted that the Sydney LEP 2012 does not apply to the site. Pursuant to Clause 11 of the State and Regional Development SEPP, development control plans do not apply to SSD.

5.2 Compliance with the Concept Approval

As the proposal is staged development in accordance with Section 4.22 of the EP&A Act, the Stage 2 SSDA cannot be inconsistent with the Concept Approval. The EIS will therefore demonstrate that the proposed development is consistent with the Concept Approval and the conditions of the approval, including the approved design guidelines.

The winning Henning Larsen scheme involved a number of minor variations from the building envelope approved under the Concept Plan, primarily within the podium and Western Distributor landbridge areas. These variations are minor and the result of the competition-winning design approach and further design refinement, would result in an improved urban outcome, would not result in any adverse environmental impacts, and are not considered to be inconsistent with the Concept Approval. The scheme is compliant with the maximum building height, tower building envelope and controls on overshadowing of public places that are established under the Concept Approval.

5.3 Design excellence, architectural design, built form and public domain

In accordance with the approved Design Excellence Strategy, an invited architectural design competition was carried out on behalf of the Proponent in late-2019 and early-2020. This competitive design process resulted in the selection by the Jury of Henning Larsen, who have been appointed as the architects to the project in partnership with Australian firm Scott Carver.

The proposed development will significantly alter the existing built form and public domain on the site. The EIS will consider the urban design outcomes for the project and the detailed options that have been considered through the design development.

A key aspect of the Concept Proposal is the creation of at least 6,500 m² of publicly accessibly open space, located primarily on the northern landbridge between the new tower and the Pyrmont Bridge and Sussex Street. The EIS will include detailed design information for these spaces, and include details of how these spaces will be managed for public access on a day-to-day basis as well as during major public events hosted within Darling Harbour.

The proposal involves significant areas of interface with the surrounding public domain in Darling Harbour and, to a lesser extent, the Sydney CBD. The EIS will demonstrate the suitability of these interfaces in creating a high-quality urban environment.

5.4 Amenity impacts

The assessment process for Concept Proposal included extensive assessment of the impacts of the proposed building envelope on the amenity of surrounding areas, including overshadowing of the public domain and key public spaces, visual impacts from the surrounding public domain, impacts and view impacts, wind effects, reflectivity and impacts of the Cross City Tunnel stack emissions on proposed development.

With regard to overshadowing and visual and view impacts, it is noted that the proposed building is located within the approved building envelope and generally complies with the other approval requirements for building size and form, and accordingly the impacts of the project are expected to be consistent with or better than those that were previously assessed and determined to be acceptable by the IPC as part of the Concept Proposal.

The EIS will include further detailed assessment of all of the aforementioned amenity impacts with regard to the Stage 2 proposal.

5.5 Heritage

The Pyrmont Bridge is listed on the State Heritage Register and the interface between the bridge and the proposed development has been an important factor in the Concept Proposal and competitive design process as well as the ongoing detailed design development. This interface will be important in shaping the success of the project as a significant urban intervention in reconnecting the Sydney CBD with Darling Harbour, with heritage factors to be considered in the context of the significant urban accessibility benefits of the project for pedestrians and cyclists. A detailed Statement of Heritage Impact will accompany the EIS.

5.6 Western Distributor

In accordance with Condition C23 of the Concept Approval, the EIS will be accompanied by a Western Distributor Impact Statement prepared in consultation with TfNSW that considers the development's relationship to, and design, construction, operational and maintenance impact on the Western Distributor.

5.7 Ecologically sustainable development

The EIS will address the principles of ecologically sustainable development in relation to the project and an ESD Strategy will be included as part of the EIS.

5.8 Traffic, access, parking and servicing

A traffic and parking assessment will be prepared by a specialist traffic consultant and submitted with the EIS. The report will assess the site access arrangements and the design and operation of the proposed basement parking. The report will also examine:

- road safety;
- demand for car parking;
- loading and servicing arrangements;
- traffic impacts of the proposed development on the surrounding road network and intersections; and
- accessibility to public transport.

5.9 Pedestrian access and bicycle connectivity

The project sits at the interface of four significant east-west connectors between the Sydney CBD, Darling Harbour and Pyrmont, comprising the Pyrmont Bridge, King Street shared path, Market Street pedestrian overpass and the Druitt Street pedestrian bridge. The creation of the new landbridge and open space will create a significant new connection that has significantly improved amenity and useability, enhancing the connection with the City and reducing the impacts of the Western Distributor. The EIS will address the provision of new and enhanced connections through the project, as well as the management of impacts on pedestrian and cyclist movements through the construction phase.

5.10 Contamination, structural and geotechnical considerations

The EIS will be accompanied by technical studies prepared by suitably qualified experts that consider ground conditions, particularly in regard to the geotechnical and structural constraints associated with development around the Western Distributor and foreshore area.

5.11 Construction and operational impacts

The EIS will address and consider the construction and operational impacts of, or on:

- Noise and vibration;
- Construction and operational traffic; and
- Water and air quality impacts.

5.12 Social and economic impacts.

The proposed development will have significant economic and social benefits. The proposal is estimated to support the creation of approximately 2,300 full-time equivalent (FTE) jobs for the duration of the construction phase, and will support 10,000 ongoing office, retail and leisure jobs on an ongoing basis, making a significant contribution to employment in the highly-accessible Sydney CBD. These contributions to employment are particularly significant given the current economic climate resulting from Covid-19. In addition to the economic benefits, the proposal will result in a number of significant social benefits.

6.0 Conclusion

We trust that the information detailed in this letter is sufficient to enable the Secretary to issue the SEARs for the preparation of the EIS. Should you have any queries about this matter, please do not hesitate to contact me via the details below.

Yours sincerely,



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