

14 July 2014

Executive Director
Major Projects Assessment
Planning and Environment
GPO Box 39
Sydney NSW 2000

Attention: Cameron Sargent

Dear Sir,

**COCKLE BAY MARINE STRUCTURES - STATE SIGNIFICANT DEVELOPMENT
REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

We are writing on behalf of the Sydney Harbour Foreshore Authority with regard to the proposed renewal of marine structures located within Cockle Bay at Darling Harbour. The project has an estimated value exceeding \$10 million.

The proposed development is a State Significant Development (SSD) with reference to Schedule 2 of SEPP (State and Regional Development) 2011.

The purpose of this letter is to request the Secretary's Environmental Assessment Requirements (SEARs) for the proposed development. To support the request for the SEARs, this letter provides an overview of the proposed development; sets out relevant planning considerations; and identifies potential environmental planning issues.

1.0 The Site

The site consists of part of the bed of Sydney Harbour known as Cockle Bay and immediate adjoining foreshore land. The site extends from Pyrmont Bridge in the north to Darling Harbour in the South as is shown in *Figure 1* below.



Figure 1. Cockle Bay

The waterway and is owned by Roads and Maritime Services and the surrounding foreshore area is owned by the Sydney Harbour Foreshore Authority (SHFA). The SSD application will be submitted by Sydney Harbour Foreshore Authority, utilising clause 8F(1)(a) of the Environmental Planning and Assessment Regulations 2000, which provides public authorities do not require landowner's consent to lodge an application.

Cockle Bay is currently developed with various waterway structures for which the uses have changed and evolved over time. A basic break up of these structures is shown on the plan below, *Figure 2*. The current uses of the existing marine structures include a mix of public and private uses ranging from berthing of private yachts and vessels, drop-off and pick up by marine leisure vessels such as cruises and jet boats, water taxi services and corporate hire of on water space. In addition, the bay is used for many Darling Harbour events that are hosted or managed by the Authority.



Figure 2. Existing structures within Cockle Bay waterway

2.0 Description of Proposed Development

The SSD Application will seek consent for a comprehensive renewal of existing waterside structures within Cockle Bay. This is required as much of the existing development is at the end of its working life and there is also a need to improve their functionality within the waterway. The intention of the works is to provide for more usable and appropriately designed structures, which allow for better access for both pedestrians and users of the bay. Many of the existing structures are inappropriately located or designed and the revisions and changes will allow for the waterway to work more effectively and efficiently and create a more open and usable space for SHFA water based events such as the boat show, Vivid and New Year celebrations.

The key components of the proposed development are:

1. Demolition of the existing Harbourside steps, Harbourside jetty, Harbourside promenade and Cockle Bay marina,
2. New east-side commercial marina providing for short stay berthing of vessels and which is publicly accessible,
3. New west-side floating public landing facilities, which can double as event spaces and for foreshore public access.

The areas within Cockle Bay to be revitalized are outlined in more detail below. A description of the concept proposed for each stage is included. However, this design brief is anticipated to change before the SSD Development Application is lodged, as a thorough investigation of issues and constraints which impact the site is undertaken during the design process.

The design associated with the proposal will be progressed once design consultants are appointed. The Authority is currently in the process of engaging design consultants to develop the design. The SEARs for the proposal are required to inform the design process.

Harbourside Steps

Existing Structure

These existing steps and associated fendering systems are proposed to be demolished as they are at the end of their working life. The formation of the existing structure is impractical and presents compliance risks.



Figure 3. Harbourside steps

Concept

It is proposed to replace the existing structure with a “fit for purpose” floating pontoon public wharf which would link into a new floating pontoon boardwalk (refer below) connecting the wharf to the National Maritime Museum. The exact design has not been determined and is subject to change, based on constraints and decisions which will be made once the project designer is engaged.

Harbourside Jetty

Existing Structure

The existing Harbourside Jetty (*Figure 4.*) is a public jetty which is leased as a licensed outdoor dining space to the operator of the South Steyne Ferry restaurant. It was originally designed as a berthing wharf but due to its dilapidated condition, it is no longer suitable for this purpose. The South Steyne vessel is currently berthed on piles to the north of the jetty.



Figure 4. Harbourside Jetty

Concept

It is proposed to demolish the existing structure which is at the end of its working life and construct a new fixed deck timber jetty/ floating pontoon structure. It is envisaged that the new structure would allow for water taxi drop offs and pickups and provide facilities for a small food kiosk. The possibility of providing storage for the Authority’s barges and maintenance boats below this structure is also to be investigated as this would further free up space within Cockle Bay. These vessels are currently berthed in full visibility beneath Pymont Bridge.

Any proposal will be designed to consider the provision of appropriate public space and be sympathetic to the state heritage listed Pymont Bridge, which is in the immediate vicinity of the existing structure.

The exact design and uses have not yet been determined and will be finalized during the design phase.

Cockle Bay Marina

Existing Structure

The southern side of the existing structure makes up the public component and includes a fixed deck jetty and ticketing office along with four pontoon fingers used for leisure vessel drop off and pick up. The existing private marina comprises the northern structures which incorporate a floating pontoon and pylons with a total of 45 berths provided on the eastern and western sides.



Figure 5. Cockle Bay Marina

Concept

The Cockle Bay Marina (Figure 5.) is proposed to be demolished and re-established in a more efficient configuration, suitable for the type of visiting vessels that are likely to utilize the facility into the future.

All of the new structures and associated operations are to be moved to the north. The intention is to free up more of the Cockle Bay waterway to the south to better serve major water-based events such as Vivid, New Year celebrations and the boat show. The proposed layout of the revised marina and leisure vessel berths has not yet been determined.

Convention Wharf

Existing Structure

Convention Wharf (*Figure 6.*) is currently an operating public wharf comprising two fixed deck jetties and a floating pontoon. The fixed deck jetties are not used for berthing and are periodically leased out as venue hire space.

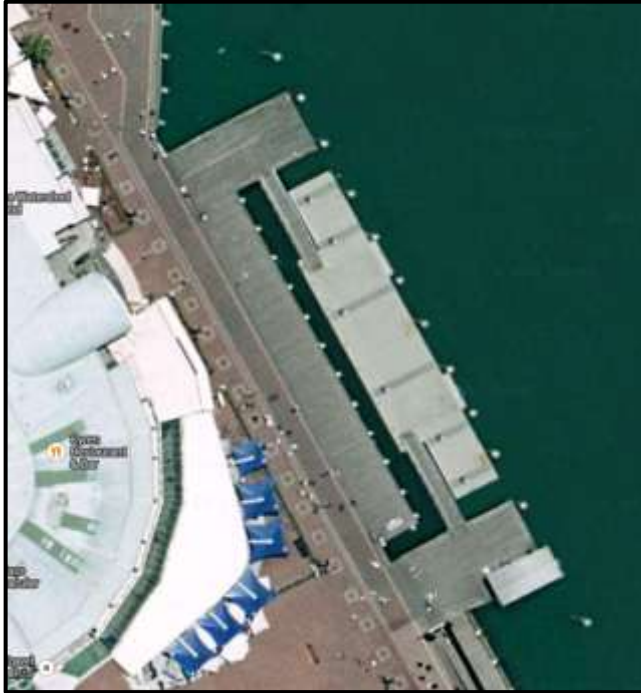


Figure 6. Convention Wharf

Concept

The structure is in need of major refurbishment and there is an opportunity to redevelop the asset to reduce on-water footprint and provide better public facility. The design is yet to be developed.

Harbourside Promenade & Heritage Foreshore Boardwalk

Existing Structure

The existing Harbourside promenade (*Figure 7*) is a large timber deck over the existing harbour with pylons on the water side. The structure was originally constructed to relieve a circulation pinch point on the paved promenade to the west and south. The facility is occasionally used to berth vessels but is not classified as a public wharf.

There is currently no Heritage Foreshore Boardwalk.



Figure 7. Harbourside Promenade

Concept

The existing structure is proposed to be demolished to make way for the Heritage Foreshore Boardwalk and a revised space which will include improved access and seating options for pedestrians.

It is likely that the Heritage Foreshore Boardwalk would be a floating pontoon structure with heritage interpretation, in keeping with its proximity to the state heritage listed Pyrmont Bridge. The intention is to provide circulation space and connection beneath the Bridge to the National Maritime Museum, which is proposing to move its main access to the area fronting Darling Harbour.

The current concept includes a floating pontoon boardwalk running adjacent to the only remaining section of original seawall in Darling Harbour, dating from the 1850s. The boardwalk would provide the public the opportunity for proximity to the water not available elsewhere in Darling Harbour and a viewing platform to the heritage seawall, shown in *Figure 8*. below. The design phase of the project will consider making part of the boardwalk wider to create additional seating options and enhance the public access way.



Figure 8. Existing heritage stone wall to become a feature of heritage boardwalk

3.0 Relevant Planning Considerations

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

Development on the subject site is declared to be State Significant Development subject to Schedule 2, Clause 2b of SEPP (State and Regional Development), as the development is located in Darling Harbour and has a value exceeding \$10 million. As such the Minister is the consent authority for the proposal.

3.2 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) includes the waterway of Cockle Bay in its provisions. The matters for consideration under the provisions of the EPI would be relevant to the proposed development application. The proposed marine structures would include a marina, boardwalk, public jetty and a water based entertainment facility. The applicable considerations under the SREP relate to maintaining environmental quality, controlling water quantity and quality, as well as enhancing the scenic quality of the Sydney Harbour waterway.

The subject application is SSD and accordingly the consent authority provisions of the SREP are not relevant.

3.3 Darling Harbour Development Plan No.1

Darling Harbour Development Plan No. 1 is the principal environmental planning instrument applying to the site. Under Schedule 6 Part 7 Clause 23(1) of the Environmental Planning and Assessment Act 1979, the Darling Harbour Development Plan No. 1 is taken to be a Regional Plan. Subsequently, by operation of Schedule 6 Part 21 and Clause 15 of the Environmental Planning and Assessment Regulation 2000, Regional Environmental Plans are now deemed to be State Environmental Planning Policies (SEPPs).

Uses which are permissible are outlined in the deemed SEPP and are fairly broad including recreation facilities. It is noted that there are no development controls such as heights, setbacks or floor space ratios within the instrument. The proposed development would be permissible with development consent.

3.4 State Environmental Planning Policy No. 64 – Advertising and Signage

There may be some signage proposed in association with the ticketing booth and kiosk. Accordingly, the provisions of this SEPP would be required to be considered in the assessment of the application.

3.5 Other Relevant Documents

In addition to the above, the following policies apply to the site and will need to be considered as part of the SDD application:

- Objectives of the Environmental Planning and Assessment Act 1979;
- Metropolitan Strategy 2036;
- Metropolitan Transport Plan 2010.

4.0 Overview of potential Environmental and Planning Issues

Based on our preliminary environmental assessment, the following are the key environmental assessment issues that may need to be considered as part of the future Development Application (DA) and within the accompanying Environmental Impact Statement (EIS).

Built Form fit for purpose

The EIS will assess the proposed waterways structures' design and demonstrate how they are appropriate and complement the location.

Public Domain

The waterway of Cockle Bay and its foreshore is publicly owned and forms, part of the public domain. Discussion and analysis of the public interests and public benefits will be considered in the EIS.

Traffic, Access and Parking

The proposed development aims to replace existing aged structures which were developed as part of the initial Darling Harbour development. It is not envisaged that additional parking will be required for the replacement and upgrading of facilities. A discussion of the impact on parking, traffic and access will be included in the EIS.

Heritage

The existing stone sea wall is to be a feature adjacent the proposed heritage boardwalk. While, the wall is not listed as a heritage item, consideration of the heritage impacts on this structure will be included as a part of the EIS.

Waste Management

Identify the likely waste to be generated during the demolition, construction and operation of the development and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste in accordance with relevant guidelines.

Hydrological and Water Quality Impacts

The EIS will include a consideration of the impacts on construction activities on the seabed, and aquatic environment. An ecology survey will be included as a part of the EIS.

Navigation Safety

The location and design of all structures will take into consideration the navigation and marine safety requirements applicable to the site being a component of Sydney Harbour. Discussion with Roads and Maritime Services are proposed during the design phase to ensure compliance with all relevant controls and legislation.

Visual impact

The design brief for the proposed structures includes, for the most part, a reduced footprint on the harbour and an optimization of the placement of structures within the waterway. The intent is to provide a more rational and limited siting of the new marine structures. The visual impact of the new structures including vessels that use them and the views to and from the waterway will be considered and assessed within the EIS.

Marina Design

Details of the marina design including; size of proposed vessels, access to services, waste management and public access, will be provided and considered with regard to the Department of Urban Affairs and Planning document "Marinas and Related Facilities". Reference can also be made to the DCP associated with the SREP (Sydney Harbour Catchment) although the site does not fall within its scope.

Services Plan and Details

The existing site services will be revised to service the proposed development; further information will be provided as part of the EIS.

Compliance

A Structural Compliance Report and Disability Access Report will be submitted as part of the EIS to confirm that the proposal will be capable of complying with the relevant Australian Standards, Engineering Standards and Guidelines for Marine Structures and public access requirement of the Disability Discrimination Act.

Construction Management

A Preliminary Construction and Environmental Management Plan will be submitted with the EIS and will outline the key management measures to be implemented during construction of the proposed development.

5.0 Consultation

Consultation is proposed to be carried out with the following bodies as a part of the design development process and in the completion of the EIS.

- City of Sydney Council
- Roads and Maritime Services
- Australian National Maritime Museum
- Tenants of existing Cockle Bay facilities

6.0 Conclusion

The purpose of this letter is to request the SEARs for the preparation of an EIS for the development of Marine Structures at Cockle Bay, Darling Harbour. The development will enable the Authority to realise its compliance targets, revitalise the waterway structures and be a positive contribution to the current changing face of Darling Harbour.

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 on 99674422 or sarah@environet.net.au.

Yours faithfully



Sarah McNeilly
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Environet Consultancy Pty Ltd

Ref:S:/Request for SEARs v2