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File: EF14/ 23309  
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Your Ref: SSD 6611

Mr Ben Eveleigh  
Senior Planner  
Key Site Assessments  
Infrastructure and Industry Assessments  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Eveleigh

**RE: Request for Heritage Council Comment – Cockle Bay Marine Structures Renewal State Significant Development (SSD6611)**

I refer to your email dated 25 August 2015, requesting the Heritage Council of NSW (Heritage Council) to provide comments on the above described State Significant Development Application.

The Heritage Council issued a letter to the Department of Planning and Environment (DPE) on 5 August 2014, including recommended Secretary's Environmental Assessment Requirements (SEARs) for SSD 6611. The Environmental Impact Statement (EIS) for SSD 6611 was reviewed and the majority of issues raised in the recommended SEARs have been addressed. As delegate of the Heritage Council, I provide the following comment on the proposal:

- The Maritime Archaeological Survey and Statement of Heritage Impact (MAS&SOHI) states that the proposal would not diminish the heritage significance SS South Steyne (SHR 755) which is listed on the State Heritage Register (SHR). The current use of the vessel as a restaurant in a busy recreational precinct provides financial viability of the item and ensures its ongoing maintenance. The proposed relocation of the vessel may impact on this. Whilst the report states that the vessel will be moved to another wharf within six months, future management options and exact mooring locations have not been addressed. To reduce the likelihood of adverse impacts to SS South Steyne, it is recommended that a strategy for the ongoing management of the vessel is provided, including mooring locations, prior to the approval of the SSD.
- The SOHI does not address any impacts to the setting of SS South Steyne, including any visual impacts that relocating the vessel would have on nearby SHR items Pyrmont Bridge and Woodward Water Feature. The report should be updated to address these impacts.
- The EIS states there is a high potential for remains associated with previous wharves, jetties, and activities in Cockle Bay buried below sediment that has accumulated since the last dredging in the 1980s. This is representative of the earliest maritime infrastructure in Sydney Harbour and is considered to have State heritage Significance (EIS section

8.11.3). Physical remains evidence in the survey only identified modern debris and high sediment content. The MAS&SOHI and the EIS did not provide a specific assessment of the effects of the proposed piling on these phases of occupation or their likely significance. The EIS needs to compare the known phases of occupation and relics against the proposed piling locations in order to assess any likely impacts.

- The MAS&SOHI and EIS have not considered the impact of this proposal on the state significant archaeology. The proposal has stated that the piling will cause harm to state significant archaeology within the seabed. On this basis, it is recommended that any impact should be minimised as much as possible through a careful consideration of the pile design in this area. The mitigation of the loss of state significant archeology should be clearly outlined in the EIS prior to any approval of the SSD by the DPE. It is recommended that upon receipt, DPE refer this additional information to the Heritage Council for consideration of its adequacy and to advise DPE of any additional conditions of approval that may be appropriate.
- The EIS and SOHI incorrectly advise that an approval under Section 139(4) is appropriate under the *Heritage Act 1977*. Approval under Part 4, section 89J of the *Environmental Planning & Assessment Act 1979* negates the need for approvals under the *Heritage Act 1977* where this area forms part of the proposed SSD activity.
- The proposal to display the 1850s-1870s seawall as a feature of the new design would have a positive impact through appreciating the site's significant heritage fabric. Given that the seawall is possibly the only surviving seawall from this period in Darling Harbour, the proponent may wish to consider nominating the site for listing on the SHR.

If you have any further enquiries regarding this matter, please contact Nina Pollock, Acting Senior Assessment Officer at the Heritage Division, Office of Environment and Heritage, on (02) 9873 8520 or [nina.pollock@environment.nsw.gov.au](mailto:nina.pollock@environment.nsw.gov.au).

Yours sincerely



**Rochelle Johnston**  
Manager, Conservation  
Heritage Division  
Office of Environment & Heritage

**As Delegate of the NSW Heritage Council**

9 September 2015