

Cockle Bay Park – Response to Agency Submissions

Item Raised	Proponent's Response
Department of Planning and Environment	
<p>The proponent should engage with Place Management NSW to develop objectives. These objectives should be adopted to inform necessary refinements to the following aspects:</p>	<p>The proponent has engaged with Place Management NSW during the preparation of the amended Concept Proposal. Engagement and discussion with PNSW will continue throughout the design development phase. In preparation of the amended Concept Proposal the proponent convened an extensive and experienced design review process and charrette workshops to help shape the amendments that are now proposed to the Concept Proposal. The design review process led to the design principles to be reviewed and expanded into three sections as follows:</p> <ul style="list-style-type: none"> • Urban Design Principles; • Open Space Design Principles; and • Built Form Design Principles. <p>These principles define the design objectives for the Site and are the basis of the amended Concept Proposal. The built form envelope (described at Section 4.6 of the amended EIS) has been developed based on these principles and forms the basis of the proposal. The revised design principles are outlined in more detail by FJMT in the Architectural Design Report (Appendix C).</p> <p>An assessment of PNSW Framework for Landowners Consideration of State Significant Development is provided at Section 7.4.3 of the amended EIS.</p>
<p>The excessive bulk and scale of the proposal – the height and floor plate of the proposed commercial tower element;</p>	<p>The Concept Proposal has been amended since the exhibition of the EIS including:</p> <ul style="list-style-type: none"> • a 40 metre (17 percent) reduction in the height of the tower from RL235m to RL195m; • reduction in commercial GFA by 10,000m² (12 percent); • a reduction in retail GFA from 25,000m² to 14,000m² (44 percent); • reduction in the tower envelope footprint from 3,890m² to 3,575m² (8 percent); and

Item Raised	Proponent's Response
	<ul style="list-style-type: none"> the overall volume of the envelope has reduced by 153,000m³ (15.65 percent). <p>The amended Concept Proposal provides a proportional relationship to the existing buildings of Darling Park in consideration of height, separation and breadth so the precinct can be read as a whole. Building height and scale is further discussed at Section 7.6 and in the Architectural Design Report at Appendix C.</p>
<p>The bulk and massing of the podium and the relationship with the public domain, Pyrmont Bridge;</p>	<p>It is noted that the height of the existing Cockle Bay Wharf building is approximately RL19m, which is equal to the proposed height of the podium deck envelope. Accordingly the proposed podium at Level 3 will be of a similar scale to the existing development on Site which is considered acceptable.</p> <p>The amended Concept Proposal has revised the bulk and massing of the podium envelope to strengthen its relationship to the public domain and Pyrmont Bridge. This has been achieved through the following amendments:</p> <ul style="list-style-type: none"> reduce the volume of the Southern pavilion by reducing the height from RL31m to RL29m with the introduction of a minimum setback of between 8.5m and 9.5m from the lease boundary; increase the setback to the southern side of Pyrmont Bridge from 2m to 65m at Level 2 of the Podium; provide a new 44m (east-west) separation between the northern podium envelope (above Level 1) and the waterfront; reduce the length of the podium articulation zone along the foreshore from 209 m to 144 m, reducing the overall podium volume; include provision to extend the boardwalk (5m wide) which would further increase the spatial relationship between the podium and waterfront; and consolidate publicly accessible open space adjacent to Pyrmont Bridge. <p>The amended Concept Proposal will elevate the significance of the public domain by knitting the Site</p>

Item Raised	Proponent's Response
	<p>and Cockle Bay back into the urban fabric of the City via improvements the Market Street and Druitt Street connections. This will provide a direct pedestrian connection from the CBD to the waterfront.</p>
<p>The bulk and scale of the land bridge – relationship with the adjacent CBD fabric;</p>	<p>The bulk and scale of the landbridge is informed by the opportunities and constraints afforded by the Site. The Western Distributor requires a minimum operational clearance of 5.5 m, this sets the vertical elevation of the landbridge at RL19m. The extent of the landbridge is otherwise informed by the urban design principles for the amended Concept Proposal (outlined at the Architectural Design Report at Appendix C) including:</p> <ul style="list-style-type: none"> • Reconnecting the city and harbour; • Reconnecting Pymont Bridge to Market Street; • Improve connections between Druitt street and Darling Harbour; • Create a new park on the waterfront; and • Providing city scale Pymont Bridge and Market Street connections. <p>The amended Concept Proposal has revised the landbridge in order to consolidate open space in the northern part of the site, providing open space that is appropriate for the CBD and that enables improved connections to the eastern end of Pymont Bridge to restore the original role of the bridge as a key connection between Pymont and the CBD. This has been achieved by the following amendments:</p> <ul style="list-style-type: none"> • Extending the northern boundary of the landbridge further north to align with the northern edge of Pymont Bridge. This allows the amended Concept Proposal to facilitate a future connection directly from Market Street to Pymont Bridge. • Relocation of the tower further south, which has allowed for open space to be consolidated at the north of the tower enabling the creation of a generous open space that will enjoy solar access throughout much of the day. <p>The scale of the land bridge as outlined in the Architectural Design Report at Appendix C, responds to</p>

Item Raised	Proponent's Response
	<p>pedestrian desire lines, view corridors, clearance height constraints to the Western Distributor Freeway and surrounding development.</p> <p>As outlined in the Design Report the proposed open space is similar in scale and size to open space provision in many other world cities including Federation Square in Melbourne which has utilised space above a railway to provide additional open space in the CBD. Once constructed, the development facilitated by the amended Concept Proposal will vastly improve the pedestrian experience between Pymont, Darling Harbour and the city.</p>
<p>Amenity impacts to nearby properties and the public domain – view sharing and overshadowing;</p>	<p><u>View Sharing</u></p> <p>In repositioning the tower envelope to the south, an additional assessment of impacts to private views, which were previously unaffected, was undertaken. The tower has been positioned to allow for shared impact between the private views in the neighbouring residential and commercial buildings, and the public views from open space surrounding the site.</p> <p>Among the aims of the <i>the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i>, which applies to the site is: <i>2(b) the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores</i>. The prescience given by the location of the tower to public views, over private views, accords with this aim of the SREP.</p> <p>In general, the benefits provided by the amended Concept Proposal in terms of open space provision and renewed access to the foreshore are considered to balance the impact of the amended Concept Proposal on private views. An updated Visual and View Impact Analysis (VIA) is provided as Appendix G.</p> <p><u>Overshadowing</u></p> <p>A key design principle for the project is to minimise any impact on solar access to public spaces, particularly in the winter months between 12pm and 3pm. It is noted the amended Proposal:</p> <ul style="list-style-type: none"> • does not overshadow Tumbalong Park; and • does not impact on Town Hall steps and Sydney Square at Town Hall.

Item Raised	Proponent's Response
	<p>Based upon the conservative assessment undertaken within the amended EIS, impacts are anticipated on</p> <ul style="list-style-type: none"> • Cockle Bay waterfront between 9am and 11am mid-winter, critically this does not affect the busy lunch time period; and • On the future planned Town Hall Square for less than one hour in the evening of each day for a few weeks in spring and autumn. The impact on the future town hall square is spatially limited to the north east corner of the square and also limited in duration to not occur during likely times of peak usage. As there is no approved plan for the future town hall square, a qualitative assessment of impact on this area of open space is not possible at this time. <p>The amended Concept Proposal has reduced the overshadowing impact on the future town hall square when compared to the Concept Plan assessed within the exhibited EIS. The amended Concept Proposal also retains the conservative approach of assessing the impact of the full envelope, any building facilitated by the envelope would occupy only 60% of the envelope, the overshadowing impact would therefore be likely to be reduced.</p> <p>The amended Concept Proposal has adopted the Tumbalong Park height plane that extends from the roof line of the Ribbon development. This has informed the shape of the envelopes maximum height and will ensure the development facilitated by the amended Concept Plan would not overshadow Tumbalong Park. Assessment of overshadowing is provided at Section 7.7 of the amended EIS.</p>
<p>The provision and clear explanation of the new and enhanced public spaces, key linkages and connectivity, pedestrian movements and activation opportunities.</p>	<p><u>Public spaces</u></p> <p>Public domain design principles include the creation of new publicly accessible open space. The amended Concept Proposal shows how the future development may achieve this, including a variety of open spaces. This has been achieved by the amended Concept Proposal by increasing open space from up to 12,000m² to up to 15,000m².</p> <p><u>Key linkages and connectivity</u></p>

Item Raised	Proponent's Response
	<p>Key design principles include:</p> <ul style="list-style-type: none"> • the reconstruction of Pymont Bridge directly to Market Street; and • connection of the city to the harbour; and • enhancement of the Druitt Street connection. <p>The Architectural Design Report includes discussion of key linkage improvements that will be facilitated by the amended Concept Proposal. These include connecting Pymont Bridge and Market Street; a direct connection from Market Street to the waterfront, improvements to the Druitt Street overpass and consideration of an expanded boardwalk platform on the foreshore. Pedestrian access is further discussed at Section 7.15 of the amended EIS.</p> <p><u>Pedestrian movements</u></p> <p>The key design principles for pedestrian movement include:</p> <ul style="list-style-type: none"> • connecting Pymont Bridge to Market Street; • improving wayfinding and connectivity between the City, harbour, Pymont and International Convention Centre; • providing clarity of public and private space; and • making the space permeable and diverse to allow direct and indirect movements. <p>The amended Concept Proposal will facilitate a future development that will enhance and reconnect Darling Harbour and the CBD by bridging the Western Distributor, which currently serves as a barrier.</p> <p><u>Activation opportunities</u></p> <p>Key design principles include upgrading the waterfront and enhancing the waterfront experience. The future design will also seek to provide permeable and diverse spaces that will include connection to retail spaces at key locations. The amended Concept Proposal will facilitate the redevelopment of the Site to create a vibrant precinct featuring a mix of open space and activation befitting the modern upgrades in</p>

Item Raised	Proponent's Response
	<p>other precincts of Darling Harbour. This is achieved through provision of retail that will be located within the podium, activating the foreshore promenade with various layers of retail throughout the upper retail levels connecting to the tiered gardens. The exact retail experience will be explored in the competitive design process and Stage 2 DAs.</p> <p>As outlined at Section 7.15 of the amended EIS the proposal will improve connections between the CBD and Darling Harbour, including a more direct connection to Pyrmont Bridge and Market Street; an efficient connection between Market Street and the harbour via a series of landscaped spaces that descend to the waterfront with a spectacular view; the Druitt Street pedestrian overpass will also be upgraded to improve the user experience at the southern end of Cockle Bay, including a re-design of the existing stairway.</p>
<h3>Place Management NSW</h3>	
<p>The proposal requires further evaluation on:</p> <ul style="list-style-type: none"> The excessive height and proposed floor plate – introduction of unsatisfactory bulk and scale 	<p>The Concept Proposal has been amended since the exhibition of the EIS including:</p> <ul style="list-style-type: none"> a 40 metre (17 percent) reduction in the height of the tower from RL235m to RL195m; reduction in commercial GFA by 10,000m² (12 percent); a reduction in retail GFA from 25,000m² to 14,000m² (44 percent); reduction in the tower envelope footprint from 3,890m² to 3,575m² (8 percent); and the overall volume of the envelope has reduced by 153,000m³ (15.65 percent). <p>The amended Concept Proposal provides a proportional relationship to the existing buildings of Darling Park in consideration of height, separation and breadth so the precinct can be read as a whole. Building height and scale is further discussed at Section 7.6 of the amended EIS and in the Architectural Design Report at Appendix C.</p>

Item Raised	Proponent's Response
<ul style="list-style-type: none"> The proposed public domain benefits – pedestrian linkages, new park, open space, connectivity between the CBD and Darling Harbour to ensure they are sufficiently unique and beneficial to the public to justify the proposed scale of development 	<p>As outlined in the Architectural Design Report by FJMT at Appendix C, the amended Concept Proposal will create significant re-connection of Darling Harbour and the CBD. It will also provide new, more direct pedestrian connections between the CBD to the Darling Harbour waterfront and a more direct connection between Market Street and Pyrmont Bridge. It will also improve the connection of South Darling Harbour and the CBD by the enhancement of the Drutt Street overpass.</p> <p><u>Public Domain/Open Space</u></p> <p>Public domain/Open Space design principles provide for creation of new publicly accessible open space. The amended Concept Proposal shows how the future development may achieve this, although the final design of the open space will be subject to a competitive design process and a Stage 2 detailed DA. The amended Concept Proposal has increased the maximum amount of open space possible within the site from up to 12,000m² to up to 15,000m².</p> <p>Key design principles for open space include:</p> <ul style="list-style-type: none"> creating a new publicly accessible open space; provide a city scale Pyrmont Bridge and Markey Street connection; make the spaces permeable and diverse; creation of open spaces that connect to the Darling Harbour waterfront; and enhance the waterfront experience. <p>The provision of future open space will be subject to the competitive design process and Stage 2 detailed DA. The design of future open space will be guided by the Architectural Design Report (Appendix C), the Vision Statement (Appendix D), and also by the competitive design process to ensure that the future open space exhibits design excellence and meets the needs of future users of the open space.</p> <p><u>Key linkages and connectivity</u></p>

Item Raised	Proponent's Response
	<p>Key design principles for pedestrian linkages and connections include:</p> <ul style="list-style-type: none"> • the reconstruction of Pymont Bridge to Market Street; • connection of the city to the harbour; • consideration of an expanded boardwalk platform adjacent to the foreshore; and • enhancement of the Druitt Street connection. <p>The Architectural Design Report (Appendix C) includes discussion of key linkage improvements that will be facilitated by the amended Concept Proposal. These include a more direct connection between Pymont Bridge and Market Street; a direct connection from Market Street to the waterfront and improvements to the Druitt Street overpass. Pedestrian access is further discussed at Section 7.15 of the amended EIS.</p>
<ul style="list-style-type: none"> • How the proposed bulk and scale of the development on the foreshore will contribute to the open space of Cockle Bay 	<p>The existing Cockle Bay Wharf building is built to the lease boundary and close to Pymont Bridge. The amended Concept Proposal will improve this situation by providing increased setbacks to Pymont Bridge that will provide a sense of space currently not provided by the existing Cockle Bay Wharf building.</p> <p>The amended Concept Proposal has increased the podium setback to Pymont Bridge by 65m at Level 2 and provides a 44m setback to the waterfront allowing for appreciation of the heritage item and contributing to the sense of open space at Cockle Bay. These changes also reduce the building scale compared to that provided by the existing Cockle Bay Wharf building at the same location which is built to the lease boundary and adjacent to Pymont Bridge with minimal setback.</p> <p>The tower has been relocated further south allowing for consolidation of open space to the north of the Site that will enable the creation of a significant landscaped park that will connect the CBD and Cockle Bay. The proposal includes provision of up to 15,000m² of open space.</p> <p>The amended Concept Proposal could facilitate a northern open space that features a landscaped terrace providing a green connection to the waterfront and promenade, effectively connecting the new</p>

Item Raised	Proponent's Response
	<p>northern open space above the Western Distributor that physically connects to the waterfront. This is a significant improvement on the existing situation where the foreshore is largely hemmed in by the Cockle Wharf Building and is severed from the CBD by the Western Distributor.</p> <p>The amended Concept Proposal also includes provision and recommendation to extend the existing timber boardwalk along the foreshore promenade, contributing to open space at Cockle Bay. The boardwalk extension will increase pedestrian capacity providing an opportunity to enhance pedestrian experiences and engagement with the waterfront.</p>
<h3>Roads & Maritime Services</h3>	
<p>Closure of the western distributor – RMS will not enable closure of the Western Distributor to enable construction of the podium</p>	<p>The proponent has consulted extensively with RMS following exhibition of the EIS. As a result, a Construction Management Plan has been developed that envisages night time closure of the Western Distributor for periods to enable the installation of precast girders and concrete decks over the road network.</p> <p>Detailed programming and coordination of times and durations would be subject to RMS agreement through preparation and approval of a Works Authorisation Deed. Consultation with RMS and TfNSW will continue throughout the detailed design and construction phase of the development. Further details will be provided within the Stage 2 DA.</p>
<p>Fire safety – the proposal has the effect of creating a tunnel underneath the podium – adequate provision of fire safety must be provided regarding traffic flow</p>	<p>Fire safety design criteria regarding the Western Distributor as it travels under the landbridge have been developed by Aurecon, in consultation with RMS (refer to Appendix J1). The design criteria are to be implemented at the relevant future stages of detailed design to ensure adequate fire safety provision is achieved.</p>
<p>Piering Options – RMS has request no piers in addition to the proposed piers option</p>	<p>Enstruct and Aurecon have considered structural options for landbridge pier locations including piers between on-grade northbound Harbour St and the elevated Western Distributor and an alternate 'no piers' option. The options are presented at Appendix K and Appendix W (refer to Section 7.20 of the</p>

Item Raised	Proponent's Response
	amended EIS for discussion of Structural Engineering).
Access for maintenance and repair – the proponent needs to identify that the podium will not interfere with RMS ongoing ability to access the Western Distributor	The proposal has been reviewed by Enstruct Engineers who confirm that construction of the land bridge would not interfere with access for maintenance and repair of the Western Distributor and it will not restrict future RMS network improvements (refer to Appendix K).
Wheat Road – further details are needed on the arrangements made around the Site to enable safe vehicular access without interfering with traffic flows	<p>A number of meetings have been held with RMS to discuss the proposed modification to Wheat Road. RMS have advised that in general it has no objection to the proposed modification including relocation of the northern connection to the south, closure of Wheat Road through the site and provision of left turn onto Harbour Street opposite Blackwattle Place.</p> <p>The traffic assessment found this operation to be satisfactory. An additional assessment of an option to modify traffic signals at Blackwattle Place to allow right turn egress from Wheat Road is appended to the Traffic Report at Appendix I1.</p> <p>The development team will continue developing design in concert with RMS guidelines, RMS Smart Motorways, RMS Maintenance Division and TfNSW Metro division.</p>
Structural Integrity - and efficient vehicular access without interfering with traffic flows	<p>Structural design criteria for the landbridge have been developed by Aurecon, in consultation with RMS, to demonstrate structural integrity of the future design, including:</p> <ul style="list-style-type: none"> • compliance with relevant Australian Standards; and • Earthquake actions in Australia. <p>The land bridge superstructure, substructure and foundations immediately adjacent and over the Western Distributor are proposed to have a 100 year design life. Refer to the Aurecon Report at Appendix K.</p>
Transport for NSW	

Item Raised	Proponent's Response
Future Rail Corridor	
<p><u>Comment</u></p> <p>The proposed development is located within the future CBD Rail Link (CBDRL) corridor. There may be impacts on the structural integrity and the safe, effective operation and maintenance of the CBDRL.</p> <p><u>Recommendation</u></p> <p>TfNSW advises that Sydney Trains as the relevant "Rail Authority" under the provisions of the ISEPP will provide a separate response with relevant conditions of consent.</p>	<p>Enstruct confirm neither the Cockle Bay Park podium/tower structure nor the Western Distributor Landbridge (pedestrian podium) are located within a zone of influence that would impact the structural integrity or operation of the CBDRL.</p> <p>Section 3.4.4 of the Structural Report (Appendix W) provides a cross-section of the future rail corridor and proposed landbridge that demonstrates the proposal would not have an adverse impact to the rail corridor.</p>

Item Raised	Proponent's Response
<p>Impacts on Road Network Operation and Infrastructure</p>	
<p><u>Comment</u></p> <p>The development proposal includes the following:</p> <ul style="list-style-type: none"> Western Distributor - Construction of a large "land bridge", being a concrete podium structure (Podium), to be built over the Western Distributor; 	<p>The proposed development structure will be supported on piled foundations or pad footings that will be placed to not adversely affect the structural integrity of the existing Western Distributor structure.</p> <p>The development team have undertaken detailed planning sessions with RMS in order to establish the design criteria required to ensure safe Western Distributor operation and future access for maintenance activities. Concept design on how this will be achieved have been prepared and submitted to their satisfaction (in principle).</p> <p>Landbridge design development will be conducted in consultation with the relevant authorities when addressing any latent in ground conditions (services, structure and the like). Landbridge design principles have been prepared in coordination with RMS and are provided at Appendix K.</p>
<ul style="list-style-type: none"> Cross City Tunnel - The Project also has the potential to impact on the Cross-City Tunnel and the Cross-City Tunnel assets (including the ventilation stack); and 	<p>Investigations by Pacific Environment and Aurecon (Appendix K) have been undertaken that indicate there would be no impact on the Cross City Tunnel or the Cross City Tunnel ventilation stack.</p> <p>The development team will continue developing the detailed design in concert with RMS guidelines, RMS Smart Motorways, RMS Maintenance Division and TfNSW Metro division.</p>

Item Raised	Proponent's Response
<ul style="list-style-type: none"> Harbour Street — Wheat Road would be made two-way and the Cockle Bay connection of Wheat Road to Harbour Street would be reconfigured with modifications to the existing Harbour St/Blackwattle Place intersection traffic signals to allow egress from Wheat Road onto Harbour Street. The proposed introduction of additional phases to the Wheat Road/Harbour Street/Blackwattle Place intersection would have the potential to impact on the operation of Harbour Street during commuter peak periods 	<p>A number of meetings have been held with RMS to discuss the proposed modification to Wheat Road. RMS have advised that in general it has no objection to the proposed modification including relocation of the northern connection to the south, closure of Wheat Road through the site and provision of left turn onto Harbour Street opposite Blackwattle Place.</p> <p>The Traffic Assessment at Appendix I1 found this operation to be satisfactory. An additional assessment of an option to modify traffic signals at Blackwattle Place to allow right turn egress from Wheat Road is appended to the Traffic Report.</p> <p>The development team will continue developing the detailed design in concert with RMS guidelines, RMS Smart Motorways, RMS Maintenance Division and TfNSW Metro division.</p>
<p>The above works associated with the proposed development would have the potential to impact on general traffic and bus operation within the CBD.</p>	<p>A Traffic and Parking Assessment has been undertaken by Colston Budd Rogers and Kafes and is available at Appendix I1. The effect of the revised proposal on traffic operation has been assessed, including the impact of the redevelopment of the IMAX site. It found that the modified intersection of Harbour Street/Blackwattle Place and Wheat Road would operate with average delays of less than 25 seconds per vehicle in the morning and afternoon peak periods with left out only (priority control). Overall the assessment found that the road network will be able to cater for additional traffic from the revised proposal with minimal impact to Harbour Street. Traffic is further discussed at Section 7.11 of the amended EIS.</p>
<p><u>Recommendation</u></p> <p>TfNSW advises that Roads and Maritime Services will provide a separate response and requests that the applicant addresses</p>	<p>Noted. A submission has been received from RMS and is addressed as part of the amended EIS.</p>

Item Raised	Proponent's Response
<p>the issues raised by Roads and Maritime Services in their response to submissions in consultation with Roads and Maritime Services and the CBD Coordination Office.</p>	
<p>Active Transport Connections</p>	
<p><u>Comment</u></p> <p>A review of the Pedestrian Assessment undertaken for the proposed development indicates that there may be opportunity for improving the Druitt Street Bridge entry access point from the Darling Harbour waterfront and increasing its capacity to accommodate Darling Harbour workers and visitors (including during events) for the Darling Harbour precinct. TfNSW advises that the enhancement of this pedestrian route provides an opportunity to improve access to the Darling Harbour precinct by providing it with a quick and direct link to the heavy rail network at Town Hall Station, the planned Sydney Metro at Pitt Street Station, the Sydney Light Rail on George Street and bus services on Druitt Street, not offered under any other pedestrian route between Darling Harbour and the CBD. Further, the Traffic Report states</p>	<p>These comments have been noted and the revised Concept Proposal now includes the upgrade of the Druitt Street overpass connection as outlined in the submission.</p>

Item Raised	Proponent's Response
<p>that the proposed development will improve cyclist access by reconnecting the CBD with Darling Harbour via Darling Park.</p>	
<p>TfNSW advises that the location of the development site provides it with a unique opportunity to improve cycleway connections between Pymont/Bays Precinct and the CBD by connecting the existing pedestrian/cycle infrastructure on the Western Distributor (which currently ends at the southern part of the development site) with the King Street and Kent/Liverpool Street cycleways via the development site.</p>	<p>A key design principle for the amended Concept Proposal is to improve connectivity and wayfinding. Opportunities to improved connectivity through the site will be investigated as part of the Stage 2 (detailed) DA and the competitive design process.</p>
<p><u>Recommendation</u></p> <p>TfNSW requests that the applicant considers improving the following in consultation with the CBD Coordination Office:</p> <ul style="list-style-type: none"> • The entry access point to the Druitt Street Bridge from the Darling Harbour waterfront and increasing its capacity to accommodate Darling Harbour workers and visitors (including during events) to provide a quick and direct link to the CBD and public 	<p>These comments have been noted and the amended Concept Proposal now includes the upgrade of the Druitt Street overpass connection as outlined in the amended EIS. Consultation with the CBD Coordination Office will occur throughout design development.</p>

Item Raised	Proponent's Response
<p>transport network; and</p> <ul style="list-style-type: none"> The cycleway connections between Pyrmont/Bays Precinct and the CBD by connecting the existing pedestrian/cycle infrastructure on the Western Distributor with the King Street and Kent/Liverpool Street cycleways via the development site. 	<p>A key design principle for the amended Concept Proposal is to improve connectivity and wayfinding. Opportunities to improve connectivity through the site will be investigated as part of the Stage 2 (detailed) DA and the competitive design process.</p>
<p>Construction Pedestrian and Traffic Management Plan</p>	
<p><u>Comment</u></p> <p>It is noted that the proposal seeks concept approval for the construction of new buildings which would be proposed under a Stage 2 development application, however proposes the demolition of existing site structures as part of the subject development application. TfNSW advises that several construction projects, including the Sydney Light Rail Project, Sydney Metro City and Southwest Project and the adjoining IMAX Theatre redevelopment are likely to occur at the same time as this development within the CBD. The cumulative increase in construction vehicle movements from these projects could have the potential to impact on general traffic</p>	<p>A Preliminary Construction Management Plan has been prepared by Multiplex (Appendix Y) and a Principles of Construction Traffic Management has been prepared by Colston Budd Rogers & Kafes (Appendix I2) in support of the amended Concept Plan. Construction management is discussed further at Section 7.22 of the amended EIS. It is noted that due to the intervening period since exhibition of the EIS the IMAX development will likely be completed prior to the commencement of works at Cockle Bay Wharf.</p>

Item Raised	Proponent's Response
<p>and bus operations within the CBD, as well as the safety of pedestrians and cyclists particularly during commuter peak periods.</p> <p><u>Recommendation</u></p> <p>TfNSW requests that the applicant be conditioned to prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the CBD Coordination Office. TfNSW requests that the applicant consults with the CBD Coordination Office in relation to the above issues. TfNSW would be pleased to consider any further material forwarded from the applicant.</p>	
<p>City of Sydney Council</p>	
<p><i>SREP Sydney Harbour Catchment 2005 Compliance</i></p>	
<p>The proposal is in direct contravention of the SREP 2005 Part 1 which states:</p> <p><i>'(2) For the purpose of enabling these aims to be achieved in relation to the Foreshores and Waterways Area, this plan adopts the following principles:</i></p>	<p>An assessment of the Concept Proposal against the aims of the SREP was provided within the exhibited EIS. An updated assessment of the amended Concept Proposal against the matters for consideration is also provided within the amended EIS at Section 7.4.1.</p> <p>The Concept Proposal will facilitate significant upgrades and improvements to the access and usability of the foreshore. Currently access to the foreshore from the Sydney CBD is severed by the Western Distributor motorway. The Concept Proposal would introduce a new landbridge over the Western Distributor at Market Street, locate a significant and useable piece of open space that will physically connect with Darling Harbour and introduce improved amenity and wayfinding along the Drutt Street</p>

Item Raised	Proponent's Response
<p><i>Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good,</i></p> <p><i>The public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores.'</i></p> <p>Part 2 states that 'development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour' and 'the number of publicly accessible vantage points for viewing Sydney Harbour should be increased.'</p> <p>The proposal is not consistent with these objectives and puts private use before public good which will result in long term negative impacts on the public domain.</p>	<p>pedestrian bridge. The amended Concept Proposal will therefore unambiguously improve public access to the foreshores and waterways from the Sydney CBD.</p> <p>Through the relocation and refinement of the proposed open space (refer to Section 4.6) the amended Concept Proposal enhances public use of the foreshores. The open space that is facilitated by the amended concept proposal will provide a valuable space for the public to enjoy vistas over Darling Harbour and Cockle Bay.</p> <p>The proposal is consistent with the context of the city and its function as a centre for business, adjacent to the waterfront. The visual impact of the Concept Proposal is assessed within Section 7.8 and in Appendix G.</p> <p>The extension and augmentation of the foreshore promenade that is provided for within the Concept Proposal (as amended and as previously exhibited) enhances and the ability of the public to use the foreshores and waterways.</p> <p>The amended Concept Proposal will facilitate a future development that will have public benefit, including:</p> <ul style="list-style-type: none"> • providing engaging reasons for the vast numbers of workers and visitors in Darling Harbour and the CBD to come to Cockle Bay Wharf, spend time there and return; • diversifying Cockle Bay Wharf as a destination that offers more than just retail; • placing Cockle Bay Park firmly on Sydney's cultural map through partnerships and brand association; • contributing to Darling Harbour's legacy of popular culture, thus strengthening the entire precinct value; • providing a key, new destination as part of the Nature and Culture Walk from Pyrmont, Darling Harbour, Barangaroo to Walsh Bay and Circular Quay; • the opportunity to become a new cultural meeting point;

Item Raised	Proponent's Response
	<ul style="list-style-type: none"> • increased wellness and productivity through provision of active and passive spaces; • increased waterfront activation; • opportunities for the inclusion of public art; • opportunities for cultural activation; and • connection of public transport links to the waterfront.
<i>Bulk and Scale</i>	
<p>The form, scale and height of the podium and tower will result in an elongated wall to the harbour. Due to the scale and dominance of the proposed, it is recommended that the development be subject to an architectural design competition.</p>	<p>It is noted that the height to the existing Cockle Bay Wharf building is approximately RL19m, which is the proposed height of the podium deck envelope. Accordingly the proposed podium at Level 3 will be of a similar scale to the existing development on Site.</p> <p>The amended Concept Proposal has revised the bulk and massing of the podium envelope to strengthen its relationship to the public domain and Pyrmont Bridge. This has been achieved through the following amendments:</p> <ul style="list-style-type: none"> • reduction in the volume of the Southern pavilion by reducing the height from RL31m to RL29m along with the introduction of a minimum setback of between 8.5m and 9.5m from the lease boundary; • increase in the setback to the southern side of Pyrmont Bridge from 2m to 65m at Level 2 of the Podium; • provide a new 44m (east-west) separation between the northern podium envelope (above Level 1) and the waterfront; • reduce the length of the podium articulation zone along the foreshore from 209 m to 144 m, reducing the overall podium volume; • include provision to extend the boardwalk (5m wide) which would further increase the spatial relationship between the podium and waterfront; and

Item Raised	Proponent's Response
	<ul style="list-style-type: none"> consolidate publicly accessible open space adjacent to Pyrmont Bridge. <p>The concept proposal is subject to a design excellence strategy as outlined at Section 7.5 of the amended EIS. A series of Design Principles have been developed by FJMT that will form the basis of the design excellence strategy. Details are provided at the Architectural Design Report at Appendix C.</p> <p>The amended Concept Proposal requires that any building occupy a maximum of 60% of the permitted envelope. A concept envelope that is larger than any building permitted on the site is proposed to allow multiple design outcomes without fettering the outcome of the competitive design process.</p>
<i>Wind Impacts</i>	
<p>Wind tunnel testing of the proposed podium and tower must be carried out. The application should adopt the Central Sydney Planning Strategy standards to ensure all mitigation methods can be adopted within the building envelope and will not rely on the surround areas.</p>	<p>A Wind Tunnel Assessment of the Concept Proposal has been carried out by Cermak Peterka Petersen (CPP) and is included as Appendix N. The report finds that the proposed building envelope may result in downwash from the tower and that windy conditions could be expected close to building corners. The report indicates that while some locations could experience windy conditions, these can be mitigated through design measures to ensure these locations can pass relevant criterion.</p> <p>The report notes that the strength of the conditions in windy locations will depend on the final architectural form of the proposal and can be confirmed through wind tunnel testing as part of a future Stage 2 DA. CPP concludes that depending on the use of spaces (to be confirmed at Stage 2) mitigation measures can be implemented to reduce the potential wind impacts including vertical screening and dense planting. Such measures, where required, can be detailed within future Stage 2 DAs.</p>
<i>Overshadowing</i>	
<p>Tumbalong Park will be impacted by overshadowing from the proposed development</p>	<p>One of the design principles of the Cockle Bay redevelopment is to avoid mid-winter overshadowing of the public domain areas of Tumbalong Park and the Children's playground. This principle is based on the precedent set by the Ribbon development approval.</p> <p>Two sun planes define the top of the proposed envelope, one at 12:00pm and one at 11:00am. The planes</p>

Item Raised	Proponent's Response
	<p>are generated from the roof line of the Ribbon development and project northward.</p> <p>To verify the sun planes solar studies and solar access analysis were undertaken. These studies demonstrate that the proposed development <u>does not generate any additional mid-winter overshadowing of Tumblong Park and the children's playground.</u></p> <p>Refer to the Solar Access Study included as part of Appendix C.</p>
<p>The proposed Town Hall Square will be impacted by overshadowing from the proposed development. The northern and eastern parts of the Town Hall Square will be most affected. The impacted times of the year will be from the beginning of April to late April and from mid-August to mid-September. During these times, the north-east corner will lose up to 25% of its direct afternoon sun.</p>	<p>Since the exhibition of the EIS the Concept Proposal has been further reduced and in-turn has reduced the amount of overshadowing predicted to affect the future town hall square. Updated shadow diagrams have been prepared that delineate between a shadow from the envelope and a shadow by a possible building within that envelope to understand overshadowing. The diagrams show there would be only minor additional shadowing to Town Hall Square that would be more than offset by increased provision of open space facilitated by the amended Concept Proposal.</p> <p>The Solar Access Study prepared by FJMT and included as part of Appendix C has compared the shadow impact to Town Hall Square from the original EIS and the amended Concept Proposal which shows there is an improvement (from 21 hours to 11 reduction) in sunlight over the course of the year.</p> <p>It is acknowledged that the amended Concept Proposal results in the potential for minimal overshadowing of the Square. Notwithstanding, the potential minimal overshadowing is considered reasonable in the circumstances for the following reasons:</p> <ul style="list-style-type: none"> • The draft Central Sydney Planning Strategy proposes to introduce additional “no additional overshadowing” control to the future Town Hall Square between 12pm and sunset (year-round). The draft CSPS has not yet been publicly exhibited and is therefore not a matter for consideration under S79C of the EP&A Act. • The period of impact is limited to approximately 3 weeks just after the autumn equinox and just before the spring equinox, for a period of 15 minutes (reduced from 20 minutes) with the maximum overshadowing impact (increase of overshadowing to the square) on the most affected days being 1.5 % (reduced from 2.9%), reducing to zero on other affected days.

Item Raised	Proponent's Response
	<p>Accordingly the impact of the proposal is negligible and more than offset by the provision of new open space (associated with the Concept Proposal) within 15 minutes' walk of Town Hall Square.</p> <ul style="list-style-type: none"> • Overshadowing is restricted to a 15 minute period near sunset between 4:00pm and 4:30pm on the most affected day. Impacts are reduced to zero over a two week period on either side of that day. • The amendments to the design will create a significant new open space that will enjoy solar access throughout the majority of the day. • The Concept Proposal provides a significant waterfront open space bathed in sunlight for the majority of the day and providing a multi-use CBD 'playground. The form of the tower frees up this space for public use. This major piece of new open space should be viewed against the minor (and reduced) impacts on Town Hall Square and which have been reduced since the initial exhibition. <p>The proposed degree of potential overshadowing of the Square is balanced by the minor nature of the impact, the time of affectation, the overall impact throughout the year and the area of the Square affected, as well as the impact being balanced against the provision of a significant new publicly accessible open space that will cater to the needs of the local community, city workers and visitors.</p>
<p>At the winter solstice, the promenade offers 6 hours sunlight. The construction of the tower will reduce the amenity of this area, leaving it in shade.</p>	<p>The Concept Proposal has been amended since the exhibition of the EIS and the anticipated visual impact and overshadowing impacts have reduced. The height of the tower has been reduced by 40 metres and the potential commercial GFA has been reduced by 10,000m² which in-turn have reduced the amount of overshadowing to the promenade.</p> <p>A small area of foreshore promenade, largely restricted to the area of the southern foreshore and adjacent to the Western Distributor, will experience some overshadowing in the early morning between 9am and 11am mid-winter; however, the small duration and area of anticipated overshadowing impacts to the foreshore promenade are outweighed by the significant increase in publicly accessible open area created by the Concept Proposal.</p>

Item Raised	Proponent's Response
	<p>The new northern open space, which will be provided by the future development of the Site, receives high levels of solar access throughout the Autumn, Winter and Spring periods. The Concept Proposal will therefore result in an increase in the choice of available open spaces locally, and in an increase of solar access across publicly accessible areas in the Darling Harbour precinct more broadly.</p>
<p><i>Loss of Views and Vistas</i></p>	
<p>Views will be lost from Druitt Street and Market Street. The development will block off any views, which is inconsistent with SREP2005 and Sydney DCP that specifically require the maintenance, protection and enhancement of views to and from Sydney Harbour from public streets.</p> <p>The pedestrian bridge links between the west end of Market Street, Pyrmont Bridge, Darling Park and the new development do not improve the views down Market Street.</p>	<p>The updated VIA demonstrates that the amended Concept Proposal not be inconsistent with the CBD skyline and will be likely to benefit the visual landscape of the area by delivering a landmark building that exhibits excellence in design.</p> <p>The VIA exhibited with the EIS noted that no visual impact would be experienced from Market Street, notwithstanding, the tower has been relocated to the south and away from Market Street. The proposal will enhance the view corridor from Pyrmont along Market Street and from Market Street to Pyrmont Bridge including terraced landscaping and green open space that will enhance the connection of Pyrmont Bridge and Market Street.</p> <p>The amended Concept Proposal now enhances the Druitt Street pedestrian bridge providing increased pedestrian links to the southern part of Cockle Bay.</p> <p>Further, the amended Concept Proposal extent at the south has been reduced and will no longer extend into the Druitt Street view corridor.</p> <p>The updated VIA is provided in Appendix G.</p>
<p><i>Compromised Public Amenity</i></p>	
<p>The proposed land bridge from Market Street, above Wheat Road and the Western Distributor will create a false topography, changing the relationship with the city edge</p>	<p>The bulk and scale of the landbridge is informed by the operational requirements of the Western Distributor, the vertical extent cannot be reduced without compromising the operation of the road. The City's opinion about the impact of the 'false topography' is noted, however this is unavoidable in the context of the setting and considered to be acceptable given the significant opportunities for new</p>

Item Raised	Proponent's Response
and water.	publicly accessible open space in the heart of the CBD that is facilitated by the amended Concept Proposal.
<p>The land bridge will affect the access to the waterside. Pedestrians must pass through the building to reach the water – privatising the access to the waterside. The land bridge will reach significantly higher levels than the Pymont Bridge. The creation of private elevated gardens as a valuable 'public amenity' is questionable in this location as these areas are clearly part of the development and are private.</p>	<p>The Concept Proposal has been amended following exhibition of the original design. The revised scheme has now relocated the tower form further south which has enabled the creation of a consolidated northern landscaped open space area that will provide greater connection between Darling Harbour, Pymont Bridge and the CBD improving the connection between Pymont Bridge and Market Street and providing a new direct link to the waterfront.</p> <p>The tower element of the Concept Proposal is now further south which will further separate the commercial building from the pedestrian links to Pymont Bridge and the Harbour from Market Street. Pedestrians will not be required to pass through the building to cross the Site or access the waterfront.</p> <p>In addition, terraced green spaces will be introduced to the northern end of the site, adjacent to Pymont Bridge, to provide an appropriate interface to the waterfront which will significantly improve the amenity of Cockle Bay.</p>
<p><i>Podium Setback and Reduced Width of Public Domain</i></p>	
<p>The net width of public access between the development and the water must be greater or equal to the existing. This is needed for reasonable circulation and emergency access, as well as congestion and events in the area.</p>	<p>The amended Concept Proposal will not reduce the width of the foreshore promenade. The Concept Proposal includes provision to extend the existing marine structures along the foreshore promenade increasing the width of the foreshore. Any expansion of the foreshore promenade undertaken consistently with this application will provide an expansion of the existing pedestrian capacity with an opportunity to enhance and improve the pedestrian experience and engagement with the waterfront.</p> <p>The maritime infrastructure in Cockle Bay is managed for the NSW Government by RMS and PNSW. A number of options may be available to seek consent for an expansion of the foreshore promenade. Options would be discussed with RMS and PNSW before separate consent is sought to undertake these</p>

Item Raised	Proponent's Response
	<p>works. Available approval pathways could include:</p> <ul style="list-style-type: none"> • Development Application to City of Sydney Council; • modification of the recently approved State Significant Application to renew the marine structures within Cockle Bay (SSD6611, approved 13/11/15); or • inclusion of this aspect of the development within a future Stage 2 application on the Site. <p>Following further consultation with PNSW and RMS, more information will be available in relation to the assessment of any expansion of marine structures surrounding the Site. Delivery of any future expansion of marine structures will be undertaken in accordance with future development consents.</p>
<p>No spatial provision has been made for outdoor dining. It is assumed that this will impinge on the existing public domain and reduce the width. All outdoor dining must be within the boundary of the site and must not impinge on the clear right of way of pedestrians. To preserve sun access and sky view, no overhanging of the public domain is supported.</p>	<p>Additional detail is provided in the Architectural Design Report at Appendix C to show how outdoor dining will be incorporated in future (detailed) design of the podium (which will be within the lease boundary). The proposal includes an articulation zone above the first floor of the podium that would not extend beyond the existing Cockle Bay Wharf building articulation (which extends 3m beyond the lease line). This is shown to be an articulation zone of 1-3m across Level 1-3 with a maximum of 40% of the articulation zone to be occupied. The articulation zone will allow the design excellence process to proceed unfettered and will be a key feature/objective in the competitive design process brief.</p>
<p><i>Relationship with the Western Distributor</i></p>	
<p>The proposed should anticipate how the building and the context can be appropriately modified if the above grade Western Distributor were to be demolished during the projected service life.</p>	<p>The Western Distributor is a key component of Sydney road network, should the Western Distributor be demolished in the future, the impacts would be felt far beyond this site. Such a significant alteration to the City's infrastructure would be likely to catalyse redevelopment of a number of sites along the western CBD, including this site, as better appreciation of the waterfront becomes available. Commercial buildings generally have a service life of around 50 years, from our discussions with the RMS, it is not anticipated that the Western Distributor will be demolished during this period.</p>

Item Raised	Proponent's Response
<i>Heritage Impacts of the Proposed Ramp</i>	
<p>The proposed pedestrian bridge extending from Market Street/Darling Park over the eastern section of the Pyrmont Bridge does not acknowledge the form and fabric of the bridge. Any pedestrian link to Pyrmont Bridge must be physically/structurally separate. Connections must be at the grade of the existing main bridge deck.</p>	<p>The amended Concept Proposal no longer proposes a connection that crosses onto Pyrmont Bridge and the envelope plan has been amended to reflect this. The amended Concept Proposal will now only extend to the existing connection point to the heritage bridge at the most eastern extent. The detailed design solution of how to connect to the bridge has not been resolved; this will be included as part of the Stage 2 (detailed) DA. A number of options to connect to Pyrmont Bridge are presented in the Design Report at Appendix C and these will be further explored as a separate process to the amended Concept Proposal.</p> <p>An updated Heritage Impact Statement has been prepared by Weir Philips and is provided as Appendix S.</p>
<i>Residential Uses</i>	
<p>Residential uses should not be permitted on this site. A covenant should be registered on title prohibiting residential uses.</p>	<p>The concept proposal does not include a residential component. As such a covenant is not required and should not be imposed.</p>
<i>Consultation</i>	
<p>The City's fundamental concerns have not been addressed through any consultation.</p>	<p>Prior to the submission of the EIS the proponent and their consultant team met with representatives of the City of Sydney on 25 November 2015 and 18 May 2016. Comments received from Council including those received during exhibition have informed the amendments to the Concept Proposal as outlined above.</p>
<i>Contributions</i>	
<p>The EIS states within the applicant's private development site will cost \$80m. The EIS</p>	<p>The proponent is the beneficiary of a long-term lease of the site from the NSW Government, a commercial arrangement forms part of this lease. A renewal of this commercial arrangement will be</p>

Item Raised	Proponent's Response
<p>claims upgrades will include a new private park. New private public art and ongoing maintenance of the private building. These are not public benefits. These should not be linked to any offset contributions.</p>	<p>required before any development consent is acted upon. This commercial arrangement will provide funds to the NSW Government and commit funds to the augmentation of open spaces associated with the proposal and therefore provide public benefit. Public art will be included in the detailed Stage 2 DA and consideration of in the competitive design process brief.</p>
<p><i>Private View Loss</i></p>	
<p>No detail of impacts to private view loss has been provided. There is no discussion of which residential buildings will be impacted.</p>	<p>An assessment of View Impact has been undertaken and is provided at Appendix G.</p>
<p><i>Land Owner's Consent</i></p>	
<p>There is no evidence that landowner's consent has been obtained by the NSW Government.</p>	<p>Owners consent will be provided to the Department of Planning and Environment prior to the Determination of the SSDA as per the requirements of the EP&A Regulations.</p>
<p>Office of Environment & Heritage</p>	
<p>The applicant has undertaken Aboriginal Heritage Due Diligence Report. OEH does not review or comment on due diligence reports as it is not a substitute for an Aboriginal cultural heritage assessment. A due diligence is not adequate to assess the development against Aboriginal archaeological and cultural heritage values. An Aboriginal Cultural Heritage Assessment</p>	<p>GML Heritage has clarified that the Aboriginal Due Diligence Report was labelled incorrectly and that this has led to confusion over the appropriateness of the original report. GML has confirmed the Aboriginal Heritage Due Diligence Report (Appendix T) is consistent with the request made by the Office of Environment and Heritage (OEH) and whilst an Aboriginal Cultural Heritage Assessment is not provided the Aboriginal Heritage Due Diligence Report has been prepared in accordance with OEH guidelines for Due Diligence. Consistent with the level of detail provided in a Stage 1 DA, it is the first stage in a process of assessing the potential for the Site to contain Aboriginal heritage sites, places, objects and/or values and whether these would be impacted by the future development.</p>

Item Raised	Proponent's Response
should be provided.	An Aboriginal Cultural Heritage Assessment will be included as part of the Stage 2 DA.
Heritage Council of New South Wales	
<p>There is an inconsistency between the supporting EIS recommending it is appropriate to redevelop the site through full scale salvage and the Historical Archaeological Assessment, which recommends archaeological test excavation to identify significant deposits and guide the design to limit the impacts to significant fabric. There is also no discussion of an assessment of the maritime resources and their significance which may be impacted by the proposed development.</p>	<p>As outlined in the EIS and as recommended by the Historical Archaeological Assessment and Aboriginal Heritage Due Diligence Report prepared by GML, test excavation is recommended to determine if any archaeological remains/items are present and to guide the design to limit impacts to significant fabric. These recommendations are included as mitigation measures at Section 7.0 of the amended EIS.</p> <p>A Maritime Archaeology Assessment is provided with the amended EIS and is discussed further at Section 7.16.2 of the report (refer to Appendix R).</p>
<i>Maritime Archaeology</i>	
<p>The EIS and Historical Archaeological Assessment have not considered the impact on resources and what mitigation measures can be adopted during design and construction.</p> <p>A detailed maritime archaeological assessment of these areas should be undertaken.</p> <p>Demolition works and any proposed</p>	<p>A Maritime Archaeology Assessment is provided with the amended EIS and is discussed further at Section 7.16.2 of the report (refer to Appendix R).</p>

Item Raised	Proponent's Response
<p>excavation works should be monitored by a suitably qualified and experienced maritime archaeologist.</p>	
<p><i>Historical Archaeology</i></p>	
<p>Intact archaeological resources exist along this corridor.</p> <p>A suitable repository for all historical archaeological artefacts recovered should be identified by the Applicant and appropriately catalogued to enable review by researchers in the future. The results of the archaeological fieldwork will inform an Interpretation Plan including the results of historical and maritime archaeological investigations. It should be prepared in accordance with the Heritage Council of NSW.</p>	<p>Noted. It is expected that this would be addressed as part of a Stage 2 (detailed) DA.</p>
<p>Environment Protection Authority New South Wales</p>	
<p>The Preliminary Site Investigation found that the site may have areas of environmental concern and associated chemicals of potential concern, heavy materials and asbestos. However, considered the site to be suitable for</p>	<p>Noted.</p>

Item Raised	Proponent's Response
<p>commercial development.</p> <p>The PSI recommended that an Unexpected Finds Protocol to manage unexpected contamination encountered during construction be implemented. The EPA recommends that further contamination be undertaken if the final project design is likely to differ significantly.</p>	