



Mr Oliver Klein  
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SURY HILLS NSW 2100

Our ref: MP 11\_0001 MOD 3

Dear Mr Klein

**Section 75W Request for Secretary's Environmental Assessment Requirements  
Maritime Facility (Former Sydney Heritage Fleet), Pyrmont - MP 11\_0001 MOD 3**

As requested, please find attached Secretary's environmental assessment requirements (SEARs) for the preparation of an Environmental Assessment (EA) for the above modification. These requirements have been prepared in consultation with relevant public authorities based on the information you have provided to date. Attached is also a copy of the public authorities' comments for your information (refer to **Attachment A**). Please note that the Secretary may alter these requirements at any time.

If you do not lodge the EA within 2 years of the issue of these SEARs, you must consult further with the Secretary in relation to the preparation of the EA.

The Department wishes to emphasise the importance of effective and genuine community consultation, where a comprehensive, detailed and genuine community consultation engagement process must be undertaken as early as possible in the preparation of the EA. This process must ensure that the community is provided with a good understanding of what is proposed, how this relates to the existing approval and provide a clear description of any additional impacts and how they can actively engage in issues of concern to them.

The Department will review the EA prior to exhibition to determine if it addresses the SEARs. Please contact the Department at least two weeks before you propose to submit your EA.

If you have any questions, please contact Andrew Hartcher, Senior Planning Officer, on (02) 9274 6446 or via email at [andrew.hartcher@planning.nsw.gov.au](mailto:andrew.hartcher@planning.nsw.gov.au).

Yours sincerely

Ben Lusher  
**Director**  
**Key Sites Assessments**  
as the Secretary's nominee



## **ATTACHMENT A – AGENCY COMMENTS**



# Secretary's Environmental Assessment Requirements

Section 75W of the *Environmental Planning and Assessment Act 1979*

<b>Application number</b>	MP 11_0001 MOD 3
<b>Project</b>	Construction of a Maritime Facility
<b>Location</b>	3 Bank Street Pyrmont
<b>Proponent</b>	Urban Growth NSW
<b>Date issued</b>	12 April 2017
<b>Expiry date</b>	If the modification application is not exhibited within 2 years after this date, the proponent must consult further with the Secretary in relation to the preparation of the environmental assessment.
<b>General requirements</b>	<p>The modification application must include:</p> <ul style="list-style-type: none"> <li>• An executive summary.</li> <li>• A description of the existing and surrounding environment.</li> <li>• A thorough description and justification of the proposal, including: <ul style="list-style-type: none"> <li>○ a detailed justification for any proposed changes in use, design and built form;</li> <li>○ identification and analysis of alternatives, and environmental impacts; and</li> <li>○ description of the public benefits arising from the proposal.</li> </ul> </li> <li>• Consideration of any statutory provisions (see below).</li> <li>• A detailed assessment of the key issues specified below, including: <ul style="list-style-type: none"> <li>○ a description of the existing environment; and</li> <li>○ an assessment of the potential impacts of the modifications, including cumulative impacts.</li> </ul> </li> <li>• An amendment to the approved Statement of Commitments (where relevant).</li> <li>• A conclusion justifying the proposal, taking into consideration the environmental impacts of the proposal, and the suitability of the site.</li> </ul>
<b>Key issues</b>	<p>The Environmental Assessment (EA) shall address the following:</p> <p><b>1. Relevant EPIs, Strategies, Plans and Guidelines</b></p> <ul style="list-style-type: none"> <li>• Demonstrate that the project will comply with the relevant requirements set out in the following environmental planning instruments, policies, plans and guidelines: <ul style="list-style-type: none"> <li>○ <i>State Environmental Planning Policy (State and Regional Development) 2011;</i></li> <li>○ <i>State Environmental Planning Policy (State Significant Precincts) 2005;</i></li> <li>○ <i>State Environmental Planning Policy (Infrastructure) 2007;</i></li> <li>○ <i>State Environmental Planning Policy 33 – Hazardous and Offensive Development;</i></li> <li>○ <i>State Environmental Planning Policy 55 - Remediation of Land;</i></li> <li>○ <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;</i></li> <li>○ <i>Sydney Regional Environmental Plan No. 26 (City West);</i></li> <li>○ <i>Sydney Harbour Foreshores and Waterways Area DCP 2005;</i></li> <li>○ <i>Sydney Local Environmental Plan 2012;</i></li> <li>○ <i>NSW 2021;</i></li> <li>○ <i>Towards Our Greater Sydney 2056;</i></li> <li>○ <i>Draft Central District Plan;</i></li> <li>○ <i>A Plan for Growing Sydney;</i></li> <li>○ <i>NSW Long Term Transport Master Plan;</i></li> <li>○ <i>Sydney's Walking Future 2013;</i></li> </ul> </li> </ul>

- *Sydney's Cycling Future 2013;*
- *Sydney's Bus Future 2013;*
- *Sydney's Rail Future 2013;*
- *Development Near Rail Corridors and Busy Roads 2008;*
- *the Bays Precinct Transformation Plan 2015;*
- *Bank Street Pyrmont Master Plan 2006;* and
- Nature and extent of any non-compliance with relevant environmental planning instruments, policies, plans and guidelines and justification for any non-compliance.

## **2. Built Form / Urban Design**

- Include detailed justification for the height, bulk and scale of the proposed development within the context of the locality, its impacts on amenity, views and vistas, and how it would successfully relate to the built form of the existing and future character of the surrounding area.
- Demonstrate design quality with specific consideration of the massing, waterfront interface, setbacks and visual impacts, including impacts on the waterway.
- Provide a detailed justification for the nature of any built structures proposed on site and specify a maximum period for temporary structures to be in place.
- Shadow diagrams.

## **3. Public Domain and Public Access**

- Identify scope for public domain improvements, proposed open space, public domain and linkages with and between other public domain spaces, including the waterfront.
- Details on the interface between the proposed uses, public domain, and the relationship to, and impact upon, the existing public domain, including demonstration of means of activating the public domain.
- Address existing and future opportunities for public access to the foreshore, and consider provision for public access along the foreshore above the mean high water mark.
- Demonstrate that the design of the foreshore access for the development proposal is compatible with the Sydney Harbour Cycleway and that a connection from the facility to potential developments adjacent to the site is maintained.

## **4. Visual Impacts**

- A visual impact assessment shall be undertaken to identify the visual changes and view impacts of the project to/from key vantage points and surrounding properties. Photomontages or perspectives should be provided showing the project.
- Ensure built structures are located to conserve views of the Anzac Bridge from key vantage points where possible.

## **5. Transport and Accessibility Impacts**

- Justification for the proposed quantum of on-site car parking with consideration of the relevant RMS guidelines and Australian Standards and the likely impacts of parking provision on the surrounding street network.
- Daily and peak traffic movements likely to be generated by the proposed development, including modelling and assessment of the performance of key intersections providing access to the site, and any upgrades (road/intersections) required because of the proposal.
- Identification of Travel Demand Management (TDM) measures that will optimise the opportunity provided by the project site's proximity to public

transport, including the preparation of a Work Place Travel Plan.

- In relation to construction traffic:
  - cumulative impacts associated with other construction activities on the site;
  - details of anticipated truck movements to and from the site;
  - details of access arrangements for workers to/from the site, emergency vehicles and service vehicle movements; and
  - impacts on the temporary cruise ship terminal.
- Details of any proposed transportation of waste materials via Sydney Harbour and proposed locations for handling materials.

#### **6. Marina Development**

- Justify the suitability of the site for a marina development, including the infrastructure required to accommodate the proposal in this location.
- Address the potential impacts due to marina construction and operations on marine vegetation, aquatic ecology.
- Provide a detailed review of existing water-based activities in the area and the impact of the proposal on these activities.
- Address the cumulative impact on increased boating activities in the locality including the provision of appropriate boating infrastructure.
- Demonstrated consultation with the Harbour Master of the Port of Sydney and Roads and Maritime Services regarding potential navigation impacts and safety, and detailing any mitigation measures to minimise navigation impacts.

#### **7. Flora and Fauna**

- Impacts on flora and fauna including threatened species, populations and endangered ecological communities and their habitats and steps taken to mitigate any identified impacts to protect the environment.

#### **8. Water Quality**

- Address potential impacts on water quality, including surface water controls, management of slipways, hardstands and vessels, management of sewerage waste from vessels, fuel and chemical storage and spill management.
- Assess the impacts of the proposal on surface and groundwater hydrology and quality.

#### **9. Air Quality and Odour**

- Address potential air quality and odour impacts in accordance with the relevant Environment Protection Authority guidelines.
- Identify the main air emission generating sources and activities from the proposed development during construction and operation.
- Identify measures to minimise and mitigate potential air quality and odour impacts on surrounding occupiers.

#### **10. Noise and Vibration**

- Address potential noise and vibration impacts in accordance with the relevant Environment Protection Authority guidelines.
- Identify the main noise and vibration generating sources and activities from the proposed development during construction and operation.
- Identify measures to minimise and mitigate potential noise and vibration impacts on surrounding occupiers.

#### **11. Drainage and Flooding**

- Address drainage/flooding issues associated with the site, including:
  - Stormwater and drainage infrastructure;

- Assessment of any flood risk in accordance with the guideline contained in the *NSW Floodplain Development Manual 2005*, including potential effects of climate change, sea level rise and an increase in rainfall intensity.

## **12. Waste Management**

- Identify all potential sources of liquid waste and non-liquid wastes as defined in the EPA's *Waste Classification Guidelines 2014*. The application should identify any waste that will be stored, separated or processed on the site and identify the procedures to be adopted to minimise, manage, dispose of this waste in accordance with the relevant standards and guidelines.

## **13. Utility Infrastructure**

- Address the existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure and additional licence/approval requirements in consultation with relevant agencies.
- Identify any potential impacts on existing utility infrastructure and service provider assets, and demonstrate how these will be protected or impacts mitigated.

## **14. Ecologically Sustainable Development (ESD)**

- Detail how ESD principles (as defined in clause 7(4) Schedule 2 of the EP&A Regulation 2000) will be incorporated in the design, construction and ongoing phases of the development.
- Outline resource, energy and water efficiency initiatives, including the use of sustainable technologies and or/renewable energy.
- Provide an integrated Water Management Plan including alternative water supply, proposed end uses of potable and non-potable water, water sensitive urban design and water conservation measures.

## **15. Contamination**

- Identification of any contaminated material on site and demonstrate compliance with the requirements of *State Environmental Planning Policy 55 - Remediation of Land*.

## **16. Climate Change and Sea Level Rise**

- An assessment of the risks associated with sea level rise on the proposal in accordance with current NSW Government guidelines.

## **17. Heritage**

- Identify whether any listed or potential heritage items are located within the project area. If any items are likely to be affected, prepare a Heritage Impact Statement.
- Prepare an Aboriginal and non-Aboriginal archaeological assessment detailing the likely impacts and outline the proposed management and mitigation measures to protect and preserve the archaeology.

## **18. Contributions**

- Address provision of public infrastructure, including Council's Section 94 Contributions Plan and/or details of any Voluntary Planning Agreement.

## **19. Statement of Commitments**

- The EA must include a Statement of Commitments detailing measures for environmental management, impact mitigation and on-going monitoring.



<b>Consultation</b>	<p>During the preparation of the modification application, you must consult with local, State or Commonwealth Government authorities, service providers, community groups and affected landowners, as relevant. In particular, you should consult with:</p> <ul style="list-style-type: none"> <li>• The City of Sydney Council;</li> <li>• Roads and Maritime Services;</li> <li>• Transport for NSW;</li> <li>• The Environment Protection Authority;</li> <li>• The Office of Environment and Heritage;</li> <li>• Property NSW;</li> <li>• The Department of Primary Industries; and</li> <li>• The Port Authority of NSW.</li> </ul> <p>The application must describe the pre-submission consultation process, issues raised and how the proposed development has been amended in response to these issues. A short explanation should be provided where amendments have not been made to address an issue.</p>
<b>Further consultation after 2 years</b>	<p>If you do not lodge a development application and EA for the development within 2 years of the issue date of these SEARs, you must consult further with the Secretary in relation to the preparation of the EA.</p>
<b>References</b>	<p>The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans. While not exhaustive, the following attachment contains a list of some of the guidelines and plans that may be relevant to the environmental assessment of this proposal.</p>

## Plans & Documents

<b>General requirements</b>	<p>The Environmental Assessment (EA) must include:</p> <ol style="list-style-type: none"> <li>1. An executive summary;</li> <li>2. A thorough site analysis including site plans, aerial photographs and a description of the existing and surrounding environment;</li> <li>3. A thorough description of the proposed development;</li> <li>4. An assessment of the key issues specified above and a table outlining how these key issues have been addressed;</li> <li>5. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project;</li> <li>6. The plans and documents outlined below;</li> <li>7. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;</li> <li>8. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project; and</li> <li>9. A conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.</li> </ol>
<b>Plans and Documents</b>	<p>The following plans and relevant documentation shall be submitted;</p> <ol style="list-style-type: none"> <li>1. An <b>existing site survey plan</b> drawn at an appropriate scale illustrating: <ul style="list-style-type: none"> <li>• the location of the land, boundary measurements, area (sqm) and north point;</li> <li>• the existing levels of the land in relation to buildings and roads;</li> <li>• location and height of existing structures on the site;</li> <li>• location and height of adjacent buildings and private open space; and</li> <li>• all levels to be to Australian Height Datum (AHD).</li> </ul> </li> <li>2. A <b>locality/context plan</b> drawn at an appropriate scale should be submitted indicating: <ul style="list-style-type: none"> <li>• significant local features such as parks, community facilities and open space and heritage items;</li> <li>• the location and uses of existing buildings, shopping and employment areas; and</li> <li>• traffic and road patterns, pedestrian routes and public transport nodes.</li> </ul> </li> <li>3. <b>Drawings</b> at an appropriate scale illustrating: <ul style="list-style-type: none"> <li>• the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land;</li> <li>• detailed plans, sections and elevations;</li> <li>• the height (AHD) of the proposed development in relation to the land; and</li> <li>• any changes that will be made to the level of the land by excavation, filling or otherwise.</li> </ul> </li> <li>4. <b>Shadow diagrams</b> showing solar access to the site and surrounding areas at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00</li> </ol>

	<p>pm.</p> <ol style="list-style-type: none"> <li>5. <b>3D modelling</b> of the proposal and the surrounding development in digital format in accordance with the relevant guidelines.</li> <li>6. <b>Visual Impact Assessment</b> - the visual impact assessment, including focal lengths, must be done in accordance with Land and Environment Court requirements, to/from key vantage points and surrounding land. Visual aids such as a photomontage must be used to demonstrate visual impacts of the project in particular having regard to siting, bulk and scale of built structures and their relationships with key areas.</li> <li>7. <b>Geotechnical Report</b> – prepared by a recognised professional which assesses the risk of Geotechnical failure on the site and identifies design solutions and works to be carried out to ensure the stability of the land and structures and safety of persons.</li> <li>8. <b>Landscape plan</b> - illustrating treatment of open space areas on the site, screen planting along common boundaries and tree protection measures both on and off the site.</li> <li>9. <b>Transport Impact Assessment.</b></li> <li>10. <b>Flora and Fauna Impact Assessment.</b></li> <li>11. <b>Integrated Water Management Plan.</b></li> <li>12. <b>Air Quality and Odour Impact Assessment.</b></li> <li>13. <b>Noise and Vibration Impact Assessment.</b></li> <li>14. <b>Waste Management Plan.</b></li> <li>15. <b>Ecologically Sustainable Design Report.</b></li> <li>16. <b>Heritage Impact Statement.</b></li> <li>17. <b>Archaeological Assessment.</b></li> <li>18. <b>Climate Change and Sea Level Rise Assessment.</b></li> <li>19. <b>Contamination Assessment.</b></li> <li>20. <b>Building Code of Australia Compliance Report and Accessibility Statement.</b></li> </ol>
<b>Documents to be submitted</b>	<ul style="list-style-type: none"> <li>• 1 hard copy and 1 electronic copy of all the documents and plans for the Test of Adequacy;</li> <li>• 5 hard copies of the documents (once the application has been determined adequate);</li> <li>• 4 hard copies of the plans at A3;</li> <li>• 4 copies of any photomontage boards at A0 in size illustrating east/west/south and north perspectives of the proposal; and</li> </ul>

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|  | <ul style="list-style-type: none"><li>• 4 copies of all the documentation and plans on USB (PDF format).</li></ul> |
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