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Our ref: SSD 6611-2014

Ms Katy Johnson
Senior Project Manager
Sydney Harbour Foreshore Authority
Level 6, 66 Harrington Street
THE ROCKS NSW 2000

Dear Ms Johnson

**SEARs for Cockle Bay Marine Structures and Marina Upgrade Project,
Cockle Bay (SSD 6611)**

Please find attached a copy of the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for a marina and marine structures upgrade at Cockle Bay.

These requirements have been prepared in consultation with relevant government agencies based on the information you have provided to date. I have also attached a copy of the government authorities' comments for your information (Attachment 1). Please note that the Secretary may alter these requirements at any time.

If you do not lodge a development application (DA) and EIS for the development within 2 years, you must consult further with the Secretary in relation to the preparation of the EIS.

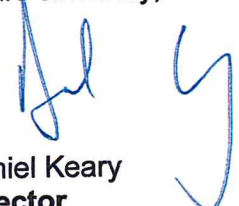
Prior to exhibiting the EIS that you submit for the development, the department will review the document in consultation with the relevant agencies to determine if it addresses the requirements in Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*.

I would appreciate it if you would contact the department at least two weeks before you propose to submit your EIS. This will enable the department to:

- confirm the applicable fee (see Division 1AA, Part 15 of the *Environmental Planning and Assessment Regulation 2000*); and
- determine the number of copies (hard-copy and CD-ROM) of the EIS that will be required for reviewing purposes.

Your contact officer, Andrew Hartcher, can be contacted on 02 9228 6503 or at andrew.hartcher@planning.nsw.gov.au. Please mark all correspondence regarding the proposal to the attention of the contact officer.

Yours sincerely,

 13/8/14
Daniel Keary
Director
Industry, Key Sites and Social Projects
as the Secretary's nominee

Secretary's Environmental Assessment Requirements
Section 78A(8A) of the *Environmental Planning and Assessment Act 1979*
Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

Application Number	SSD 6611 - 2014
Proposal Name	<p>The Cockle Bay Marina and Marine Structures Upgrade Project which includes:</p> <ul style="list-style-type: none"> • Demolition of the existing waterfront steps, jetty and promenade located on the western side of Cockle Bay; • Replacing the waterfront steps with a new floating pontoon; • Replacing the waterfront jetty with a new fixed jetty or floating pontoon; • Replacing the waterfront promenade with a new floating pontoon with heritage interpretation; • Demolition of the existing marina on the eastern side of Cockle Bay; and • Replacing the existing marina with a new commercial marina to the north of its current location.
Location	Cockle Bay, Darling Harbour, Sydney (Lot 1010 DP 1147364 and Lot 63 DP 1009964)
Applicant	Sydney Harbour Foreshore Authority
Date of Issue	13 August 2014
General Requirements	<p>The Environmental Impact Statement (EIS) must address the <i>Environmental Planning and Assessment Act 1979</i> and meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development.</p> <p>Where relevant, the assessment of the key issues below, and any other significant issues identified in the assessment, must include:</p> <ul style="list-style-type: none"> • Adequate baseline data; • Consideration of potential cumulative impacts due to other development in the vicinity; and • Measures to avoid, minimise, and if necessary, offset the predicted impacts, including detailed contingency plans for managing any significant risks to the environment. <p>The EIS must be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> • A detailed calculation of the capital investment value (as defined in clause 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>) of the proposal, including details of all assumptions and components from which the CIV calculation is derived; • An estimate of the jobs that will be created by the development during the construction and operational phases of the development; and • Certification that the information provided is accurate at the date of preparation.
Key issues	<p>The EIS must address the following specific matters:</p> <p>1. Environmental Planning Instruments, Policies and Guidelines</p> <ul style="list-style-type: none"> • Address the relevant statutory provisions applying to the site contained in the relevant EPIs, including: <ul style="list-style-type: none"> ◦ <i>State Environmental Planning Policy (State and Regional Development) 2011</i>;

	<ul style="list-style-type: none"> ○ <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;</i> ○ <i>Sydney Harbour Foreshores and Waterways Development Control Plan 2005;</i> ○ <i>State Environmental Planning Policy No. 55 – Remediation of Land;</i> ○ <i>State Environmental Planning Policy No. 64 – Advertising and Signage; and</i> ○ <i>Darling Harbour Development Plan No 1.</i> <ul style="list-style-type: none"> • Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance. • Address the relevant provisions, goals and strategic objectives in the following: <ul style="list-style-type: none"> ○ <i>NSW 2012;</i> ○ <i>Draft Metropolitan Plan for Sydney 2031; and</i> ○ <i>Draft Sydney Sub-Regional Strategy NSW.</i> <p>2. Design and Justification</p> <ul style="list-style-type: none"> • Details on the proposed design of all structures including construction plans and drawings and methods of construction; • The adequacy of marina design in accordance with the relevant Australian Standards; • Design quality with specific consideration to the footprint, proposed materials and colours, waterfront interface, setbacks and visual impacts of all proposed structures and berthed vessels; • Justification for development as a whole, in particular the number of berths and the size of occupation of the waterway; and • An assessment of the need for on-water boat storage (including boat length, height and type) in the locality and region, including justification for any proposed changes to existing berthing facilities. <p>3. Public Access</p> <ul style="list-style-type: none"> • Consideration of existing and future opportunities/benefits for public access to and along the foreshore and waterfront including pedestrian linkage improvements; • Identification of 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; and • Address existing and future opportunities/benefits for public access to and along the foreshore and waterfront. <p>4. Navigation and Safety</p> <ul style="list-style-type: none"> • A review of existing boating activities in the area and an assessment of the impacts of the development on water based traffic, waterway access (including equity), waterway sharing and existing users of Cockle Bay and Darling Harbour in the vicinity of the marina; • Consideration of the potential impact of increased vessel movements likely to be generated by the proposal (if any) on the existing users of Cockle Bay and Darling Harbour and ferry operations at the King Street, Sydney Aquarium and Pyrmont Bay wharves; and • Consideration of measures to ensure the safety of any recreational users of Cockle Bay and Darling Harbour. <p>5. Visual Impacts</p> <ul style="list-style-type: none"> • Including an assessment of the visual impact of the proposal, particularly on: <ul style="list-style-type: none"> ○ Land uses along the foreshore areas of Cockle Bay and Darling Harbour;
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- Water uses of Cockle Bay and Darling Harbour;
- Private properties and significant vantage points in the public domain; and
- The scenic quality of Cockle Bay.

6. Heritage

- The EIS is to include a Heritage Impact Statement (HIS) which must assess the likely impacts of the proposal on the significance of heritage items in the vicinity of the site including the Pyrmont Bridge, Woodward Water Feature and the former Sydney ferry and floating restaurant *SS South Steyne*;
- The HIS is also to include an assessment of any potential marine archaeological items or relics (both above and below water and under historical reclamation areas) that may be impacted by the proposal, including strategies and procedures to be followed in the case of an unexpected discovery of items or relics of significance to indigenous and non-indigenous community.

7. Transport and Accessibility Impacts

- Demonstrate the provision of sufficient car parking in accordance with the relevant Australian Standards (AS 3962-2001) and secure bicycle storage and amenities for the amended proposal having regard to accessibility of the site to public transport, local planning controls and Roads and Maritime Services (RMS) guidelines; and
- A Traffic Impact Assessment (TIA) is to be prepared in accordance with the RMS's *Guide to Traffic Generating Developments*, considering traffic generation, any required road / intersection upgrades, access, measures to promote public transport usage and pedestrian and bicycle linkages resulting from the development. The TIA is to assess the cumulative impact of the proposal associated with other construction and operational activities on the site and the surrounding area.

8. Flora and Fauna

- Assessment of potential impacts on any flora and fauna, including threatened species, populations or communities (e.g. *Psodonia seagrass*) or their habitats; and
- Recommendation of appropriate mitigation measures during construction and operation, including potential impacts of shading from fixed facilities and permanently berthed vessels.

9. Water Quality and Contamination

- Undertake an assessment of the potential impacts on water quality of Cockle Bay and Darling Harbour. Relevant consideration should be given to the *National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality* (ANZECC/ARMCANZ), the *ANZECC Guideline and Water Quality Objectives in NSW* (OEH) and *Approved Methods for the Sampling and Analysis of Water Pollutants in NSW* (OEH);
- Assess the impacts of the proposal on surface and groundwater quality and hydrology.
- The assessment must include details of proposed erosion and sediment controls (during construction), the proposed stormwater management system (during operations) and management and mitigation measures for the containment of pollutants (e.g. fuel and sewage) and prevention of potential water quality impacts during construction and operation;
- Assess the potential for the development to intercept groundwater, including predicted groundwater dewatering volumes and disposal methods;
- Assess the potential impact of the development on groundwater flow

paths and discharge flows;

- Identification of any water licensing requirements or other approvals required under the *Water Act 1912* or *Water Management Act 2000*;
- Assess the geotechnical and contamination issues (including Acid Sulphate Soils) associated with the construction of the development including the contamination status of the sediments to be disturbed, the impacts associated with disturbance of sediment, and the management and mitigation measures to be employed during marine works; and
- Include a suitable water quality monitoring program.

10. Air Quality and Odour

- An Air Quality Impact Assessment including odour during construction and operation prepared in accordance with relevant Environment Protection Authority guidelines shall be submitted. This assessment must consider any potential impacts on nearby private receptors.

11. Noise and Vibration

- A Noise and Vibration Impact Assessment during construction, operation and traffic prepared in accordance with the relevant Environment Protection Authority guidelines shall be submitted. This assessment must consider any potential impacts on nearby private receptors.

12. Waste Management

- Identify all potential sources of liquid waste and non-liquid wastes as defined in the EPA's *Waste Classification Guidelines 2008*. The EIS 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. Sea Level Rise

- The EIS must assess the risks associated with sea level rise on the proposal.

14. Infrastructure Servicing

- Detail the existing infrastructure on site and identify possible impacts on any such infrastructure from the proposal;
- Detail measures to mitigate the impacts of the proposal on any infrastructure items, including proposed relocation; and
- Detail of water supply, consideration of water sensitive urban design and water conservation measures.

15. Social Impacts

- Consideration of social impacts including but not limited to potential impacts on existing community facilities and services, employment opportunities, transport infrastructure and public safety.

16. Construction Impacts

- Identify measures to ameliorate potential construction impacts including to vehicular, pedestrian and maritime access, noise and vibration, air quality, erosion and sediment control, water quality and waste management.

17. Event Management

- An assessment of event management and recreational capacity, including passive and active recreational opportunities; and
- If events are proposed within the public domain, an event plan of management must be provided. This plan will also inform traffic and maritime management.

	<p>18. Staging</p> <ul style="list-style-type: none"> • Details regarding the staging of the proposed development. <p>19. Ecologically Sustainable Development (ESD)</p> <ul style="list-style-type: none"> • Identify how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development. <p>20. Consultation</p> <ul style="list-style-type: none"> • Undertake an appropriate and justified level of consultation in accordance with the Department's <i>Major Project Community Consultation Guidelines October 2007</i>. <p>21. Contributions</p> <ul style="list-style-type: none"> • The EIS shall address applicable developer contributions and/or details of any Voluntary Planning Agreement.
Consultation	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>In particular you must consult with:</p> <ul style="list-style-type: none"> • City of Sydney Council; • Transport for NSW; • Roads and Maritime Services; • Port Authority of NSW; • Environment Protection Authority; • Office of Environment and Heritage; • Sydney Water Corporation; and • Department of Primary Industries. <p>The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>
Further consultation after 2 years	<p>If you do not lodge a development application and EIS 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 EIS.</p>
References	<p>The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified.</p>

Policies & Guidelines

Design	
	EIS Guideline: Marinas and Related Facilities 1996 (DUAP)
	AS 3962-2001 Guidelines for design of marinas 2001 (Australian Standards)
Heritage	
Aboriginal	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC)
	NSW Heritage Manual (NSW Heritage Office & DUAP)
Non- Aboriginal	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)
	Assessing Significance for Historical Archaeological Sites and Relics (OEH, 2009)
	How to Prepare Archival Records of Heritage Items (OEH, 1998)
	Levels of Heritage Significance (OEH, 2008)
	Movable Heritage Principals (OEH, 2000)
General	Objects in Their Place: An Introduction to Movable Heritage (OEH, 2004)
	Photographic Recording of Heritage Items Using Film or Digital Capture (OEH, 2006)
	Revealing the Past: An Introduction to Maritime Archaeology (OEH, 2004)
	Stabilising Stuff: A Guide for Conserving Archaeological Finds in the Field (OEH, 2012)
	Statements of Heritage Impact (OEH, 2002)
Transport	
	Guide to Traffic Generating Development (RMS)
	Guide to Road Design (AUSTROADS)
	Guide to Traffic Management – Part 12: Traffic Impacts of Development (AUSTROADS)
Flora and Fauna	
	Draft Guidelines for Threatened Species Assessment under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> (DEC)
	DECCW's Threatened Species Assessment Guidelines – Assessment of Significance (2007).
	Policy and Guidelines for Fish Habitat Conservation and Management (NSW Fisheries, 2013)
	The NSW State Groundwater Dependent Ecosystem Policy (DLWC)
Water Management	
	National Water Quality Management Strategy: Water quality management - an outline of the policies (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Policies and principles - a reference document (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Implementation guidelines (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)
Surface Water	National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)
	Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC)
	State Water Management Outcomes Plan
	NSW Government Water Quality and River Flow Environmental Objectives (DECC)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC)
	Managing Urban Stormwater: Soils & Construction (Landcom)
	Managing Urban Stormwater: Treatment Techniques (DECC)

Groundwater	Managing Urban Stormwater: Source Control (DECC)
	Technical Guidelines: Bunding & Spill Management (DECC)
	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	NSW State Groundwater Policy Framework Document (DLWC)
	NSW State Groundwater Quality Protection Policy (DLWC)
	NSW Aquifer Interference Policy (NOW, 2012)
	NSW Water Extraction Monitoring Policy (2007)
	Guidelines for the Assessment and Management of Groundwater Contamination (DECC)
Contamination	
	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC & NHMRC)
	National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPC)
	Draft Guidelines for the Assessment & Management of Groundwater Contamination (DECC)
	State Environmental Planning Policy No. 55 – Remediation of Land
	Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land (DOP)
	Guidelines for Consultants on Reporting on Contaminated Sites (1997) (EPA)
	Contaminated Land Management Act 1997
Air Quality	
	Protection of the Environment Operations (Clean Air) Regulation 2002
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (OEH)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (OEH)
	Protection of the Environment operation (Clear Air) Regulation
	Environmental Health Risk Assessment Guidelines for Assessing Human Health Risks from Environmental Hazards (Department of Health and Ageing and Health Council)
	Assessment and Management of Odour from Stationary Sources in NSW: Technical Framework 2006
Noise	
	NSW Industrial Noise Policy 2000 (EPA)
	NSW Industrial Noise Policy – application notes 2013 (EPA)
	NSW Road Noise Policy 2001 (DECCW)
	NSW Road Noise Policy – application notes 2013 (EPA)
	Assessing Vibration: A Technical Guideline 2006 (DEC)
	Interim Construction Noise Guideline 2009 (DECC)
Waste	
	Waste Avoidance and Resource Recovery Strategy (Resource NSW)
	Waste Classification Guidelines 2008 (EPA)

Plans & Documents

Plans and Documents	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Environmental Planning and Assessment Regulation 2000. Provide these as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include the following:</p> <ol style="list-style-type: none"> 1. An existing site survey plan drawn at an appropriate scale illustrating: <ul style="list-style-type: none"> • the location of the land, boundary measurements, area (sq.m) and north point; • the existing levels of the land in relation to buildings and roads; • location and height of existing structures on the site; • location and height of adjacent buildings and private open space; and • all levels to be to Australian Height Datum (AHD). 2. A locality/context plan drawn at an appropriate scale should be submitted indicating: <ul style="list-style-type: none"> • significant local features such as parks, community facilities and open space and heritage items; • the location and uses of existing buildings, shopping and employment areas; and • traffic and road patterns, pedestrian routes and public transport nodes. 3. Drawings at an appropriate scale illustrating: <ul style="list-style-type: none"> • 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; • detailed plans, sections and elevations of the promenade and parkland, including all temporary and permanent structures; • the height (AHD) of the proposed development in relation to the land; and • any changes that will be made to the level of the land by excavation, filling or otherwise.
Documents to be submitted	<ul style="list-style-type: none"> • 1 hard copy and 1 electronic copy of all the documents and plans for review prior to exhibition; • 13 hard copies and 13 electronic copies of the documents and plans (once the application is considered acceptable); and • 1 copy of all the documentation and plans on CD-ROM (PDF format), not exceeding 5Mb in size.

Attachment 1 – Government Authority Comments