

Modification of Development Consent

Section 96(1A) of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation dated 11 October 2017, I approve the modification application referred to in Schedule 1, subject to the conditions in Schedule 2.



Ben Lusher
Director
Key Sites Assessments

Date: 12 DECEMBER 2017 Sydney

SCHEDULE 1

Development Approval: SSD 6511 granted by the Secretary on 13 November 2015

For the following: Renewal of marine structures at Cockle Bay, Darling Harbour, including:

- Demolition and removal of the harbourside jetty, promenade and steps, convention wharf and marina;
- Construction of a floating pontoon pedestrian walkway incorporating a 45 m pick-up and drop-off facility for passenger of charter and tourism vessels, private water transport services and water taxis; and
- Construction of a floating pontoon marina providing 40 short stay berths, a water taxi pick-up and drop-off zone, and an event staging and event barge storage area.

Applicant: Sydney Harbour Foreshore Authority

Consent Authority: Minister for Planning

The Land: Cockle Bay, Darling Harbour (Lot 11 in DP 1082970, Lot 1010 in DP 1147364 and Lot 63 in DP 1009964)

Modification: SSD 6511 MOD 1: Extend the floating pontoon walkway (23.9 m long by 3 m wide) under the Pyrmont Bridge, adjacent to the Australian National Maritime Museum.

SCHEDULE 2

The above approval is modified as follows:

1. Part A – Administrative Condition – Condition A2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of ~~struck-out~~ words/numbers as follows:

A2 The Applicant shall carry out the project generally in accordance with the:

- a) State Significant Development Application SSD 6611;
- b) Environmental Impact Statement entitled 'Cockle Bay Marine Structures Renewal' and accompanying appendices, prepared by Environet dated May 2015;
- c) Response to Submissions report entitled 'SSD 6611 Cockle Bay Marine Structures Renewal Response to Submissions' and accompanying appendices, 'SSD 6611 Cockle Bay Marine Structures Renewal Response to Submissions – Addendum 1' and accompanying appendices, 'SSD 6611 Cockle Bay Marine Structures Renewal Response to Submissions – Addendum 2' and accompanying appendices prepared by Sydney Harbour Foreshore Authority;
- d) **The EIS and RTS, as modified by the section 96(1A) modification application (SSD 6511 MOD 1) and supporting documents lodged by Environet Consultancy Pty Ltd on 31 August 2017 and 14 November 2017;**
- e) The conditions of this consent; and
- f) The following drawings, except for:
 - i) any modifications which are Exempt or Complying Development; and
 - ii) otherwise provided by the conditions of this consent.

Schematic Design Drawings prepared by Mott MacDonald			
Drawing No.	Revision	Name of Plan	Date
MMD-341498-C-DR-3000	P5	General Arrangement Plan	19.08.15
MMD-341498-C-DR-3010	P5	Layout Plan – East Sheet 1 of 2	19.08.15
MMD-341498-C-DR-3011	P1	Layout Plan – East Sheet 2 of 2	19.08.15
MMD-341498-C-DR-3020	P5	Layout Plan – West Sheet 1 of 3	19.08.15
MMD-341498-C-DR-3021	P1	Layout Plan – West Sheet 2 of 3	19.08.15
MMD-341498-C-DR-3022	P1 <u>05</u>	Layout Plan – West Sheet 3 of 3	19.08.15 <u>13.09.16</u>
MMD-341498-C-DR-4000	P4	Long Sections – East	19.08.15
MMD-341498-C-DR-4010 <u>4011</u>	P3 <u>02</u>	Long Sections – West <u>Long Sections – West Sheet 2 of 2</u>	19.08.15 <u>13.09.16</u>
<u>MMD-341498-S-DR-6017</u>	<u>00</u>	<u>Developed Design Fixed Structures Detail Sheet 7 of 7</u>	<u>13.09.16</u>
<u>MMD-341498-C-DR-3005</u>	<u>4</u>	<u>Indicative Staging Plan</u>	<u>13.09.16</u>

2. Schedule B – Prior to commencement of works – Condition B12 is amended by the insertion of the **bold and underlined** and ~~struck-out~~ as follows:

RELOCATION OF PILES OF MARINE STRUCTURES

B12 Prior to the commencement of works, the Applicant is to prepare and submit for the approval of the Secretary, a revised plan/s and documentation demonstrating that the location of **all 60** the piles of the marine structures have been adjusted to not be located within the footprint of any former wharves and jetty structures dating from before 1850 as documented in the Cockle Bay Marine Structures Redevelopment – Response to Heritage Council's Comments by Cosmos Archaeology Pty Ltd dated.

3. Schedule E – During operation – Condition E8 is amended by the insertion of the **bold and underlined** words/numbers and deletion of ~~struck-out~~ words/numbers as follows:

VESSEL MAINTENANCE, SEWERAGE PUMP-OUT AND ANTIFOULING

E8 No vessel maintenance, sewerage pump-out or antifouling of vessels is permitted in the marina.

4. Schedule B – Prior to commencement of works – Condition B19 is amended by the insertion of the bold and underlined words/numbers and deletion of ~~struck-out~~ words/numbers as follows:

B19 Prior to the commencement of works, the Applicant shall prepare and implement a Construction Noise and Vibration Management Plan, which shall address the following **(inclusive of the extension to the walkway and The Cockle Bay Marine Structures Renewal Project – Addendum Report, Noise Assessment of Modification Application SSD 6611):**

- a) be prepared by a suitably qualified expert;
- b) be prepared in accordance with relevant EPA guidelines;
- c) identify any annoying or intrusive noise generating activities;
- d) describe the proposed feasible and reasonable noise and vibration mitigation and management measures in detail including measures identified in the Acoustic Assessment accompanying the EIS, include the adoption of screw piling rather than driven piling (if possible) a noise respite period from 12.00 pm to 2.00 pm (to reduce impacts during lunchtime trade of surrounding commercial receivers) and notification of surrounding receivers in advance of work commencing;
- e) include strategies that have been developed with the community, including providing noise sensitive receivers with relevant information relating to project noise management levels and notification of expected timing and duration of expected minor exceedances;
- f) evaluate and report on the effectiveness of the noise and vibration management measures; and
- g) include a complaints management system that would be implemented for the duration of the construction of the project.

End of Modifications to SSD 6511 MOD 1

