

HQ/AC  
14562  
26 May 2016

Carolyn McNally  
Secretary  
Department of Planning and Environment  
23-33 Bridge Street  
Sydney

Dear Ms McNally,

### **241 – 249 WHEAT ROAD, COCKLE BAY, SEARS REQUEST**

We are writing on behalf of DPT Operator Pty Ltd and DPPT Operator Pty Ltd, together the Proponent for the development at 241 – 249 Wheat Road, Cockle Bay (the Site). The purpose of this letter is to request the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) to accompany a Staged Development Application (DA) for a proposed redevelopment of the Site. The Staged DA will be made under section 83B of the *Environmental Planning & Assessment Act, 1979* (EP&A Act).

The Cockle Bay Wharf centre was constructed in 1998 and has been a hub for bars and restaurants ever since. The Site is located within the 'Cultural Ribbon', as identified within *A Plan For Growing Sydney* (DP&E, 2014). Venues within the Cultural Ribbon are identified as being important to Sydney's tourism and entertainment industries, contributing to the CBD being Australia's pre-eminent tourist destination. Over the past five years much of the Darling Harbour precinct has been redeveloped, the Cockle Bay Wharf centre remains as one of the last areas to benefit from this update.

The proponent is considering its options for the site, including a significant new retail shopping centre, which would feature new bars and restaurants along with a commercial office tower. The redevelopment of the Site presents a significant opportunity to vastly improve the public domain and pedestrian permeability between the western CBD and Darling Harbour. This improved public domain and pedestrian connectivity will be a fundamental aspect of the redevelopment scheme.

The Staged DA will seek consent for land uses, gross floor area, building envelopes, public domain concept, pedestrian and vehicle access and circulation arrangements, and associated car parking provision. Future separate DAs will be lodged for the detailed design and construction of the development.

The Site is located largely within the Darling Harbour precinct, which is identified as a State Significant Site in Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*. As the proposed development will have a capital investment exceeding \$10 million, it is declared to be State Significant Development (SSD) for the purposes of the EP&A Act.

To support the request for the SEARs, the following information is provided:

- A description of the site and its local context;
- A summary of the proposal, including a discussion of the key parameters and anticipated matters for consideration;
- A summary of the key environmental planning instruments applicable to the proposal;
- An outline of the expected key deliverables associated with the proposal; and

- Proposed parties to be considered for consultation.

## 1.0 THE SITE

The Site is located to the immediate south of Pyrmont Bridge, within the Sydney CBD on the eastern side of the Darling Harbour precinct. The Site is located within the City of Sydney local government area (LGA). A locational context area plan and location plan are provided at **Figure 1** below.



Indicative Site Area 

**Figure 1** – Indicative Site Area

Source: JBA



As the design is being finalised the site area will be fully identified within the EIS (in particular the extent of public domain works), the indicative Site is legally described as part of the following lots:

- Lot 10 DP 801770
- Lot 19 DP 801770
- Lot 30 DP 1007434
- Lot 32 DP 1007434
- Lot 42 DP 864696
- Lot 60 DP 1009964
- Lot 61 DP 1009964
- Lot 63 DP 1009964
- Lot 64 DP 1009964
- Lot 65 DP 1009964

The Darling Harbour precinct is undergoing significant redevelopment as part of the SICEEP and Barangaroo projects. The urban, built form and public transport / pedestrian context for the area will fundamentally change as these developments are progressively completed.

Photographs of the buildings on the site are provided below as **Figure 2** to **Figure 4**.



**Figure 2** – The site viewed from the south



Figure 3 – The Site

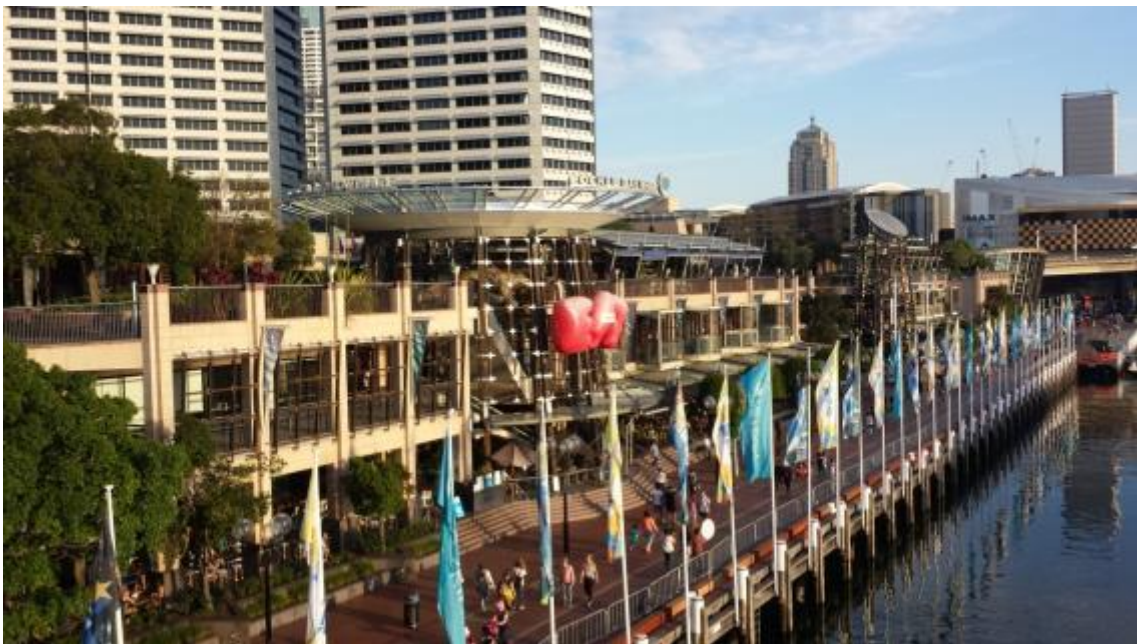


Figure 4 – The Site viewed from Pymont Bridge



**Figure 5** – the Site viewed from the east, across the Western Distributor Freeway (pedestrian bridge visible at left of shot)

Access to the site is currently available from Cockle Bay Wharf and from the CBD via localised pedestrian bridges located to the north and south of the building (adjoining Market Street and Druiitt Street respectively). A pedestrian bridge accessible from within the Darling Park complex is also located to provide access to the rear of the building from the east (as noted in **Figure 5**).

## 2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

The SSD application will seek consent for the following:

- Demolition of existing structures;
- Staged DA (Concept approval) for construction of new buildings which will potentially provide:
  - Retail areas;
  - Bars and restaurants;
  - Commercial offices; and
- Significant upgrades to public domain

A fundamental component of the redevelopment proposal will be to significantly improve pedestrian permeability and connectivity of the CBD to Darling Harbour through the construction of a land bridge over the Western Distributor and a direct path of access from the harbour to Market Street.

As stated above, it is intended to lodge a Staged DA under Section 83B of the EP&A Act for the development. The Staged DA will seek consent for land uses, gross floor area, building envelopes, public domain concept, pedestrian and vehicle access and circulation arrangements and associated car parking provision. It will also incorporate strategies to a concept level of detail with respect to utilities services provision, drainage and ESD. Future separate DAs will be lodged for the detailed design and construction of the development.

It is envisaged that the total GFA for the scheme will fall within the following range:

- Commercial GFA: 100,000m<sup>2</sup> – 110,000 m<sup>2</sup>; and
- Retail GFA: 20,000m<sup>2</sup> – 25,000m<sup>2</sup>.

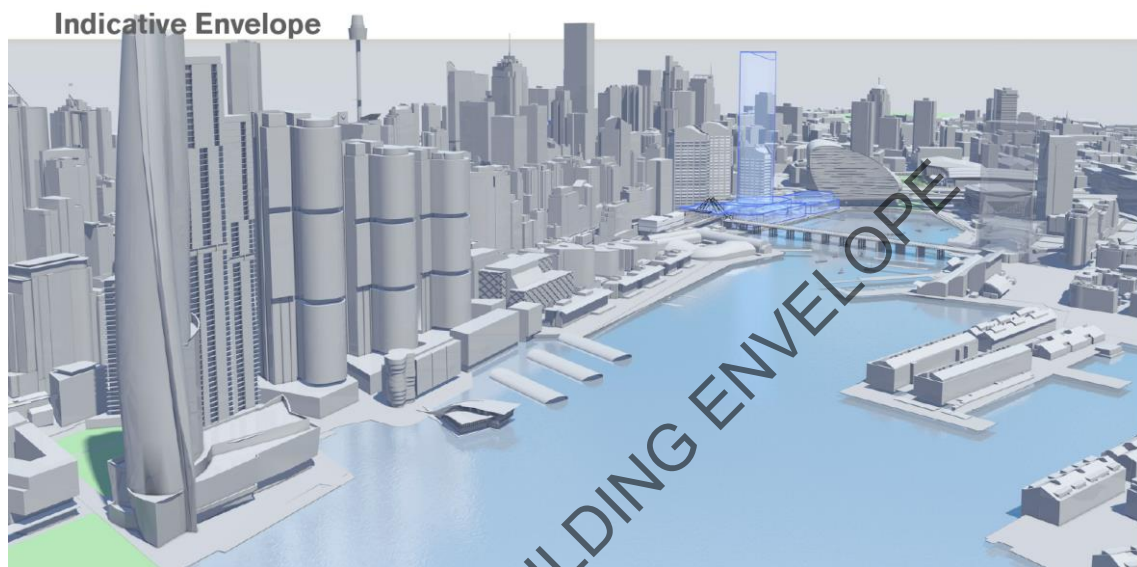
The redevelopment of the site is expected to contribute to the overarching *Plan for Growing Sydney*, which is a long-term planning framework, the objectives of which are to sustainably



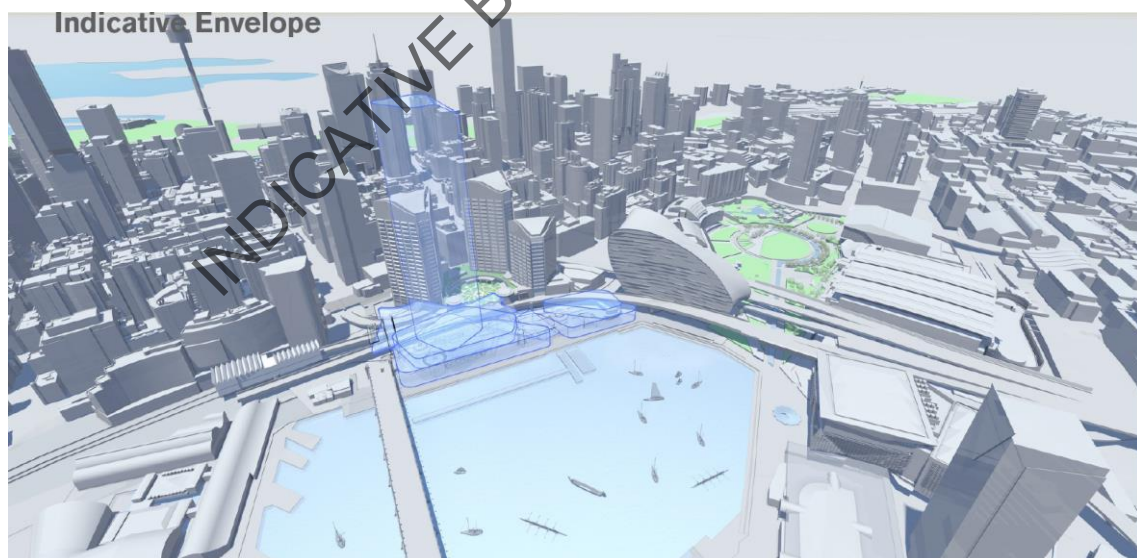
manage Sydney's growth and strengthen its economic development. The proposal is consistent with the broad objectives and vision of the Plan as it will deliver office floor space, retail precincts and improved public domain that further contributes to Sydney as a global entertainment, tourist, cultural and commercial precinct.

Although preliminary designs for the envisaged scheme are still being developed an indication of the proposed building envelopes, along with indicative plans for the site area are provided in **Figure 6**, **Figure 7** and **Figure 8**. Further details on the envisaged upgrades to the public domain can be found in **Appendix A**. The Concept is currently being developed with multi-award winning architects FJMT, who have recently undertaken or are completing a number of landmark projects such as CBA Darling Quarter, Liberty Place, and 200 George Street.

The proponents will work closely with the City of Sydney Council on the Stage 1 DA and engage in a process to ensure design excellence is achieved within design of the Stage 2 DA.



**Figure 6** – Envisaged building envelope (viewed from north)



**Figure 7** – Envisaged building envelope (viewed from west)



Figure 8 – Indicative site area

### 3.0 PLANNING CONTEXT

The following are the key relevant legislation and environmental planning instruments that will apply to the proposed development:

- *Environmental Planning and Assessment Act, 1979*;
- *State Environmental Planning Policy (State & Regional Development) 2011*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy No.55 – Remediation of Land*;
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (Harbour REP); and
- *Darling Harbour Development Plan No. 1* (DHDP).

The EP&A Act establishes the assessment framework for State Significant Development. Under Section 89D of the EP&A Act, the Minister for Planning is the consent authority for State Significant Development. Section 78A(8A) requires that a development application for SSD is to be accompanied by an EIS.

Pursuant to Section 83B of the EP&A Act a Staged DA may be made setting out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent DAs.

#### 3.1 State Environmental Planning Policy (State and Regional Development) 2011

The Site is located within the Darling Harbour precinct, which is identified as a State Significant Site in Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*. As the proposed development will have a capital investment exceeding \$10 million, it is declared to be State Significant Development (SSD) for the purposes of the EP&A Act.



**Figure 3 – The Site**

Source: Darling Harbour State Significant Development Site Map (State and Regional SEPP 2011)

Certain elements of the proposed development, notably the pedestrian connections to the CBD, are subject to detailed design development and may fall outside of the Darling Harbour State Significant Site.

Clause 8 of the State and Regional Development SEPP states that: *If a single proposed development the subject of one development application comprises development that is only partly State significant development ... the remainder of the development is also declared to be State significant development.* The implication of this is that the elements of the project that fall outside the Darling Harbour State Significant Site are also State Significant Development. Owner's consent for these parcels of public domain land will be required at the relevant time.

### 3.2 Environmental Planning and Assessment Act 1979

The EP&A Act establishes the assessment framework for SSD. Under Section 89D of the Act the Minister for Planning is the consent authority for SSD. Section 78A(8A) requires that a development application for SSD is to be accompanied by an EIS in the form prescribed by the Regulations.

### 3.3 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Harbour REP applies to the Site. The Site is not zoned under the Harbour REP, however is located within the City Foreshores Area Strategic Foreshore Site and is also within the Foreshores and Waterways area. The consent authority is required to take into consideration a number of matters when assessing any development application for this area. These matters are generally as follows:

- Biodiversity, ecology and environmental protection;
- Public access to, and use of, foreshores and waterways;
- Maintenance of a working harbour;
- Interrelationship of waterway and foreshore uses;
- Foreshore and waterway scenic quality; and
- Maintenance protection and enhancement of views.



### 3.4 Darling Harbour Development Plan No. 1

The principal environmental planning instrument applicable to the Site is the *Darling Harbour Development Plan No. 1* (DHDP). Clause 6 in conjunction with Schedule 1 of the DHDP specifies land use permissibility, which includes development for the purposes of commercial/retail facilities. The proposal is permissible with consent and considered to satisfy the objectives of the DHDP. There are no height, FSR or other development controls contained within the DHDP.

### 3.5 Other relevant considerations

Other relevant policies and guidelines considered to be of particular relevance to the future redevelopment of Cockle Bay Wharf include:

- *A Plan for Growing Sydney*;
- *Sustainable Sydney 2030*;
- *Development Near Rail Corridors and Busy Roads – Interim Guideline*;
- Planning Guidelines for Walking and Cycling;
- NSW Bike Plan 2010;
- Cycle Strategy and Action Plan 2007 – 2017; and
- Crime Prevention Through Environmental Design Principles.

## 4.0 OVERVIEW OF LIKELY ENVIRONMENTAL AND PLANNING ISSUES

Based on our preliminary environmental assessment, the following are the key environmental assessment issues that will need to be considered as part of the future DA:

The key issues associated with the redevelopment of the site include:

- Compliance with strategic and statutory plans;
- Urban and architectural design;
- Public domain interface;
- Heritage;
- Traffic and access;
- Infrastructure and services;
- Geotechnical conditions and engineering requirements;
- Ecologically Sustainable Development;
- Development staging; and
- Consultation.

These are discussed in further detail below.

### 4.1 Compliance with Strategic and Statutory Plans

The EIS will analyse the proposed development and outline how the proposal is consistent with the strategies and objectives of the *Plan for Growing Sydney*. The EIS will also assess the proposal against the relevant planning instruments including the *Darling Harbour Development Plan No 1* and relevant SEPPs and strategic planning documents.

### 4.2 Urban Design, Built Form and Design Excellence

The proposed development will establish a significant new built form element on the Darling Harbour waterfront. The height, bulk and scale of the development with respect to surrounding

context will therefore be a key issue to be addressed. This will include a comprehensive response in relation to:

- The interface with existing development and adjoining development under construction, and public domain;
- Rationale for seeking a tower built form in order to unlock significant public domain benefits at the ground plane;
- Design excellence and the design quality of the proposal, including site layout, siting and design, vistas and connectivity, street activation, pedestrian spaces, building massing, articulation, materials and finishes;
- Relationship of building height to other development including 201 Sussex Street, The Ribbon (IMAX redevelopment), future Harbourside Shopping Centre redevelopment, Barangaroo, central CBD building heights and the western edge of the CBD more generally; and
- Appearance of the development when viewed from the public domain and key vantage points around the site.

The EIS will provide an urban design analysis which will address the design quality of the development including:

- The design quality of the building including massing, building articulation, material and finishes.
- The height, bulk and scale of the new building particularly within its local context being in a major entertainment and cultural precinct on the edge of the CBD and the harbour.
- The building's interface with the public domain and public domain treatments.
- Facade treatments, building articulation and materials and finishes.
- Relationship to the Darling Quarter and Barangaroo precincts with Darling Harbour.
- Appearance of the development including view analysis from nearby viewpoints.

#### **4.3 Public Domain**

The EIS will detail the proposed improvements to the public domain and pedestrian permeability around the site and improved connections from the CBD to King Street Wharf, Barangaroo, Darling Harbour and Darling Quarter. The EIS will address:

- The buildings interface with the public domain.
- The impact of the building on pedestrian connectivity, view corridors and sight lines to, from and within Darling Harbour.
- Pedestrian permeability and access.

#### **4.4 Environmental Amenity**

Given the proximity of the proposal to the Western Distributor, the amenity of future building users and occupants is an important site issue. As such the EIS will address the following at a conceptual level with specific detail at Stage 2 when a detailed design is known:

- Acoustic impacts (construction and operational).
- Wind impacts.
- Reflectivity impacts of a facade material. The EIS will demonstrate that the development will not impact on the safe and efficient operation of the Western Distributor.
- Impacts of Cross City Tunnel stack emissions on proposed development and the impacts of the new building on the dispersal of the Cross City Tunnel stack plume.
- Overshadowing of key areas of public open space, including:
  - Tumbalong Park and children's playground;

- Sydney Square, Town Hall steps and the Sydney LEP requirements regarding no additional overshadowing between 14 April and 31 August. Consideration will also be given to Council's future planned square at Town Hall during these times, even though not currently enshrined in LEP controls.

#### **4.5 Heritage**

Pymont Bridge is listed as a State Heritage Item for its aesthetic, historical and scientific cultural values. A Heritage Impact Statement will accompany the EIS to address how the proposal relates to the Bridge, given its proximity to this Item.

#### **4.6 Traffic, Access and Parking**

A traffic and parking assessment will be prepared by a specialist traffic consultant and submitted with the EIS. The report will assess the site access arrangements and the design and operation of the proposed car park. The report will also examine:

- Road Safety, including the impact of partial enclosure of the Western Distributor Freeway.
- Demand for car parking.
- Loading and servicing arrangements.
- Traffic impacts of the proposed development on the surrounding road network and intersections.
- Accessibility to public transport.

#### **4.7 Infrastructure and Services**

The EIS will outline what services currently exist on the site and how these will be upgraded if required. It is expected that some existing services on the site may need to be augmented to accommodate the new development.

#### **4.8 Geotechnical Conditions**

A desktop geotechnical report will be prepared to assess the site's subsurface conditions and to determine the suitability of the site for the proposed development. The report will detail any engineering measures required for the construction of the proposed development, having regard to its proximity to the harbour foreshore and the Western Distributor. The Stage 1 report will be supplemented by a more detailed report at Stage 2.

#### **4.9 Ecologically Sustainable Development**

The EIS will detail the ecologically sustainable development (ESD) principles and measures that will be considered in the Stage 2 detailed design.

#### **4.10 Construction Management**

The EIS will examine and detail the engineering feasibility of the development and include an overview of the construction management and staging for the development including:

- development staging for the whole of the site; and
- management of potential construction impacts, including to the Darling Harbour public domain, Western Distributor, Harbour Street and Wheat Road.



## 5.0 EXPECTED DELIVERABLES

To assist in confirming the SEARs, the following are the expected deliverables to support the EIS:

- Owner's Consent
- DA Fees
- QS Certificate
- Site Survey Plan
- Architectural Design Statement/Report
- Architectural Plans
- Physical Model
- Visual and View Impact Analysis
- Heritage Impact Assessment
- Archaeological Impact Assessment
- Desktop Wind Impact Assessment
- Shadow Diagrams
- Traffic, Parking and Access Assessment
- Public Domain Plan/Landscape Plan and Design Statement
- ESD Statement/Strategy
- Services and Infrastructure Report
- Flooding, Stormwater and WSUD Report and Plans
- Contamination Report
- Desktop Geotechnical Report
- Stakeholder and Community Engagement Report
- CPTED Assessment
- Accessibility Report

## 6.0 CONSULTATION

In preparing the EIS, it is expected the developer will undertake consultation with the following organisations and agencies:

- Sydney Harbour Foreshore Authority;
- Infrastructure NSW;
- Roads and Maritime Services;
- City of Sydney Council;
- Transport for NSW;
- Existing Cockle Bay Wharf Centre retail tenants;
- Other major Darling Harbour head lessee's; and
- Surrounding residents and businesses.

## 7.0 CONCLUSION

The purpose of this letter is to request the SEARs for the preparation of an EIS for a new development at Cockle Bay. The new development will facilitate significant improvements to the public domain and to pedestrian permeability between the Sydney CBD and Darling Harbour. The envisaged development will also provide additional commercial floor area (including office space and retail space) to the Sydney CBD.

We trust that the information detailed in this letter is sufficient to enable the Secretary to issue the SEARs for the preparation of the EIS. Should you have any queries about this matter, please do not hesitate to contact Clare Swan on 9956 6962 (cswan@jbaplanning.com.au) or Harry Quartermain on 9409 4908 (hquartermain@jbaurban.com.au).

Yours sincerely,



Clare Swan  
*Director*



Harry Quartermain  
*Senior Planner*

**Darling Park Tower 4 | Cockle Bay Wharf**



# Darling Park | Cockle Bay Existing





# Darling Harbour and the City | Location





# Reconnect





# Public Garden and Forecourt

**Druitt St Access**

**Pymont Bridge  
Market St continuation**

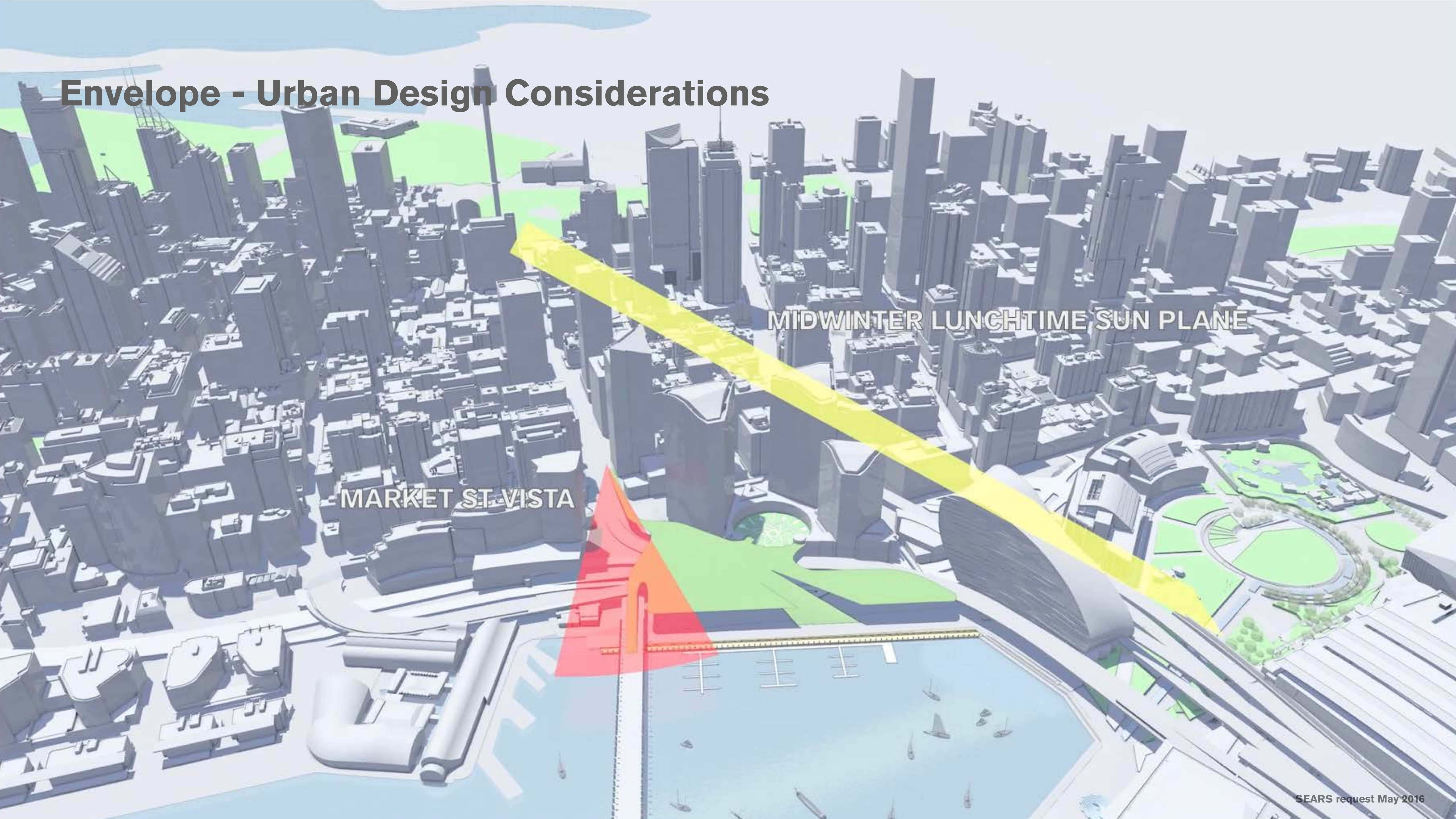
**New public gardens**

**Cockle Bay  
amphitheatre**

**New connection from  
Market St to waterfront**



# Envelope - Urban Design Considerations

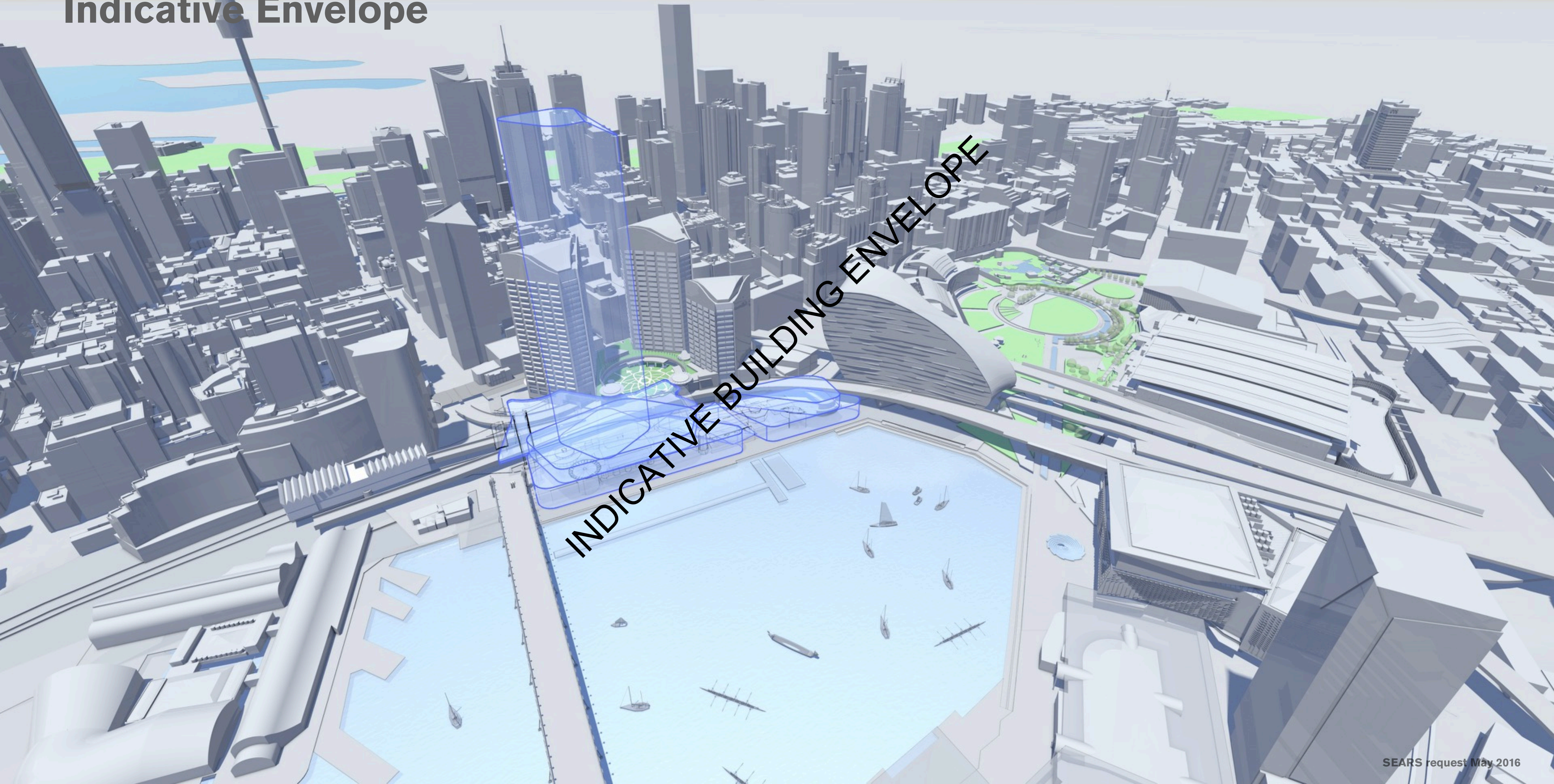


MIDWINTER LUNCHTIME SUN PLANE

MARKET ST. VISTA

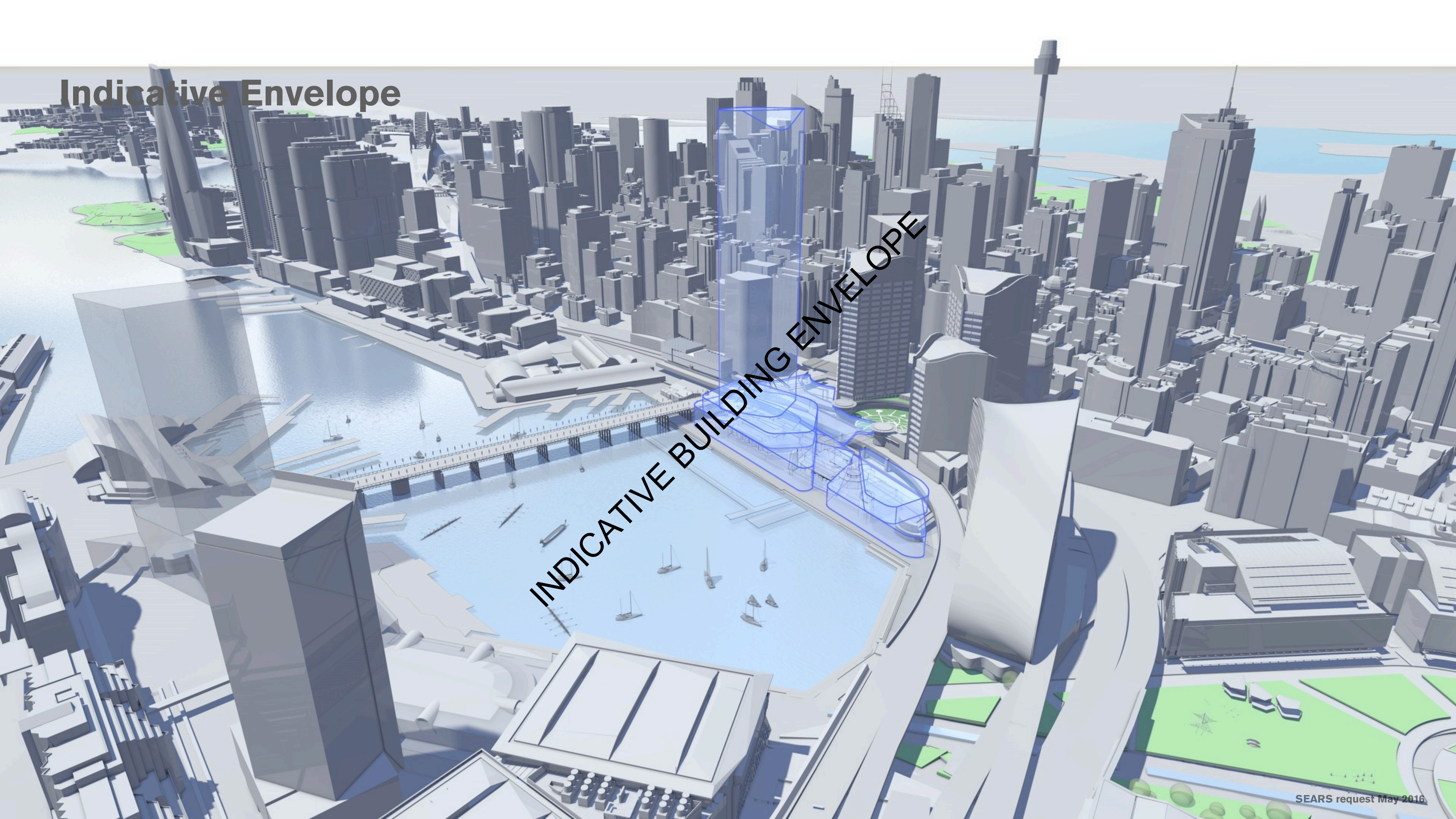


# Indicative Envelope





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