Mr Greg Mannes
Project Director
DPT OPERATOR PTY LIMITED
Level 51, 19 Martin Place
Sydney NSW 2000

12/11/2020

Dear Mr Mannes

Cockle Bay Wharf mixed use development (SSD-9978934)
Planning Secretary's Environmental Assessment Requirements

Please find attached a copy of the Planning Secretary's environmental assessment requirements (SEARs) for the preparation of a Development Application (DA) and an environmental impact statement (EIS) for the mixed-use development at Cockle Bay Wharf. These requirements have been prepared in consultation with relevant public authorities based on the information you have provided to date.

Please note that the Planning Secretary may modify these requirements at any time. If you do not submit a DA within two years, you must consult further with the Planning Secretary in relation to the preparation of the EIS.

Prior to exhibiting the EIS, the Department will review the document to determine if it addresses the requirements in Schedule 2 of the Environmental Planning and Assessment Regulation 2000. You will be required to submit an amended EIS if it does not adequately address the requirements.

The Department wishes to emphasise the importance of effective and genuine community consultation where a comprehensive open and transparent community consultation engagement process must be undertaken during the preparation of the EIS. This process must ensure that the community is provided with a good understanding of what is proposed, description of any potential impacts and they are actively engaged in issues of concern to them.

Please contact the Department at least two weeks before you propose to submit your DA and EIS.

If you have any questions, please contact David Glasgow on 82751182 or david.glasgow@planning.nsw.gov.au.

Yours sincerely,

Anthony Witherdin
Director
Key Sites Assessments
as delegate for the Planning Secretary

Enclosed/Attached:
- SEARs
- Agency Advice on SEARs

Planning Secretary's Environmental Assessment Requirements
Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*
Schedule 2 of the Environmental Planning and Assessment Regulation 2000

Application Number	SSD-9978934
Project Name	Cockle Bay Wharf mixed use development
Project Description	Construction and use of a 43-storey mixed-use development and land bridge across part of the Western Distributor between Darling Harbour and Darling Park
Location	Cockle Bay Wharf, 241-249 Wheat Road, Darling Harbour, within the City of Sydney local government area (Lot 10 DP801770; Lot 17 DP801770; Lot 19 DP801770; Lot 42 DP864696; Lot 50 DP1009561; Lot 60 DP1009964; Lot 65 DP1009964; Lot 30 DP1007434; Lot 32 DP1007434; Lot 33 DP1007434; Lot 34 DP1007434; Lot 35 DP1007434; Lot 37 DP1007434; Lot 56 DP1009561; Lot 61 DP1009964; Lot 63 DP1009964; Lot 64 DP1009964; Lot 11 DP1125890; Lot 2 DP1048307; Lot 2015 DP1234971; Lot 1 DP1199026; Lot 2 DP1199026).
Applicant	DPT Operator Pty Ltd and DPPT Operator Pty Ltd
Date of Issue	12/11/2020
General Requirements	The State significant development (SSD) application must include all relevant information and documents specified in Part 1 of Schedule 1 of the Environmental Planning and Assessment Regulation 2000 (including an environmental impact statement (EIS) (cl 2(1)(e) of Schedule 1 of the Regulation). The environmental impact statement (EIS) must be prepared in accordance with cls6 and 7 of Schedule 2 of the Regulation. Any document adopted or referenced in the EIS will form part of the EIS (cl 9(2) of Schedule 2 of the Regulation). The EIS must be lodged with the DA on the NSW Major Projects planning portal (s 4.12(8) of the Act, cl 50(1)(d) of the Regulation). You must pay the fee for the DA to be taken as being lodged (cl 50(9) of the Regulation). The EIS must include a report from a qualified quantity surveyor, certified to be accurate at the time of publication, providing: · a detailed calculation of the capital investment value (CIV) of the proposal (as defined in cl 3 of the Regulation), including details of all assumptions and components from which the CIV calculation, including consultant costs · an estimate of jobs that will be created during the construction and operational phases of the proposal.
Key issues	**1. Statutory and strategic context** The EIS must: · address all relevant matters set out in the legislation (including ss 1.3 and 4.15 of the Act, cls 6 and 7 of Schedule 2 of the Regulation), environmental planning instruments (EPI), plans, policies and guidelines that apply to the proposal · detail the nature and extent of any prohibitions, including partial prohibitions, that may apply to the proposal · demonstrate how the proposal complies with the concept approval and all applicable development standards and provide detailed justification for any contraventions · comply with these SEARs (cl 3(8) of Schedule 2 of the Regulation).

2. Design excellence

The EIS shall include a Design Excellence Report which:

- demonstrates how the design excellence requirements of the Concept Approval have been addressed
- includes the design competition brief and jury recommendations report that:
  - summarises the competition process
  - sets out the rationale for the choice of the preferred design
  - outlines any required or recommended design amendments to achieve design excellence
- includes a Design Integrity Panel report confirming that the proposal has responded to the recommendations of the competition jury and the Design Integrity Panel and achieves the same, or better, design outcomes as the winning scheme
- outlines how a design integrity process (in accordance with the Design Competition Jury Report) will deliver design excellence in the final development.

3. Built form and urban design

The EIS must:

- demonstrate how the proposal is consistent with the built form controls and design guidelines within the Concept Approval
- demonstrate how the detailed building design will deliver design excellence in relation to articulation, activation, materials, finishes and colours, including confirmation of compliance with relevant standards (such as the National Construction Code)
- include a table identifying the proposed land uses, including a floor by floor breakdown of gross floor area (GFA), total GFA and FSR, compared with the Concept Approval
- address Crime Prevention Through Environmental Design principles.

4. Visual Impacts

The EIS must include a Visual Impact Assessment that identifies and assesses the potential impacts of the proposal from key vantage points including views to and from the site and any adjoining heritage items.

5. Public domain

The EIS must:

- demonstrate how the development improves the quality of the public domain and public spaces (within and surrounding the site), having regard to relevant design guidelines and advice from Council,
- demonstrate how the proposal would:
  - maximise permeability and connectivity through the development, including a detailed wayfinding strategy for pedestrians and cyclists
  - maximise street activation (including along Cockle Bay and Wheat Road)
  - maximise open space provision, providing a range of functions
  - provide access for people with disabilities
  - minimise potential vehicle, bicycle and pedestrian conflicts
  - provide 24-hour accessibility.
- include a detailed public art plan, prepared in accordance with the City of Sydney's Guidelines for Public Art in Private Development.

6. Landscaping

The EIS must include a Landscape Plan, setting out the proposed landscaping and planting strategy for the site, including proposals to increase the urban tree canopy, proposals for native vegetation communities and plant species and justification for any tree and vegetation removal.

7. Amenity

The EIS must:

- assess potential amenity impacts associated with the proposal within the site and on surrounding area, including solar access / overshadowing, noise and vibration, view loss, visual privacy, lighting, wind, air, odour and dust during the operation and construction stages of the proposed development
- provide a solar access analysis showing shadows cast by the proposal (during summer and winter solstice and spring and autumn equinox) at hourly intervals between 9am and 3pm, when compared to the existing situation and a compliant development (if relevant)
- provide an assessment of the impact of the proposal on affected residential properties against SEPP 65 and the associated guidelines (where relevant)
- detail the reflectivity levels of chosen materials of the façade and the inclusion of various passive solar design measures within the development.

8. Development Contributions and Public benefit

The EIS must:

- address the requirements of any relevant contribution plan(s) or EPI requiring a monetary contribution, dedication of land and/or works-in-kind and include details of any proposals for further material public benefit, having regard to the Concept Approval. This is to be prepared in consultation with Council and State agency (where relevant) prior to lodgement of the SSD.

9. Transport, traffic, parking and access (operation and construction)

The EIS must include a Traffic Impact Assessment, providing:

- details of the predicted daily and peak hour vehicle, public transport, pedestrian and bicycle movements generated by the proposed development (including predicted cumulative movements from other nearby approved / proposed planning proposals and developments)
- an assessment of the impacts of the proposal on the performance of the road network including consideration of cumulative traffic impacts, at key intersections using SIDRA or similar traffic model as required by Transport for NSW (TfNSW)
- an assessment of road safety associated with the proposed development
- details of any road or intersection upgrades required to achieve acceptable levels of service and/or road safety
- measures to encourage and facilitate sustainable travel choices for employees, residents and visitors, such as minimising car parking provision, providing for car share, promoting public transport, encouraging cycling and walking, implementing a green travel plan and providing end of trip facilities
- details of proposed bicycle, motorbike and car parking provision and end of trip facilities, including compliance with relevant standards guidelines and sustainable transport objectives
- details of proposed coach and point to point transport arrangements
- details of service vehicle movements and site access arrangements, including vehicle types and likely arrival and departure times of service vehicles, loading dock provision
- measures to reduce potential conflicts with pedestrians and cyclists
- a Construction and Pedestrian Traffic Management Plan providing details of expected construction traffic movements, routes and access arrangements, and

outline how construction traffic, transport and pedestrian impacts would be appropriately managed and mitigated.

10. Noise and Vibration

The EIS must include a noise and vibration assessment in accordance with the relevant NSW Environmental Protection Authority guidelines. This assessment must assess the potential construction and operational noise impacts on nearby sensitive receivers and outline the proposed management and mitigation measures that would be implemented.

11. Ecologically Sustainable Development (ESD)

The EIS must:

- detail how the design, construction and ongoing operation of the proposed development addresses the principles of ESD (clause 7(4) of Schedule 2 of the Regulation)
- demonstrate how future buildings will meet or exceed minimum building sustainability and environmental performance standards (including NABERS and standards in the National Construction Code), and outline proposed measures to contribute to achieving the NSW Government's goal of net zero emissions by 2050 (Net Zero Plan, Stage 1: 2020 – 2030)
- demonstrate how the proposal incorporates integrated water cycle management and water sensitive urban design principles and practices
- identify and assess additional design measures to further improve the environmental performance of the development, such as measures to reduce carbon emissions during construction, inclusion of building-integrated photovoltaics (BiPV), green roofs and walls, rainwater or stormwater harvesting measures and waste reduction and recycling measures.

12. Contamination

The EIS must include a report specifying the findings of a preliminary investigation into any contamination of the site. Where recommended in the preliminary investigation, the EIS must also include a detailed investigation and, where remediation is required, a draft remediation action plan.

These reports must be prepared by a qualified environmental consultant, demonstrating the site is or will be suitable after remediation for the proposed use, in accordance with the State Environmental Planning Policy No 55 - Remediation of Land and the associated guidelines.

13. Heritage

The EIS must include:

- a Statement of Heritage Impact (SOHI), prepared in accordance with relevant guidelines, assessing potential impacts on State and local heritage items (including conservation areas, natural heritage areas, heritage fabric, relics, gardens, landscapes, views and trees) and historical archaeology, and recommending mitigation and management measures where required
- an Aboriginal Archaeology Report, prepared in accordance with relevant guidelines, describing any Aboriginal cultural heritage values on the site. Should any aboriginal heritage items be impacted by the proposed development, an Aboriginal Heritage Cultural Assessment must be prepared in consultation with local Aboriginal people
- a draft heritage interpretation plan or strategy, preferably integrated into the architectural design that addresses the Aboriginal, maritime and industrial heritage of the original Cockle Bay Wharves and historic shoreline.

14. Flooding

The EIS must assess any potential flooding impacts associated with the proposed

	development and consider the relevant provisions of the NSW Floodplain Development Manual, including the potential impacts of climate change, sea level rise and increase in rainfall intensity. **15. Ground conditions** The EIS must demonstrate that the proposed development can be accommodated on the site, having regard to any geotechnical and acid sulphate soil impacts. **16. Stormwater and drainage** The EIS must: · include a stormwater and drainage management report in accordance with Council's relevant policies or guidelines · include a stormwater and drainage management plan and MUSIC Link certificate/report (showing compliance with Council's MUSIC Link Model) · assess water supply and quality impacts of the proposal, including any downstream impacts for both surface and groundwater, demonstrating how the development contributes to the NSW Government's Water Quality Objectives. **17. Biodiversity** The EIS must assess any biodiversity impacts associated with the proposal in accordance with the *Biodiversity Conservation Act 2016*, including the preparation of a Biodiversity Development Assessment Report (DBAR), unless a waiver is granted under the Act. **18. Waste and servicing** The EIS must: · identify, quantify and classify the likely waste to be generated during the construction and operation of the proposed development and describe the measures to be implemented to minimise, manage, reuse, recycle and safely dispose of this waste, having regard to the City of Sydney's Guidelines for Managing Waste in New Developments · identify appropriate servicing arrangements (including but not limited to, waste management, loading zones and mechanical plant) for the site. **19. Social impact** The EIS must include a social impact assessment addressing the potential social impacts of the proposed development. **20. Staging** The EIS must provide details regarding the staging of the proposed development.
Plans and Documents	The EIS must include all relevant plans (architectural drawings) diagrams, lists, certificates and any other relevant documentation required under Schedule 1 of the Regulation. If the Department identifies any other document required to be included in the EIS before the DA is lodged, those documents must also be included in the EIS. The EIS is to include a physical and 3D CAD Model as per Council requirements, as set out in the City of Sydney requirements for scale models of a proposed development.
Consultation	During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, utility providers, community groups and affected landowners, as identified in any meeting with the Department before the DA is lodged. The EIS must describe the consultation process, the issues raised during consultation, and how the proposal addresses those issues. Where amendments have not been made to address an issue, a succinct explanation should be provided.

Further consultation after 2 years	You must lodge a DA and EIS within 2 years of the date of these SEARs. If you do not lodge a development application and EIS within 2 years of the date of this SEARs you must consult with the Planning Secretary in relation to the preparation of the EIS.