

06016  
24 February 2006

The Honourable Frank Sartor MP  
The Minister for Planning  
Level 33  
Governor Macquarie Tower  
1 Farrer Place  
Sydney NSW 2000

For the attention of Gordon Kirkby

Dear Minister,

**REDEVELOPMENT OF EAST DARLING HARBOUR  
DARLING HARBOUR, SYDNEY**

We are writing on behalf of Sydney Harbour Foreshore Authority, the proponent for the redevelopment of East Darling Harbour (EDH). The purpose of this letter is to:

1. Request that consideration be given by the Minister to the inclusion of the EDH site as a State Significant Site (SSS) under Schedule 3 of the State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP 2005); and
2. Seek the Minister's opinion that the EDH development proposal is a development of the kind described in Schedule 2 (specified sites) of the Major Projects SEPP 2005 and therefore, is a 'major project' to be determined under Part 3A of the Act.

If the Minister agrees to consider the proposal a major project, we request:

3. The Minister's authorisation for the proponent to submit a Concept Plan application for the proposed redevelopment of EDH; and
4. The Director General issues the requirements for the preparation of a single comprehensive Environmental Assessment to accompany both the proposal for listing of EDH as a SSS under Schedule 3 of the Major Projects SEPP 2005 and the establishment of appropriate development controls for the site and for the lodgement of a Concept Plan application.

**1.0 PROJECT OUTLINE**

The subject development proposes the redevelopment of 22 hectares of city foreshore land at East Darling Harbour, Sydney. The detailed proposals and design of the scheme are subject to a Design Competition which is currently underway, promoted by the State Government of New South Wales. The key parameters for the future development of the site have been established as follows:

- A significant foreshore park of approximately 11 hectares; with a minimum of 50% of the site being public open space;
- A 1.4 km Public Foreshore Promenade, which forms part of the NSW Government's Public Foreshore Walkway from Woolloomooloo to Anzac Bridge;
- Building footprint limited to approximately 33% of the site;

- A Gross Floor Area (GFA) of built form of approximately 330,000 sq.m;
- Residential uses limited to 25% of the built form GFA;
- Inclusion of a hotel or serviced apartments up to 50,000 sq.m GFA; and
- Transport and parking facilities (including ferry, bus, pedestrian and cycling facilities).

In addition to the above, a number of existing uses will be retained on site, albeit in a modified form. These uses include the Darling Harbour Passenger Ship Terminal Function, the Sydney Ports Maritime Tower and Moore's Wharf (which includes Port security and emergency response functions for Sydney Harbour).

Attached for your consideration is a Project Scoping Paper, which provides further detail on the proposal, the site location, and the likely environmental issues associated with the project.

## 2.0 LISTING EDH AS A SSS UNDER SCHEDULE 3 OF THE MAJOR PROJECTS SEPP 2005

Schedule 3 of the Major Projects SEPP identifies a list of State significant sites and development on those sites to which Part 3A of the Act applies. Schedule 3 also enables a new planning regime to be established for land identified as a SSS.

The current planning instruments applying to the EDH are reflective of the port related land uses which are currently operating on the site. A new planning regime is required to facilitate the comprehensive redevelopment of this strategic site for the future residential, commercial and recreational precinct.

It is requested that the Minister nominate EDH as a potential SSS and initiate an amendment to Schedule 3 of the Major Projects SEPP to establish the future planning controls for the site. It is intended that the new statutory planning framework for EDH will include:

- The vision and key principles for the site;
- Zoning and permitted land uses;
- Relevant performance criteria applying to different types of development as may be determined through the concept plan preparation process; and
- A list of exempt and complying development and interim development provisions.

The Draft Guideline State Significant Sites (24 July 2005) sets out a range of criteria for consideration in determining whether a site can be categorised as being of State significance. The guidelines advise that a SSS must be of State or regional planning significance because of its social, economic or environmental characteristics. In assessing whether a site is of State significance, consideration must be given to whether the site meets one or more of the following criteria:

- (a) be of regional or State importance because it is in an identified strategic location (in a State or regional strategy), its importance to a particular industry sector, or its employment, infrastructure, service delivery or redevelopment significance in achieving government policy objectives; or*
- (b) be of regional or state environmental conservation or natural importance in achieving State or regional objectives; or*
- (c) be of regional or state importance in terms of amenity, cultural, heritage, or historical significance in achieving State or regional objectives; or*
- (d) need an alternative planning or consent arrangements where:*
  - (i) added transparency is required because of potential conflicting interests*
  - (ii) more than one local council is likely to be affected.*

The EDH site is of State importance, being identified in the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP Sydney Harbour Catchment 2005) as a "Strategic

Foreshore Site" and in the City's Metropolitan Strategy (City of Cities, A Plan for Sydney's Future, 2005) as part of the "Global Sydney" Strategic centre.

The SREP Sydney Harbour Catchment 2005 identifies Strategic Foreshore Sites as:

*"...sites that are considered to be strategically significant in terms of their prominent location, size and/or potential for redevelopment".*

The EDH site is a 22 hectare waterfront site on the western edge of the CBD, with potential for large scale redevelopment for a new commercial, residential and recreational precinct. The redevelopment of EDH will enhance the growth and positioning of Sydney as the premier cultural and living centre of the Asia-Pacific region. The location, size and redevelopment potential of the site reinforce its strategic importance in the sustained growth of the Sydney CBD.

The Metropolitan Strategy states that "Global Sydney" is:

*"The main focus for national and international businesses, professional services, specialised health and education precincts, specialised shops and tourism, it is also a recreation and entertainment destination for the Sydney region and has national and international significance".*

The Sydney CBD-Airport corridor is identified in the Metro Strategy as Australia's most globally competitive and economically important region based around key global economic gateways of Sydney's CBD, Kingsford Smith Airport and Port Botany.

The redevelopment of EDH will play a key role in contributing to the growth of Sydney as a major Global City. In particular, the redevelopment of EDH has the potential to:

- Contribute to the long term supply of commercial floorspace in the CBD and assist the State government with achieving its employment capacity target of over one million jobs by 2031 in existing strategic centres.
- Contribute to the long term supply of residential floorspace within strategic centres, providing additional capacity for the anticipated increase of people living in strategic centres to 310,000 by 2031.
- Provide new and enhanced opportunities for access to public open space that can provide both passive and active recreation and assist state government in achieving the right balance between working and living in centres.
- Provide the opportunity for new residents, workers and visitors to have access to entertainment facilities as well as jobs, services and public transport.
- Reduce reliance on private transport as a means of accessing EDH.
- Provide the opportunity to link the waterfront walkway from Woolloomooloo to the ANZAC Bridge.
- Improve infrastructure links and reduce the existing isolation of East Darling Harbour from the rest of the CBD.

With a limited number of sites remaining in the core of the CBD capable of delivering large scale commercial and residential floorspace, together with opportunities for large-scale recreation and significant infrastructure improvements, the redevelopment of EDH has the potential to be a significant driver in the growth and success of Sydney in the Global market.

The Metropolitan Strategy establishes that the State government, working in partnership with local government, and other stakeholders, will take an active interest in the planning and development of Sydney's strategic centres. The East Darling Harbour Site, forming such an important part of achieving the government's aims for the Global Sydney Strategic Centre is considered to be of State significance (under criteria "A" of the Draft Guidelines) and should therefore be listed as a SSS under Schedule 3 of the Majors Projects SEPP.

To support the request for inclusion of the site on Schedule 3 of the SEPP as a SSS, a preliminary document which addresses the necessary criteria as set out in the guidelines is attached.

### 3.0 SCHEDULE 2 OF THE MAJOR PROJECTS SEPP 2005

Clause 6 of the Major Projects SEPP provides that development that in the opinion of the Minister is development of a kind referred to in Schedule 2 (specified sites) is declared to be a project to which Part 3A of the Act applies. Clause 10 (d) of Schedule 2 of SEPP 2005 identifies that development with a capital value of more than \$5 million within EDH Wharfs 3-8 is a specified site (as identified on Map 9 of the SEPP).

The proposed redevelopment of EDH involves wharfs 3-8 identified on Map 9 and will have a capital value in excess of \$50 million. It is therefore requested that the Minister confirm an opinion that the proposed development is of a type listed in Schedule 2 (10)(d) of the SEPP and is a Major Project subject to the provisions of Part 3A of the Act.

### 4.0 CONCEPT PLAN APPROVAL PROCESS

To obtain the statutory approval for development of EDH, it is requested that the Minister provide authorisation that the EDH development proposal be subject to a Concept Plan approval process under Part 3A of the Major Projects SEPP 2005.

As set out in the draft guidelines relating to Concept Plan Applications (24 July 2005), a Concept plan approval process:

*"provides for a proponent to obtain an approval upfront for the concept of a major, complex project prior to undertaking more detailed studies in relation to implementing the various components of the project".*

The guidelines set out three types of situations where there could be benefits in undertaking Concept Plan Approval. It is considered that the EDH project is consistent with situation "A", as follows:

*"Major project delivery on a site where alternative layouts or configurations need to be considered upfront including the setting of the development footprint along with justification of the project".*

The redevelopment of the EDH site will benefit from utilising the Concept Plan approval process which will provide the design, policy and planning framework, setting the future direction for the redevelopment of the site.

The Concept Plan process will enable the complex strategic issues and the general parameters of the project to be determined upfront, whilst still retaining the necessary level of flexibility for the more detailed design phase of the project. Retaining some flexibility in the later stages of the redevelopment of EDH will be important to ensure future development opportunities on the site remain innovative and responsive to staging over time.

### 5.0 DIRECTOR GENERAL'S REQUIREMENTS FOR ENVIRONMENTAL ASSESSMENT

It is intended that a single comprehensive environmental assessment be prepared to support both the proposed amendment to Schedule 3 of the Major Projects SEPP and the Concept Plan. In this regard it is requested that the Director General issue requirements as to the level and scope of the necessary documentation and assessment.

To support the request for the Director General's requirements relating to the environmental assessment, a preliminary Scoping Paper relating to the EDH project is attached. This paper sets out the project outline and identifies the environmental issues associated with the project. It is intended to assist the Director General in determining the likely environmental assessment requirements for the project.

## 6.0 CONCLUSION

The redevelopment of EDH will create a new commercial, residential and recreational precinct which will significantly contribute to the growth and success of Sydney in the global market. A new planning regime is required to facilitate the large scale redevelopment of the site. Having regard to the above, the purpose of this letter is to:

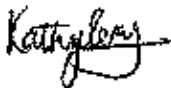
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Should you have any queries about this matter, please do not hesitate to contact the undersigned.

Yours faithfully



Kathryn Perry  
Senior Planner

Cc Ms D. Talty - Sydney Harbour Foreshore Authority  
Enc. Project Scoping paper