

SECTION 75W MODIFICATION (MOD 3) MP 11_0001

ENVIRONMENTAL ASSESSMENT

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Submitted to the
NSW Department of Planning & Environment
on behalf of



June 2017

Statement of Validity

This EA has been prepared for UrbanGrowth NSW's Bank Street Commercial Wharf project consistent with the requirements of *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

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SITE ADDRESS	5-11 Bank Street Pyrmont
APPLICANT NAME	UrbanGrowth NSW
APPLICANT ADDRESS	12/19 Martin Pl, Sydney NSW 2000
DESCRIPTION OF DEVELOPMENT	The proposal is for the use of approved wet land works as well as construction and use of dry land works associated with the commercial wharf facility as 5-11 Bank Street, Pyrmont.

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CERTIFICATION

I certify that I have prepared the content of this EA and to the best of my knowledge:

- it is in accordance with the *Environmental Planning & Assessment Act 1979* of the *Environmental Planning and Assessment Regulation 2000*;
- all available information that is relevant to the environmental assessment of the development to which the statement relates; and
- the information contained in the statement is neither false nor misleading.

Oliver Klein
Senior Associate
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Date: 16 June 2017



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Date 16 June 2017



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Date 16 June 2017



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SUPPORTING DOCUMENTS

- A** Amended Secretary's Environmental Assessment Requirements
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- B** Survey Plan / Title Certificates
Craig & Rhodes
- C** Factual Geotechnical Report / Interpretive Geotechnical Report
JK Geotechnics
- D** Assessment of Environmental Condition
Consara
- E** Traffic Impact Assessment / Construction Traffic Management Plan /
Workplace Travel Plan
GTA Consultants
- F** Services Statement
Cardno
- G** Flora & Fauna Assessment Report
SLR Global Environmental Services
- H** Heritage Impact Assessment & Archaeology Assessment
Urbis
- I** Stormwater Management Report / Stormwater Layout Plan
Warren Smith & Partners
- J** Preliminary Plan of Management
UrbanGrowth NSW
- K** Architectural Drawing Set & Architectural Design Report
Bennett & Trimble
- L** BCA Assessment Report / Access Assessment Report
BCA Logic
- M** Consultation Request
UrbanGrowth NSW
- N** SEPP 33 Risk Screening
Core
- O** Air Quality Constraints Analysis
Pacific Environment

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- P** Acoustic Assessment
Renzo Tonin
- Q** Preliminary Construction & Operational Waste Management
SLR Global Environmental Services
- R** Construction Environmental Management Plan
Consara
(includes Long Term Environmental Management Plan by CDM Smith)
- S** Climate Change and Sea Level Rise Report
SLR Global Environmental Solutions
- T** Due Diligence Aboriginal Archaeological Assessment
AMAC Archaeological and Street Archaeological Services
- U** Amended Statement of Commitments
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- V** Modified Conditions of Approval
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1.0 Executive Summary

1.1 Purpose of this Report

This Environmental Assessment (EA) is submitted to the Minister for Planning pursuant to the transitional arrangements for Part 3A projects under the *Environmental Planning and Assessment Act 1979* (the Act). This EA supports a section 75W modification to major project approval MP11_0001 (the Approval), issued on 26 March 2014 under Part 3A of the Act. This application is Modification #3 to that approval.

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1.2 Overview of the Project

UrbanGrowth NSW (UGNSW) is the proponent for this project on behalf of the site's landowner, Roads & Maritime Services (RMS).

The project involves the relocation of the Blackwattle Bay Marina (BBM) from Bridge Road, Glebe to the Bank Street, Pyrmont site to enable the development of the New Sydney Fish Market. The project is in effect a decanting of water-based operations within Blackwattle Bay and allows a working harbour use to continue in generally the same location with similar operational parameters to its current use.

Modification #3 proposes the following:

- Use of wet land works comprising fixed wharf, floating pontoons, three (3) dolphins and a publicly accessible timber walkway (as approved for construction under the original Project Application); and
- Construction and use of the following dry land works:
 - a demountable office building with a floor area of 70 sqm accommodating:
 - six (6) workstations, two (2) offices, two (2) bathrooms, and kitchen,
 - a secured storage compound accommodating:
 - LPG gas bottles (up to 36 empty and full) to service stoves and BBQs on the vessels;
 - Fourteen (14) 3,000 litre bins;
 - Three (3) ice machines; and
 - No fuel will be stored on-site for the vessels. Vessels will be refuelled off site,
 - 10 storage (6m long x 3m wide x 2.59m high) single stacked shipping containers,
 - 12 storage (12m long x 3m wide x 2.59m high) single stacked shipping containers,
 - Wall-mounted business identification signage at the Bank Street frontage,
 - Installation of a 5kl rainwater reuse tank,
 - Protection measures for ANZAC Bridge Pylon

The proposal is a temporary use for the duration of up to 10 years.

1.3 Planning Context

Major Project approval MP11_001 (the Approval) was issued on 26 March, 2014, under Part 3A of the Act with respect to the subject land. The Approval now operates as a transitional Part 3A project and continues to operate by virtue of Schedule 6A to the Act despite the repeal of Part 3A. The current project is for a modification (MOD 3) of the Approval pursuant to section 75W of the Act.

The land subject of this EA is zoned RE1 Public Recreation under the *Sydney Local Environmental Plan 2012*. Development for the purpose of 'charter and tourism boating facilities' is permitted with consent in the RE1 zone. The proposed construction and use of the land-based works is permissible within the zone.

The waters adjoining the Bank Street Site subject of this EA are zoned W1 Maritime Waters under the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. Development for the purpose of 'Charter and tourism facilities' is permitted within the W1 Zone. The occupation and use of the over water structures approved under the original approval and MOD 2, is also permitted.

A request for amended SEARs was lodged with the Department of Planning & the Environment (DPE) on 20 March 2017. Amended SEARs were issued on 12 April, 2017.

1.4 Environmental Impacts and Mitigation Measures

This EA provides an assessment of the environmental impacts of the project in accordance with the SEARs and the requirements under s75W of the Act whereby the new or changed impacts of the proposed project are considered in relation to the original approval, as modified.

This EA sets out the undertakings made by UGNSW to manage and minimise potential impacts arising from the development. Key environmental assessment considerations identified include, amongst others:

- Built form and visual impacts in the context of surrounding heritage items, nearby residential uses, and the desired future character of the precinct;
- Public domain impacts and the provision of public access to the foreshore;
- Traffic and parking impacts given the proximity of the site to public transport and the imperative to reduce car dependency and ease congestion;
- Transport and accessibility including pedestrian and cycle access, peak public and private transport demand and the provision of on-site parking, including during construction;
- Management of identified subsurface contamination during construction and operational phases of the proposal;
- Impacts upon surrounding development in terms of noise, vibration, odour and air quality;
- Impacts upon the environment in terms of ESD and the protection of water quality, flora and fauna; and
- Drainage and flood impacts in the context of climate change and sea level rise.

All identified impacts are addressed in this EA and are capable of being ameliorated through the implementation of appropriate mitigation measures as outlined in Section 7.0 and via amended Conditions of Approval. It is proposed to further modify the Statement of Commitments following approval in order review, rationalise and refine these Commitments at an appropriate juncture in light of MOD 3's Conditions of Approval.

1.5 Benefits of the Project

The proposal will provide a temporary charter and tourism boating facility to meet the operational needs of the existing BBM for the duration of its up to 10-year occupation of the Bank Street Site, with minimal disruption to this important maritime use.

The relocation of the BBM, in turn will enable the relocation of the Sydney Fish Market from its current location on Pyrmont Bridge Road to the site at Bridge Road currently occupied by the BBM, consistent with the Bays Precinct Transformation Plan.

The proposal implements an interim solution to provide safe and amenable public access to the Blackwattle Bay foreshore for the duration of the proposed temporary use until such time as the broader Bays Waterfront Promenade is delivered consistent with the Bays Precinct Transformation Plan

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1.6 Justification

This EA fulfils the requirements of the Act and addresses the SEARs. **Appendices U** and **V** set out the proposed commitments and conditions to ensure that the potential impacts of the development are acceptable and are able to be managed. Given the planning merits of the proposal, the proposed development warrants approval by the Minister for Planning.

2.0 INTRODUCTION

This EA is submitted to the Minister for Planning pursuant to the transitional arrangements for Part 3A projects under the Act. This EA supports a section 75W modification to major project approval MP11_0001 (the Approval), issued on 26 March 2014 under Part 3A of the Act.

This EA has been prepared by RobertsDay on behalf of the proponent UGNSW and is based on supporting technical information appended to the report (see Supporting Documents).

This EA describes the subject land, its environs and the proposal. This EA has been prepared in accordance with the requirements of section 75W of the Act, and the Secretary's Environmental Assessment Requirements (SEARs) as amended, which accompany this EA at **Appendix A**.

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2.1 Project Background

Major Project approval MP11_001 (the Approval) was issued on 26 March, 2014, under Part 3A of the Act with respect to the site at 5-11 Bank Street, Pyrmont, and adjacent waterway (the Bank Street Site). The Approval enabled the construction of a maritime facility for the Sydney Heritage Fleet comprising land and water based components.

The approved land-based component consisted of a three-storey building to accommodate a range of uses, including; small vessel storage, amenities, a community-based maritime skills centre, museum display and community space, an exhibition pavilion and kiosk. The approved water-based component consisted of a fixed wharf and associated floating pontoon structures, for the berthing the Sydney Heritage Fleet's operating vessels and serve as a drop off and pick up point for the public to participate in historic vessel tours. A publicly accessible foreshore walk was proposed along the site's southern and western boundaries.

The Approval was subsequently modified on two occasions pursuant to section 75W of the Act, the operation of which is continued in respect of transitional Part 3A projects by Schedule 6A to the Act despite the repeal of Part 3A.

In 2015 the Approval was modified under MP 11_0001 Modification #1 (Mod 1) by the deletion of deferred commencement condition A2 relating to remediation works, and insertion of an equivalent condition into Section F of the operative conditions to allow the Approval to be physically commenced. The Approval was further modified in 2017 under MP 11_0001 Modification#2 (Mod 2) by amendments to both the operative conditions and approved Statement of Commitments to enable the construction of the wet land works authorised by the Approval to proceed independent of the dry land works.

Modification #3 (Mod 3) now seeks approval to modify the design of the dry land works (with the proposed buildings contained within the approved building footprint) and a change of use to that approved. This will facilitate the accommodation of a charter and tourism boating facility to serve the relocation of the Blackwattle Bay Marina from its current location at Bridge Road, Glebe, and the adjacent waterway. The Sydney Fish Market, in turn, will relocate from its current location on Pyrmont Bridge Road to occupy the current site of the Blackwattle Bay Marina. This decanting process forms part of the broader The Bays Precinct Sydney Transformation Plan.

MP 11_0001 (as modified) was issued to Sydney Maritime Museum Ltd trading as the Sydney Heritage Fleet for the use of the Site as a Maritime Facility (refer to Instrument of Approval for detailed description of the approved project). The Sydney Heritage Fleet is a community-based, not-for-profit, public maritime museum that is limited by guarantee.

To date, the Sydney Heritage Fleet has not acted on MP 11_0001 (as modified) and continues to operate from its two current premises at Wharf 7, Pirrama Road, Pyrmont and at Rozelle Bay. The Proposal that is the subject of this EA (MOD 3) will not preclude the Sydney Heritage Fleet from continuing its activities at its current locations.

The RMS is separately working with the Sydney Heritage Fleet to explore alternate locations should the Sydney Heritage Fleet wish to relocate from its current premises. Those investigations do not preclude MOD 3 from progressing given Sydney Heritage Fleet has an existing operational base.

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2.2 Objectives of the Project

The objectives and design principles adopted for the proposal of the land can be summarised as follows:

- To provide a temporary harbour cruise facility to meet the operational needs of the existing BBM for the duration of its up to 10-year occupation of the Bank Street Site;
- To enable the relocation of the Sydney Fish Market from its current location on Pyrmont Bridge Road to the site at Bridge Road currently occupied by the BBM consistent with the Bays Precinct Transformation Plan;
- To implement an interim solution to provide safe and amenable public access to the Blackwattle Bay foreshore for the duration of the proposed temporary use until such time as the broader Bays Waterfront Promenade is delivered consistent with the Bays Precinct Transformation Plan; and
- To deliver a quality contemporary (albeit temporary) development that responds to the existing and desired future character of the locality.

2.3 Project Description

The proposal involves the relocation of the Blackwattle Bay Marina (BBM) from Pyrmont Bridge Road, Glebe to the Bank Street, Pyrmont site to enable the development of the New Sydney Fish Market. The proposal is in effect a decanting of water-based operations within Blackwattle Bay and allows a working harbour use to continue in generally the same location with similar operational parameters to its current use.

Modification #3 proposes the following:

- Use of wet land works comprising fixed wharf, floating pontoons, three (3) dolphins and a publicly accessible timber walkway (as approved for construction under the original Project Application); and
- Construction and use of the following dry land works:
 - a demountable office building with a floor area of 70 sqm accommodating:
 - six (6) workstations, two (2) offices, two (2) bathrooms, and kitchen,
 - a secured storage compound accommodating:
 - LPG gas bottles (up to 36 empty and full) to service stoves and BBQs on the vessels;
 - Fourteen (14) 3,000 litre bins;
 - Three (3) ice machines; and

- No fuel will be stored on-site for the vessels. Vessels will be refuelled off site,
- 10 storage (6m long x 3m wide x 2.59m high) single stacked shipping containers,
- 12 storage (12m long x 3m wide x 2.59m high) single stacked shipping containers,
- Wall-mounted business identification signage at the Bank Street frontage,
- Installation of a 5kl rainwater reuse tank,
- Protection measures for ANZAC Bridge Pylon

The proposal is a temporary use for the duration of up to 10 years.

The genuine estimated CIV of the project is calculated to be \$ 2,359,296 (including GST), as per the definition under clause 246B of the *Environmental Planning and Assessment Regulation 2000*, and guidance provided by Planning Circular PS13-002.

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2.4 Evaluation of Alternatives

Alternative locations within Blackwattle Bay and the broader Sydney Harbour were considered but found to be inherently limited. The location nominated for the proposal was selected for the opportunities it presents in terms of activation of Bank Street, provision of public access to the foreshore, proximity to public transport and minimal disruption to the operation of BBM by retaining the operation within Blackwattle Bay.

Importantly, the nominated land already benefits from MP11_0001 the approval of which assessed the land as suitable for use as a charter and tourism boating facility given the applicable planning regime for both land and water-based uses.

A range of site layouts were also considered during the development of the design now subject of this EA. The land is burdened by a number of constraints including:

- Size relative to the existing site of the BBM;
- Easements for drainage, maintenance and services;
- Presence of the ANZAC Bridge pylon, a RMS s170 listed heritage item;
- Presence of mature native trees;
- Presence of identified subsurface contamination; and
- Proximity to sensitive uses including residential uses.

These constraints formed key considerations in the finalisation of the site layout as set out in the sections that follow.

3.0 SITE ANALYSIS

3.1 Regional and Local Context

The land subject of this EA is located within a precinct known as the 'Bays Precinct', comprising White Bay, Glebe Island, White Bay including the White Bay Power Station, Rozelle Bay including the Rail Yards, and Blackwattle Bay including Wentworth Park (see Figure 1 below). The Precinct encompasses 5.5 kilometres of harbor front, 95 hectares of land, and 94 hectares of waterways in Sydney Harbour.

Between the mid-1800s and the 1960s the precinct was occupied by a range of industrial activity that included power stations, wool stores, railyards, wharfs, abattoirs, tanneries and mills. In the late 1870s large scale in-filling of a large swamp referred to as Blackwattle Cove, now known as Wentworth Park, commenced to eventually form the current Blackwattle Bay southern foreshore. Further reclamation was undertaken in the late 1980s as part of the preliminary works for the construction of the ANZAC Bridge. Historical reports indicate that the areas surrounding the bridge were primarily utilised for maritime related activities and light industrial activities.

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In the present day, the areas surrounding the bridge comprise a mixed use area containing a variety of residential and commercial uses and a range of public open spaces. Further east is the Darling Quarter and Darling Harbour. To the immediate south of the subject land along the eastern foreshore of Blackwattle Bay areas are a range of commercial wholesaling food distribution uses including Sydney Fish Markets. Further south it the present location of the BBM at Bridge Road.

As part of this proposal, the BBM will relocate to the subject land to allow the relocation of the Sydney Fish Markets from its present day location.

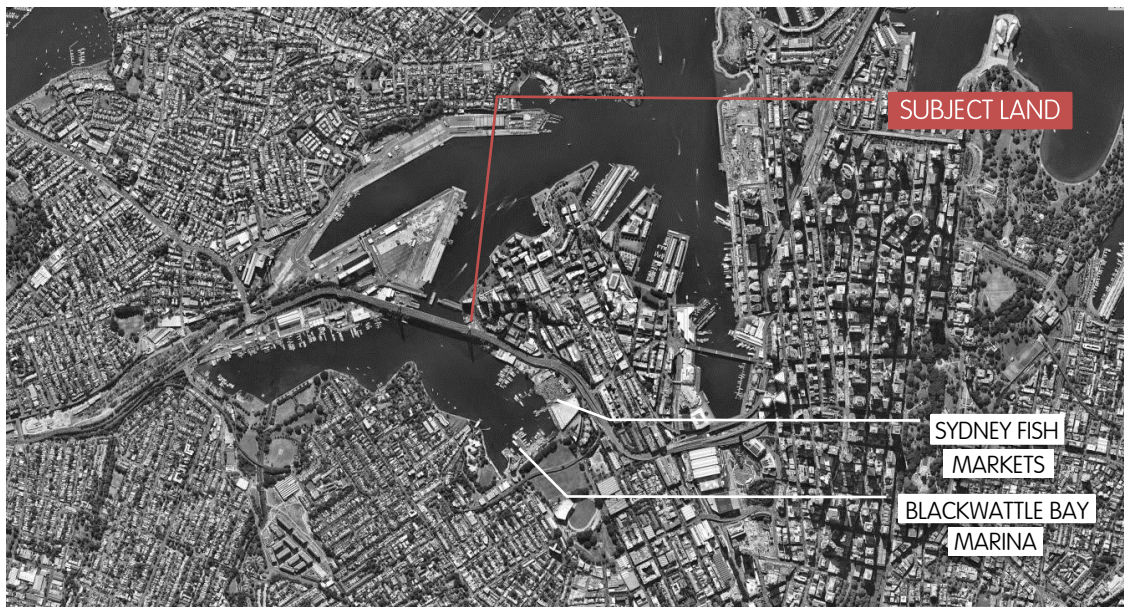


Figure 1 – The Bays Precinct Sydney Transformation Plan (extract) - The Bays Waterfront Promenade

In 2015, UGNSW prepared a Transformation Plan to guide the redevelopment of the Bays Precinct. The Plan seeks to rejuvenate 5.5 kilometres of Sydney Harbour foreshore and celebrate the precinct's maritime history. As one of seven (7) key actions, the Transformation Plan will introduce a Bays Waterfront Promenade, a continuous waterfront promenade from Balmain to Pyrmont that includes the Bank Street foreshore and the subject land.



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Figure 2 – The Bays Precinct Sydney Transformation Plan (extract) - The Bays Waterfront Promenade

3.2 Site Description and Surrounding Development

The land subject of this EA, known as 5-11 Bank Street, is located on the foreshore of Blackwattle Bay in the suburb of Pyrmont, approximately one (1) kilometre west of Sydney central business district. Bank Street is located along the north-eastern side of the property, and has been excavated into the hillside, resulting in near vertical sandstone cliff faces on the northern side of the road.

No buildings are present on this property and the property is fenced and secured by a locked gate at Bank Street (see Figures 3 and 4). Existing improvements comprise a seawall and boat launching ramp, which form the boundary to Blackwattle Bay, bitumen pavement and unsealed surface covered with gravels comprised of crushed sandstone and concrete. The boat ramp is used primarily to launch dragon boats belonging to the Blackwattle Bay Dragon Boat Club, which are stored on the property to the immediate south. The land also contains the buttresses of the eastern ANZAC Bridge pylon.

A Survey Plan and title search relating to the land has been prepared by Craig & Rhodes accompanies this EA as **Appendix B**.



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Figure 3 – Subject land, 5-11 Bank Street looking westward toward Blackwattle Bay



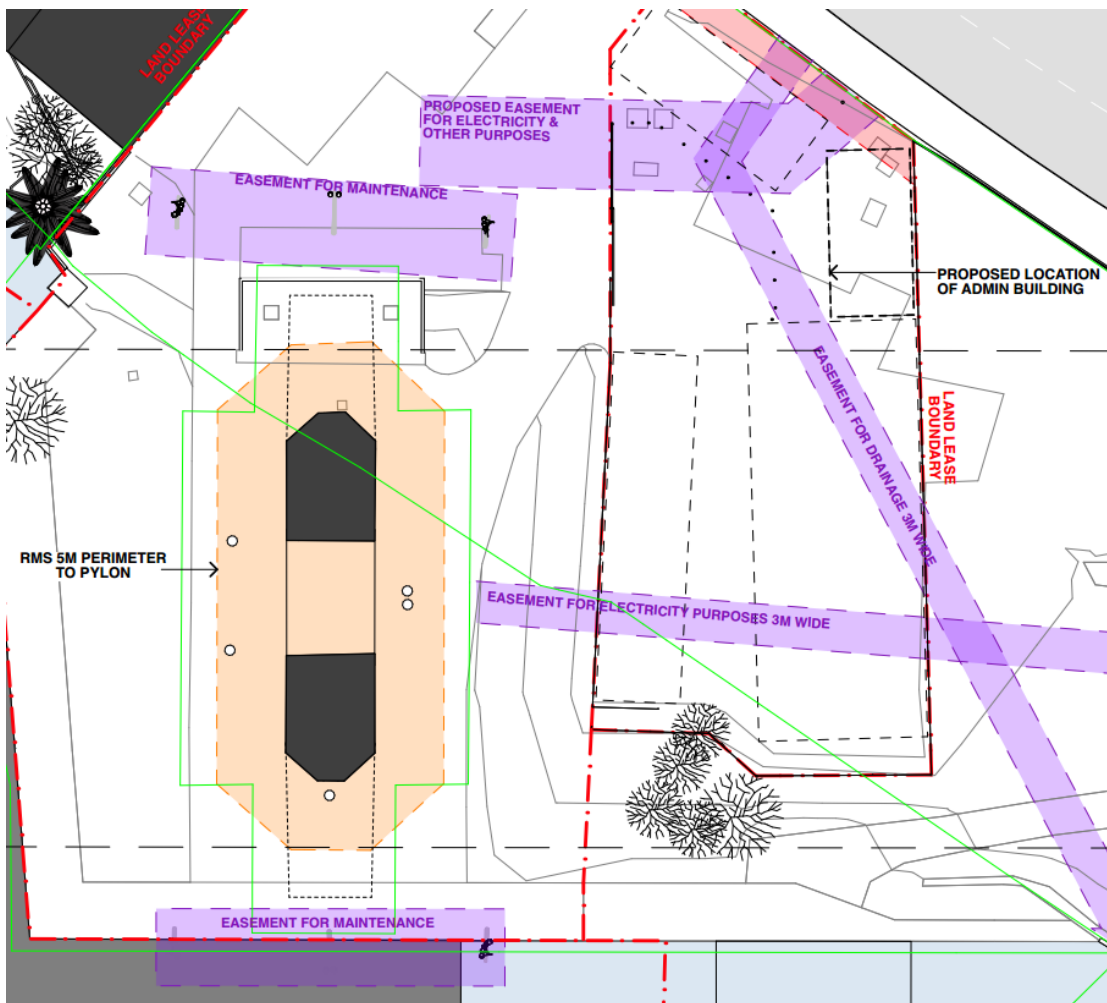
Figure 4 – Subject land, 5-11 Bank Street, looking northward toward Jacksons Landing

3.3 Easements

The land is currently burdened by a number of easements that dictate, to an extent, the available area of developable land as follows:

- Easement for maintenance (1)
- Easement for maintenance (2)
- Easement for electricity purposes 3 metres wide
- Easement for drainage 3 metres wide
- Proposed easement for electricity & other purposes

These easements are illustrated in the Constraints Plan prepared by Bennett & Trimble, which also illustrated the five metre exclusion zone imposed around the base of the ANZAC Bridge pylon at the request of Roads & Maritime Services (see Figure 5 below).



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Figure 5 - Constraints Plan (S75W-03), extract
Purple denotes easement, red denotes City of Sydney setback preference, orange denotes RMS pylon setback preference.

3.4 Geology and sub-surface conditions

Factual and Interpretive Geotechnical Reports were prepared by JK Geotechnics to address the soil and rock design parameters for the design of structural elements associated proposal.

Due diligence investigation as well as field work consisting of a walk over inspection and the excavation of nineteen (19) boreholes for sample recovery reveal the following with respect to regional geology and sub-surface conditions:

The 1:100,000 Geological Series Sheet for Sydney 9130 shows the site to be underlain by Hawkesbury Sandstone. In general terms, the on-shore portion of the site is underlain by fill overlying sandstone bedrock, while the off-shore area contains both sands and clays over sandstone bedrock. Many of the boreholes closer to the shore have disclosed significant amounts of sandstone rubble of cobble and

boulder size, within a matrix of clay and sand; this layer is assumed to be from the reclamation of the site with sandstone rubble being pushed into the bay, and at least some of the lower strength soil being displaced.

The land subject of this EA is identified as Class 1 and Class 2 acid sulfate soil lands under the *Sydney Local Environmental Plan 2012*.

The complete Factual and Interpretive Geotechnical Reports prepared by JK Geotechnics accompany this EA at **Appendix C**.

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3.5 Contamination

As noted, the subject land is located within a local region that between the mid-1800s to the 1960s was occupied by a large range of industrial activity. An Assessment of Environmental Condition has been prepared by Consara Pty Ltd and the following potential areas and contaminants of concern were identified:

The results of previous investigations on the Site (namely 5 Bank Street) have identified the presence and potential presence of fill materials in the surface and sub-surface. Where intrusive investigations have been undertaken the fill materials have been reported to contain ash, coke, coal tars and slag. These fill materials have been identified, in some locations, to be contaminated and potentially contaminated with polycyclic aromatic hydrocarbons, petroleum hydrocarbons and heavy metals. No fibrous asbestos (FA) and asbestos-containing materials (ACM) has been previously identified, however, given the history of filling activities conducted at the Site there is the potential for these materials to be present in surface and sub-surface soils.

It is noted that the contamination present or potentially present on the Site is classified as diffuse contamination and maybe heterogeneous in its nature and extent. Given the history of the area it is expected that such contamination or potential for contamination is not unique to the Site and would be present underlying the properties directly surrounding the Site and is likely to extent across the majority of properties that adjoin Blackwattle Bay.

Matters related to contamination are discussed in detail in section 7.15 of this EA. The complete Assessment of Environmental Condition accompanies this EA as **Appendix D**.

3.6 Transport & Parking

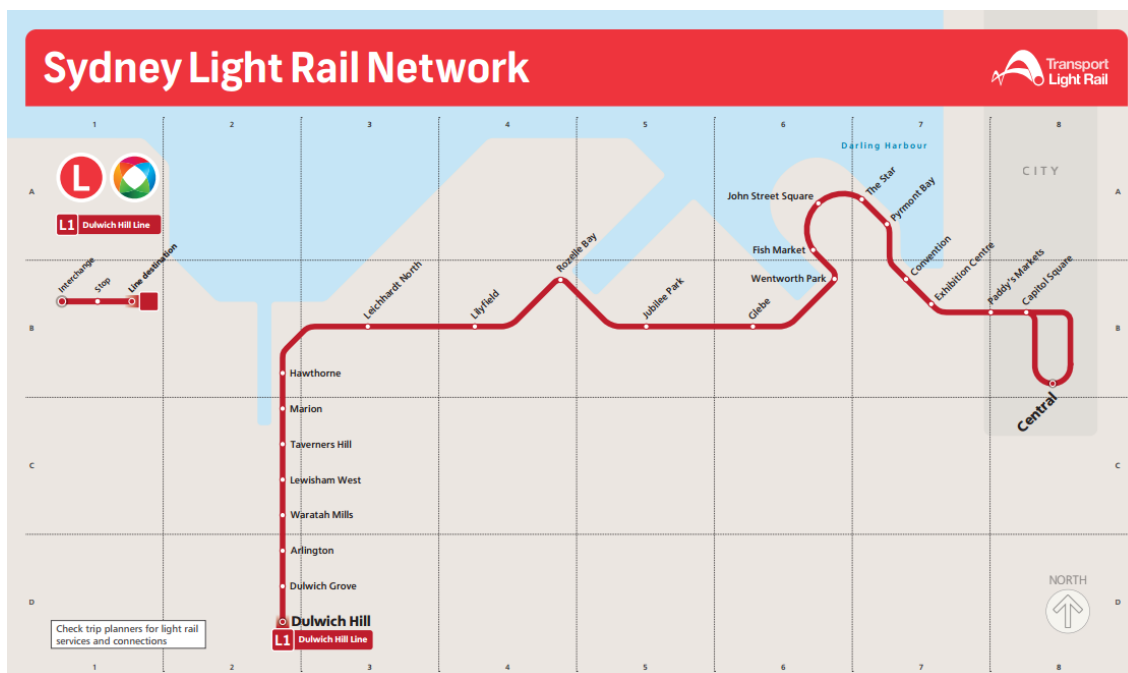
The road network around Blackwattle Bay is characterised by high levels of traffic. Major routes such as the Western Distributor and Pyrmont Bridge Road provide arterial functions for the Sydney network. Pyrmont Bridge Road provides local access to Bank Street and Harris Street, and to Miller Street, Bowman Street and Quarry Master Drive. The subject land is accessed via an existing vehicle crossover to Bank Street. Traffic surveys indicate that Bank Street currently carries 340 vph during an average weekday morning peak hour, including 180 eastbound and 260 westbound vehicle movements.

There is currently no parking provided on-site and the site currently generates negligible vehicle movements.

The subject land is served by public transport in the form of the Sydney Light Rail, L1 Dulwich Hill Line, with the nearest connection the Fish Market stop 140 metres (one minute's walk) to the south east (see Figure 6 below). In addition, bus services operate along Miller Street to the east including Routes Route 389 North Bondi to Pyrmont and 501 West Ryde Station to Railway Square (see Figure 7 below)

Pedestrian footpaths are provided on both the eastern and western sides of Bank Street. Bank Street does not support bicycle lanes but is considered a 'bicycle friendly' road. The site can be access via dedicated cycle lanes on the ANZAC Bridge (refer Figure 8).

Existing traffic conditions are described in detail by the traffic impact assessment which accompanies this EA at **Appendix E**.



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Figure 6 – Transport NSW Sydney Light Rail Network Map, L1 Dulwich Hill Line

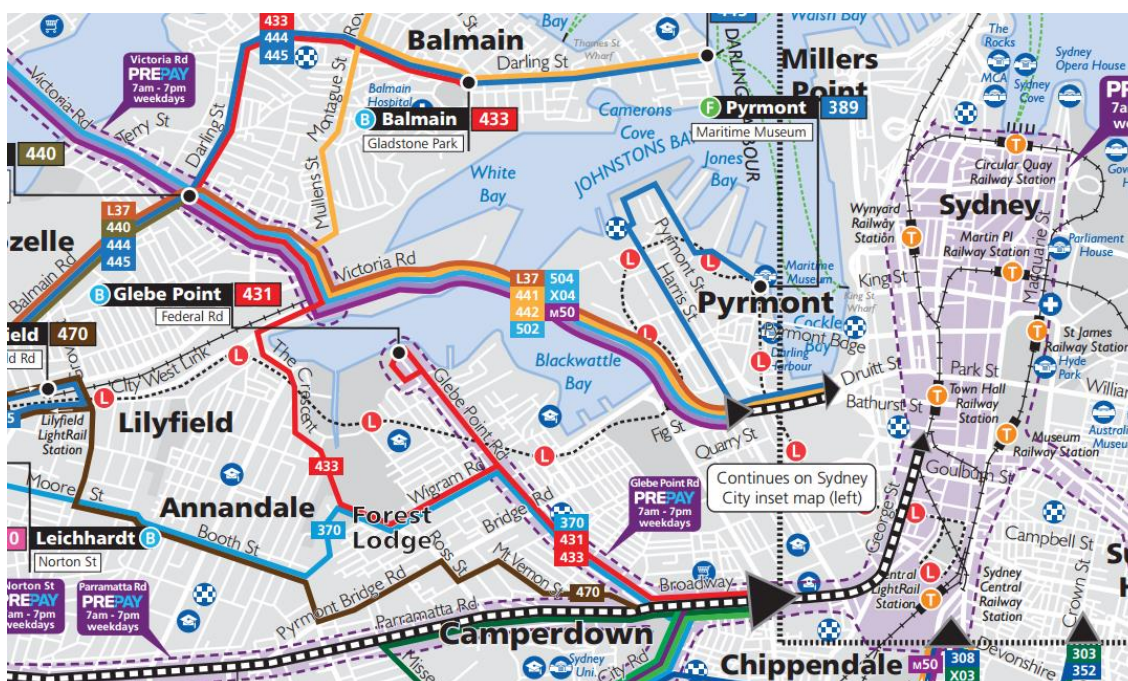
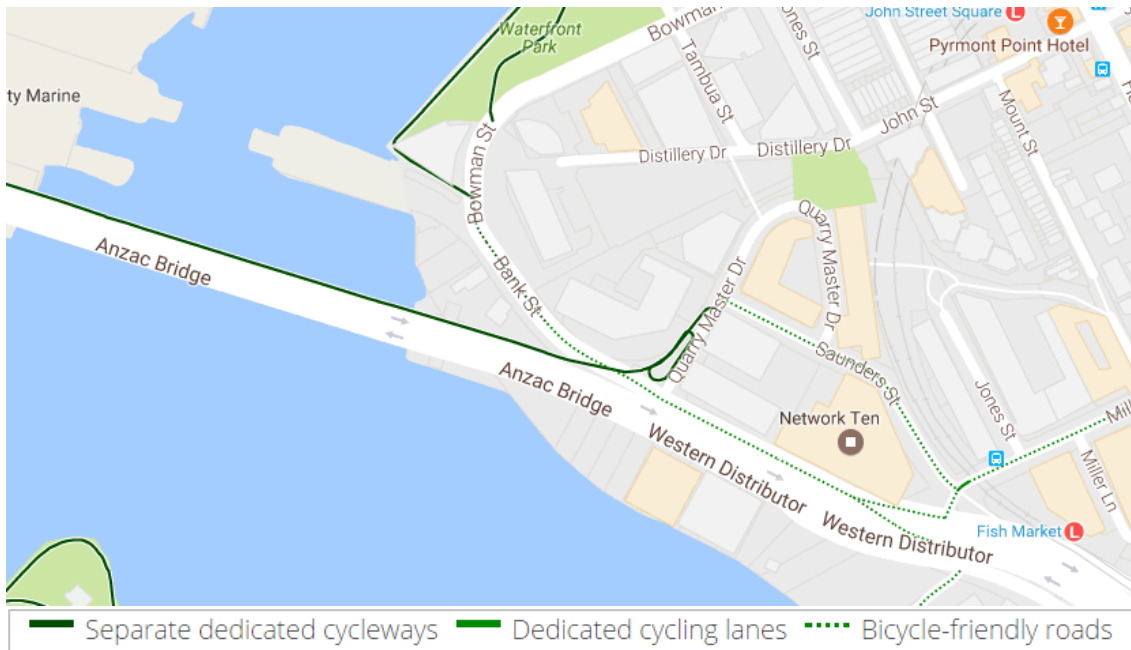


Figure 7 – State Transit Inner West Bus Map



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Figure 8 – Sydney Cycleways Map

3.7 Utilities and Services

The site is not currently serviced by electricity, water, sewer, ICT, stormwater or gas. However, these services are available for connection within Bank Street, subject to obtaining relevant approvals.

The existing and required capacity of essential services is summarised by the Services Statement prepared by Cardno, which accompanies this EA at **Appendix F**.

3.8 Trees & Vegetation

The land contains a total of 34 plant species including five (5) native species and 29 exotic species;

- Two of the exotics, Fountain Grass (*Cenchrus setaceus*) and the Japanese Hackberry (*Celtis sinensis*), are listed as noxious within the Sydney LGA and recommended for removal;
- Native plants detected include a single specimen of Swamp Oak (*Casuarina glauca*), one small seedling of Port Jackson Fig (*Ficus rubiginosa*), and one Blue Flax-lily (*Dianella caerulea*); and
- The remainder of species recorded are exotic herbaceous weed species.

The subject site does not contain any native vegetation communities and there are no threatened species, populations or endangered ecological communities present on the subject site.

A Flora and Fauna Assessment Report prepared by SLR Global Environmental Solutions (SLR) accompanies this EA at **Appendix G**.

3.9 Heritage

A portion of the land contains part of an item of heritage significance. Specifically, the ANZAC Bridge, which is listed as a heritage item under the RMS s170 Register. The land also lies within close proximity of two listed heritage items comprising the former Glebe Island Bridge (RMS bridge no. 61), which is listed on the State Heritage Register and under the Sydney Harbour REP as well as the Escarpment face from the former 'Saunders quarry', which is listed under Schedule 5 to SLEP 2012.

Further, a heritage assessment undertaken by Urbis of the site and nearby land (subject of the wider Sydney Heritage Fleet approval and master plan 2006) has identified the extant low sea wall consisting of large sandstone blocks to the south of the MOD3 site as having aesthetic and historic significance. The sea wall is considered representative of the development and settlement of Pyrmont at the turn of the twentieth century and of the associated maritime and industrial functions of the area. The site's contemporary concrete seawall is shown at Figure 9. The site itself is otherwise not subject of any heritage listing.

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A Heritage Impact Statement & Archaeological Assessment prepared by Urbis accompanies this EA at **Appendix H**. Heritage matters are discussed in detail in Section 7.17 of this EA.



Figure 9 – Seawall at the site viewed from passive (dragon boat) ramp

3.10 Stormwater & Drainage

A desktop review and site inspection identified existing stormwater infrastructure within the land subject of this EA comprising two (2) existing council kerb inlet pits at Bank Street, a three metre drainage easement across the north east quadrant of the land, and several closed stormwater manholes within the site.

The land subject of this EA lies within the Blackwattle Bay catchment and is subject to a projected 1% AEP 'high' 2050 water level of 1.8m AHD.

A Stormwater Management Report prepared by Warren Smith & Partners accompanies this EA at **Appendix I**. Stormwater, drainage and water quality matters are discussed in detail in Section 7.11 of this EA.

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4.0 DESCRIPTION OF THE DEVELOPMENT

The proposal can be briefly summarised as follows:

4.1 Details of the change of approved use

- Use of the site
 - The primary use will be the mooring of charter vessels and land-based storage of associated provisions.
 - No embarkation or disembarkation will occur at the site by the general public or patrons. Up to six (6) staff will be on board individual vessels as they depart the site for pick up.
- Hours of Operation / Peak Periods
 - Hour of operation will generally be 7am to 1am, 7 days per week.
 - Hours of operation during off peak periods will be shorter. The quiet period of the year is April to August.
- Site Users / Employees
 - The typical number of employees will be in the order of 31 people during non-peak periods (6 office and 25 vessel-based staff), however these will not all be based on site. The majority will be on board vessels during events.
 - The maximum total number of employees will be in the order of 81 people during peak periods (6 office and 75 vessel-based staff). This maximum is anticipated to be reached on only three days of the year. Again, these will not all be based on site. The majority will be on board vessels during events.
- Berthing Requirements
 - The proposal includes 22 charter vessel berths. No recreation vessels will be berthed at the facility. No changes to the existing approved wet land works are required to accommodate all of the proposed berths.
 - The smallest vessel will be in the order of 15m in length and the largest 48m in length and 15m in beam.
- On-site works
 - No major work to vessels will occur on site – only minor repairs and servicing. Major works will occur off site.
 - Antifouling works to vessel hulls is likely to occur only every 1-2 years and will be undertaken at Sydney City Marine at Rozelle under the terms of their operational requirements.
 - No refuelling will occur on the site via any on-site fuel storage or portable refuelling options.
- Service Deliveries
 - Food and beverage deliveries will be twice per week for drinks and alcohol and 4 times per week for food and perishables.
 - Garbage is proposed to be collected once per week by a private contractor, other than in December when it will be collected at least twice per week (due to peak periods and hot weather).
- Security / Emergencies
 - Security arrangements will include CCTV, nightly patrols, and on-call security services.

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The operational matters and management procedures associated with the proposal are detailed in the Preliminary Plan of Management prepared by UGNSW, which accompanies this EA at **Appendix J**.

4.2 Built Works

Proposed on-shore works will comprise the following:

- a demountable office building with a floor area of 70 sqm accommodating:
 - six (6) workstations, two (2) offices, two (2) bathrooms, and kitchen,
- a secured storage compound accommodating:
 - LPG gas bottles (up to 36 empty and full) to service stoves and BBQs on the vessels;
 - Fourteen (14) 3,000 litre bins;
 - Three (3) ice machines; and
 - No fuel will be stored on-site for the vessels. Vessels will be refuelled off site,
- 10 storage (6m long x 3m wide x 2.59m high) single stacked shipping containers,
- 12 storage (12m long x 3m wide x 2.59m high) single stacked shipping containers,
- Wall-mounted business identification signage at the Bank Street frontage,
- Installation of a 5kl rainwater reuse tank,
- Protection measures for ANZAC Bridge Pylon including bollards and CCTV, and
- New vehicular crossover to Bank Street.

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The nature and scale of the proposed works are illustrated by the architectural drawings prepared by Bennett & Trimble, which accompany this EA at **Appendix K**.

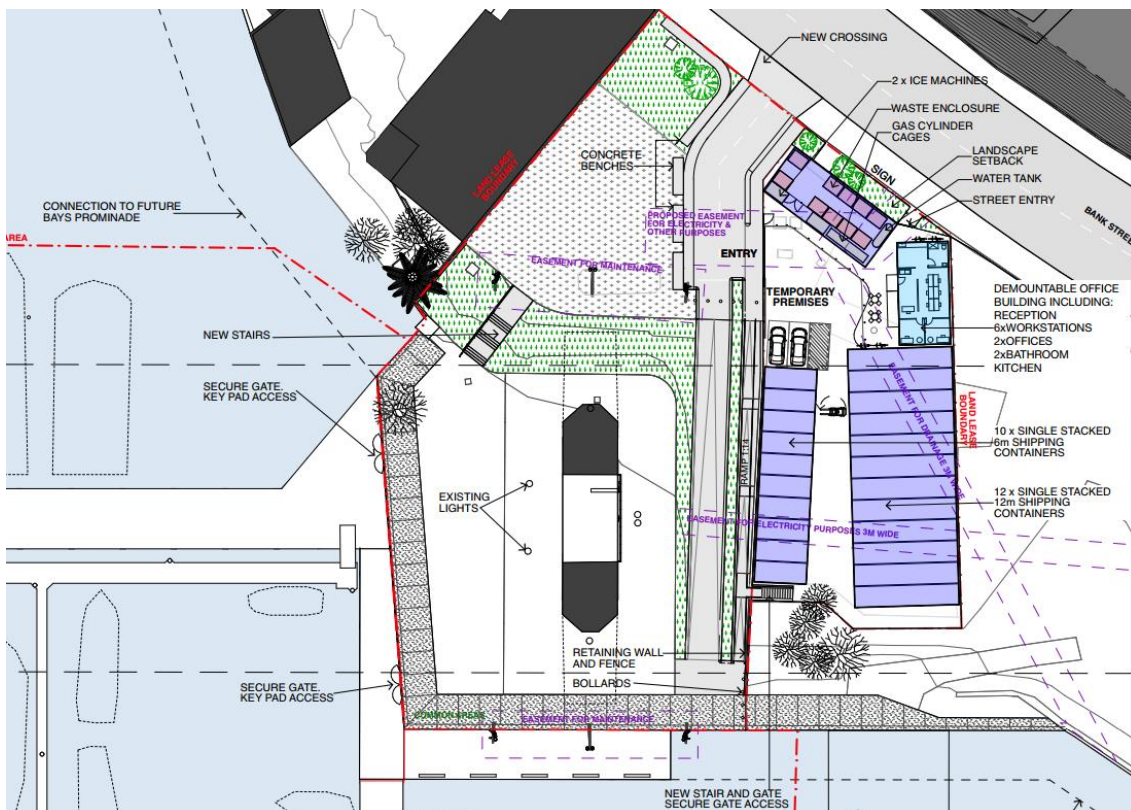


Figure 10 – Site Plan (S75W-05), extract

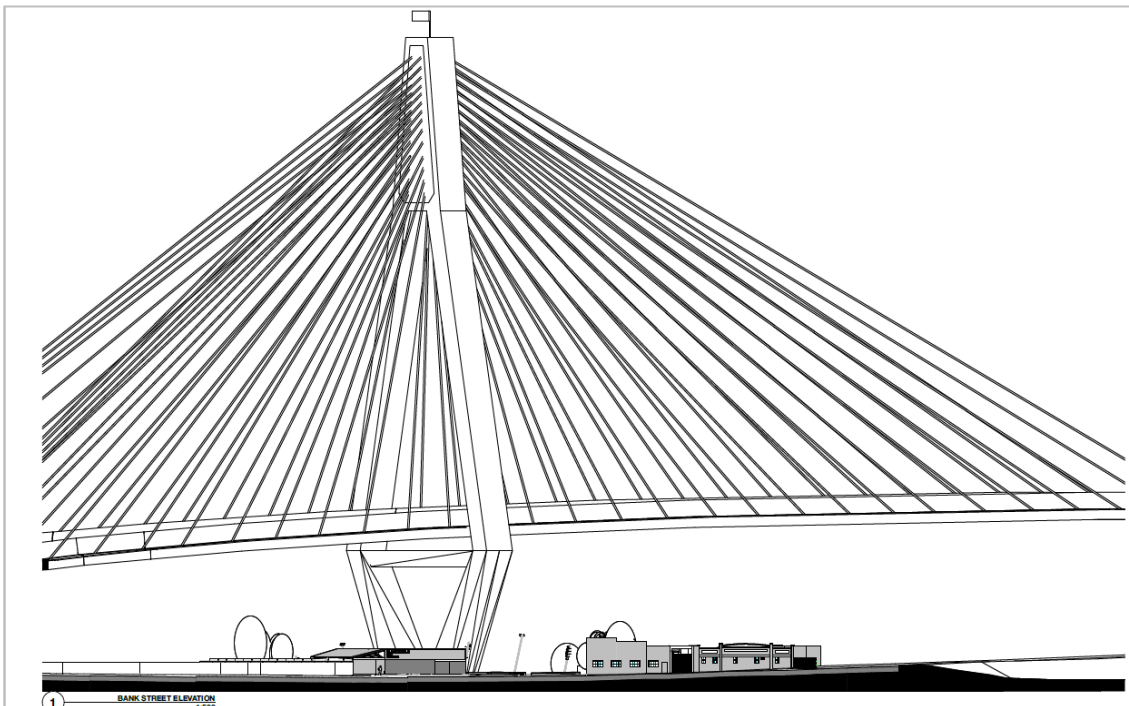


Figure 11 – North Site Elevation (S75W-09)

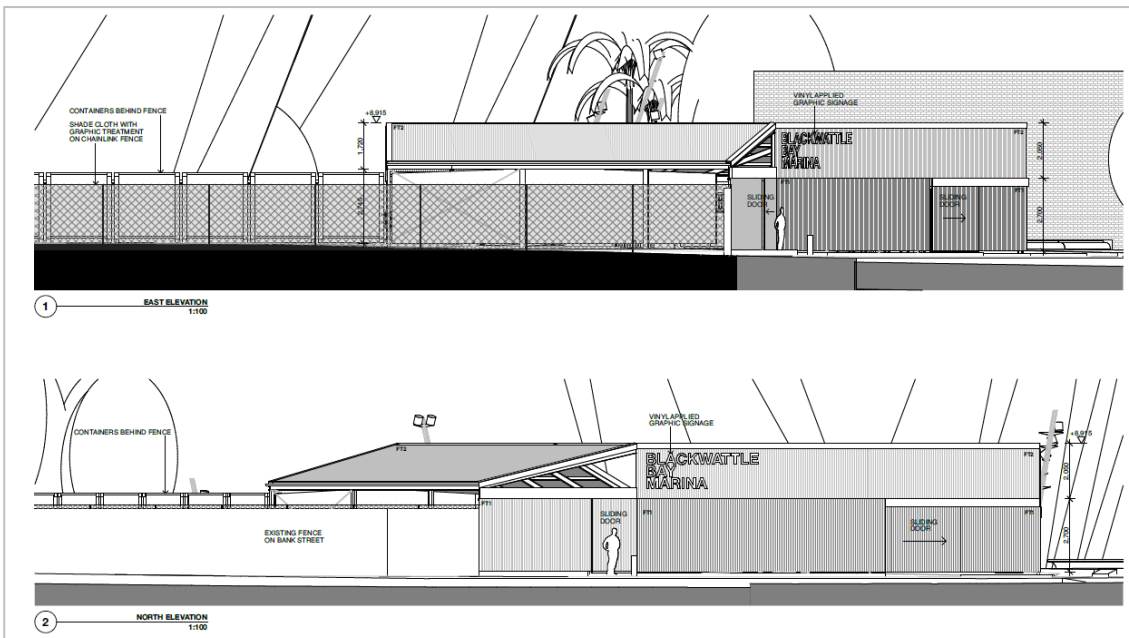


Figure 12 – Elevations 1 (S75W-10)

4.3 Public Access & Landscape

Landscape works to provide a positive street presentation and legible public access to the foreshore are proposed as follows:

- Timber promenade (of 5.75m in width) to provide temporary public access to the foreshore until such time as a precinct-wide solution is implemented as per The Bays Precinct Sydney Transformation Plan;
- Garden beds at the street frontage and north-eastern corner of the land to soften the appearance of the facility as viewed from the street, the water, and elevated balconies;
- Landscaped area to the north east fitted with concrete benches and stair access to provide permeable surface for drainage and encourage public enjoyment of the site; and
- Strip planting to provide separation for pedestrian and vehicular movements within the site.

Proposed landscape works are illustrated by the architectural drawings prepared by Bennett & Trimble (S75W-06), which accompany this EA at **Appendix K**.

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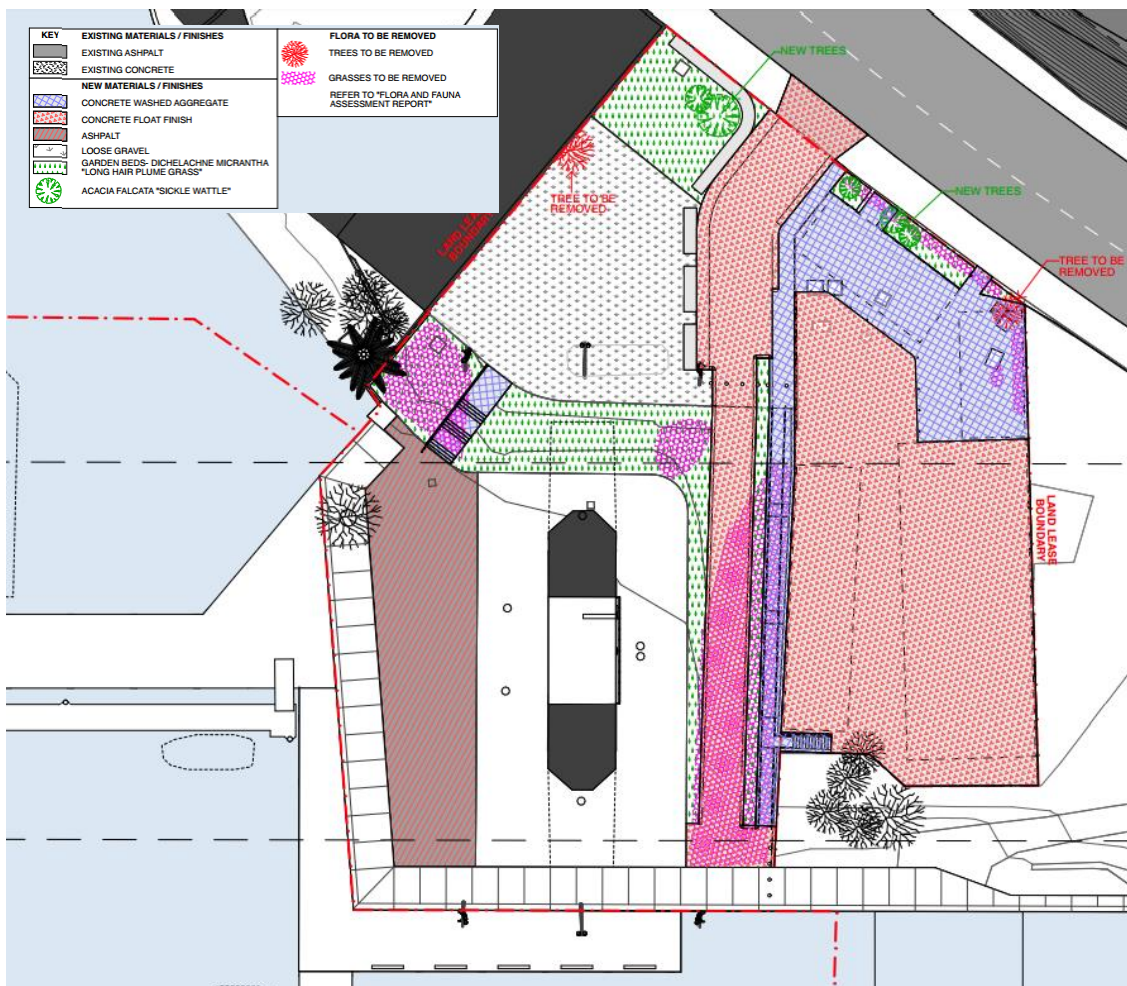


Figure 13 – Landscape Plan (S75W-06)

4.4 Vegetation & Tree Removal

Two exotics tree species located on the land - Fountain Grass (*cenchrus setaceus*) and the Japanese Hackberry (*celtis sinensis*) - are listed as noxious within the Sydney LGA and are, therefore, proposed for removal.

Replacement planting of two (2) trees within the front setback is proposed. As illustrated by the planting schedule that accompanies the landscape plan, the proposal incorporates two new plantings comprising native and indigenous plantings.

4.5 Traffic & Parking

Two parking spaces (plus a reserve and managed accessible space) are to be provided, for use by staff and visitors, as needed.

The majority of staff currently utilise public transport to travel to and from the BBM. This is anticipated to continue following relocation having regard for the ready availability of public transport. A Workplace Travel Plan has been prepared by GTA to assist staff in identifying public transport options for commuting to and from the relocated facility.

Proposed traffic and parking solutions as well as a draft Workplace Travel Plan have are described in detail by the traffic impact assessment which accompanies this EA at **Appendix E**.

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4.6 Environmentally Sustainable Design

The proposed temporary facility satisfies the requirements of Section J of the National Construction Code (NCC/ BCA). BCA and Access Compliance Assessment Reports have been prepared by BCA Logic and accompany this EA at **Appendix L**.

Further, the design has considered a range of energy saving and sustainability measures consistent with the existing Conditions of Approval as far as these are relevant to temporary structures or development. The proposal also readily satisfies the ESD principles as set out in clause 7(4) Schedule 2 of the EP&A Regulation 2000.

4.7 Staging

The proposed construction works will be undertaken via a single construction contract over a period of six months.

5.0 AMENDED SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

TABLE 1 – AMENDED SEARS COMPLIANCE TABLE	
AMENDED SEAR	EA REFERENCE
GENERAL REQUIREMENTS	
The modification application must include:	
• An executive summary. • A description of the existing and surrounding environment. • A thorough description and justification of the proposal, including: ○ a detailed justification for any proposed changes in use, design and built form; ○ identification and analysis of alternatives, and environmental impacts; and ○ description of the public benefits arising from the proposal. • Consideration of any statutory provisions (see below). • A detailed assessment of the key issues specified below, including: ○ a description of the existing environment; and ○ an assessment of the potential impacts of the modifications, including cumulative impacts. • An amendment to the approved Statement of Commitments (where relevant). • A conclusion justifying the proposal, taking into consideration the environmental impacts of the proposal, and the suitability of the site	Section 1.0 Sections 2.0 and 3.0 Sections 1.0 and 4.0 Section 7.2 Section 7.0 Section 7.20 Section 8.0
KEY ISSUES	
The Environmental Assessment (EA) shall address the following:	
1. Relevant EPIs, Strategies, Plans and Guidelines • Demonstrate that the project will comply with the relevant requirements set out in the following environmental planning instruments, policies, plans and guidelines: ○ State Environmental Planning Policy (State and Regional Development) 2011; ○ State Environmental Planning Policy (State Significant Precincts) 2005; ○ State Environmental Planning Policy (Infrastructure) 2007; ○ State Environmental Planning Policy 33 - Hazardous and Offensive Development; ○ State Environmental Planning Policy 55 - Remediation of Land; ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; ○ Sydney Regional Environmental Plan No. 26 (City West); ○ Sydney Harbour Foreshores and Waterways Area DCP 2005; ○ Sydney Local Environmental Plan 2012;	Section 7.1 and Section 7.2

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○ NSW 2021; ○ Towards Our Greater Sydney 2056; ○ Draft Central District Plan; ○ A Plan for Growing Sydney; ○ NSW Long Term Transport Master Plan; ○ Sydney's Walking Future 2013; ○ Sydney's Cycling Future 2013; ○ Sydney's Bus Future 2013; ○ Sydney's Rail Future 2013; ○ Development Near Rail Corridors and Busy Roads 2008; ○ the Bays Precinct Transformation Plan 2015; ○ Bank Street Pyrmont Master Plan 2006; and • Nature and extent of any non-compliance with relevant environmental planning instruments, policies, plans and guidelines and justification for any non-compliance.	
2. Built Form / Urban Design • Include detailed justification for the height, bulk and scale of the proposed development within the context of the locality, its impacts on amenity, views and vistas, and how it would successfully relate to the built form of the existing and future character of the surrounding area. • Demonstrate design quality with specific consideration of the massing, waterfront interface, setbacks and visual impacts, including impacts on the waterway. • Provide a detailed justification for the nature of any built structures proposed on site and specify a maximum period for temporary structures to be in place. • Shadow diagrams.	Section 7.3 Appendix K
3. Public Domain and Public Access • Identify scope for public domain improvements, 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, including demonstration of means of activating the public domain. • Address existing and future opportunities for public access to the foreshore, and consider provision for public access along the foreshore above the mean high water mark. • Demonstrate that the design of the foreshore access for the development proposal is compatible with the Sydney Harbour Cycleway and that a connection from the facility to potential developments adjacent to the site is maintained.	Section 7.4 Appendix K
4. Visual Impacts • A visual impact assessment shall be undertaken to identify the visual changes and view impacts of the project to/from key vantage points and surrounding properties. Photomontages or perspectives should be provided showing the project.	Section 7.5 Appendix K

• Ensure built structures are located to conserve views of the Anzac Bridge from key vantage points where possible.	
5. Transport and Accessibility Impacts • Justification for the proposed quantum of on-site car parking with consideration of the relevant RMS guidelines and Australian Standards and the likely impacts of parking provision on the surrounding street network. • Daily and peak traffic movements likely to be generated by the proposed development, including modelling and assessment of the performance of key intersections providing access to the site, and any upgrades (road/intersections) required because of the proposal. • Identification of Travel Demand Management (TOM) measures that will optimise the opportunity provided by the project site's proximity to public transport, including the preparation of a Work Place Travel Plan. • In relation to construction traffic: ○ cumulative impacts associated with other construction activities on the site; ○ details of anticipated truck movements to and from the site; ○ details of access arrangements for workers to/from the site, emergency vehicles and service vehicle movements; and ○ impacts on the temporary cruise ship terminal. • Details of any proposed transportation of waste materials via Sydney Harbour and proposed locations for handling materials.	Section 7.6 Appendix E
6. Marina Development • Justify the suitability of the site for a marina development, including the infrastructure required to accommodate the proposal in this location. • Address the potential impacts due to marina construction and operations on marine vegetation, aquatic ecology. • Provide a detailed review of existing water-based activities in the area and the impact of the proposal on these activities. • Address the cumulative impact on increased boating activities in the locality including the provision of appropriate boating infrastructure. • Demonstrated consultation with the Harbour Master of the Port of Sydney and Roads and Maritime Services regarding potential navigation impacts and safety, and detailing any mitigation measures to minimise navigation impacts.	Section 7.7
7. Flora and Fauna • Impacts on flora and fauna including threatened species, populations and endangered ecological communities and their habitats and steps taken to mitigate any identified impacts to protect the environment.	Section 7.8 Appendix G
8. Water Quality • Address potential impacts on water quality, including surface water controls, management of slipways, hardstands and vessels, management of sewerage waste from vessels, fuel and chemical storage and spill management. • Assess the impacts of the proposal on surface and groundwater hydrology and quality.	Section 7.11 Appendix I

9. Air Quality and Odour • Address potential air quality and odour impacts in accordance with the relevant Environment Protection Authority guidelines. • Identify the main air emission generating sources and activities from the proposed development during construction and operation. • Identify measures to minimise and mitigate potential air quality and odour impacts on surrounding occupiers.	Section 7.19 Appendix O
10. Noise and Vibration • Address potential noise and vibration impacts in accordance with the relevant Environment Protection Authority guidelines. • Identify the main noise and vibration generating sources and activities from the proposed development during construction and operation. • Identify measures to minimise and mitigate potential noise and vibration impacts on surrounding occupiers.	Section 7.10 Appendix P
11. Drainage and Flooding • Address drainage/flooding issues associated with the site, including: ○ Stormwater and drainage infrastructure; ○ Assessment of any flood risk in accordance with the guideline contained in the NSW Floodplain Development Manual 2005, including potential effects of climate change, sea level rise and an increase in rainfall intensity.	Section 7.11 Appendix I
12. Waste Management • Identify all potential sources of liquid waste and non-liquid wastes as defined in the EPA's Waste Classification Guidelines 2014. The application 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.	Section 7.12 Appendix Q and Appendix J
13. Utility Infrastructure • Address the existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure and additional licence/approval requirements in consultation with relevant agencies. • Identify any potential impacts on existing utility infrastructure and service provider assets, and demonstrate how these will be protected or impacts mitigated.	Section 7.13 Appendix F
14. Ecologically Sustainable Development (ESD) • Detail how ESD principles (as defined in clause 7(4) Schedule 2 of the EP&A Regulation 2000) will be incorporated in the design, construction and ongoing phases of the development. • Outline resource, energy and water efficiency initiatives, including the use of sustainable technologies and or/renewable energy. • Provide an integrated Water Management Plan including alternative water supply, proposed end uses of potable and non-potable water, water sensitive urban design and water conservation measures.	Section 7.14 See also – Appendix K Appendix L
15. Contamination • Identification of any contaminated material on site and demonstrate compliance with the requirements of State Environmental Planning Policy 55 - Remediation of Land	Section 7.15 Appendix D Appendix R

16. Climate Change and Sea Level Rise An assessment of the risks associated with sea level rise on the proposal in accordance with current NSW Government guidelines.	Section 7.16 Appendix S
17. Heritage - Identify whether any listed or potential heritage items are located within the project area. If any items are likely to be affected, prepare a Heritage Impact Statement. - Prepare an Aboriginal and non-Aboriginal archaeological assessment detailing the likely impacts and outline the proposed management and mitigation measures to protect and preserve the archaeology.	Section 7.17 Appendix H Appendix T See also – Section 3.9
18. Contributions Address provision of public infrastructure, including Council's Section 94 Contributions Plan and/or details of any Voluntary Planning Agreement.	Section 7.19
19. Statement of Commitments The EA must include a Statement of Commitments detailing measures for environmental management, impact mitigation and on-going monitoring.	Section 7.20 Appendix U
CONSULTATION	
During the preparation of the modification application, you must consult with local, State or Commonwealth Government authorities, service providers, community groups and affected landowners, as relevant. In particular, you should consult with: - The City of Sydney Council; - Roads and Maritime Services; - Transport for NSW; - The Environment Protection Authority; - The Office of Environment and Heritage; - Property NSW; - The Department of Primary Industries; and - The Port Authority of NSW. The application must describe the pre-submission consultation process, issues raised and how the proposed development has been amended in response to these issues. A short explanation should be provided where amendments have not been made to address an issue.	Section 6.0 Appendix M
PLANS & DOCUMENTS	
GENERAL REQUIREMENTS	
The Environmental Assessment (EA) must include: - An executive summary; - A thorough site analysis including site plans, aerial photographs and a description of the existing and surrounding environment; - A thorough description of the proposed development; - An assessment of the key issues specified above and a table outlining how these key issues have been addressed; - An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management,	Section 1.0 Section 3.0 Section 4.0 Section 7.0 Various Appendices Section 8.0

mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; 6. The plans and documents outlined below; 7. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; 8. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project; and 9. A conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.	
PLANS AND DOCUMENTS	
The following plans and relevant documentation shall be submitted; 1. An existing site survey plan drawn at an appropriate scale illustrating: • the location of the land, boundary measurements, area (sqm) 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: • 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: • 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; • 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. 4. Shadow diagrams showing solar access to the site and surrounding areas at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm. 5. 3D modelling of the proposal and the surrounding development in digital format in accordance with the relevant guidelines. 6. Visual Impact Assessment - the visual impact assessment, including focal lengths, must be done in accordance with Land and Environment Court requirements, to/from key vantage points and surrounding land. Visual aids such as a photomontage must be used to demonstrate visual impacts of the project in particular having regard to siting, bulk and scale of built structures	
	Appendix B
	Appendix K
	Appendix K
	Appendix K
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	Appendix K

and their relationships with key areas.	
7. Geotechnical Report - prepared by a recognised professional which assesses the risk of Geotechnical failure on the site and identifies design solutions and works to be carried out to ensure the stability of the land and structures and safety of persons.	Appendix C
8. Landscape plan - illustrating treatment of open space areas on the site, screen planting along common boundaries and tree protection measures both on and off the site.	Appendix K
9. Transport Impact Assessment.	Appendix E
10. Flora and Fauna Impact Assessment.	Appendix G
11. Integrated Water Management Plan.	Appendix I
12. Air Quality and Odour Impact Assessment.	Appendix O
13. Noise and Vibration Impact Assessment.	Appendix P
14. Waste Management Plan.	Appendix Q
15. Ecologically Sustainable Design Report.	See Section 7.14
16. Heritage Impact Statement.	Appendix H
17. Archaeological Assessment.	Appendix T
18. Climate Change and Sea Level Rise Assessment.	Appendix S
19. Contamination Assessment.	Appendices D & R
20. Building Code of Australia Compliance Report and Accessibility Statement.	Appendix L

6.0 CONSULTATION PRIOR TO LODGEMENT

In accordance with requirements issued under the amended SEARs, UGNSW has consulted with a broad range of stakeholders in the preparation of the EA.

Authorities were contacted via email on 12 May 2017 and provided with a description of the proposal (refer **Appendix M**). Recipients were invited to contact the Proponent to arrange a briefing on the proposal during which the Proponent and its representatives would be available to answer any questions the authorities may have about the proposal.

Responses received to date are summarised in Table 2. Copies of responses from individual organisations can be provided upon request.

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TABLE 2 - RESPONSE TO CONSULTATION	
AUTHORITY COMMENT ON PROPOSAL	PROONENT RESPONSE
THE CITY OF SYDNEY COUNCIL	
City of Sydney advised it did not require a briefing meeting.	-
ROADS AND MARITIME SERVICES	
Extensive consultation with RMS has been undertaken over a period of two years. Consultation is ongoing.	
TRANSPORT FOR NSW	
No response received.	-
THE ENVIRONMENT PROTECTION AUTHORITY	
No response received.	-
THE OFFICE OF ENVIRONMENT AND HERITAGE	
No response received.	-
PROPERTY NSW	
No response received.	-
THE DEPARTMENT OF PRIMARY INDUSTRIES	
DPI advised it did not require a briefing meeting.	-
THE PORT AUTHORITY OF NSW	
No response received.	-
NSW DEPARTMENT OF INDUSTRY	
NSW Department of Industry advised it did not require a briefing meeting.	-
INNERWEST COUNCIL	
No response received.	-
AUSGRID	
Ausgrid advised it did not require a specific briefing meeting but would continue to consult with UGNSW through current channels.	-
CREATE NSW	
No response received.	-
PORT AUTHORITY	
No response received.	-

WESTCONNEX	
No response received.	-
SYDNEY WATER	
No response received.	-
SYDNEY LOCAL HEALTH DISTRICT	
SLHD requested a copy of the original conditions of approval for review.	Noted
SLHD noted the project will have potential environmental health impacts both on site, (and offsite, i.e. disturbance and, if applicable, remediation of sediments). We note that in the proposed modification conditions (8, 9, 10, and 15) the proponent is required to consider these issues.	
SLHD advised that these conditions are considered to be adequate and SLHD has no additional requirements for those matters.	
SLHD will consult with UGNSW as required regarding potential human health risks from this work, if consent is granted, and the development proceeds.	
HARBOUR MASTER OF THE PORT OF SYDNEY	
No response received.	-

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In the preparation of the proposal, the submission made by the City of Sydney in response to notification of MP11_0001 for the construction of the Sydney Heritage Fleet has been considered and accommodated within the new proposal in for far as is reasonable and practical as follows:

- VIEWS TOWARD THE ANZAC BRIDGE PYLON – Views to the base of the pylon and to the waterfront from Bowman Street are retained through careful location of built structure within the site.
- MAINTENANCE OF A CONTINUOUS FORESHORE CYCLING PATH – A shared path is provided to enable access to the foreshore. Further, four (4) bicycle parking spaces to encourage staff to make use of existing cycling infrastructure.
- PROVISION OF 24 HOUR PUBLIC ACCESS – The proposal includes an interim solution to provide safe and amenable public access to the Blackwattle Bay foreshore for the duration of the proposed temporary use until such time as the broader Bays Waterfront Promenade is delivered consistent with the Bays Precinct Transformation Plan.

The pedestrian path from Bank Street provides an accessible path of travel. Fencing, lighting and security strategies will developed at the detailed design stage to ensure safe 24-hour public access to the foreshore and promenade.

- FUTURE CONNECTION OF PUBLIC DOMAIN – The proposal incorporates a flexible interim design that ensures the fixed wharf and publicly accessible timber boardwalk are constructed to levels that enable connection to adjoining publicly accessible areas of neighbouring sites as these develop.
- SUSTAINABLE TRANSPORT PRACTICES - A workplace travel plan has been prepared by GTA Consultants to encourage sustainable and active transport choices. Further, a restrictive

approach to parking provision has been adopted to reduce reliance on private vehicle use in light of the land's superior access to a range of public transport connections.

UGNSW has engaged in ongoing consultation with landowner and stakeholder, RMS. In a submission in response to notification of the MOD 3 SEARs request, RMS noted that it is the navigation authority for all navigable waters within NSW and requested consultation in relation to issues of navigation impacts.

UGNSW will continue to work with stakeholders during the assessment of MOD 3 and post approval during the construction phase.

More broadly, UGNSW is committed to genuine and early engagement throughout The Bays Precinct's transformation. The foundation for the Bays Precinct was discussed and set through high-level principles generated at the International Summit held in November 2014. This was followed by a stakeholder and community engagement program from May to July 2015 to inform the creation of The Transformation Plan: The Bays Precinct, Sydney, which sets the strategy for transforming The Bays Precinct.

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Future opportunities for engagement about the Bays Precinct transformation are broad and many; these include a reference group which meets on a quarterly basis, an open house program which can include drop in sessions and market stalls, online forums and other formal and informal events and activities.

In addition, UGNSW maintains a strong presence across digital channels such as the project specific website, e-newsletters and social media (Facebook).

At the time of the EA's preparation, engagement or consultation with community /user groups had not been undertaken due to the confidential nature of the project, and the status of negotiations between RMS and BBM. However, as MOD 3 will be publically exhibited and subject to a statutory consultation process the community have an opportunity to provide feedback to the proposal, which UGNSW will be required to consider and address as part of the ongoing assessment of the proposal.

7.0 ENVIRONMENTAL ASSESSMENT

This section of the report assesses and responds to the environmental impacts of the proposal and addresses the matters for consideration set out in the SEARs (see Section 5.0). The mitigation measures at Section 7.20 complement the findings of this section.

7.1 Strategic and Statutory Planning Context

The Amended SEARs have required the following strategic and statutory (and other planning-related documents) be considered and addressed in this EA:

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- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (State Significant Precincts) 2005;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy 33 - Hazardous and Offensive Development;*
- *State Environmental Planning Policy 55 - Remediation of Land;*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;*
- *Sydney Regional Environmental Plan No. 26 (City West);*
- *Sydney Local Environmental Plan 2012;*
- Sydney Harbour Foreshores and Waterways Area DCP 2005;
- NSW 2021;
- Towards Our Greater Sydney 2056;
- Draft Central District Plan;
- A Plan for Growing Sydney;
- NSW Long Term Transport Master Plan;
- Sydney's Walking Future 2013;
- Sydney's Cycling Future 2013;
- Sydney's Bus Future 2013;
- Sydney's Rail Future 2013;
- Development Near Rail Corridors and Busy Roads 2008;
- The Bays Precinct Transformation Plan 2015; and
- Bank Street / Pyrmont Master Plan 2006;

These are addressed below and in various other sections of this EA.

7.1.1 Strategic Planning

An assessment of the proposal against the relevant state and local strategic planning policies as identified by the amended SEARs is summarised in the subsections that follow.

7.1.1.1 NSW 2021

NSW 2021 was a 10-year plan to guide NSW State Government policy and budget decision-making to deliver on community priorities with the ultimate aim of achieving state growth and delivery, to improve opportunities and quality of life for people in regional and metropolitan New South Wales. NSW 2021 set long-term goals and measureable targets, and outlined immediate actions to achieve these goals via the following five strategies:

1. *Restore economic growth;*
2. *Return quality health, transport, education, police, justice and community services, putting customer service at the heart of service design;*
3. *Build infrastructure that drives our economy and improves people's lives;*
4. *Strengthen our local environments, devolve decision making and return planning powers to the community; and*
5. *Restore accountability and transparency to government, and give the community a say in decisions affecting their lives.*

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NSW 2021 incorporates 32 goals, targets and priority actions associated with these high level strategies. The proposal and, more broadly, the Bays Precinct Transformation Plan will contribute to the achievement of a number of these goals the most relevant of which include:

- GOAL 8 - Grow Patronage on Public Transport By Making it A More Attractive Choice

The proposal includes an interim public access solution that will provide visual and physical connections to the foreshore and encourage public enjoyment via walking and cycling in anticipation of a permanent solution in the form of the Bays Water Promenade.

The proposal will also minimise on-site parking in recognition of existing public transport connections (including cycle network) and to reduce car dependency and increase walking and cycling.

- GOAL 20 - Build liveable centres

This proposal forms part of the broader Bays Precinct Transformation Plan which will encourage job growth in a centre close to where people live and accessible by public transport.

- GOAL 22 - Protect our natural environment

Included among the proposed works are removal of weed species, native planting and increased soft landscaped area. The proposal will be undertaken in accordance with accepted environmental practices/ standards and contribute toward the protection of land, vegetation and water habitats.

- GOAL 27 - Enhance cultural, creative, sporting and recreation opportunities

The proposal recognises the existing significant heritage places and values within its immediate locality and locates the facility so as to protect these while contributing to its overall amenity in anticipation of its future character.

- GOAL 28 - Ensure NSW is ready to deal with major emergencies and natural disasters

The proposal will minimise impacts of climate change in the short-term through calibration of finished levels and in the medium- to long-term via flexible design capable of adjustment as necessary.

7.1.1.2 Towards Our Greater Sydney 2056

Released in November 2016, *Towards our Greater Sydney 2056* (ToGS 2056) is a future plan for a growing Greater Sydney and draft amendment to the A Plan for Growing Sydney. ToGS 2056 acknowledges the contradiction in the location of the majority of Greater Sydney's jobs in the east while an increasing number of people are living in the west, which has created capacity constraints such as higher levels of congestion, lower rates of housing affordability and uneven access to employment choices.

Capitalising on investment in the Western Sydney Airport and economic activity around the Western Sydney that this will generate, ToGS 2056 proposes a major shift in strategic planning for Greater Sydney which focuses on the regional significance of central and western Sydney. ToGS introduces the strategy for a metropolis of three cities: the Eastern City, the Central City, and the Western City.

The Eastern City, which includes the land subject of this EA, is described as follows:

The established Eastern City is the currently established Sydney City and economic corridors to its north through to Macquarie Park and south through Sydney Airport and Port Botany to Kogarah.

It is an economic engine – especially in the financial, business and professional services and innovation start-up sectors – with a beautiful harbour, sought-after suburbs and a large proportion of knowledge-intensive jobs.

There are many opportunities to enhance the Eastern City, such as the renewal of government-owned land near Sydney City and tackling congestion. Our planning must support and enable the continued growth of the Eastern City's global industries and branding.

The established city contains significant heritage precincts such as The Rocks, Millers Point, Macquarie Street and the Royal Botanic Gardens and the Domain. The Harbour foreshores include significant evidence of Aboriginal occupation and interaction with the landscape.

The strategic aims of ToGS 2056 are broad in nature and not of direct relevance to the current proposal. It is noted, however, that no aspect of the proposal will preclude the future achievement of these aims.

7.1.1.3 A Plan for Growing Sydney

A Plan for Growing Sydney, released in December 2014, is the NSW Government's currently in force plan for the future of the Sydney Metropolitan Area over the 20 years to 2034. The Plan provides key directions and actions to guide Sydney's productivity, environmental management under the following broad goals:

- *Goal 1: A competitive economy with world-class services and transport*
- *Goal 2: A city of housing choice, with homes that meet our needs and lifestyles*
- *Goal 3: A great place to live with communities that are strong, healthy and well connected*
- *Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.*

Although the subject land and proposal do not form an explicit consideration of A Plan for Growing Sydney, UGNSW is charged with leading the revitalisation of the Bays Precinct as a world-class, iconic foreshore destination as detailed in the following Actions and priorities:

ACTION 1.1.3: Diversify the CBD by enhancing the cultural ribbon which connects new and revitalized precincts including Barangaroo, Darling Harbour, Walsh Bay and the Bays Precinct.

ACTION 1.1.4: Deliver the government's vision for Sydney Harbour, incorporating Sydney's cultural ribbon including the new and revitalised precincts of Barangaroo, Darling Harbour, Walsh Bay, the Bays Precinct and surrounding foreshore lands

ACTION 2.1.3: Deliver more housing by developing surplus or under-used government land

The subject land lies within the Global Sydney Strategic Centre. Implementation of the UrbanGrowth NSW urban renewal program for the Bays Precinct to provide capacity for housing and employment, improve public access to foreshore areas, revitalise the White Bay Power Station heritage asset, maintain working port functions and provide opportunities for maritime activities is an explicit objective of A Plan for Growing Sydney.

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As noted, the proposal forms a critical step in the implementation of this plan as it enables the relocation of the Sydney Fish Markets and provides an interim first step in the delivery of the Bays Waterfront Promenade and facilitates a decanting strategy to release land for long-term development.

7.1.1.4 Draft Central District Plan

The Greater Sydney Commission's draft Central District Plan was placed on public exhibition from November 2016 to the end of March 2017. The draft Plan sets out priorities and actions for Greater Sydney's Central District, which includes the City of Sydney and the subject land. This draft Plan is anticipated to be finalised towards the end of 2017.

The land subject of this EA lies within the Bays Precinct, which features prominently in the draft District Plan. The Precinct is identified variously as a 'Major employment and urban services precinct', 'major urban renewal precinct', and 'knowledge and enterprise precinct'. The Bays Precinct is identified as an opportunity to extend the Sydney City westwards, deliver innovation, and attract jobs of the future.

Action 1.1.1 of A Plan for Growing Sydney aims to create new and innovative ways to grow Sydney City's office space by identifying redevelopment opportunities and increasing building height in the right locations. Initiatives are underway to deliver on this action, including:

Urban transformation — UGNSW, in collaboration with a range of agencies and local government is planning the renewal of Central to Eveleigh and The Bays Precinct which will both create significant capacity for new jobs.

Priority 3.3.2 Fostering innovation and creative industries

Priority 3.3.3 Supporting the growth of the health and education super precincts

Priority 4.3.5 Create housing capacity in the Central District

Priority 3.7 Improving 30-minute access to jobs and services – Sydney metro

As noted, the proposal forms a critical step in the implementation of this draft District Plan as it enables the relocation of the Sydney Fish Markets and provides an interim first step in the delivery of the Bays Waterfront Promenade and facilitates a decanting strategy to release land for long-term development.

7.1.1.5 NSW Long Term Transport Master Plan

The NSW Long Term Transport Master Plan (LTTMP) was released in 2012. It sets the direction for transport planning in NSW and provides a framework for transport policy and investment decisions. Whilst the Master Plan does not provide any specific actions for the subject land, it did generate the preparation of Sydney's Walking Future 2013, Sydney's Cycling Future 2013, Sydney's Bus Future 2013, Sydney's Rail Future 2013. These are addressed in turn in the subsections that follow.

7.1.1.6 Sydney's Walking Future 2013

The actions set out in Sydney's Walking Future 2013 seek to make walking the transport choice for quick trips under two kilometres and will help people access public transport. Increasing the number of people walking will help to reduce the burden of congestion on Sydney's roads and generate capacity on key public transport corridors such as:

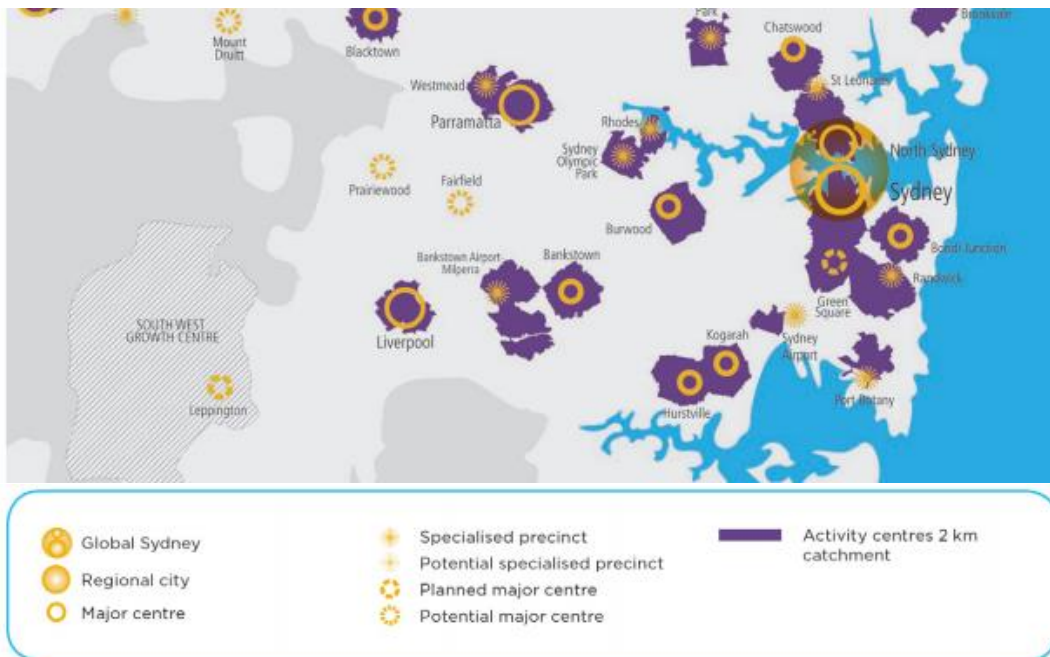
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- Changes to online trip planning to enhance walking as a transport option;
- Wayfinding pilots at Milsons Point, Martin Place and Circular Quay and the development of walking maps;
- Construction of the 'Wynyard Walk';
- Investigations into an extension of the Goods Line; and
- Delivery of the George Street light rail/ pedestrian spine.

The land subject of this EA lies within an identified activity centre being Global Sydney (refer Figure 14 below). Although the land is not associated with any of the specific projects identified by the Plan for activity centres, the proposed is consistent with the Plan's general aim of investing in connected walking routes within two kilometres of centres and public transport interchanges. The proposal includes measures that seek to make walking a more convenient, better connected and safer mode of transport.

Specifically, the proposal is consistent with the Plan's aim of improving Sydney Harbour foreshore connections. The Plan proposes the creation of a *'Headland Park in Barangaroo, which will provide a continuous walking link around the foreshore from the Botanic Gardens to the Anzac Bridge and beyond'* (p. 18).

The proposal includes an interim solution to provide safe and amenable public access to the Blackwattle Bay foreshore for the duration of the proposed temporary use until such time as the broader Bays Waterfront Promenade is delivered consistent with the Bays Precinct Transformation Plan.



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Figure 14 – Sydney's Walking Future 2013, two kilometre walking catchments from centres

7.1.1.7 Sydney's Cycling Future 2013

The actions set out in Sydney's Cycling Future 2013 presents a new direction in the way Transport for NSW plans, prioritises and provides for cycling in Sydney. This is in response to a change in culture in Sydney where more people are choosing to ride a bike for transport. The Plan seeks to increase the mode share of cycling in the Sydney metropolitan region for short trips that can be a 20 to 30 minute ride.

The land subject of this EA lies within a 5 kilometre cycling catchment of an identified activity centre. The land is also in an area of increased bicycle usage (refer Figure 15 below). The Plan nominates Connecting Inner Sydney, which has the highest number of people who commute to work by bicycle in NSW, as a priority. The Plan undertakes to concentrate on the provision of '*continuous links, separated from other road users where possible, that connect cycle entry points to the CBD and provide safe passage through the city*'(p. 16).

The project includes provision of four (4) bicycle parking spaces for use by workers and visitors and is consequently contributing to realisation of Sydney's Cycling Future objectives.



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Figure 15 – Sydney's Cycling Future 2013, change in bicycle mode share 1996 to 2011

7.1.1.8 Sydney's Bus Future 2013

Sydney's Bus Future 2013 is the NSW Government's long term plan to redesign our city's bus network to meet customer needs now and into the future. Although the specific projects identified in the Plan are not of direct relevance to the subject land and proposal, the proposal is broadly consistent with the Plan's objective to encourage use of the Sydney bus network by commuters: The proposal:

- lies within close proximity to bus services on Millers Street;
- minimises the provision of on-site parking to discourage reliance on private vehicles; and
- includes a Work Travel Plan to encourage public transport use.

7.1.1.9 Sydney's Rail Future 2013

Sydney's Rail Future 2013 is a long-term plan to increase the capacity of Sydney's rail network through investment in new services and upgrading of existing infrastructure. It is a five-stage program to meet the challenges of a growing population and the needs of customers in the future. The plan aims to modernise and transform Sydney's rail network. Although the specific projects identified in the Plan are not of direct relevance to the subject land and proposal, the proposal is broadly consistent with the Plan's objective of promoting use of sustainable transport modes by commuters.

Sydney's Rail Future 2013 was considered in the preparation of a Workplace Travel Plan by GTA Consultants.

7.1.1.10 Development Near Rail Corridors and Busy Roads 2008

The purpose of the RMS Interim Guideline for Development near Rail Corridors & Busy Roads 2008 is to assist in identification and mitigation of the impacts of rail corridors and busy roads upon development

as well as the potential impacts of development upon adjacent roads and railways. See also assessment against *State Environmental Planning Policy (Infrastructure) 2017* (section 7.1.2.3).

Potential health impacts of rail and road noise as well as adverse air quality on the workforce population of the proposed tourist and charter boat facility has been considered by the Acoustic Assessment prepared by Renzo Tonin and Air Quality Impact Assessment prepared by Pacific Environment, respectively.

These matters are discussed in detail in Sections 7.9 and 7.10 of this EA.

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7.1.1.11 The Bays Precinct Transformation Plan 2015

The Bays Precinct Transformation Plan, released in 2015 by UGNSW, establishes a strategy for how The Bays Precinct can build on its heritage, support its local communities, provide safe and exciting places and spaces, optimise maritime uses and develop social capital to support the growth of Sydney as an internationally competitive and globally relevant city. The NSW Government's ambition for The Bays Precinct is:

"To drive an internationally competitive economy, through the creation of great destinations on Sydney Harbour that will transform Sydney, New South Wales and Australia."

The Plan identifies seven key actions that will drive the transformation. These include:

1. Divide The Bays Precinct into eight distinct but linked Destinations
2. Introduce the Bays Waterfront Promenade
3. Recover and repurpose the White Bay Power Station
4. Create the Bays Market District incorporating a rejuvenated Sydney Fish Market
5. Include Wentworth Park in the Program area
6. Work towards repurposing Glebe Island Bridge
7. Introduce water quality initiatives in the Bays Waterways

The Destination of greatest relevance to the proposal is the Bays Waterfront Promenade, which is planned to provide a continuous, staged waterfront promenade from Balmain to Pyrmont connecting all Destinations through to the CBD and on to Woolloomooloo.

The proposal includes an interim solution to provide safe and amenable public access to the Blackwattle Bay foreshore for the duration of the proposed temporary use until such time as the broader Bays Waterfront Promenade is delivered consistent with the Bays Precinct Transformation Plan.

The interim solution provides visual and physical links to Sydney Harbour via a safe access route to and from the waterway. Measures are proposed to minimise potential conflicts and provide for shared-use water and land-based infrastructure and utilities. The interim solution also proposes landscape works to provide green shorelines and living sea walls to enhance biodiversity and improve water quality.

Importantly, the shared promenade forms an integral part of the flood protection solution to futureproof the site and the broader The Bays Precinct against the effects of climate change

A second Destination, the Bays Market District, is also of relevance. The Bays Market District provides a new world-class market food offering and dining attraction, connected to the water and centred

around a rejuvenated Sydney Fish Market. The rejuvenation of the Sydney Fish Market will be achieved via its relocation to built-for-purpose facilities to be constructed on the site of the existing BBM facility. This process cannot commence until an appropriate site and facility for the relocation of BBM has been secured.

The proposal, therefore, is integral to the achievement of objects of The Bays Transformation Plan.

7.1.2 Statutory Planning

An assessment of the proposal against the relevant state and local statutory planning instruments as identified by the amended SEARs is summarised in the subsections that follow.

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7.1.2.1 State Environmental Planning Policy (State and Regional Development) 2011;

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) identifies development within the Bays Precinct that is State Significant Development (SSD), as follows:

Clause 8 Declaration of State significant development: section 89C

(1) Development is declared to be State significant development for the purposes of the Act if:

- (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and*
- (b) the development is specified in Schedule 1 or 2.*

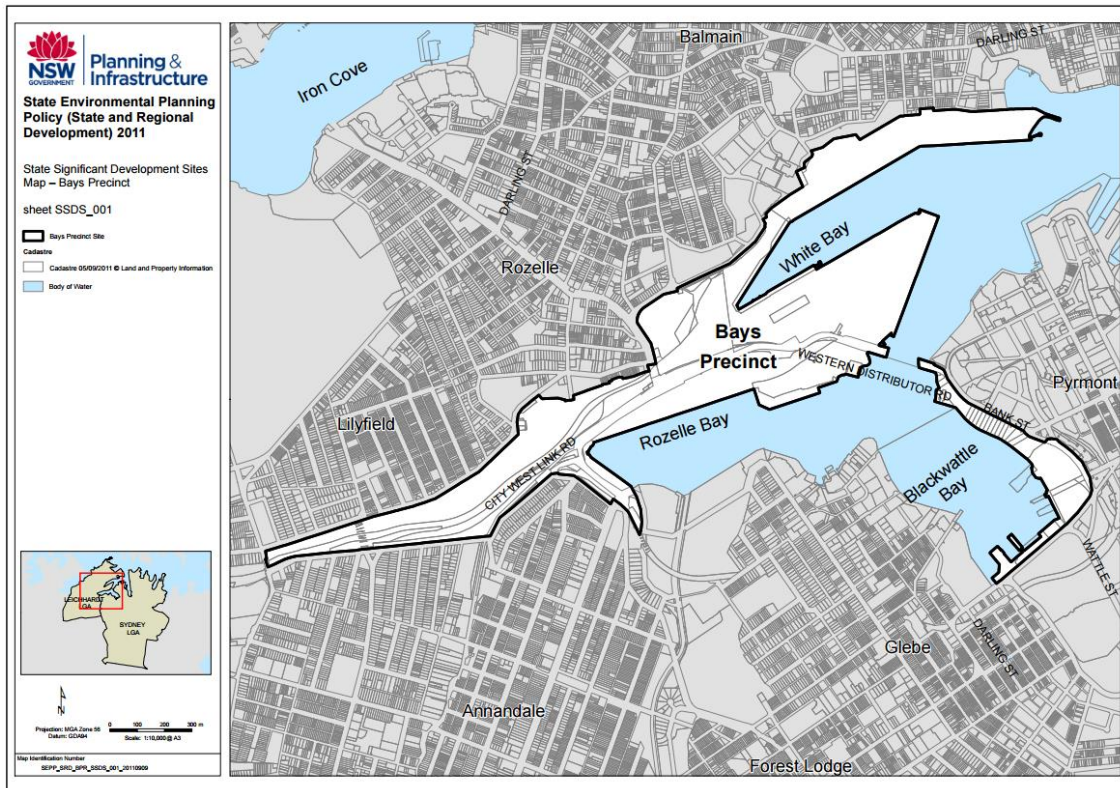
Schedule 2 Development on specified sites

Development that has a capital investment value of more than \$10 million on land identified as being within any of the following sites on the State Significant Development Sites Map:

- (a) Bays Precinct Site*

Although the subject land lies within the Bays Precinct (see Figure 16), it has a genuine estimated capital investment value is in the order of \$2.5 million, well below the \$10 million threshold. The subject proposal, therefore, is not state significant and further consideration of the SRD SEPP is not required.

The project is, in any case, a transitional Part 3A project.



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Figure 16 – SRD SEPP, State Significant Development Sites Map – Bays Precinct (sheet SSDS_001)

7.1.2.2 State Environmental Planning Policy (State Significant Precincts) 2005

State Environmental Planning Policy (State Significant Precinct) 2005 (SSP SEPP) seeks to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State. The SSP SEPP also seeks to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose.

To this end, the SSP SEPP enables certain types of development that are not state significant development to be undertaken as development not requiring consent, as follows:

10A Development that does not require consent under Part 4

Development specified in Schedule 7 is development that does not require consent under Part 4 of the Act.

Schedule 7 Development that does not require consent under Part 4

1 Port and related employment lands development by public authority

The following development carried out in the following areas by a public authority:

- (a) *(Repealed)*
- (b) *development within the area identified as Glebe Island, White Bay, Rozelle Bay and Blackwattle Bay on the [Sydney Harbour Port and Related Employment Lands Map](#), being development with a capital investment value of not more than \$10 million.*

The land subject of this EA is not mapped on the Sydney Harbour Port and Related Employment Lands Map (see Figure 17 below). The SSP SEPP, therefore, does not apply in this case.

However, it is noted that the Bays Market District has been declared a potential State Significant Precinct and will be subject to a separate rezoning process.

The Bays Market District Study Requirements issued on 28 April, 2017 (item 3.2), require the following with respect to public domain (emphasis added):

3.2. Provide a site analysis of existing physical features and conditions influencing the location and design of a continuous public domain setback from the foreshore on all sites on Bank Street. As envisaged in Volume 2 of the City's Open Space and Recreational Needs Study, this should take the form of a 30 metre public domain setback from the foreshore to the building alignment allowing at least 10 metres width of paths for pedestrians and cyclists; recreational open space; outdoor dining; community facilities, emergency access and the like. The analysis should include but not be limited to sea level rise, tides, flooding, noise and pollution, canopy and trees, heritage, character, function and use. Provide and compare options for its design. Any proposed departure from the dimensions specified above must be fully explained and justified.

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It is noted that the land subject of this EA is less than 30 metres in depth as measured from the street to the foreshore and is encumbered by the eastern pylon of the ANZAC Bridge. The land, therefore, is inherently unable to achieve the 30 public domain setback dictated by the SSP requirement. Notwithstanding, the proposal will provide an interim solution that will not preclude the delivery of a continuous public domain setback for the 10-year duration of the proposed use. The proposal, furthermore, will not preclude the future achievement of a permanent solution for the site expanded to achieve as broad a public domain setback as is reasonable and practical, for its consideration at that time.

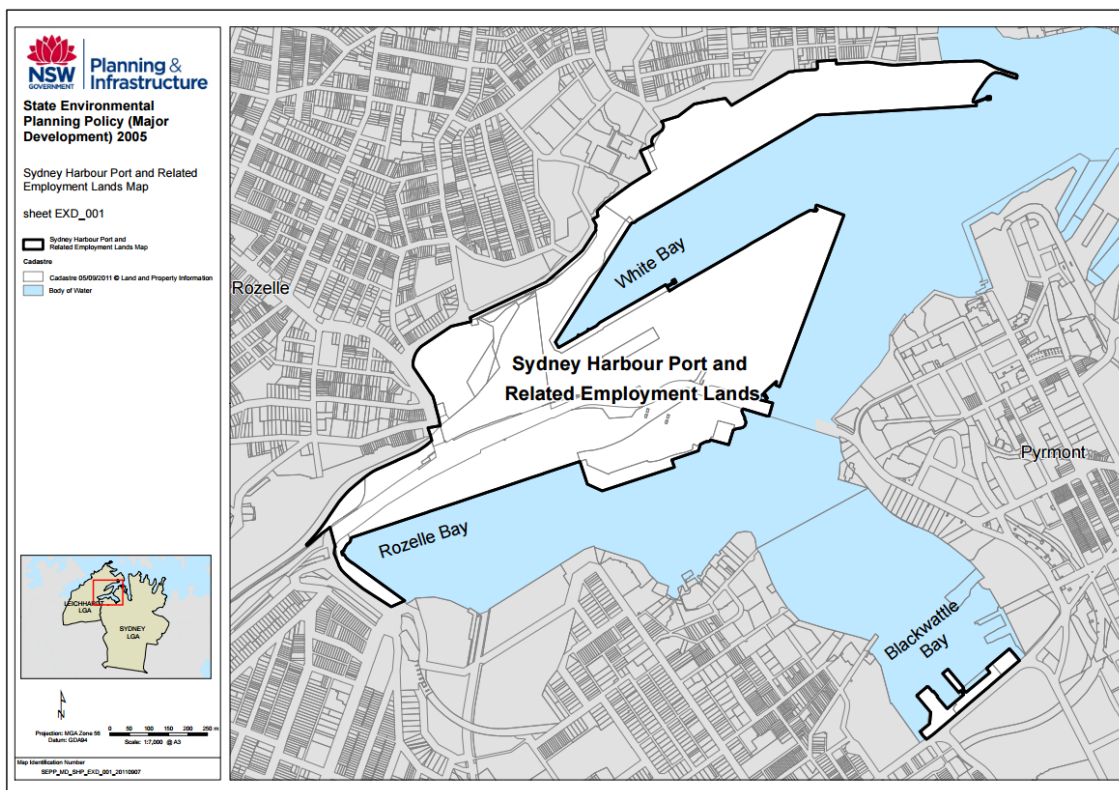


Figure 17 – SSP SEPP, Sydney Harbour Pot & Related Employment Lands Map (sheet EXD_001)

7.1.2.3 State Environmental Planning Policy (Infrastructure) 2007

The provisions of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) have been considered in the assessment of the proposal.

As the proposal is for charter and tourism boating facilities, it does not trigger any of the ISEPP's referral / consultation requirements for sensitive uses such as residential, public worship etc. under clauses 86, 87, or 102.

Schedule 3 of the SEPP specifies development that qualifies as traffic generating development that must be referred to the Roads and Maritime Services (RMS). The proposed use does not readily fall within the definition of the uses identified under Schedule 3 and does not satisfy the thresholds for new commercial premises, tourist facilities, or transport terminals. The RMS, therefore, is not required to be notified of the works on this basis. Nevertheless RMS has been consulted in relation to this proposal as detailed in Section 6.0 of this EA as a landowner and a potential stakeholder.

Further consideration of the ISEPP is not required in this case.

7.1.2.4 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject land is located within the Sydney Harbour Catchment area, in accordance with clause 12 of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (now a deemed SEPP). This provision relates solely to plan-making actions under Part 3 of the Act, and is not applicable to this EA.

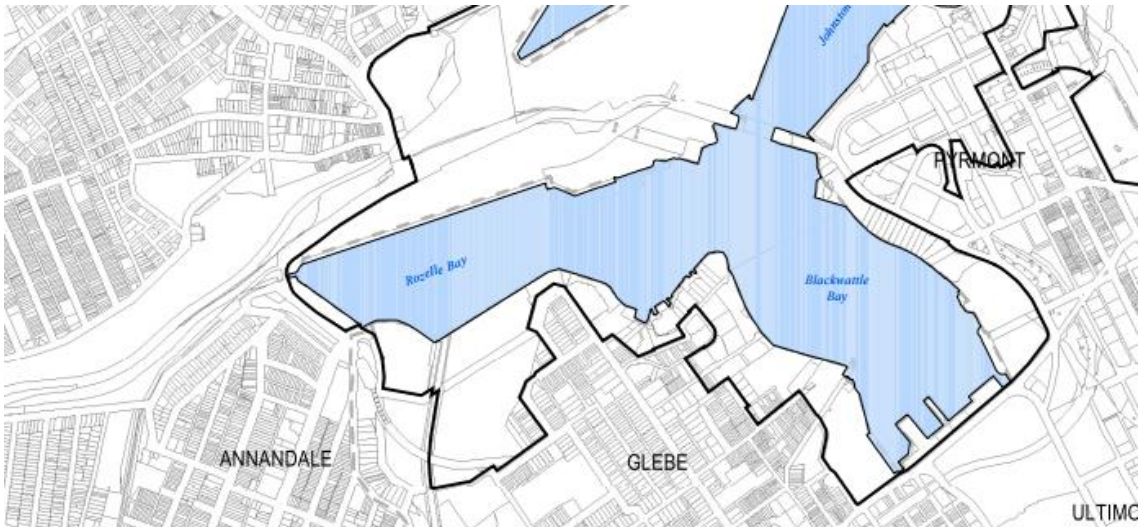
The site also sits in the Foreshores and Waterways Area (Figure 18 below). Further, the Bank Street site is identified as a 'Strategic Foreshores Site' on the Strategic Foreshores Sites Map (Schedule 1 of the Sydney Harbour REP 2005. Figure 19 below). Under Clause 41(1) of the Sydney Harbour REP, a master plan is required prior to the granting of development consent to any development on a 'Strategic Foreshores Site'. Accordingly the Bank Street Pyrmont Master Plan 2006 was adopted and is now in place.

The proposal is consistent with the relevant provisions of the Sydney Harbour REP as demonstrated by the subsections that follow.

The waters adjoining the Bank Street Site are zoned W1 Maritime Waters under the Sydney Harbour REP (see Figure 20 below). Development for the purpose of 'Charter and tourism facilities' is permitted with consent within the W1 Zone. The occupation and use of the over water facilities approved under the original Part 3A Approval, therefore, is permitted with consent.

No items of heritage significance are identified within the subject land (see Figure 21 below). The nearest item, item no. 68, is Glebe Island Bridge, including abutments. The subject land is also well removed from any wetlands protection area (Figure 22) and Little Penguin Critical Habitat at Manly and North Head (Figure 23).





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Figure 20 - Sydney Harbour REP, zoning map (extract)

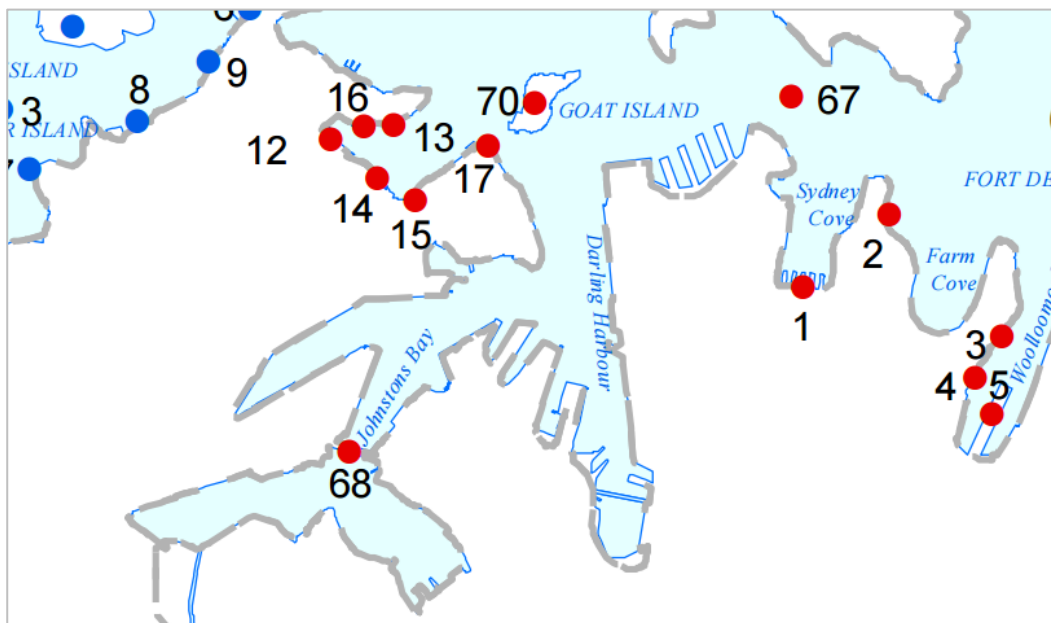


Figure 21 - Sydney Harbour REP, heritage map (extract)

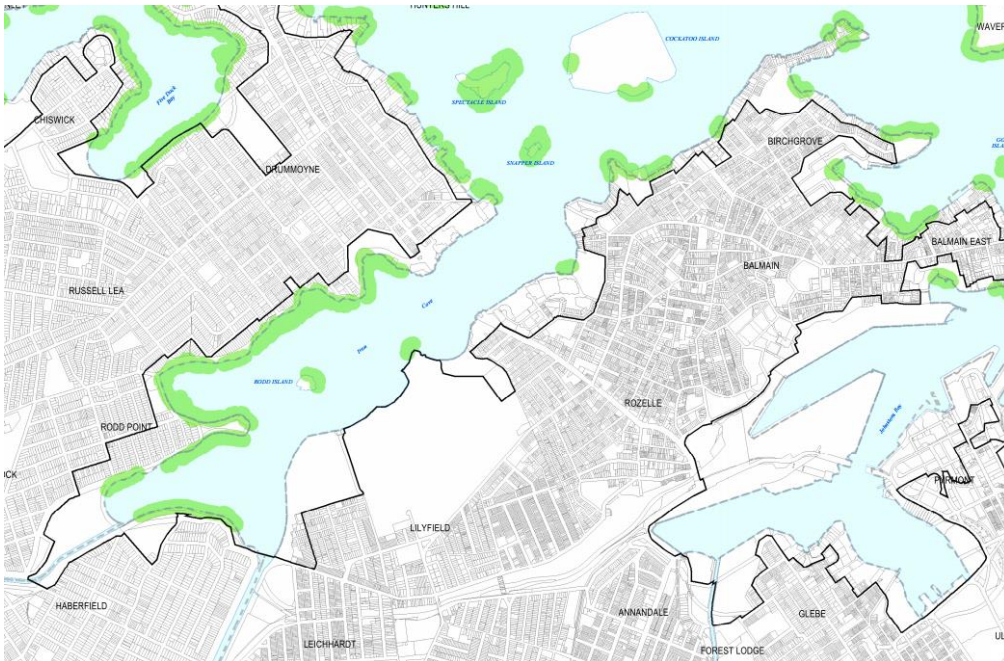


Figure 22 - Sydney Harbour REP, wetlands protection area map (extract)

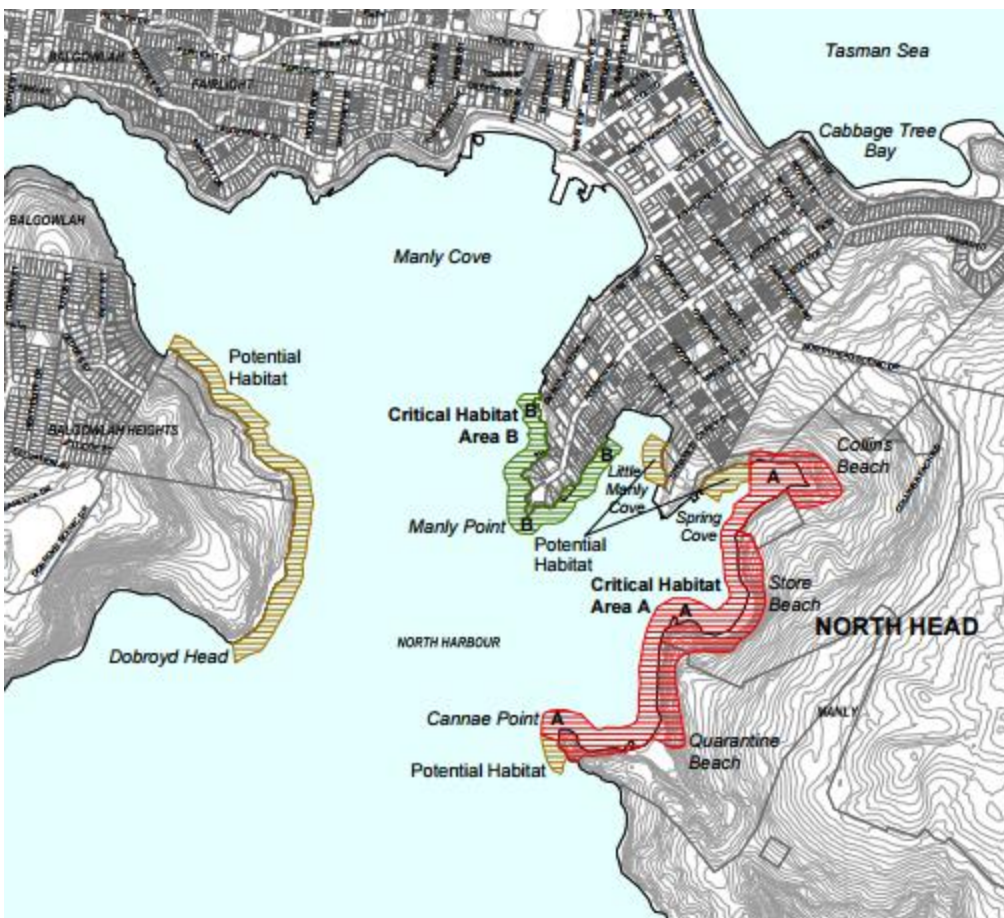


Figure 23 - Little Penguin Critical Habitat Map

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Matters for consideration identified under Clauses 21-27 of Division 2 to the Sydney Harbour REP strictly only apply to development proposed under Part 4 and Part 5 of the Act. Further Clause 15 of the Regulation, clarifies the states of REPs deemed to be SEPPs with respect to Part 3A approvals, as follows:

- (2) A provision of a regional environmental plan that becomes a SEPP on 1 July 2009 does not have the same effect as a provision of a SEPP for the purposes of Part 3A of the Act if it would not have had that effect before 1 July 2009.*

Nevertheless, the proposal has been assessed against the heads of consideration, as follows:

- **CLAUSE 21 BIODIVERSITY, ECOLOGY AND ENVIRONMENT PROTECTION**

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The proposal includes an integrated water management plan that exceeds Sydney DCP requirements in terms of pollutant reduction in stormwater treatment. The proposal also includes removal of identified noxious tree species and plantings of native or endemic original to improve habitat.

The reduced scale of the proposal relative to that approved will reduce shading of aquatic vegetation to the benefit of aquatic species, populations and ecological communities. Indirect impacts on aquatic vegetation as a result of changes to flow, current and wave action and changes to water quality are anticipated to be consistent with those already approved.

- **CLAUSE 22 PUBLIC ACCESS TO, AND USE OF, FORESHORES AND WATERWAYS**

The proposal will provide public access to and along the foreshore of the site for the first time through the provision of visual and physical connections to the waterway and foreshore area without adversely impacting on watercourses. Physical connections comprise an accessible public walkway from Bank Street, timber promenade, as well as public open space equipped with garden beds and seating. Appropriate management mechanisms to safeguard public access to and use of that land will be developed to ensure 24-hour access.

Past policy discouraging the construction of foreshore promenades notwithstanding, the proposal is consistent with the future achievement of a continuous Bays Waterfront Promenade and broader Bays Precinct Transformation Plan as endorsed by A Plan for Growing Sydney as well as the draft District Plans and ToGS 2056, and is supported by RMS, both as landowner and the navigation authority for all navigable waters within NSW.

- **CLAUSE 23 MAINTENANCE OF A WORKING HARBOUR**

The purpose of the proposal is to ensure the maintenance an existing operation within Sydney's working harbour as part of the broader Bays Precinct Transformation Plan to satisfy both current and future demand for charter and tourist boating facilities. The proposal does so without compromising the function of adjoining waterfront uses including the operation of the Blackwattle Bay Dragon Boat Club to the south. The land immediately to the north, 1-3 Bank Street, is currently vacant and in under the ownership of UGNSW.

As discussed above, the proposal improves public access to and along the foreshore.

- **CLAUSE 24 INTERRELATIONSHIP OF WATERWAY AND FORESHORE USES**

The BBM is a water-dependent use and, therefore, should have priority over other uses. Nevertheless, the proposal endeavors to promote equitable use of the waterway through the provision of 24-hour public access. Given the proposal is for the relocation of an existing operation within Blackwattle Bay, the proposal is anticipated to have a neutral impact in terms of traffic generation within the waterway through the implementation of a management regime to avoid conflict.

Conflict between the proposed and other uses in the waterways and along the foreshores is not anticipated subject to ongoing consultation with the Harbour Master and RMS.

- CLAUSE 25 FORESHORE AND WATERWAYS SCENIC QUALITY

The siting of the proposed structures has been dictated by existing site constraints including a number of easements as well as the imperative of providing safe and inviting public access to the foreshore and preserving views toward the ANZAC Bridge pylon.

The scale and form proposed structures, including materials and finishes, are in keeping with the existing character of the waterways and adjoining foreshores. Although the proposed use and land-based structures are temporary in nature (ten year lifespan), the proposal has considered likely future character of the locality as planned under the Bays Precinct Transformation Plan, particularly the continuous Bays Waterfront Promenade. The proposal includes a flexible interim public access strategy that will allow the temporary timber promenade proposed to link in to adjoining sites as these develop.

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- CLAUSE 26 MAINTENANCE, PROTECTION AND ENHANCEMENT OF VIEWS

The proposal will maintain, protect and enhance views to and from Sydney Harbour and, importantly, to and from the ANZAC Bridge pylon. More expansive views toward both the pylon and the waterway will be available from the public realm (Bank Street) relative to those available under the approved MP11_001. Given the modest nature and scale of the proposal, it will not visually dominate the view sheds of other surrounding items including Glebe Island Bridge, ANZAC Bridge and Saunders Quarry escarpment.

- CLAUSE 27 BOAT STORAGE FACILITIES

The proposal relates to the relocation of the BBM and in this sense contributes to the maintenance and use of the number of public boat storage facilities within Blackwattle Bay. No boatsheds or other related buildings are proposed below the mean high water mark or over the waterway. Boat storage facilities comprise a fixed wharf and floating pontoons rather than an enclosing structure and are inherently visually unobtrusive. The original Part 3A Approval considered and accepted this location as appropriate for a marina development. Issue of visual impact are discussed further in Section 7.5 of this EA.

7.1.2.5 Sydney Harbour Foreshores and Waterways Area DCP 2005

The *Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005* (HFWA DCP) applies to the Foreshores and Waterways Area as identified in the Sydney Harbour REP. The HFWA DCP includes design guidelines for development, assessment criteria for marinas including guidelines for undertaking visual impact assessments, and criteria for natural resource protection.

The HFWA DCP applies to all development proposals within the Foreshores and Waterways Area identified in The Sydney Harbour REP, which includes the subject land but does not apply to Part 3A applications.

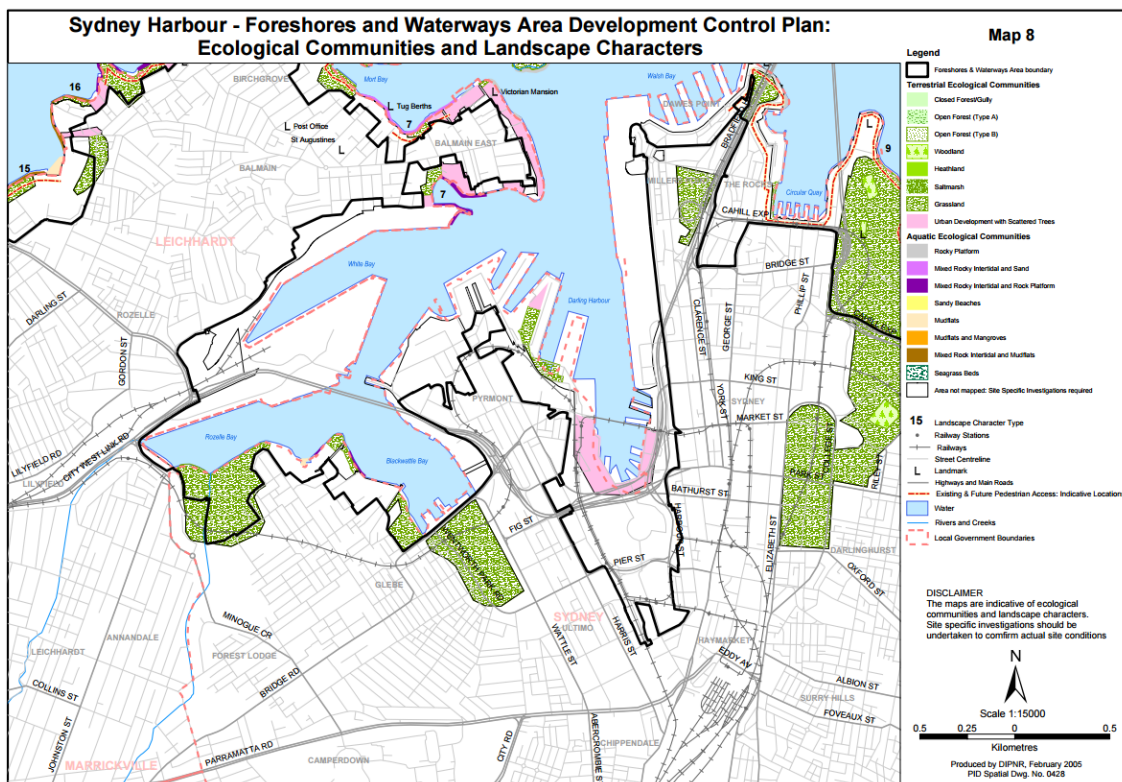
Part 2 Ecological Assessment of the HFWA DCP seeks to conserve biological diversity within and around Sydney Harbour and its tributaries through the identification and protection of flora and fauna of ecological significance. A Flora & Fauna Assessment has been prepared by SLR and accompanies this EA as **Appendix G**. Matters relating to ecology are addressed in section 7.8 of this EA.

Part 3 Landscape Assessment divides the foreshore and waterways into a number of different landscape character types with performance criteria have been devised for each area. The subject

land does not fall within a landscape character area (see Figure 24). Nevertheless matters relating to landscape have been considered and are addressed in Section 7 of this EA generally..

Part 4 Design Guidelines for Water-Based and Land/Water Interface Developments provides design guidance for future development within the foreshore and waterways area. The proposal is consistent with the principles outlined under this Part as demonstrated in the sections that follow.

Importantly, development control plans do not apply to Part 3A.



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Figure 24 - SHFWA DCP 2005, ecological communities and landscape character areas

7.1.2.6 Bank Street Pyrmont Master Plan 2006

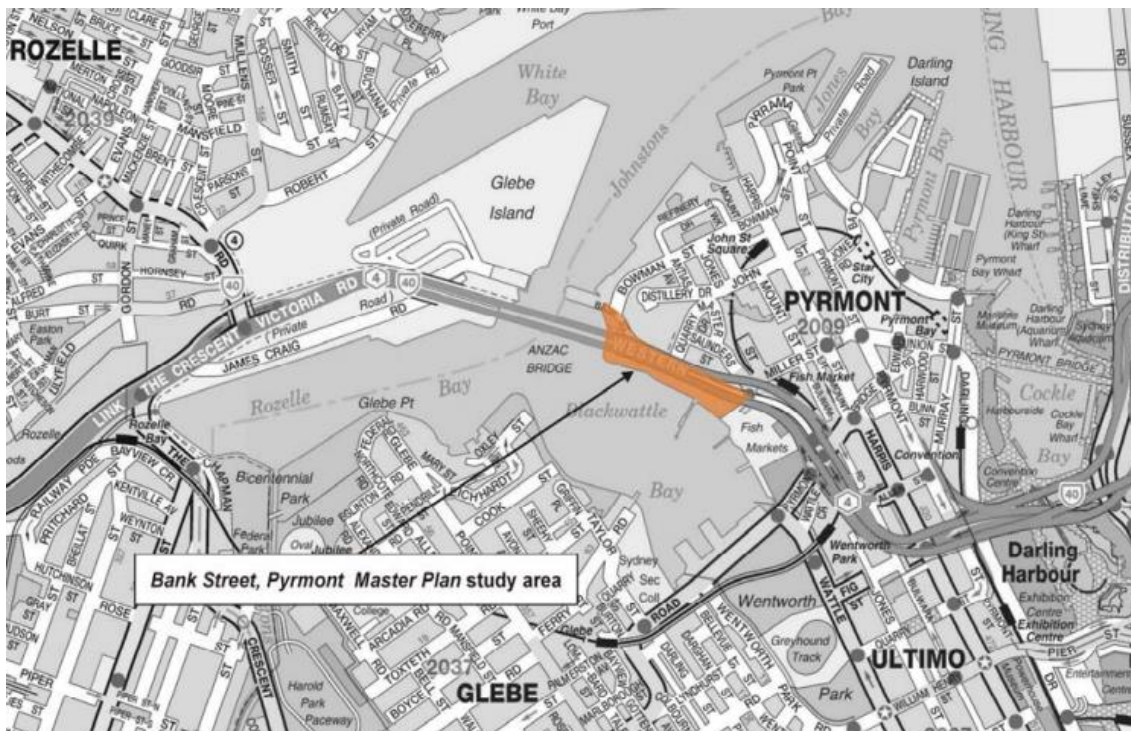
The master plan was prepared to accommodate development within the wider Bank Street Precinct, in accordance with requirements under Sydney *Regional Environmental Plan (Sydney Harbour Catchment) 2005* and *Sydney Local Environmental Plan 2005*. Upon its adoption by the Minister, the Master Plan was deemed (under the EP&A Act) to be a DCP made by the Director-General.

The Bank Street Precinct is bounded by the Sydney Fish Market to the south, Blackwattle Bay to the west, Bank Street to the east and the Old Glebe Island Bridge and Jackson's Landing to the north and includes the land subject of this EA (see Figure 25 below).

At the time of the Master Plan it was assumed that the land subject of this EA was to be redeveloped by NSW Maritime (now RMS) as public open space and a public boating facility, for the use of passive craft. The term passive craft refers to hand or wind powered craft such as canoes, kayaks, rowing, dragon boats and sail boats, and excludes motorised power boats.

The built form promoted by Bank Street Pyrmont Master Plan 2006 was reflective of anticipated needs of the study area as understood in 2006. Since this time, the relevant planning controls, surrounding locality, and needs of the locality have evolved as is reflected in the Bays District Transformation Plan.

It should also be noted that, pursuant to section 74BA of the EP&A Act, DCPs carry no statutory weight and should be considered as guidance only. Further, pursuant to section 74C(5), where a provision of a DCP and an EPI are in conflict, the provisions of the EPI prevail. Additionally, as mentioned previously, DCPs do not apply in relation to Part 3A projects.



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Figure 25 - Bank Street Pyrmont Master Plan 2006, Master Plan Area



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Figure 26 - Bank Street Pyrmont Master Plan 2006, built form

7.1.2.7 Sydney Regional Environmental Plan No. 26 - City West

Sydney Regional Environmental Plan (SREP) No 26 – City West (SREP 26) is the environmental planning instrument that establishes the planning controls and objectives for certain areas of the Sydney Local Government Area, which are excluded from the *Sydney Local Environmental Plan 2012*, including the subject land. Under SREP 26, the land is located within the Blackwattle Bay Area of the 'Bays Precinct' (refer map 5 sheet 3). The SREP is deemed a SEPP under clause 120 of Schedule 6 of the *Environmental Planning and Assessment Act 1979*.

However, pursuant to Clause 1.8(2) of the Sydney Local Environmental Plan 2012, SREP 26 does not apply to land to which SLEP 2012 applies:

1.8 Repeal of planning instruments applying to land

- (1) *All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.*
- (1A) *State Environmental Planning Policy No 41—Casino Entertainment Complex is repealed.*
- (2) *All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.*
- (2A) *Schedule 6 is repealed on the day following the day on which this Plan is published on the NSW legislation website.*

As demonstrated by the Land Application Map below, SLEP 2012 applies to the subject land and SREP 26, therefore, does not apply and no further assessment against SREP 26 is required in this case. It is noted that SREP 26 continues to apply elsewhere such as Wentworth Park and White Bay.

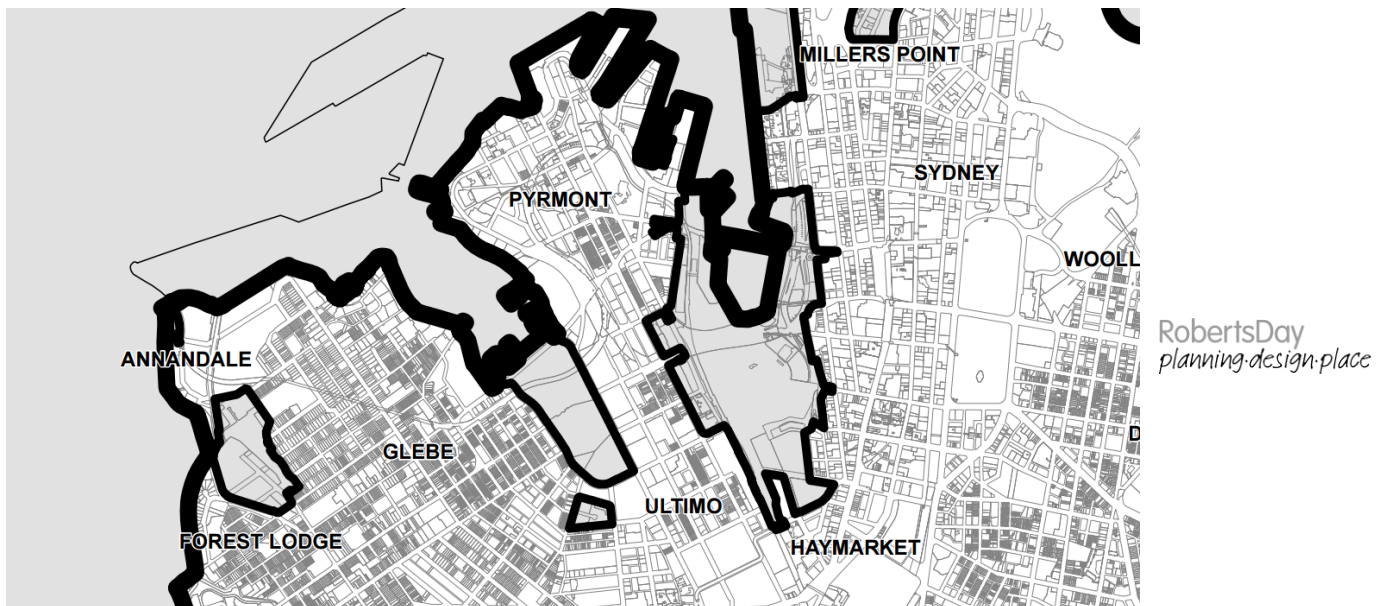


Figure 27 –SLEP 2012 Land Application Map (extract) - Sheet LAP_001)

7.1.2.8 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

State Environmental Planning Policy No 33—Hazardous and Offensive Development (SEPP 33) seeks to ensure that the relevant authority has sufficient information to assess whether the development is hazardous or offensive and, if the development is found to be potentially hazardous or offensive, to impose conditions to reduce or minimise any adverse impact.

A SEPP 33 Risk Screening has been prepared by Core Engineering Group and accompanies this EA at **Appendix N**.

Hazardous materials proposed to be stored within the Bank Street site include Liquefied Petroleum Gas (LPG) and Carbon Dioxide (CO₂). LPG falls within the Class 2.1 classification of dangerous goods while CO₂ falls within Class 2.2. SEPP 33 does not apply to Class 2.2 categorised dangerous goods.

All hazardous materials proposed to be stored within the proposed facility, their location, quantities, as well as the average number of road movements for the hazardous materials to and from the facility have been reviewed using the risk screening methods outlined in *Applying SEPP33: Hazardous and Offensive Development Application Guidelines*. The screening conducted by Core Engineering Group concludes that the proposal would not be considered a potentially hazardous industry and therefore does not require a Preliminary Hazard Analysis.

Further assessment against SEPP 33 is not required in this instance.

7.1.2.9 State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land provides for a State-wide planning approach to the remediation of contaminated land. A determining authority must consider whether the land subject of a proposal is contaminated and, if the land is contaminated, be satisfied that the land is suitable in its contaminated state for the use proposed. If the land requires remediation to be made

suitable for the proposed purpose, the determining authority must be further satisfied that the land will be so remediated before the land is used for that purpose.

Subclause 7(4) of the SEPP specifies land in relation to which the consent authority must consider the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines before determining a development application for change of use.

(4) The land concerned is:

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

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An Assessment of Environmental Condition has been prepared by Consara Pty Ltd. Consara concludes that the subject land is fit for the proposed use without the need for remediation. These matters are discussed in detail in Section 7.15 of this EA.

7.1.2.10 Sydney Local Environmental Plan 2012

The subject land lies within the Sydney Local Government Area and is subject to the *Sydney Local Environmental Plan 2012 (SLEP 2012)*. The relevant clauses of SLEP 2012 are addressed in the subsections that follow.

Part 2 Permitted or Prohibited Development

Under Part 2 Permitted or Prohibited Development of SLEP 2012, the land is zoned RE1 Public Recreation. Development for the purpose of a 'charter and tourism boating facilities' is permitted with consent in the RE1 zone. The proposed BBM charter and tourism boating facility, therefore, is permissible within the zone.

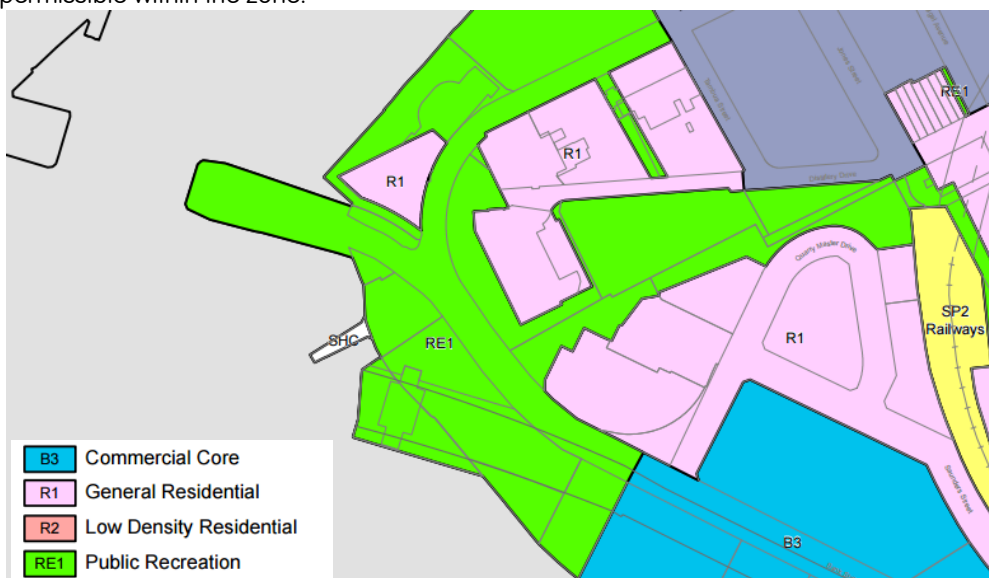


Figure 28 - SLEP 2012 land use zone map (extract); (Sheet LZN_007)

Part 4 principal development standards

Neither a maximum building height nor maximum floor space ratio is applied to the land subject of this EA under Part 4 of the SLEP 2012.

Remaining principal development standards – namely, minimum subdivision lot size area, rural subdivision, and balconies on certain residential flat buildings – are not relevant to this proposal.

Part 5 Miscellaneous provisions

Clause 5.9 Preservation of Trees or Vegetation seeks to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. Matters related to tree removal are addressed in Section 7.8 of this EA.

Clause 5.10 Heritage Conservation of SLEP 2012 seeks to conserve the environmental heritage of Sydney including its heritage items, conservation areas, archaeological sites and Aboriginal heritage. The land subject of this EA is listed neither as an item of heritage significance nor as within an identified heritage conservation area under Schedule 5 of SLEP 2012. The site does form part of the view shed of item no. I1199, the Escarpment face from former quarry “Saunders’ Quarry”.

A Heritage Impact Statement & Archaeological Assessment and Due Diligence Aboriginal Archaeological Assessment have been prepared in support of this s75W modification. Heritage matters are discussed in detail in Section 7.17 of this EA.

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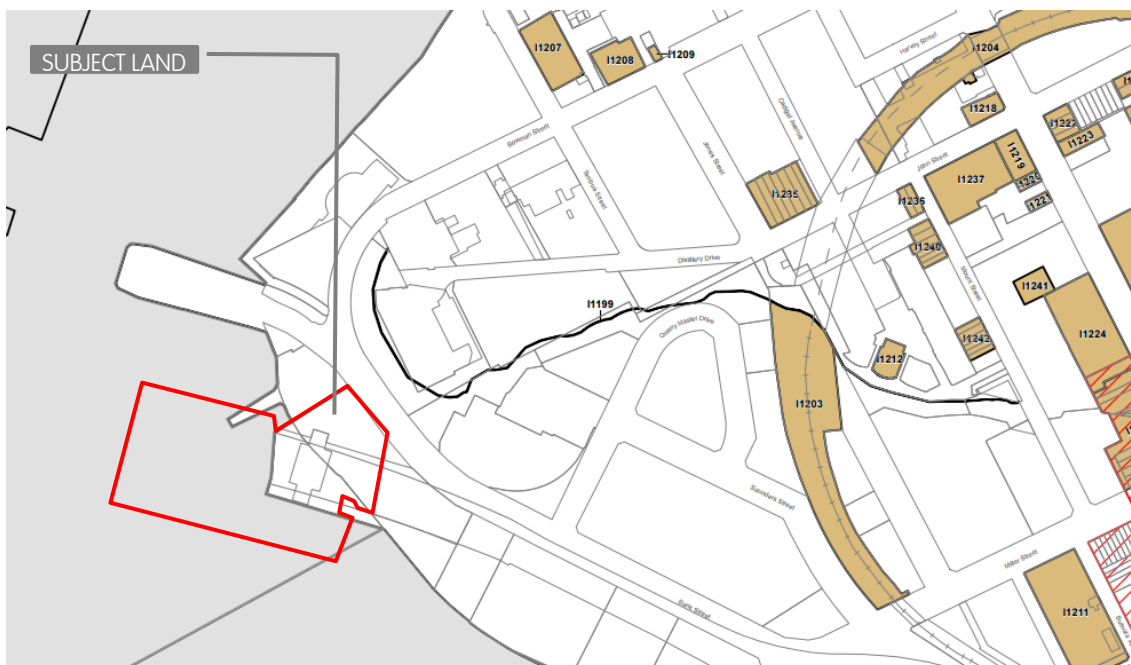


Figure 29 - SLEP 2012 heritage map (extract); (Sheet HER_007)

Part 6 Additional Local Provisions

Clause 6.21 Design excellence seeks to deliver the highest standard of architectural, urban and landscape design. The clause applies to development involving the erection of a new building on land to which SLEP 2012 applies. Clause 6.21 provides that development consent must not be granted to development to which the clause applies unless, in the opinion of the consent authority, the proposal

exhibits design excellence. In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,*
- (c) whether the proposed development detrimentally impacts on view corridors,*
- (d) how the proposed development addresses the following matters:*
 - (i) the suitability of the land for development,*
 - (ii) the existing and proposed uses and use mix,*
 - (iii) any heritage issues and streetscape constraints,*
 - (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (v) the bulk, massing and modulation of buildings,*
 - (vi) street frontage heights,*
 - (vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,*
 - (viii) the achievement of the principles of ecologically sustainable development,*
 - (ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,*
 - (x) the impact on, and any proposed improvements to, the public domain,*
 - (xi) the impact on any special character area,*
 - (xii) achieving appropriate interfaces at ground level between the building and the public domain,*
 - (xiii) excellence and integration of landscape design*

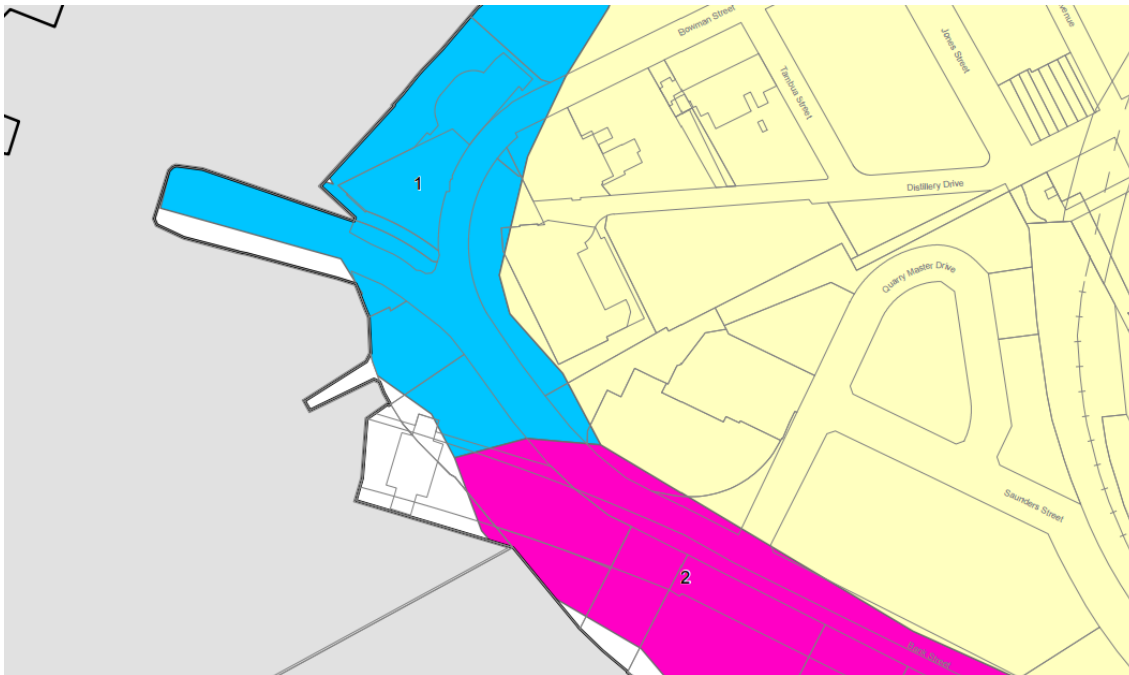
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The proposal achieves these objects as detailed in the sections that follow.

Part 7 Local Provisions - General

Clause 7.14 Acid Sulfate Soils seeks to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. Development consent is required for the carrying out of any works on land identified as Class 1 lands by the SLEP 2012 Acid Sulfate Soils Map and the carrying out of works below the natural ground surface on land identified as Class 2 lands. As demonstrated by Figure 30 below, the land subject of this EA is identified as Class 1 and Class 2 lands.

Cut and fill is proposed within both the Class 1 and Class 2 lands (see Figure 31 below). Accordingly, development approval is sought for the proposed works.



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Figure 30 - SLEP 2012 acid sulfate soils map (extract); (Sheet LZN_007)

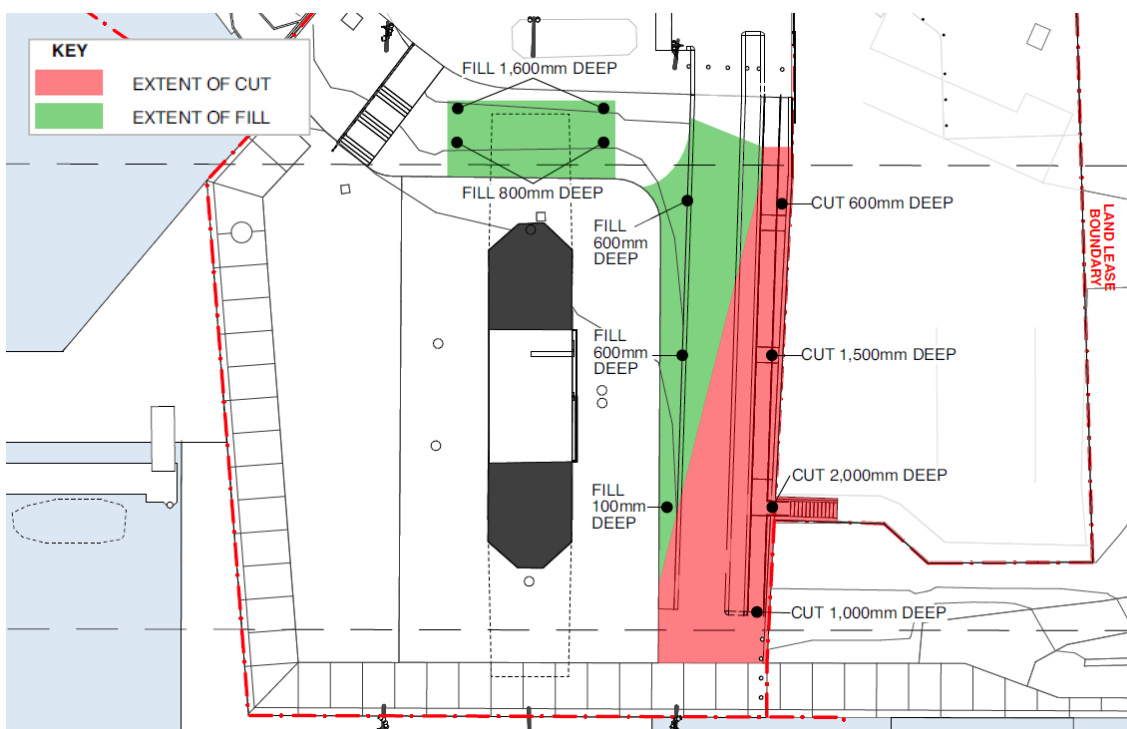


Figure 31 – S75W-32 Cut and Fill Plan (extract)

Clause 7.15 Flood planning seeks to minimise the flood risk to life and property associated with the use of land while allowing development on land that is compatible with the land's flood hazard, taking into consideration projected changes as a result of climate change. Clause 7.15 also seeks to avoid significant adverse impacts on flood behaviour and the environment. The clause applies to land at or below the flood planning level, that is, the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

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As illustrated by the extract from the Blackwattle Bay Catchment Floodplain Risk Management Plan 2015, the subject land lies below the flood planning level.

Matters related to flood risk are addressed in detail under Sections 7.11 and 7.16 of this EA.



Figure 32 - Blackwattle Bay Catchment Floodplain Risk Management Plan 2015, peak flood depth 1% AEP Design Flood Event

A review of SLEP 2012 revealed no other relevant matters that require further consideration in this instance.

7.2 Other Approvals Required

The original Sydney Heritage Fleet approval was required to seek approval under other legislation as follows (insofar as it relates to the proposed scope under MOD3):

- Condition E10 - All relevant licences/approvals under the *Water Act 1912* and the *Water Management Act 2000* for all activities that intercept or extract ground and surface water must be obtained prior to commencement of those activities.
- Condition F17 – A permit is required under clause 67 of the then in force *Management of Waters and Waterside Lands Regulation* to ensure the proposed construction works are not to interfere with the movement of seagoing ships unless agreed in advance with the Harbour Master. This requirement was also required to be included in a Marine Traffic Management Plan.
- Condition F20 - Prior to the commencement of any work within the public way of Bank Street, a separate application is to be made to Council for approval under Section 138 of the *Roads Act 1993*. This will include approval for the proposed relocated driveway crossing.

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Further, the original EA identified that a Controlled Activity Approval was required for the water-based works under the *Water Management Act 2000* for works within 'waterfront land' as defined under that Act, as well as the operation of the marina component of that project under relevant provisions of Schedule 1 (clause 25 – Marinas and boat repairs) of the *Protection of the Environment Operations Act 1997*.

UGNSW commits to making applications and seeking approval for the above as part of the assessment or post-approval, as relevant.

7.3 Built Form & Urban Design

Architectural drawings have been prepared by Bennett & Trimble to illustrate the built form of the proposed works. These drawings are accompanied by a Design Statement that elaborates upon the architectural and urban design intent of the proposal.

The siting of the proposed structures - administration building, waste store, and shipping containers - has been dictated by existing site constraints including a number of easements (as described in Section 3.3) as well as the imperative of providing safe and inviting public access to the foreshore and preserving views toward the ANZAC Bridge pylon. The structures provide ample clearance around the ANZAC Bridge pylon to ensure its security, as guided by comments from RMS, and the preservation of significant views, as identified by City of Sydney.

Given the temporary nature of the proposed occupation of the facility by the BBM (up to 10 years), the structures are proposed to be demountable structures of galvanised steel clad in corrugated metal sheeting. This cladding will provide a restrained yet textured contemporary presentation to Bank Street that provides visual interest without competing with the predominance of surrounding heritage items such as the ANZAC Bridge and Saunders Quarry Escarpment.

The proposed structures will have a maximum building height of 4.5 metres with the containers at a height of 2.59m, sitting well below the approved maximum building height of 11.3 metres. The scale and form of the proposed structures, including materials and finishes, are in keeping with the existing character and maritime function of the waterways and adjoining foreshores and its anticipated character as foreseen over the next 10 years. The proposal has considered the likely future character of the locality as planned under the Bays Precinct Transformation Plan, particularly the continuous Bays Waterfront Promenade. The proposal includes a flexible interim public access strategy that will allow the temporary timber promenade proposed to link into adjoining sites as these develop.

On balance, the proposed physical works are modest in scale comprising a single storey temporary administrative and support facility to serve the relocation of the BBM to the land subject of this EA. The proposed structure is fully contained within the building envelope, which was up to 11.3 metres, approved under MP 11_0001. The proposed physical works are of a substantially reduced bulk and scale to that approved. Matters relating to visual impact and view preservation are addressed in Section 7.4.



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Figure 33 - Rendered view of proposed development, looking west (courtesy Bennet & Trimble)
(Indicative artist impression only. Subject to change)

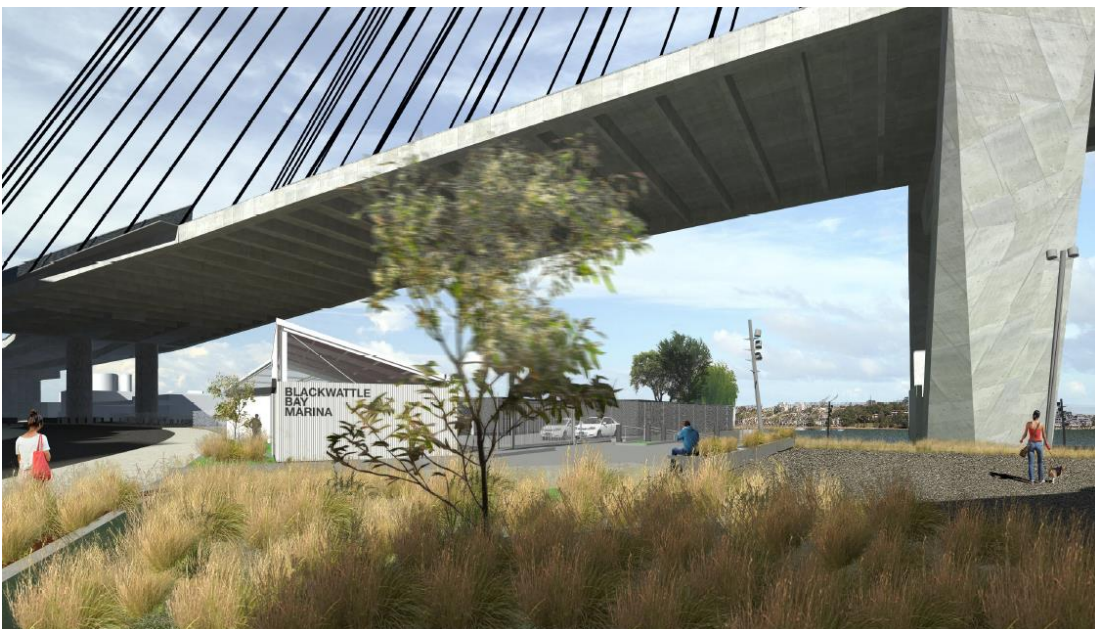


Figure 34 - Rendered view of proposed development, looking south (courtesy Bennet & Trimble)
(Indicative artist impression only. Subject to change)



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Figure 35 - Rendered view of proposed development, looking east (courtesy Bennet & Trimble)
(Indicative artist impression only. Subject to change)



Figure 36 - Rendered view of proposed development, looking north (courtesy Bennet & Trimble)
(Indicative artist impression only. Subject to change)

7.4 Public Domain & Public Access

A number of opportunities to deliver public domain improvements have been identified including delivery of an improved street presentation, waterfront interface and legible public access to the foreshore.

The proposal includes an interim solution to provide public access to the timber boardwalk approved under MP 11_0001. This includes the construction of a timber promenade to provide temporary public

access to the foreshore until such time as a precinct-wide solution is implemented as per The Bays Precinct Sydney Transformation Plan. This promenade will be accessible via a pedestrian accessway leading from Bank Street. The accessway will incorporate strip planting to provide separation for pedestrian and vehicular movements within the site. Access to the promenade will be ramped, enabling equitable access and access via bicycle.

The proposal also includes the provision of public open space and new native plantings within the land's north east quadrant. This landscaped area is proposed to be equipped with concrete benches and stair access to provide permeable surface for drainage and encourage public enjoyment of the site. The public open space will soften the proposal as viewed from Bank Street. Street presentation will be further improved via the provision of garden beds and tree planting within the 2.5 metre front setback.

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Shadow diagrams prepared by Bennett & Trimble accompany this EA at **Appendix K**. These diagrams illustrate the extent of existing overshadowing generated by the ANZAC Bridge and compare the proposal to that of shadows generated by the original Approval. The shadows generated by the proposal are significantly less than that of the Sydney Heritage Fleet development due mainly to the reduced height, bulk and scale of the proposal.

Notwithstanding these existing impacts, the proposed promenade receives a minimum two hours of direct sunlight, even at mid-winter.

The proposal provides a substantially improved visual / physical access to and enjoyment of the Blackwattle Bay foreshore and waterway relative to the existing condition of the site and comparable access relative to what is already approved under MP11_0001. The interim solution will not prejudice the future delivery of the Bays Promenade and has been designed to allow the intervening development of the adjoining sites to include connection to the temporary facility. The reduced scale of the proposal will generate improved solar access to the public domain including the promenade.

The proposal, therefore, is supportable in terms of its temporary public domain outcomes and no further mitigation measures are required.

7.5 Visual Impacts

A visual impact assessment has been prepared by Bennett & Trimble to illustrate the visual impact of the proposal as viewed from surrounding residential development and the public domain as well as address the relevant requirements under the amended SEARs.

Given the modest scale and nature of the proposal, as discussed in Section 7.3, the proposal is anticipated to have a minimal visual impact and a reduced visual impact relative to the dry-land works approved under MP 11_0001, which comprises a three-storey development of up to 11.3 metres in height and is a bulkier development of a greater scale.

The visual impact assessment demonstrates that the proposed structures are substantially reduced in scale from that approved. This, together with the restrained materials palette, will ensure that the proposal remains a recessive element within the locality and will be dominated by the ANZAC Bridge and pylon from all key vistas and views identified including residential apartments and the public domain.

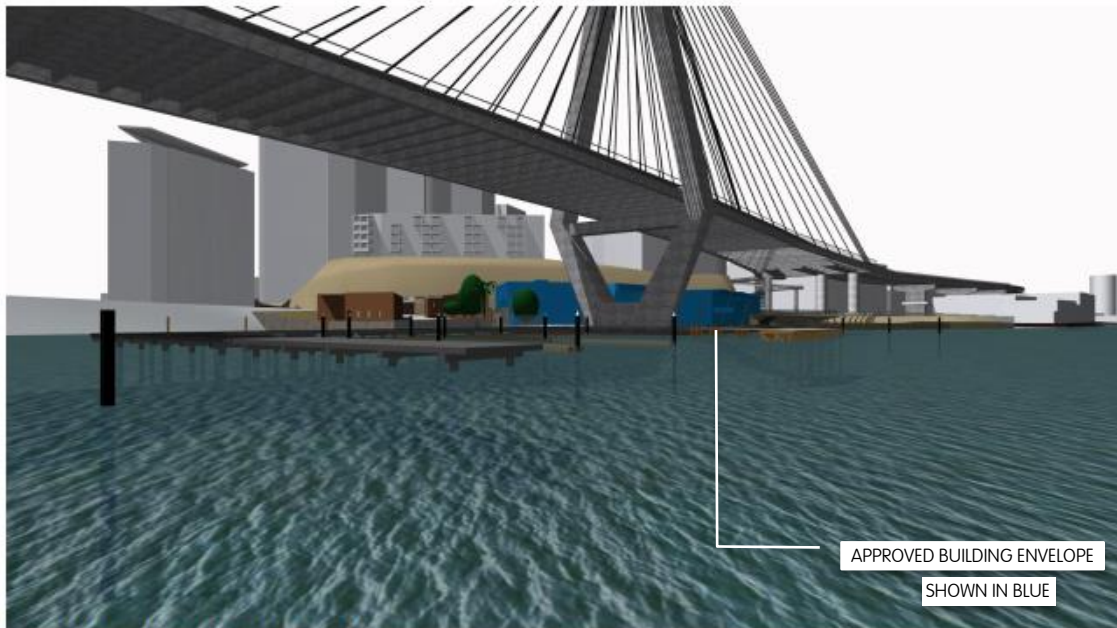
Further, although located within a prominent position within the landscape and within the view shed of the heritage-significant Glebe Island Bridge, ANZAC Bridge and Saunders Quarry escarpment, the proposed facilities are apparent as contemporary insertions, minimal, reversible and horizontally proportioned. The works, therefore, will not visually dominate the context of surrounding items.

The proposal affords a generous provision of open and green space. In addition to the reduced visual impacts as a result of reduced scale, these increased areas of soft landscaping together with tree plantings and dramatic skillion roof structures will provide a vastly improved outlook to surrounding elevated residential uses.

The berthing of 11 vessels of a minimum of 15.2 metres and maximum of 51 metres in length was approved under MP11_0001. The proposal is for berthing of 22 vessels of minimum 15 metres and maximum 48 metres in length. Although the number of vessels is greater under the proposal, the number of movements is also anticipated to be greater in the case of the BBM relative to the more passive Sydney Heritage Fleet use. It is anticipated that no more than 17 of the maximum 22 vessels will be berthed at any one time during the day, even in the off-peak seasonal period. Obstruction of views, therefore, will be temporary and in constant shift such that visual impacts are anticipated to be comparable to those approved.

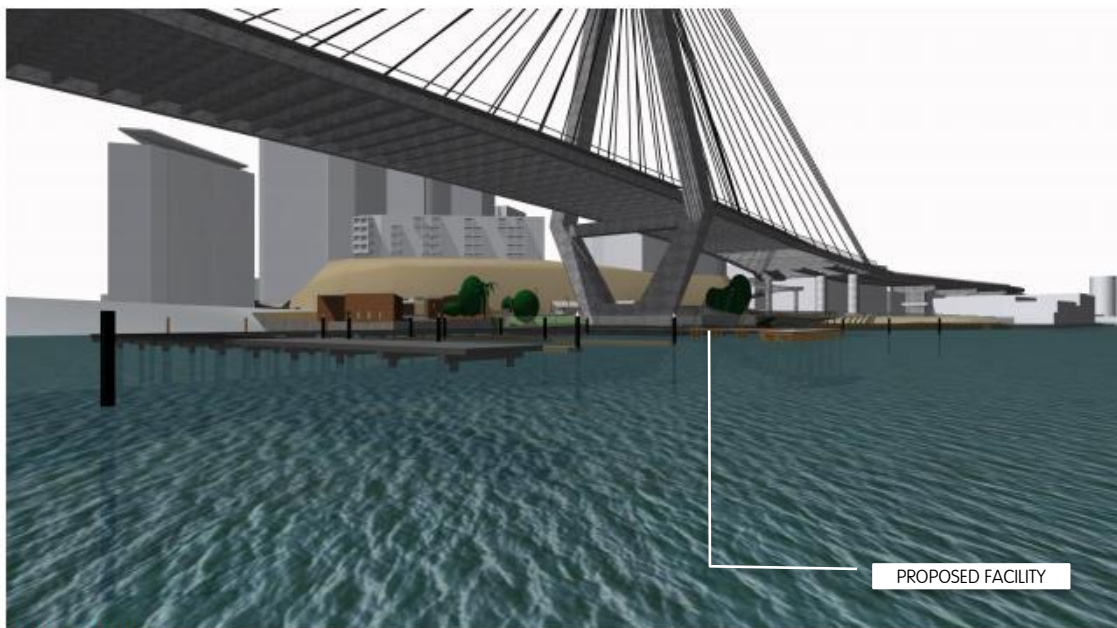
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There are no significant views to or from the site that are likely to be impeded more than what has already been deemed acceptable under the exiting Approval. As detailed in the visual impact assessment prepared by Bennett & Trimble (**Appendix K**), the proposed structures are fully contained within the building envelope approved under MP11_0001. As demonstrated by the extracts provided at Figures 35 and 36 overleaf, the proposal affords greater visual access to significant views of the ANZAC Bridge pylon both from water and from land.



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VIEW OF APPROVED SYDNEY HERITAGE FLEET BASE



PROPOSED VIEW

Figure 37 - View towards subject land from Blackwattle Bay



VIEW OF APPROVED SYDNEY HERITAGE FLEET BASE

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PROPOSED VIEW

Figure 38 - View towards subject land from ANZAC Bridge Quarry Master Drive cycle ramp

7.6 Transport & Accessibility Impacts

A Transport Impact Assessment (TIA) has been prepared by GTA Consultants to assess the potential impacts of the proposal in terms of parking demand and traffic generation as well as address the relevant requirements under the amended SEARs.

7.6.1 Public and Active Transport

As noted in Section 3 of this EA, the subject land lies in close proximity (10 minutes' walk) to a number of public transport modes.

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An estimate of future travel demands for the proposal anticipates public transport will account for 70% of future modal share (refer Section 5 of the TIA).

The SDCP 2012 requires provision of a minimum of one (1) bicycle parking space for the proposed land use. Whilst the DCP does not apply to the project, the proposal includes the provision of four (4) bicycle parking spaces and, therefore, exceeds DCP requirements.

Further, a Workplace Travel Plan has been prepared by GTA Consultants to encourage the use of public and active transport modes by occupants of the site. The WTP accompanies this EA as

Appendix E.

7.6.2 Parking

Access to the site is via a seven metre wide public accessway from Bank Street. A six metre wide secured car park access is provided from the accessway. Provision is made for a total of three (3) car parking spaces, including two standard spaces and one adjacent managed accessible space.

Where fewer than five car parking spaces proposed, the BCA does not require accessible parking spaces to be signed as such to allow more flexibility of use of these spaces. Therefore, the managed accessible space could be utilised as a third on-site car parking space when not required to accommodate the needs of a person with a disability.

The SLEP 2012 requires provision of a minimum of one (1) car parking space for the proposed land use. The proposal includes the provision of two (2) car parking spaces plus a third managed space and, therefore, exceeds LEP requirements.

The RMS Guide to Traffic Generating Developments requires provision of a minimum of fifteen (15) car parking space for the proposed land use. The proposal does not satisfy this minimum requirement.

Rather than provide an unconstrained parking environment that might be expected to generate parking demand for up to 15 spaces, the proposal adopts a reduced on-site parking provision in response to the range of sustainable transport options available consistent with various State government and Council policies with respect to reduced car usage.

The proposal is not anticipated to generate increased pressure on on-street parking demand as on-street parking on surrounding streets is time-limited (1P, 2P, 6P restrictions) and will not be a viable option for workers occupying the subject land who are frequently aboard vessels and unable to move their vehicles to make use of the available on-street parking.

7.6.3 Traffic Generation

Given the provision of two (2) on-site employee parking spaces as well as a third space that can be utilised when the accessible space is not required, the daily traffic generation for the site is anticipated to be eight (8) vehicle movements per day with two (2) vehicle movements during the peak.

Anticipated loading vehicle activity is based on the existing operational needs of the BBM as currently in place at the Bridge Road site, which include:

- 6 food and drink deliveries per week;
- 1-2 waste collection vehicles per week; and
- 1-2 other loading vehicles.

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It is estimated that the operation will generate up to 10 loading vehicle trips per week, that is, ten (10) movements in and ten (10) movements out or up to two (2) movements per day.

Traffic surveys indicate that Bank Street currently carries 340 vph during an average weekday morning peak hour, including 180 eastbound and 260 westbound vehicle movements. This peak flow falls well below the maximum 900 vph threshold for Level of Service 'A' as defined by the RMS Guide to Traffic generating Developments. Having regard for the forecast additional traffic volumes generated by the proposal, it is clear that intersections feeding Bank Street will continue to operate with a Level of Service of 'A' post-development.

7.6.4 Construction Traffic Management Plan

A Construction Traffic Management Plan has been prepared by GTA Consultants and accompanies this EA as **Appendix E**.

Temporary construction worker parking will be accommodated on site within the area proposed to provide future open space, that is, the north east quadrant of the site. No vehicles associated with the construction works, therefore, will be required to park on the surrounding street network. Vehicles will also utilise the on-site works are to load and unload materials / equipment.

The proposed construction works are anticipated to generate up to 46 vehicles per day during the busiest period, including six (6) heavy vehicle movements. This represents an increase of approximately one percent (1%) in traffic generation per day above the existing generation 3,400vpd.

Access to the site will be via the same location as the ultimate site access. Typical construction vehicles will be capable of entering and exiting the site in a forward direction. Larger vehicles, such as excavators will be required to reverse into the site facilitated by appropriate traffic management measures, such as traffic controllers.

In light of the above, disruption to the proper function of the existing road network is anticipated to be minimised as the CTMP measures will adequately address potential impacts associated with the proposed construction activities.

7.6.5 Conclusion

The land subject of this EA lies within close proximity of a number of sustainable and active transport modes. This has driven the proposed approach to traffic and parking management, which can be summarised as follows:

- Although less than the quantum of bicycle parking proposed under MP11_0001, the proposed bicycle provision of four (4) bicycle parking spaces exceeds SDCP 2012 requirements and is sufficient to meet projected demand.
- The proposed parking provision of two-three car parking spaces exceeds the nil parking provision approved under MP11_0001, exceeds SLEP 2012 requirements, and is sufficient to meet anticipated demand for car parking.
- The parking provision does not satisfy RMS guidelines but is calibrated to reduce reliance on private vehicles consistent with various State government and Council policies that seek to encourage sustainable transport choices. The Sydney Heritage Fleet Facility was completely reliant upon public transport for staff transport.
- A WTP has been prepared to encourage use of sustainable transport modes.
- A CTMP has been prepared to minimise traffic impacts generated by the construction phase of the proposal.
- Having regard for the forecast additional traffic volumes generated by the proposal, it is clear that intersections feeding Bank Street will continue to operate with a Level of Service of 'A' post-development.

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On balance, the proposal is considered to provide an adequate traffic and parking regime relative to that already approved and the anticipated transport demands of the BBM operation.

Conditions of approval are proposed to be modified to reflect the proposed parking regime and adopt the WTP (refer **Appendix E**).

No further mitigation measures are required.

7.7 Marina Development

MP 11_0001 (as modified) was issued to Sydney Maritime Museum Ltd trading as the Sydney Heritage Fleet for the use of the land subject of this EA as a Maritime Facility (refer to Instrument of Approval for detailed description of the approved project).

To date, the Fleet has not acted on MP 11_0001 (as modified) and continues to operate from its two current premises at Wharf 7, Pirrama Road Pyrmont and at Rozelle Bay. The RMS is separately working with the Sydney Heritage Fleet to explore alternate locations should the Sydney Heritage Fleet wish to relocate from its current premises.

The subject land, therefore, benefits from the extant approval for marina development.

The underlying land and water zoning identifies the proposed development as a permissible land use; accordingly the suitability of the site has already been determined through the strategic planning process. The Approval of MP 11_0001 (as modified) consequently determined that the site is suitable for a marina development. The scope of MOD 3 continues to be a marina development that is permissible within the zone and is generally consistent with the initial approval issued by the PAC. MOD 3 seeks approval for charter and tourism facilities which are permitted within both the RE1 Public Recreation Zone (land-based component) and W1 Maritime Waters Zone (water-based component).

The suitability of the site for a marina development is therefore not strictly relevant, however the suitability of the site for charter and tourism facilities has been demonstrated through the underlying zoning, the existing Part 3A approval and this EA. The infrastructure required to accommodate the proposal has also been demonstrated through this EA and the supporting consultant findings which demonstrate that the proposal is unlikely to generate any impacts that cannot be managed within acceptable limits.

The extent of water-based activity was fully documented in the original EA submitted to support MP 11_0001 (refer to Section 12.4 of the original EA specifically).

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The replacement of the SHF with BBM's operations is not dissimilar in terms of the anticipated cumulative impacts. If SHF was to occupy the site and operate as a maritime museum (as approved), its vessels would not operate to any fixed timetable or pattern. Vessel movements would be dictated by museum requirements and by charters arranged through SHF members and with the public. BBM's operations, as a charter and tourism facility will operate in a similar manner. It is anticipated that the extent of proposed activity, as described in Section 4.0 of this EA, will be the comparable to the extent of activity already approved and deemed acceptable at the site. The relocation of BBM from its current location to the site is not proposed to be intensified. BBM currently does not create an impact on water-based activities, and therefore, it is not anticipated that there will be any increase in boating activity or impacts to water-based activities as a whole. The move will not, therefore, result in increased cumulative impacts over the current situation. Limited, if any, change will be recognisable within the waterway. In fact, areas of Blackwattle Bay will experience reduced maritime activity due to the relocation.

The impact on existing users of the waterway as identified in Section 12.4 of the original EA is considered to be negligible and consistent with current experience. As such, increased cumulative impacts are not anticipated.

The Harbour Master of the Port of Sydney and the RMS were contacted and provided with a description of the proposal (refer **Appendix M**). Both authorities were invited to a briefing on the proposal during which the Proponent and its representatives would be available to answer any questions the authorities may have about the proposal.

7.8 Flora & Fauna

A Flora and Fauna Assessment Report has been prepared by SLR Global Environmental Solutions (SLR) to assess the potential impacts of the proposal on local flora and fauna as well as address the relevant requirements under the amended SEARs.

7.8.1 Flora & Vegetation

Based on information acquired during a desktop review of available information and a diurnal inspection of the subject land and its surrounds by SLR on 02 May 2017:

- A total of 34 plant species were recorded on the subject land including five (5) native species and 29 exotic species;

- Two of the exotics, Fountain Grass (*Cenchrus setaceus*) and the Japanese Hackberry (*Celtis sinensis*), are listed as noxious within the Sydney LGA and recommended for removal¹;
- Native plants detected include a single specimen of Swamp Oak (*Casuarina glauca*), one small seedling of Port Jackson Fig (*Ficus rubiginosa*), and one Blue Flax-lily (*Dianella caerulea*);
- The remainder of species recorded are exotic herbaceous weed species.

The subject site does not contain any native vegetation communities and there are no threatened species, populations or endangered ecological communities.

SLR recommends the retention of the Swamp Oak *Casuarina glauca* (where possible) and landscaping of the site with native or non-invasive landscape specimens. As illustrated by the landscape plan prepared by Bennett & Trimble, the Swamp Oak *Casuarina glauca* is proposed for retention, identified noxious species are proposed for removal, and new plantings comprise native and non-invasive landscape specimens

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No further mitigation measures are required.

7.8.2 Fauna & Fauna Habitats

Diurnal inspection of the subject land and its surrounds recorded a total of six fauna species on the site, all of which were birds. Three of the species (the Silver Gull, Little Black Cormorant and Pied Cormorant) are oceanic or estuarine. The remainder are common urban-tolerant and generally considered pest species (Crested Pigeon, Noisy Miner and Common Myna).

There are few areas of grass, weeds, rock and rubble which might provide shelter for reptiles and ground mammals but these are likely to be common urban-tolerant species. It is possible that additional highly mobile, urban-tolerant species of birds and bats might visit the site on a temporary basis but there are no suitable foraging or breeding habitats to support more permanent residency.

The proposal, therefore, is not likely to impose any adverse or serious environmental impacts on locally occurring fauna, specifically, the proposal is not likely to have a significant effect on threatened biota (or their habitats) listed under the TSC Act.

No further mitigation measures are required.

7.8.3 Aquatic Impacts

The marine environment within Blackwattle Bay adjacent the subject land is generally characteristic of the inner parts of Sydney Harbour. There is a general absence of underlying marine vegetation and an existing shaded environment created by the ANZAC Bridge. As previously noted, the land subject of this EA is not identified on the Sydney Harbour REP Wetlands Protection Area map or the *Sydney Harbour Foreshores & Waterways Area DCP 2005* Ecological Communities and Landscape Character Area map.

Physical works proposed under MOD 3 will not remove any marine vegetation or aquatic habitat. Further, as demonstrated by the shadow diagrams prepared by Bennett & Trimble no new shadowing of the water lease area will be generated by the proposal. Indeed, the proposal will result in a reduction in shadows cast over the water lease area as a result of the reduced scale of the proposed structures relative to the approved three-storey Sydney Heritage Fleet building. Shadowing from

¹ Careful removal of Asthma Weed *Parietaria judaica* is recommended due to the allergen nature of this species (flowering plants can cause respiratory problems in humans).

vessels will be greatly reduced, despite their increased number, due to the regular and frequent movement of vessels, unlike the approved SHF museum use.

Whilst there is some potential for a small amount of erosion and sediment deposition to occur as a consequence of construction activities, this is not expected to generate any indirect impacts on the nearby aquatic environment of Blackwattle Bay subject to the application of appropriate erosion control measures. A Sediment & Erosion Control Plan has been prepared by Warren Smith & Partners and accompanies this EA as **Appendix I**.

No further mitigation measures are required.

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7.9 Air Quality & Odour

An Air Quality & Constraints Analysis has been prepared by Pacific Environment to assess the air quality and odour impacts associated with the operation of the BBM and address the relevant requirements under the amended SEARs.

7.9.1 Air quality

Air quality monitoring was undertaken by Pacific Environment to characterise the air quality associated with the existing BBM operation at its current Bridge Road site. Nitrogen dioxide (NO₂) and Particulate matter (PM10) concentrations were measured in the parking area of BBM, overlooking Blackwattle Bay to the northwest from 14 March 2017 to 28 March 2017, representing a total of two weeks of monitoring data.

The assessment concluded that the atmospheric emissions from both vehicles and vessels associated with the BBM do not result in any exceedances of the NSW EPA criteria for the air quality metrics assessed in the vicinity of the BBM's current location or for the for the air quality metrics assessed in the vicinity of proposed relocation site at 5-11 Bank Street, the land subject of this EA.

It is noted that submissions made in response to the original MP11_0001 raised concerns with respect to air quality citing the emission of smoke and soot from steam driven vessels. As this activity is specific to the SHF and does not form part of the operation of BBM, the proposal represents a reduction of potential impacts in this regard.

7.9.2 Odour

In addition, a site visit was conducted to investigate odours emitted by sewage pump-out facility, fuel emissions and garbage storage. Field odour surveys were carried out at different locations of the site during pump-out operations and when the pump-out ceased.

Odour intensity, characteristics and pleasantness/offensiveness were recorded during the surveys. The surveys generated observations that were sufficiently low such that the odour could not be detected downwind of the operation. Despite the result, it is the recommendation of Pacific Environment that any future pump-out facility located be away from the entrance of the BBM.

Further, Pacific Environment recommends that further analysis be completed during the relocation to address all relevant emission sources in the vicinity of the new premises, as well as to optimise the BBM operation for air quality purposes. It should also be noted that no refuelling of vessels is proposed from either land or water at this site under this proposal.

7.9.3 Conclusion

Potential impacts of the proposal subject of this EA with respect to air quality and odour during its construction and operational phases have been considered and are summarised as set out below.

Construction Phase

- Dust emissions – comparable or reduced impact to that approved given shorter construction period and reduced scale of dry-land works. Dust suppression measures are proposed under the sediment and erosion control plan prepared by WSP.
- Plant emissions – comparable or reduced impact to that approved given the shorter construction period and reduced scale of dry-land works. Mitigation measures are proposed under the CTMP prepared by GTA Consultants.
- Contaminated soil (ground vapour) – comparable or reduced impact to the SHF approval given the reduced area of development and the reduced depth of excavation / cut and fill proposed.
- Disturbance of sediment from Blackwattle Bay – this is subject of the separate original approval under MP11_0001 and MOD 2.

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Operational Phase

- Products of combustion (vehicle/ vessel) – Impacts will vary from those approved. The assessment undertaken by Pacific Environment concluded that the atmospheric emissions from vehicles and vessels associated with the BBM are not anticipated to result in any exceedances of the NSW EPA criteria.
- Sewer pump-out station – Impacts will vary from those approved. The odour survey undertaken by Pacific Environment of the existing BBM operation generated observations that were sufficiently low such that the odour could not be detected downwind of the operation. Nevertheless, it is recommended that any future pump-out facility located be away from the entrance of the BBM.
- VOC emissions – Impacts are comparable to that approved. Potential emissions will be generated from cleaning chemicals, solvents, empty oil / paint drums / chemical containers.
- Waste Storage – Impacts comparable to that approved. The odour survey undertaken by Pacific Environment of the existing BBM operation generated observations that were sufficiently low such that the odour could not be detected downwind of the operation. Waste management is subject of separate plans to address odour impacts. These plans will be finalised as part of the conditions of approval.
- Liquid Fuels – Reduced impact to that approved as no on-site (land and water) refuelling is proposed.
- Coal handling activities – Reduced impact to that approved as no coal handling is proposed.

On balance, the proposal is considered to provide an adequate air quality and odour outcome relative to that already approved. Potential impacts with respect to air quality and odour during the construction phase are anticipated to be comparable or reduced relative to those already approved. Impacts during the operational phase are reduced with respect to liquid fuels and coal handling processes.

Potential operational impacts generated by vessel movements (products of combustion) have been assessed as within the relevant EPA guidelines. Odour impacts generated by sewer-pump out, vessel maintenance, and waste storage at the existing BBM operation were observed to be undetectable

down-wind of the operation. The sewer pump-out station will be located away from the site entrance, in accordance with the recommendations of Pacific Environment.

No further mitigation measures are required and no modification is proposed to the existing conditions of approval which, in any case, require the operation not give rise to the emission of gases, vapours, dusts or other impurities that are a nuisance, injurious or prejudicial to health as well as maintain compliance with the requirements of the *Protection of the Environment Operations Act 1997* and Regulations.

The complete Air Quality & Constraints Analysis has been prepared by Pacific Environment accompanies this EA as **Appendix O**

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7.10 Noise and Vibration

An Acoustic and Vibration Assessment has been prepared by Renzo Tonin to assess the potential acoustic and vibration on the proposal and address the relevant requirements under the amended SEARs.

The Assessment included two phases:

- Noise measurements at the existing marina at Bridge Road, Glebe, to gather data and quantify existing noise levels; and
- Noise modelling to predict potential impacts from the marina relocation to existing receivers surrounding the Bank Street site.

Conservative project-specific noise criteria have been set based on noise logging conducted by Renzo Tonin & Associates on 10 February 2017 and by SLR Consulting, as described in Sections 3 and 4 of that report.

7.10.1 Construction Noise

The Assessment identified three works that may generate noise impacts that exceed noise management levels of surrounding residential receivers as follows:

- Vegetation clearing - Two highly noise affected residences and one exceedance of NML at a third residential receiver are likely due to use of chainsaws and chipper trucks. However, these exceedances are likely to be for a short period of time, particularly in consideration of the few trees on the site and the limited number being removed.
- Earth works and pile driving - Two highly noise affected residences and three exceedances of NMLs are likely due to use of excavators with rock hammer attachments.
- Surface works and pile driving - During surface works there are likely to be four exceedances of the NMLs, but no receivers will be highly noise affected. The exceedances are due to the use of concrete trucks and the use of a piling rig on the barge.

These works are consistent in nature and scale to the works already approved under MP11_0001 and no material change in noise impacts, therefore, is anticipated as a result of this modification, including the especially noisy works related to the pile driving.

The Bank Street site is surrounded by multi-storey apartment buildings which overlook the site. Given the elevated nature of surrounding residential uses, noise path controls such as hoarding and temporary screening are not recommended for this proposal.

Noise impacts arising from the construction phase will instead be managed via the restriction of construction activities to standard hours (where reasonable and feasible) to minimise disturbance to surrounding residents during the evening and night. Respite periods be used during operation of noise intensive plant items such as piling rigs, excavators with rock hammers, and saws.

Surrounding residences should be notified of the works before commencement of works and a complaints-handling system will be put in place for the duration of the construction phase.

Standard actions and mitigation measures, including noise and vibration monitoring, will be implemented in accordance with the recommendation of Renzo Tonin.

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Surrounding residential uses all lie beyond the site-specific minimum working distances for vibration significant plant items. Adjacent structures at No 1 Bank Street comprising an unoccupied industrial building has been identified as within the cosmetic damage minimum working distance. The ANZAC Bridge pylon has also been identified as within the cosmetic damage minimum working distance. It is recommended that vibration monitoring be undertaken to ensure that vibration criteria are not exceeded.

Once again anticipated impacts are consistent in nature and scale with those already approved under MP11_0001 and no material change in vibration impacts, therefore, is anticipated as a result of this modification.

No further mitigation measures required.

7.10.2 Operational Noise

An operational noise assessment against both NSW Industrial Noise Policy (INP) intrusive criteria and INP amenity criteria has been conducted. Renzo Tonin concluded that predicted noise levels from the proposal would comply with the amenity noise levels at all surrounding receivers during the day, evening, and night periods. A sleep disturbance assessment was also performed and the predicted noise levels were, similarly, all well below the criteria. Sleep disturbance, therefore, is not expected to be an issue.

As demonstrated by the comparison table below, predicted noise levels remain below the noise limits imposed under the conditions of approval for MP11_0001, other than for at night in relation to Bayview Tower at 120 Saunders Street, Pyrmont, where it is marginally above the level set by the approval but still well below the criteria of 57 dBA. Refer to Table 6.1 (p19) of the Renzo Tonin assessment.

NOISE LIMITS LAEQ (15 MINS), DB(A)							
Locality	Location	DAY		EVENING		NIGHT	
		APPROVED	MODIFIED	APPROVED	MODIFIED	APPROVED	MODIFIED
Bayview Towers	Pyrmont	60	49	50	49	45	48
Glebe Point	Glebe	58	35	50	35	45	35

To assist in mitigating impacts in Pyrmont during the night period, the following assumptions / recommendation adopted by Renzo Tonin are noted:

- No use of the forklift after 8:00pm
- An acoustic shield around the sewage pump as per current arrangement at Blackwattle Bay Marina

- Only necessary activities after 10:00pm (i.e. mooring boats, unloading waste by hand, minimal use of vehicles, minimal shouting, etc.)

No further mitigation measures are required.

7.10.3 Vibration

During inspections of the existing facility it was confirmed that there are no items of equipment capable of generating high levels of vibration during operation. Furthermore, the nearest receiver at the Bank Street site is over 35m away from the proposal, which is ample to allow any small ground vibrations to dissipate.

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Therefore, vibration impacts are not expected to be an issue for the development and no further mitigation measures required.

The complete Assessment by Renzo Tonin accompanies this EA at **Appendix P**.

7.11 Drainage, Flooding and Water Quality

A Stormwater Management Report has been prepared by Warren Smith & Partners to provide an integrated water management system for the site and address the relevant requirements under the amended SEARs.

7.11.1 Stormwater & Drainage Infrastructure

Stormwater controls for the proposal have been developed with reference to requirements established under Sydney Development Control Plan 2012. Accordingly, the proposed piped stormwater system is designed to cater for storms up to and including the 5% AEP storm event and overland flows are designed to cater for storm up to and including the 1% AEP storm event. MUSIC modelling demonstrates that the proposed stormwater treatment system will exceed DCP performance targets for reduction in stormwater pollutants as follows:

PERCENTAGES BASED LOAD REDUCTION IN POLLUTANT RESULTS			
POLLUTANT	DCP TARGET (%)	PROPOSED (%)	EXCEEDENCE IN POLLUTANT REDUCTION
Gross Pollutants	90	98.6	-8.6%
Total Suspended Solids	85	85.7	-0.7%
Total Phosphorus	65	74.1	-9.1%
Total Nitrogen	45	48.9	-3.9%

As the post-development flow rates will not exceed the existing pre-development rates, no on-site detention is required. A 5kl rainwater reuse tank of is proposed to achieve 75% of rainwater reuse demands and water quality requirements.

The Stormwater Management Report includes general requirements for the preparation of a sediment and erosion control plan, dust control, and maintenance during construction works.

The Stormwater Management Report prepared by Warren Smith & Partners accompanies this EA at **Appendix I**.

7.11.2 Assessment of Flood Risk

With reference to the Blackwattle Bay Catchment Flood Study (September 2015), the land subject of this EA lies within the Blackwattle Bay Catchment and has a frontage to minor flooding adjacent to Bank Street in the 1% AEP. The land is also vulnerable to flooding by the waters of Sydney Harbour due to its waterfront location.

Consistent with the conditions of approval MP11_0001, the proposal locates all power supply points, plant equipment and storage cabinets a minimum of 0.5 m above the 1% AEP water level projected for 2050 achieving a minimum elevation / freeboard of 2.3 m AHD.

Matters relating to the potential effects of climate change, sea level rise, and an increase in rainfall intensity are further addressed under Section 7.16 of this EA.

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No material change in impacts is anticipated as a result of this proposal and no additional mitigation measures are required. The conditions of approval relating to flooding and sea level rise are retained as originally approved. Conditions of approval relating to stormwater management are recommended for modification to reflect the proposed stormwater management plan (refer **Appendix V**).

7.12 Waste Management & Minimisation

A Preliminary Demolition, Construction & Operational Waste Management Plan has been prepared by SLR Global Environmental Solutions (SLR) to identify wastes likely to be generated at the site and processes by which these will be disposed of as well as address the relevant requirements under the amended SEARs.

7.12.1 Construction Waste Management & Minimisation

The Preliminary Demolition, Construction & Operational Waste Management Plan (Waste Management Plan) seeks to ensure waste avoidance, reuse and recycling measures are adopted during the course of the demolition and construction.

The Waste Management Plan at **Appendix Q** sets out the construction and operational waste strategy in the context of its legislative requirements and responsibilities and details the approaches to waste collection, handling, recycling, and disposal during the demolition and construction phases of the proposal.

No further Mitigation Measures are required.

7.12.2 Operational Waste Management & Minimisation

The proposal includes the construction of a bin storage enclosure for general waste and recycling. This will accommodate fourteen (14) 3,000 litre capacity front-lift bins. Waste will be transported by BBM staff from the bin enclosure to the kerb for collection via private contractor.

Grey water and black water from vessels will be disposed of in an on-site waste water collection facility connected to the sewer. Discharges to the sewer will be under a Trade Waste Agreement with Sydney Water.

The Waste Management Plan at **Appendix Q** sets out the construction and operational waste strategy in the context of its legislative requirements and responsibilities and details the approaches to waste collection, handling, recycling, and disposal during the operational phase of the proposal.

No further mitigation measures are required.

7.13 Utility Infrastructure

A Services Statement has been prepared by Cardno to address the existing and required capacity of essential services available to the land subject of this EA and address the relevant requirements under the amended SEARs.

The site is not currently serviced by electricity, water, sewer, ICT, stormwater or gas. However, these services are available for connection within Bank Street, subject to obtaining relevant approvals.

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The existing and required capacity of essential services is summarised by the Services Statement prepared by Cardno, which accompanies this EA as **Appendix F**.

7.14 Ecologically Sustainable Development

The Regulation lists four principles of ESD required to be considered in assessing a project:

- The Precautionary Principle
- Intergenerational equity
- Conservation of biological biodiversity and ecological integrity
- Improved valuation and pricing of environmental resources

These are addressed each in turn below.

The **precautionary principle** is utilised when uncertainty exists about potential environmental impacts. It provides that if there are threats of serious or irreversible environmental damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. The precautionary principle requires careful consideration and evaluation of potential environmental impacts in order to avoid, wherever practicable, serious or irreversible damage to the environment.

This EA has not identified any serious threat or irreversible damage to the environment and therefore the precautionary principle is not relevant in this case. Where uncertainty in relation to relation to ongoing operational aspects of the proposal has been identified – with respect to archaeology, air quality, and climate change, for example – reports prepared in support of this EA have nominated appropriate monitoring strategies to ensure the proposal responds to mitigate any unforeseen impacts.

Intergenerational equity is concerned with ensuring the health, diversity and productivity of the environment can be maintained or enhanced for the benefit of future generations.

The proposal satisfies this by the maintenance an existing operation within Sydney's working harbour as part of the broader Bays Precinct Transformation Plan to satisfy both current and future demand for charter and tourist boating facilities. The proposal does so without compromising the ongoing viability of adjoining waterfront uses.

The principle of biological diversity upholds that the conservation of **biological diversity and ecological integrity** should be a fundamental consideration for any development. The subject site does not contain any native vegetation communities and there are no threatened species, populations or endangered ecological communities. Identified noxious plant species will be removed and new plantings, predominantly native and endemic species, will be installed to provide habitat for local fauna. The reduced scale of the proposal relative to that approved will reduce shading of aquatic vegetation to the benefit of aquatic species, populations and ecological communities. The proposal will, therefore, have a positive impact upon biological diversity and ecological integrity.

The principles of **improved valuation and pricing of environmental resources** requires consideration of all environmental resources that may be affected by a proposal, including air, water, land and living things. The proposed structures have been designed as steel structure with bolted connections to facilitate future dismantling and reuse of materials once the temporary use of the facility has ceased.

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A BCA report has been prepared by BCA Logic demonstrating compliance with the requirements of Section J of the BCA, which relates to sustainable building design.

The water management system proposed exceeds minimum requirements established under SDCP 2012 and includes the provision of a 5kl rainwater reuse tank.

Further, bicycle parking is provided and a WTP has been prepared to encourage staff to make sustainable and active transport choices.

Detailed plans and reports have been prepared in support of this EA to assess potential impacts in terms of noise, vibration, air quality, odour, water quality, and waste avoidance. UGNSW will readily accept an appropriately worded conditions of approval requiring the adoption of the recommendations of these reports.

No further mitigation measures required.

7.15 Contamination

An Assessment of Environmental Condition has been prepared by Consara to demonstrate that the requirements of SEPP 55 have been appropriately assessed and address the relevant requirements under the amended SEARs.

As noted elsewhere in this EA, the subject land is located within a local region that between the mid-1800s to the 1960s was occupied by a large range of industrial activity and was subject to reclamation works. The presence and potential presence of fill materials in the surface and sub-surface has been identified by Consara as an area of potential environmental concern. Intrusive investigations have identified ash, coke, coal tars and slag within identified fill materials.

Further, fill materials have been identified, in some locations, to be contaminated with polycyclic aromatic hydrocarbons, petroleum hydrocarbons and heavy metals. No fibrous asbestos or asbestos-containing materials have been identified, however, there is the potential for these materials to be present in surface and sub-surface soils.

The Assessment notes that the land is already subject to environmental management in the form of a containment approach formalised under the *Long-term Environmental Management Plan 5 Banks Street* (LTEMP) prepared by CDM Smith Australia whereby exposure of occupants of the site to the presence and potential presence of contamination is prevented by the physical surface coverings.

Consara concludes that subject to the ongoing application and appropriate amendment of LTEMP, the site is suitable in its current state for the use proposed without the need for remediation.

Accordingly, it is proposed that the existing and in force LTEMP remain in place and be updated to reflect the proposed works on the subject land once the development has been completed.

The approved Statement of Commitments, in turn, is proposed to be modified in the post-approval phase. It would be relevant to require the LTEMP to be updated in accordance with the requirements of NSW DEC (2006), be made legally enforceable and be written in plain English to be understood by non-professionally trained personnel.

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During construction of the proposal these potential risks will be managed via the implementation of specific Construction Environmental Management Plan. The CEMP will set out the environmental management measures that are required to be implemented during construction works in order to manage identified risks to personnel and the environment to ensure that:

- Comprehensive control measures are implemented to prevent the migration of potentially contaminated materials or waters off-site or within the land;
- Works that require disturbance of natural soils, sandstone bedrock or potentially contaminated fill materials are undertaken in a manner that protects the health of the workers and users of the land; and
- Any potentially contaminated materials excavated from the land are appropriately stored, handled and, where required, either beneficially re-used on the land or disposed of off-site.

A CEMP has been prepared by Consara in support of the proposal and accompanies this EA as **Appendix R**. For reference, a copy of the LTEMP also accompanies this EA also at **Appendix R**.

No further mitigation measures are required.

7.16 Climate Change and Sea Level Rise

A Climate Change & Sea Level Rise Report has been prepared by SLR Global Environmental Solutions (SLR) to assess the potential impacts of climate change on the proposal and address the relevant requirements under the amended SEARs.

SLR undertook a review NSW Government Guidelines to provide an update of their 2012 report "Climate Change Induced Sea Level Rise, Sydney Heritage Fleet, Pyrmont NSW 2009" (January 2012) (SLR Report 610.10676-R2R1). NSW Government Guidelines reviewed include:

- *NSW Government (1990) Coastline Management Manual*
- *NSW Government (1997) NSW Coastal Policy*
- *NSW Government (2009) Reforms to coastal erosion management in NSW*
- *NSW Government (2009) NSW Sea Level Rise Policy Statement*
- *NSW Department of Planning (2010) NSW Coastal Planning guideline: Adapting to Sea Level Rise*
- *DECCW (2009) Derivation of the NSW Government's sea level rise planning benchmarks*
- *DECCW (2010a) Coastal Risk Management Guide: Incorporating sea level rise benchmarks in coastal risk assessments*

- *DECCW (2010b) Flood Risk Management Guide: Incorporating sea level rise benchmarks in flood risk assessments*
- *NSW Office of Environment & Heritage (2015) Floodplain Risk Management Guide*

SLR concluded no changes have been made to the abovementioned NSW Guidelines with regard to sea level rise recommendations since the Approval MP11_0001. However, SLR identified significant updates within the both the global and Australian scientific community with regard to climate change and associated sea level rise as follows:

- *Intergovernmental Panel on Climate Change (IPCC) Fifth Assessment Report (2013)*
- *Climate Change Impacts in Australia – Updated CSIRO-BOM Assessment*
- *Most Recent CMIP5 Modelling Methodology Used for Climate Change Predictions*

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After reviewing design modifications proposed, SLR concluded that critical revised RLs (elevations) of the proposal (sea wall, waterfront promenade, etc), lie just above the more severe climate change scenario reviewed: "2090" / "RCP8.5".

SLR notes the existing sea wall provides the primary defence for the land against climate change-induced sea level rise and increased catchment flooding. Accordingly, the following recommendations are made:

Design

- *Develop and construct a "flexible design" whereby in the future the ground RL of the sea wall can be raised.*
- *Ensure, as much as is practicable, that all services (particularly electricity) are located above predicted inundation levels throughout the site.*

Operation

- *At periodic intervals (say 5-yearly), review available sea level records in Sydney Harbour to ascertain how actual sea level rise and rainfall intensity is tracking against the various climate change "RCP" scenarios discussed in this report. In recent times, the NSW Government, through NSW Public Works, has been publishing annual reports on NSW harbour and estuary sea levels – the latest report available is October 2016.*
 - *Accordingly, develop a Climate Change Adaptation Plan for the proposal to include such ongoing review.*
- *As the development's sea wall is the primary defence against the climate change-induced sea level rise and catchment flooding increase, it is recommended that the entity responsible for the site monitors the integrity of the sea wall at regular intervals and carries out maintenance to ensure its ongoing defence-related function.*
 - *Accordingly, the responsible entity should develop a Sea Wall Maintenance and Management Plan to ensure ongoing risk management of the facility's main inundation feature for actual future sea level rise, any future movements and/or erosion of the seawall, etc.*

The Climate Change & Sea Level Rise Report prepared by SLR Global Environmental Solutions (SLR) accompanies this EA at **Appendix S**.

There has been no change in anticipated rates of sea level rise in the time since the approval of MP01_0001 and no material change in terms of impacts as a result of climate change are anticipated as a result of the proposal.

No further mitigation measures are required.

7.17 Heritage

A Heritage Impact Statement & Archaeological Assessment has been prepared by Urbis to address matters of European heritage and archaeology. In addition, a Due Diligence Aboriginal Archaeological Assessment prepared by AMAC Archaeological and Streat Archaeological Services has been prepared to address matters of Aboriginal heritage. Together these reports address the relevant requirements under the amended SEARs.

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7.17.1 Heritage and Archaeology

7.17.1.1 Heritage Impact

The heritage impact assessment considered a study area greater than the land subject of this EA and comprising a foreshore strip of the Blackwattle Bay Foreshore as illustrated in Figure 39 below.



Figure 39 – Heritage & archaeology study area (courtesy of Urbis)

As noted in section 3.9 of this EA, a heritage impact assessment of the land undertaken by Urbis has identified the extant low sea wall consisting of large sandstone blocks in the adjoining land as having aesthetic and historic significance. The sea wall is considered representative of the development and settlement of Pyrmont at the turn of the twentieth century and of the associated maritime and industrial functions of the area.

The sea wall likely dates from the early 1900s and may have been rebuilt or modified since the 1980s. It is noted that the line of the sea wall has since been interrupted by the ANZAC Bridge pylon and the existing dragon boat launch and no longer extends into the subject land.

Nevertheless, the assessment of heritage significance prepared in accordance with the Assessing Heritage Significance (2001) guides and documented in the Urbis report finds that the site collectively is not considered to meet the threshold for heritage listing.

The proposed works are minimal, will be apparent as contemporary insertions and are in keeping with the general character and use of the area.

A heritage impact assessment of the proposed works, also documented by the Urbis report, finds that the proposed works will have no impact on the heritage items subject to statutory listings within the vicinity of the land. Although located within a prominent position within the landscape and within the view shed of the heritage listed Glebe Island Bridge, ANZAC Bridge and Saunders Quarry escarpment, the proposed facilities are temporary, minimal, reversible and horizontally proportioned. The works, therefore, will not visually dominate the context of surrounding items. The marina structure (fixed wharf, floating pontoons, dolphins etc.) has been previously assessed as acceptable and approved accordingly.

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The proposed works are anticipated to have a negligible impact on site elements of identified significance such as the remnant sea wall. The proposed works relate to a section of the sea wall that has been previously altered to accommodate the ANZAC Bridge pylon and dragon boat launch. The proposed pedestrian promenade is to be constructed on piles and will not impact on the sea wall.

The heritage impact statement concludes that the proposed works are supportable in heritage terms subject to the following recommendations:

The remaining sandstone sea wall is of significance as representative of the development and settlement of Pyrmont around the turn of the 20th century (1900) and of the associated maritime and industrial functions of the area. The remaining sandstone sea wall on the site should be retained and conserved as part of the subject works. Where new pontoons etc are proposed, the original seawall should be retained behind the new structure and should remain able to be interpreted. Structures should not fix to the seawall. Where the seawall is required to be removed in conjunction with works, the stone should be salvaged and reinstated to match the original.

There is potential for remnant sections of the seawall to be retained behind later wharves, ramps and structures. Where remnant sections of the shoreline are uncovered during works these should be retained in situ, where possible.

7.17.2 Archaeology

An archaeological assessment was undertaken by Urbis of the same study area (refer Figure 39) to consider the potential for the area to retain an archaeological resource and, should this be likely, the significance of that resource.

Potential archaeological resources within the study area identified by the Urbis assessment include evidence of the original shore line, evidence of reclamation, earlier sea walls, previous wharf structures, previous buildings, evidence of land use and other maritime activities.

In relation to the land subject of this EA, it is noted that construction of the ANZAC Bridge is likely to have resulted in the disturbance or removal of potential archaeological resource in the northern portion of the site. The southern portion of the site, left largely vacant since the mid-twentieth century, was in the past occupied by less substantial structures such as timber sheds.

As noted elsewhere within this EA the land subject of this EA was subject to large-scale surface modification including infilling and reclamation. The low sandstone seawall is identified as the 'only visible feature that warrants retention as evidence of the previous use of the area' (p. 21). However, it is

noted that there is some potential for the survival of remnant wharfage, sea walls and structures of the previous shoreline though these would likely be beneath several metres of fill.

The potential for the study area to contain an archaeological resource related to the development of and use of the subject land is, therefore, considered to be low.

The remains of sea walls are not rare in Sydney Harbour and unless the items are considerably intact, very early, or associated with important activities, sea walls are generally not significant items in their own right.

Further, although there is potential for remains associated with the former early industrial uses of the land, these would be unlikely to be substantial and are unlikely to have the potential to provide new or significant information about the land's history, the uses of which are documented by the Urbis report. The significance of potential archaeological resources within the land, therefore is also assessed as low.

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Areas of low archaeological sensitivity do not require subsurface archaeological investigations (test excavation) prior to works commencing. However, the archaeological assessment report recommends that, in the event artefacts are identified during works, works should stop and the unexpected finds procedure outlined below should be followed:

- 1) Stop work in the affected area and protect item.
- 2) Contact a suitably qualified archaeological or heritage consultant to provide advice and assess the item if required.
- 3) Notify the appropriate regulatory authority (such as the Heritage Division) and obtain statutory approvals (if required).
- 4) Implement archaeological or heritage management plan.
- 5) Resume work.

7.17.3 Aboriginal Archaeology

A desktop review undertaken by AMAC Archaeological and Streat Archaeological Services revealed no relevant confirmed Aboriginal archaeological site records on the Aboriginal Heritage Information Management System (AHIMS) located within the land subject of this EA or its immediate surrounds.

As noted elsewhere, the land subject of this EA is largely reclaimed and heavily disturbed, however, prior to the reclamation works the land would have comprised intertidal flats. On this basis, AMAC Archaeological and Streat Archaeological Services conclude sub-surface Aboriginal objects with potential conservation value may be present within *undisturbed* parts of the study area.

The disturbed nature and significant land modifications made suggest that there is no intact top soil, the layer of soil in which Aboriginal archaeological or cultural material would be located, if present on the land at all. Accordingly, the site is deemed to be 'highly disturbed' as defined by the *Australian Soil & Land Survey Field Handbook 2010* and sub-surface aboriginal objects with potential conservation value have a zero-low probability of being present within the study area.

Consistent with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974* (DECCW, 2010) AMAC Archaeological and Streat Archaeological Services recommend that no further archaeological and cultural assessment is necessary subject to the following:

- *It is recommended that no further archaeological and cultural assessment in accordance with Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974 (DECCW, 2010) is necessary and the proposed development activity (Figure 8.1) should be able to proceed with caution.*
- *Before any ground disturbance takes place as part of the construction all development staff, contractors and workers should be briefed prior to works commencing on site, as to the status of the area and their responsibilities in ensuring preservation of the said area. They should also be informed of their responsibilities regarding any Indigenous archaeological deposits and/or objects that may be located during the following development.*

Should any Aboriginal archaeological deposits or objects be located during the development:

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- *all excavation in the area shall cease immediately;*
- *OEH and a suitably qualified archaeologist should be notified so the significance of the said deposits or objects can be evaluated and presented in a report and the study area recorded as an archaeological site;*
- *the archaeological deposits or objects shall subject to fulfilment of the relevant legislative requirements particularly section 90 of the NPW Act 1974 (as amended) and works will require the second AHIP prior to continuing.*

In the event of human skeletal remains being uncovered at any stage;

- *All excavation in the immediate vicinity of any objects of deposits shall*
- *cease immediately and the area secured;*
- *The NSW Police and OEH's Enviroline and any Registered Aboriginal Parties (RAPs) be informed as soon as possible;*
- *Once it has been established that the human remains are Aboriginal ancestral remains, OEH and the relevant RAPs will identify the appropriate course of action.*

The Due Diligence Aboriginal Archaeological Assessment prepared by AMAC Archaeological and Streat Archaeological Services accompanies this EA at **Appendix T**.

7.17.4 Conclusion

No material change in terms of heritage or archaeological impact is anticipated relative to those already anticipated and approved by MP11_0001. The conditions of approval are proposed to be modified to capture the recommendations identified above (see **Appendix V**)

No further mitigation measures required.

7.18 Building Code of Australia/ Access

The BCA Assessment Report at **Appendix L** prepared by BCA Logic confirms that the tourism and charter boating facility can readily satisfy all the relevant requirements of the National Construction Code (BCA), including access and accessibility.

The Access Report at **Appendix L** prepared by BCA Logic confirms that the proposed tourism and charter boating facility can readily satisfy all relevant fire safety requirements through the implementation of performance based solutions, as necessary.

No further mitigation measures are required.

7.19 Contributions

A contribution under section 94 of the Act is required under the Approval (Condition G3) as follows (emphases added):

G3 A contribution under section 94 of the Environmental Planning and Assessment Act 1979 must be paid in accordance with the following:

Cash Contribution Required

(a) In accordance with the adopted "Ultimo Pyrmont Contributions Plan 1994" a cash contribution must be paid to Council for the amount specified below.

Amount of Contribution

(b) The amount of the contribution is \$7,071.54.

Note: The contribution will be indexed annually, see paragraphs (e) and (f) below.

Purposes for which Contribution Required

(c) The contribution is required, and must be held and applied in accordance with the Act and the Ultimo Pyrmont Contributions Plan 1994, for the purposes, and in the proportions, set out as follows:

- (i) open Space - 64%*
- (ii) community Facilities - 9.5%*
- (iii) roads and Associated Infrastructure - 26.2%*
- (iv) administration - 0.3%*

Timing of Payment

(d) The contribution must be paid prior to the commencement of the development. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Personal or company cheques will not be accepted.

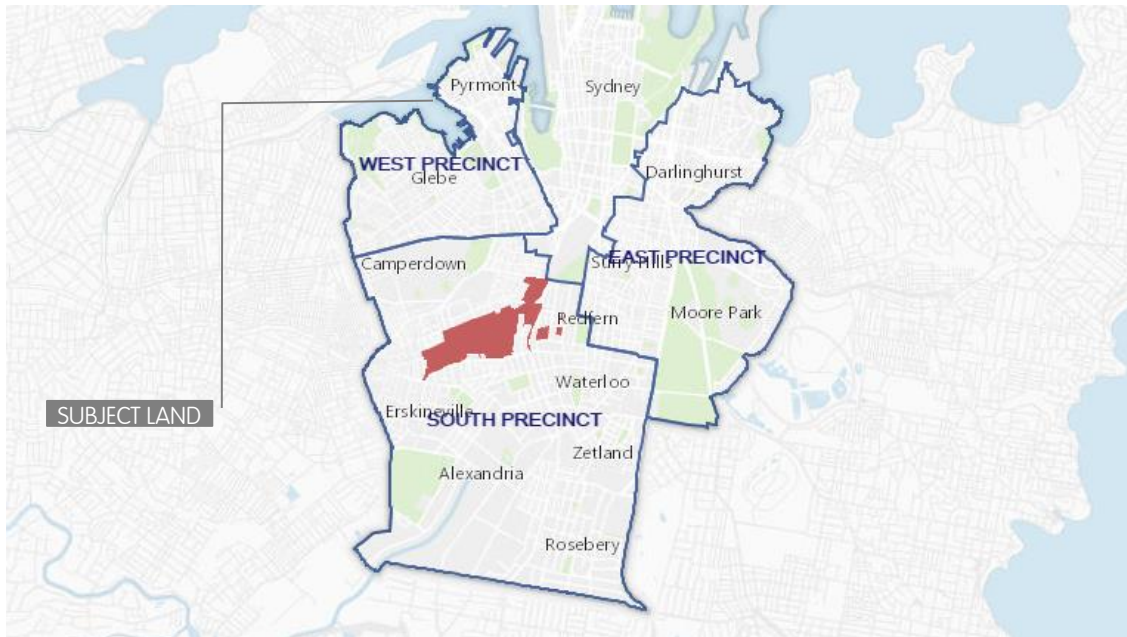
Indexing

(e) The contribution rate in "Ultimo Pyrmont Section 94 Contributions Plan 1994" will be adjusted in accordance with clause 19 of the Plan being not less than annually.

(f) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the figure in paragraph (b) to this condition will be indexed and calculated according to the then current contribution rate.

The *Ultimo Pyrmont section 94 Contributions Plan 1994* is now superseded by the *City of Sydney Development Contributions Plan 2015*. Under the current Plan, development contributions are calculated by determining the net population increase as a result of the proposal in terms of workers, visitors, or residents. This rate is then multiplied by the relevant indexed contribution rate applicable for the precinct in which the subject land lies.

As demonstrated by Figure 40 below, the subject land lies within the Western Precinct.



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Figure 40 - City of Sydney development contributions plan 2015, precinct map

The proposal does not include residential uses and consideration of net increase of resident population is, therefore, not relevant. Further, no embarkation or disembarkation of passengers will occur at the site and there will be no net increase in visitor population. The relevant net population increase, therefore, is the net increase in worker population.

The relevant developer contribution, therefore, is calculated as follows

Contribution = net population increase of workers × contribution rate per worker

Where:

Contribution rate per worker = relevant contribution rate shown in Table 3 (below)

Net population increase = proposed workforce population – previous workforce population

Proposed population = proposed gross floor area, × relevant occupancy rate

Previous population = previous gross floor area, × relevant occupancy rate for the previous use

Table 3: Contribution rates, as at 13 September 2015^{13,14}

	East	South	West
Per additional worker	\$2,544	\$4,443	\$1,777
Per additional visitor¹⁵	\$6,251	\$10,277	\$7,012
Per additional resident³	\$9,218	\$11,788	\$9,287
Per 1-bed dwelling (assumes 1.3 residents) ¹⁶	\$11,984	\$15,324	\$12,073
Per 2-bed dwelling (assumes 1.9 residents)	\$17,515	\$20,000	\$17,645
Per 3+ bed dwelling (assumes 2.7 residents)	\$20,000	\$20,000	\$20,000

The proposed use does not readily fall within the uses listed by Table 3: Commercial, industrial, infrastructure and other uses under Section 2.1 of the Plan. The net population increase from the proposal, therefore, can be estimated as shown below.

Existing worker occupation is considered to be zero (0) as the approved Sydney Heritage Fleet facility was never constructed or occupied.

Given the very infrequent occurrence of absolute peak events (only 3 days per year), it is considered appropriate to rely upon the number of workers accessing the site during typical operation for the purposes of calculating occupancy.

FORECAST STAFF NUMBERS		
STAFF	TYPICAL OPERATION	ABOSLUTE PEAK PERIOD (APPROX 3 DAYS PER YEAR)
Number of office staff	6	6
Number of onboard staff	25	75
TOTAL	31	81

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This provides a net increase of 31 workers. Taking into account the amount of time spent onboard vessels as opposed to on-site by the majority of workers, this is considered to be a conservative approach.

Developer contributions, therefore are calculated as follows:

$$\text{Contribution} = \text{net population increase of workers} \times \text{contribution rate per worker}$$

$$\$55,087 = 31 \text{ workers} \times \$1,777$$

7.20 Modification of Statement of Commitments & Conditions of Approval

7.20.1 Statement of Commitments

A comprehensive review, rationalisation, and revision of the Statement of Commitments (including their ongoing applicability to both the land and water-based construction and operation) will be undertaken following approval of Modification #3 with reference to the approval's conditions.

The Statement of Commitments modified to this effect can be found at **Appendix U**.

7.20.2 Conditions of Approval

A full list of the proposed modifications to the conditions of approval can be found in-situ at **Appendix V**. The principal modifications to the conditions of approval are summarised as follows:

- A number of the proposed modifications are administrative comprising an update to the documentation and works cited to provide consistency with the plans and reports prepared in support of this EA.
- A number of the proposed modifications relate to the removal of those conditions of approval that relate specifically to the function of the Sydney Heritage Fleet that are now redundant such as conditions relating to tourist shuttle buses, Pirate Parties, Sea Shanty contests and the like.
- Tree planting is proposed within the front setback of the subject land rather than within the road reserve. Conditions of approval relating to street tree planting are, therefore, also deleted.

8.0 CONCLUSION

This EA has been prepared to consider the environmental, social and economic impacts of the proposed temporary charter and tourism boating facility.

The EA has addressed the issues outlined in the SEARs and satisfies the requirements of the Act and Regulation with respect to consideration of relevant environmental planning instruments, built form, social and environmental impacts including traffic, noise, odour, vibration, heritage, construction, ESD and stormwater.

This EA concludes that the project's impacts are able to be suitably mitigated and managed. In summary, the level of assessment required under s75W requires only consideration of the new or different impacts of the project from that originally approved. The impacts relative to the Sydney Heritage Fleet approval are minor and in many cases inconsequential or improved by comparison, given the temporary nature of the use, its reduced bulk and scale, and the overall intensity of the development. Above all, the proposal, by virtue of its temporary nature is also completely reversible, enabling future planning for foreshore improvements and for enhanced public access to the harbour foreshore to be undertaken consistent with long-standing planning legislation and strategic planning objectives.

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The project warrants approval for the following reasons:

- It provides a temporary charter and tourism boating facility to meet the operational needs of the existing BBM for the duration of its up to 10-year occupation of the Bank Street Site;
- It enables the relocation of the Sydney Fish Market from its current location on Pyrmont Bridge Road to the site at Bridge Road currently occupied by the BBM consistent with the Bays Precinct Transformation Plan;
- It implements an interim solution to provide safe and amenable public access to the Blackwattle Bay foreshore (currently not available to the public) for the duration of the proposed temporary use until such time as the broader Bays Waterfront Promenade is delivered consistent with the Bays Precinct Transformation Plan; and
- It delivers a quality contemporary (albeit temporary) development that responds to the existing and desired future character of the locality.

Given the planning merits described above, and significant public benefits proposed, it is requested that the Minister approve the section 75W modification.