

THE NEW SYDNEY FISH MARKET AT BLACKWATTLE BAY SSD 18_8924 and SSD 18_8925 MOD 1 RESPONSE TO SUBMISSIONS

Prepared for
Infrastructure NSW

By
BBC Consulting Planners

February 2021

Table of Contents

1.	INTRODUCTION	2
2.	RESPONSES TO MATTERS RAISED.....	3
3.	CONCLUSION	4



1. INTRODUCTION

This Response to Submissions Report has been prepared to provide a response to the submissions lodged with the Department of Planning, Industry and Environment (DPIE) in response to the notification of MOD 1 to SSD 18_8924 and SSD 18_8925 for the New Sydney Fish Market at Blackwattle Bay.

The Proponent, Infrastructure NSW (INSW) has considered the issues raised in the submissions made during the submission period and provides a response to the issues raised.

2. RESPONSES TO MATTERS RAISED

Submissions on Mod 1 were received from the following agencies:

- Port Authority of New South Wales
- TfNSW
- GA NSW
- DPIE Environmental, Energy and Science Group (Biodiversity and Conservation Division)
- DPIE
- EPA
- City of Sydney

Recreational water users were given the opportunity to review the modification application.

These submissions have been considered in detail and the applicant's response is presented in the table in **Appendix 1**.

The proposed Mod 1 was discussed with the Sydney Fish Market Design Review Panel. Government Architect NSW have provided advice of the acceptance of the Design Review Panel of the design changes included in the Mod 1 application (**Appendix 2**).

3. Conclusion

The proposal is to build a new Sydney Fish Market with a contemporary urban design, providing unique experiences for visitors and world-class auction and wholesale facilities. The new facility will be set within an improved public domain including the creation of a waterfront promenade with improved access to Blackwattle Bay and linking to surrounding areas and to public transport.

The development will expand and improve the functions of the existing Sydney Fish Market in a new setting achieving design excellence, authentic experience, functional performance and environmental sustainability.

The potential environmental impacts, both direct and cumulative, of Mod 1 have been identified and assessed as part of the modification application process.

The assessment in this response to submissions reinforces the findings of the Mod 1 application that the development will continue to provide a new Sydney Fish Market of international standing acting as a catalyst for the rejuvenation of the eastern foreshore of Blackwattle Bay. The assessment concludes that no significant environmental impacts have been identified as a result of the modification. Any potential impacts can be satisfactorily mitigated through a range of measures that have been identified within the conditions of consent and this response to submissions.

It is considered that the modification is in the public interest and warrants approval.



Appendix 1: Response Table

Agency	Matter Raised	Submission	Response
Environment, Energy and Science Group (EESG)	Biodiversity	To assist DPIE, EES considers that changes proposed in the modification application are not likely to result in greater impacts than the approved development and EES concurs with the planning report that a further biodiversity development assessment report is not required. However, EES notes that the Demolition Plan AR-S1-A21 L00-01 for SSD 8924 (Issue G) still indicates one wharf (occupied by an outdoor dining area of the existing fish market) and two jetties on the eastern side of Blackwattle Bay, within Lot 1 in DP 835794, as “Main works demolition of existing fish market wharf to occur after relocation to new facilities”. This was previously questioned in a meeting with Infrastructure NSW on 3 August 2020 in which Jennifer Chang confirmed that demolition of these wharves and jetties had been given consent “as a later stage”. However, only one of these structures the “existing SFM wharf and outdoor dining area which is located along the foreshore on the western side of the main fish market building” is included in the EISs for SSD 8924 and SSD 8925, being shown on Figure 2 as being within the development footprint and referred to in section 2.4.1 as one of the “buildings, structures, wharves and jetties [that] are to be demolished as part of this application”. The two jetties are not mentioned in either EIS EES therefore, firstly, seeks clarification from the Planning and Assessment Group as to whether the demolition of any of these structures is covered by the approved developments 8924 or 8925 or whether their demolition is to be subject to separate development approval.	Noted. As per the stamped demolition plan (AS-S1-A21 L00-01) the demolition of the wharves and seating area at the existing Sydney Fish Market will be completed as part of the Main Works (SSD-8925) once operations has commenced at the new facility.
	Biodiversity	Secondly, pertinent to this is that none of these structures has yet been surveyed by inspections or ultrasonic detectors for the habitat or presence of threatened microbats, even though these structures could afford habitat for threatened microbat species – see Figure 10 of the biodiversity development assessment report (BDAR) and also confirmed by the ecological consultants. This is contrary to the requirements of the BC Act and to recommendations by EES in correspondence of 14 November 2019 (our ref. DOC19/891083).	As per above, the demolition of the wharves and seating area at the existing Sydney Fish Market will be completed as part of the Main Works (SSD-8925) once operations has commenced at the new facility, the survey will be completed closer to that time.
		EES further advises that no surveys for microbats were undertaken of the large wooden structure, the remains of an early 1900s coal loader, at the eastern end of the wharves complex at the head of Blackwattle Bay, as pictured in Figure 6 of the BDAR. This structure is within the identified development footprint and, according to the consultant ecologist, contains potential habitat for threatened microbat species. The lack of survey of this structure for microbats is contrary to the requirements of the BC Act and recommendations by EES (our ref. DOC19/891083). EES notes also that the surrounds of this structure have now been cleared as part of demolition works, which is likely to have compromised the persistence of any microbats in this structure.	EcoLogical Australia, who wrote the Microbat Management Plan (MMP) confirmed that during the initial site visit to site it was noted that the coal loader wooden structure was the least important location as there was limited potential roost sites. The structural integrity of the wooden frame was unknown and marked as unsafe to enter or attach any detectors to. There was no requirement under the MMP to survey before demolition. Further to that, the Early Works contractor has been following the MMP protocols and monitoring for microbats, they were given a picture guide on typical bat habitat types and what to do if they noticed bats during works. They confirmed there were no sightings of microbats during the demolition of the coal loader timber structure.
	Flooding	EES has no flooding comments.	Noted
	Marine Ecology	The modifications are such that the comments provided previously by EES (Ref: DOC19/891083 dated 14 November 2019) remain valid. The updated report from Eco Logical dated 20 Dec 2020 also states there is minimal change from the impact of the original design. Therefore, it is considered that the issues raised previously by EES and Eco Logical in its original Marine Ecology Assessment dated 2 April 2019, can be addressed during construction.	Noted

NSW Environment Protection Authority (EPA)		The EPA understands that the modification relates to minor adjustments to the northern site boundary and the alignment of wharves and marina piles; updates to the internal building layout including minor adjustments to amenities and services plans as well as updates to façade openings, partition walls and tenancy walls. Based on the documents provided, the EPA considers that the modification does not alter the EPA's advice and recommendations for the original proposal regarding noise and vibration, water quality, contamination, waste and air quality, and therefore has no comment to make on the design changes	Noted
	Consult requirements	However, the EPA would like to take this opportunity, as part of the modification, to amend some conditions to remove the requirement to consult with the EPA. As the EPA is the appropriate regulatory authority (ARA) for the project it must maintain a regulatory arms-length from post approval management plans. The EPA does not provide advice, comment or endorse post-approval documents for State Significant Developments. Therefore, additional amendments are required to be made to the following conditions in SSD 8924: • B18 – remove the requirement to consult with the EPA for the Construction Noise and Vibration Management Plan. • B20 – remove the requirement to consult with the EPA for the Construction Air Quality Management Plan • B22 – remove the requirement for approval from the EPA for the Dewatering Plan. Although the EPA recommended a condition requiring the preparation and implementation of this plan, it did not request consultation with the EPA. The EPA's comments on the Response to Submissions for SSD 8924 noted that "no details were included on how dewatering would be managed to minimise water quality impacts, and the coffer dam could contain mobilised contaminants from sediments. The EPA considers that careful management of water quality risks is required." • B24 – remove the requirement to submit an Unexpected Finds Protocol to the EPA. • B28 – remove the requirement to consult with the EPA for the Hazardous Materials Management Plan and remove the requirement to submit the HMMP to the EPA.	Noted. INSW agree with EPA's proposed amendments and request for the conditions in SSD 8924 to be amended as per EPA's submission
City of Sydney Council	Western Plaza	A review of the submitted modification documents does not provide enough information to justify significant changes to the layout and activation of the western plaza park. These include: • The amendments to the sea wall at the edge of the western plaza; • The deletion of the grass area, seating areas, activation, amenity and range of uses; • The replacement garden bed results with additional trees of small sizes being too close together and are unlikely to reach canopy maturity; • Unclear plans showing how levels are resolved as the previous design included a series of ramps in the public domain; • No information about whether the amended plaza design retains WSUD design functions that previously included mangroves with a boardwalk, and wetlands for flood management; • No response to how stormwater and flood mitigation is resolved; • Details about the storage of additional containers for events like Easter and Christmas seafood (previously earmarked in Western Plaza park/ public domain); • The orientation of bike racks being perpendicular to shared bike / pedestrian path causing potential safety conflicts on key commuter cycleway. It is noted that the changes to the plaza are said to be in response to comments from the Design Review Panel, however, it is unclear what these comments were and to what extent changes needed to be made. Further, it is unclear whether the amended landscape design has been made in consultation with landscape designers and whether the placement of additional trees will be successful. A comprehensive landscape package is requested for review. The amended boardwalk between the base of the western staircase and the Blackwattle Bay foreshore walk appears to have narrowed significantly and may require visitors to use the footpath along Bridge Road. This causes increased pedestrian and cyclist safety issues.	The changes to the western plaza park were discussed at DRP Meeting 11 on 13/02/2020. The amended landscape design has been produced by INSW's landscape architects, ASPECT Studios in accordance with the Design Integrity Process. A detailed landscape package is already required to be developed for review by the DRP and DPIE under conditions B7 and B8 and we are not in a position to provide the detail requested by CoS at this stage as the design has not been developed to this level of detail.

	Northern stairs, promenade and fascia details	The proposed modification includes the extension of the northern facade by approximately 1.24m to the north. It is recommended that the width of the public walkway, free from obstructions (such as private restaurant seating) is not reduced as a result of facade changes and amendments to the geometry of the northern stairs. It is imperative to secure a generous walkway width to maintain unimpeded continuous public access along the foreshore that can cater for high volumes of foot traffic. Further, the tiled fascia detail that formed part of the original approval was designed in a way that wrapped around the underside of the fascia to the soffit edge. The submitted amended plans are unclear in showing whether the replacement Lamella finish does the same. Further clarification is requested. Overall, the City is hesitant to support any changes to landscaping within the outdoor spaces without the inclusion of a detailed response and justification that addresses all design amendments to the plaza area, an adequate stormwater management response and a detailed landscape management plan. This additional information and clarification are requested for review.	INSW confirms the minimum width of the public walkway has not been reduced from the 4.3m previously advised in the SSDA RtS. We assume the comment in relation to the tiled fascia detail is in reference to the indicative detail shown on page 83 of the Design Report. INSW confirms that the revised fascia detail includes top and bottom aluminium capping as per the design that was presented to the Design Review Panel at DRP Meeting 11 on 13/02/2020. With regards to landscaping and stormwater management details, INSW is already required to develop and submit details relating to these elements under conditions B7, B8, B83 and B85.
Department of Planning, Industry and Environment	Impact on Rowing Clubs	It appears the modification to the recreational wharf will result in shortening the length of the rowing route at the head of Blackwattle Bay when compared to the approved development (Figure 1). Further discussion on this aspect of the proposal shall be provided within the modification report including justification for the shortening of the rowing route and its potential impact on rowing clubs.	The rowing course was modified to be 45m clear of the new wharf position which was moved further west. The head of the proposed wharf is the site of a potential ferry wharf and would be subject to turning manoeuvres as the ferries move in and out of berth. As such, it is important that the rowing route is kept clear of this manoeuvring area. The basis of the original rowing route was that the route was kept 45m from wharves at the head of Blackwattle Bay (including the former Fish Market trawler wharves and Blackwattle Bay Marina). RHDHV have applied the same principal in determining the offset from the proposed wharves. The relocated rowing route has the effect of reducing the length of the rowing route by 60m on each side of Blackwattle Bay from its original length of c. 3100m. The previous revision showed a reduction of 48m on each side of the rowing route, a difference of 12m from approved SSDA route. This modification to the rowing course was issued to the rowing and dragon boat clubs. No concerns were raised.

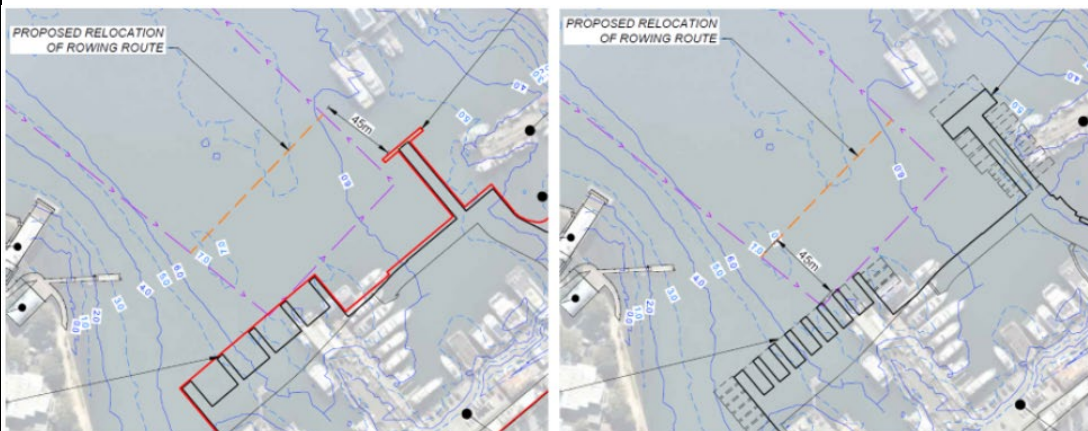


Figure 1: Relocation of rowing course (left – proposed, right – approved)

Transport for NSW	Safety	No navigational safety concerns are raised in relation to the proposed modification applications	Noted
	Wharves	As a general comment it appears that the proposed development will reduce the amenity of both the Operational and Recreational wharves. This is associated with: • A reduction to the total number of berths available at the Operational wharf; • The replacement of the Recreational Wharf T-head with steel fender piles which limits the types of vessels suitable for berthing alongside this part of the wharf; • Removal of the protection provided by the T-head structure; and • A reduction to the space available for passengers waiting to embark a ferry from the Recreational Wharf.	The proposed amendment to the Operational Wharf has been introduced as a result of further discussion with the end user (Sydney Fish Market Pty Ltd) to improve the functionality of the wharf. The number of berths at the Operational wharf has been maintained (6no. Trap and Line, 6no. Trawler and 4no. Tuna Boats). The proposed amendment to the Recreational Wharf has been made to reduce the projection of the wharf into Blackwattle Bay. The amendment has been designed to accommodate the vessels which are anticipated to be berthing at the head of the wharf. While the space available for waiting passengers has been reduced, the space on the wharf finger is considered sufficient.
Government Architect NSW		GANSW has two areas of concern, consistent with the design advice letters of the projects Design Review Panel (pre D.A lodgement), these areas are: • Diminished quality of public domain outcomes, including associated opportunities for public benefit and sustainability. Specifically, at the locations of the Western Plaza, upper ground-floor public walkway and the base of the western stairs • The apparent low level of integration and Landscape Architect expertise applied to the design of the Western Plaza, the modified design does not appear to offer a level of expertise and integration commensurate with the other areas of the project's public domain design. Regarding these concerns and the Modifications generally, GANSW supports the City of Sydney (CoS) comments (dated 31 January 2020) GANSW defers its review and commentary to the project's Design Integrity Panel (the Panel). The remit of the Panel (and its expertise and continuity) under the project's <i>Design Excellent Strategy</i> is the best forum to address the overall design excellence of the project, including the Modifications. GANSW is available to discuss in detail with the DPIE assessments team the Panel's advice and recommendations relative to the Modifications.	The amended landscape design has been produced by INSW's landscape architects, ASPECT Studios in accordance with the Design Integrity Process. INSW believes GANSW's concerns will be addressed via INSW's obligations under condition B5 part (d), B7 and B8.
		MODIFICATIONS – THE DESIGN INTEGRITY PANEL It is proposed that the design scope of the Modifications be taken to the Panel for finalisation, review and endorsement, this aligns with the intent of the <i>Design Excellent Strategy</i> and the conditions of approval (SSD 8925 - <i>Instrument of Determination of 12.06.20</i>) GANSW is currently Finalising the <i>Terms of Reference</i> (ToR) for the Panel in conjunction with INSW. The finalised (ToR) is central to the endorsement of the <i>Design Integrity Process</i> (under condition B4). The Panel's ToR requirements will 'lock in' the Panel's role in addressing the design excellence of the Modification. It is proposed that the Panel be required to; "<u>review and endorse any design amendments that are the subject of a Modification Application.</u>" (refer page 6 of the ToR)	As noted by GANSW, the Design Review Panel Terms of Reference are being finalised by INSW in collaboration with GANSW and City of Sydney and, once finalised, these will be submitted as part of the Design Integrity Process under condition B4. However, as noted above, INSW is of the opinion that the concerns raised by GANSW will be addressed under conditions B5 part

		With a process focus, Conditions of Determination B5, B7 & B55 refer to the role of the Panel relative to the design finalisation, review and endorsement, however the extent of the design elements for review and endorsement by the Panel B6 & B7. B6 & B7 does not fully capture the design scope of the Modifications. The Panel requirement (outlined above) intends to cover both the design scope and the Modification and the actions/role of the Panel in a manner that is complementary to the relevant Conditions of Determination.	(d), B7 and B8 and therefore believes the assessment of this Modification can be completed prior to the satisfaction of condition B4.
--	--	---	--



Appendix 2: DRP Minutes



**SYDNEY FISH MARKET
DESIGN REVIEW PANEL
MEETING 11, 13.02.2018**

ATTENDEES

Design Review Panel

Ben Hewett (Chair)	GANSW
David Nicholas	Essence Consulting
Graham Jahn	City of Sydney
Humfrey Whitaker	Infrastructure NSW

Design Team

John Sham	3XN
Asher Gavin	BVN
Andrew Langford	Aspect

Project Team

Geoff Gerring	INSW
Greg Lin	INSW
Peter Hawkings	INSW

DESIGN ADVICE AND COMMENTRY

SUMMARY

The focus of this DRP was on closing out items raised in DRP 10 and the proponent seeking the DRP's support for the design as the Development Applications for both the Concept and Main Works are considered by the Department of Planning Industry and Environment.

To address the comments from DRP Meeting 10, DRP Meeting 11 comprised of presentations on the following:

1. Sustainability Strategy
 - a. Sustainability targets overview
 - b. Roof photovoltaics
 - c. Water Sensitive Urban Design & Waste Water Recycling
2. Public Domain
 - a. Activation of Bridge road elevation and ventilation louvres
 - b. Western Plaza and Eastern Plaza design
 - c. Shading studies of the public domain
3. Architecture
 - a. Fascia design
 - b. Façade details
 - c. Materiality
4. Design Integrity Strategy

Government Architect
New South Wales
L24, 320 Pitt Street
Sydney NSW 2000
GPO Box 39
Sydney NSW 2001

government.architect
@planning.nsw.gov.au
T +61 (02)9373 2800



FEEDBACK

The Design Review Panel (DRP) supports the design as presented. The design exhibits a continuity of the high level principles outlined in previous reviews and addresses the issues raised in DRP #10.

Specific comments in relation to items from DRP 10 as well as opportunities for ongoing consideration are outlined as follow:

SUSTAINABILITY

- the DRP supports site specific sustainability initiatives (as opposed to relying on off-site solar, for example). INSW confirmed that the Main Works tender assessment criteria has been developed to reward respondents who provide site specific sustainability initiatives to meet or better INSW sustainability objectives.
- INSW to consider gathering of groups alighting from tourist buses on Bridge Road, including protection from weather.

To note:

- INSW and Landcom have partnered with the University of NSW, University of Newcastle and Macquarie University to undertake research on the feasibility of location specific marine bio-shelters being incorporated in the new Sydney Fish Market construction. INSW is currently considering this research, along with more traditional measures to improve the marine habitat, for inclusion in the project scope.

PUBLIC DOMAIN

This sub-heading is in six parts: (1) General comments, (2) Water's Edge; Urban Park – eastern edge; Local Park – western edge, (3) Bridge Road & (4) Public Art.

1) General Comments

- The DRP supports the on-going consultation with the City of Sydney to integrate the public domain design with the City's services and maintenance requirements.
- The DRP supports the revised proposed planting depths of minimum 1500mm for large trees. INSW to produce study to confirm minimum planting depths required for large trees to thrive in this location.
- The DRP reiterates its request of analysis to support the quality and quantity of shading to the public domain as amenity for the fish market users and general public. INSW committed to produce study to articulate the amount of seating that will be shaded by the canopy roof at midday.

2) Water's edge: Urban Park – eastern edge; and Local Park – western edge

- The DRP supports the revised proposal for the water's edge and seating, as well as the arrangement and configuration of the two parks as outlined in the presentation material.
- the DRP recommends an ongoing role for the current landscape architecture team, noting the significant amount of design development and resolution with the proponent that has occurred through the design review process.

To note:

Government Architect
New South Wales
L24, 320 Pitt Street
Sydney NSW 2000
GPO Box 39
Sydney NSW 2001

government.architect
@planning.nsw.gov.au
T +61 (02)9373 2800

- INSW to confirm how the landscape design has been designed to mitigate the effect of extreme rain events, including assessment against 1 in 5 year, 1 in 10 year and 1 in 20 year rain events.

3) Bridge Road

- The façade treatment to Bridge Road is generally supported.
- The DRP reiterates the importance of the urban design for the SFM to respond to the future CoS kph zone, as well as safety in regard to the cycle way and interfaces with other parts of the public domain.

To note:

- INSW to schedule a meeting with CoS to review any concerns CoS may have on the public domain design. (Post Meeting Note: A constructive meeting was held on Friday 14 February 2020 with CoS to discuss the Bridge Road public domain).

4) Public Art

- The DRP notes the indication of potential areas for public art but recommends the public art strategy outlines an approach consistent with the ambition outlined in the original project brief.

FACADES AND MATERIAL TREATMENTS

- The DRP supports the materials and finishes as presented, including the revised vertical lamella detail being developed for the roof, Upper Ground and stair fascia. Weathering on different material types should be considered.
- DRP to return any comments on the Design Integrity Strategy.

FOCUS OF THE NEXT DRP MEETING

Next DRP to be scheduled in May 2020 to finalise Design Integrity Strategy and agree “Design Untouchables”.

FOOTNOTE

The DRP advice sheets for the project are to be read with reference to all previously issued advice sheets. They are to be understood collectively, to enable a comprehensive understanding of the issues raised and foster continuity of design advice. Advice sheets do not track the completeness or incompleteness of design resolution, design activities, processes or outcomes. As such they do not represent formal minutes with actions and activity status for the lead design team and UrbanGrowth NSW Development Corporation.