Secretary's Environmental Assessment Requirements

Section 78A(8) of the *Environmental Planning and Assessment Act 1979*
Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

Application Number	SSD 8925
Proposal Name	Sydney Fish Markets – Stage 2 main works
Location	1A, 1B & 1C Bridge Road, Glebe, Sydney
Applicant	UrbanGrowth NSW Development Corporation
Date of Issue	22 December 2017
General Requirements	The Environmental Impact Statement (EIS) must address the *Environmental Planning and Assessment Act 1979* and meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*. Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development. Where relevant, the assessment of the key issues as listed below, and any other significant issues identified in the risk assessment, must include: • adequate baseline data • justification of impacts • consideration of potential cumulative impacts due to other development in the vicinity • measures to avoid, minimise and if necessary, offset the predicted impacts, including detailed contingency plans for managing any significant risks to the environment. The EIS must also be accompanied by a report from a qualified quantity surveyor providing: • a detailed calculation of the capital investment value (CIV) of the development (as defined in clause 3 of the Environmental Planning and assessment Regulation 2000), including details of all assumptions and components from which the CIV calculation is derived • an estimate of the jobs that will be created by the development during construction and operation • verification that the CIV was accurate on the date that it was prepared.

Key issues	The EIS must address the following specific matters:
	
	1. Environmental Planning Instruments (EPIs), policies and guidelines
	• The relevant statutory provisions contained within the applicable EPIs and Development Control Plans including:
	  ○ State Environmental Planning Policy (State & Regional Development) 2011
	  ○ State Environmental Planning Policy (State Significant Precincts) 2005
	  ○ State Environmental Planning Policy No. 26 – City West
	  ○ State Environmental Planning Policy (Infrastructure) 2007
	  ○ State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
	  ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
	  ○ Draft State Environmental Planning Policy – Environment

- Draft State Environmental Planning Policy - Infrastructure
- Sydney Local Environmental Plan 2012
- Sydney Harbour Foreshores and Waterways Area DCP 2005

- The relevant provisions, goals and objectives in the following:
  - *NSW State Priorities*
  - *NSW Planning Guidelines for Walking and Cycling*
  - *Better Placed – An integrated design policy for the built environment of New South Wales*
  - *A Plan for Growing Sydney*
  - *Towards our Greater Sydney 2056*
  - *Draft Eastern City District Plan*
  - *Sustainable Sydney 2030*
  - *Draft Future Transport Strategy 2056 and support plans*
  - *Sydney City Centre Access Strategy*
  - *NSW Freight and Ports Plan 2013*
  - *Sydney's Light Rail Future*
  - *Sydney's Ferry Future*
  - *The Bays Precinct Sydney: Transformation Plan*
  - *NSW Aquifer Interference Policy.*

2. Strategic context and concept development application

- Consider the proposal in the context of the work being undertaken for the Bays Market District (BMD) nominated as a State Significant Precinct, having regard to relevant State Significant Precinct Study Requirements for the BMD.
- Consider the proposal in the context of the proposed changes to the State Environmental Planning Policy (State & Regional Development) 2011, State Environmental Planning Policy No.26 – City West and Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and Draft State Environmental Planning Policy – Environment.
- Demonstrate how the proposal is consistent with the Concept development application (SSD 8924), including any relevant Statement of Commitments.

3. Design excellence

- Demonstrate how the proposal achieves design excellence in accordance with the Design Excellence Strategy prepared in consultation with the NSW Government Architect and the City of Sydney.

4. Built form and urban design

- Provide a detailed design analysis of the proposed development with reference to the building form, height, setbacks, bulk and scale in the context of the immediate locality, the wider area, and the desired future character, including development options for the remainder of the BMD.
- Demonstrate how the proposal will achieve an optimal design and amenity outcome with specific consideration of the site's character, layout, setbacks, amenity, views and vistas, open spaces and public domain, connectivity and street activation.
- Outline potential design considerations aimed at mitigating any impacts identified.
- Provide a detailed description of all proposed land uses, including gross floor area calculations.

5. Scenic quality and visual impacts

- Provide a detailed Visual Impact Assessment in accordance with the Plans & Documents section. The Visual Impact Assessment must also identify the following:
  - important sight lines and visual connectivity to and through the site
  - visual changes and view impacts of the proposal to/from key vantage points including, but not limited to, Wentworth Park, Anzac Bridge, Bank

Street, Blackwattle Bay Park and various locations along the existing and future Sydney Harbour foreshore.

6. Public domain and public access

- Provide detail on the interface between the proposed development and the public domain, street activation, harbour foreshore and other surrounding development.
- Identify the proposed public domain including key vehicular, bicycle and pedestrian access points and links to other public domain spaces, including Wentworth Park, Sydney CBD, and the existing and future harbour foreshore.
- An analysis of physical connections between the northern part of Wentworth Park and the Fish Markets should be provided. This should include identifying opportunities and options for improving connectivity for pedestrians and cyclists between the two across Bridge Road while ensuring the primary function of Wentworth Park for active recreation is not reduced and, where possible, enhanced.
- An analysis of the physical connections between existing light rail stations, bus stops and the Fish Markets should be provided, including any works required outside the Fish Markets site boundary.
- Provide detail on any of the public domain elements and associated works that will be Council owned or managed in the future.
- Provide detail on specific design features (where applicable):
  - footpaths and pavements, roads and/or rights of carriageways
  - outdoor seating
  - materials and finishes
  - public art
  - furniture and fixtures
  - street lighting, pedestrian lighting and feature lighting
  - edges, screens, balustrading and fences
  - walls, embankments and mounds
  - steps, ramps, vehicle crossings, decks and pathways
  - civil and stormwater infrastructure
  - tree planting
  - mass planting beds, planter boxes and individual plantings
  - bicycle parking and end-of-trip facilities
  - wayfinding signage.

7. Amenity

- Provide a solar access analysis and shadow diagrams outlining impacts on adjoining developments and spaces (including Wentworth Park).
- Identify and assess potential overshadowing, privacy and view impacts.
- Demonstrate how sunlight access is maximised to the new 30 m foreshore promenade in front of the Fish Markets.
- Provide a wind impact report that addresses the following;
  - demonstrate existing wind characteristics of the precinct
  - advice on measures to ensure the suitability of areas for their intended use with regard to the impact of wind on comfort and safety. In particular, this is to focus on outdoor public space areas
  - advise on placement, orientation, shape and external design of the building and relevant wind mitigation devices
  - identify areas surrounding the development that will be wind affected because of the development.

8. Transport, traffic, parking and access

- Provide detailed plans, including civil engineering plans, of the proposed road network.
- Prepare a Travel Plan, including intended actions, monitoring, review and implementation, as well as responsibilities for implementation and detailing all modes of transport available to visitors and employees of the site.

	Operation • Have regard to and demonstrate consistency with the Concept development application (SSD 8924) Transport, Traffic and Accessibility Impact Assessment. Construction o details of construction vehicle routes, truck numbers, peak hour and daily movements, hours of operation, site compound locations, access arrangements and traffic control measures during construction o an assessment of construction impacts on road safety at key intersections and locations for potential pedestrian, vehicle and bicycle conflicts o assessment of cumulative impacts associated with other construction activities in the area o temporary cycling and pedestrian access during construction o access arrangements for workers, emergency services and the provision for safe and efficient access for loading and deliveries, including the existing and proposed on-street parking o description of vehicle access routes used to access key freight locations/routes and the impact on nearby intersections, vehicle type and likely arrival and departure times o detailed plans of the proposed site construction layout, including access to and from the site from the road network, the internal road network, truck marshalling, turning path diagrams depicting vehicles entering, exiting and manoeuvring through the site, staging, driver facility areas and parking provision on-site. o preparation of a Construction Pedestrian Traffic Management Plan that includes an assessment of traffic and transport impacts during construction and how these impacts will be mitigated. **9. Maritime navigation** Operation • Have regard to and demonstrate consistency with the Concept development application (SSD 8924) Navigation Impact Assessment. Construction • Provide a Navigation Impact Assessment (NIA) to address the impacts of construction on the navigation of bulk carriers, cruise ships, ferries and commercial/recreational and other maritime vessels, including the implementation of mitigation measures. • The NIA is to also give consideration to the proposed developments at Glebe Island at berths 1 and 2 (SSD 8544 and SSD 6708) and cumulative impacts to all maritime users. **10. Biodiversity** • Provide a detailed description of any works and materials to be used that will impact aquatic ecology including any dredging, piling, seawall treatments, height of the facility above the substrate and in relation to the Mean High Water Mark, type of decking material to be used and whether any reclamation is associated with the proposal. • Provide a Marine Ecology Report to identify and determine the ecological of the impacts to aquatic ecology, including from shading, vessel use during construction and operation, pile installation, hydrodynamic changes to water circulation and sediment movement, reduced water quality and dredging. • Outline the mitigation measures to avoid, reduce, mitigate and offset these impacts, and provide recommendations to increase the aquatic biodiversity value of the urban waterway.

	• Provide a Biodiversity Development Assessment Report (BDAR) prepared in accordance with the Biodiversity Assessment Method to assess the impacts of the proposed development on biodiversity. • Include consideration of the relevant policies and guidelines, including the *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*, *DPI Fisheries Threatened Species Assessment Guidelines, NSW Biodiversity Offsets Policy for Major Projects – Aquatic Biodiversity Factsheet*, *Environmentally Friendly Seawalls (2009)* and *About Fish Friendly Marine Infrastructure*. **11. Heritage and archaeology** • Have regard to and demonstrate consistency with the Concept development application (SSD 8924) Heritage Impact Statement, Archaeological Assessment, Maritime Archaeological Assessment and Aboriginal Cultural Heritage Values Assessment. • If required for the detailed design, a historical archaeological assessment should be prepared by a suitably qualified historical archaeologist in accordance with the Heritage Division, Office of Environment and Heritage Guidelines '*Archaeological Assessments' 1996 and 'Assessing Significance for Historical Archaeological Sites and 'Relics' 2009.* This assessment should identify what relics, if any, are likely to be present, assess their significance and consider the impacts from the proposal on this potential resource. Where harm is likely to occur, it is recommended that the significance of the relics be considered in determining an appropriate mitigation strategy. In the event that harm cannot be avoided in whole or part, an appropriate Research Design and Excavation Methodology should also be prepared to guide any proposed excavations. • If required for the detailed design, a detailed maritime archaeological assessment should be undertaken by a suitably qualified and experienced maritime archaeologist. This assessment should identify the archaeological potential and significance of maritime heritage sites including shipwrecks, maritime infrastructure, archaeological items and/or relics (both above and below water) that may be impacted by the proposal. The assessment should also include procedures and management strategies for the unexpected discovery of heritage items and/or relics. Underwater surveys may also need to be undertaken and may require remote sensing and/or diver based investigations. • If required for the detailed design, identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development. This may include the need for surface survey and test excavation. The identification of cultural heritage values should be guided by the *Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (DECCW, 2011) and consultation with OEH regional officers. • Where Aboriginal cultural heritage values are identified, consultation with Aboriginal people must be undertaken and documented in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the EIS. • Assess and document the impacts on Aboriginal cultural heritage values and demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, outline the proposed measures to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH. **12. Flooding** • Have regard to and demonstrate consistency with the Concept development application (SSD 8924) flood assessment.

	• Include consideration of *The City of Sydney Interim Floodplain Management Policy* and *The City of Sydney Blackwattle Bay Flood Study and Floodplain Risk Management Study.*
	
	13. Water quality, soils and contamination
	• The EIS must describe the background conditions for any water resource likely to be affected by the development (construction and operation), including:
	  ○ existing surface and groundwater
	  ○ hydrology, including volume, frequency and quality of discharges at proposed intake discharge locations
	  ○ water quality objectives (as endorsed by the NSW Government), including groundwater as appropriate that represent the community's uses and values for the receiving waters
	  ○ indicators and trigger values/criteria for the environmental values identified above in accordance with the ANZECC (2000) Guidelines for Fresh and Marine Quality and/or local objectives, criteria or targets endorsed by the NSW Government.
	• The EIS must assess the impacts of the development (construction and operation) on water quality, including:
	  ○ the nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the development protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after demolition and early works
	  ○ identification of proposed monitoring of quality
	• The EIS must assess the impacts of the development (construction and operation) on hydrology, including:
	  ○ water balance, including quantity, quality and source
	  ○ effects to marine waters
	  ○ effects to water-dependent fauna and flora
	  ○ impacts to natural processes and functions
	  ○ mitigating effects of proposed stormwater and wastewater management during and after the works on hydrological attributes such as volumes, flow rates, management methods and re-use options
	  ○ identification of proposed monitoring of hydrological attributes.
	• Provide a Stormwater Management Plan outlining the measures for the proposal, particularly WSUD options and including measures for ongoing maintenance including associated funding approaches for ongoing management.
	• Develop an Integrated Water Cycle Management Strategy that considers water, wastewater and stormwater. The Strategy must consider water sensitive urban design and water conservation measures, including water efficiency and reuse, following appropriate best practice and guidelines and prioritise meeting non-potable water demands with recycled water or harvested stormwater.
	• Map the following water and soil features:
	  ○ acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map)
	  ○ rivers, streams, wetlands, estuaries (as described in Appendix 2 of the Framework for Biodiversity Assessment - NSW Biodiversity Offsets Policy for Major Projects, OEH 2014)
	  ○ groundwater
	  ○ groundwater dependent ecosystems
	  ○ proposed intake and discharge locations.
	• Undertake an assessment of contamination of shore-side areas of the site and marine sediments.

- Demonstrate compliance with the requirements of State Environmental Planning Policy 55 – Remediation of Land.

14. Noise and vibration

- Provide a noise and vibration assessment in accordance with the relevant EPA guidelines that addresses the following:
  - the impact of noise and vibration associated with construction and operation
  - the cumulative noise and vibration impacts from concurrent surrounding activities during construction and operation
  - the cumulative noise and vibration impacts from activities associated with the Stage 1 demolition and early works (SSD 8924)
  - impacts of operational noise on noise sensitive receivers such as surrounding residences, the Sydney Secondary College Blackwattle Bay Campus (particularly during exam times) and nearby public reserves, including public address systems, waste collection services, dock-side operations and reversing/movement alarms on vehicles
  - mitigation measures to minimise potential noise and vibration impacts during construction and operation, including recommended standard construction hours and intra-day respite periods for highly intrusive noise generating work
  - the proposed noise monitoring procedures.

15. Air quality and odour

- Provide an air quality impact assessment to address the impacts of construction and operation on air quality in accordance with the relevant Environment Protection Authority guidelines.
- Identify the key air emission generating sources and activities from the proposed construction and operation.
- Identify measures to minimise and mitigate potential air quality and odour impacts on surrounding development.

16. Sediment, erosion and dust controls

- Provide details on sediment and erosion control and dust control measures on site during construction.
- Provide details on the measures and procedures to minimise and manage the generation and off-site transmission of sediment, dust and particles.
- Provide details of the proposed piling and how this will be constructed within the seabed and relevant environmental controls.

17. Waste

- Provide an assessment of the waste impacts and their management during construction and operation.
- Provide a management plan for the identification, handling, transport and disposal of any acid sulfate soils containing waste that may be encountered during demolition, site preparation and construction.
- Include measures to ensure effective operational waste management, for example adequate space within the development for waste infrastructure and collection.
- Identify solutions to deal with specific waste streams (food waste and polystyrene packaging) in manner that maximises diversion from landfill, including investigation of closed loop polystyrene.

18. Utilities and infrastructure

- Provide detail about proposed upgrades to utilities and infrastructure.
- Integrate utilities planning with the outcomes of the Integrated Water Cycle Management Study and the ESD study.

	• Prepare a utility and infrastructure servicing report outlining the development yield and staging which should include a high level assessment of the capacity of Sydney Water's network to service the development. • Provide servicing options considered for the development, including wastewater and stormwater recycling for non-potable use, sustainability initiatives for the development, including any proposed alternative water supply, proposed end uses of drinking and non-drinking water and proposed water conservation measures. • Prepare a staging plan for all civil infrastructure works. **19. Construction impacts** • Provide a Construction Environmental Management Plan that includes the following: o community consultation, notification and complaints handling o impacts of construction on adjoining development and proposed measures to mitigate construction impacts o noise and vibration impacts on and off site o air quality impacts on the neighbourhood o odour impacts o water quality management for the site o construction waste classification, transportation and management methods in accordance with *DECCW's Know Your Responsibilities: Managing Waste from Construction Sites Guideline*. **20. Sea Level Rise** • Provide an assessment of the risks associated with sea level rise on the development noting the *NSW Government Climate Change Policy Framework* and *NSW Government's Draft Climate Change Fund Strategic Plan and A Plan to Save NSW Energy and Money.* **21. Building Code of Australia** • Provide a BCA report, access report and fire safety assessment demonstrating compliance with the BCA. **22. Safety** • Provide a Crime Prevention Through Environmental Design Report. • Provide details on the measures to ensure the safety of visitors and workers within the development and the surrounding public domain. **23. Ecologically Sustainable Development (ESD)** • Provide detail of how best practice ESD principles (as defined in clause 7(4) of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*) will be incorporated in the design, construction and ongoing operation phases of the development. • Outline how ESD measures employed can connect to ESD measures in the remainder of the BMD. **24. Developer contributions** • Provide the scope of developer contributions proposed. **25. Consultation** • Undertake an appropriate level of consultation with Council and State Government agencies. • Provide details of the consultation activities undertaken.
Consultation	The Applicant must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners. In particular, consultation is required with the following agencies: • City of Sydney Council

	• NSW Government Architect's Office • NSW Roads and Maritime Services • Transport for NSW • NSW Office of Environment and Heritage • NSW Department of Primary Industries, including Crown Lands and Water Division • Environment Protection Authority • Sydney Water • The Port Authority of NSW, including the Harbour Master • NSW Police • Infrastructure NSW • Destination NSW • Department of Education and Principals of Secondary College and Blackwattle Bay Campus • Local Aboriginal Land Council and stakeholders • Local Heritage Group/s, if relevant • Relevant commercial fishing groups • Relevant recreational groups including fishing, boating, rowing and dragon boating The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.
Further consultation after 2 years	If you do not lodge a development application and EIS for the development within 2 years of the issue date of these SEARs, you must consult further with the Secretary in relation to the preparation of the EIS.
References	The assessment of the key issues listed above must consider the relevant guidelines, policies, and plans. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this proposal.

Plans & Documents

Plans and Documents

The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*. These are to be provided as part of the EIS rather than as separate documents.

In addition, the EIS must include the following:

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
- all levels to be to Australian Height Datum (AHD).

2. A locality/context plan drawn at an appropriate scale indicating:

- significant local features such as parks, community facilities and open space and heritage items
- the location and uses of existing buildings, open space, wharves and employment areas
- traffic and road patterns, pedestrian routes and public transport nodes.

3. Drawings at an appropriate scale illustrating:

- detailed plans, sections and elevations (at a minimum scale of 1:200)
- the height (AHD) of the proposed building envelope in relation to the land and any changes that will be made to the level of the land by excavation, reclamation or otherwise
- the location and uses of existing buildings and structures within the site and surrounding area.

4. Landscape plan showing the landscape treatment of the development and public domain.

5. Shadow diagrams showing:

- overshadowing of the proposed development during the summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00am, 12.00 noon, and 3.00pm
- solar access to the site and any surrounding residential developments during the summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00am, 12.00 noon, and 3.00pm.

6. Visual Impact Assessment

- The visual impact assessment, including focal lengths, must be done in accordance with Land and Environment Court principles and is to provide the following information:

<u>Visual assessment methodology</u>

- A flow-chart indicating how the analysis is to be undertaken, or a narrative description of the proposed sequence of activities.
- An explanation and justification for the criteria for assessment relevant to the site, local context and proposed built form and public domain outcomes. Criteria must include reference to the planning framework.
- A definition and explanation of the visual catchment should be defined (see below).
- An assessment matrix including number of viewers, period of view, distance of view, location of viewer to determine potential visual impact - i.e. high, medium or low.

	<u>Visual catchment</u> • Potential visual catchments and view locations, including contours (areas from which the development is visible) are to be identified. • Categories of views (e.g. from public open space, from key streets, from main buildings and from key heritage items) are to be defined. • Photos are required for representative view categories, plotted on a map. <u>Visual material</u> • Reference to be made to site analysis. • Assessment must benchmark against the existing situation with the proposed plans. • Provide key plan indicating where viewpoints are located and narrative explaining why these have been selected. • The built form should be illustrated in the context of the visual catchment to enable assessment of the visual impact. • The location of cross-sections should be clearly shown on a key plan and the choice of positions explained. The cross sections should be shown in the context of the visual catchment and drawn to realistic scales and shown in context. • Vertical exaggeration should provide an accurate rather than 'flattened' impression of buildings in the context of the visual catchment. • Photomontages to be provided for key viewpoints from all directions, and from several positions within the visual catchment. A key plan is to show the locations of these photomontages with supporting documentation to explaining the choice of these locations. Photomontages should be provided for close as well as distant views. A comparison of 'before' and 'proposed' is fundamental to a visual impact assessment, therefore the visual impact assessment (A3 in size) should be undertaken using human eye focal lengths (50mm at 35mm FX format and 46^{o} angle of view) from long range, medium range and short range positions so that they can be assessed with respect to visibility, visual absorption capacity and visual impact rating.
Documents to be submitted	• 1 hard copy and 1 electronic copy of all the documents and plans for review prior to exhibition. • 5 hard copies and 14 electronic copies of the documents and plans (once the application is considered acceptable). Electronic copies of the documentation must be on a USB with documents in PDF format with file sizes not exceeding 5Mb. The hard copies should include plans printed in A3. One additional A1 set of plans may also be provided.