

6 April 2020

File No: 2020/109789
Our Ref: R/2017/25/B
Your Ref: SSD-8924 & SSD-8925

Rodger Roppolo
Planning Officer – Key Sites Assessments
Department of Planning, Industry and Environment

via Planning Portal

Dear Rodger

Request for advice – The new Sydney Fish Markets – Concept and Stage 1 (SSD-8924) and Stage 2 (SSD-8925) – Response to Submissions (RtS)

Thank you for your correspondence dated 4 March 2020 which invites the City of Sydney Council (the City) to provide comments on the applicant's Response to Submissions (RtS) for the proposed Concept and Stage 1 and Stage 2 redevelopment for the new Sydney Fish Markets (SFM). In this submission, the Sydney Fish Markets is referred to as future private land as distinct from the public nature of road reserves, foreshore promenades and parks.

A review of the RtS reveals that although many issues raised by the City have been addressed with additional supporting information or a written response or clarification, a number of significant issues are still present that must be addressed prior to the determination of the application, particularly in regards to biodiversity and the design of Bridge Road and its potential impact on significant trees in Wentworth Park as well as important bicycle connections and movement conflicts.

In addition to comments provided in previous correspondence dated 26 November 2019, the following comments are made for consideration.

1 Building Design and Materiality

1.1 Built form and urban design

1.1.1 Roof

The RtS provides a detailed drawing illustrating the operability of the standard roof cassette which is considered acceptable. It is recommended that further information is provided to demonstrate how the panels will be operated (i.e. in large banks).

1.1.2 Materials and finishes

It is noted that details and finishes including the patterned ceramic cladding are still being finalised. It is recommended that materials and finishes information be submitted for final review in consultation with the Council's Director City Planning Development and Transport once detail has been developed and prior

to the commencement of works. Similarly, it is recommended a final materials and samples board be submitted and approved prior to works commencing. Further, the following comments are made:

- a) Reflective materials used on the exterior of buildings can result in undesirable glare for pedestrians and occupants of other buildings and potentially hazardous glare for motorists. Given the high key finishes and visibility of the proposal for motorists, surrounding properties and the Bay and pedestrians, facade treatments should minimise the reflection of sunlight from the building to surrounding areas, buildings and the foreshore. It is important to ensure that building materials do not lead to hazardous, undesirable or uncomfortable glare to pedestrians, motorists or occupants of surrounding buildings.
- b) Treatment of carpark entries, access ramps and any loading, service or waste management areas located at street level are to be integrated with the building envelope. All surfaces to these areas are to be treated in material quality equal to the standard of the principle building facade to achieve a high-quality interface with the public domain.
- c) The proposal must not include PE (Polyethylene) or other flammable cladding.
- d) Building materials should be carefully chosen and should consider warranties, durability, construction application requirements/methodology and examples of prior successful use in the sites of similar proximity to seawater. Maintenance, access, servicing and replacement of all selected materials should also be considered and fully documented in an operations and maintenance plan.

1.2 Scenic quality and visual impacts

The application acknowledges the significant visual impacts the proposed new building will have on the surrounding areas and proposes alleviation mitigation measures to address these issues. Proposed mitigation methods includes refinements in built form articulation, choice of materials and colours and/or planting design. The proposed mitigation includes new advanced tree planting of 400L trees on the eastern and western promenades located on the slab, however, landscape design plans have not been amended to include the provision of large shade trees as recommended in the submitted Visual Impact Assessment or if allowance has been made for adequate soil depth and volume for such large trees on a slab.

It is recommended that all landscaping plans be amended prior to determination to include the design recommendations in the Visual Impact Assessment.

1.3 Raised promenade

The submitted RtS notes that a large portion of the raised promenade will remain in State Government ownership and will not be leased to any operators. Although the City previously recommended a right of access be formalised on title it is recommended at minimum that a condition be imposed to ensure 24/7 public access be maintained.

Further, the RtS advises that there will be ample opportunities for pedestrian movement and for 'stopping and relaxing' around the publicly accessible perimeter on the northern side of the upper promenade. However, no fixed furniture or fixtures are shown in this area in Part 3.0 of the Architecture and Public Domain Concept Design.

It is recommended that genuine opportunities for multiple public rest, beyond sitting at a cafe/restaurant, be provided to the public all along the northern side of the upper promenade.

1.4 Central internal promenade / main boulevard

It is noted that no amendments have been made to address comments recommending increased vertical permeability between floors, and that elements overhanging the central promenade be further minimised. Opportunities to increase vertical permeability between the floors have been limited to the auction hall void and at the south travelator.

1.5 Solar access

The construction of a large 25m tall building on the northern side of Bridge Road will effectively place the road in extensive periods of shadow throughout the year. Combined with the existing trees, a very closed-in and darker road environment will be a result with likely impacts on the success of any verge or new street tree planting. The various viewpoint representations do not accurately reflect this impact and should be updated to reflect shadowing effects. Planting and tree selection must be made with this in mind.

1.6 Wind impacts

It does not appear that the RtS specifically addresses concerns related to the wind management of the proposal as discussed in the Pedestrian Wind Environment Study by Windtech.

The City recommends that the outdoor design be developed to incorporate measures to address issues identified by Windtech. It is also recommended that the developed design be reviewed to ensure that the design intent of the proposal is not diminished by the incorporation of these elements.

2 Bridge Road Frontage and Public Domain Works

The RtS provides few changes to the proposal in regard to public domain works and many of the City's comments raised in previous correspondence remain unaddressed. Expanding on the City's previous comments, the following issues are raised.

2.1 Privatisation and Subdivision of Blackwattle Bay

Combined these reports reinforce concerns below about the use of public authority land for the vehicle drop off along Bridge Road and forcing pedestrian and cycle users onto what could be regarded as future 'privatized' land to pass by the site. This can only be ensured by providing an easement or other agreement that requires approval from the City of Sydney before modifications can be undertaken to this area.

2.2 Stormwater and Flood Assessment

In previous correspondence, the City expressed that a meeting to discuss stormwater and flood management within and around the site was desirable before the application was determined. To date this has not occurred. It is requested that this meeting still occurs prior to determination.

Further, the City has adopted MUSIC Link (i.e. automatically sets the City's water quality parameters in the MUSIC program) and is recommended that the development comply with such model. The certificate/report from the MUSIC Link model and the electronic copy of MUSIC Model is recommended to be submitted to the City for review and approval prior to the commencement of any work.

2.3 Width of footpath

As previously mentioned, the City maintains concerns regarding the use of public land for the vehicle drop off along Bridge Road and requiring pedestrian and cycle users onto private land to pass the site. This is not supported, though can be addressed by providing an easement or other agreement that requires approval from the City of Sydney before modifications can be undertaken to this area.

2.4 Green promenade and public domain interface

The City seeks clarification of the control and or ownership of the footway between the drop-off zone and the edge of building as the plans of subdivision show no change in the southern boundary along Bridge Road. Currently, the shared zone will be on future privatized land with the drop-off and planters on public land. It is essential that any pedestrian or cycle accessway occurs on public land so that control of access to pedestrians and cyclists is maintained by the relevant roads authority.

As raised previously, the width of the shared zone for cyclists and pedestrians is impacted variously by seats on the sides of planters, stairs to upper levels of the building and other public domain items. The available unencumbered widths for pedestrians and cyclists are much less than the dimensioned sections. Changes are required along this frontage to increase the width and reduce conflict between people crossing from the drop-off area and are discussed in more detail in the Transport and Access section below.

Further, the RtS states that opportunities to relocate of the substations along Bridge Road have been explored but were deemed unfeasible. Instead, options to activate the louvred façade with a potential public art or signage installation are being considered. Options to integrate public art are recommended, but signage will not be supported in this location.

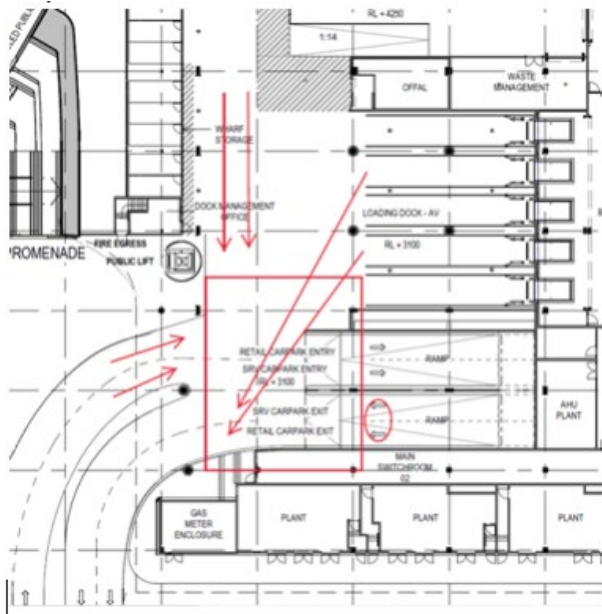
3 Transport and Access

3.1 Onsite car parking numbers

The City previously recommended an additional 4 accessible car parking spaces be provided on site, however, based on the explanation provided in the RtS, this requirement is no longer required.

3.2 Access / traffic generation / SIDRA modelling

The submitted preliminary loading dock management plan has provided swept paths and includes some safety measures and procedures during heavy vehicle operations. Additional measure controlling the flow in the confluence (see figure below), however, have not been provided and should be addressed particularly where will the incoming/outgoing vehicle stopping line be to give way to the heavy vehicle manoeuvring. Any future approval must require this issue to be addressed in a consent condition.



The RtS has submitted a network modelling and reported similar results for the adjacent intersections. It is noted that Transport for NSW and RMS are intensively involved with this. There are some unsolved issues like traffic cycles (180 sec vs 120 sec), which is beyond City's scope and will be taken care by TfNSW. Given this, a SIDRA network model has been developed and analysed and no further micro-simulations are required.

3.3 Bicycle parking, connections and design of Bridge Road

The RtS responds that the new Sydney Fish Markets will use a Green Star rating for bicycle parking with a consideration of further extension if required based on future utilisation and demand survey. This is acceptable.

The response to bicycle connections and the design of Bridge Road however, is not supported by the City. The application proposes shared paths for the bicycle use which the City has raised as an important safety issue previously. Considering the safety and importance of the commuters, it is recommended that a **dedicated off-road and separated cycleway** is built at this location which does not conflict with pedestrians entering and leaving the Fish Market.

It is recommended that any future consent condition require a revised design of Bridge Road that incorporates the following to be approved prior to the commencement of works:

- a) Separated cycling facility which provides separation of bicycle movements from people walking and vehicles driving or parking on Bridge Road;
- b) Appropriate level of coach and point to point drop off and pick up spaces; and
- c) Space for people alighting from vehicles at the kerb side to wait adjacent to their vehicles.

The design must be undertaken in consultation with the City of Sydney, DPIE and TfNSW.

3.4 Walking

The RtS states that the new pedestrian crossing at the Bridge Road / Wentworth Park Road intersection will improve access to the Glebe light rail stop. Commitment to improving pedestrian connectivity between the existing Fish Market light rail stop and the site is also recommended.

4 Ecologically Sustainable Design

4.1 Waste and resource recovery

The City notes that the operational waste generation of more than 6,000 tonnes per annum, mostly organic, is substantial. Clarification is sought as to whether a thorough investigation of onsite processing technology been considered.

Further, a Green Star 6 Star ambition provides opportunity to take a more leading and progressive approach to resource conservation, resource recovery and best practice waste management. Given the NSW government's and now federal government's restated positions on controlling and recovering waste more effectively, the City recommends a review of the proposed operational waste management strategies to ensure Australian Best Practice and demonstrable leadership is achieved.

4.2 Mains potable water savings, grey water treatment, water quality

Given the relative volumes of water end-uses repeated capture, cleansing and recycling of wash-down water is an essential water saving initiative for such a significant and exclusive end-of-bay project. The application does not address this, and a response is recommended.

Further, a review of the plans shows stormwater capture points and basins at the roof level, however there is no indication of how rainwater will be stored in retention tanks, treated and distributed to the end-uses, such as cooling towers and toilet flushing. This infrastructure planning needs to be incorporated at the very beginning of a building's design and cannot be designed in post-determination. Additionally, rainwater tanks are not identified or easily labelled on the Stormwater Management Plan prepared by Mott McDonald.

The RtS notes the proposed water-sensitive urban design devices do not treat the major stormwater overland flows from the broader upstream Blackwattle Bay catchment in volume. This is an issue given the site is at the low point and if not resolved will result in pollutants entering the waterway. The design is still considered to be uncoordinated between engineers and landscape architects.

It is also recommended that stronger commitments be made regarding greywater treatments. The submitted ESD report states "Greywater subjected to post treatment process. This initiative still to be confirmed pending feasibility". It is recommended that the proponent commit upfront to this initiative.

4.3 Response to ESD policy

The City believes that the proposal still does not respond strongly enough to the NSW government's Net Zero Emissions by 2050 target, yet it has the potential to achieve this. In the face of increasing climate change impacts and continued greenhouse gas emissions increases, the City released its Climate Emergency Response in February 2020. While emissions have fallen steadily within the City of Sydney since we

established our baseline and targets, large scale development jeopardizes trajectory to our 2040 Net Zero emissions target if not contributing appropriately. It is imperative that every large-scale development maximise its energy efficiency, renewable energy and climate change mitigation opportunities.

It is also noted that the RtS and EIS refer to Council's superseded guidance document *City of Sydney Policy for Waste Minimisation in New Developments, 2005* for waste management. This was replaced in 2017 by the City's *Guidelines for Waste Management in New Developments*. Future waste management plans and documents are recommended to use the current guidelines.

4.4 High environmental performance

The City recommends a 6 Star Green Star rating to be adopted for the development and not just an ambition, with a strong focus on maximising credits in the Energy category as the Climate Emergency is the highest priority environmental concern in the Sydney and NSW context.

Given that refrigeration will likely dominate the energy end use profile and that commercial refrigeration equipment generally has a long life, it is critical that the most efficient refrigeration (plus pumping, lighting and any general space conditioning) equipment is installed from the commencement of the use without compromise in order to contribute to much improved per square metre energy use within the new site when compared to existing conditions (at least 30% better than existing site, as the existing site is in effect the reference building for Green Star purposes).

The NSW government's recently released Net Zero Plan Stage 1 2020-2030 specifically states that NSW government will build on its ambitions and commitments "by purchasing our electricity from low emissions sources of generation". A categorical commitment from the proponent is thus needed now regarding long term power purchase commitments for this development.

5 Security and Safety

The RtS notes that the undercroft area beneath the western stepped promenade is now enclosed. It is recommended that updated drawings and a Security Risk Assessment be provided reflecting any changes made to the undercroft beneath the western stepped promenade. This is to be reviewed by the Design Review Panel as part of the design excellence strategy for the project.

6 Social Impact and Accessibility

The City welcomes input from an ergonomic consultant in the design of the promenade stairs to ensure adequate usability for the public.

It is noted that the northern and southern stair flights do not appear to provide stair landings of a suitable width. It is recommended that the northern and southern stair flights be broken up into smaller flights, and that the recommendations of the Accessibility Compliance report prepared by Group DLA be addressed in the design development stage of the design.

7 Tree Management

The RtS has not adequately responded to the City's submission comments in relation to the potential impacts on the trees within Wentworth Park from the installation of new

traffic signals at the intersection of Bridge Road and Wentworth Park Road. The concerns raised by the City about several trees within the park likely to require substantial pruning for sightlines has not been addressed. Further, the submitted Arborist Report does not include an assessment of the likely impact on the trees as a result of these traffic light changes. As such, it is recommended that an updated Arborist report is provided which assesses the likely impacts of the traffic light installation and provides recommendation on mitigation measures that minimises impacts, including options for tree retention and a pruning specification.

The Arborist Report does not adequately address the potential impact of what occurs if tree roots are found in areas of road and footway that are to be raised past the wall on Bridge Road. Any negative impact upon the trees, particularly structural roots, could be detrimental to the longevity of these trees. No root mapping is provided while the application proposes pruning of the fig trees and the removal of part of the brick wall. The City does not support these works without appropriate mapping and careful consideration of potential impacts on the significant trees.

The report further notes the need to lift the crown of existing trees on the southern side of Bridge Road. Reviewing the suggested measures reveals this will have a large effect in reducing the crown area of the trees. It is requested that a comprehensive assessment (point survey) of the potential pruning of the trees in Wentworth Park for vehicle clearance be undertaken as a result of the raising of Bridge Road. Without a response to the above and a consideration of the potential impacts of vehicle clearance and visibility to traffic signals, the City cannot support the raising of the road.

It is also noted that the submitted landscape charter and photo montages suggest a range of trees species will be planted along the frontage of the new Fish Market along Bridge Road. This is not consistent with the City's Street Tree Master Plan (STMP) which nominates Brush Box as the species required to be planted along the entirety of Bridge Road. The detailed design must reflect the STMP. The Submitted EIS and RtS further provide cross-sections through the two park areas at either end of the site. The soil depths for trees are unlikely to be correctly represented here, but attention is drawn to the need to ensure adequate depths are planned for and provided.

8 Urban Ecology and Biodiversity

Overall, the City is not satisfied with the response provided in the RtS regarding improvement aquatic and terrestrial biodiversity within and surrounding the development site. Although there is mention in the submitted documentation of improving biodiversity, it appears to be minimal and not based on evidence. There could be significantly more done to improve local biodiversity.

Further, a review of the Biodiversity Values Map prepared by the Department of Planning, Industry and Environment under Part 7 of the Biodiversity Conservation Act 2016 indicates part of the north-eastern corner of the site has been identified to have a small area identifying values. Development within an area identified on the Biodiversity Values Map, as provided below, requires assessment using the Biodiversity Assessment Method, which the consultant has carried out, but there is no comment made at all of the biodiversity values identified in the current version of the Map (published on 27 November 2019). The report submitted with the EIS in fact states the opposite and notes that there are no biodiversity values within the development site.



Source: Biodiversity Values Map and Threshold Tool – Department of Planning, Industry and Environment

The City questions why this area has not been identified in any consultant's reports and responded to accordingly. In light of this, it is suggested that the biodiversity values identified be reviewed and context provided and that the design of the "educational lagoon" in this area be reviewed.

The ESD report further states "an education water area is proposed including a living aquatic wall to support marine diversity". Given the long history of water and sediment contamination within Blackwattle Bay, the City seeks clarification as to whether consideration has been given to installing permanent water quality monitoring equipment at the water front public domain area and public display of water quality data as a practical real-world education opportunity.

9 Public Art

In general, the submitted public art strategy proposes a number of artworks without a clear indication of budgets or timeframes and does not provide adequate detail on how artists would be selected.

While the City understands the site is constrained and must cater to a large number of visitors and incorporate complex logistics, it is essential that the strategic approach for public art remain open at this early stage. This will allow artists the potential to respond to the site and its context.

The City recommends that the current Public Art Strategy not be approved as part of any future consent and that a Preliminary Public Art Plan be prepared by the applicant and approved prior to the commencement of any work. It is recommended that the Plan include:

- a) Detailed historical analysis and future vision for the precinct to aid the preparation of artists briefs;
- b) A methodology for the selection and commissioning of artists;
- c) Indication of the appointment of a curator to guide the artist selection process and/or the appointment of an Indigenous curator to assist with the selection of Aboriginal and other artists;
- d) An estimated budget for the proposed suite of artworks; and
- e) A program for the development of artworks and inclusion of artists.

Prior to the approval of any future Public Art Plan, it is recommended that the applicant presents the project to the City's Public Art Advisory Panel to obtain advice and guidance.

10 Exhibition Strategy

The proposed preliminary exhibition strategy is considered satisfactory at this stage of the application. The option to use the southeast lower ground floor space as a lecture theatre is not supported given this is not considered to be an 'active use'. It is recommended that options to include the northeast exhibition space in the public art strategy be investigated.

11 Signage

The City acknowledges the submission of a Signage Strategy as part of the RtS. The Strategy is generally supported and is recommended that a final Strategy be submitted and approved prior to the commencement of works.

The City also requests to provide input into any consent conditions prior to the determination of each application. Should you wish to speak with a Council officer about the above, please contact Marie Burge, Planner, on 9265 9333 or at mburge@cityofsydney.nsw.gov.au.

Yours sincerely,



Graham Jahn AM
Director
City Planning | Development | Transport