

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD 8924 and SSD 8925 The new Sydney Fish Market
Applicant	Infrastructure NSW
Consent Authority	Minister for Planning and Public Spaces

Decision

The Minister for Planning and Public Spaces has, under section 4.38 of the Environmental Planning and Assessment Act 1979 (the Act) granted consent to the development applications subject to the recommended conditions.

A copy of the development consents and conditions is available [here](#) (SSD 8924) and [here](#) (SSD 8925).

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

Date of decision

12 June 2020

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development applications and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision

The key reasons for granting consent to the development applications (the proposal) are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including the creation 700 construction jobs and 725 on-going operational jobs, significant contribution to the economy and tourism through increased visitor numbers, and improved public domain including the creation of waterfront promenade and improved access to Blackwattle Bay, linking to surrounding areas;
- the project is partially permissible with development consent, and is consistent with NSW Government policies and strategic direction of the Bays Precinct;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards as identified in the Department's Assessment Report;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent;
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department publicly exhibited the applications for 28 days from Thursday 17 October to Wednesday 13 November 2019.

In response to the concept and Stage 1 demolition works application (SSD 8924), the Department received 184 submissions. This comprised of 11 submissions from government agencies, a submission from City of Sydney Council, 108 public submissions of objection, 40 providing comment and 24 in support.

In response to the Stage 2 main works application (SSD 8925), the Department received 132 submissions, comprising nine submissions from government agencies, a submission from City of Sydney Council, 90 public submissions of objection, 21 providing comment and 11 in support.

The Department also undertook the following consultation activities:

- media release and a separate landing page on the Department's website
- conducted a site visit
- responded to numerous enquiries from interested community members.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker for both applications include built form, public domain, transport and navigation, amenity impacts and operational impacts. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Built form</i></p> <ul style="list-style-type: none"> • building height and massing • design, external appearance and materials • visual impacts 	<ul style="list-style-type: none"> • The Department considers the proposal would result in an acceptable built form outcome for the site. While there are no height or floor space ratio controls which apply to the site, the built form and its interaction with the adjoining public domain is considered to be acceptable as it: <ul style="list-style-type: none"> ▪ incorporates appropriate setbacks, articulation and a roof form which modulates and breaks down the mass and scale of the building ▪ establishes an appropriate building height for the site, consistent with the existing structures on the site and the adjoining Moreton Bay Fig trees ▪ opens up views to the east and west of the building towards Blackwattle Bay and the Anzac Bridge and activates the edges to knit the building into its surrounds ▪ provides improved circulation and connectivity to adjoining public domain areas ▪ would not result in any unacceptable visual or amenity impacts on its surrounds.
<p><i>Public domain</i></p> <ul style="list-style-type: none"> • loss of harbour and foreshore area • foreshore access • open space and landscaping 	<ul style="list-style-type: none"> • The Department considers the proposed public domain elements of the proposal are acceptable. • While the proposal would result in a loss of some harbour waterways, this would be offset by significant public access improvements to the harbour foreshore, as it would provide: <ul style="list-style-type: none"> ▪ 490 linear metres of access (some through the building as linkages) to the foreshore ▪ a recreational wharf with an additional 980 m² and 189 linear metres of access to the foreshore, with capacity to accommodate a potential future ferry service stop ▪ a public plaza to the eastern and western end of the SFM building which will provide a total of 4,715 m² of public open space and act as an extension to the public foreshore. • The Department considers the improvement to foreshore access and its linkages to the surrounding foreshore network and the civic plazas (eastern and western plaza) would provide a significant public benefit.
<p><i>Transport and navigation</i></p> <ul style="list-style-type: none"> • traffic generation • parking • marine safety and impact on rowing clubs 	<ul style="list-style-type: none"> • The Department is satisfied traffic and navigational impacts associated with the proposal are acceptable and can be appropriately mitigated and managed. Traffic modelling indicates that the level of service for nine key intersections around the site would not change despite the expected rise in visitation numbers. • Proposed road upgrades works to Bridge Road and the provision of a new signalised intersection providing access to the site and intersection works to Bridge Road/Wentworth Park Road, and Wattle Street/Bridge Road would improve capacity within the surrounding traffic network. • The proposal also includes a pick-up/drop-off zone as well as improvements to pedestrian and cyclist access and facilities. • The Department considers the proposed car parking rate is acceptable. Car parking for the proposal would match the number of car parking spaces currently provided at the existing SFM (417 vehicle spaces). All parking will be contained on-site with measures proposed to reduce car dependency and encourage travel via public transport, cycling and walking. • While the proposal would result in some shortening of a rowing course in

	<p>Blackwattle Bay, the impact is reasonable as it would ensure that a safe buffer distance is provided between rowing users and larger maritime vessels utilising the SFM wharves.</p> <ul style="list-style-type: none"> The Department also notes that continued access to the harbour would be maintained for boat users during construction and ongoing consultation with rowing and dragon boat clubs would be undertaken to address any potential construction impacts that may arise.
<p><i>Ecological impacts</i></p> <ul style="list-style-type: none"> pruning of Moreton Bay Fig trees terrestrial biodiversity impacts aquatic ecology impacts 	<ul style="list-style-type: none"> The Department considers the proposal has appropriately minimised impacts on significant trees, particularly the double row of Moreton Bay Figs within Wentworth Park. While some pruning of the figs would be required to accommodate the upgrade of Bridge Road, appropriate mitigation and protection measures would be implemented to retain and protect all the fig trees. The Department considers the proposal would not result in any significant impacts on terrestrial or aquatic biodiversity. Microbat roost locations were identified within the wharf structures and within existing derelict buildings. However, the potential risk to microbats can be suitably mitigated and managed through bat exclusion works undertaken in accordance with a Microbat Management Plan. The proposal would also have acceptable and manageable aquatic ecological impacts, with the potential for longer term benefits through the provision of environmentally friendly designed seawalls and foreshore structures.
<p><i>Amenity impacts</i></p> <ul style="list-style-type: none"> overshadowing visual impacts 	<ul style="list-style-type: none"> The Department is satisfied that any amenity impacts arising from the proposal would be minimal. In particular, the Department considers overshadowing impacts are limited as the site is to the north of a major arterial road. Visual impacts, both public views and private views, are mitigated as the siting of the building is well considered and the eastern and western plaza areas provide vistas past the site to the harbour at key entry nodes. The Department also considers public views, visual impacts and the proposal's relationship with the harbour is significantly improved compared to existing site conditions.
<p><i>Operational impacts</i></p> <ul style="list-style-type: none"> hours of operation acoustic impact odour impact 	<ul style="list-style-type: none"> The Department considers the operational impacts of the proposal are acceptable. The proposed hours of operation for the SFM operations are consistent with the existing SFM, operating 24-hours-a-day, while the hours of operation for the proposed retail and commercial premises are considered reasonable as they are generally equivalent to existing and surrounding hours of operation for similar premises. The public domain areas would be open 24-hours-a-day, which is appropriate as continual public access is in the public interest. The Department considers any acoustic and odour/air quality impacts can be appropriately mitigated and managed through the building's purpose-built design which includes modern refrigeration and exhaust systems. The Department has also recommended a suite of conditions to appropriately mitigate and manage the potential operational impacts associated with the proposal.