

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Annie Leung
Acting Director
Key Sites Assessments

Sydney

31 October 2023

SCHEDULE 1

Development consent: SSD 8925 granted by the Minister for Planning and Public Spaces on 12 June 2020

For the following: Stage 2 Development application for the construction, use and operation of a new Sydney Fish Market, including:

- A three-storey (4 levels) building with a GFA of 26,751m² comprising:
 - Wholesale services, product storage and processing
 - Retail, business and office premises
 - Multi-function spaces for events and functions
 - Staff amenities and end-of-trip facilities
 - Outdoor seating areas
 - Basement car park
- New public domain, including a foreshore promenade and landscaping
- Marina
- Pedestrian, cycle and road access
- Upgrade works to Bridge Road and intersections with Wattle Street and Wentworth Park Road
- Provision of services, site level adjustments and stormwater management
- Subdivision of land.

Applicant: Infrastructure New South Wales

Consent Authority: Minister for Planning and Public Spaces

The Land: 1A, 1B and 1C Bridge Road, Glebe (Lots 3, 4, 5 DP 1064339, Part of Lot 107 DP 1076596, Part of Lot 1 DP 835794, Part of Lot 3 DP 1018801)

Modification:

SSD 8925 MOD 11: modification to Bridge Road, bus/taxi bays, landscaping, and the Wattle Street/Bridge Road intersection

SCHEDULE 2

1. Schedule 2, Part A – Administrative Conditions – Condition A2 is amended by the deletion of the ~~struck-out words~~ and insertion of **bold and underlined** words as follows:

TERMS OF CONSENT

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS and Response to Submissions and additional information;
- (d) in accordance with the Modification Report entitled 'SSD DA 8925 Stage 2 DA Main Works Section 4.55(1A) Modification 3 Planning Report', and accompanying appendices prepared by BBC Consulting Planners (dated March 2021);
- (e) in accordance with the Modification Report entitled 'SSD DA 8924 Concept and Early Works SSD DA 8925 Stage 2 DA Main Works Section 4.55(1) Modification Planning Report', and accompanying appendices prepared by BBC Consulting Planners (dated December 2020) and Response to Submissions prepared by BBC Consulting Planners (dated February 2021);
- (f) in accordance with the Modification Report entitled 'SSD DA 8925 Stage 2 DA Main Works Section 4.55(1A) Modification 4 Planning Report' and accompanying appendices prepared by BBC Consulting Planners (dated April 2021) and Response to Submissions prepared by BBC Consulting Planners (dated June 2021); and
- (g) in accordance with the Modification Report entitled 'SSD DA 8925 Stage 2 DA Main Works Section 4.55(1A) Modification 6 Planning Report' and accompanying appendices prepared by Ethos Urban (dated 19 November 2021) and Response to Submissions prepared by Ethos Urban (dated 27 January 2022); and
- (h) in accordance with the Modification Report entitled 'SSD DA 8925 Stage 2 DA Main Works Section 4.55(1A) Modification 7 Planning Report' and accompanying appendices prepared by Ethos Urban (dated 1 March 2022) and Response to Submissions prepared by Ethos Urban (dated 21 April 2022); and
- (i) in accordance with the Modification Report entitled 'Modification Report Section 4.55(1A) Modification Application to SSD-8925 New Sydney Fish Market, Bridge Road, Glebe' prepared by Ethos Urban (dated 16 September 2022) and accompanying appendices; and
- (j) in accordance with the Modification Report entitled 'Modification Report Section 4.55(1A) Modification Application No.9 to SSD-8925' prepared by Ethos Urban (dated 18 September 2022) and accompanying appendices and Additional Information and Amendment report prepared by Ethos Urban (dated 11 November 2022) and accompanying appendices; and
- (k) in accordance with the Modification Report entitled 'Modification Report Section 4.55(1A) Modification Application No.10 to SSD-8925' prepared by GTK Consulting (dated June 2023), accompanying appendices, and additional information (dated 18 August 2023); and
- (l) **in accordance with the Modification Report entitled 'Section 4.55(1A) Modification Application to SSD-8925' prepared by Ethos Urban (dated 21 June 2023) and accompanying appendices and the Additional Information and Amendment report prepared by Ethos Urban (dated 1 September 2023) and accompanying appendices; and**
- (m) in accordance with the approved plans in the tables below:

Architectural Drawings prepared by 3XN and BVN			
Drawing No.	Revision	Name of Plan	Date
S2-A00 AAA-01	K	Cover Sheet	01/12/20
S2-A20 AAA-01	H	Site Survey	18/09/19
S2-A20 AAA-02	I	Locality/Context Plan	14/08/20
S2-A20 AAA-03	I	Site Plan	14/08/20
S2-A20 AAA-04	A	Public Domain	14/08/20
S2-A20 L01-04	H	Public Domain Ground	14/08/20
<u>ASP-LA-SK-00025</u>	<u>2</u>	<u>Bridge Road Alternative – Landscape Plan</u>	<u>05/06/23</u>
<u>ASP-LA-SK-00026</u>	<u>2</u>	<u>Bridge Road Alternative – Sections</u>	<u>05/06/23</u>
S2-A20 L02-01	H	Public Domain Upper Ground	14/08/20
S2-B10 L00-01	J	Floor Plan Ground	18/03/21

BVN-AR- 11030	K	Overall GA Plan-03 Upper Ground	14/08/23
BVN-AR- 11040	7	Floor Plan Mezzanine	22/07/22
BVN-AR-11050	6	OVERALL GA PLAN-05 MEZZANINE ROOF	22/07/22
S2-B10 L10-01	H	Roof Plan	18/09/19
S2-B10 LB1-01	J	Floor Plan Basement	18/03/21
S2-C10 AAA-01	I	East and West Elevation	14/08/20
S2-C10 AAA-02	I	North and South Elevation	14/08/20
S2-D10 AAA-01	I	Cross Sections	14/08/20
S2-D10 AAA-02	I	Long Sections	14/08/20
S2-E43 AAA-01	I	Auction and Office Section	14/08/20
S2-E43 AAA-02	I	Food and Beverage Section	14/08/20
S2-E43 AAA-04	J	Wholesale and Catering Section	18/03/21
AR-S2-L10 AAA-01	H	GFA Measurement SREP 26	18/09/19
AR-S2-L10 AAA-02	J	GFA Standard Instrument	01/12/20

Sydney Fish Market – Bridge Road Upgrade – From Wattle Street to Wentworth Park Road – Concept Design Drawings prepared by Mott Macdonald

Drawing No-	Sheet No.-	Issue-	Name of Plan-	Date-
CI-GEO-A00-GE-0001	GE-0001	1	Cover Sheet and Index Sheet	25/09/19
CI-RD1-D10-RD-0011	RD-0011	1	Typical Cross Sections	25/09/19
CI-RD3-B20-RD-0301	RD-0301	1	Roadworks Plan Sheet 1 of 3	25/09/19
CI-RD3-B20-RD-0302	RD-0302	1	Roadworks Plan Sheet 2 of 3	25/09/19
CI-RD3-B20-RD-0303	RD-0303	1	Roadworks Plan Sheet 3 of 3	25/09/19
CI-RD3-D20-RD-0401	RD-0401	1	Roadworks Longitudinal Sections Sheet 1 of 3	25/09/19
CI-RD3-D20-RD-0402	RD-0402	1	Roadworks Longitudinal Sections Sheet 2 of 3	25/09/19
CI-RD3-D20-RD-0403	RD-0403	1	Roadworks Longitudinal Sections Sheet 3 of 3	25/09/19
CI-UT1-B00-UT-0011	UT-0011	1	Existing Utilities Legend	25/09/19
CI-UT1-B20-UT-0301	UT-0301	1	Drainage and Public Utilities Plan Sheet 1 of 3	25/09/19
CI-UT1-B20-UT-0302	UT-0302	1	Drainage and Public Utilities Plan Sheet 2 of 3	25/09/19
CI-UT1-B20-UT-0303	UT-0303	1	Drainage and Public Utilities Sheet 3 of 3	25/09/19
CI-PV1-B20-PV-0301	PV-0301	1	Pavement Plan Sheet 1 of 3	25/09/19
CI-PV1-B20-PV-0302	PV-0302	1	Pavement Plan Sheet 2 of 3	25/09/19
CI-PV1-B20-PV-0303	PV-0303	1	Pavement Plan Sheet 3 of 3	25/09/19

Sydney Fish Markets Bridge Road, Glebe Amended Bridge Road Design Drawings prepared by AT&I			
Drawing No.	Revision	Name of Plan	Date
<u>ATL-CV-70011</u>	<u>1</u>	<u>Overall Plan</u>	<u>02/06/23</u>
<u>ATL-CV-71001</u>	<u>1</u>	<u>Typical Cross Sections Sheet 1</u>	<u>02/06/23</u>
<u>ATL-CV-71002</u>	<u>1</u>	<u>Typical Cross Sections Sheet 2</u>	<u>02/06/23</u>
<u>ATL-CV-73001</u>	<u>1</u>	<u>Roadworks Plan Sheet 1</u>	<u>02/06/23</u>
<u>ATL-CV-73002</u>	<u>1</u>	<u>Roadworks Plan Sheet 2</u>	<u>02/06/23</u>
<u>ATL-CV-73101</u>	<u>1</u>	<u>Roadworks Longitudinal Sections Sheet 1</u>	<u>02/06/23</u>
<u>ATL-CV-73102</u>	<u>1</u>	<u>Roadworks Longitudinal Sections Sheet 2</u>	<u>02/06/23</u>
<u>ATL-CV-73103</u>	<u>1</u>	<u>Roadworks Longitudinal Sections Sheet 3</u>	<u>02/06/23</u>
<u>ATL-CV-74001</u>	<u>1</u>	<u>Stormwater Management Plan Sheet 1</u>	<u>02/06/23</u>
<u>ATL-CV-74002</u>	<u>1</u>	<u>Stormwater Management Plan Sheet 2</u>	<u>02/06/23</u>
<u>ATL-CV-75001</u>	<u>1</u>	<u>Pavement Plan Sheet 1</u>	<u>02/06/23</u>
<u>ATL-CV-75002</u>	<u>1</u>	<u>Pavement Plan Sheet 2</u>	<u>02/06/23</u>
<u>ATL-CV-76001</u>	<u>1</u>	<u>Signage And Linemarking Plan Sheet 1</u>	<u>02/06/23</u>
<u>ATL-CV-76002</u>	<u>1</u>	<u>Signage And Linemarking Plan Sheet 2</u>	<u>02/06/23</u>

<u>ATL-CV-78001</u>	<u>1</u>	<u>Utilities Plan Sheet 1</u>	<u>02/06/23</u>
<u>ATL-CV-78002</u>	<u>1</u>	<u>Utilities Plan Sheet 2</u>	<u>02/06/23</u>

2. Schedule 2, Part B – Prior to commencement of works / issue of a Crown Building Works Certificate – Conditions B8, B31, B78, B79, B79A, B83, B86 and B87 are amended by the deletion of the ~~struck out words~~ and insertion of **bold and underlined** words as follows. A new Condition B31A is also proposed as shown in **bold and underlined** words:

LANDSCAPE DESIGN

- B8. Prior to the issue of the relevant Crown Building Works Certificate, a detailed landscape design including plans and details drawn to scale, and technical specification, by a registered landscape architect must be submitted to the Planning Secretary for approval. These documents must include:
- (a) location of existing and proposed planting on the site including existing and proposed trees, and planting in natural ground, on structure and in free standing pots.
 - (b) location and details of existing and proposed surface finishes on the site including, but not limited to paved areas, harbour deck event space, waterfront promenade, boardwalks, ferry wharf, overland flow mesh deck, shared path, public art, interfaces, edges, infill pit lids.
 - (c) location and details of existing structures on the site including, but not limited to, water play, custom furniture, vehicle mitigation barriers, fixed and removable bollards, walls, east and west promenade steps, bike racks, light poles, signage, WSUD devices in the public domain, drainage, services, shade structures (if applicable), other fixtures, and all associated footings.
 - (d) coordinated services plan including location and approximate depth of all existing and proposed pits, services (electricity, gas, sewer, potable water), proposed urban plaza and local park drainage, lights and GPO if applicable, fence footings, sign posts etc.
 - (e) detailed grading plan with existing and proposed levels, falls, and pits.
 - (f) details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers. Soil volume for trees on slab to comply with Sydney Landscape Code. Any change to these minimum requirements is to be approved by the Design Review Panel.
 - (g) planting details and locations, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
 - (h) landscape maintenance plan **including evidence of consultation with Council. This plan is to be complied with during the occupation of the development.**
 - (i) details of WSUD, drainage, waterproofing and watering systems.

ROAD WORKS

- B31. Prior to the commencement of any works within the classified road reserve, the Applicant must obtain Section 87 and/or 138 concurrence under the Roads Act 1993 from TfNSW.

The construction of the road works, new traffic control signal and modifications to the existing traffic control sign within the TfNSW corridor (e.g. Bridge Road and Wattle Street) shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email at DeveloperWorks.Sydney@rms.gov.au.

Detailed design plans of the proposed works are to be submitted to Council for information and submitted to TfNSW for approval prior to the commencement of any works within the classified road reserve area and approval obtained prior to commencement of any road works that impact upon TfNSW road corridors. Please send all documentation to development.sydney@rms.gov.au.

A plan checking fee and lodgement of a performance bond is required from the Applicant, prior to the release of the approved road design plans by TfNSW.

- B31A. The detailed design plans of Condition B31 must be assessed by and address the recommendations of a Road Safety Audit undertaken by an independent accredited Road Safety Auditor, including pedestrian safety and movements.**

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- B78. Prior to the commencement of the ~~MOD 7 MOD 9~~ **MOD 11** works and construction hours, an updated Construction Pedestrian and Traffic Management Plan (CPTMP) shall **must** be submitted to TfNSW for review

and endorsement via development.ctmp.cip@transport.nsw.gov.au prepared in consultation with the Sydney Coordination Office within TfNSW. The updated CPTMP needs to specify, but not limited to, the following:

- (a) A description of the development;
- (b) Location of any proposed work zone(s);
- (c) Location of any crane(s);
- (d) Haulage routes;
- (e) A detailed plan identifying all construction vehicle access arrangements;
- (f) Estimated number of construction vehicle movements, including measures to reduce the number of movements during the AM and PM peak periods;
- (g) Measures to avoid construction worker vehicle movements;
- (h) Construction program;
- (i) Proposed construction hours;
- (j) Consultation strategy for liaison with surrounding stakeholders, including other developments;
- (k) Any potential impacts to generate traffic, cyclists, pedestrian and bus and light rail services within the vicinity of the site from the construction of the development;
- (l) Cumulative construction impacts of the development: Bays Market District, Sydney Metro City and Southwest, Western Harbour Tunnel and Westconnex. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the road network; and
- (m) Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

~~A copy of the final updated CPTMP must be submitted to the Coordinator General, Transport Coordination within TfNSW for endorsement prior to the commencement of works.~~

Prior to the commencement of the ~~MOD 7 MOD 9~~ **MOD 11** works and construction hours, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the updated CPTMP must be submitted to the Certifier, Council, TfNSW (RMS), TfNSW (Maritime) and the Planning Secretary.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- B79. Prior to the commencement of the ~~MOD 7 MOD 9~~ **MOD 11** works and construction hours, an updated Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person ~~must be prepared in consultation with, and address the relevant requirements of, Council and the EPA. The updated CNVMP shall~~ **must** address (but not be limited to):
- (a) Identification of each work area, site compound and access route (both private and public);
 - (b) Identification of the specific activities that will be carried out and associated noise sources at the premises and access routes;
 - (c) Identification of all potentially affected sensitive receivers using the construction noise objectives identified in accordance with the EPA's *Interim Construction Noise Guideline*, vibration objectives as identified in accordance with the document *Assessing Vibration: A Technical Guideline* (DEC 2006), and the road traffic noise objectives as identified in accordance with the *NSW Road Noise Policy* (DECCW 2011);
 - (d) Identification of non-project related construction activities in the area that may be;
 - (e) identify the noise management levels for the project;
 - (f) identify the construction methodology and equipment to be used and the key sources of noise and vibration;
 - (g) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;
 - (h) be consistent with and incorporate all relevant recommendations and noise and vibration mitigation measures outlined in the Noise and Vibration Assessment, prepared by SLR, dated April 2019 and the Noise Statement, prepared by SLR, dated 31 April 2022, **and the Noise Assessment, prepared by SLR, dated 2 June 2023**
 - (i) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer; and
 - (j) include a suitable proactive construction noise and vibration monitoring program which aims to ensure the construction noise and vibration criteria in this consent are not exceeded.

Prior to the commencement of the ~~MOD 7 MOD 9~~ **MOD 11** works and construction hours, details demonstrating compliance with the above requirements (B6779 (a)-(j)) must be submitted to the Certifier. A copy of the updated CNVMP must be submitted to the Certifier, Council and the Planning Secretary.

B79A. Prior to the commencement of any works associated with a Road Occupancy Licence (ROL), **including road works under MOD 11**, a supplementary Construction Noise and Vibration Management Plan must be submitted to and approved by the Planning Secretary addressing the following:

- (a) description of the works;
- (b) construction program and hours;
- (c) respite periods;
- (d) construction methodology and equipment to be used and the key sources of noise and vibration;
- (e) consultation strategy for liaison with surrounding stakeholders;
- (f) noise monitoring locations, including but not limited to the nearest sensitive residential receivers;
- (g) details of management and mitigation measures to be implemented to minimise construction noise and vibration; and
- (h) details of a complaint management process consistent with the approved Community Communication Strategy, including but not limited to reactive noise and/or vibration monitoring at the complaint location, stop works procedure in the event of construction noise and vibration criteria exceedances and the implementation of appropriate additional mitigation measures as recommended by an acoustic consultant.

The approved supplementary Construction Noise and Vibration Management Plan must be implemented for any works associated with an ROL for the duration of construction.

STORMWATER DRAINAGE DESIGN (CONNECTIONS TO COUNCIL DRAINAGE SYSTEM)

B83. Prior to the commencement of the relevant works, and where connections to Council's drainage and stormwater system are proposed, the Applicant must prepare a detailed Stormwater Management Plan prepared by a suitably qualified and experienced professionals demonstrating compliance with Section 3.7.2 Drainage and Stormwater Management of Sydney DCP 2012 must be submitted to and approved by Council. A stormwater design certification shall be required stating that the proposed design complies with:

- (a) City's Sydney Streets Technical Specifications, Part A4 Drainage Designs;
- (b) Standard drawings;
- (c) City's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction; and
- (d) All relevant standards.

Certification is also required of all hydraulic and structural design elements. Structural certification is not required for City of Sydney standard drawings.

The above certification shall accompany information that address the requirements of Section 4.5 Data Requirements, Part A4 Drainage Design of City's Sydney Streets Technical Specifications.

Sydney Water Requirements - The requirements of Sydney Water about the on-site detention (OSD) of stormwater must be ascertained and complied with. Evidence of Sydney Water approval must be submitted to the Council prior to ~~any Construction Certificate~~ **the relevant Crown Building Works Certificate** other than demolition.

Note: A Deed of Agreement for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems may be required prior to any commencement of the use or occupation of the development and can take up to three months.

FLOOD PLANNING LEVELS

B86. The development shall be constructed to comply with the recommended flood planning levels indicated in ~~Table 3-4 of the Flooding and Water Quality Assessment Report prepared by Cardno dated 1 October 2019~~ **Table 1-1 of the Flood Advice Letter prepared by Stantec dated 1 September 2023**. Details demonstrating that the development will comply with the recommended flood planning levels shall be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

B87. All building structures are to be designed to ensure structural integrity for immersion and the impact of hydraulic forces of floodwaters and debris up to the 100-year flood level plus 0.5 metres or Probable Maximum Flood Level whichever is greater. Details demonstrating compliance with this requirement ~~shall~~ **must** be submitted to the Certifier.

3. Schedule 2, Part C – During construction – Conditions C47 to C56 are amended by the deletion of the ~~struck out words~~ and insertion of **bold and underlined** words as follows:

PROTECTION OF TREES WITHIN WENTWORTH PARK

- C47. The demolition of the existing footpath, kerb and gutter along the southern side of Bridge Road ~~shall~~ **must** be supervised by the Project Arborist. The works should be undertaken using a compact excavator (<2T fitted with a flat bladed bucket). The excavator operator should be guided by a spotter at all times and machinery movements should be restricted to areas of existing pavement or ground protection. The asphalt surface, kerb and gutter should be broken up into small sections and carefully removed to minimise disturbance to the underlying sub-base/soil profile and prevent root damage.

Existing underground structures and sub-base materials should be left in situ and reused (where possible). Where the removal of the sub-base is required, the works should be undertaken using a combination of machine excavation (<2T fitted with a flat bladed bucket) and hand excavation to prevent root damage. Roots (>25mmØ) should be retained and protected for assessment by the Project Arborist.

- C48. Existing pits to be decommissioned within tree protection zone areas should be left in situ and infilled (where possible). Where their removal is required, the pits should be broken-up into small sections and carefully removed to minimise disturbance to the adjacent sub-base/soil profile and prevent root damage.
- C49. Machinery operators should be guided by a spotter when working along the southern side of the Bridge Road carriageway to ensure that the crowns of the trees in Wentworth Park are not damaged. **Any machinery used underneath the canopy of these trees must be at a height that does not require the pruning of any branches. If canopy impacts cannot be avoided, then an amended Pruning Specification will be required by a qualified Consultant Arborist (AQF Level 5 minimum) to assess the required pruning in accordance with the Australian Standard 'AS4373:2007 Pruning of amenity trees'. The Pruning Specification Report must be provided to the Council for review and comment, and must not affect branches greater than 30mm in diameter unless agreed with Council. All tree pruning must be undertaken by Council's contractors, or alternative contractors agreed with Council.**
- C50. The works on Bridge Road ~~shall~~ **must** be undertaken using a combination of machine excavation and hand excavation (as detailed above) to minimise disturbance to the underlying sub-base/soil profile and prevent root damage. Roots (>25mmØ) should be retained and protected for assessment by the Project Arborist. Existing sub-base layers should be retained and reused where possible. New pavement sub-base layers should be thinned to enable the retention of roots (>25mmØ) as required by the Project Arborist. Root pruning should be undertaken by the Project Arborist only. Roots to be retained should be protected by wrapping in Abelflex (or similar compressible material) with the new sub-base materials installed around the root. Compaction of the surrounding sub-base should be undertaken using hand tools only.
- C51. The existing masonry boundary wall along the southern side of Bridge Road, wall has three (3) openings and a set of stairs that provide access to the footpath on Bridge Road. In addition, a section of boundary wall is cracked and bowed, presumably due to roots from the fig trees in the park exerting pressure on the rear of the wall. Any works associated with these areas will need to use tree sensitive design and construction methods and may require preliminary, exploratory root investigations to ensure the root systems of the trees in the park is not significantly impacted.
- C52. Works to the kerb section in the structural root zone of Tree A as identified in the Arboricultural Impact Assessment report, prepared by Tree IQ, dated 26 June 2019 ~~shall~~ **must** use tree sensitive design and construction methods. Preliminary, exploratory root investigations to ensure its root system is not significantly impacted may need to be undertaken.
- C53. Sections of new stormwater pipes and pits connecting to existing infrastructure are to be installed along the southern edge of the carriageway of Bridge Road and existing pits within the footpath are to be raised in line with new footpath levels. The installation of underground services and pits ~~shall~~ **must** be supervised by the Project Arborist. The works ~~shall~~ **must** be undertaken using a combination of machine excavation and hand excavation (as detailed above) to prevent root damage. Roots (>25mmØ) should be retained and protected for assessment by the Project Arborist.
- C54. Services ~~shall~~ **must** be located around/below roots (>25mmØ) and the location of pits adjusted as required by the Project Arborist. Existing pits that are to be raised in line with new footpath levels ~~shall~~ **must** be retained and extended rather than replaced with new pits (where possible). Alternatively, boring methods may be used for underground service installation where the obvert level (highest interior level of pipe) is greater than 1500mm below existing grade. Excavations for starting and receiving pits for boring equipment should be located outside of the tree protection zones areas or located to avoid roots (>25mmØ) as required by the Project Arborist.
- ~~C55. The pruning of trees 1WP, 15-23WP and 25-37WP as identified in the Arboricultural Impact Assessment report, prepared by Tree IQ, dated 26 June 2019, shall be:~~
- ~~(a) subject to a second assessment of pruning requirements undertaken when Bridge Road is closed to vehicular traffic~~

~~(b) undertaken in accordance with the pruning specifications as identified in Appendix 4 of the Arboricultural Impact Assessment report, prepared by Tree IQ, dated 26 June 2019.~~

~~C56. An appropriately qualified Consultant Arborist (AQF Level 5 minimum) must provide a secondary pruning specification, at the completion of the road elevation works, to ensure canopy clearance compliance along the Wentworth Park length of Bridge Road. The Consultant Arborist must produce a Pruning Specification Report which specifies the required pruning in accordance with the Australian Standard 'AS4373:2007 Pruning of amenity trees'. The Pruning Specification Report must be provided to the City for consideration. All tree pruning must be undertaken by the City's contractors.~~

4. Schedule 2, Part D – Prior to occupation or commencement of use – Condition D15, D16 and D25 are amended by the deletion of the ~~struck out words~~ and insertion of **bold and underlined** words as follows:

CONSTRUCTED FLOOR LEVELS AND FLOODING

D15. Prior to occupation or commencement of the use, a certification report prepared by a Civil Engineer shall be submitted to the Certifier stating that the development has been constructed in accordance with the recommendations of the Flooding and Water Quality Assessment Report, prepared by Cardno dated 1 October 2019 **as amended by the Flood Advice Letter prepared by Stantec dated 1 September 2023.**

D16. Prior to the occupation or commencement of the use, a Flood Management Plan ~~shall~~ **must** be prepared and submitted to the Certifier and Planning Secretary ~~that:~~

- a) **has been prepared by a suitably qualified and experienced person(s);**
- b) **addresses the provisions of the Floodplain Risk Management Guidelines;**
- c) **includes details of:**
 - i) **the flood emergency responses for operational phase of the development;**
 - ii) **predicted flood levels;**
 - iii) **flood warning time and flood notification;**
 - iv) **assembly points and evacuation routes for:**
 - o **all staff and visitors to the site**
 - o **occupants of the on-site accommodation to travel from accommodation areas to designated refuge areas within the building, all of which should be above the PMF level;**
 - v) **evacuation and refuge protocols; and**
 - vi) **awareness training for employees and any relevant persons associated with the development.**

OPERATIONAL VESSEL MANAGEMENT PLAN

D25. Prior to occupation or commencement of the use, a detailed Operational Vessel Management Plan (OVMP) must be prepared by a suitably qualified person, in consultation with the Glebe Rowing ~~Society~~ **Club**, the ferry operator, new Sydney Fish Market wharf user group representatives and other recreational rowing groups and endorsed by Ports Authority NSW and TfNSW (Maritime).

The Plan must outline, but not be limited to, the following:

- (a) measures to manage potential conflicts and issues associated with recreational rowers, dragon boaters, and recreational and commercial vessels. The OVMP must also include the management and mitigation measures outlined in the Navigation Impact Assessment prepared by Royal HaskoningDHV, dated 20 September 2019 and as amended in the Navigation Impact Assessment prepared by Royal HaskoningDHV, dated 3 December 2020 (submitted under SSD 8925 MOD 1)
- (b) details of the forecast servicing profile of the fishing fleet, commercial and recreational vessels utilising the berths, including vessel size, frequency, time, and duration of stay
- (c) details of the forecast servicing profile of the ferry stop, including vessel size, frequency, time and duration of stay
- (d) berth management details, to ensure the demand for berths does not exceed supply
- (e) details of the hours of operation of the wharves

Prior to occupation or use, the approved Operational Vessel Management Plan must be submitted to the Planning Secretary.

Note: If the ferry operator is unknown, consultation must be undertaken with Place Management NSW

5. Schedule 2, Part E – Post occupation – during operation – Condition E1 is amended by the **bold and underlined** words as follows:
- E1. The operation of the SFM must be in accordance with the OMP (Condition D19), FSMP (Condition D20), TTMP (Condition D21), BCPDMP (Condition D22), TP (Condition D23), ~~and~~ OVMP (Condition D25) **and landscape maintenance plan (Condition B8).**

**End of modification
(SSD 8925 MOD 11)**