

Department of Planning and Environment

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The New Sydney Fish Market Stage 2 – Modification 11

State Significant Development Modification Assessment Report (SSD-8925-Mod-11)

October 2023





Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Modification 11 of the New Sydney Fish Markets Stage 2 (SSD-8925-Mod-11) Assessment Report

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Preface

This assessment report provides a record of the Department of Planning and Environment's assessment and evaluation of Modification 11 to the State Significant Development (SSD) application for the new Sydney Fish Markets (SFM) Stage 2 lodged by Infrastructure NSW (INSW). The report includes:

- an assessment of the modification against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the modification during the assessment process
- an assessment of the likely environmental, social and economic impacts of the modification
- an evaluation which weighs up the likely impacts and benefits of the modification, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether the approval should be modified and any conditions that should be imposed.

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1 Introduction

1.1 The proposal

This report provides the NSW Department of Planning and Environment's assessment of an application to modify the Stage Significant Development (SSD) Stage 2 main works approval for the new Sydney Fish Market (SFM).

The application was lodged on behalf of Infrastructure NSW (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification application seeks to reduce the height of Bridge Road by a metre (to a level similar to its existing level), retain the existing Wattle Street intersection design, and amend the design of bus/taxi bays and landscaping across the Bridge Road frontage.

1.2 Project location

The modification application relates to the new SFM, located at the head of Blackwattle Bay between the Pyrmont Peninsula and Glebe Peninsula (**Figure 1**). The site is situated less than two kilometres west of Sydney's CBD, and the land-based component of the site is within the City of Sydney local government area.

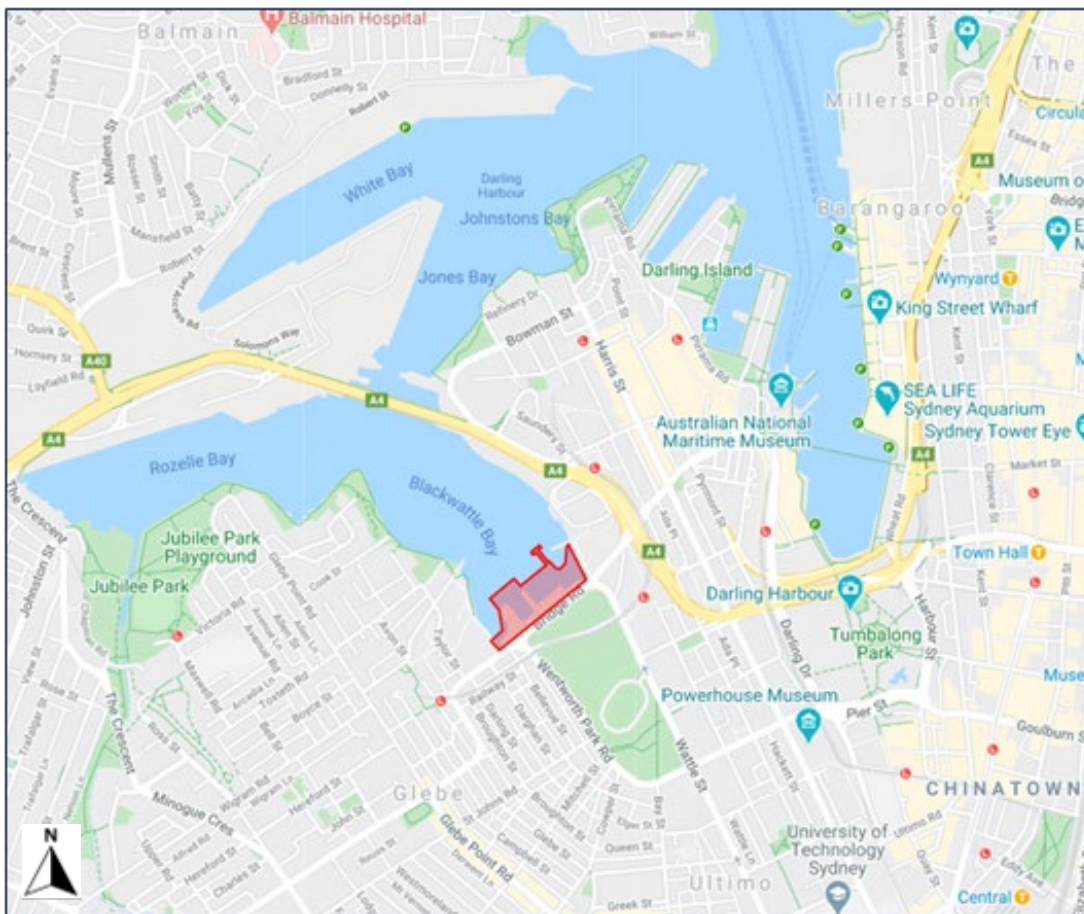


Figure 1 | Regional context map

1.3 Approval history

On 12 June 2020, the Minister for Planning approved the development of a new SFM. The development consists of two SSD applications, comprising a concept and Stage 1 early works (SSD 8924) and a Stage 2 main works application (SSD 8925).

The concept and Stage 1 early works approved:

- a concept proposal comprising:
 - building envelope for a three-storey building (AHD 28 m)
 - maximum gross floor area (GFA) of 30,000 m²
 - use of the site for a fish market, including waterfront commercial and tourist facilities and ancillary uses
 - waterfront structures, including wharves
 - public domain, including landscaping and foreshore promenade
- pedestrian, cycle, footpath, and Bridge Road works.
- Stage 1 works comprising demolition of existing wharves, structures, utilities, and services.

The Stage 2 main works application was approved for the construction, use and operation of a new SFM, including:

- a three-storey (4 levels) building with a GFA of 26,751 m² 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
- subdivision of land.

The new SFM development has been modified on a number of occasions (see **Table 1**).

Table 1 | Summary of modifications

Modification	Description	Decision-maker	Type	Date
SSD 8924 Concept and Stage 1				
MOD 1	Amendments to the development footprint, building envelope, conditions relation to NSW EPA and amendment to the hours of demolition/construction	Director	4.55(1A)	7 June 2021
MOD 2 (also known as MOD 5)	Amendment to hours of noise-intensive constructions and respite periods during the 2021 HSC examination period	Acting Team Leader	4.55(1A)	2 November 2021
SSD 8925 Stage 2				
MOD 1	Alterations to the internal layout, façade, reconfiguration of the recreational and operational wharfs and amendments to the western plaza, and conditions relating to the EPA	Director	4.55(1A)	7 June 2021
MOD 2	Amendment to Condition B52 Marine Structures and Condition B54 Construction Vessel Traffic Management Plan	Acting Director	4.55(1)	19 February 2021
MOD 3	Alterations to the footprint and internal layout of the basement, minor changes to the ground floor, and amendments to the subdivision plans	Team Leader	4.55(1A)	18 May 2021
MOD 4	Redistribution of sediment to facilitate the levelling of the seabed	Team Leader	4.55(1A)	2 July 2021
MOD 5	Amendment to hours of noise-intensive constructions and respite periods during the 2021 HSC examination period	Acting Team Leader	4.55(1A)	2 November 2021
MOD 6	Temporarily extend the boundary of the site to include the Sydney Secondary College, Blackwattle Bay Campus (SSC) car park at 1 Pyrmont Bridge Road, Glebe. The SSC car park is proposed to be used for temporary site accommodation (site sheds and amenities) during the construction of the new SFM.	Director	4.55(1A)	22 March 2022

Modification	Description	Decision-maker	Type	Date
MOD 7	Capping redistributed sediments beneath the approved basement in the cofferdam.	Team Leader	4.55(1A)	13 May 2022
MOD 8	Alterations to the material of the mezzanine level roof, minor internal changes to plant rooms, and updated respite periods for the 2022 HSC exam period.	Acting Team Leader	4.55(1A)	6 October 2022
MOD 9	Extended construction hours for certain works and minor design development.	Director	4.55(1A)	23 December 2022
MOD 10	Amend Condition A6 to remove the restriction on first use of wharves and first use of retail premises, and minor works to the entrance area of the eastern upper ground floor	Team Leader	4.55(1A)	8 September 2023

1.4 Modification background

The approved redevelopment of new SFM includes upgrade works to Bridge Road involving:

- increasing the height of the road by 1 metre between the intersections of Wattle Street and Wentworth Park Road
- signalling the Bridge Road and Wentworth Park Road intersection to provide a dedicated entry/exit point for the site
- removing the existing pedestrian island and left-turn lane at the intersection of Wattle Street and Bridge Road
- widening the footpath and a dedicated off-road connection along Bridge Road adjacent to the frontage of the site, as a shared path for cyclists and pedestrians, and
- providing a clearway zone and shared bus parking and taxi parking zone.

This modification application seeks to amend the detailed design of the Bridge Road upgrades, as described further in **Section 2** below.

2 Proposed modification

2.1 Modification overview

The Applicant lodged a modification application (SSD 8925 MOD 11) seeking approval under section 4.55(1A) of the EP&A Act to reduce the level of Bridge Road by a metre (to a level similar to its existing level), retain the existing Wattle Street intersection design, and amend the design of bus/taxi bays and landscaping across the Bridge Road frontage.

The key aspects of the modification are outlined in **Table 2** below. Renders of the approved and proposed design are included at **Figure 2** to **Figure 7** below.

Table 2 | Key aspects of the modification

Project element	Discussion
Site levels	• The approved SSD application enabled raising the Bridge Road carriageway along the site frontage by approximately a metre, to approximately RL 3.1m AHD. The modification seeks to reduce this level by approximately the same height, leaving the final Bridge Road level at generally the same level as it currently exists (approximately RL 2.0m AHD). • No change is proposed to the approved building levels and promenade, but changes are required to the shared path, landscaping, and bus/taxi zones on the new SFM side of Bridge Road to account for the transition in levels between the building and the road (described further below). • The treatment to Wentworth Park, including the existing retaining walls, will be retained.
Wattle Road intersection	• The SSD approved the reconfiguration of the Bridge Road / Wattle Street signalised intersection to remove the existing northbound left-turn lane from Wattle Street into Bridge Road and the associated pedestrian island. • The modification seeks to retain the existing configuration of the Bridge Road / Wattle Street intersection, including the adjoining retaining wall to Wentworth Park (Figure 4).
Wentworth Park Road intersection	• No change is proposed to the number of lanes or turning arrangements for the approved intersection upgrade at Bridge Road and Wentworth Park Road. • The intersection will be upgraded as approved, albeit at the new reduced road levels.
Drop-off zones	• The SSD approved a 130 m long drop-off and pick-up bay in an inset lane along the Bridge Road frontage of the site, to be shared by coaches and point-to-point transfer vehicles (taxis/rideshare services). • The modification seeks to separate the lane into two segregated drop-off/pick-up bays, comprising a 45 m long bay for coaches and a 40 m bay for point-to-point transfer vehicles (taxis/rideshare services) (Figure 2).

Project element	Discussion
Public domain	- The modification seeks to amend the public domain treatment between the new SFM building and Bridge Road, including (Figure 3): - separating the shared path from the drop-off and pick-up bays via widened landscaping zones - new stairs and ramps to address the level change between the road and the shared path and building levels.
Tree trimming	Tree trimming works are no longer required and therefore are proposed to be removed from the application.
Staging	The proposed modified roadworks will be undertaken across a number of construction stages as follows: - Stage 1A – comprising preliminary activities associated with the road works, including: - utility trenching and installation - demolition of the existing traffic islands and installation of temporary pavement at the intersection of Bridge Road and Wentworth Park Road - temporary and permanent road pavement works at the Wentworth Park Road intersection including some demolition and pavement profiling works - installation of Klemmfix (barriers) in the proposed kerb location at Wentworth Park Road - temporary amendments to cyclist and pedestrian access - Stage 2 – road work activities that were previously split into three substages as follows: - Stage 2A – activities include: - utility trenching and other civil components of the roadworks - temporary and permanent road pavement works, including some demolition and pavement profiling works - temporary amendments to cyclist and pedestrian access - live traffic to use the two southernmost existing lanes while works occur on the northern eastbound lanes, including some works near the Wentworth Park Road and Wattle Street intersections that may occur at night - Stage 2B – no longer required - Stage 2C – no longer required - Stage 3 – installation of the wearing course layer on Bridge Road, line marking, and signal works.

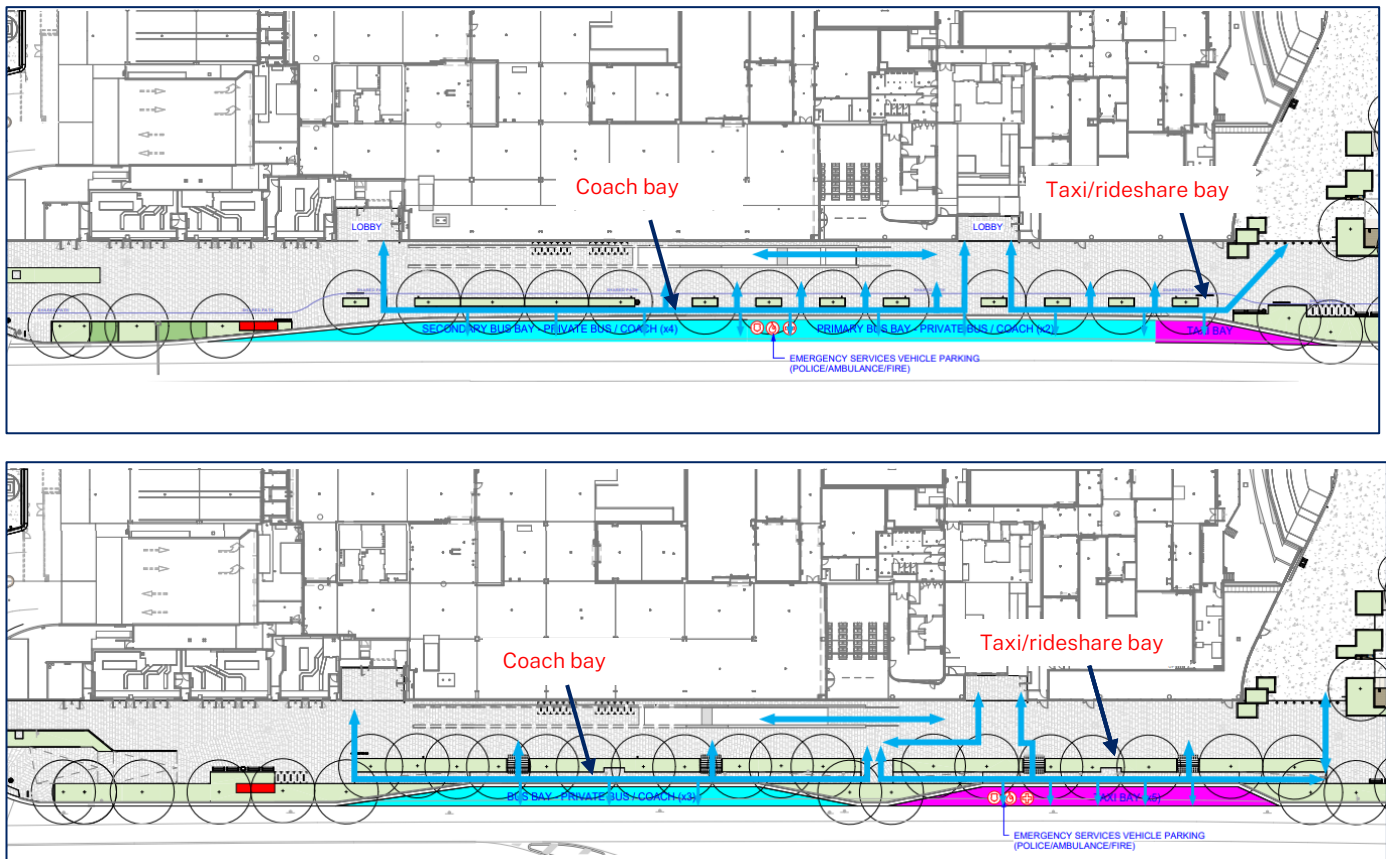


Figure 2 | Approved (top) and proposed (bottom) drop-off and pick-up zones (Source: Applicant's modification application)

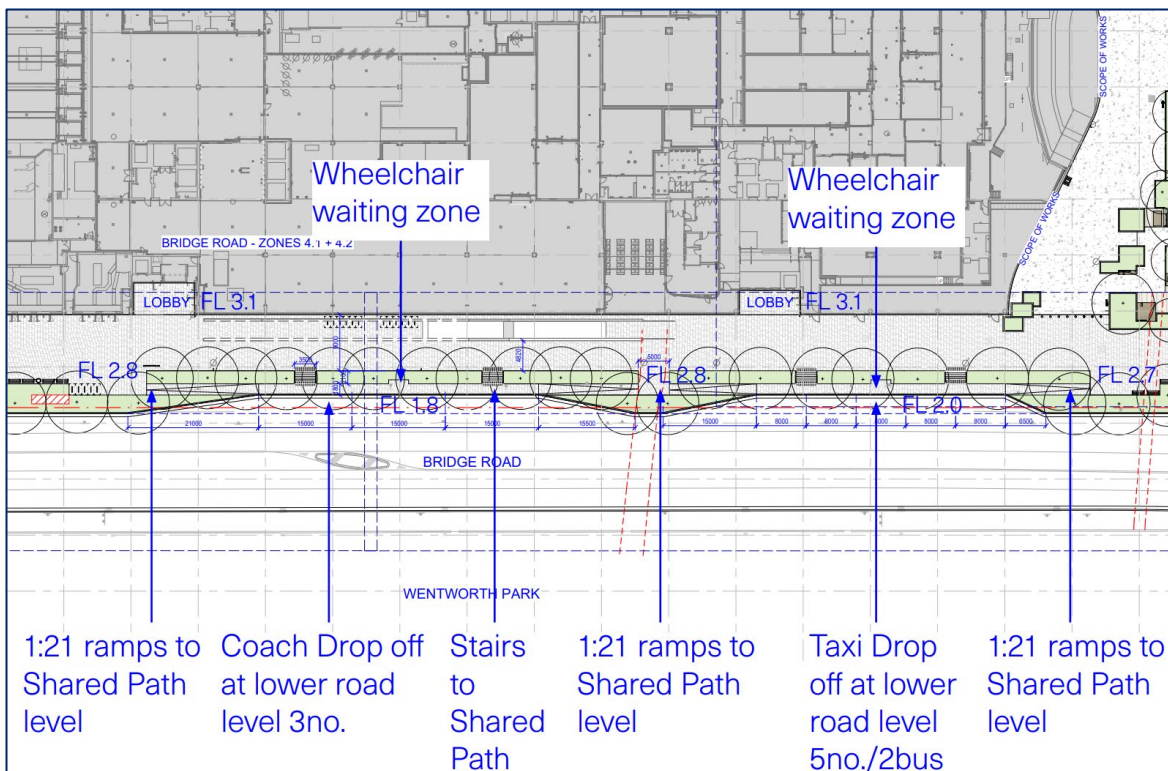


Figure 3 | Proposed changes to public domain, including drop-off and pick-up zones (Source: Applicant's modification application)

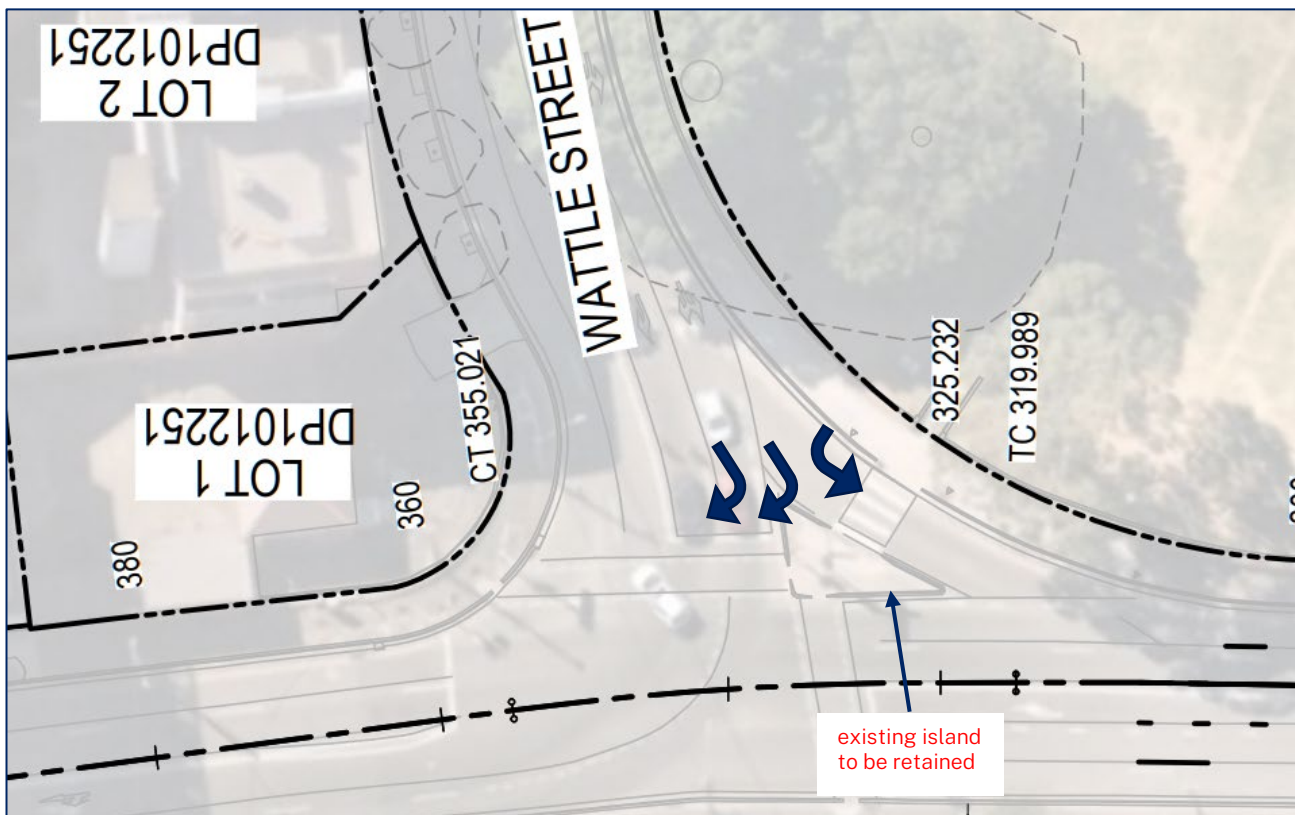
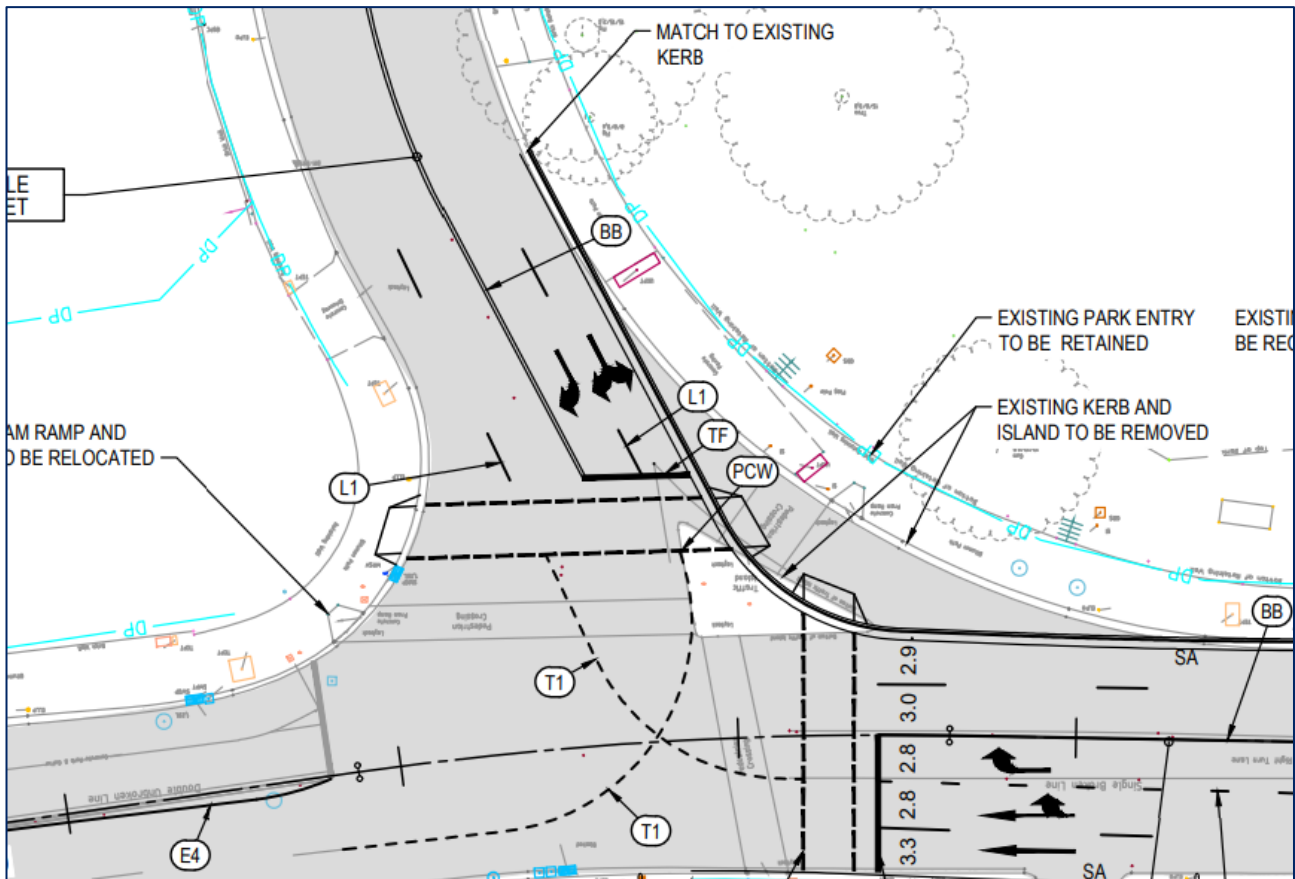


Figure 4 | Approved (top) and proposed (bottom) Bridge Road frontage, as viewed from Bridge Road looking south (Source: Applicant's approved and proposed civil plans)



Figure 5 | Approved (top) and proposed (bottom) Bridge Road frontage, as viewed from Bridge Road looking south (Applicant's modification application)



Figure 6 | Approved (top) and proposed (bottom) Bridge Road frontage, as viewed from Bridge Road looking north (Source: Applicant's modification application)

3 Statutory context

3.1 Scope of modification and assessment pathway

Details of the legal pathway under which modification is sought is provided in **Table 3** below.

Table 3 | Permissibility and assessment pathway

Consideration	Description
Scope of modification	The Department has reviewed the scope of the modification and considers it can be characterised as a modification involving minimal environmental impact. The Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application be lodged.
Substantially the same	The Department has reviewed the scope of the modification and considers it is substantially the same as the approved application. The modification does not propose to alter the approved use, capacity of the site, or to extend the area of works. The development as modified is also not inconsistent with the approved concept proposal (SSD-8924). The concept SSD application referenced potential future upgrades to Bridge Road but did not include any conditions, stamped plans, or detailed description of these upgrades. As a whole, the Department is satisfied the development as amended remains substantially the same development as the subject DA (SSD-8925) and is not inconsistent with the concept DA (SSD-8924).
Consent Authority	The Minister continues to be the consent authority under Section 4.5(a) of the EP&A Act and has the capacity to modify the consent.
Decision-maker	In accordance with the Minister's Instrument of Delegation, the Director of Key Sites Assessments may determine the application under delegation as: • a political disclosure statement has not been made • there are less than 15 public submissions by way of objection • Council has not made a submission by way of objection.

3.2 Mandatory matters for consideration

3.2.1 Matters of consideration required by the EP&A Act

In determining the modification application, the consent authority must take into consideration the matters referred to in section 4.15(1) of the EP&A Act. The consent authority must also take into consideration the reasons given when granting consent to the original development. The Department's consideration of these matters is shown in **Table 4** below.

Table 4 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	The proposed modification does not alter the development's compliance with any proposed instruments. Under clause 2.10 of the Planning Systems SEPP, DCPs do not apply to SSD.
EP&A Regulation	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications, the requirements for notification, and fees.
Likely impacts	The Department considers the likely impacts of the proposed modification acceptable and have been appropriately addressed in Section 5 .
Suitability of the site	The site remains suitable for the development.
Public submissions	Submissions received by the Department have been addressed in Section 4 and the Department's assessment of the modification at Section 5 .
Public interest	The Department considers the modified proposal to be in the public interest as it would facilitate the orderly and efficient development of the site, while ensuring construction noise and vibration impacts are minimised where possible.
Reasons for granting consent	The modification does not impact the original reasons for granting approval to SSD-8925.

3.2.2 Objects of the EP&A Act

In determining whether or not to modify the consent, the consent authority should consider whether the modified project is consistent with the relevant objects of the EP&A Act (section 1.3) including the principles of ecologically sustainable development. Consideration of those factors is described in **Appendix B**.

The Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ecologically sustainable development (ESD).

3.2.3 Biodiversity development assessment report

Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD modifications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017).

The Department is satisfied there will be no additional biodiversity impacts beyond those previously assessed and considered under the original approval. Consequently, a BDAR is not required to accompany the modification application.

4 Engagement

4.1 Department's engagement

Section 105(4) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact.

The Department made the modification application publicly available on the Department's website on Monday 10 July 2023, and also referred the application to City of Sydney Council, Transport for NSW, Sydney Trains, Ausgrid and Sydney Water for comment. The Department also provided written notification to landowners/occupiers in vicinity of the site.

The Department received comments from City of Sydney Council and advice from three government agencies. None objected to the modification.

Two public submissions from the same submitter were received objecting to the proposal.

4.1.1 Summary of advice received from government agencies

A summary of the agency advice is provided in **Table 5**. A link to the full copy of the advice is provided in **Appendix A**.

Table 5 | Summary of agency advice

Agency	Advice summary
Transport for NSW	Modification application: - As part of the modification of the traffic control signals (TCS) at the intersection of Wattle Street / Bridge Road, the Applicant will be required to submit as part of this approval process, a TCS plan, concept road design plan with road design dimensions, and swept paths of the design vehicle for all turn movements along with the electronic copies of network SIDRA models for this intersection. The modified civil works on Bridge Road shall be in accordance with TfNSW requirements - The developer will be required to enter a Works Authorisation Deed (WAD) for the proposed TCS and associated civil works prior to commencing the signal and road works. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works - Prior to the release of any Completion Certificate, an application will be made to TfNSW under section 87(4) of the <i>Roads Act 1993</i> for the TCS at the intersection of Wattle Street / Bridge Road and upgraded to provide safe pedestrian crossing facilities and accommodate traffic demand

Agency	Advice summary
	Response to submissions: - TfNSW will continue to work with the Applicant in finalising the detailed civil design plans for the works on Bridge Road as part of the current Works Authorisation Deed (WAD) - TfNSW are continuing to work with the Applicant to identify potential enhancements to active transport provision on Bridge Road, which may form part of future opportunities as part of the redevelopment of the former fish market site
Sydney Trains	Modification application: TfNSW (Sydney Trains) has reviewed the proposal and advises that all conditions and comments applied to the previous application are still applicable. It is requested that these conditions remain as worded and are not amended without consultation with TfNSW (Sydney Trains).
Sydney Water	Modification application: - Sydney Water has both water and wastewater assets within the vicinity of the proposed works, including a critical stormwater main traversed through sections of Bridge Road. Adjustment, deviation, or protection works may be required. - The proposed works must meet Sydney Water's Technical guidelines for building over and adjacent to pipe assets and building over or adjacent to stormwater assets. - Any proposed changes to the plans will require Sydney Water's Building Plan Approval, and should be referred to Sydney Water under the Building Plans Approval process.

4.1.2 Summary of council submission

A summary of the issues raised by Council is provided in **Table 6** below, including in their subsequent response to the additional information submitted by the Applicant (see **Section 4.2**).

Table 6 | Summary of issues raised by Council

Item	Submission summary
Modification application	
Wattle Street/Bridge Road intersection	Council does not support the reinstatement and retention of the slip lane at this intersection as: - Slip lanes generally allow traffic to turn at high speeds, creating poor outcomes for people walking - The submitted Traffic Impact Study makes no justification for the change

Item	Submission summary
	The slip lane makes it more difficult to provide a northern leg at the intersection, needed for access to the future Blackwattle Bay precinct.
Drop off/pick up arrangements	Separating coaches and taxis is supported as: - It will provide clear direction to people driving and is a safer outcome for drivers - The required capacity can still be accommodated comfortably within the shorter laybys.
Shared path	- There is no significant change between the approved shared path design and that proposed under this modification. A separated cycleway should be provided along the front of the site. - The site frontage and roadway design should be designed for regional cycling along Bridge Road, connecting with the existing cycleway that ends at Taylor Street to where Blackwattle Bay will deliver a new separated cycleway. This will require the reallocation of one lane of traffic on Bridge Road, which is viable as Bridge Road narrows from 4 to 2 lanes in the approach to the light rail underpass - The Traffic Impact Study fails to assess the conflict caused by perpendicular movements between pedestrians and cyclists.
Footpath	- The modification proposes a lower footpath next to the drop off bays at 1.8 m wide, which would score 'F' on the Walking Space Guide and would require at least a 3.9 m wide footpath to meet Level of Service score 'C' - Council recommends the footpath design be widened to achieve a Level of Service score of 'D'.
Road design	- Council recommends the median strip along Bridge Road be painted rather than constructed in concrete to allow future flexibility - As Bridge Road is a State controlled road, any road design and associated infrastructure design must first be approved by TfNSW - No changes to the previous conditions are required to accommodate the road design plan, including stormwater, pavement, signage-line marking and utility plan, prepared by AT&L.
Public domain works	- The changes to Bridge Road to retain levels at the existing grade are generally welcomed as they reduce impacts upon Wentworth Park and adjacent trees, and other impacts such as flooding. - Recommend that the Applicant provide a detailed maintenance schedule for the modified landscape treatment public land along Bridge Road prior to determination, to ensure that the land is maintained to a similar standard as adjacent treatments within the site.

Item	Submission summary
Flooding	• A change to condition B86 is not required and the development must comply with the originally approved flood assessment • The modification application references floodplain management manual (2005) throughout and should be updated to reference to the latest manual
Trees	• Retention of the existing level of Bridge Road will substantially reduce the impacts of significant trees located within Wentworth Park and is a positive outcome • Existing levels within the tree protection zones for the trees located in Wentworth Park are to be retained, including the retention of the footpath, retaining wall and kerb and guttering. The impacts regarding the construction have now been greatly reduced • The use of machinery underneath the canopy of the existing trees must only be of a height that does not require pruning any branches. If impacts cannot be avoided, a qualified arborist must assess the impact. • An updated Arboricultural Impact Assessment is to be prepared in the event that construction access is needed within the tree protection zones • Amended landscape plans should be prepared including confirmation of the tree species, adequate soil volumes, the container sizes for planting, the height of trees at maturity
Construction impacts	• The proposed modification will reduce the construction time by 22 weeks and will reduce the overall construction noise impact on the amenity of surrounding developments • It is recommended that these changes be captured in an amended Construction Noise and Vibration Management Plan.
Protection of survey infrastructure	• Two additional conditions are recommended to protect survey infrastructure.
Response to submissions	
Wattle Street/Bridge Road intersection	• Council does not agree with the arguments put forth by the Applicant for removing the slip lane • The new Sydney Fish Markets is significantly increasing pedestrian demand in the area, and there is extensive literature that demonstrates that slip lanes are more dangerous

Item	Submission summary
Shared path	• Council is not satisfied with the original decision to approve the shared path • Council does not agree with TfNSW's commitment to review the shared path operation after the new Sydney Fish Markets opens • Council acknowledges the delivery of these works may be carried out by a separate party, but should be delivered with the project
Public domain works	• Responses to Council's public domain comments are generally accepted • Council agrees to updating the flood planning levels referenced in the consent

4.1.3 Summary of public submissions

The Department received two public submissions during its assessment of the project objecting to the proposal. The key issues raised are summarised in **Table 7**.

Table 7 | Key issues raised in public submissions

Issue	Summary
Modification application	
Noise	The proposed changes affect the profile / gradient of vehicles entering and exiting the car park and loading zone and potentially generate more traffic noise
Vehicle movements	The design indicates a potential increase in bus and taxi/uber movements, and there is no modelling for the Wentworth Park Road and Bridge Road intersection
Response to submissions	
Noise	The change in driveway gradient and vehicle noise levels must be quantified using modelling

4.2 Response to submissions

The Department requested the Applicant respond to the issues raised in submissions and the advice received from Council and government agencies.

The Applicant provided a Response to Submissions (RtS) report to the Department on 13 September 2023. The Department published the submissions report on the NSW Planning Portal and referred the submissions report to TfNSW and Council for comment and their comments are summarised in **Table 5** and **Table 6**.

4.3 Request for information

The Department requested additional information to address the public submission received in response to the RtS report and to address an outstanding comment from the Design Integrity Panel.

The Applicant submitted additional information on 10 October 2023, and the Department published the information on the NSW Planning Portal.

5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the environmental assessment and conditions of approval for the original application and the concept approval
- relevant environmental planning instruments, policies, and guidelines
- the requirements of the EP&A Act and Regulation
- Council, government agency and public submissions.

The Department has considered the key issues below.

5.1 Road design, public domain and landscaping

5.1.1 Intersection design

The modification application seeks to retain the existing intersection at Wattle Street and Bridge Road, including the existing slip lane for vehicles turning left onto Bridge Road, instead of proceeding with the amended intersection design approved under the SSD application (**Figure 4**).

The Traffic Impact Statement submitted with the application identified that the proposed intersection at Wattle Street and Bridge Road would operate at an acceptable level of service with no significant changes in operational capacity between the approved intersection layout and modified intersection layout. A Road Safety Audit referenced in the Traffic Impact Assessment recommended that bicycle lanterns be provided at the intersection to ensure the pedestrian and bicycle signalised crossing complies with the NSW road rules. The detailed plans would be submitted to TfNSW for approval prior to the commencement of any works.

Council raised concern that retaining the existing slip lane would create poor outcomes for walking and cycling by enabling traffic to turn at high speeds onto Bridge Road. Council also identified that the intersection design did not respond to the access arrangements proposed in the Blackwattle Bay Structure Plan.

TfNSW did not raise any concern and requested that the Applicant submit detailed documentation and enter into a Works Authorisation Deed prior to commencing any signal or road works.

The Applicant's additional information submitted as part of the RtS stated:

- the pedestrian level of service at the intersection would be comparable to the existing (operating at level of service (LOS) D, rather than LOS C under the existing scenario), which would accommodate the forecast movements
- the forecast increase in pedestrian demand as a result of the new SFM occurs in westbound movements along Bridge Road (from Pyrmont) and northbound (on the east footway) on Wattle Street (from Wentworth Park Light Rail Station), which does not utilise the slip lane crossing to access the site or warrant upgrading this intersection

- the crash data of incidents at the intersection between 2017 and 2021 indicated that none were related to pedestrians or cyclists
- the existing intersection will achieve a comparable LOS ensuring there is no requirement to upgrade the existing intersection to facilitate separate future development in accordance with the Blackwattle Bay State Significant Precinct rezoning.

Because the intersection is retained in the existing configuration, the Applicant states no approval is required under Section 87(4) of the *Roads Act 1993*.

Council's response to the RtS reiterated their concern for retaining the existing intersection design.

TfNSW further confirmed there were no additional comments and that TfNSW would continue to work with the Applicant on finalising the detailed civil design plans for the proposed civil works on Bridge Road as part of the current Works Authorisation Deed.

The Department considers the proposed intersection design acceptable as it can facilitate pedestrian and cycle movements at a comparable LOS (of C to D) and accommodate the forecast demand. The Department notes TfNSW raised no concern with the operation of the intersection and would continue to resolve the detailed design as part of the existing Works Authorisation Deed and Condition B31 of the consent. The Department also supports reducing the construction impacts and specifically out-of-hours works through retaining the existing intersection design, as discussed further in **Section 5.1**.

The Department recommends a new condition (Condition B31A) that the detailed design plans for the intersection be subject to a Road Safety Audit (RSA) undertaken by an accredited road safety auditor, in accordance with the recommendations of the Applicant's Traffic Impact Statement that an RSA will be undertaken for the new design for Bridge Road and interface areas.

The Department notes that, irrespective of the conditions of consent, if approval is required under the *Roads Act 1993*, the Applicant is required to apply to TfNSW in accordance with the relevant legislation.

5.1.2 Pick-up and drop-off zones

The modification application seeks to redesign the approved pick-up and drop-off lane on Bridge Road to separate the bays allocated to buses and taxi/rideshare services (**Figure 2**).

The Traffic Impact Statement submitted with the application confirmed dividing the approved bay into separate laybys would support wayfinding and safe vehicle movements, and achieve the necessary capacity for coaches and taxis/rideshare services. An RSA referenced in the Traffic Impact Statement recommended a crossing threshold be included in the pavement design for the shared path to warn cyclists and pedestrians of potential conflicts, and that landscaping not obscure sightlines from the drop-off and pick-up zone. A further Audit will be undertaken at the detailed construction drawing stage.

Council was supportive of the modification which accommodates the forecast capacity of buses and taxi/rideshare services and provides clearer direction to people driving. TfNSW also did not raise any concern with the proposed modification.

A public submission requested clarification on the potential increase in taxi/rideshare and bus movements under the modified design and whether there would be an associated impact to the performance of the Wentworth Park Road and Bridge Road intersection.

The Applicant submitted a further Traffic Impact Statement confirming that the application does not increase demand for the pick-up and drop-off bays.

The Department considers the amended design acceptable as it supports safer vehicle movements, clearer wayfinding, and can accommodate the forecast demand created by the new SFM. The Department considers that because there has been no change to the approved gross floor area, parking spaces, or building extent, the modification will not increase visitor numbers.

Condition D22 of the consent requires the Applicant to prepare a Bus, Coach and Pick-up and Drop-off Management Plan in consultation with and endorsed by TfNSW prior to the occupation or commencement of use.

5.1.3 Road levels

The modification application proposes to resurface and upgrade Bridge Road using the same general levels as the existing road.

Council requested that the road design plan including stormwater, pavement, signage, line-marking and utility plan be approved by TfNSW, and noted no changes were required to the existing conditions of consent in this respect. Council also requested that the median along Bridge Road be painted rather than constructed in concrete to allow future flexibility.

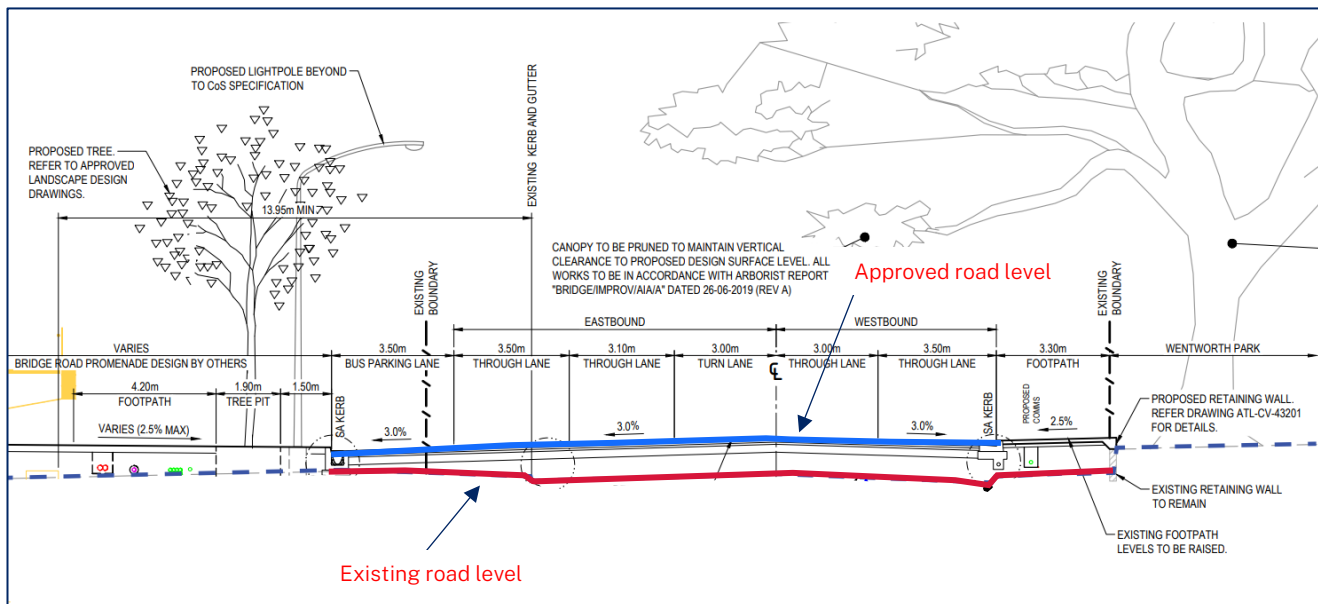


Figure 7 | Proposed changes to the Bridge Road levels (Source: Applicant's modification application)

A public submission raised concern that the modified road levels would change the profile of the access/egress driveway for the new SFM.

The Applicant's RtS confirmed the median is a painted chevron island, providing flexibility to amend the road layout in the future. The Department also notes that detailed plans will be submitted to TfNSW under Condition B31 of the consent.

The RtS also confirmed that the driveway entrance had been lowered by approximately 400 mm, amending the grade of the access ramp from 4.9% to 6.5%. The adjusted grade complies with the relevant Australian Standards and a vertical swept path assessment submitted with the RtS confirms the longest vehicle accessing the site will not scrape on the ground.

Further RFI information submitted by the Applicant confirmed that noise modelling demonstrates a potential increase of 0.1 dB at the nearest residential receiver (84 Wentworth Park Road) from the proposed change to the ramp design, which is not a discernible increase warranting additional noise mitigation.

The Department considers the amended design supportable, and recommends retaining the existing condition of consent requiring that detailed road works plans and specifications are approved by TfNSW.

5.1.4 Pedestrian and cycle movements

The Bridge Road frontage and public domain of the approved building has been designed as a shared path used by pedestrians and cyclists. By lowering Bridge Road to a similar level as the existing road, the shared path is segregated from the drop-off and pick-up bays by landscaping and a one metre elevation change at the southern end of the site. The modified design includes ramps and stairs to address the level change and connect the drop-off and pick-up area with the shared path.

Council requested a dedicated cycle path be provided on Bridge Road and raised concern that both the approved and modified shared path were not suitable for regional cycling trips and would create potential conflicts with pedestrians. Council also requested that the segregated footpath adjacent to the drop-off and pick-up area be widened to achieve LOS D. TfNSW did not raise any concern.

The Applicant's RtS confirmed that the segregated footpath for the drop-off and pick-up area was for passenger movements to and from coaches/ride share vehicles, rather than as a thoroughfare, and therefore it would achieve LOS D. The total footpath width does not vary from the approved width, and the proposed segregation of the drop-off and pick-up areas from the shared path reduces pedestrian and cycle conflicts. Any increase in the width of the footpath would need to be removed from the width of the shared path or the landscaped batters. Reducing the width of the landscaped batters would then require steepening the batters and introducing safety fencing throughout.

Council reconfirmed their objection to the approved and proposed designs for the shared path. TfNSW confirmed they are continuing to work with stakeholders to identify potential enhancements for active transport on Bridge Road as part of future opportunities.

The Department has considered Council's submission and finds the amended design acceptable as it provides an adequate LOS, the overall width and functionality of the space has not changed from the approved design, and segregating the waiting ride share and coach passengers at the drop-off and pick-up bays from pedestrians and cyclists using the shared path is supportable. Increasing the height of the landscaped batters and introducing safety fencing would reduce transparency and sightlines.

The Department notes that Condition B35 requires that the Applicant provide design details to Council and consult with TfNSW on the design of the shared path cycleway and facility for the Bridge Road footpath, including the available roadside/footpath space on Bridge Road and its interface with the drop-off and pick-up zones. It is recommended this condition be retained.

5.1.5 Landscaping

The Applicant submitted revised landscape plans detailing the amended design response to Bridge Road (**Figures 5 and 6**).

Council's submission outlined a number of proposed changes to the plans, including for the tree species, adequate soil volumes, the container sizes for planting, and the height of trees at maturity. It was also recommended that the Applicant provide a detailed maintenance schedule for the modified landscape treatment public land along Bridge Road prior to determination.

The Applicant submitted that Council's recommendations for the landscape plans were supportable and could be satisfied by a condition of consent. The Applicant proposes to provide the maintenance schedule prior to the commencement of use.

Council stated they generally agree to the responses provided by the Applicant.

The Department finds the amended landscape plans will continue to provide a high quality street frontage. Condition B37 requires the Applicant to provide detailed public domain plan documents to Council for approval prior to the commencement of the relevant works. Further, Condition B8 of the consent requires submission of a maintenance plan for landscaped areas prior to the relevant Crown Building Works Certificate.

The Department recommends updating Condition B8 to require that the maintenance plan include evidence of consultation with Council, and update Condition E1 to require compliance with the maintenance plan during operations.

5.2 Flooding

The site and Bridge Road are subject to flooding, being at the base of a valley draining to Blackwattle Bay.

A Flood Advice Letter lodged with the modification application assessed the impacts of the modified road levels and design changes during the 1 in 10 year flood event (10% AEP), 1 in 100 year flood event (1% AEP), and Probable Maximum Flood (PMF) event. The letter concluded that the modified design would not result in significant adverse flood impacts:

- the difference between the approved and modified designs during the 1 in 10 year flood event (10% AEP) scenario is shown to be negligible and does not affect any private properties, noting that in most areas the extent of flooding has been reduced including along Wattle Street, Bridge Street and Wentworth Park Road
- a small section of additional flooding will occur in the Bridge Road reserve outside the new SFMs during the 1 in 100 year flood event (1% AEP), however, the increase is up to 0.02 metres and is contained within the road reserve and the Wentworth Park frontage and does not extend to any private properties (**Figure 7**)

- areas that were previously dry and are now wet are contained within the site itself, and largely relate to the approved open space and waterfront promenade areas to the north and south of the new SFM building that will be managed by the building operators
- no change is proposed to the project's emergency response, which will be to 'shelter in place', as flood events are short in duration at this location and both the approved and modified roads would be at risk of unsafe vehicle and pedestrian/cycle movements during an emergency event.

Council requested that the modified development continue to comply with the flood planning levels detailed in Condition B86 of the consent, and that the assessment be updated to reference the Flood Risk Management Manual which replaced the Floodplain Development Manual (2005).

The Applicant submitted an updated Flood Advice letter referencing the Flood Risk Management Manual 2023, reconfirming there are negligible flood level impacts outside of the subject site for the revised design, and demonstrating the development would comply with the flood planning levels for a PMF event (**Figure 8**).

Council did not raise concern with the findings of the updated letter and agreed that the flood planning levels referenced in Condition B86 of the consent should be updated.

The Department finds the overall flood impacts to be acceptable and notes Condition D16 requires a Flood Management Plan be prepared for sheltering in place during an emergency event. The Department recommends updating this condition to consider flood warning and notification procedures and address the Floodplain Risk Management Guidelines to address the open space and waterfront promenade areas that could be flooded during a PMF event.



Figure 7 | Overlay of the approved and proposed flood levels during the 1% AEP event (Source: Applicant's modification application)

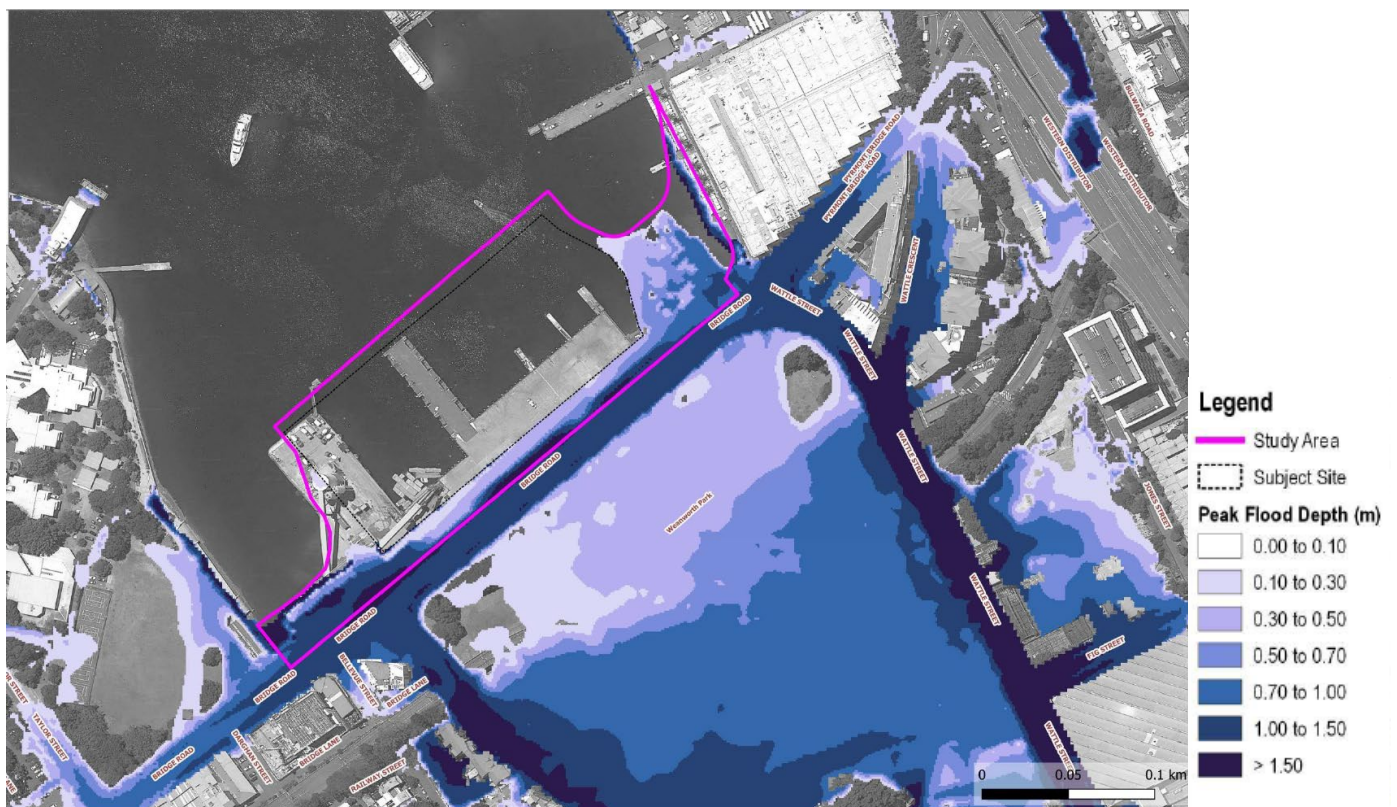
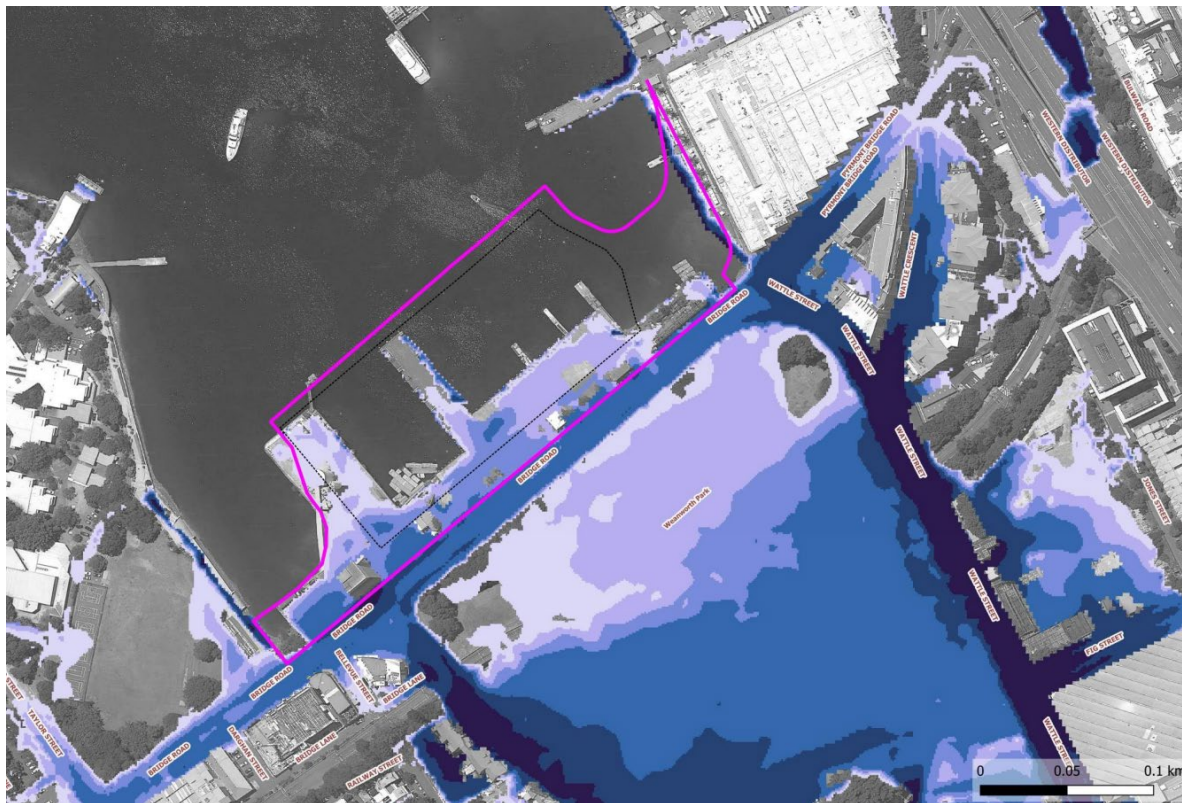


Figure 8 | Approved (top) and proposed (bottom) peak flood depth during the PMF event (Source: Applicant's modification application)

5.3 Other issues

The Department's consideration of other issues is provided in **Table 8** below.

Table 8 | Other assessment issues

Matter for consideration	Department's assessment	Recommendation
Design integrity	- The amended design was reviewed by the Design Integrity Panel at a meeting on 17 May 2023. The minutes of the meeting dated 23 May 2023 confirm the Panel's support for the separation of the drop-off and pick-up zones from the shared path, the retention of the level crossing at the driveway entry, the reduced width of road lanes (subject to TfNSW approval), and the associated reduced construction works - The Panel recommended providing an updated Road Safety Audit (RSA) for the amended design, and increasing the width of stairs between the drop-off and pick-up zone and the shared path, but not to be so wide that it would require the introduction of a central handrail. - The Landscape Plans submitted with the application show the proposed stairs will be 3.5 m wide, which allows four side-by-side pedestrians to use the stairs without requiring a central handrail. An Accessibility Statement submitted with the application concluded the proposed design will comply with the DDA Access to Premises Standards and the relevant Australian Standards and Building Code of Australia requirements - The Department finds the modification application has been reviewed by the Design Integrity Panel in accordance with the conditions of consent, and is capable of complying with all relevant controls and best-practice standards for eliminating discrimination against persons on the ground of disability. Further assessment of the proposed road design will be undertaken with TfNSW under Condition B31 of the consent.	The Department retains the existing conditions of consent
Construction impacts	The proposed amendments to the design of Bridge Road and associated areas would alter and reduce the extent of approved construction works.	The Department recommends that Conditions B78, B79 and B79A be amended to require that the CNVMP

Matter for consideration	Department's assessment	Recommendation
	• The Applicant submitted a Noise Assessment (NA) and Traffic Impact Statement (TIS) in support of the proposal. • The NA and TIA confirmed that the proposed changes will reduce the construction program by two months in the initial preparation (Stage 1A) and by approximately 22 weeks across the overall construction timeframe, including approximately half of the potential out-of-hours work events. • The TIA confirmed the reduced construction program negates the need to close two traffic lanes during the road and intersection upgrade works, which reduces disruption to the surrounding road network. • The NA also confirmed the approved tree trimming works (discussed further below) no longer form part of the approved development, meaning the residents at 82 and 84 Wentworth Park Road and 1 and 6-10 and 2-26 Wattle Street will no longer be affected by moderately intrusive construction noise during that period of night-time works. • Furthermore, the Stage 2B and 2C road works no longer form part of the approved development, meaning the residents at 84 Wentworth Park Road, 4-8 Bridge Road, and 6-10 Wattle Street will no longer be affected by highly intrusive noise night-time noise during that period of approved roadworks. • The Department notes the remaining night-time noise management levels and predicted noise levels will not change for receivers across the proposed stages of roadworks. • Therefore, while highly intrusive noise during Stage 1A is predicted at 84 Wentworth Park Road and during Stage 2A at 84 Wentworth Park Road and 4-8 Bridge Road, this degree of impact has not changed from the approved development and would be managed through the Construction Noise and Vibration Management Plan (CNVMP). • Council recommended that these changes be captured in an amended CNVMP. • The Department has assessed the proposed impact and considers the modification acceptable	and CPTMP are updated to reflect the modified works, which alter the overall construction program.

Matter for consideration	Department's assessment	Recommendation
	as it will reduce the construction schedule by approximately 22 weeks and would benefit surrounding residential receivers by reducing the overall construction noise impacts of the development. • Notably, no additional impact will occur for surrounding receivers either in terms of the predicted noise levels or the location of potential exceedances from the approved development. • The Department recommends that Conditions B78, B79 and B79A be amended to require that the CNVMPs and CPTMP are updated to reflect the modified works, which alter the overall construction program. These plans consider a range of matters including work zones, construction hours, access routes, respite periods, noise monitoring, and details of management and mitigation measures to minimise construction noise and vibration and impacts to general traffic, public transport, pedestrians, and cyclists.	
Tree protection	• The approved development sought to prune a row of for Moreton Bay Fig Trees in Wentworth Park that line Bridge Road, to remove branches conflicting with passing traffic from Bridge Road after the road levels were raised. • The modification seeks to retain generally the same road levels as the existing Bridge Road, therefore, largely removing the need to trim the trees. • Council supported eliminating the tree trimming works and retaining the existing pedestrian footpath levels and retaining wall. • Council noted the construction impacts have now been greatly reduced, and recommended updating the existing conditions of consent to reflect the proposed changes. • The Department finds the modification will have a significant improved outcome on tree protection and retention. • The Department recommends updating Conditions C47 to C56 to reflect the modified works and Council's recommendations.	The Department recommends updating Conditions C47 to C56

Matter for consideration	Department's assessment	Recommendation
Stormwater quality	• The Applicant submitted a Stormwater Quality Assessment confirming a range of stormwater quality measures would be implemented, and that the proposal would comply with Council's stormwater quality targets • Council raised no concerns with the proposed water quality treatments • Sydney Water requested that the proposed works meet Sydney Water's technical guidelines and that plans be submitted to Sydney Water for their approval • The Department finds the amended design would appropriately manage stormwater before entering the harbour • The Department notes Condition B85 of the consent requires that MUSIC Modelling be provided to Council for review prior to issuing the relevant Crown Building Works Certificate, and that Condition B89 requires a Water Quality Management Plan be developed prior to removing the cofferdam sheet piles. • Condition B83 also requires that the detailed stormwater drainage design comply with Sydney Water's requirements. No change is proposed to these existing conditions that remain relevant.	The Department retains the existing conditions of consent, with minor amendments
Survey infrastructure	• Council requested imposing two additional conditions of consent requiring that evidence be submitted to Council before the commencement of works that no survey infrastructure would be affected by the proposal, or that approval had been granted to remove a survey mark, and that all survey marks had been restored before occupation. • The Applicant's RtS confirmed that, as construction had already commenced on the site, compliance would not be possible with Council's recommended conditions and the Applicant would continue to comply with the requirements of the Surveying and Spatial Information Act 2002. • The Department finds that the conditions are not necessary in this instance as the Applicant has commenced works and is separately required to	The Department retains the existing conditions of consent

Matter for consideration	Department's assessment	Recommendation
	comply with the Surveying and Spatial Information Act 2002 which prevents removing or damaging a survey mark unless authorised to do so by the Surveyor-General.	

6 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development, advice from government agencies, Council and public submissions, and strategic government policies and plans.

The Department's assessment concludes that the proposed modification is acceptable as:

- the proposed changes will reduce the construction program by two months in the initial preparation works stages and by approximately 22 weeks across the overall construction timeframe, including approximately half of the potential out-of-hours work events
- no additional impact will occur for surrounding receivers either in terms of the predicted noise levels or the location of potential exceedances
- the modified road design and interface areas will continue to support the forecast demand of pedestrian, cycle and vehicle movements and provides safer set-down areas and clearer wayfinding for people using buses and taxi/rideshare services
- the design has been reviewed by the Design Integrity Panel, and will be subject to further detailed review by the DIP, Council, and TfNSW at the relevant construction stage for public domain areas and Bridge Road
- eliminating the previously approved tree trimming works and retaining the existing pedestrian footpath levels, retaining wall, and kerb and guttering within the tree protection zones for the Moreton Bay Fig Trees in Wentworth Park improves tree protection and retention
- the modified design does not result in significant adverse flood impacts, noting the proposed changes do not affect private properties, in most areas the extent of flooding has been reduced including along Wattle Street, Bridge Street and Wentworth Park Road, and no change is proposed to the project's emergency response
- the modified development is substantially the same as the approved development.

The Department considers the modification is in the public interest and should be approved, subject to the recommended conditions of consent (**Appendix C**).

7 Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies the consent** for the new Sydney Fish Market Stage 2 main works (SSD-8925 MOD 11) as amended, subject to the conditions in the attached instrument of modification
- **signs** the attached instrument of modification (**Appendix C**).



Anna Nowland
Principal Planning Officer
Key Sites Assessments



Cameron Sargent
Team Leader
Key Sites Assessments

8 Determination

The recommendation is ~~adopted/not adopted~~ by:

A handwritten signature in black ink, appearing to read 'Annie Leung', with a stylized, flowing script.

Annie Leung
Acting Director
Key Sites Assessments

Glossary

Abbreviation	Definition
Applicant	Infrastructure NSW
CBD	Central Business District
CCC	Sydney Fish Market Community Consultative Committee
Council	City of Sydney Council
CNVMP	Construction Noise and Vibration Management Plan
CPTMP	Construction Pedestrian and Traffic Management Plan
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental Planning Instrument
INSW	Infrastructure NSW
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
SEPP	State Environmental Planning Policy
New SFM	New Sydney Fish Market
SSD	State Significant Development

Appendices

Appendix A – List of referenced documents

The supporting documents and supporting information to this assessment report can be found on the Department's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-11-bridge-road-amendments>

Appendix B – Statutory considerations

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is included in Table 1.

Table 1 | Consideration of Section 4.55(1A) of the EP&A Act

Section	Consideration
(a) The proposed modification is of minimal environmental impact	As discussed in Section 5 of this report, the potential environmental impacts arising from the proposed modifications are less than the approved development and are minor in nature.
(b) The development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified.	The amended proposal is substantially the same development as that originally approved.
(c) The application has been notified in accordance with the regulations.	Section 4 of this report demonstrates the modification application followed the consultation requirements as outlined in the EP&A Regulation.
(d) Any submission made concerning the proposed modification has been considered.	Submissions received by the Department have been addressed in Section 4 and the Department's assessment of the modification at Section 5 .

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in **Table 2** below.

Table 2 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The SSD application determined that the proposal would conserve and manage resources by providing for an efficient and contemporary SFM with improved waste, water and energy use when compared to the existing SFM. The modification reduces the extent of associated construction works.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The SSD application determined the proposal is generally consistent with ESD principles and the nominated sustainability initiatives will encourage ESD. The modification does not seek to change these measures or conditions.

Object	Consideration
(c) to promote the orderly and economic use and development of land,	The modified proposal continues to represent an efficient and economic use of land consistent with environmental planning instruments and policies under the EP&A Act.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The Department is satisfied there will be no additional biodiversity impacts beyond those previously assessed and considered under the original approval.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The modification will reduce the scope of works, including the potential to impact heritage listed trees in Wentworth Park.
(g) to promote good design and amenity of the built environment,	The modification has been reviewed by the Design Integrity Panel to ensure a good outcome.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The existing and recommended conditions would ensure the proposed works are undertaken in compliance with all relevant building codes and health and safety requirements.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the state,	The proposal is a modification to an SSD application and, therefore, the Minister is the consent authority. The Department consulted with Council and other relevant agencies during the assessment of the application.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Section 4 of this report sets out details of the Department's engagement and the submissions received.

Appendix C - Recommended instrument of modification

The Modification Instrument can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-11-bridge-road-amendments>