



# The New Sydney Fish Market Modification 6

---

Temporary construction site accommodation  
State Significant Development Modification Assessment  
(SSD 8925 MOD 6)

March 2022



Published by the NSW Department of Planning and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: The new Sydney Fish Market Modification 6 (SSD 8925 MOD 6)

Cover image: Viewpoint of temporary site accommodation from Bridge Road, opposite SSC car park, looking north (source: Applicant's Visual Impact Assessment)

---

© State of New South Wales through Department of Planning and Environment 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (March 2022) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

# Glossary

<b>Abbreviation</b>	<b>Definition</b>
<b>AIA</b>	Arboriculture Impact Assessment
<b>Applicant</b>	Infrastructure NSW
<b>BDAR</b>	Biodiversity Development Assessment Report
<b>CBD</b>	Central Business District
<b>Council</b>	City of Sydney Council
<b>DCP</b>	Development Control Plan
<b>Department</b>	Department of Planning and Environment
<b>EESG</b>	Environment, Energy, and Science Group – Biodiversity and Conservation
<b>EP&amp;A Act</b>	Environmental Planning and Assessment Act 1979
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>EPI</b>	Environmental Planning Instrument
<b>GFA</b>	Gross Floor Area
<b>INSW</b>	Infrastructure NSW
<b>Minister</b>	Minister for Planning
<b>RMS</b>	Roads and Maritime Services
<b>RTS</b>	Response to Submissions
<b>SEPP</b>	State Environmental Planning Policy
<b>SFM</b>	Sydney Fish Market
<b>SSC</b>	Sydney Secondary College, Blackwattle Bay Campus
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW

# Contents

<b>1</b>	<b>Introduction</b> .....	<b>1</b>
1.1	Background .....	1
1.2	Approval history.....	2
<b>2</b>	<b>Proposed modification</b> .....	<b>4</b>
<b>3</b>	<b>Statutory context</b> .....	<b>7</b>
3.1	Scope of modifications .....	7
3.2	Consent authority .....	7
3.3	Mandatory matters for consideration.....	7
3.4	Biodiversity Conservation Act 2016 .....	8
3.5	Consistency with the concept approval.....	8
<b>4</b>	<b>Engagement</b> .....	<b>9</b>
4.1	Department’s engagement.....	9
4.2	Summary of submissions .....	9
4.3	Key issues raised in submissions .....	9
4.4	Response to submissions .....	10
4.5	Revised Response to submissions .....	11
<b>5</b>	<b>Assessment</b> .....	<b>12</b>
5.1	Use and operation of SSC car park .....	12
5.2	Built form and visual impacts .....	13
5.3	Tree removal and pruning .....	16
5.4	Other issues .....	17
<b>6</b>	<b>Evaluation</b> .....	<b>20</b>
<b>7</b>	<b>Recommendation</b> .....	<b>21</b>
<b>8</b>	<b>Determination</b> .....	<b>22</b>
	<b>Appendices</b> .....	<b>23</b>
	Appendix A – List of referenced documents .....	23
	Appendix B – Modification report.....	24
	Appendix C – Notice of Modification.....	27

# 1 Introduction

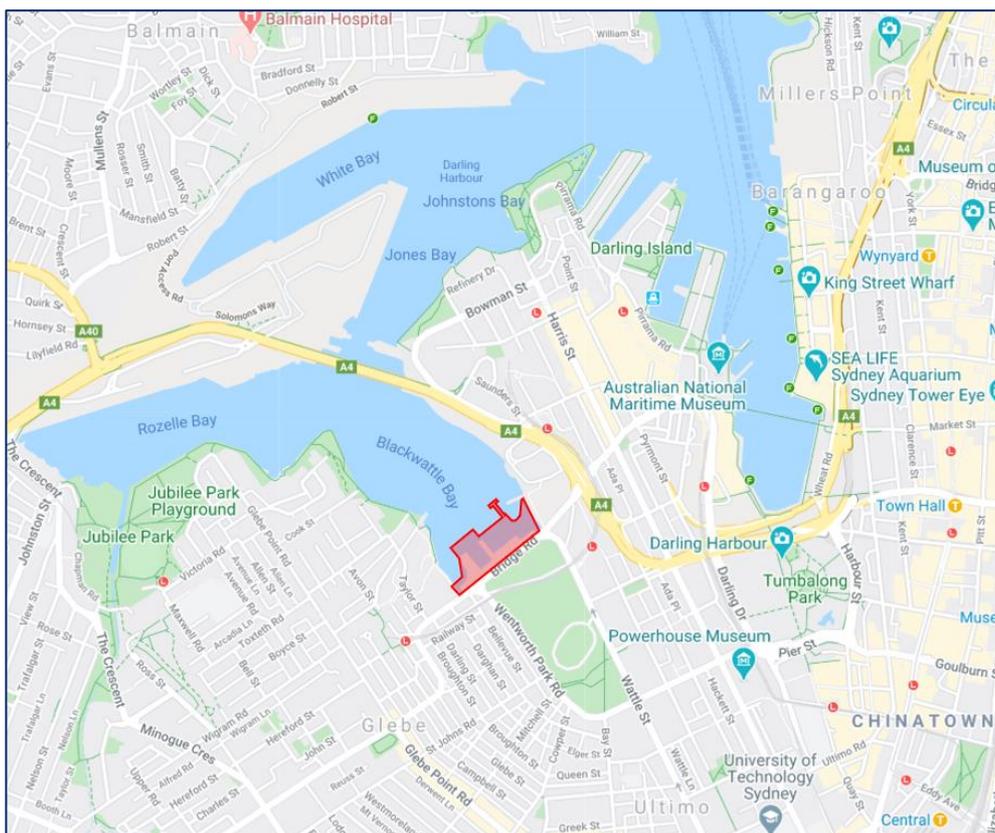
This report provides an assessment of a modification application seeking to modify the State Significant Development (SSD) Stage 2 main works approval for the new Sydney Fish Market (SFM).

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

Modification application SSD 8925 MOD 6 seeks to 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 SCC car park is proposed to be used for temporary site accommodation (site sheds and amenities) during the construction of the new SFM.

## 1.1 Background

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 km west of Sydney's CBD, and the land-based component of the site is within the City of Sydney local government area. The SSC is located to the immediate west of the site.



**Figure 1** | Site context with the site shaded in red (base source: Nearmap)

## 1.2 Approval history

On 12 June 2020, the Minister for Planning and Public Spaces 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 m<sup>2</sup>
  - 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 approved for the construction, use and operation of a new SFM, including:

- a three-storey (4 levels) building with a GFA of 26,751 m<sup>2</sup> 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 seven occasions (**Table 1**).

**Table 1** | Summary of modifications

Mod No.	Summary of Modification	Approval Authority	Type	Approval Date
<b>SSD 8924 Concept and Stage 1</b>				
SSD 8924 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
SSD 8924 MOD 2	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

SSD MOD 1	8925	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
SSD MOD 2	8925	Amendment to Condition B52 Marine Structures and Condition B54 Construction Vessel Traffic Management Plan	Acting Director	4.55(1)	19 February 2021
SSD MOD 3	8925	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
SSD MOD 4	8925	Redistribution of sediment to facilitate the levelling of the seabed	Team Leader	4.55(1A)	2 July 2021
SSD MOD 5	8925	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

## 2 Proposed modification

On 3 December 2021, the Applicant lodged modification application SSD 8925 MOD 6 seeking approval under section 4.55(1A) of the EP&A Act to temporarily extend the boundary of the site to include the SSC car park for temporary site accommodation (site sheds and amenities) during the construction of the new SFM.

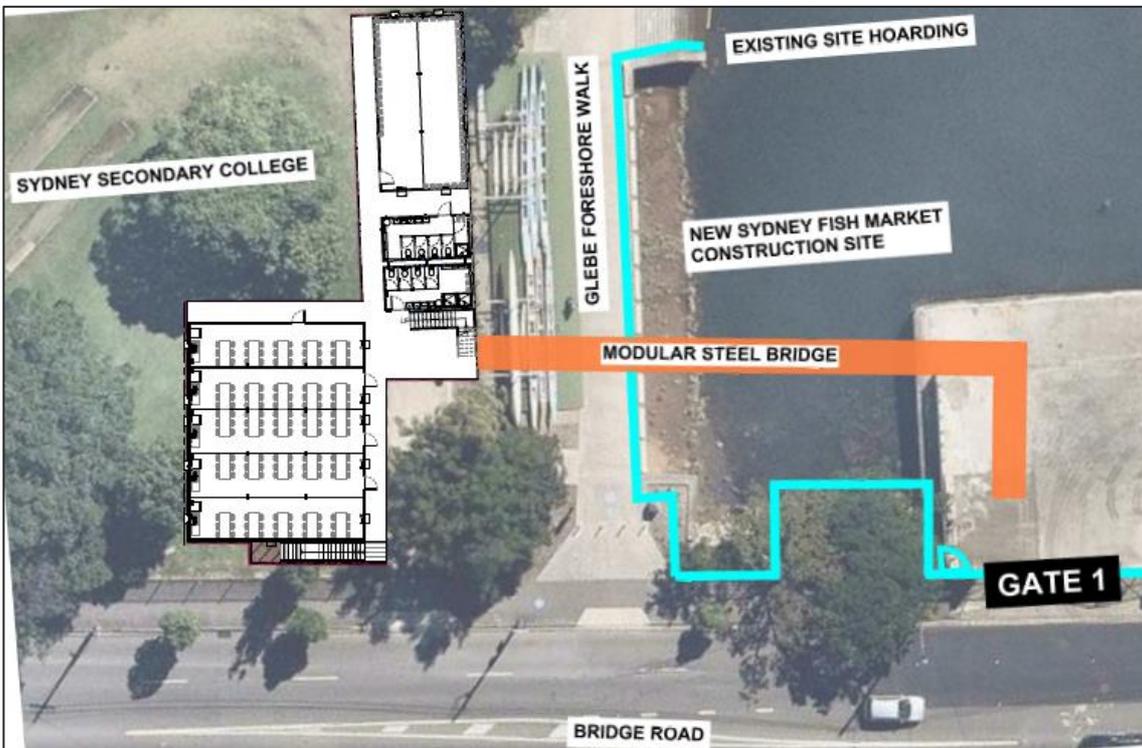
The proposed modifications are detailed in **Table 2** below.

**Table 2 | Proposed modification**

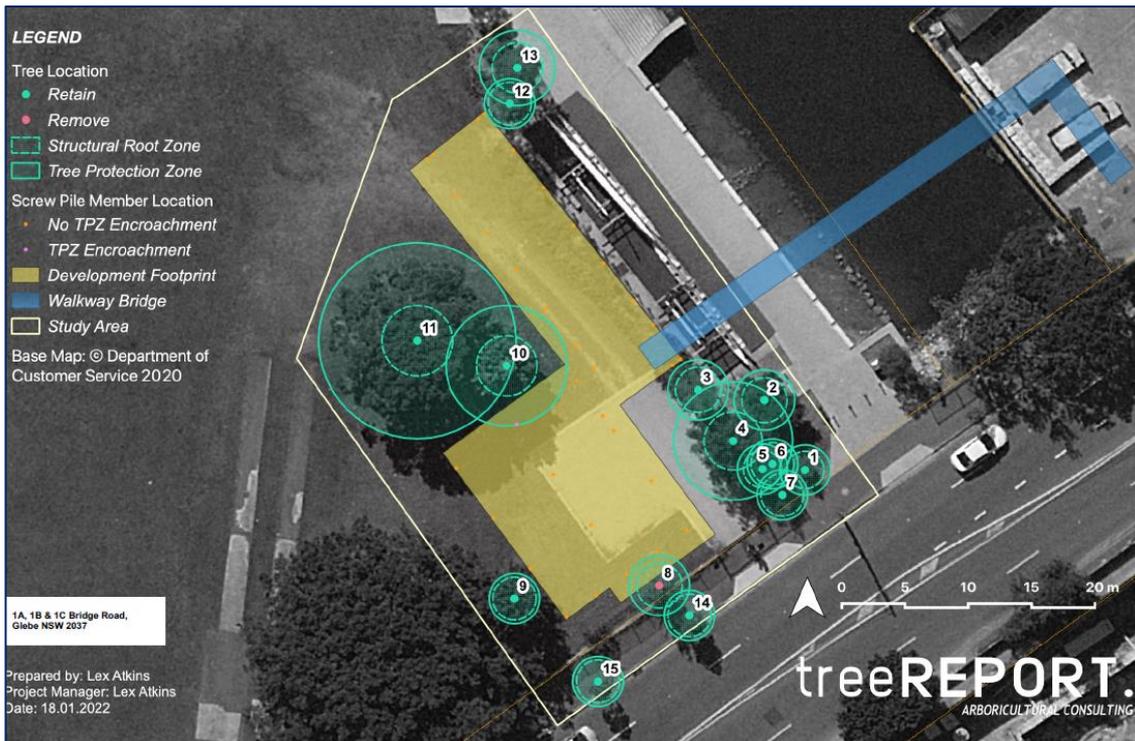
Aspect	Proposed modification
Temporary extend the boundary of the site	<ul style="list-style-type: none"> <li>Amend the boundary of the site to temporarily include the SSC car park (part of Lot 3 DP 1018801) (<b>Figure 2</b>)</li> </ul>
Construction site accommodation	<ul style="list-style-type: none"> <li>Erection of temporary site accommodation comprising (<b>Figure 3</b>):               <ul style="list-style-type: none"> <li>a 4.6 m raised gantry deck</li> <li>two storey sheds above a gantry deck providing change rooms, lunchroom, induction room and toilets for workers</li> <li>provision for a future walkway bridge connecting the temporary site accommodation to the SFM site. The walkway bridge will be constructed pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</li> </ul> </li> <li>Demolition and removal of site accommodation following completion of the new SFM</li> </ul>
Tree removal and pruning	<ul style="list-style-type: none"> <li>Removal of one tree (tree T8) to accommodate a sewer connection to the existing sewer main (<b>Figure 4</b>)</li> <li>Pruning of four trees (tree T3, T4, T9 and T10).</li> </ul>



**Figure 2 |** Indicative area (shaded in red) to be temporarily included within the approved site (base source: Nearmap)



**Figure 3 |** Site plan (source: Applicant's RTS)



**Figure 4 | Proposed tree removal – T8** (source: Applicant's RTS)

## 3 Statutory context

### 3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as modifications involving minimal environmental impacts as:

- the environmental impacts of the project are minimal and;
- it results in substantially the same development as originally approved.

Therefore, the Department is satisfied the proposed modifications are within the scope of section 4.55(1A) of the EP&A Act and do not constitute a new development application.

An assessment of the proposed modification applications against the requirements of section 4.55(1A) of the EP&A Act is provided in **Appendix B**.

### 3.2 Consent authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. However, the Director, 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 in the nature of objections
- Council has not made a submission by way of objection.

### 3.3 Mandatory matters for consideration

The following are relevant mandatory matters for consideration:

- section 4.55(1A) of the EP&A Act, including environmental planning instruments or proposed instruments
- EP&A regulation
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts
- suitability of the site
- any submissions
- the public interest; and
- the reasons for granting approval for the original application.

The Department has considered all of these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 5** and **Appendix B**.

### 3.4 Biodiversity Conservation Act 2016

Clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

The Applicant submitted an Addendum to the BDAR which concluded that the proposal is not expected to result in any additional biodiversity impacts due to the low significance of the tree proposed for removal and the low existing biodiversity values of the SSC car park.

As discussed in **Section 5.4**, the Department is satisfied that there will be no additional habitat loss beyond that previously assessed and considered under the original approval.

### 3.5 Consistency with the concept approval

In accordance with Clause 3b of Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and other Provisions) Regulation 2017, the Department has considered the proposed modification and is of the opinion the modification remains consistent with the concept proposal.

The proposal does not alter the built form of the SFM building footprint and remains consistent with the development footprint and building envelope of the concept plan. Furthermore, the extension in site area to include the adjacent SSC car park site and the site accommodation works are for construction purposes only and temporary in nature.

## 4 Engagement

### 4.1 Department's engagement

The application was made publicly available on the Department's website and was referred to City of Sydney Council (Council) and relevant government agencies.

The Department also notified the SFM Community Consultative Committee, which includes SSC and notified landowners immediately opposite the SSC car park on Bridge Road.

All notification and public participation statutory obligations have been satisfied.

The Department has considered the comments raised in Council, government agencies' and public submissions during the assessment of the application (**Section 5**).

### 4.2 Summary of submissions

In response to the application, the Department received 5 submissions comprising three submissions from government agencies and one submission from Council, all of which made comments on the proposal. One public submission was received, objecting to the proposal.

### 4.3 Key issues raised in submissions

#### 4.3.1 Government agencies and Council key issues

The key issues raised by Council and government agencies are summarised in **Table 3**.

**Table 3** | Summary of key issues raised by Council and government agencies

Agency	Comments
<b>Council</b>	
Modification Application	<ul style="list-style-type: none"><li>Recommended the temporary site accommodation is installed without requiring the removal of trees and minimal pruning</li><li>Investigate options such as relocating the temporary site accommodation further north out of the TPZ of existing trees to reduce impacts to existing trees</li><li>An amended Arboricultural Impact Assessment including a Pruning Specification and Exploratory Non-destructive Root Mapping be prepared by an AQF Level 5 Arborist should be submitted for further review</li><li>All plans are to be updated to show the TPZ, SRZ and existing canopy spread of exiting street trees</li></ul>
RtS	<ul style="list-style-type: none"><li>Tree T8 should be retained.</li><li>The proposed sewer connection should be relocated outside the TPZ of all existing trees. Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 30mm diameter are encountered during the installation of any services adjacent to the specified TPZ</li><li>The design of temporary structures should be amended to be slightly setback from the tree canopy to reduce the level of pruning specified to tree T4.</li></ul>

## Environment, Energy, and Science Group – Biodiversity and Conservation (EESG)

---

Modification Application	<ul style="list-style-type: none"><li>• Requested clarification on the requirement for root investigation for a tree that will be subject to encroachment into its tree protection zone, due to the location of screw piles.</li><li>• Advised the proposal is not likely to increase the impact on biodiversity values over the original development</li></ul>
--------------------------	---

---

RTS	<ul style="list-style-type: none"><li>• Raised no further concerns on the proposal.</li></ul>
-----	---

---

## Transport for NSW (TfNSW)

---

Modification Application	<ul style="list-style-type: none"><li>• Advised the proposal would have a negligible impact on the surrounding road network</li><li>• recommended the Construction Pedestrian and Traffic Management Plan (CPTMP) is updated to reflect the proposal.</li></ul>
--------------------------	---

---

## NSW Roads and Maritime Services (RMS)

---

Modification Application	<ul style="list-style-type: none"><li>• Advised it had no comments to make on the proposal.</li></ul>
--------------------------	---

---

### 4.3.2 Community key issues

The Department received one public submission objecting to the proposal. The key issues raised in the submission are noise impacts associated with the construction, dismantling and occupation of the temporary site accommodation.

## 4.4 Response to submissions

Following notification of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 31 January 2022, the Applicant lodged a Response to Submissions (RtS). In response to the issues raised, the proposal was amended as follows:

- footprint of the gantry deck reduced (from approximately 470 m<sup>2</sup> to 427 m<sup>2</sup>) and realigning the future walkway bridge to minimise tree removal and incursions on tree protection zones
- removal of one tree (T8) as opposed to three trees

The RtS also included the following documentation:

- amended architectural plans
- amended view and visual impact assessment
- addendum to the BDAR
- amended arboricultural impact assessment
- amended construction management plan (CMP)

The Department made the RtS publicly available on its website and forwarded the RtS to Council and relevant government agencies for comment.

The Department received a further submission from Council and EESG. A summary of comments is provided at **Table 3**. No further public submissions were received on the RtS.

#### **4.5 Revised Response to submissions**

On 22 February 2022, the Applicant submitted a Revised Response to Submissions (RRtS), which provided additional information to address comments raised by Council.

The RRtS included an addendum to the amended arboricultural impact assessment, which provided further information justifying why tree T8 cannot be retained and justifying the pruning of tree T4.

The Department made the RRtS publicly available on its website. No submissions were received.

## 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's and EESG's submissions.

The Department has considered the proposed amendments below.

### 5.1 Use and operation of SSC car park

The proposal seeks to temporarily extend the boundary of the site to include the SSC car park for use as temporary site accommodation (site sheds and amenities) during the construction of the new SFM. The SSC car park provides overflow parking for SSC and vehicular access to the school's oval.

The Applicant advises that the use of the SSC car park is necessary as the approved site has limited land available to accommodate site accommodation, particularly during the earlier stages of construction involving earthworks, and revetment works to the existing seawall further reduces the area of land on site.

The Applicant also advises that site accommodation would require regular relocation, due to the substantial diversion of in-ground services from Bridge Road to within the site.

To reduce the impacts on the use of the SSC car park, the Applicant has committed to the following:

- providing a height of 4.6 m to the underside of the gantry, allowing sufficient clearance for vehicles (including emergency vehicles) to ensure the car park remains operational
- column spacing in the gantry design maximised to reduce spatial impacts to the car park
- the use of the car park will remain limited to persons associated with SSC
- works will be undertaken in consultation with SSC to minimise impacts to school operations.

The Department notes SSC provided landowners consent and did not raise any concerns about the use of their car park. Council and EESG also raised no concerns about the use of the SSC car park.

The Department considers the temporary use of the SSC car park acceptable as:

- the SSC car park provides land to facilitate on-site accommodation throughout the duration of construction and provides proximate access to the main construction site
- the proposal (including the extended site boundary) is temporary in nature
- SSC support the proposal and the SSC car park would still be able to be used by SSC staff.

The Department recommends the following conditions to manage and mitigate potential impacts associated with the use of the SSC car park:

- the use of the SSC car park limited to persons associated with SSC. Except during construction and dismantling of temporary site accommodation, the SSC car park cannot be used by personnel associated with the construction of the SFM
- except during construction and dismantling works, the temporary site accommodation shall not prevent the operation and use of the SSC car park
- works to be undertaken in consultation with SSC to minimise impacts to school operations
- while all temporary site accommodation must be removed prior to the occupation or use of the SFM, any extension to the use of the temporary site accommodation must be approved by the Planning Secretary.

The Department considers subject to the recommended conditions, the proposal would not impact the ongoing use and operation of the SSC car park.

## 5.2 Built form and visual impacts

The built form of the temporary site accommodation consists of double stack site sheds above a steel gantry deck, elevated on piers (**Figure 8** and **10**).

The total height of the proposal is 12.3 m and includes a minimum height of 4.6 m to the underside of the gantry deck, a height of 6.4 m for the double stack site sheds and a height of approximately 1 m for the steel gantry deck. The gantry deck has a footprint of 427 m<sup>2</sup>, a width of 7.65 m to 13.65 m and a depth of 16.6 m to 20.1 m.

The immediate surrounding built form consists of three to four storey buildings directly opposite the site to the south, green open space to the north, and the SSC comprising of one to three storey buildings. The new SFM currently under construction is located to the east of the site.

The Department notes there are no height or FSR controls which apply to the site under SLEP 2012.

Council and public submissions did not raise any concerns with the overall height, bulk and scale of the proposal or its visual impacts.

The Applicant has undertaken a comprehensive visual impact analysis (VIA) of the proposal. Seven locations were chosen around the site, and photomontages prepared to illustrate the proposal. These locations and some extracts close to the site and from nearby foreshore areas are shown below in **Figure 7** and **Figures 8 to 10**.

The VIA notes the proposal would result in some temporary visual and view impacts from key viewpoints. This includes view loss of some trees, green open space and the boardwalk. The remaining key elements comprising views of Blackwattle Bay, largely unobstructed views to the Anzac Bridge and Pyrmont will remain visible.

The VIA concluded that in consideration of the proposal in the context of wider construction activity already occurring at the new SFM site and the temporary nature of the proposal, renders the proposed view impact negligible.



**Figure 7 |** Visual impact assessment locations (source: Applicant's VIA)



**Figure 8 |** Viewpoint 2: Intersection of Bridge Road and Bellevue Street (source: Applicant's VIA)



**Figure 9** | Viewpoint 5: Blackwattle Bay Park, opposite Sydney Secondary College (source: Applicant's VIA)



**Figure 10** | Viewpoint 7: Bridge Road, opposite SSC car park, looking north (source: Applicant's VIA)

The Department has assessed the VIA and considers the built form and visual impacts of the proposal acceptable for the following reasons:

- the height of the temporary accommodation is comparable to the existing site context, which includes three to four storey buildings directly opposite the site
- the size of the proposal is minor in comparison to the SFM building which will be 28 m in height, 200 m wide and 95 m deep
- it would not result in any adverse visual impacts
- the erection and use of the accommodation buildings and structures are temporary.

### 5.3 Tree removal and pruning

The proposal seeks approval for the removal of one tree (tree T8) to facilitate a proposed sewer and the pruning of four trees ( trees T3, T4, T9 and T10) to accommodate the temporary construction site accommodation and future walkway bridge (**Figure 4**).

EESG raised no concerns with the tree removal and pruning works. However, Council raised concerns with:

- the proposed removal of tree T8 and recommended alternate methods for sewer connection is investigated
- the level of pruning to T4 and recommended the structures be setback further from the tree canopy to reduce the level of pruning

In response to the concerns raised, the Applicant submitted an amended arboriculture impact assessment (AIA) with the RtS and a further addendum letter to the AIA with the RRtS.

The Applicant justifies the proposed tree removal and pruning to tree T4 for the following reasons:

- tree T8 is an ornamental exotic species of cottonwood poplar and is of low landscape significance and low retention value
- offset replacement planting consisting of tree species which are endemic to the local area will be provided to compensate for the loss of tree T8
- a new sewer connection point to the existing sewer main in an alternate location would not be permitted by Sydney Water
- the pruning works to tree T4 are considered minor (with approximately 15% of the live canopy volume requiring removal).
- live crown ratios of 50% to 60% are required to maintain tree vitality while reducing the risk of premature limb/tree failure and the proposed removal of approximately 15% of the tree canopy is unlikely to have a significant long-term impact on the viability of tree T4.

The Department accepts the findings of the AIA and supports the removal of tree T8, as it is a non-native tree of low significance.

The Department considers the proposed pruning acceptable as it would not result in any significant long term harm to the trees as the amount of pruning is minor, accounting for no more than approximately 15% of the live canopy, which is well below the 50% to 60% threshold to maintain tree vitality.

The Department notes that existing conditions of consent will ensure other trees not approved for removal are adequately protected and tree removal is undertaken by a qualified arborist.

The Department recommends a condition requiring pruning to be undertaken in accordance with the recommendations in the AIA and offset replacement replanting provided to compensate for the loss of tree T8.

Subject to the recommended conditions and existing conditions, the Department's assessment concludes the removal of tree T8 and pruning is acceptable.

## 5.4 Other issues

Other relevant issues for consideration are addressed in **Table 4**.

**Table 4** | Summary of other issues raised

Issue	Findings	Recommendations
<b>Construction Impacts</b>	<p><u>Traffic</u></p> <ul style="list-style-type: none"> <li>• The CMP estimates 12 vehicles per day, for a month during construction/installation, and 12 vehicles per day for a month during removal/demolition.</li> <li>• The CMP outlines a range of measures to mitigate construction traffic impacts, including: <ul style="list-style-type: none"> <li>○ maintaining pedestrian and traffic access along Bridge Road</li> <li>○ use of traffic controller guidance</li> <li>○ use of existing driveway entrance on Bridge Road for site access</li> </ul> </li> <li>• No concerns were raised by TfNSW, subject to updating the Construction Pedestrian and Traffic Management Plan</li> <li>• The Department notes Condition A10 and A11 require management plans to be updated following the approval of a modification application.</li> <li>• The Department considers that the proposal would not result in any adverse construction traffic impacts and any impacts can be reasonably minimised and mitigated through an updated CPTMP as recommended by TfNSW.</li> </ul> <p><u>Noise and Vibration</u></p> <ul style="list-style-type: none"> <li>• A public submission raised concerns with noise associated with the construction/installation and dismantling of the construction site accommodation.</li> <li>• A Noise and Vibration Impact Assessment (NIA) was submitted with the modification application. The NIA found there would be impacts up to 2dBA</li> </ul>	<ul style="list-style-type: none"> <li>• No changes to conditions recommended.</li> </ul>

above the noise management levels (NML) for residential uses directly opposite the site (4 Bridge Road, Glebe) and up to 2 dBA for SSC.

- No exceedances of the NMLs are predicted to occur at any other sensitive receiver locations. The NIA notes that an increase in up to 2 dB represents a minor impact that is considered imperceptible to the average person.
- In terms of vibration, the assessment found there would be no impact given the minimal nature of the works.
- The Department notes that a range of mitigation measures were identified in the NIA to reduce noise impacts. These include:
  - use of quieter plant and equipment
  - maximising distance from noisy plant and equipment and its orientation,
  - respite periods
  - undertaking works in consultation with SSC to minimise impact to students.
- As required by Condition A10 and A11, the CNVMP shall be updated to reflect the proposal and mitigation measures
- The Department considers that the proposal would not result in any additional noise and vibration impacts beyond those considered under the Stage 2 main works application as:
  - the noise exceedances are considered minor and for a relatively short period during construction/installation period (one month) and dismantling (one month)
  - existing conditions of consent will ensure impacts are appropriately mitigated and managed

**Staging**

- The proposal seeks changes to the construction staging to allow the erection of the temporary site accommodation works to occur at Stage 1 and the removal to occur at Stage 9.
- The Department considers the revised staging acceptable as it reflects the temporary nature of the proposal.
- The Department recommends Condition A2 is updated to reflect the revised staging plans

**Biodiversity**

- An Addendum to the BDAR was submitted with the RTS which concluded the proposal is not expected to result in any additional biodiversity impacts due to the low significance of existing biodiversity values of the site.
- The Addendum to the BDAR outlined that any potential indirect impacts of the proposal can be mitigated through:
  - use of sediment barriers
- The Department recommends a new condition requiring compliance with the mitigation measures in the Addendum to the BDAR:

- provision of sediment barriers to manage sediment runoff
  - use of downward directional lighting to reduce any light spill to adjacent Fig trees (which are potential foraging habitat for Grey-headed Flying Fox)
  - implementation of an unanticipated finds procedure as set out in the CEMP.
  - EESG reviewed the proposal and noted there would be no additional biodiversity impacts, subject to the implementation of the mitigation measures within the Addendum to the BDAR.
  - Subject to the mitigation measures, the Department is satisfied that there will be no additional impacts beyond those previously assessed and considered under the original approval.
- use of downward directional lighting to reduce light spill
  - implementation of an unanticipated finds procedure as set out in the CEMP.
-

## 6 Evaluation

The Department has considered all relevant matters under section 4.15 of the EP&A Act, and is satisfied that the development, as proposed to be modified, is substantially the same development as that originally approved.

The Department considers the proposal is acceptable for the following reasons:

- it would remain compliant with relevant statutory provisions in EPIs and the strategic planning context
- the site accommodation is temporary in nature
- it would not impact upon the ongoing use and operation of the SSC car park
- it would not result in any additional adverse impacts beyond those considered under Stage 2 main works application.

The Department considers the modification is in the public interest and should be approved, subject to the recommended modified condition of consent.

## 7 Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 8925 MOD 6 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification application
- **modify** the consent SSD 8925
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:

Recommended by:

**Rodger Roppolo**  
**Senior Planning Officer**  
**Key Sites Assessments**

**Cameron Sargent**  
**Team Leader**  
**Key Sites Assessments**

## 8 Determination

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

**Anthony Witherdin**  
**Director**  
**Key Sites Assessments**

(as delegate of the Minister for Planning)

# Appendices

## Appendix A – List of referenced documents

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

1. Modification Application

<https://www.planningportal.nsw.gov.au/major-projects/project/43476>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/43476>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/43476>

4. Revised Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/43476>

## Appendix B – Modification report

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 4.55(1A)	Department's consideration
(a) The proposed modification is of minimal environmental impact	As discussed in <b>Section 5</b> of this report, the potential environmental impacts arising from the proposal 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.	<b>Section 4</b> of this report demonstrates the modification applications followed the consultation requirements as outlined in the EP&A Regulation.
(d) Any submission made concerning the proposed modification has been considered.	Submissions have been considered in <b>Section 4</b> and <b>5</b> of this report.

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 2** identifies the matters for consideration under section 4.15(1) of the EP&A Act that apply to the proposed modification.

**Table 2** | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	Department's consideration
(a)(i) any environmental planning instrument	The proposed modifications are consistent with the relevant EPIs as addressed in this report.
(a)(ii) any proposed instrument	The proposed modifications are consistent with the relevant draft EPIs
(a)(iii) any development control plan	Under the State Environmental Planning Policy (Planning Systems) 2021, DCPs do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The applications satisfactorily meet the relevant requirements of the EP&A Regulation, including the procedures relating to applications, the requirements for notification, and fees as addressed in <b>Section 4</b> .
(b) the likely impacts of that development including environmental impacts on both the	The Department considers the likely impacts of the proposed modifications acceptable and have been appropriately addressed in <b>Section 5</b> .

natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development	The site is suitable for the development.
(d) any submissions	Not applicable.
(e) the public interest	The Department considers the modified proposal to be in the public interest as it would facilitate the orderly and efficient construction of the new SFM.

### Environmental Planning Instruments

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- Sydney Local Environmental Plan 2012

The Department undertook a comprehensive assessment of the proposal against the relevant EPIs in its original assessment. Due to the minor nature of the modification application, the Department is satisfied the applications remain consistent with the EPIs

Due to the temporary expansion of the site into the SCC, consideration of the modification application against Sydney Local Environmental Plan 2012 is provided below.

### Sydney Local Environmental Plan 2012

**Table 3 | Department’s consideration of Sydney Local Environmental Plan 2012**

Criteria	Departments Consideration	Compliance
<b>Clause 2.2 Zoning of Land</b>	The SSC site is zoned SP2 Infrastructure (Educational Establishment).	Yes
<b>Clause 2.3 Zone objectives</b> The objectives of the SP2 Infrastructure zone are: <ul style="list-style-type: none"> <li>• To provide for infrastructure and related uses.</li> <li>• To prevent development that is not compatible with or that may detract from the provision of infrastructure.</li> </ul>	The proposed road works are consistent with the objectives of the SP2 Infrastructure zone as it will provide infrastructure which is vital to the construction of the new SFM.	Yes
<b>Clause 2.3 Permissibility</b>	Section 4.38(3) of the Act allows development consent to be granted despite the development being partly prohibited by an environmental planning instrument.	Yes

The SSC site will form part of the broader SFM site, which is permissible under the State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 within W1 Waterfront Uses zones.

---

**Clause 7.11 Development on the foreshore must ensure access**

The height to the underside of the future walkway bridge is more than 5 metres, which will facilitate continuous public access along the foreshore.

Yes

---

## **Appendix C – Notice of Modification**

The Notice of Modification can be found on the Department's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/project/43476>