

1 March 2022

2210750

Mr Mick Cassel
Secretary
4 Parramatta Square
Parramatta NSW 2150

Attention: Cameron Sargent (Team Leader, Key Sites Assessments)

Dear Cameron,

**Modification Report | Section 4.55(1A) Modification Application to SSD-8925
New Sydney Fish Market, Bridge Road, Glebe**

1.0 Introduction

This application has been prepared by Ethos Urban on behalf of Multiplex Constructions Pty Ltd, pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify State Significant Development Consent SSD-8925 relating to the new Sydney Fish Market (SFM) Stage 2 at 1A, 1B and 1C Bridge Road, Glebe (the site).

The modification relates to a proposed change to the project construction methodology involving the building up of a sediment capping layer and work platform within the coffer dam beneath the approved basement for the new Sydney Fish Market.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. This application is accompanied by:

- Civil Engineering Drawings prepared by AT&L (**Attachment A**);
- Revised Construction Staging Plan prepared by Multiplex (**Attachment B**);
- Environmental Assessment prepared by Senversa (including Construction Methodology) (**Attachment C**);
- Updated and Addendum Construction Pedestrian and Traffic Management Plan prepared by PTC (**Attachment D**);
- Marine Ecology Assessment (**Attachment E**);
- Noise Impact Statement prepared by SLR Consulting (**Attachment F**);
- Air Quality Statement prepared by SLR Consulting (**Attachment G**); and
- Tidal Statement prepared by Advisian (**Attachment H**).

2.0 Strategic Context

The strategic context of the project is outlined in the Environmental Impact Statement which accompanied the original State Significant Development Application. Of particular relevance to this Modification Application:

- Objective 25 of the Greater Sydney Commission's *Greater Sydney Region Plan* sets out the imperative to ensure that 'the coast and waterways are protected and healthier' and Planning Priority E14 of the *Eastern City District Plan* sets out further objectives for 'protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways'.

- Section 4.13 of the Minister's planning principles outlines the need to address risk factors including acid sulfate soils.
- The City of Sydney's *City Plan 2036: Local Strategic Planning Statement* outlines the need in Priority S1 to protect and enhance the natural environment for a resilient city.

3.0 Description of the Modifications

3.1 Consent proposed to be modified

Development Consent 8925 (as modified) was granted by the Minister for Planning on 12 December 2020 for a Stage 2 Development Application for the construction, use and operation of a new Sydney Fish Market, including:

- A three-storey (4 levels) building with a GFA of 26,953m² comprising:
 - Wholesale services, product storage and processing
 - Retail, business and office premises
 - Multi-function spaces for events and functions
 - Staff amenities and end-of-trip facilities
 - Outdoor seating areas
 - Basement car park.
- New public domain, including a foreshore promenade and landscaping
- Marina
- Pedestrian, cycle and road access
- Upgrade works to Bridge Road and intersections with Wattle Street and Wentworth Park Road
- Provision of services, site level adjustments and stormwater management
- Subdivision of land.

The consent has been modified on a number of occasions, most recently through the determination of MOD 5 on 2 November 2021.

Of particular relevance to the current Modification Application is the previous approval of MOD 4 by the Department of Planning and Environment on 2 July 2021. MOD 4 provided for modification of the development consent to allow:

- Redistribution of approximately 12,000m³ of sediment from the former concrete batching plant wharf under the basement of the new Sydney Fish Market, including levelling of the seabed.
- Updates to the Acid Sulfate Management Plan (Revision 6), which identifies the potential capping of the redistributed sediment material with clean fill as a potential strategy necessary to manage the potential environmental impacts associated with acid sulfate soils (ASS) within the redistributed sediments¹.
- Updates to the construction staging plans.

MOD 6, which relates to the establishment of temporary site accommodation, is currently under assessment by the Department of Planning and Environment. The assessment and determination of that application does not have any bearing on the modification that is the subject of this Modification Report.

¹ Section 5.4 of the ASSMP states that "should further assessment of site conditions prior to, or during disturbance identify geochemical changes in the in situ sediments upon this disturbance works, consideration will be given to capping the newly exposed material so as to preserve the anoxic balance of material within this portion of the site". This is supported by references within the approved Remedial Action Plan prepared by JBS&G which note that the ASS material is to be managed to control and minimise the resuspension of ASS materials in accordance with the ASSMP.

3.2 Modifications to the development

The proposed modification to the development consent comprises the importation of clean fill to the site in order to build up a fill layer that provides a working platform below the basement and which caps redistributed sediments below the approved basement for the new Sydney Fish Market. The purpose of the proposed filling is to enable safer and more efficient access to the underside of the basement structure during the construction phase and to physically cap the redistributed sediments, which include ASS materials.

The capping of the redistributed sediments was previously contemplated in the approved Remedial Action Plan (RAP) and Acid Sulfate Soils Management Plan (ASSMP) prepared by JBS&G that accompanied the original State Significant Development Application, and the updated Acid Sulfate Soils Management Plan prepared by JBS&G that accompanied MOD 4. However, the ASSMP and RAP selected an alternative management approach that was also compliant with the relevant guidelines and did not require the capping approach. This current Modification Application now seeks approval for the details of the implementation of the capping management strategies previously outlined and assessed as part of the previous assessments and approval of the Stage 2 SSDA.

As previously assessed and approved in MOD 4, the approved development includes the redistribution of approximately 12,000m³ of sediment generally beneath the footprint of the approved basement. This Modification Application seeks consent for a cap of clean fill – virgin excavated natural material (VENM) – comprising sand (approx. 80% of volume) and crushed sandstone (approx. 20% of volume) to be imported onto the site and placed above the layer of redistributed sediment within the basement extent and confines of the temporary cofferdam to a finished level of RL -3.5m AHD (approximately 1600mm depth). **Figures 2 and 3**, and as further detailed in **Attachment A**, sets out the proposed extent of the fill layer.

The revised Construction Staging Plan provided at **Attachment B** identifies the sequencing of the proposed sediment capping work within the overall construction program. At this stage, it is anticipated that the proposed capping activities would occur between April and June 2022. The revised construction methodology provides the opportunity for a reduction in construction traffic to the site, reduced dust and noise due to the elimination of the floating formwork fabrication on the site, and a safer construction methodology by allowing construction of the basement whilst the cofferdam is de-watered.

Details of the methodology for the sediment capping is outlined in **Attachment C**. The sediment capping works will be carried out by machinery previously used on the new Sydney Fish Markets site. Sand will be primarily brought to the site via barge(s) staged from Glebe Island, and pumped from outside the cofferdam (but within the silt curtain) into the basement footprint within the cofferdam. A non-propelled 'split hopper barge' will be moored alongside a backhoe profiling barge (which provides mooring) and has a capacity to store up to 1,200m³ of material. The sand material to be installed will be loaded onto the 'hopper barge' at a storage facility in Glebe Island which is currently being used on the project. The hopper barge will have sand pumped directly from the hopper to the workface via pump. A pontoon located inside the cofferdam will help position and release the end of the pumping line to evenly distribute the sand across the cofferdam footprint. The works will progress working behind the cofferdam and marine piling works. **Figure 1** illustrates the sand dispersal methodology.

The completion of the marine based installation of the sediment capping works coincides with the dewatering of the cofferdam. At this stage, the level of the sediments will be -3.9 AHD, which is 200mm above the dewater level. Following dewatering, the remaining sediment capping layer of crushed sandstone will be installed via land based machinery and work progressively out from land to the extents of the cofferdam footprint, in sequence with the construction of the buildings structure. Traditional excavators and earth moving equipment will be utilised for the planned works, building the sediment level up to -3.5 AHD, which is approximately 2.93m below mean low water tide (-0.57 AHD). Crushed sandstone and the final deliveries of sand not able to be pumped will be trucked to the site, in accordance with the updated Construction Traffic and Pedestrian Management Plan (**Attachment D**), and distributed within the cofferdam above the sand layer by earthmoving equipment.

The proposed changes will result in an increase in the seabed height beneath the site from RL -5.1m to RL -3.5m AHD. Both the redistributed sediment and the capping layer will continue to be wholly below the lowest minimum tide level, and will continue to provide for the inflow of water between the upper layer of capping and the lowest approved basement structures.

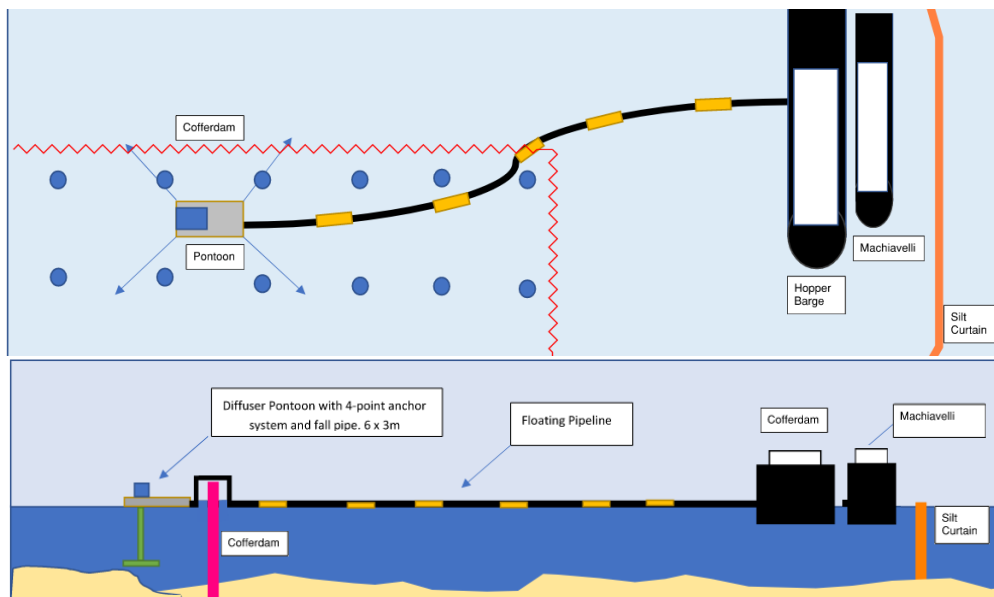


Figure 1 Diagrammatic illustration of proposed sand pumping method

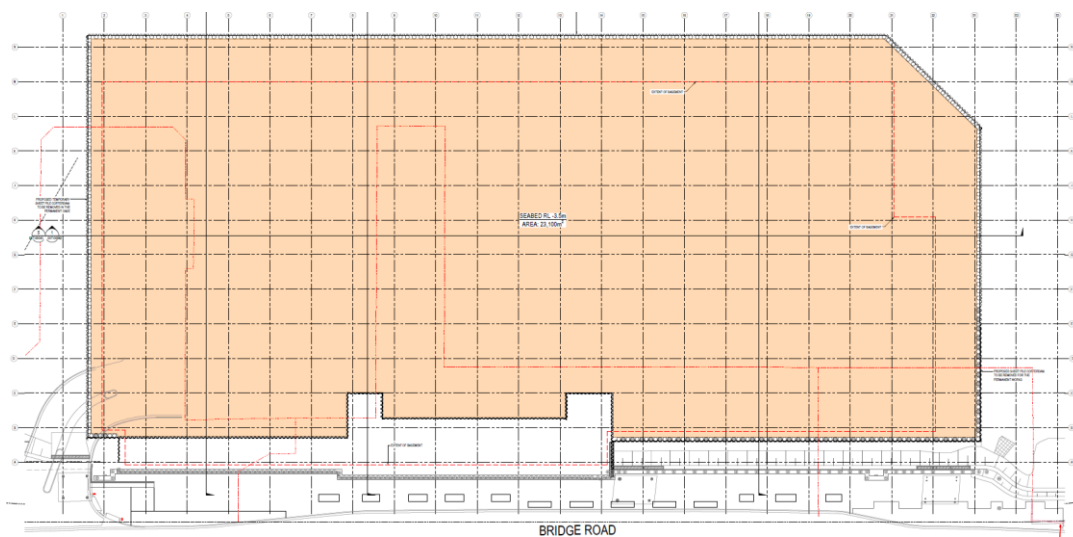


Figure 2 Extent of proposed capping

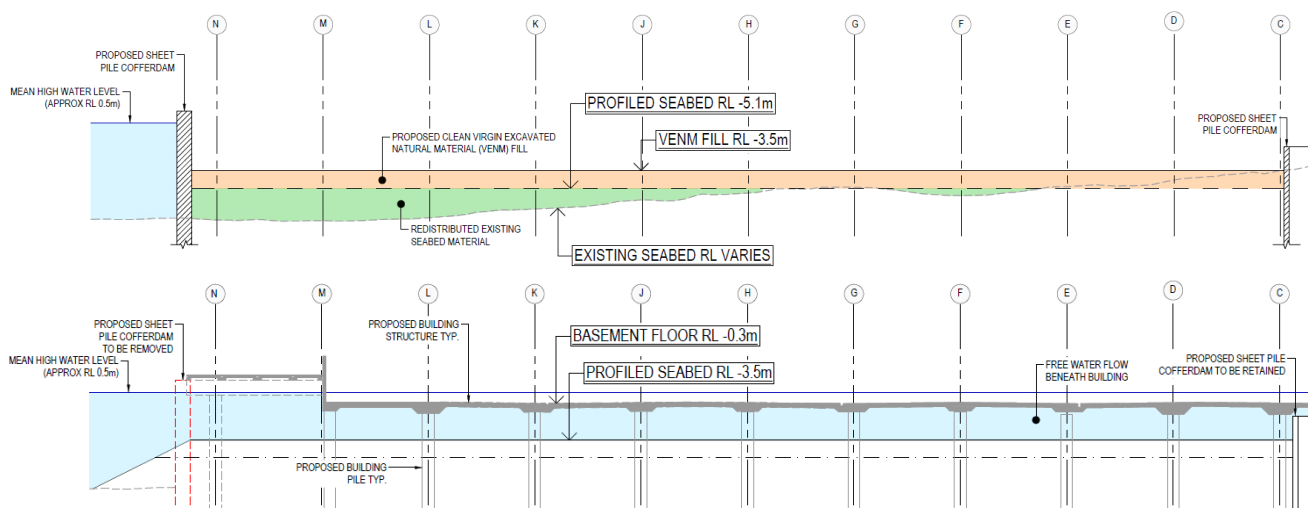


Figure 3 Section of capping with coffer dam, and post-completion of basement and dam removal

3.3 Modifications to conditions

The proposed modifications described in **Section 3.2** necessitate amendments to the consent conditions which are identified below:

- **Condition A2** – Insert reference to this Modification Application within the description of the development which may be carried out.
- **Condition A2(g)** – Identify the civil engineering drawings prepared by AT&L and provided at **Attachment A** as being approved drawings.
- **Condition B93(d)** – Include the sediment capping methodology included within the Environmental Assessment by Senversa as provided at **Attachment C**.

4.0 Statutory Context

4.1 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”*.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- Does not result in any change to the approved land use or operational parameters of the new Sydney Fish Markets;
- Does not result in any modifications to the aspects of the development located above the tidal level, including the construction of the basement and the new Sydney Fish Market building, and accordingly does not give rise to any built form impacts;
- Provides for the management of ASS material as previously identified in the approved RAP and ASSMP submitted with and approved as part of the original approval;
- Does not result in any significant increase in overall construction vehicle movements and does not exceed the peak daily construction vehicle movements beyond those originally contemplated in the State Significant Development Application, with the majority of clean fill to be imported via water.

4.2 Minimal environmental impact

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the proposed modification is of minimal environmental impact”*. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

- Provides for the management of ASS materials as previously identified in the approved RAP and ASSMP in order to safely manage the potential hazards associated with ASS materials during both the construction phase and the longer-term in accordance with the relevant guidelines;
- Will not result in any additional noise generation beyond that previously considered within the approved Construction Noise and Vibration Management Plan and will continue to provide for the range of noise mitigation measures contained within that Plan;
- Will not result in any adverse impacts on dust generation or local air quality;

- Will not result in any adverse impacts on tidal flows or water quality within the site or Sydney Harbour;
- Will not result in any impacts on the ecological properties of the site or surrounds;
- Peak daily construction vehicle movements will not exceed those previously assessed and approved as part of the original State Significant Development Application; and
- The revised construction methodology will generate vehicle movements that are slightly less than those which would already occur on a typical construction day as assessed and approved in the original DA.

5.0 Community engagement

Multiplex provides regular construction updates to the community in accordance with its Construction Environmental Management Plan and Community Communication Strategy.

The community and other stakeholders will have the opportunity to review the Modification Report and provide feedback during the assessment of the Modification Application.

6.0 Environmental assessment

6.1 Compliance with environmental planning instruments

This Modification Application does not give rise to any change to the project's compliance with the principal environmental planning instruments relevant to the site, being the Sydney Regional Environmental Plan No 26—City West and Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, beyond that previously addressed in the original EIS and State Significant Development Application.

The Modification Application does not alter the project's compliance with State Environmental Planning Policy No 55—Remediation of Land or consistency with the Draft Remediation of Land SEPP, and does not require any changes to the approved RAP or ASSMP referred to in the current development consent.

6.2 Construction Traffic

The Traffic Impact Assessment (Arup, 2019) considered the potential transport impacts of the construction of the project as part of the original Stage 2 State Significant Development Application. Condition B78 of the Stage 2 Consent required the preparation of a detailed Construction Pedestrian & Traffic Management Plan (CPTMP) based on the contractor's detailed construction methodology. In accordance with this condition, the CPTMP was prepared by PTC on behalf of Multiplex in consultation with the Sydney Coordination Office and was approved by Transport for NSW prior to the commencement of works. The CPTMP includes details of traffic volumes during the stages of the construction process.

An updated CPTMP has been prepared by PTC (**Attachment D**) which considers the construction traffic impacts of the proposed sediment capping works. As outlined in **Section 3.0**, only 20% of the fill material will be imported to the site by road, with the remainder occurring via barge, in order to minimise the number of construction vehicles required for this phase of the project. The revised construction methodology for the basement will also result in a reduction in the number of vehicles associated with the delivery of structural steel.

The trucked fill material will be brought onto the site over a period of 4-8 weeks via Bridge Street, entering via Gates 2 and 5. During this limited period the number of heavy rigid vehicles travelling to the site will equate to a slight decrease in comparison to typical/standard construction vehicle volumes during the construction period (50/day) and periods of higher movements associated with the large basement concrete pours (60/day). Vehicles will utilise the same construction routes as previously identified in the approved CPTMP. Accordingly the revised construction methodology will not result in any adverse impacts on local road operations or amenity from construction traffic compared to the previously assessed and approved typical construction vehicle traffic volumes.

6.3 Contamination and Acid Sulfate Soils

This Modification Application seeks consent for the implementation of one of the management strategies that was originally contemplated and detailed in the Remedial Action Plan (RAP) and ASSMP that accompanied the EIS for the Stage 2 State Significant Development Application. No change to the RAP or ASSMP is necessitated by this Modification Application, as the implementation of the capping methodology was one of the potential management strategies contemplated in those approved plans.

6.4 Acoustic Impacts

SLR Consulting have assessed the additional equipment required to be utilised as a result of this Modification Application (**Attachment F**). This assessment finds that noise levels generated by the revised construction methodology is significantly less than the noise levels generated by typical construction activities occurring at the site. Furthermore, the revised basement construction methodology will result in a reduction in sound power levels due to the reduced need for metal grinding and rattle guns during basement formwork installation. Accordingly, the proposal will not result in any adverse acoustic impacts, and the existing mitigation measures identified in the approved Construction Noise and Vibration Management Plan continue to be suitable.

6.5 Other matters

Table 1 provides a summary of other environmental assessment matters arising from the proposed modification.

Table 1 Summary of other environmental issues

Issue	Summary
Ecology	An Ecological Assessment has been prepared for this modification application by Eco Logical Australia (Attachment E). This assessment confirms that the proposed modification would not result in any loss of habitat associated with the filling, due to the limited ecological qualities of the area shaded by the basement.
Air quality	SLR Consulting has prepared a review of the air quality impacts associated with the proposed modification (Attachment G). The review concludes that the revised methodology will not result in any adverse impacts on air quality and that existing mitigation measures incorporated into the original development consent continue to be appropriate for the project as proposed to be modified.
Tidal movements	Advisian have provided advice which confirms that the proposed modification would not result in any impact on the tidal prism of Sydney Harbour as the works are entirely below the lowest tidal level (Attachment H).

6.6 Reasons given for granting consent

Table 2 provides an assessment of the proposed modification

Table 2 Reasons given for granting consent

Original Reason for Approval	Consistency of Modification Application
The project would provide a range of benefits for the region and the State as a whole, including the creation 700 construction jobs and 725 on-going operational jobs, significant contribution to the economy and tourism through increased visitor numbers, and improved public domain including the creation of waterfront promenade and improved access to Blackwattle Bay, linking to surrounding areas;	The proposed modifications support the efficient delivery of the project and the realisation of the anticipated benefits identified through this approval.
The project is partially permissible with development consent, and is consistent with NSW Government policies and strategic direction of the Bays Precinct;	The development as modified will continue to be partially permissible with consent and consistent with the relevant statutory and strategic policies as outlined in Sections 2,4 and 6 .

Original Reason for Approval	Consistency of Modification Application
The impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards as identified in the Department's Assessment Report;	The proposed modification provides for improved environmental management which reduces the potential for impacts associated with the redistribution of acid sulfate soils, and provides a safe working environment.
The issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent;	As noted in the preceding sections, the proposed modification does not give rise to any adverse change to the key parameters for construction traffic, noise, environmental management, air quality or ecology that were addressed in the original SSDA.
Weighing all relevant considerations, the project is in the public interest.	The development as modified will continue to be in the public interest.

7.0 Justification of the modified project

The proposed modifications to the project will result in improved environmental and health outcomes and will not give rise to any significant additional environmental impacts. The new Sydney Fish Market project as modified will continue to provide for significant positive social, economic and environmental outcomes for Blackwattle Bay and the surrounding community.

Specifically, the approval of the proposed Modification Application is justified because it:

- Provides for an improved short and long-term approach to managing conditions associated with ASS materials within the site, contributing to the strategic and statutory objectives to ensure the good health and environmental quality of Sydney's waterways, in a manner that is consistent with the approved RAP and ASSMP.
- Provides for improved human health and safety during the construction phase by reducing the risk of contact with ASS materials and by providing a safe and stable working platform for the construction of the basement structure within the cofferdam.
- Will not result in any adverse impacts with regards to air quality, noise and vibration, tidal flows within Sydney Harbour or ecological quality.
- Provides for the ongoing management of temporary construction traffic associated with the site through the Construction Pedestrian and Traffic Management Plan. The number of heavy vehicles associated with the sediment capping phase is significantly reduced by importing the majority of clean fill to the site via barge, with construction vehicle movements during this phase less than would occur during the typical construction period.

8.0 Conclusion

The proposed modifications provide for the establishment of a fill layer above the redistributed sediments, including ASS materials, within the basement footprint. The revised construction methodology results in a number of advantages in terms of workforce safety and environmental management, and does not result in any significant environmental impacts in respect of key planning matters such as construction traffic, noise and air quality. This approach to managing ASS materials is consistent with, and was directly contemplated by, the RAP and ASSMP that were originally submitted with and approved as part of the Stage 2 State Significant Development Application. This Modification Application sets out the specific details of the fill methodology and includes a further assessment of the environmental impacts associated with this approach. The proposed modification provides for improved environmental, human health and workforce safety outcomes for the new Sydney Fish Markets project.

In accordance with section 4.55(1A) of the EP&A Act, Council may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,

A handwritten signature in grey ink, appearing to read 'M Oliver', with a long horizontal flourish extending to the right.

Michael Oliver
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