

Modification of Development Consent

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

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



Cameron Sargent
Team Leader
Key Sites Assessments

Sydney

13/05/2022

SCHEDULE 1

Development consent:

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

For the following:

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

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

Applicant:

Infrastructure NSW

Consent Authority:

Minister for Planning

The Land:

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

Modification:

SSD 8925 MOD 7: Capping redistributed sediments beneath the approved basement in the cofferdam.

SCHEDULE 2

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

Terms of Consent

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS and Response to Submissions and additional information;
- (d) in accordance with the Modification Report entitled 'SSD DA 8925 Stage 2 DA Main Works Section 4.55(1A) Modification 3 Planning Report', and accompanying appendices prepared by BBC Consulting Planners (dated March 2021);
- (e) in accordance with the Modification Report entitled 'SSD DA 8924 Concept and Early Works SSD DA 8925 Stage 2 DA Main Works Section 4.55(1) Modification Planning Report', and accompanying appendices prepared by BBC Consulting Planners (dated December 2020) and Response to Submissions prepared by BBC Consulting Planners (dated February 2021);
- (f) in accordance with the Modification Report entitled 'SSD DA 8925 Stage 2 DA Main Works Section 4.55(1A) Modification 4 Planning Report' and accompanying appendices prepared by BBC Consulting Planners (dated April 2021) and Response to Submissions prepared by BBC Consulting Planners (dated June 2021); and
- (g) in accordance with the Modification Report entitled 'SSD DA 8925 Stage 2 DA Main Works Section 4.55(1A) Modification 6 Planning Report' and accompanying appendices prepared by Ethos Urban (dated 19 November 2021) and Response to Submissions prepared by Ethos Urban (dated 27 January 2022); and
- (h) **in accordance with the Modification Report entitled 'SSD DA 8925 Stage 2 DA Main Works Section 4.55(1A) Modification 7 Planning Report' and accompanying appendices prepared by Ethos Urban (dated 1 March 2022) and Response to Submissions prepared by Ethos Urban (dated 21 April 2022); and**
- (i) in accordance with the approved plans in the tables below:

Architectural Drawings prepared by 3XN and BVN			
Drawing No.	Revision	Name of Plan	Date
S2-A00 AAA-01	K	Cover Sheet	01/12/20
S2-A20 AAA-01	H	Site survey	18/09/19
S2-A20 AAA-02	I	Locality/Context Plan	14/08/20
S2-A20 AAA-03	I	Site Plan	14/08/20
S2-A20 AAA-04	A	Public Domain	14/08/20
S2-A20 L01-01	H	Public Domain Ground	14/08/20
S2-A20 L02-01	H	Public Domain Upper Ground	14/08/20
S2-B10 L00-01	J	Floor Plan Ground	18/03/21
S2-B10 L01-01	I	Floor Plan Upper Ground	14/08/20
S2-B10 L02-01	I	Floor Plan Mezzanine	14/08/20
S2-B10 L03-01	I	Mezzanine Roof Plan	14/08/20
S2-B10 L10-01	H	Roof Plan	14/08/20
S2-B10 LB1-01	J	Floor Plan Basement	18/03/21
S2-C10 AAA-01	I	East and West Elevation	14/08/20
S2-C10 AAA-02	I	North and South Elevation	14/08/20
S2-D10 AAA-01	I	Cross Sections	14/08/20
S2-D10 AAA-02	I	Long Sections	14/08/20
S2-E43 AAA-01	I	Auction and Office Section	14/08/20
S2-E43 AAA-02	I	Food and Beverage Section	14/08/20
S2-E43 AAA-04	J	Wholesale and Catering Section	18/03/21
AR-S2-L10 AAA-01	H	GFA Measurement SREP 26	18/09/19
AR-S2-L10 AAA-02	J	GFA Standard Instrument	01/12/20

Subdivision Drawings prepared by Robert S Davidson

Reference	Sheet No.	Name of Plan	Date
78527	1 of 2	Plan of Subdivision of Lots 3,4 & 5 D.P. 1064339, Lot 1 D.P. 835794 & Lot 107 D.P. 1076596	26/09/2019
78527	2 of 2	Plan of Subdivision of Lots 3,4 & 5 D.P. 1064339, Lot 1 D.P. 835794 & Lot 107 D.P. 1076596	26/09/2019
78527STRATUM	1 of 7	Plan of Subdivision of Proposed Lot 100	28/03/2021
78527STRATUM	2 of 7	Plan of Subdivision of Proposed Lot 100	28/03/2021
78527STRATUM	3 of 7	Plan of Subdivision of Proposed Lot 100 – Basement Floor	28/03/2021
78527STRATUM	4 of 7	Plan of Subdivision of Proposed Lot 100 – Ground Floor	28/03/2021
78527STRATUM	5 of 7	Plan of Subdivision of Proposed Lot 100 – Upper Ground Floor	28/03/2021
78527STRATUM	6 of 7	Plan of Subdivision of Proposed Lot 100 – Mezzanine Floor	28/03/2021
78527STRATUM	7 of 7	Plan of Subdivision of Proposed Lot 100 – Roof Level	28/03/2021

Stormwater Management Plan prepared by Mott Macdonald			
Drawing No.	Revision	Name of Plan	Date
MMD-385951-C-SK-CD-3000	P4	Sydney Fish Market – Stormwater Management Plan	27/09/19

Sydney Fish Market - Bridge Road Upgrade – From Wattle Street to Wentworth Park Road – Concept Design Drawings prepared by Mott Macdonald				
Drawing No.	Sheet No.	Issue No.	Name of Plan	Date
CI-GEO-A00 GE-0001	GE-0001	1	Cover Sheet and Index Sheet	25/09/19
CI-RD1-D10 RD-0011	RD-0011	1	Typical Cross Sections	25/09/19
CI-RD3-B20 RD-0301	RD-0301	1	Roadworks Plan Sheet 1 of 3	25/09/19
CI-RD3-B20 RD-0302	RD-0302	1	Roadworks Plan Sheet 2 of 3	25/09/19
CI-RD3-B20 RD-0303	RD-0303	1	Roadworks Plan Sheet 3 of 3	25/09/19
CI-RD3-D20 RD-0401	RD-0401	1	Roadworks Longitudinal Sections Sheet 1 of 3	25/09/19
CI-RD3-D20 RD-0402	RD-0402	1	Roadworks Longitudinal Sections Sheet 2 of 3	25/09/19
CI-RD3-D20 RD-0403	RD-0403	1	Roadworks Longitudinal Sections Sheet 3 of 3	25/09/19
CI-UT1-B00 UT-0011	UT-0011	1	Existing Utilities Legend	25/09/19
CI-UT1-B20 UT-0301	UT-0301	1	Drainage and Public Utilities Plan Sheet 1 of 3	25/09/19
CI-UT1-B20 UT-0302	UT-0302	1	Drainage and Public Utilities Plan Sheet 2 of 3	25/09/19
CI-UT1-B20 UT-0303	UT-0303	1	Drainage and Public Utilities Sheet 3 of 3	25/09/19
CI-PV1-B20 PV-0301	PV-0301	1	Pavement Plan Sheet 1 of 3	25/09/19
CI-PV1-B20 PV-0302	PV-0302	1	Pavement Plan Sheet 2 of 3	25/09/19
CI-PV1-B20 PV-0303	PV-0303	1	Pavement Plan Sheet 3 of 3	25/09/19

Temporary Site Accommodation Drawings				
Drawing No.	Revision	Name of Plan	Prepared by:	Date
A-001	H	Site Plan 1	Ausco	25/01/21
A-002	H	Site Plan 2	Ausco	25/01/21
A-003	H	Site Plan 3	Ausco	25/01/21
A-100	H	Ground Floor Plan	Ausco	25/01/21
A-102	H	First Floor Plan	Ausco	25/01/21
A-200	H	Elevations	Ausco	25/01/21
100	08	Site Plan	Alessi Consulting	14/01/22
101	04	Gantry Plan	Alessi Consulting	14/01/22
110	06	Elevation South	Alessi Consulting	14/01/22
111	05	Elevation East	Alessi Consulting	17/01/22
112	03	Elevation West	Alessi Consulting	17/01/22
120	05	Section	Alessi Consulting	14/01/22
121	05	Section	Alessi Consulting	17/01/22

Civil Engineering Drawings prepared by at&l			
Drawing No.	Revision	Name of Plan	Date
ATL-CV-SKT-00041	<u>2</u>	<u>Profiling Plan Cofferdam</u>	<u>9/02/22</u>
ATL-CV-SKT-00042	<u>2</u>	<u>Temporary Cofferdam Profiling Sections</u>	<u>24/11/21</u>
ATL-CV-SKT-00043	<u>3</u>	<u>Permanent Cofferdam Profiling Sections</u>	<u>9/02/22</u>

2. Schedule 2, Part B – Prior To Commencement of Works/Issue of a Crown Building Works Certificate – Conditions B77, B78, B79 and B93 are amended by the deletion of ~~struck out~~ words and the insertion of **bold and underlined** words as follows:

Construction Environmental Management Plan

B77. Prior to the commencement of **the MOD 7** works, the Applicant shall prepare and implement **an updated** Construction Environmental Management Plan (CEMP) for the development. The **updated** CEMP must:

- describe the relevant stages and phases of construction, including work program outlining relevant timeframes for each stage/phase;
- include plans demonstrating the boundary of the construction site and any associated areas to be fenced or closed to the public;
- describe all activities to be undertaken on the site during site establishment and construction of the development;
- include a Dust Management Plan, incorporating the mitigation measures outlined in the Air Quality Impact Assessment, prepared by SLR Consulting, dated April 2019 **and the Air Quality Statement, prepared by SLR, dated 15 February 2022;**
- clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
- detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- include specific consideration of measures to address any requirements of relevant agencies during site establishment and construction;
- describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
- detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts, including but not limited to noise, traffic and air impacts;
- include measures to ensure adequate groundwater entitlement is sourced in order to account for groundwater flows into the construction excavations, unless any exemption applies;
- management of groundwater during construction;
- document and incorporate all relevant sub environmental management plans (Sub-Plans), control plans, studies and monitoring programs required under this part of the consent; and
- include arrangements for community consultation and complaints handling procedures during construction.

In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

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

Construction Pedestrian and Traffic Management Plan

B78. Prior to the commencement of **the MOD 7** works, **an updated** Construction Pedestrian and Traffic Management Plan (CPTMP) shall be prepared in consultation with the Sydney Coordination Office within TfNSW. The **updated** CPTMP needs to specify, but not limited to, the following:

- A description of the development;
- Location of any proposed work zone(s);
- Location of any crane(s);
- Haulage routes;

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

A copy of the final **updated** CPTMP must be submitted to the Coordinator General, Transport Coordination within TfNSW for endorsement prior to the commencement of the **MOD 7** works.

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

Construction Noise and Vibration Management Plan

B79. Prior to the commencement of the **MOD 7** works, an **updated** Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person must be prepared in consultation with, and address the relevant requirements of, Council. The **updated** CNVMP shall address (but not be limited to):

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

Prior to the commencement of **the MOD 7** works, details demonstrating compliance with the above requirements (B79 (a)-(j)) must be submitted to the Certifier. A copy of the **updated** CNVMP must be submitted to the Certifier, Council and the Planning Secretary.

Contamination

B93. Within eight weeks of the approval of SSD 8925 MOD 5 7, the Applicant must engage an EPA-accredited Site Auditor to prepare interim audit advice which comments on:

- (a) The Data Gap Assessment – The New Sydney Fish Market 1A to 1C Bridge Road, Glebe NSW, Revision A (dated 12 March 2019) prepared by JBS&G Australia Pty Ltd for UrbanGrowth NSW Development Corporation which comments on the appropriateness of the assessment and the assessment's conclusions;
- (b) Whether the characterisation of the site is sufficient to ensure any asbestos containing materials in soils and at ground surface are managed appropriately;
- (c) Whether the Hazardous Materials Management Plan, prepared by JBS&G (dated 8 April 2019), requirements for managing asbestos at ground surface and in soils are appropriate.
- (d) sediment adjustment methodology prepared by Senversa Pty Ltd (dated 15 April 2021), the Acid Sulphate Soil Management Plan prepared by JBS&G Australia Pty Ltd (dated 26 April 2021), ~~and~~ revised Construction Staging Plan **and sediment capping methodology prepared by Senversa Pty Ltd (dated 15 February 2022).**
- (e) Any deficiencies identified by the auditor in the interim audit advice/s must be addressed.

**End of modification
(SSD 8925 MOD 7)**