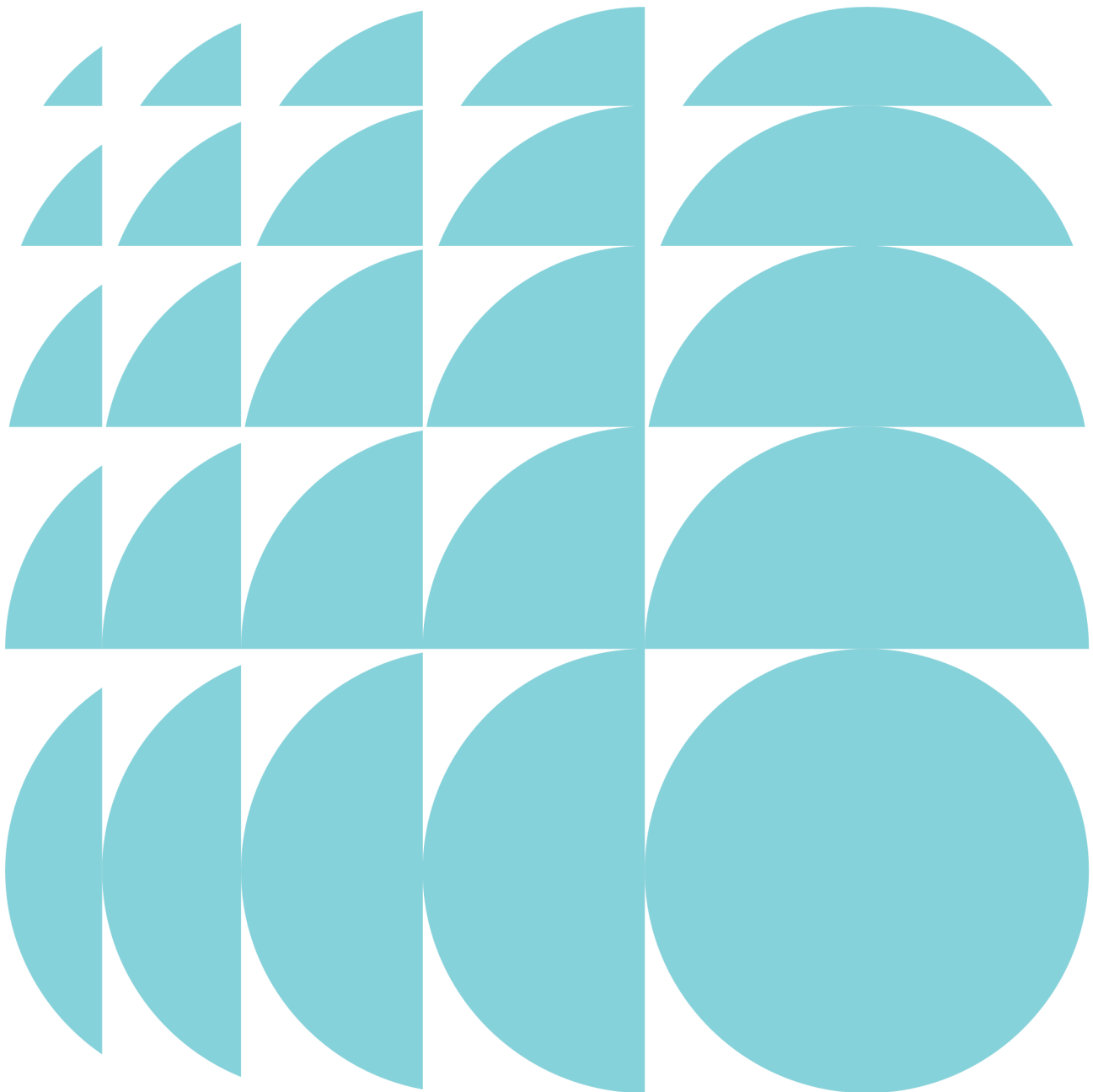


Response to Submissions Report

The New Sydney Fish Market – Stage 2
MOD 6 – Temporary Construction Site
Accommodation

Submitted to NSW Department of Planning,
Industry and Environment
On behalf of Infrastructure NSW

27 January 2022 | 2210750



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1.0 Introduction

Infrastructure NSW (the Applicant) is seeking approval to temporarily extend the boundary of the site to include the Sydney Secondary College car park at 1 Pyrmont Bridge Road, to be utilised as temporary site accommodation (site sheds and amenities) during the construction of the new Sydney Fish Market (the site).

A Planning Report was prepared by Ethos Urban dated 19 November 2021 in support of the modification to the approved SSD.

MOD 6 was publicly exhibited, in accordance with clause 10 of Schedule 1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations), between 3 December 2021 and 17 December 2021. During this exhibition period, submissions were invited from all stakeholders including members of the community and government agencies. A total of four (4) submissions were received, with one (1) from non-government organisations and three (3) from government agencies. The Applicant's response to these submissions received during public exhibition forms the subject of this report, known as the Response to Submissions Report (RTS).

1.1 Purpose of this Report

The purpose of this RTS is to respond to submissions raised by both community and government stakeholders during the exhibition of MOD 6 as required by the Planning Secretary in accordance with the EP&A Regulations. Each of the submissions received has been collated, analysed and relevant issues have been addressed.

This RTS also provides a description of design amendments made to the proposal which have been undertaken to address submissions received and also to reduce the overall environmental impact of the proposal. In addition to this amendment description, this RTS provides further environmental assessment to accommodate the change to the proposal and these technical appendices serve as revisions or addenda to the specialist technical assessment reports provided with the application.

1.2 Site Location and Context

The site is located at 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) and 1 Pyrmont Bridge Road (Part of Lot 3 DP 1018801). This is further defined in the approved plans, which illustrate the boundary of the site to which the development consent relates. The site is located within the Sydney local government area (LGA).



Figure 1 Indicative area to be temporarily included within the subject site

Source: Nearmap

1.3 Overview of Exhibited Proposal

As set out in the exhibited section 4.55(1A) Planning Report, this modification seeks consent to temporarily extend the boundary of the site to include the SSC car park at 1 Pyrmont Bridge Road, to be utilised as temporary site accommodation (site sheds and amenities) during the construction of the new Sydney Fish Market. The exhibited proposal involved the removal of three trees on the SSC site.

1.4 Amendments to the Proposed Development

Amendments to the proposed development have been made to minimise environmental impact. Fundamentally however, there are no significant changes to the proposed development. Changes to the exhibited proposal include:

- Redesign of the steel gantry which has minimised tree removal and incursions on tree protection zones (TPZ).
- Removal of one tree as opposed to three trees.

Further documentation has been provided to aid DPIE in their assessment of MOD 6.

1.5 Objectives of the Development

The key objectives of MOD 6 are to:

- Temporarily extend the boundary of the subject site to also compromise Part of Lot 3 DP 1018801 at the SSC car park. The addition of this land will allow this portion of the site to be utilised as site accommodation during the construction of the new SFM.
- The applicant seeks approval for the construction of a steel gantry above the SSC car park. This includes a two storey shed complex on the gantry deck and a walkway bridge for direct access to the remainder of the site.

1.6 Further Assessment

In response to the issues raised from submissions received, refinements of the proposal's plans and assessment reports has been undertaken to support the responses made in this RTS. This includes:

- Architectural Plans (refer to **Appendix A**).

- An amended Visual Impact Assessment prepared by Ethos Urban (refer to **Appendix B**).
- Addendum to Biodiversity Development Assessment Report (refer to **Appendix C**).
- Arboricultural Comment – Response to Council (refer to **Appendix D**).
- Amended Arboricultural Impact Assessment (refer to **Appendix E**).
- Construction Management Plan (Addendum) (refer to **Appendix F**).
- Photomontages (refer to **Appendix G**).

2.0 Exhibition and Consultation

2.1 Statutory Public Exhibition

MOD 6 was notified by the Department of Planning, Industry and Environment between 3 December 2021 and 17 December 2021.

MOD 6 (and associated supporting technical studies) was made available to the public in electronic format on the DPIE website via [MOD 6 The new Sydney Fish Market | Major Projects](#) during the exhibition period.

3.0 Overview of Submissions

A total of four (4) submissions have been received as a result of the exhibition of MOD 6. These submissions have been received from government agencies and an adjacent neighbour. The primary objective of this RTS is to collate, analyse and respond to the submissions received during the exhibition of MOD 6.

3.1 Department of Planning, Industry and Environment

DPIE issued a letter requesting for additional information and required a response to the following issues:

3.1.1 Justification of the modified project

- Provide detailed justification for the proposal including overall benefits in comparison to providing site accommodation within the approved site boundary.
- Provide justification as to why site accommodation cannot be provided within the approved site boundary.

3.1.2 Visual impact assessment

Amend the visual impact assessment (VIA) to address the following:

- Provide a map within Section 4.0 of the VIA identifying where the viewpoints are taken from.
- Include an additional viewpoint from Bridge Road (directly opposite the SCC carpark site).
- The viewpoints shall also include photomontage of the proposal.

3.1.3 Biodiversity Development Assessment Report (BDAR)

- Provide an addendum to the BDAR addressing the proposal and an assessment of any impacts on biodiversity.

3.1.4 Miscellaneous

- Confirm how access is provided between the ground floor and first floor. The location of any staircase shall be shown on the architectural plans.
- Label the elevation drawings (Drawing No 110-112)
- Confirm the amount of additional truck movements during installation and dismantling and the timeframe for installation and dismantling within Section 2.10 of the Construction Management Plan.

3.2 City of Sydney Council (the City)

3.2.1 Tree Impacts

The key issue raised by the City related to tree impacts, including:

- Insufficient information relating to tree pruning has been provided.
- The City notes exploratory non-destructive root investigations have not been undertaken and it has therefore not been demonstrated that these trees would remain viable or that the proposed design is achievable.

Overall, the City made a number of recommendations, notably that the design of the temporary structure and site layout be redesigned to consider existing trees as a site constraint.

3.2.2 Glebe Foreshore Walk

The City recommends that any works associated with the erection of the temporary access bridge and structures be carried out at a time that would have as little impact on public access along the Glebe Foreshore Walk as possible.

3.3 Transport for NSW

TfNSW advised that the proposed modification will have a negligible impact on the surrounding classified road network. As such, TfNSW had no objections regarding the application, however, recommended that the following condition is included in any determination issued by DPIE:

Prior to the issue of the construction certificate for modification, the Applicant should update the Construction Pedestrian and Traffic Management Plan (CPTMP).

The updated CPTMP should be submitted to TfNSW for review and endorsement via sco@transport.nsw.gov.au

The Proponent welcomes a condition of consent to this effect.

3.4 Environment, Energy and Science Group

3.4.1 Impacts to Vegetation

One high value tree (tree 11) in the Arboricultural Impact Assessment prepared by Hunter Bruce Tree Consulting, will be subject to encroachment into its tree protection zone (TPZ). The report notes that 'three (3) x screw piles are required in the TPZ area (as shown in figure 7) however this is unlikely to have any impact on the tree provided exploratory non-destructive excavation is carried out before the screw piling to ensure major roots are not damaged'.

This statement assumes there is flexibility in the placement of the proposed screw piles and that if significant roots are identified the screw piles may be moved to another root free location. This assumption should be confirmed and if incorrect, the necessary root investigation should be undertaken now to determine if any amendment is required to the positioning of the proposed gantry deck to ensure the tree is not impacted.

3.5 Objection 1

An adjacent neighbour at 84-86 Wentworth Park Road, Glebe, raised objections to the proposal based on:

- Noise during the construction and removal of the temporary site accommodation.
- Noise during the occupation of the building by Multiplex workers and contractors.

4.0 Response to key issues raised

The following section provides responses to the key issues raised by DPIE, agencies and other stakeholders.

4.1 Department of Planning, Industry and Environment

4.1.1 Justification of the modified project

Minimises regular relocation throughout construction

The approved development is partly on land and predominately over the waters of Blackwattle Bay, as illustrated in **Figure 2**. One of the key challenges is the limited land available on-site to accommodate worker amenities, particularly during the earlier stages of construction.

As a part of the approved works, earthworks were approved (fill of up to 1.2m) at different stages of construction. Substantial diversion of in-ground services from Bridge Road to within the site is also required. As such, sections of the land-based portion of the site require closure to undertake the works above. This would require the site accommodation to be regularly relocated if placed within the existing site boundary. The limited land available, approved earthworks and staging methodology present a logistically challenging site to accommodate on-site accommodation.

Regular relocation of the site accommodation is not practical and will require constant changes to worker access, traffic movement and emergency egress which may cause confusion for workers and emergency services. Regular relocation of site accommodation will also result in additional noise impacts to adjacent residential receivers.

The SSC staff car park is suitable in that it provides land to facilitate on-site accommodation throughout the duration of construction, and provides proximate access to the main construction site. Furthermore, the proposal confines access and egress from a single point within the site that prevents worker interaction and/or congestion with the public and school community.



Figure 2 The site is predominately located over water, with restricted opportunity to provide site accommodation on land

Source: Nearmap/Ethos Urban



Figure 3 In-ground services to be diverted to within the site

Source: Multiplex

Insufficient space within site due to seawall instability and basement redesign per MOD 3

Revetment works has further reduced the availability of land within the existing site parameters to accommodate essential site accommodation. The existing seawall was deemed unsuitable to be retained for the future structure due to its instability, and therefore revetment works were undertaken along the existing seawall to provide stability.

This required demolition of the existing seawall and introduction of a revetment, which has further reduced the area of land on site.

This reduction has had major impacts to site logistics and planning, where the remaining hardstand is required for use as concrete placement zones, construction traffic access and loading zones. There is insufficient area available for site accommodation without affecting critical construction activities and/or pedestrian access on Bridge Road.



Figure 4 Extent of revetment works

Source: Multiplex

COVID-19

Since the original approval, the impact of COVID-19 demands additional spatial requirements for indoor settings, such as on-site accommodation. The proposal takes into account the additional health and safety requirements as it allows for increased separation between workers.

4.1.2 Visual Impact Assessment

The amended Visual Impact Assessment (**Appendix B**) has been updated to include a map which identifies the location of the seven viewpoints examined. Each of the viewpoints considers the visual impact of the proposal based on the photomontages provided at **Appendix G**.

An additional viewpoint (Viewpoint 7) from Bridge Road, directly opposite the SCC carpark site, has been assessed. The sensitivity of this viewpoint is moderate given the use of this viewpoint and the users of the viewpoint. The overall visual impact of the proposal is considered to be low when assessed from Viewpoint 7. The amended VIA concludes that while the proposed temporary site accommodation structures will result in some temporary visual and view impacts from key viewpoints, these are generally deemed to be low impacts.

4.1.3 Biodiversity Development Assessment Report

An addendum to the BDAR (**Appendix C**) provides an assessment of the proposal's impacts on biodiversity and stipulates mitigation measures. The proposed modification results in the removal of one small, planted tree (Tree 8 in the AIA). Due to its low significance, the removal of this tree is not expected to result in any additional biodiversity impacts. The removal of Tree 8 is unlikely to significantly affect foraging habitat for Grey-headed Flying Fox due to its small size.

This modification is not expected to affect the sea wall or microbats that were formerly roosting underneath the wharf, noting this was a major biodiversity impact associated with the SSD.

The proposed modification is not expected to result in any additional biodiversity impacts or require additional offset credits to be retired due to the minor level of impact and low significance of existing biodiversity values. Indirect impacts will be reduced, provided mitigation measures in the addendum and original BDAR are implemented.

4.1.4 Miscellaneous

- Confirm how access is provided between the ground floor and first floor. The location of any staircase shall be shown on the architectural plans.

Comment: The Architectural Plans (**Appendix A**) have been amended to illustrate the location of stairs to access the ground to first floor.

- Label the elevation drawings (Drawing No 110-112)

Comment: Elevations have been labelled.

- Confirm the amount of additional truck movements during installation and dismantling and the timeframe for installation and dismantling within Section 2.10 of the Construction Management Plan.

Comment: Section 2.10.1.1 of the amended CMP (**Appendix F**) has been amended. There is expected to be approximately 12 truck movements per day for a one month period during installation and the same quantity and duration during dismantle works.

4.2 City of Sydney Council (the City)

4.2.1 Tree Impacts

The City's concerns and recommendations regarding tree impacts have been addressed in detail in the Arboricultural Comment, prepared by Tree Report (**Appendix D**). An Arboricultural Impact Assessment (AIA) and Tree Protection Plan (**Appendix E**) has also been prepared by a qualified AQF Level 5 arborist.

The proposal has been amended to minimise impacts upon existing trees. MOD 6, as originally lodged, sought removal of three (3) trees (T3, T8 and T10). The proposed development has since been amended to require removal of one (1) tree only (T8), to facilitate the required sewer connection associated with the development. The gantry design has been modified to allow retention of T3 and T10 and will be constructed using tree-sensitive design techniques to minimise impacts to these trees. While excavation activities <20% of the total TPZ of T3 and T10 is required, this is unlikely to have a significant impact on the health, condition and/or suitability of these trees in the long term.

A detailed Tree Pruning Specification has been prepared, as requested by Council. Trees T3, T4, T9 & T10 have been identified have a canopy conflict with the temporary structure or site access requirements and will require pruning activities of 10%, 15%, 10%, <1%, respectively. Based on current health, vitality and species tolerance of canopy pruning, these trees have been deemed to remain viable.

4.2.2 Glebe Foreshore Walk

The City recommended that any works associated with the erection of the temporary access bridge and structures be carried out at a time that would have as little impact on public access along the Glebe Foreshore Walk as possible.

As detailed in the amended Construction Management Plan (**Appendix F**), pedestrian access along Glebe Foreshore Walk will be maintained for the duration of works. An alternative access path for pedestrians will be provided with traffic controller guidance during the installation of a modular structural steel bridge which spans from the gantry to within the project construction site. The modular bridge installation is expected to be undertaken as night works in consideration for public safety and to minimise disruptions. Adequate notice will be provided to stakeholders prior to works.

An exclusion zone will be set up with physical barriers along the Glebe Foreshore Walk frontage where required during installation and dismantle of the site accommodation complex, whilst maintaining access through the foreshore walk for pedestrians and cyclists.

The proposal is consistent with clause 7.11 of the Sydney Local Environmental Plan (LEP) 2012 in that it provides continuous public access to and along the foreshore through or adjacent to the proposed development.

4.3 Environment, Energy and Science Group

4.3.1 Impacts to Vegetation

EES sought confirmation in the flexibility of screw piles to confirm tree T11, a high value tree, will not be impacted. The amended AIA states tree T11 is located outside of the proposed area of disturbance, and accordingly, there are

no foreseeable impacts as a result of the proposal. Tree T11 can be successfully retained and will be protected via the use of tree protection fencing.

4.4 Objection 1

An adjacent neighbour at 84-86 Wentworth Park Road, Glebe, raised objections to the proposal based on noise during the construction and removal of the temporary site accommodation, and noise during the occupation of the building by workers and contractors.

A Noise and Vibration Impact Assessment accompanied MOD 6 and assessed these impacts associated with the construction and operation of the site accommodation complex. 84 Wentworth Park Road (received ID R02) is located approximately 50m to the proposed works. Predicted construction noise levels were reported for this residential receiver, noting the noise level is predicted to be below noise management level during approved construction hours. The Proponent will adopt the recommended construction noise mitigation and management measures.

5.0 Proposed Modifications to the Consent

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

SUMMARY OF MODIFICATIONS

<i>Application Number</i>	<i>Determination Date</i>	<i>Decider</i>	<i>Modification Description</i>
SSD-8925-MOD-6	[TBC]	[TBC]	<i>Modification to temporarily extend the boundary of the subject site to include the Sydney Secondary College car park to be utilised as site accommodation during the construction of the new Sydney Fish Market.</i>

SCHEDULE 1

Site: 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), ***1 Pyrmont Bridge Road (Part of Lot 3 DP 1018801).***

DEFINITIONS

Subject Site: Land referred to in Schedule 1 ***with regard to Condition D46.***

SCHEDULE 2

PART A ADMINISTRATIVE CONTROLS

TERMS OF CONSENT

Condition A2 (g): ~~in accordance with the approved plans in the tables below:~~ ***in accordance with the Modification Report 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***

Condition A2 (h): ***in accordance with the approved plans in the tables below:***

Site Accommodation Drawings prepared Alessi Consulting			
<i>Dwg No.</i>	<i>Rev</i>	<i>Name of Plan</i>	<i>Date</i>
<i>100</i>	<i>08</i>	<i>Site Plan</i>	<i>14/01/2022</i>

101	04	Gantry Plan	14/01/2022
110	04	Elevation 110-01 South	14/01/2022
111	03	Elevation 111-01 East	17/01/2022
112	02	Elevation 112-01 West	17/01/2022
120	04	Section 120-01	14/01/2022
121	04	Section 121-01	17/01/2022
Site Accommodation Drawings prepared Ausco Modular			
Dwg No.	Rev	Name of Plan	Date
A-001	H	Site Plan 1	25/01/2021
A-002	H	Site Plan 2	25/01/2021
A-003	H	Site Plan 3	25/01/2021
A-100	H	Ground Floor Plan	25/01/2021
A-102	H	First Floor Plan	25/01/2021
A-200	H	Elevations	25/01/2021

PART B PRIOR TO COMMENCEMENT OF WORKS/ISSUE OF A CROWN BUILDING WORKS CERTIFICATE

CAR PARKING

Condition B44 A. *Except during the construction and dismantling of site accommodation, the gantry and site accommodation at the Sydney Secondary College shall not prevent the operation and use of the car park on school operating days.*

Condition B44 B. *The use of the car park for the purpose of car parking is limited to persons associated with the Sydney Secondary College only. Except for the construction and dismantling of site accommodation, the car park must not be used for car parking by personnel associated with the construction of the Sydney Fish Market.*

PART C DURING CONSTRUCTION

Condition C56 A. *Tree removal (tree 8) and tree protection measures are to be in accordance with the Arboricultural Assessment Report prepared by Tree Report Pty Ltd, dated January 2022.*

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Condition D46. *Once the site accommodation is dismantled, the Sydney Secondary College at 1 Pyrmont Bridge Road (Part of Lot 3 DP 1018801) is excluded from the subject site.*

6.0 Conclusion

The SSD Development Application seeks consent to temporarily extend the boundary of the site to include the Sydney Secondary College car park at 1 Pyrmont Bridge Road, to be utilised as temporary site accommodation (site sheds and amenities) during the construction of the new Sydney Fish Market.

This RTS has been prepared as required by the Planning Secretary in accordance with the EP&A Regulations. Each of the submissions received has been collated, analysed and relevant issues have been addressed.

This RTS provides additional justification for the need of the proposal to facilitate the construction of the new Sydney Fish Market. This submission also provides a further assessment of tree, biodiversity and visual impacts in response to the issues raised by Government agencies and other stakeholders.

The revised assessments demonstrate a reduction in the environmental impact of the proposed development, compared to the original proposal described in the Planning Report. No significant adverse environmental, social or economic impacts have been identified.

Having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development, the carrying out of the project is considered to be justified.