

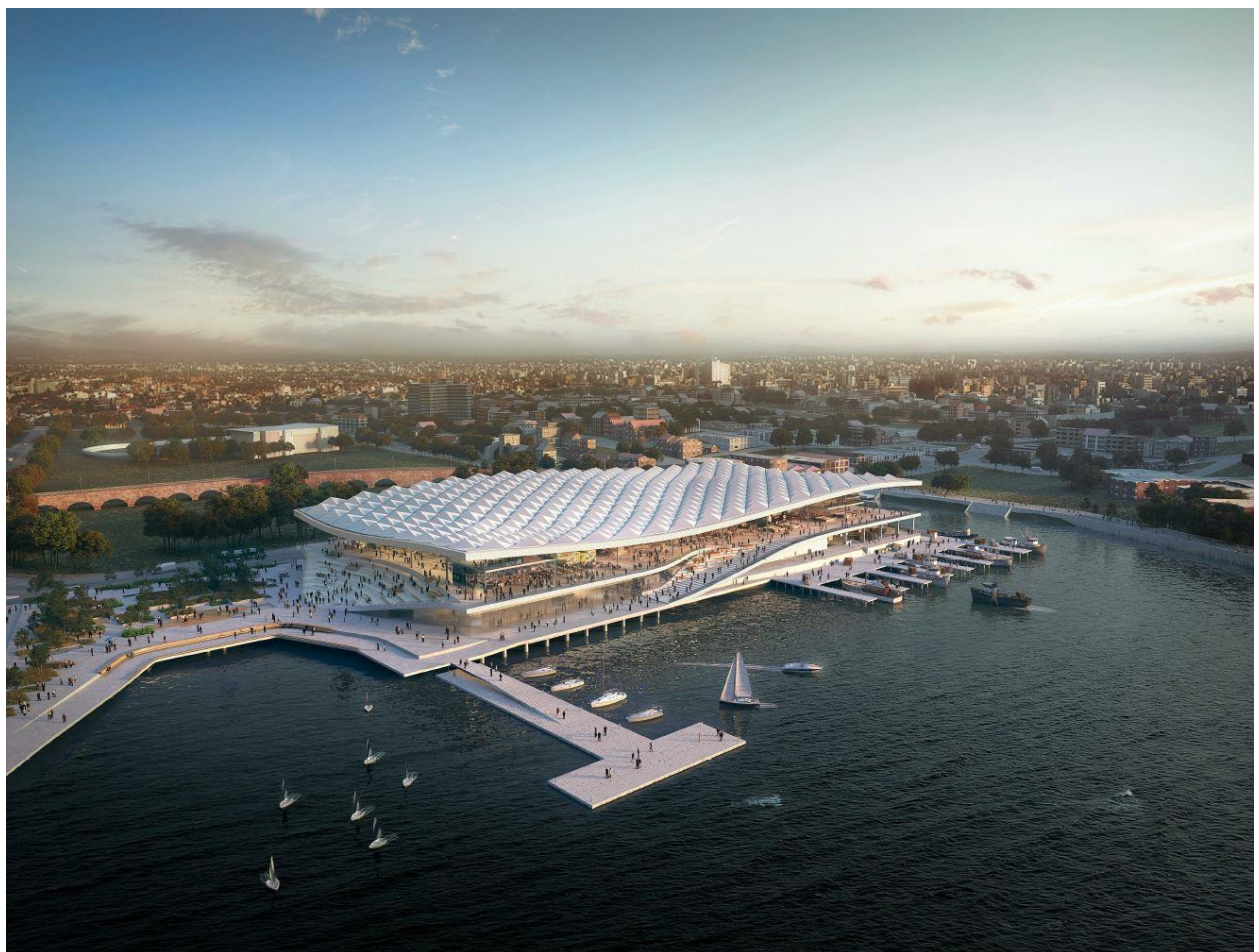


The New Sydney Fish Market

State Significant Development Assessment

SSD 8924 and SSD 8925

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Glossary

Abbreviation	Definition
Applicant	Infrastructure NSW
AHD	Australian Height Datum
BCA	Building Code of Australia
CBD	Central Business District
CIV	Capital Investment Value
Coastal SEPP	State Environmental Planning Policy (Coastal Management) 2018
Council	City of Sydney Council
Department	Department of Planning, Industry and Environment
DPI	Department of Primary Industries, DPIE
DPIE Water and NRAR	Department of Planning, Industry and Environment Water and the Natural Resources Access Regulator
DIP	Design Integrity Panel (successor to the Design Review Panel)
DRP	Design Review Panel
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GA NSW	Government Architect NSW
GFA	Gross Floor Area
GSC	Greater Sydney Commission
GSRP	Greater Sydney Region Plan

Heritage NSW	Heritage NSW, Department of Premier and Cabinet
INSW	Infrastructure NSW
ISEPP	State Environmental Planning Policy (Infrastructure) 2007
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
NRAR	Natural Resources Access Regulator, DPIE
RMS	Roads and Maritime Services, TfNSW
RtS	Response to Submissions
RRtS	Revised Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SEPP 33	State Environmental Planning Policy No 33 – Hazardous and Offensive Development
SEPP 55	State Environmental Planning Policy No 55 – Remediation of Land
SFM	Sydney Fish Market
SHC SREP	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
SREP 26	Sydney Regional Environmental Plan No 26 – City West
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
SSP SEPP	State Environmental Planning Policy (State Significant Precincts) 2005
SDCP 2012	Sydney Development Control Plan 2012
SLEP 2012	Sydney Local Environmental Plan 2012
TfNSW	Transport for NSW
UGDC	Urban Growth Development Corporation

Executive Summary

Introduction

This report provides an assessment of a proposal to develop a new Sydney Fish Market (SFM) at the head of Blackwattle Bay, at Bridge Road, Glebe. The proposal consists of two State Significant Development (SSD) applications, comprising a concept and Stage 1 demolition application (SSD 8924) and a Stage 2 main works application (SSD 8925).

The concept proposal seeks approval for the new SFM and includes the first stage of the development for the demolition of the existing industrial structures on the site, to make way for the new SFM building.

The Stage 2 main works application seeks approval for the construction and operation of the new SFM. The purpose-built facility will be positioned predominately over the water at the head of Blackwattle Bay, taking advantage of the views of the bay and Anzac Bridge. The proposal will expand and improve the functions of the existing SFM and will include a variety of fishmongers, restaurants, cafes, bars and specialty food retailers. Visitors will be able to experience the inner workings of the fish market with views to the auction floor, as well as to the working wharves and boating facilities.

The proposal also includes improved access to the foreshore and approximately 12,700m² of public domain, consisting of a public promenade along the foreshore, a public plaza (to the eastern and western end of the building) and a public promenade along Bridge Road. A recreational wharf with capacity to accommodate a future ferry stop is also proposed.

There would also be upgrade works to Bridge Road improving pedestrian and cycling links to surrounding areas, including a new intersection to access the site, a drop-off zone for cars and buses, a new shared pedestrian and cycle path and basement parking for 417 cars.

The Applicant for both applications is Infrastructure NSW and the site is located within the City of Sydney local government area. The Minister for Planning and Public Spaces is the consent authority for both applications.

Engagement

The Department publicly exhibited the applications for 28 days from Thursday 17 October to Wednesday 13 November 2019. In response to the concept and Stage 1 demolition works application, the Department received 184 submissions, comprising 11 submissions from government agencies, a submission from City of Sydney Council, 108 public submissions of objection, 40 providing comment and 24 in support.

In response to the Stage 2 main works application, the Department received 132 submissions, comprising nine submissions from government agencies, a submission from City of Sydney Council, 90 public submissions of objection, 21 providing comment and 11 in support.

Key issues raised in public submissions related to traffic, parking, contamination, future use and re-development of the existing SFM site and the loss of direct connection between Wentworth Park and Blackwattle Bay.

In response to issues raised in submissions, the Applicant submitted a Response to Submissions report which provided additional information, plans and justification for the proposal.

Assessment

The Department has undertaken a detailed assessment of the proposal and has carefully considered the issues raised in submissions. The Department considers the proposal is acceptable for the reasons outlined below.

Strategic Planning Framework

The Department considers the proposal is consistent with the strategic planning framework established for the site. In particular, the proposal is consistent with the objectives of the Greater Sydney Region Plan and the Eastern City District Plan as it would deliver a new SFM which would make a significant contribution to tourism, support the renewal of the Bays Precinct and increase access to the waterfront, which is currently restricted.

Design Excellence and Sustainability

The Department considers the proposal demonstrates design excellence. The design of the SFM has gone through a robust Design Excellence Strategy in collaboration with the Government Architect NSW and City of Sydney Council, with oversight and review by a Design Review Panel. The overall design has evolved from a detailed consideration of the site and its context and the operational needs of the new SFM. The design of the new SFM is contemporary in nature and it would create a landmark building at the head of Blackwattle Bay.

The proposal also incorporates ecologically sustainable design principles. The Applicant is committed to achieving a 5-Star Green Star Design, incorporating a solar power system, energy efficient lighting and a water reuse system which would result in a significant improvement in sustainability compared to the existing SFM facility.

Built Form

The Department considers the proposal would result in an acceptable built form outcome for the site. While there are no height or floor space ratio controls which apply to the site, the built form and its interaction with the adjoining public domain is considered to be acceptable as it:

- incorporates appropriate setbacks, articulation and a roof form which modulates and breaks down the mass and scale of the building
- establishes an appropriate building height which is consistent with the existing structures on the site and the adjoining Moreton Bay Fig trees
- opens up views to the east and west of the building towards Blackwattle Bay and the Anzac Bridge and activates the edges to knit the building into its surrounds
- provides improved circulation and connectivity to adjoining public domain areas
- would not result in any unacceptable visual or amenity impacts on its surrounds.

Public Domain

The Department considers the proposed public domain elements of the proposal are acceptable. While the proposal would result in a loss of some harbour waterways, this would be offset by significant public domain and access improvements to the harbour foreshore, as it would provide:

- approximately 12,700m² of public domain across the site
- 490 linear metres of access (some through the building as linkages) to the foreshore
- a recreational wharf with an additional 980 m² and 189 linear metres of access to the foreshore, with capacity to accommodate a potential future ferry service stop
- a public plaza at the eastern and western end of the SFM building, which will provide a total of 4,715 m² of public open space and act as an extension to the public foreshore.

The Department considers the improvement to foreshore access and its linkages to the surrounding foreshore network and the civic plazas (eastern and western plaza) would provide a significant public benefit.

Transport and Navigation

The Department is satisfied traffic and navigational impacts associated with the proposal are acceptable and can be appropriately mitigated and managed. Traffic modelling indicates that the level of service for nine key intersections around the site would not change despite the expected rise in visitation numbers. This is because car parking would be capped and measures would be put in place to encourage greater use of nearby public transport. Further, the proposed road upgrade works to Bridge Road, the provision of a new signalised intersection providing access to the site and the intersection works to Bridge Road/Wentworth Park Road and Bridge Road/Wattle Street would also improve capacity and circulation within the surrounding road network. The proposal also includes a pick-up/drop-off zone as well as improvements to pedestrian and bicycle access and facilities. Combined, these measures would appropriately minimise and manage traffic impacts.

The Department considers the proposed car parking rate is acceptable. The proposal includes the same number of car parking spaces currently provided at the existing SFM (417 vehicle spaces) and it is consistent with local and State policies which seek to limit car parking at highly accessible locations. All parking will be contained on-site with measures proposed to reduce car dependency and encourage travel via public transport, cycling and walking.

While the proposal would result in some shortening of a rowing course in Blackwattle Bay, the impact is reasonable as it would ensure that a safe buffer distance is provided between rowing users and larger maritime vessels utilising the SFM wharves. The Department also notes that continued access to the harbour would be maintained for boat users during construction and ongoing consultation with rowing and dragon boat clubs would be undertaken to address any potential impacts that may arise during construction.

Ecological Impacts

The Department considers the proposal has appropriately minimised impacts on significant trees, particularly the double row of Moreton Bay Figs within Wentworth Park. Some pruning of the figs would be required to accommodate the upgrade of Bridge Road which would be increased in height by 1 metre. The pruning would be required to provide vehicles with sufficient vertical clearance to pass underneath the overhanging branches. Pruning would generally be limited to approximately 2-4%, with some trees requiring up to 10% of the total volume of the tree to be pruned. The Department considers the proposed pruning is acceptable as it would allow the height of Bridge Road to be raised which would improve the public domain, access to the site, road widths and flood management in the area. Further, the Department is satisfied the pruning is minor and it has been appropriately minimised where possible. The Department has also recommended conditions to ensure the pruning is undertaken in accordance

with the Council's requirements and appropriate measures are put in place to retain and protect all of the fig trees.

The Department considers the proposal would not result in any significant impacts on terrestrial or aquatic biodiversity. Microbat roost locations were identified within the wharf structures and within existing derelict buildings. However, the potential risk to microbats can be suitably mitigated and managed through microbat exclusion works and compensatory bat boxes undertaken in accordance with a Microbat Management Plan. The proposal would also have acceptable and manageable aquatic ecological impacts, with the potential for longer term benefits through the provision of environmentally friendly designed seawalls and foreshore structures.

Amenity Impacts

The Department is satisfied that any potential amenity impacts arising from the proposal would be minimal. In particular, the Department considers overshadowing impacts are limited as the site is located to the north of a major arterial road. Visual impacts, both public views and private views, are mitigated as the siting of the building is well considered and the eastern and western plaza areas provide vistas past the site to the harbour at key entry nodes. The Department also considers public views, visual impacts and the proposal's relationship with the harbour is significantly improved compared to existing site conditions.

Operational Impacts

The Department considers the operational impacts of the proposal are acceptable. The proposed hours of operation for the SFM operations are consistent with the existing SFM, operating 24-hours-a-day, while the hours of operation for the proposed retail and commercial premises are considered reasonable as they are generally equivalent to existing and surrounding hours of operation for similar premises. The public domain areas would be open 24-hours-a-day, which is appropriate as continual public access is in the public interest.

The Department considers any acoustic and odour/air quality impacts can be appropriately mitigated and managed through the building's purpose-built design which includes modern refrigeration and exhaust systems. The Department has also recommended a suite of conditions to appropriately mitigate and manage the potential operational impacts associated with the proposal.

Public Benefits

The Department considers the proposal would result in a number of significant public benefits including:

- supporting the renewal of the Bays Precinct through the revitalisation of Blackwattle Bay
- returning inaccessible parts of the Harbour foreshore to the public
- the creation of approximately 12,700m² of public domain consisting of a public promenade along the foreshore and Bridge Road as well as two public plazas (at the eastern and western end of the building)
- opening up views of Blackwattle Bay and the Anzac Bridge
- improving the visitor experience, functional performance and environmental sustainability of the facility, when compared to the existing SFM
- making a significant contribution to tourism, retail and hospitality sectors of the economy, with visitor numbers to the new SFM forecasted to double over 10 years

- improved night-time activity, enhancing NSW as a tourist destination
- the creation of approximately 700 construction jobs (over the two stages) and approximately 725 on-going operational jobs.

Conclusion

Overall, the Department considers the proposal is acceptable as it will expand and improve the functions of the existing SFM in a new building which achieves design excellence. Further, the proposal would result in substantial public domain improvements through the creation of a waterfront promenade and two areas of waterfront public open space.

Importantly, the proposal would act as a catalyst for the rejuvenation of Blackwattle Bay and contribute to the tourism industry and broader economy, with visitor numbers forecasted to double over the next 10 years. The Department has also recommended a suite of conditions to address community concerns and ensure the impacts of the development are appropriately mitigated and/or managed.

The Department's assessment therefore concludes the proposal is in the public interest and it is recommended the applications be approved, subject to conditions.

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1 Introduction

Infrastructure NSW (the Applicant) seeks approval to develop a new Sydney Fish Market (SFM) at 1A, 1B and 1C Bridge Road, Glebe and over the waters of Blackwattle Bay (the proposal). The proposal consists of two State Significant Development (SSD) applications being:

- a concept and Stage 1 demolition works application (SSD 8924) for a concept building envelope for the new SFM and demolition of land and water-based structures on the site and any resulting repairs to the existing seawall
- Stage 2 main works application (SSD 8925) for the construction and operation of the new SFM, including public domain and road upgrade works.

1.1 Site Context

The site is situated at the head of Blackwattle Bay between Pyrmont Peninsula and Glebe Peninsula (**Figure 1**). It is situated less than 2 km west of Sydney's CBD, and is partially within the City of Sydney Local Government Area.

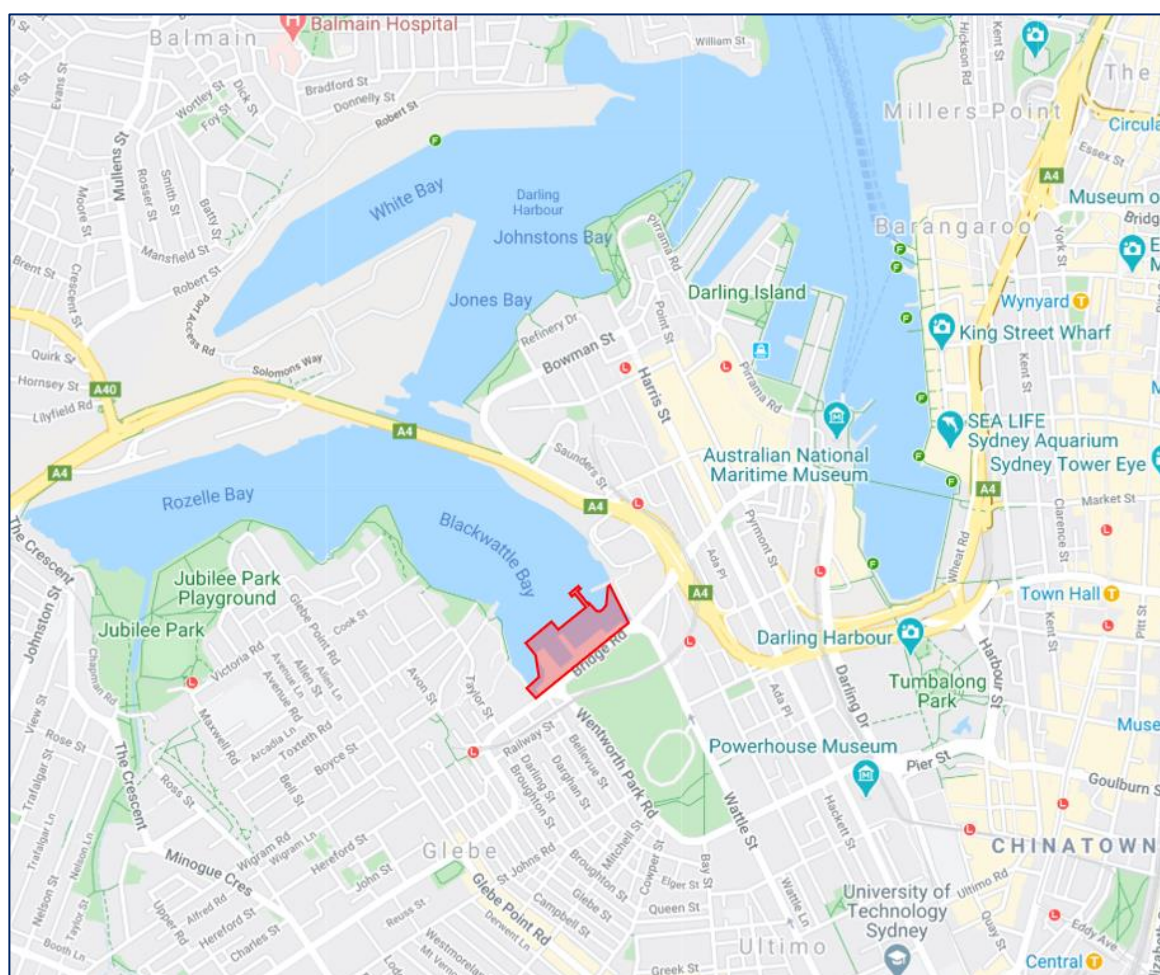


Figure 1 | Site context with the site shaded in red (base source: Nearmap)

Blackwattle Bay is one of a number of bays on Sydney Harbour and forms part of the Bays Precinct, which comprises Glebe Island, Blackwattle Bay, Wentworth Park, Rozelle Bay (including the rail yards) and White Bay. This precinct has historically been utilised for maritime, light industrial and working waterfront purposes.

Blackwattle Bay is currently home to the existing SFM, established in 1966. The existing SFM is located to the south-east of Anzac Bridge at the intersection of Pyrmont Bridge Road and the Western Distributor with frontage to Blackwattle Bay. Sydney Fish Market Pty Ltd was formed in 1994 in response to the NSW Government privatisation of the marketing of seafood. It has developed into a popular tourist location with some 3 million visitors annually. The existing fish market extends over approximately 18,000 m² of gross floor area which includes approximately 10,600 m² of ground floor retail and auction floor area. It also includes an at-grade car parking area for approximately 417 cars and loading areas.

Blackwattle Bay is well serviced by public transport with three light rail stops, and bus services, all within a short walk to the site.

1.2 The Site

The site is located at 1A, 1B and 1C Bridge Road, Glebe (**Figure 2**). The site comprises of the following allotments:

- Lot 3-4 DP 1064339 – land containing the existing wharves at the head of Blackwattle Bay
- Lot 5 DP 1064339 – land comprising a concrete batching plant (under demolition)
- Part of Lot 107 DP 1076596 – comprising the waters of Blackwattle Bay
- Part of Lot 1 DP 835794 – land containing an existing SFM wharf and foreshore seating forming part of the existing SFM
- Part of Lot 3 DP 1018801 – land to the west of the site being land adjacent to the existing waterfront promenade along the edge of the school site (Sydney Secondary College Blackwattle Bay Campus)
- Part of Bridge Road – land associated with Bridge Road, where it adjoins Lots 3-5 DP 1064339 and at its intersections with Wattle Street and Wentworth Park Road.

The development footprint is irregular in shape and has an area of approximately 40,160 m². The site is partly on land and partly over the waters of Blackwattle Bay.

The development footprint has a frontage to Bridge Road of approximately 353 m extending from Sydney Secondary College Blackwattle Bay campus to the existing SFM and a depth of approximately 120 m (excluding new wharves).



Figure 2 | Site (development footprint shown in red and blue) (base source: Nearmap)

The site currently contains various structures, plant, wharves and a jetty associated with its past industrial use. The main features of the existing development on the site are outlined below:

- The western portion of the site was used as a concrete batching plant operated by Hanson Cement with facilities constructed in approximately 1981. The concrete batching plant is currently being demolished.
- The central portion of the site comprises wharves and a jetty and various structures previously used for waterfront industry purposes.
- The eastern portion of the site comprises the former Jones Brothers Coal loader and bins and weighbridge building. The site also includes part of the existing SFM wharf and outdoor dining area which is located along the foreshore on the western side of the existing SFM building.

There is one known item of European cultural heritage significance on the site being the Blackwattle Bay Stormwater Channel, which transects the south-eastern portion of the site.

The site and Bridge Road are subject to flooding, being at the base of a valley draining to Blackwattle Bay. The site and seabed of Blackwattle Bay is contaminated due to past industrial uses.

1.3 Surrounding Site Context

The site is situated at the head of Blackwattle Bay between Pymont Peninsula and Glebe Peninsula and the buildings surrounding the site vary in use and architectural design and form.

The immediate site context (**Figure 3**) is summarised as:

- to the north, the site adjoins Blackwattle Bay, and further north-east of the site is Anzac Bridge and Glebe Island. North-west of the site is the Glebe Rowing Club boatshed
- to the east, the site adjoins the existing SFM. To the south-east of the site, on the corner of Bridge Road and Wattle Street are several residential flat buildings on Pymont Bridge Road, Wattle Street and Wattle Crescent.
- to the south-east, the site is bounded by Bridge Road which is adjoined by Wentworth Park. Wentworth Park is a multi-purpose sporting facility that provides recreational spaces for various sports such as rugby union, cricket and football (soccer). Located within Wentworth Park is the greyhound racing track. A State heritage listed railway viaduct traverses the park.
- to the south west of the site, on the corner of Wentworth Park Road and Bridge Road is a residential flat building comprising six dwellings and a ground floor retail premises (84 Wentworth Park Road), the Kauri Foreshore Hotel and to the south of the light rail line, the more established residential areas of Glebe.
- to the west of the site is Sydney Secondary College. Further to the west are residential areas on the hillslopes of Glebe.
- there are a number of heritage items in the surrounding area including the Wentworth Park viaduct, Glebe Island Bridge, Bellevue (house), and Lyndhurst (house).

Photographs of the site and surrounds is provided in **Figures 4 to 10**.



Figure 3 | Site Location (base source: Nearmap)



Figure 4 | View of the site from the existing fish market site (source: EIS)



Figure 5 | View of the site looking south west (source: EIS)



Figure 6 | View of the site looking south east (source: EIS)



Figure 7 | View of Bridge Road looking west (source: EIS)



Figure 8 | Looking north to Bridge Road to the site (source: Department's photograph)



Figure 9 | Looking north from Wentworth Park to the site (source: Department's photograph)



Figure 10 | Looking north from Wentworth Park (behind the railway viaduct) to the site
(source: Department's photograph)

1.4 Need and Justification

The existing SFM is not purpose-built, is not fit-for-purpose and is struggling to meet the demands placed on it from suppliers and visitors. After the release of the Discussion Paper and Call for Ideas into the Bays Precinct in 2015, an analysis was undertaken for siting options for a new SFM. In 2016, the then Premier announced a proposal to relocate the SFM to the head of Blackwattle Bay. The Applicant has outlined the following key benefits of the proposal and its location:

- it is purpose-built and will be supported by state-of-the-art back-of-house plant and recycling/waste management facilities
- it would expand and improve the functions of the existing SFM in a new setting to achieve design excellence, functional performance and environmental sustainability
- it has a contemporary design, providing unique experiences for visitors and world-class auction and wholesale facilities
- it would act as a catalyst for the rejuvenation of the Blackwattle Bay area, replacing old and discussed structures and industrial uses which alienate the foreshore and are no longer required for their present and previous purpose
- it would return inaccessible parts of the foreshore to the public and would link with a future waterfront promenade along the eastern side of Blackwattle Bay to connect with the existing and future promenade around Pyrmont and Woolloomooloo
- it would produce strong economic and social benefits to the local and NSW community
- it would allow the existing SFM to trade uninterrupted until the new facility is completed.

2 Project

The proposal seeks approval for the new SFM, including public domain, open space and road upgrade works. The proposal will expand and improve the functions of the existing SFM, providing an improved experience for visitors with world-class auction and wholesale facilities.

The new SFM building would accommodate a variety of fishmongers, restaurants, cafes, bars and specialty food retailers in a market hall setting. The proposal also includes upgrade works to Bridge Road, a new intersection to access the site, a drop-off zone for cars and buses, a new shared pedestrian and bicycle path and basement parking for 417 cars.

The development would also include a waterfront promenade and two new plazas of public open space. This would open up views of Blackwattle Bay and Anzac Bridge and link the existing Glebe foreshore promenade to Pymont.

The key components of SSD 8924 - concept proposal and Stage 1 demolition and associated works application are summarised in **Table 1**. Key components of the Stage 2 main works application are summarised in **Table 2**.

Table 1 | Key components of the concept proposal and Stage 1 demolition works (SSD 8924)

Component	Description
Building Envelope	<p>The concept proposal seeks approval for a building envelope comprising:</p> <ul style="list-style-type: none"> • A building footprint of 19,000 m² (200 m by 95 m). • A maximum building envelope height of approximately 26 m (RL 28.0 AHD), capable of accommodating 4 levels including a basement parking level • GFA of up to 30,000 m²
Land uses	<p>The concept proposal includes the use of the site for the new SFM, including waterfront commercial and tourist facilities and ancillary uses comprising:</p> <ul style="list-style-type: none"> • Wholesale services space, including product storage and processing • Wharf and boating facilities, including up to eight operational wharves for fishing fleet servicing and product unloading/loading and a multi-purpose wharf for recreational vessels with the capacity for a private-operated ferry stop • Retail premises, including fresh food retail, shops, markets, kiosks, food and drink premises with the potential for liquor licenses • Business and office premises • Multi-functional spaces for exhibitions, events, functions including community events • Education establishments (culinary education) • Staff amenities and end-of-journey facilities • Below-ground parking consisting of 417 parking spaces for service and delivery vehicles, smaller coaches and private vehicles • Waste management facilities, storage areas, and plant areas

Public Domain	Concepts for improvements to the public domain, including promenades, access to Blackwattle Bay, landscaping and waterfront structures such as wharves
Road Upgrade	Concepts for upgrades to Bridge Road and its intersections with Wattle Street and Wentworth Park Road.
Subdivision	A new lot would be created for the new SFM site. Further subdivision of this lot is also proposed comprising the public domain and water, parts of the new SFM building and wharves.
Stage 1A -Demolition and Associated Works	<ul style="list-style-type: none"> • Demolition of existing buildings, structures, wharves and jetties • Erection of perimeter fencing, hoarding and scaffolding, site accommodation and environmental controls • Establishment of temporary access and pedestrian arrangements • Services verification, relocations and installation of selected temporary services, including capping and removal of in-ground services, diversions and terminations • Remediation • Civil works (temporary works, drainage and other in ground services) • Make good works to the existing sea wall and provision of revetment structures as required.
Employment	Creation of approximately 25 construction jobs

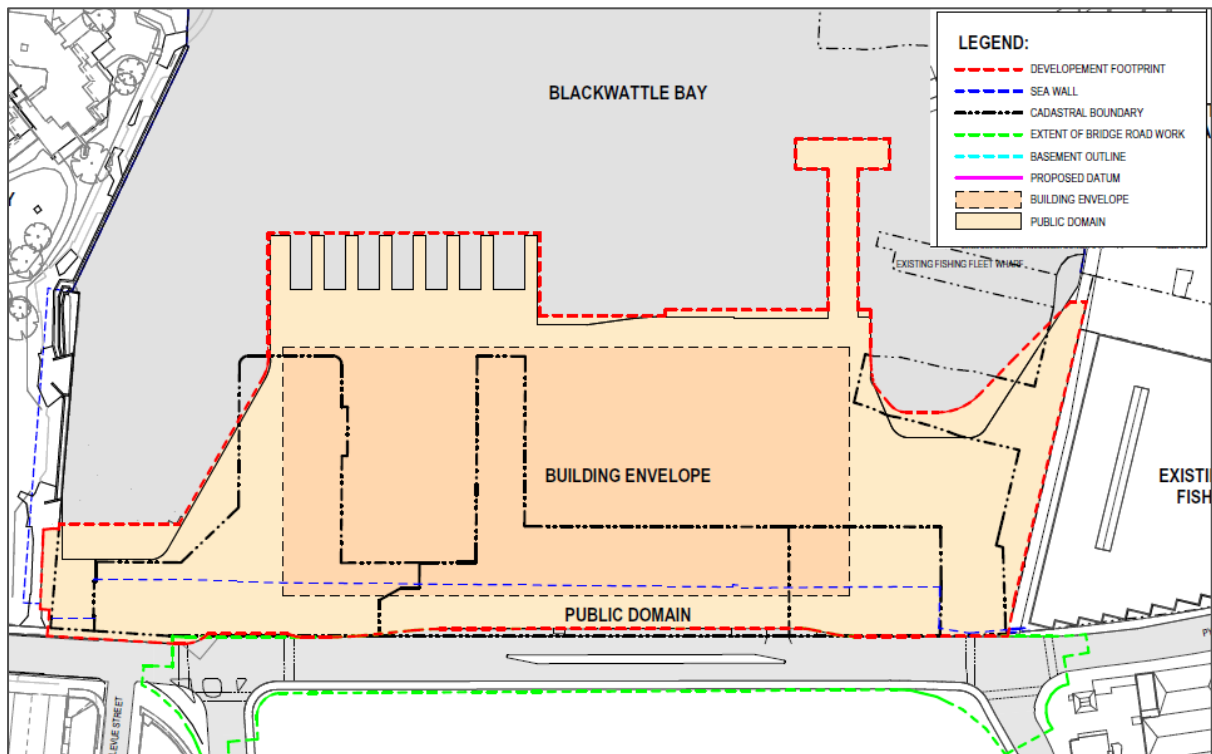


Figure 11 | Extract of the Building Envelope Plan and Public Domain Plan (Source: EIS)

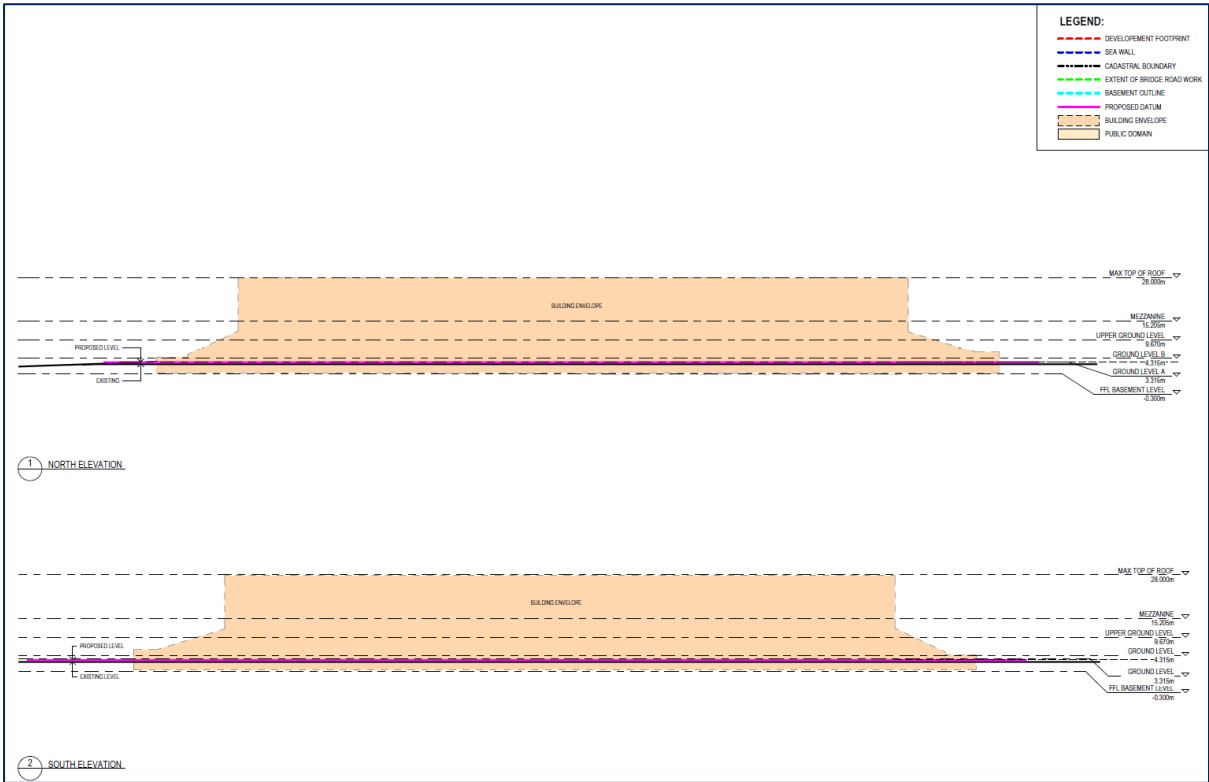


Figure 12 | Extract of the Building Envelope Plan – North and South Elevation (Source: EIS)

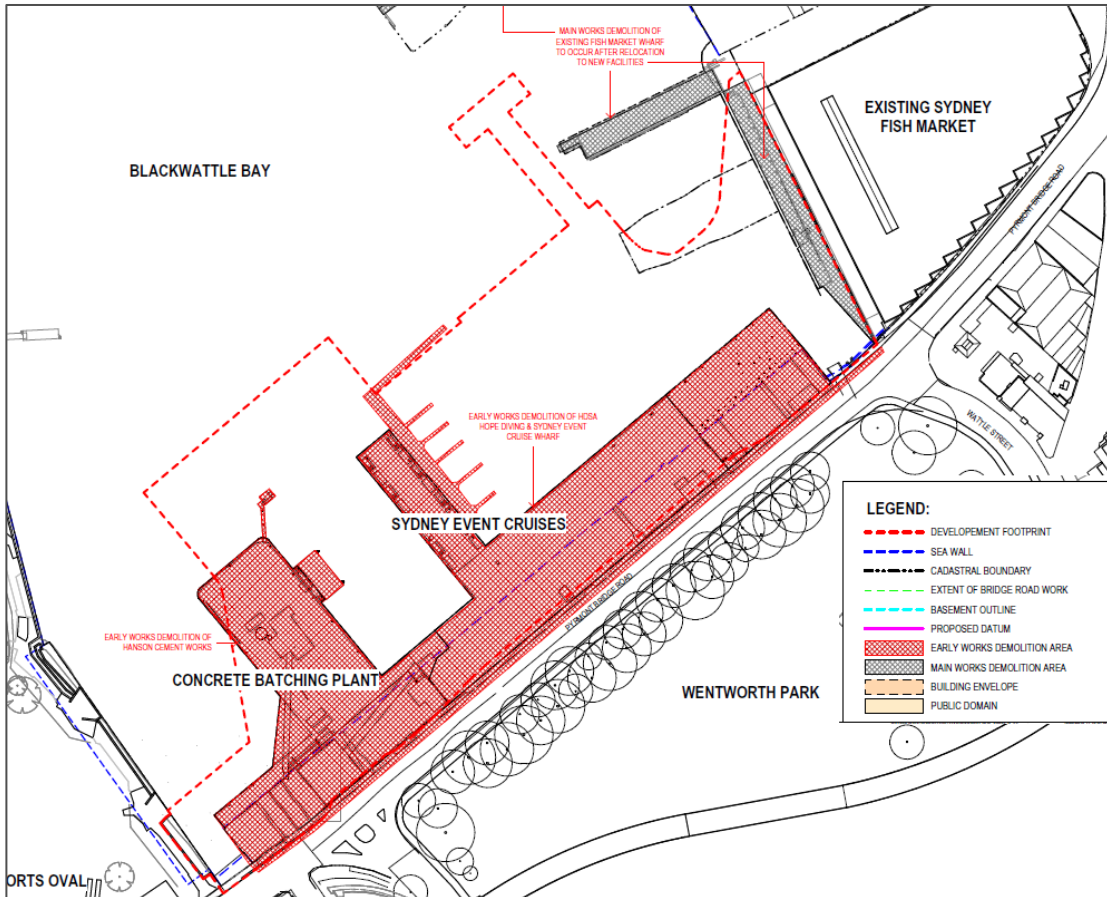


Figure 13 | Extract of the Demolition Plan (Source: EIS)

The key components of SSD 8925 Stage 2 main works application is summarised in **Table 2**. Illustrations of the proposal are shown in **Figures 14-18**.

Table 2 | Main Components of the Stage 2 Works (SSD 8925)

Component	Description
Built Form	<ul style="list-style-type: none"> Construction of a 4-storey building (including basement level), maximum building height of 25.7 m (RL 27.7 AHD) Setback approximately 13.5 m from Bridge Road and built over the waters of Blackwattle Bay
Uses	<ul style="list-style-type: none"> Wholesale services space, including product storage and processing Auction rooms and associated refrigeration and handling space and offices Wharf and boating facilities, including up to eight operational wharves for fishing fleet servicing and product unloading/loading and a multi-purpose wharf for recreational vessels with capacity for a private-operated ferry stop Retail premises including, fresh food retail, shops, markets, kiosks, food and drink premises (internal and external areas and with the potential for liquor licenses) Business premises and office premises Multi-functional spaces and areas for exhibitions, events, functions including community events Education establishments (culinary education) Publicly accessible promenade and recreation areas Staff amenities and end of journey facilities Parking for loading, service and delivery vehicles, smaller coaches and private vehicles up to approximately 417 vehicles Waste management facilities associated with the development Storage areas, including temporary overflow storage Ancillary back-of-house spaces and storage Cleaning and utility rooms Plant areas, equipment and services Ancillary uses.
Gross Floor Area (GFA)	<p>A total GFA of 26,751 m², comprising:</p> <ul style="list-style-type: none"> Ground floor (fish market operations) – 11,111 m² Upper ground floor (retail, food and drink premises) – 11,105 m² Mezzanine floor (Sydney Seafood School and commercial premises) – 4,535 m²
Hours of Operation	<p>The proposed hours of operation are:</p> <ul style="list-style-type: none"> Fish market operations (loading and unloading, wholesale areas and other functions on the ground floor) and the wharves and parking would operate 24-hours a day, seven-days-a-week Upper level retail, food and beverage areas and the mezzanine office area and Sydney Seafood School would operate from 7 am to 10 pm Sundays to Thursdays and 7 am to 12 midnight Fridays and Saturdays Extended trading would occur at Easter, Christmas and New Year

- Public domain areas including stairs, promenades and public lifts to the upper promenade level would be open 24-hours-a-day, seven-days-a-week.

Access and Parking

Access

- Vehicular access will be via a new driveway at the south-western corner of the building.
- Vehicle drop-off and pick-up area outside the site fronting Bridge Road, to be used for buses and coaches, private vehicles and taxis/ride share.

Service and Delivery Vehicles

- Loading dock for 13 medium rigid vehicles, 3 small rigid vehicles and 5 articulated vehicles
- 181 spaces will be double purposed to allow parking for 137 small rigid vehicles during the early morning wholesale and auction period

Car Parking

- 417 on-site parking bays, which includes:
 - 4 accessible car parking spaces
 - 56 parking spaces to accommodate B99 vehicles (i.e. larger passenger vehicles)
 - 176 dedicated retail car parking spaces
 - 181 flexible retail car parking, with 137 spaces available for use by small rigid vehicles.

Bicycle Parking

- End-of-trip facilities (changing rooms, lockers, showers) within the basement, and
 - 136 bicycle parking spaces, comprising
 - 60 bicycle parking spaces for staff within the basement
 - 76 bicycle spaces for visitors within the public domain.
-

Public Domain Works

New public domain works including:

- Urban park located at the eastern side of the site
 - Local park located at the western side of the site
 - Waterfront promenade along a portion of the foreshore
 - Green promenade along Bridge Road.
-

Wharves and Wharf Operation

Operational wharves

- Eight operational wharves located on the western side. These are located adjacent to an external loading dock, the function of which would be to facilitate the unloading of fishing vessels moored at the wharf and general boating activities.
- A public wharf located on the eastern side, capable of accommodating recreational vessels and a ferry stop

Recreational wharves

- A recreational floating wharf with 15 berths located on the eastern side, capable of accommodating recreational vessels and a ferry stop.
-

Subdivision

- Subdivision to create an allotment on which the new SFM would be built. The proposed subdivision will create 2 lots (proposed Lot 100 and Lot 101) to allow the leasing of the site and is intended to reflect the boundary of the development footprint
-

- A further subdivision of proposed Lot 100 into 7 lots, to enable the building to be on a separate lot to the public domain and water, and to allow the building to be leased in separable parts.

Bridge Road Works

Works are proposed to Bridge Road including:

- raising the level of the road by approximately 1 m between its intersections with Wattle Street and Wentworth Park Road
- signalisation of the Bridge Road/Wentworth Park Road intersection to provide a dedicated entry and exit point to the site
- enhancements to the Wattle Street / Bridge Road intersection to remove the existing pedestrian island
- footpath widening and dedicated off-road cycle connection along Bridge Road adjacent to the frontage of the site.

Employment

Creation of approximately 675 construction jobs and 725 operational jobs.



Figure 14 | Indicative view of the eastern promenade (Source: EIS)



Figure 15 | Indicative view of the northern promenade (Source: EIS)



Figure 16 | Indicative view of the western promenade (Source: EIS)

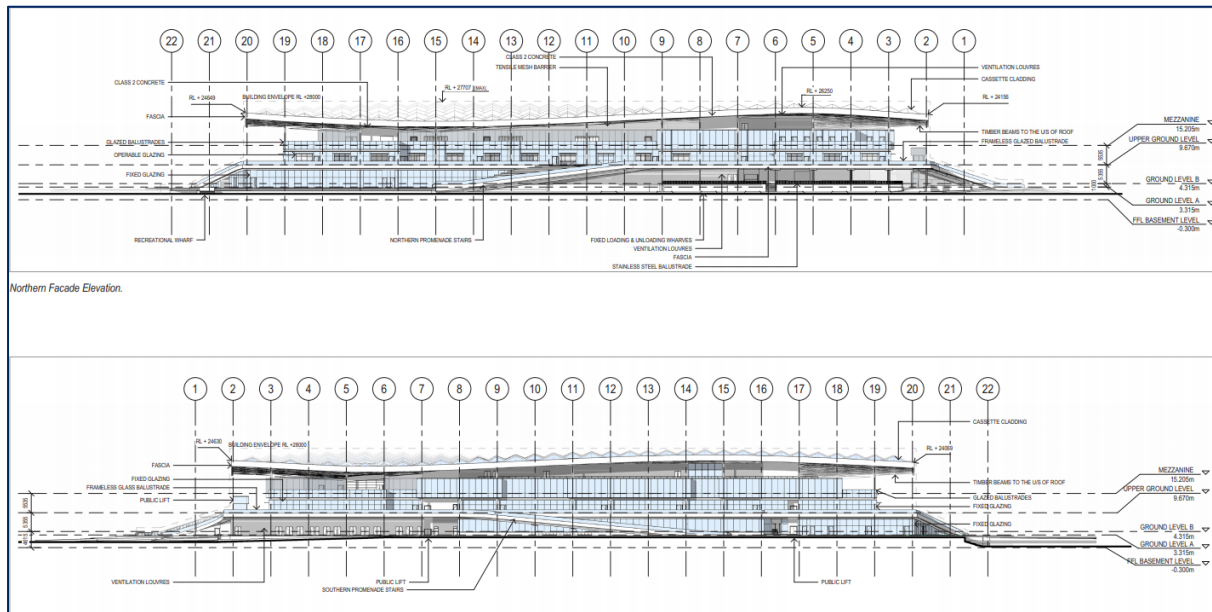


Figure 17 | Northern elevation (above) and southern elevation (bottom) (Source: EIS)

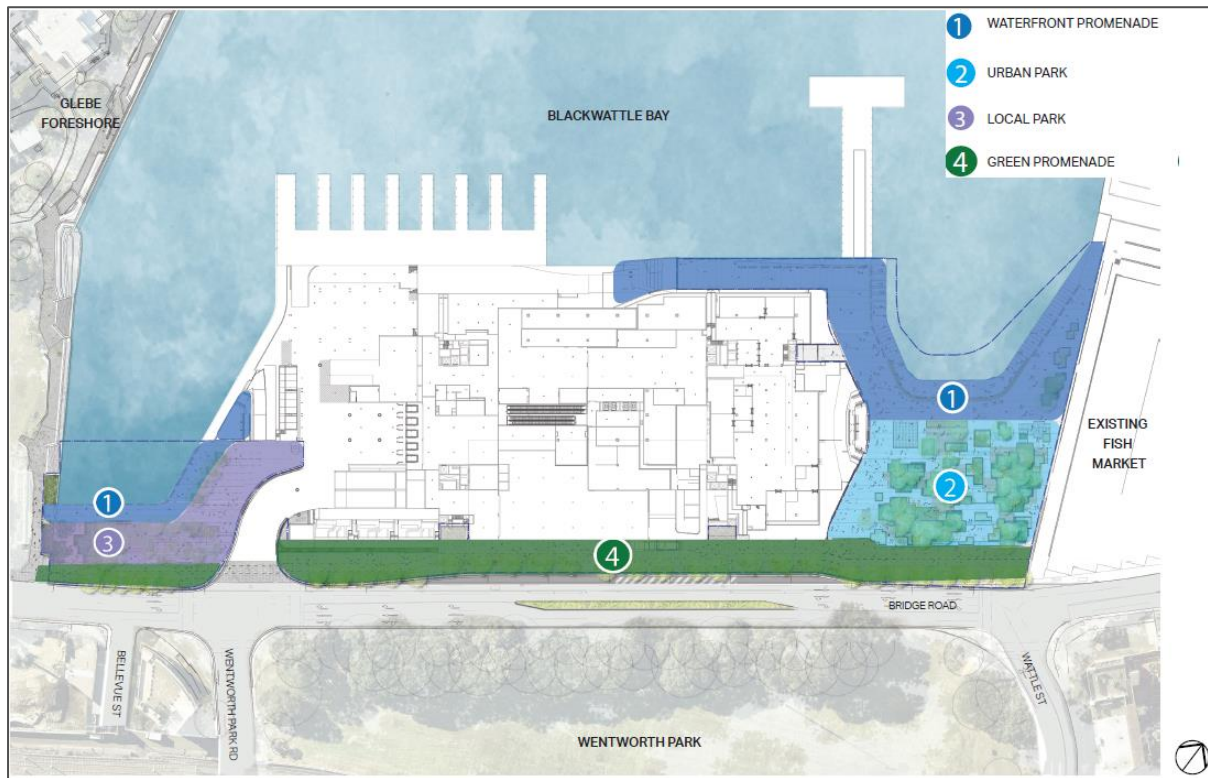


Figure 18 | Proposed public domain areas (Source: EIS)

2.1 Timing

The Applicant proposes to stage the construction of the development as follows:

Stage 1: Demolition of existing buildings and structures and associated works will be phased as follows:

- Phase 1: demolition of above-ground structures on wharves
- Phase 2: demolition of wharves
- Phase 3: make good existing seawall
- Phase 4: services reticulation.

Stage 2: Construction of the building and public domain and road works will be phased as follows:

- Phase 1: installation of marine piling and coffer dam and commencement of upgrade works to Bridge Road
- Phase 2: dewatering and pile cut off and continuation of upgrade works to Bridge Road
- Phase 3: construction of substructure (basement slab and walls) and continuation of upgrade works to Bridge Road
- Phase 4: construction of ground floor slab
- Phase 5: construction of upper ground floor and mezzanine level slab
- Phase 6: construction of roof and commencement of cofferdam removal
- Phase 7: continuation of cofferdam removal, construction of pilings for the promenades and internal building works
- Phase 8: promenade and wharf construction and internal building works
- Phase 9: continuation of promenade and wharf construction and internal building works
- Phase 10: finalisation of building works, wharf works, and promenade.

2.2 Related development

On 19 December 2018, development consent (DA 9449) was granted for the demolition of the existing concrete batching plant (**Figure 19**) located at 1A Bridge Road, Glebe (Lot 5 DP 1064339). Demolition works have commenced.

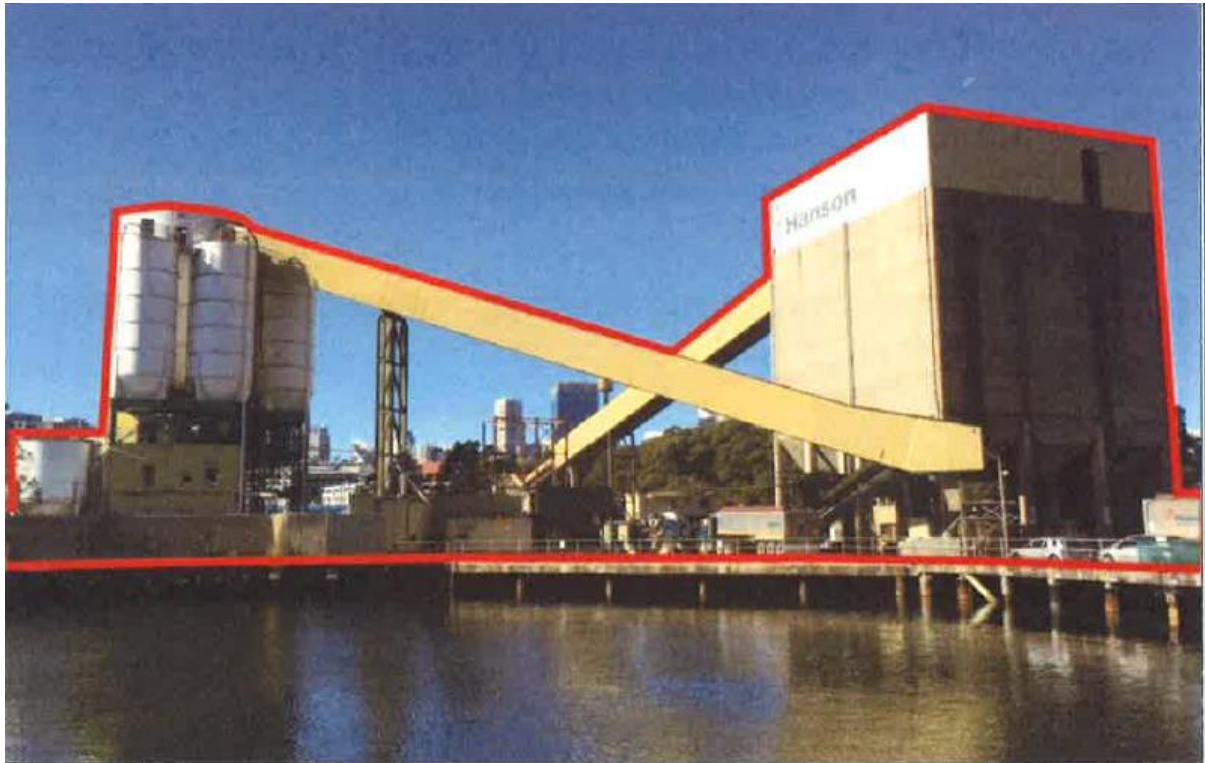


Figure 19 | Approved demolition of the concrete batching plant (outlined in red) (source: DA 9449 EIS)

3 Strategic context

3.1 Greater Sydney Region Plan

The Greater Sydney Region Plan (GSRP) supports a 40-year vision for a metropolis of three cities that will rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney. The site is located within the Harbour CBD.

The Department considers the proposal is consistent with the relevant directions and objectives of the GRSP as outlined below:

- Objective 12 'Great Places that bring people together' – the new SFM will act as a destination for collaboration and socialisation. The facility will be accessible and well-connected to existing public transport systems.
- Objective 18 'Harbour CBD is stronger and more competitive' – the SFM will contribute to tourism and associated employment and investment with the Harbour CBD. It is noted that the existing SFM attracts over 3 million visitors each year, and it is forecasted that this number will double with the new SFM.
- Objective 31 'Public open space is accessible, protected and enhanced' – the proposed development will provide improved access to the foreshore of Blackwattle Bay, which links to the public open space of Wentworth Park and Jubilee Park and other foreshore areas.

3.2 Eastern City District Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has prepared District Plans to inform local Council planning and influence the decisions of State agencies. The aim of the District Plans is to connect local planning with the longer-term metropolitan planning for Greater Sydney. The site is located within the Eastern City District.

The Department considers the proposal is consistent with the relevant directions and objectives of the Eastern City District Plan as outlined below:

- Planning Priority E6 'Creating and renewing great places and local centres and respecting the District's heritage': The proposal provides for the creation of a new centre around Wentworth Park and the Blackwattle Bay foreshore which will be readily accessible by all members of the public. The development will also respect the emerging heritage character of the area.
- Planning Priority E7 'Growing a stronger and more competitive Harbour CBD': The proposal will contribute to tourism in the Eastern Harbour CBD which will assist in growing into a stronger and more competitive Harbour CBD.
- Planning Priority E16 'Protecting and enhancing scenic and cultural landscapes' – identifies the opportunity for the Bays Precinct renewal can provide additional views to the coastline from public spaces. The proposal will result in the public accessibility to a space that the public is currently restricted from accessing.

3.3 The Bays Precinct Transformation Plan

The site is located within the Bays Precinct, which comprises Glebe Island, Blackwattle Bay, Wentworth Park, Rozelle Bay (including the rail yards) and White Bay. This precinct has historically been utilised for maritime, light industrial and working waterfront purposes.

In October 2015, UrbanGrowth NSW released the Bays Precinct Transformation Plan (the Transformation Plan), which sets out a strategy for the transformation of the Bays Precinct over a two to 30-year timeframe. In particular, the Transformation Plan has a strategic vision of transforming the foreshore and renewing waterfront industrial land for urban purposes, including public open space and promenades.

A map showing the key actions of the Transformation Plan and the subject site is at **Figure 20**. The site is located within the Bays Market District, now referred to as the Blackwattle Bay District (BBD).



Figure 20 | Key actions of the Transformation Plan (Base source: Bays Precinct Transformation Plan 2015)

The Transformation Plan contains the following seven key actions:

- divide The Bays Precinct into eight distinct but linked destinations
- introduce the Bays Waterfront Promenade
- recover and repurpose the White Bay Power Station
- create the Bays Market District incorporating a rejuvenated Sydney Fish Market
- include Wentworth Park in the Program area
- work towards repurposing Glebe Island Bridge
- introduce water quality initiatives in the Bays Waterways.

The proposal is consistent with the relevant key actions of the Transformation Plan as it would:

- create a contemporary SFM, which expands and improves on the wholesale and retail operations of the existing SFM. The proposal will also be connected to the water through an improved public domain with the creation of a waterfront promenade and access to the foreshore of Blackwattle Bay
- provide access to the foreshore of Blackwattle Bay (which is currently restricted to the public) and link to the future continuous, staged, waterfront promenade from Balmain to Pyrmont
- include Wentworth Park in the program area and improve visual and physical connectivity to the BBD
- remove restrictions due to the existing development and provide public access to the foreshore
- include public plazas to the east and west of the SFM building and allow public views (and access) at these locations which is currently not possible from Wentworth Park
- improve intersections at Bridge Road/Wentworth Park Road and Bridge Road/Wattle Street and provide better pedestrian access from Wentworth Park to Blackwattle Bay.

3.4 Pyrmont Peninsula Place Strategy

In August 2019, the Minister requested that the Greater Sydney Commission (GSC) review the planning framework in Pyrmont. On 30 September 2019, the GSC submitted its Review to the Minister which made 10 recommendations, including the preparation of a Pyrmont Peninsula Place Strategy.

The Strategy is being prepared by NSW Government agencies led by the Department and NSW Treasury in collaboration with Council. The GSC and Transport for NSW are advisors.

In March 2020, the Department released 10 initial directions that could shape the Pyrmont Peninsula Place Strategy. The 10 directions include:

- development that complements the area
- jobs and industries of the future
- centres for residents, workers and visitors
- a unified planning framework
- a tapestry of greener public spaces and experiences
- creativity, culture and heritage
- making it easier to move around
- building now for a sustainable future
- great homes that can suit the needs of more people
- a collaborative voice.

The proposal is consistent with these directions as it would create a new purpose-built SFM for workers and visitors, create 725 ongoing operational jobs, create new public domain areas and spaces, improve foreshore access and connectivity, and improve pedestrian, cycling and access arrangements along Bridge Road.

3.5 State Significant Precinct Study

In 2017, the Department issued State Significant Study requirements in 2017 for the preparation of a State Significant Precinct Study to inform the rezoning and redevelopment of the area. The State Significant Precinct Study is currently being prepared by INSW and is yet to be lodged with the Department.

To inform the preparation of the State Significant Precinct Study, INSW has prepared masterplan options based on the Bays Precinct Transformation Plan for the renewal of the precinct. Public exhibition (non-statutory) of the options commenced on 11 May 2020 and concludes on 19 June 2020. The precinct boundary area is shown at **Figure 21**.

The Department notes that the exhibited scenarios may differ from INSW's preferred precinct plan which will be part of the State Significant Precinct Study that will be submitted to the Department for exhibition, consideration and assessment.



Figure 21 | Blackwattle Bay Precinct Plan area (bottom) (source: INSW masterplan)

4 Statutory Context

4.1 State significance

Clause 8 (2) of Part 2 of the SRD SEPP states if a single proposed development the subject of one development application comprises development declared as State significant development, the remainder of the development is also declared to be State significant development.

The proposal is classified as State significant development (SSD) under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as it comprises development on land (partially) identified as being within the Bays Precinct site and has a capital investment value of more than \$10 million under clause 2 of Schedule 2 of State Environmental Planning Policy (State Regional Development) 2011.

The Minister for Planning and Public Spaces is the consent authority for the proposal as it has been lodged by a public authority.

4.2 Permissibility

The proposal is partly permissible with consent, partly permissible without consent and partly prohibited under relevant environmental planning instruments. Section 4.38(3) of the Act allows development consent to be granted despite the development being partly prohibited by an environmental planning instrument.

A range of land use zones apply the site and these are presented indicatively in **Figure 22** below.

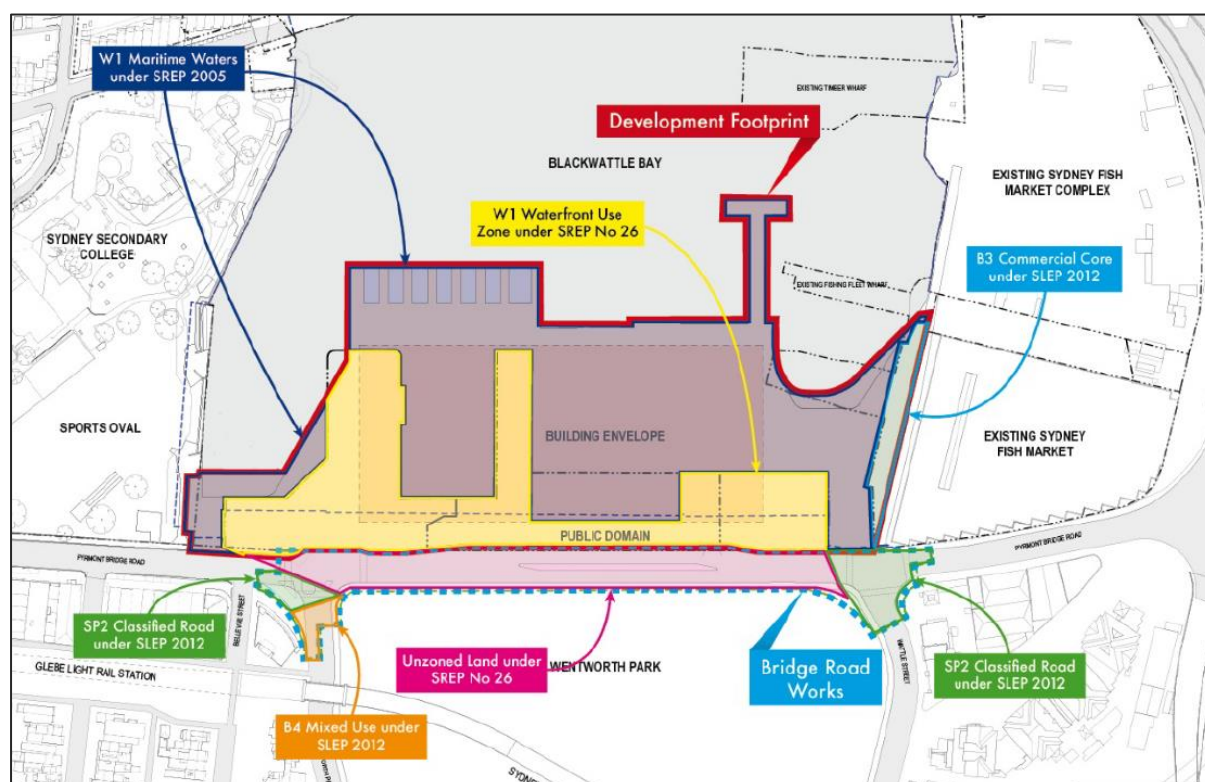


Figure 22 | Land use zones (Base source: EIS)

As indicated above in **Figure 22**:

- the part of the site comprising of the existing wharves, concrete batching plant and coal loader is zoned W1 Waterfront Use under the Sydney Regional Environmental Plan No 26 – City West (SREP 26).
- the waters of Blackwattle Bay is zoned W1 Maritime Waters under the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SEPP)
- the land along the wharf edge of the existing SFM including the outdoor dining area is zoned B3 Commercial Core under the Sydney Local Environmental Plan 2012 (SLEP 2012)
- part of Bridge Road is zoned SP2 Infrastructure (Classified Road) and B4 Mixed Use under the SLEP 2012. Part of Bridge Road is also unzoned land under SREP 26.

The proposal is permissible under SREP 26 within W1 Waterfront Uses zone. Clause 20B of SREP 26 states only uses which the consent authority is satisfied are generally consistent with one or more of the zone objectives are permissible within this zone.

As outlined in **Appendix C**, the proposal is generally consistent with a number of these objectives. In particular:

- the proposal includes fish market operations and associated retail activities and the provision of areas for public recreational enjoyment though improvements to the public domain
- the proposal will increase public access to the foreshore, with the creation of a public promenade providing 490 linear metres of access to the foreshore, a public plaza to the eastern and western end of the SFM building will provide areas for public gathering and acts as an extension to the public foreshore and providing linkages to the surrounding foreshore access network
- the proposal will enhance views and links between Wentworth Park and the foreshore, particularly along the alignments of Wattle Street and Wentworth Park Road.

4.3 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters could be summarised as:

- the provisions of environmental planning instruments (including draft instruments), development control plans, planning agreements, and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation)
- the environmental, social and economic impacts of the development
- the suitability of the site
- any submissions, and
- the public interest, including the objects in the EP&A Act and the encouragement of ecologically sustainable development (ESD).

The Department has considered all of these matters in its assessment of the applications, as well as the Applicant's consideration of environmental planning instruments in its EIS for each application, as summarised in **Section 6** of this report. The Department has also given consideration to the relevant provisions of the EP&A Act, including environmental planning instruments, in **Appendix C**.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the applications concurrently from Thursday 17 October 2019 to Wednesday 13 November (28 days). The applications were made publicly available on the Department's website and exhibited at City of Sydney Council offices.

The Department placed a public exhibition notice in The Daily Telegraph and The Sydney Morning Herald on Wednesday 16 October 2019, and notified adjoining and surrounding landholders, Council and relevant Government agencies in writing.

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 applications (**Section 6**).

5.2 Summary of submissions

Concept and Stage 1 Demolition Application (SSD 8924)

The Department received 184 submissions in response to the concept and Stage 1 demolition application. The submissions comprised of:

- 11 submissions from government agencies
- one submission from Council (providing comments)
- 22 submissions from special interest groups
- 150 submissions from the public

Out of the 184 submissions received, 52 submissions provided comment, 24 submissions were in support and 104 submissions objected to the proposal.

Stage 2 Main Works Application (SSD 8925)

The Department received 132 submissions in response to the Stage 2 main works application. The submissions comprised of:

- nine submissions from government agencies
- one submission from Council (providing comments)
- 18 submissions from special interest groups
- 104 submissions from the public

Out of the 132 submissions received, 31 submissions provided comment, 11 submissions were in support and 90 submissions objected to the proposal.

5.3 Key issues - Government Agencies

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

Table 3 | Government agency submissions to the exhibition of the applications

Government Agency	Comments
DPIE Water and NRAR	Water Access Licenses are required if groundwater or surface water will be accessed during works.
Department of Primary Industries (DPI)	All permanent seawalls and foreshore structures must be fish friendly with the aim of increasing aquatic biodiversity in the area.
Environment Protection Authority (EPA)	<p>The following recommended conditions and the following comments in relation to noise, water and contaminated lands are provided:</p> <ul style="list-style-type: none"> • Noise: <ul style="list-style-type: none"> ○ an assessment of noise from construction activities potentially impacting upon Ultimo Public School is required ○ procedures for noise monitoring <ul style="list-style-type: none"> ○ confirmation of the acoustic measures in place for 84 Wentworth Park Road ○ clarification on the selection of noise logging locations • Water quality: <ul style="list-style-type: none"> ○ clarification on how the operator will determine that the risk of sediment contamination is negligible in relation to the removal of the silt curtain during construction activities • Contaminated lands <ul style="list-style-type: none"> ○ additional investigation is required to address data gaps regarding sediments, acid sulphate soils (ASS) and inadequate sampling in order to properly characterise the site and refine the management measures proposed in the remedial action plan ○ preparation of an Asbestos Management Plan.
Environment, Energy and Science Group (EESG)	<ul style="list-style-type: none"> • Aboriginal cultural heritage: <ul style="list-style-type: none"> ○ recommendations provided within the Aboriginal Cultural Heritage Report shall be included as conditions of consent • Biodiversity: <ul style="list-style-type: none"> ○ additional investigation is required to address the likelihood of occurrence of microbat species utilising buildings and other structures on site • Flooding <ul style="list-style-type: none"> ○ no outstanding flood risk assessment issues. • Marine ecology: <ul style="list-style-type: none"> ○ silt curtains and other best practice methods shall be employed to minimise potential for impact to biota ○ use of Water Sensitive Urban Design strategies (such as biofiltration units and Jellyfish filters) will ameliorate the

impacts of future stormwater inputs from the site, and these strategies should be included as conditions of consent

Heritage NSW	There would be some impact on the landmark qualities of the state listed heritage item Glebe and Wentworth Park Railway Viaducts and recommend that the mitigation measures including the preparation and implementation of a heritage interpretation plan as recommended in the Heritage Impact Statement be included as conditions of consent. Recommends that the mitigation measures and archaeological test excavation strategy as outlined in the Maritime Structures Heritage Impact Statement be included as conditions of consent.
NSW Health	Raises concerns about dust as well as potential exceedances of noise levels during the construction phase. NSW Health also raises health concerns associated with noise and odour during the operational phase of the project and recommended implementing all reasonable and feasible best practice mitigation measures to minimise any adverse impacts on the community during the construction and operational phase.
Port Authority of NSW	Notes that further consultation is required during the preparation of the Vessel Traffic Management Plan.
Roads and Maritime Services Division (RMS)	RMS provided the following comments: <ul style="list-style-type: none">• SIDRA models files to be submitted for review• Survey data to be provided to validate the volumes used for the SIDRA modelling• Revised modelling is required to reflect the coordination of traffic control signals• Further justification required for the removal of the left turn slip lane at the intersection of Bridge Road and Wattle Street• Concerns are raised regarding the impact on traffic associated with the introduction of a new pedestrian crossing at the intersection Bridge Road and Wattle Street• Modelling shall be provided for the intersection Pyrmont Bridge Road and Western Distributer.• Pedestrian protection is required for the dual right turns from Wattle Street into Bridge Road.• Concerns are raised regarding the proposed increase in the road level along Bridge Road which may require removal of foliage from the established Moreton Bay fig trees and may potentially exacerbate localised flooding.• Consideration shall be provided for a dedicated cycle way
Roads and Maritime Services Division (Maritime Planning)	No comments to make on the proposal.
Transport for NSW (TfNSW)	Provides the following comments: <ul style="list-style-type: none">• Details of traffic generation by heavy vehicles for the existing SFM operation

- Details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay
- Assessment of loading and servicing facilities to adequately accommodate the future demand
- Details of the management of deliveries, including the scheduling of delivery times (outside of peak periods where possible), controls on duration of stay and queuing
- Forecast bus, coach and point to point vehicle movements by vehicle size, frequency, time of day and duration of stay
- Investigation into the provision of off-street bus and coach parking and vehicle drop off and pick-up area, rather than reliance on on-street kerb space
- bus and coach parking and vehicle drop-off and pick-up area to adequately accommodate the forecast demand is required
- Investigation of a dedicated off-road cycleway and how it integrates with the surrounding cycle network
- Appropriate wayfinding and signage
- Conditions should be imposed for a Travel Plan, a Traffic and Transport Management Plan, and a Construction Pedestrian and Traffic Management Plan prepared in consultation with the Sydney Coordination Office within TfNSW.

5.4 Key Issues – Council and Community

5.4.1 Council Key Issues

City of Sydney Council (Council) provided comments as summarised in **Table 4**.

Table 4 | Summary of Council submission to the exhibition of the applications

City of Sydney Council

Council supports the proposal but raises a number of matters:

- Ensuring design integrity is maintained throughout the development process
- Building Design and Materiality:
 - A 1:20 detailed section showing the edge treatment of the elevated promenade and the roof canopy shall be provided as well as a material sample board
 - Consideration of view impacts from surrounding areas
 - Exhibition strategy is developed
 - A generous width shall be provided for the public promenade on the upper floor along the water's edge and not for use by commercial tenant seating
 - Lack of large tree planting within the eastern plaza promenade and concern with temporary storage of shipping containers within the western promenade
 - Increase vertical permeability between the central promenade and operational functions
 - Shade from tree canopies will be critical to reduce glare and provide solar protection

- Patterned and UV reflective glass should be implemented to reduce bird strike.
- Bridge Street Frontage and Public Domain Works:
 - Privatisation and subdivision of Blackwattle Bay
 - Consultation with Council's Flood Assessment Engineers regarding the flood reports
 - The water sensitive urban design measures shall be resolved
 - A separate on-road cycleway that connects to the existing and future regional and local bicycle connectors from the proposed SFM is recommended
 - Changes are required along Bridge Road to increase the footpath width and reduce conflict between people crossing from the drop-off area
 - The lack of activation and segregation of uses between industrial 'working' functions of the seafood market from the public, retail and experiential uses.
- Transport and Access:
 - An additional 4 (in total 8) accessible car parking spaces are provided
 - Internal swept path analysis required to demonstrate that proposed parking layout including loading dock access, vehicle circulation ramps
 - Access and traffic generation within the SIDRA modelling shall be submitted
 - Public bicycle parking spaces shall be increased, premium quality bicycle and end-of-trip facilities provided, and directional signage provided
 - Walking connections from light rail stations shall be investigated
 - Alternate options for coach and bus parking within close proximity of the site
 - The Travel Plan shall be amended to reduce private car travel
 - A Road Safety Audit shall be conducted to confirm safety to the users of the proposed shared path and pedestrian/bicycle access and the newly created signalised vehicle access intersection.
- Ecological Sustainable Design:
 - Additional sustainability measures are to be implemented in adopting 100% renewable operations target for the site.
- Social impact and accessibility:
 - Careful placement and use of tactile ground surface indicators
 - Stairs to be easily discernible from surrounding bleacher seating and have defined and consistent edging
 - Provision of additional design features such as barriers, seating and planting to prevent visually impaired people from stepping off the top bleacher
 - The design of bespoke and integrated seating options shall be in line with the City's Inclusive and Accessible Public Domain Guidelines
 - Consultation with Guide Dogs NSW/ACT and Vision Australia.
- Safety and Security:
 - Ongoing consultation be undertaken in the design of external public areas, in particular the design of the western stepped promenade undercroft area to ensure the measures identified in the CPTED report are implemented.
- Tree Management:
 - An Arboricultural impact assessment shall be carried out to assess the impact and recommend mitigation measures of the Moreton Bay Figs.
- Urban Ecology and Biodiversity:
 - Improve aquatic and terrestrial foreshore biodiversity and increase potential habitats.
- Heritage Interpretation Plan:

- A Heritage Interpretation Plan is required to address the maritime history of the site, the existing Fish Markets and archaeological evidence.
- Loss of assess heritage values outlined in the Heritage Impact Statement should be included as a condition of consent. In particular:
 - Engagement of a built heritage specialist
 - Heritage listed stormwater channel
 - Physical archive
 - Archival Photographic Recording of the coal loader and office/weighbridge
 - Salvage Methodology
 - Archaeology.
- The mitigation measures and archaeological test excavation strategy identified in the Maritime Heritage Impact Assessment shall be adopted as conditions of consent.
- Site Remediation and Contamination:
 - A NSW EPA Accredited Site Auditor peer review the proposed RAP and any further contamination reports prepared for the site
 - Clarification is sought on ASS management within the bay
 - A CPTMP shall be prepared.
- A public art strategy shall be prepared.
- A commercial signage strategy and wayfinding strategy shall be prepared.

5.4.2 Community Submissions

A total of 172 public submissions were received in response to the concept proposal and Stage 1 demolition works application (SSD 8924) and a total of 122 public submissions were received in response to the Stage 2 main works application (SSD 8925). A summary of the public submissions is provided in **Table 5**.

Table 5 | Summary of public submissions

	SSD 8924	SSD 8925
Total Submissions	172	122
▪ Objection	108 (63%)	90 (74%)
▪ Comment	40 (23%)	21 (17%)
▪ Support	24 (14%)	11 (9%)
Community Submissions	150 (87%)	104 (85%)
Special Interest Group Submissions	22 (13%)	18 (15%)
Geographical Location of Submitters		
▪ < 5km	109 (64%)	84 (69%)
▪ 5 to 10 km	21 (12%)	9 (7%)

▪ > 10 km

42 (24%)

29 (24%)

Table 6 below provides a summary of the key issues (supportive issues included) raised by the community including special interest groups:

Table 6 | Summary of comments raised for the development (SSD-8924 and SSD-8925)

Comments	% of Submissions
Issues/concerns Raised	
Traffic impact and generation	58%
Parking	38%
Contamination	26%
Loss of amenity and direct connection between Wentworth Park and Blackwattle Bay	22%
Future use and re-development of the existing SFM site	21%
Closure of the concrete batching plant	19%
Accessibility	19%
Suitability of the site and alternate site options including redevelopment of the existing SFM site	18%
Impact on maritime users (i.e. shortening of the rowing course)	14%
Safety of maritime users during construction	13%
Foreshore access	13%
Adequacy and location to public transport	12%
Built form, bulk, scale and height and overall design	11%
Lack of a masterplan and long-term strategic vision for the Bays Precinct	9%
View loss/visual impact	6%
Lack of dedicated cycling lane	5%
Acoustic impact	5%
Construction impacts (pollution, noise, dust, traffic etc)	4.4%
Loss of public land (development over the waters of Blackwattle Bay, privatisation of the SFM)	4.4%
Cost	3.4%
Impact on Wentworth Park (overshadowing and impact on Morton Bay fig trees)	3%

Compliance with planning controls (zoning, permissibility, SREP (Sydney Harbour Catchment) 2005, SEARs)	3%
Lack of sustainability initiatives (e.g. solar panels)	2.7%
Pedestrian safety along Bridge Road and walkability	2%
Suggestions for design improvements	2%
Not in the public interest	1.7%
Air quality/odour	1.4%
Economic impact and lack of economic justification for GFA	1.4%
Lack of consultation	1%
Flooding	0.7%
Lack of mooring for recreational crafts	0.7%
CPTED	0.3%
Comments Raised in Support	
Public benefit including creation of jobs, education initiatives and tourism	18%
Design	5.6%
Revitalisation of the precinct	5.4%
Need for re-development of a new SFM	3.7%
Increase connectivity to the foreshore	1.7%

5.5 Response to submissions

Following exhibition 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 4 March 2020, the Applicant lodged a Response to Submissions (RtS) to the issues raised during the exhibition of the EIS. The RtS responded to the issues raised and included the following documentation:

- building footprint and public domain plan providing details on existing and proposed public domain/accessible areas
- report on the programming for the exhibition spaces
- heritage interpretation strategy
- signage and wayfinding strategy
- preliminary loading management plan
- roof detail plan
- amended landscape and visual assessment
- addendum to the transport assessment report
- arboricultural impact assessment

- preliminary public art strategy.

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 four submissions, comprising a submission making comments from Council and three submissions making comments from government agencies.

A summary of issues raised by Council is provided a **Table 7** while a summary of issues raised by government agencies is provided at **Table 8**. A link to all submissions is provided at **Appendix A**.

No further public submissions were received.

Table 7 | Summary of Council submission to the RtS

City of Sydney Council

Council noted that many issues raised previously have been addressed by the RtS.

However, a number of issues were still present, particularly in regard to biodiversity and the design of Bridge Road and its potential impact on significant trees in Wentworth Park as well as important bicycle connections and movement conflicts. Council made the following additional comments:

- **Building Design and Materiality:**
 - Further information is required to demonstrate how the roof cassette panels will operate (i.e. in large banks)
 - Final materials and samples board to be submitted and approved prior to works commencing
 - Landscaping plans shall be updated prior to determination to include the design recommendations in the visual impact assessment
 - Fixed furniture or fixtures shall be provided on the northern side of the upper promenade for public rest
 - Opportunities to increase vertical permeability between floors shall be investigated
 - Shadowing impacts to the north of the building shall be reflected in the drawings and appropriate tree selection
 - Previous concerns regarding wind impacts have not been addressed.
- **Bridge Road Frontage and Public Domain Works:**
 - Concerns are raised regarding the 'privatisation' of land associated with the shared pedestrian/cycle path. This can be addressed by providing an easement
 - further consultation with Council's Flood Assessment and Stormwater Engineers is required
 - Clarification of the control and ownership of the shared pathway between the drop-off zone and the edge of the building is required
 - Amendments are requested to the shard footpath to increase width and reduce conflict between people crossing from the drop-off area and cyclists/pedestrians.
- **Traffic and Access:**
 - Additional measures for controlling the flow of vehicles within the loading dock shall be addressed via a consent condition
 - A dedicated off-road and separated cycleway is requested
 - Commitment to improving pedestrian connectivity between the existing Fish Market light rail stop and the site is recommended.

- Ecologically Sustainable Design:
 - Clarification is sought on whether a thorough investigation of on-site processing of waste and resource recovery has been considered.
 - Further information is requested regarding rainwater reuse, stormwater and grey water treatment measures.
 - The proposal does not respond strongly enough to the NSW government's net zero emissions by 2050 target.
 - It is recommended that a 6-star Green star rating be adopted.
 - Security and Safety:
 - It is noted that the undercroft area beneath the western stepped promenade is now enclosed.
 - It is recommended that updated drawings and a Security Risk Assessment be provided reflecting any changes made to the undercroft beneath the western stepped promenade. This is to be reviewed by the Design Review Panel as part of the design excellence strategy for the project.
 - Security and Safety:
 - It is noted that the northern and southern stair flights do not appear to provide stair landings of a suitable width. It is recommended that the northern and southern stair flights be broken up into smaller flights, and that the recommendations of the Accessibility Compliance report prepared by Group DLA be addressed in the design development stage of the design.
 - Tree Management:
 - The RtS has not adequately responded to concerns in relation to the potential impacts on the trees within Wentworth Park. This includes trees requiring pruning for sightlines, trees impacted by traffic light changes and installation and the potential lifting of the crown of trees to accommodate the rising of Bridge Road.
 - Urban Ecology and biodiversity
 - The north-eastern corner of the site has been identified to have a small area identifying biodiversity values. It is requested that the biodiversity values be reviewed.
 - Public Art
 - Council recommends that the current Public Art Strategy not be approved as part of any future consent and that a Preliminary Public Art Plan be prepared by the Applicant and approved prior to the commencement of any work.
 - Exhibition Strategy:
 - The option to use the south-east lower ground floor space as a lecture theatre is not supported given this is not considered to be an 'active use'. It is recommended that options to include the north-east exhibition space in the public art strategy be investigated.
 - Signage:
 - It is recommended that a final signage strategy be submitted and approved prior to the commencement of works.
-

Table 8 | Summary of Government agency submissions to the RtS

Agency	Comments
EPA	EPA provided recommended conditions for water quality, noise and vibration and contamination.
Transport for NSW/RMS	TfNSW/RMS raised no further issues and provided recommended conditions.
Foreshores and Waterways Planning and Development Advisory Committee (the Committee)	The Committee raised no specific issues in relation to the proposal.

5.6 Revised Response to Submissions

Following consultation on the RtS, the Department requested the Applicant provide a response to the issues raised in the submissions.

On 22 April 2020, the Applicant provided a Revised Response to Submissions (RRtS) (**Appendix A**). The RRtS made clarifications in relation to urban ecology and biodiversity, Bridge Road frontage, bicycle connections and movement conflicts and tree management.

On 6 May 2020, the Applicant provided further information consisting of a revised BDAR and a Microbat Management Plan (MMP) to address outstanding comments raised by EESG and Council.

The RRtS was made publicly available on the Department's website.

A further submission on the RRtS was made by Council. In summary, Council made the following additional comments:

- a greater commitment to ensuring sustainability and environmental performance benchmarks are met in relation to sustainability measures is required
- Council welcomes discussions with the Applicant and other State agencies about the design and function of Bridge Road and the future cycleway and recommends a condition accordingly
- appropriate consideration of biodiversity issues may require further design changes or mitigation measures to avoid further eroding of biodiversity values.

EESG made a further submission, which included recommended conditions to manage the potential impacts of the proposal on Microbats.

6 Assessment

The Department has considered the proposal, the issues raised in submissions and the Applicant's RtS. The Department considers the key issues associated with the proposal are:

- design excellence and sustainability
- built form, scale, materials, heritage and visual impacts
- public domain, accessibility and use and enjoyment of the Harbour
- transport, traffic, access and parking
- contamination and ecological impacts
- amenity impacts
- operational impacts.

Each of these issues are discussed in the following sections of this report. Other issues considered during the assessment of the applications are addressed in **Section 6.12**.

6.1 Design Excellence

The Department acknowledges that achieving design excellence is an important and desirable outcome given the prominence of the site and the opportunity to create a building and public domain of legacy, at the western edge of the Sydney CBD, on the foreshore of Sydney Harbour.

In order to optimise the likelihood of achieving design excellence, it was appropriate to require a robust Design Excellence Strategy and competitive design process, with oversight and review by an independent and expert Panel.

The Department notes that such a process was initiated by the then Urban Growth Development Corporation (UGDC) in 2016, prior to the submission of the application. The process and outcome of this process is outlined below. The Department notes the process was iterative and robust.

The Department considers it is appropriate to put significant weight upon the findings of the Panel's deliberations and findings, particularly relating to the building design, built form, materials and finishes and the proposal's integration with the public domain.

The Design Excellence Strategy for the proposal was initiated by UGDC (which was absorbed into INSW in 2019) in collaboration with the GA NSW and Council. Key aspects of the Design Excellence process included:

- establishment of a Design Review Panel (DRP), chaired by GA NSW and also comprising a representative from the Council, INSW and a commercial/technical consultant for SFM
- engagement of Allen Jack and Cottier in the preparation of site testing, review of the Sydney Harbour Foreshores Masterplan, scenario-testing and preparation of a reference design, and an "Urban Design Framework" endorsed by the DRP
- stakeholder engagement regarding the Urban Design Framework
- a two-stage competitive selection process, endorsed by Council, involving a Registration of Interest, then a shortlisting of 6 teams and interactive engagement led by GA NSW. This resulted in 3XN with BVN and Aspect Studios being the chosen design team, in June 2017
- regular meetings with the DRP, with a total of 10 meetings prior to lodgement of the SSD applications and one meeting after lodgement on 13 February 2020.

The Department requested the Applicant to further engage with the DRP prior to the submission of its RtS, so the Panel could review the final proposal. This occurred on 13 February 2020, with the focus of the meeting to close-out outstanding issues, map out roles and responsibilities for the DRP design integrity process and seek support from the Panel for the concept and main works SSD applications.

The Panel responded in support of the proposal advising that the design exhibits a continuity of the design principles established in previous DRP meetings and that issues raised in the previous DRP meeting had been addressed. The Panel also expressed an opportunity for ongoing consideration of the following matters:

- consideration of the gathering of groups alighting from tourist buses on Bridge Road, including protection from wet weather
- an analysis to support the quality and quantity of shading to the public domain for users
- clarification on how the landscape design has been designed to mitigate the effect of extreme rain events.

The Council has been closely involved in the Design Excellence process over an extended period. In its submission on the EIS and on the Applicant's RtS, Council advised it supports the proposal, but raises a number of matters and recommendations, relating to building design and materials, public domain and landscaping.

The Department has considered the proposed built form, the design and materials and public domain within the following sections of this report. The Department is satisfied that the design excellence process, together with the guidance from the DRP, GA NSW and Council has led to a building design which achieves design excellence. In particular, the Department notes:

- the design of the sweeping roof structure, the use of extensive glazing in the facade and the incorporation of public plazas with integrated sweeping steps results in a high-quality landmark building
- the height and scale of the proposal appropriately relates to the existing site context and surrounding features and would not result in any unreasonable amenity impacts
- the visual impacts associated with the proposal are acceptable as the proposal would replace the current industrial structures on the site with a contemporary landmark building at the head of Blackwattle Bay
- the east and west public plazas and the improvement to foreshore access and linkages to the surrounding foreshore network results in a significant public benefit.

The Department also recommends a number of conditions relating to the Stage 2 main works application to ensure the integrity of the design process and to address the remaining comments raised by the DRP and Council, including:

- a DRP Design Integrity process (i.e. ongoing design review after approval), as intended by the approved Design Excellence Strategy
- detailed design development relating to landscaping, building materials and lighting
- a detailed Public Domain Plan to be reviewed by the DRP and approved by the Planning Secretary.

Subject to further detailed design resolution through the design integrity process to follow, the Department's assessment concludes the proposal achieves design excellence.

6.2 Built Form

Building height and massing

The concept proposal seeks approval for a building envelope comprising a building footprint of 19,000 m², measuring 200 m wide by 95 m deep with a maximum height of approximately 26 m (RL 28.0 AHD). The proposed GFA is up to 30,000 m².

The Stage 2 main works application further refines the built form of the proposal with a building footprint measuring 195 m wide and 95 m deep, a maximum building height of 25.7 m (RL 27.7 AHD), and a GFA of 26,751 m² (**Figure 23**). The GFA breakdown is shown in **Table 9**:

Table 9: Breakdown of gross floor area

Use	Gross floor Area
Ground floor – fish market operations	11,111 m ²
Upper ground floor – retail and food and drink premises	11,105 m ²
Mezzanine floor – Sydney seafood school and commercial premises	4,535 m ²
Total	26,751 m²

As outlined previously in **Section 4.2**, parts of the site are subject to the SLEP 2012. These areas are zoned B3 (Commercial Core) and B4 (Mixed Uses) under the SLEP 2012. There are no height or FSR controls which apply to the site under SLEP 2012. Similarly, there are no height or FSR controls which apply to the site under SREP 26, or SHC SREP for the main part of the site. In the absence of any height and FSR controls the Department has therefore undertaken a merit assessment of the height and massing of the proposal.

As previously mentioned, the site has been the subject of a robust Design Excellence Process. That process guided the resulting built form, and its interaction with the adjoining public domain.

The DRP and Council raised no concerns with the overall height, bulk and scale of the proposal, limiting their comments on matters relating to design detail rather than the overall built form. However, the Department notes 11 per cent of public submissions raised bulk and scale issues.

The Department notes the Applicant's approach to the built form of the proposal arose from a staged and logical analysis of the site, its surrounds and the need to maximise access to and activation of the waterfront. The principles guiding the proposed bulk and scale included:

- establishing a building height guided by the height of the adjoining trees and existing structures
- using building setbacks, articulation and a unique roof form to modulate and break down the mass and scale
- providing perimeter circulation and connectivity to surrounding and adjoining public areas, for pedestrians and other modes of access
- activating the edges to knit the building into its surrounds

- opening up vistas to the east and west which physically and visually link to Wentworth Park and provide opportunity for Civic Plazas to the east and west of the proposed building to provide waterfront linkage, activation and enjoyment.

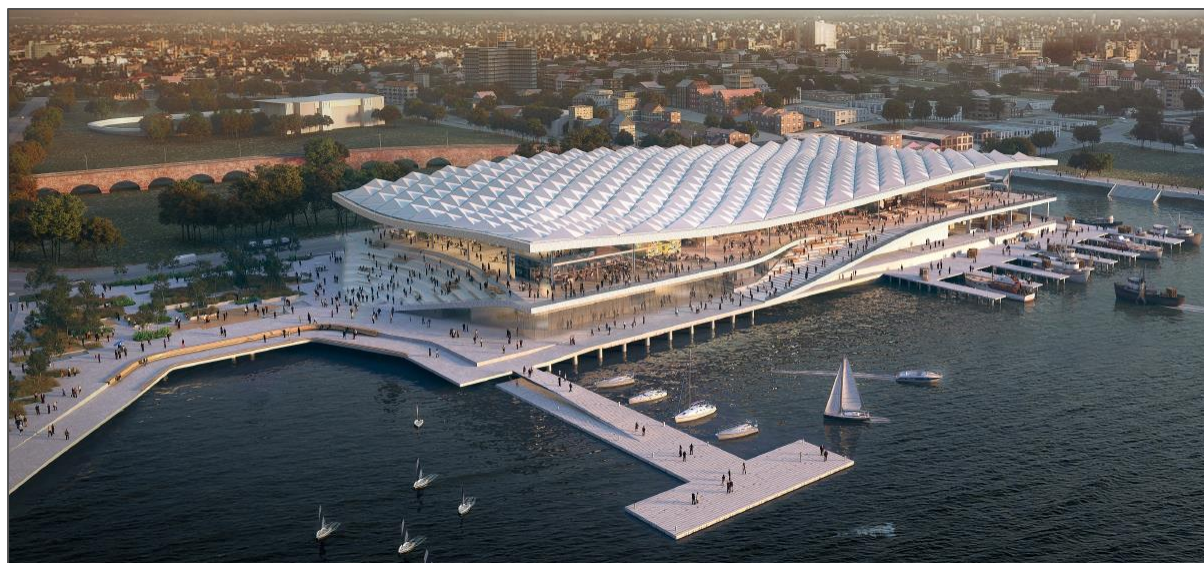


Figure 23 | Indicative aerial view of the new SFM looking towards Wentworth Park (Source: EIS)

The Department accepts the approach to siting, massing and height is well-considered and has been aided by the design review process.

In terms of massing, the building is 195 m wide and 95 m deep and is considered relatively wide. However, the footprint is considered acceptable for a purpose-built fish market and not dissimilar to the many warehouse buildings in the area, particularly to the east. These buildings dated from earlier periods when warehousing of goods from the ports and wharves were crucial to Sydney's growth and supply by shipping. At the same time, the proposed massing has been modulated by materials, articulation, steps and a dramatic sweeping roof design. The proposal also provides activated edges and civic plazas to the east and west of the proposal to help integrate the scale of the building into its surrounds.

In terms of height, the Applicant has placed considerable justification on the new building height (25.7 m) being lower than an existing coal loader and similar to the height of the tallest tree. This is shown in **Figure 24**.

The Department considers that the existing coal loader and the tallest Moreton Bay Fig tree provide a good reference point for establishing the height of the SFM. The Department also considers the height of the proposed building is acceptable when viewed from the north and west as the height would sit comfortably against backdrop of the broader city skyline and the surrounding residential apartment buildings to the south-east which range in height from 6 to 8 storeys. At the same time, the Department considers the design of the curving roof reduces apparent height and visual impact of the overall proposal.

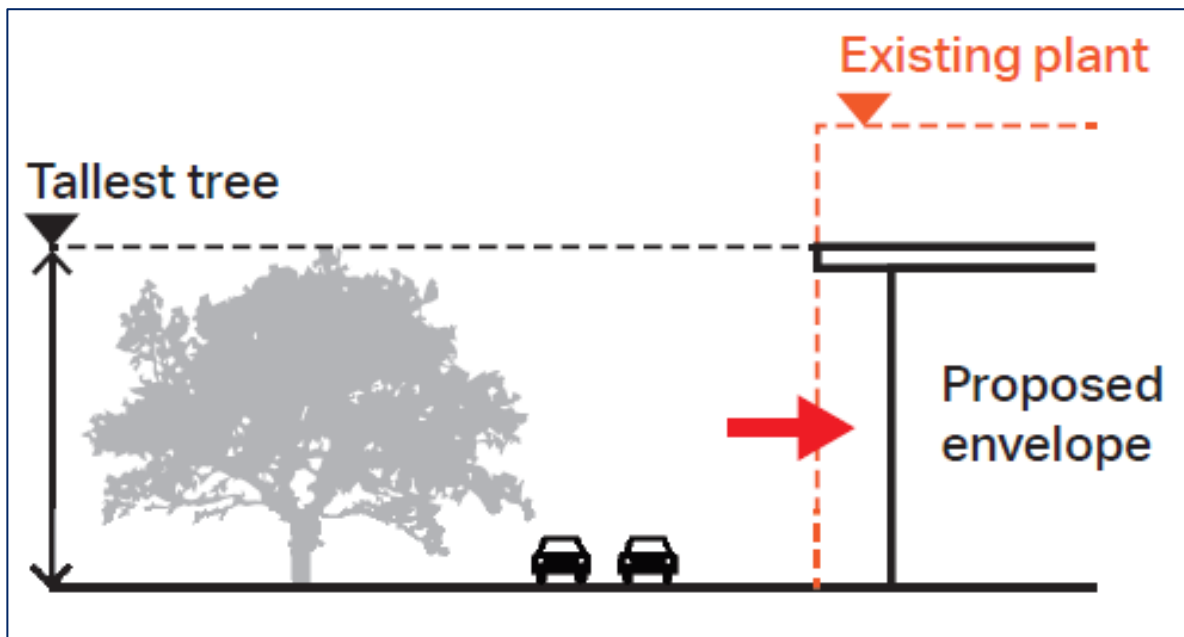


Figure 24 | Proposed envelope height (source: EIS)

The Department has also undertaken a detailed assessment of the potential visual and amenity impacts (discussed later in the report) and is satisfied it would not result in any unreasonable visual, view loss or overshadowing impacts.

As such, the Department is satisfied the height and scale of the proposal is not excessive and it appropriately relates to the existing site context and surrounding features and would not result in any unreasonable visual or amenity impacts. The Department therefore concludes the overall height and scale of the proposal is acceptable.

Design, external appearance and materials

The Department notes the main design elements of the proposal relate to the building roof, the glazed façade, the sweeping stairs at the eastern and western ends of the building and the public domain areas.

The Department considers the roof form is a major design element of the building, with a distinctive wave-shaped and scale-patterned roof paying homage to the fishing industry. The Department considers the roof design would help modulate the rectilinear built form of the proposal. The proposed roof structure would also incorporate energy generation via integrated PV cells, rainwater collection, and natural light and ventilation improving the building's sustainability.

A high degree of glazing would be used within the façade of the building. This includes operable façade glass, fixed glass elements and frameless glass balustrades. The Department considers the use of glazing is acceptable as it would allow visitors to view the operational and functional activities of the new Sydney Fish Market at ground floor and provide light and an outlook over the harbour at the upper levels. The facades are also highly modulated and light in appearance. Further, the walls are generally recessed within the building footprint, providing outdoor activation areas particularly at the upper levels.

Council questioned the need for caution and attention to glazing detail, to ensure that storage areas within the building do not detract from the design of the building, and to minimise potential glare and reflectivity impacts. Council also requested that a final materials and samples board be submitted to and approved by Council and the materials and finishes to car park entries, access ramps, service and waste management areas located at street level be equal to the standard of the principle building façade.

The Department shares Council's concern and has recommended conditions of consent requiring this issue to be resolved as part of the ongoing design development process.

Sweeping stairs at the eastern and western elevations of the building also form a key component of the building design and public domain. The Department considers the proposed stairs are acceptable as they provide a distinct architectural design feature at both ends of the building. Further, the stairs provide access to the upper ground floor and public areas of the building and a place for people to sit and overlook the public domain and harbour.

While the Department accepts there are some aspects of the detailed design needing further resolution, the Department is satisfied these issues can be appropriately addressed by the recommended conditions and the Design Integrity process ahead. Overall, the Department considers that the design of the sweeping roof structure, the use of extensive glazing in the facade and the inclusion of public plazas with sweeping steps combine to provide a building which achieves design excellence.

Energy Efficiency/Sustainability

Council requested that the building be designed to achieve a 6 Star Green Star rating and requested a greater commitment from the Applicant in achieving sustainability and environmental performance benchmarks.

The Department notes the Applicant is committed to achieving a 5-Star Green Star rating, with aspirations to achieve a 6-Star Green Star rating. The Department considers a 5-Star Green Star rating is an acceptable outcome for the building, given the combined industrial/retail nature of the premises and the significant measures proposed to deliver ESD initiatives. This includes energy reduction through the incorporation of a 335kW solar power system, water reduction through an integrated approach to water management (including the provision of a 100KL rainwater tank and greywater treatment) and waste reduction through the implementation of best practice management techniques to reduce waste going to landfill.

The Department considers the proposed energy efficiency and sustainability measures are acceptable and the proposal would result in a significant improvement compared to the existing SFM.

Visual impacts

The Department notes the site sits at the base of a valley and catchment which drains to Blackwattle Bay, via Wentworth Park. There is a strong avenue of Moreton Bay Fig Trees which line Bridge Road, opposite the site. These are mature and have a height ranging up to approximately 25 m, with an average height of just over 20 m.

The nature of the site, trees and topography means that the site can be seen from a range of angles, most particularly along Bridge Road, from Sydney Harbour and foreshore areas and from higher vantage points on the ridges of hills and plateaus around the site, including from Anzac Bridge (**Figures 4-10**).

The Applicant has undertaken a comprehensive visual impact analysis (VIA), which also included a landscape character analysis, to support the proposal. Twenty-eight 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 25** and **Figures 26 to 29**. The Department considers the methodology adopted in the VIA was appropriate and robust.

Council did not raise any concerns about visual impacts of the proposal, but it recommended that the landscaping plans be updated to include the design recommendations outlined in the VIA. Six per cent of the public submissions raised concerns regarding visual impacts.



Figure 25 | Visual impact assessment locations (source: Applicant's VIA)



Figure 26 | Looking south-east from Blackwattle Bay Park (source: Applicant's VIA)



Figure 27 | Looking north-east from the corner of Bridge Road and Bellevue Street (source: Applicant's VIA)



Figure 28 | Looking south-west from the existing Fish Market (source: Applicant's VIA)



Figure 29 | Looking east from intersection of Bridge Road and Wattle Street (source: Applicant's VIA)

The Department has assessed the VIA as well as issues raised in submissions and considers the visual impacts of the proposal would be acceptable, for the following reasons:

- the design of the proposed building and adjoining public spaces achieve design excellence and as such would contribute positively to the scenic value and character of the area
- the proposal would significantly improve the visual presentation of the site to the surrounding public streets, park, foreshore areas and harbour compared to the current industrial structures located on the site
- the height and scale of the proposal appropriately relates to the existing site context and surrounding features, including the Moreton Bay Fig Trees opposite the site
- the landscaped civic plazas to the east and the west of the site together with the provision advanced tree planting along Bridge Road would help soften the appearance of the development
- the civic plazas would open up views through to Blackwattle Bay and Wentworth Park which do not currently exist.

The Department has also recommended a condition requiring the landscape plans to be amended to include the mitigation measures outlined in the VIA to ensure, the proposed landscaping appropriately softens the appearance of the development.

Overall, the Department is satisfied that the visual impacts associated with the proposal are acceptable, particularly as it would replace the current industrial structures on the site with a landmark building at the head of Blackwattle Bay. In this context, the Department is satisfied the visual impacts of the proposal are acceptable.

6.3 Amenity Impacts

Overshadowing

The Applicant submitted shadow diagrams to illustrate the potential overshadowing impacts of the proposal. The Department notes the overshadowing impacts are limited as the site is located to the north of a major arterial road and substantial separation distances exist to surrounding private properties.

The shadow diagrams indicate there would be some overshadowing to Wentworth Park. However, the overshadowing is generally limited to after 3 pm and likely to be barely discernible from the shadows cast by the existing fig trees in the afternoon (**Figure 30**).

Council raised concern about overshadowing impacts on Bridge Road, and the likely impacts overshadowing would cause on the success of any new verge or street tree planting.

The Department considers that overshadowing impacts on Bridge Road are unavoidable given the orientation of the site. However, to ensure future street trees can survive, the Department recommends a condition requiring careful selection of street trees species which can tolerate overshadowing.

Subject to the recommended condition, the Department considers the overshadowing impacts associated with the proposal are acceptable.

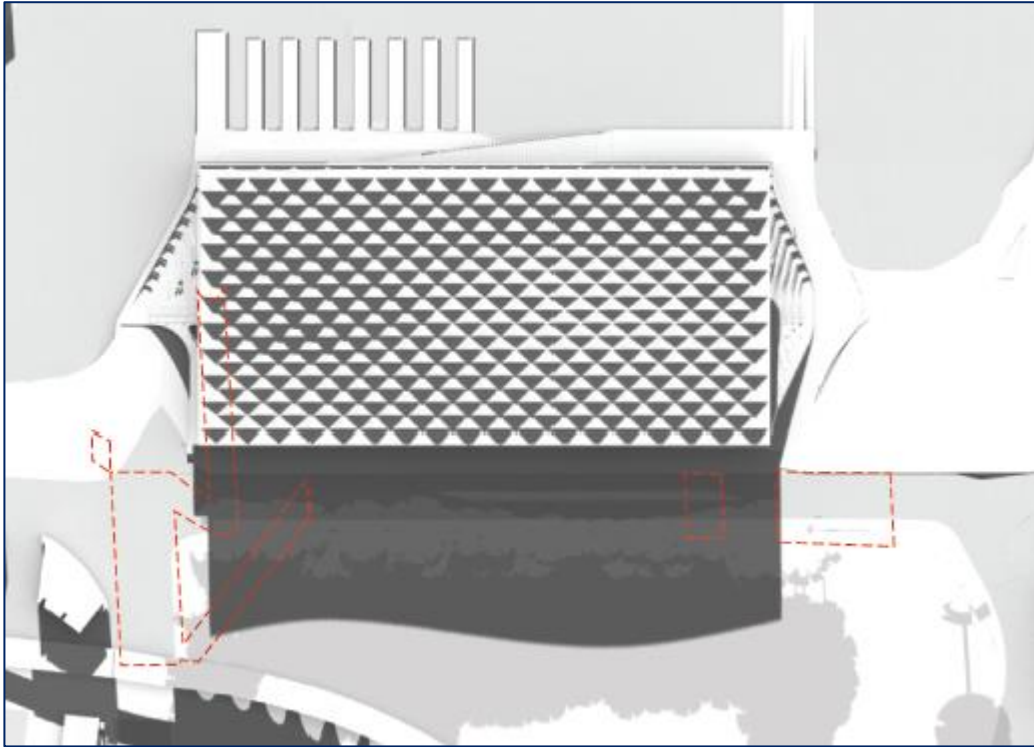


Figure 30 | Shadow analysis for 21 June, 3pm (source: Applicant's VIA)

Visual Privacy

The Department considered the proposal would not result in any adverse privacy impacts to surrounding properties. The Department notes there would be little opportunity for overlooking from the proposed SFM given the generous separation distance between properties, the significant vegetation surrounding the site and the relatively flat terrain surrounding the site. The Department is therefore satisfied the proposal would not result in any adverse privacy impacts.

Public Views

The Department notes the visual impacts of the development has been previously addressed in **Section 6.2**. While the building adds substantial bulk and scale to the site, the Department is satisfied the proposed eastern and western plaza areas provide vistas past the site to the harbour when viewed from the south and towards the Moreton Bay Fig trees when viewed from the north. This would significantly improve public views and the relationship with the harbour compared to existing site conditions.

Private Views

The Department notes residents from an apartment building at 83 Darghan Street, Glebe, raised concern about view impacts towards the harbour. The Department notes the apartment building at 83 Darghan Street is located around 100 m away to the south-west of the site.

In response to the concerns raised, the Applicant updated the VIA to consider and model the view impacts from that street. The existing views (**Figure 31**) and proposed views (**Figure 32**) are illustrated below.



Figure 31 | View impacts from 83 Darghan Street, Glebe – existing view (source: Applicant's VIA)



Figure 32 | View impacts from 83 Darghan Street, Glebe – proposed view (source: Applicant's VIA)

To determine whether the proposed view loss impacts are reasonable, the Department has followed the four-step assessment process, in accordance with the principles established by Tenacity Consulting Vs Warringah [2004] NSWLEC 140. The steps/principles adopted in the decision are:

- Step 1: Assess what views are affected and the qualitative value of those views
- Step 2: Consider from what part of the property the views are obtained
- Step 3: Assess the extent of the impact (from ‘negligible’ to ‘devastating’)
- Step 4: Assess the reasonableness of the proposal that is causing the impact

The Department’s consideration of the principles is summarised in **Table 10**.

Table 10 | Summary of view loss impacts to 83 Darghan Street, Glebe

Principle	Consideration
Step 1: Affected views	<ul style="list-style-type: none"> • Views of the cement works, particularly the solid geometric built form in the middle of the view. • Partial view of the waters of Blackwattle Bay • Views of a number of buildings in Pyrmont consisting of varying heights, bulks and architectural styles, beyond the cement works.
Step 2: Part of the property from which views are obtained	<ul style="list-style-type: none"> • Views are obtained from the upper levels of the northern facing windows and balconies of the building
Step 3: Extent of impact	<ul style="list-style-type: none"> • Moderate to high, given the proposal will be highly visible and will partially obscure views of Blackwattle Bay
Step 4: Reasonableness of the proposal	<ul style="list-style-type: none"> • The Department notes there are no height or floor space ratio controls on the site. • The Department considers the impact on views from 83 Darghan Street is acceptable as views towards the significant ANZAC Bridge will not be obscured as a result of the proposal and views towards a significant portion of Blackwattle Bay would still be retained. • The Department also considers enhanced views would be afforded to residents given the removal of the existing unsightly built form of the cement works building. This will allow provide improved views over the SFM roof to Pyrmont, which is currently obscured by the cement works building.

The Department has reviewed the potential view impacts from other locations surrounding the site and considers that private view impacts are limited as:

- the site occupied by the proposed SFM is relatively flat, and the majority of surrounding residential apartments are located a considerable distance away from the site to the east and west of the site.
- the proposed eastern and western plaza areas provide vistas past and over the site to the harbour and Anzac Bridge, in areas where there are some diagonal views and lateral views over the site from surrounding private land
- the height of the building is lower than the existing coal loader on the site and generally equivalent to the evergreen tree line created by an avenue of Moreton Bay Fig trees, which are being retained.

The Department's assessment therefore concludes the view impacts are moderate and acceptable in this instance. While there would be some loss of water views, which are valued, views towards a significant portion of Blackwattle Bay and the Anzac Bridge would be retained and some additional skyline/cityscape views would be gained from the removal of the existing unsightly coal loader structure.

6.4 Heritage

The Applicant submitted a Heritage Impact Statement (HIS) to consider the potential heritage impacts of the proposal. The HIS identified that the site is not located within a Heritage Conservation Area. However, the south-eastern portion of the site, partially contains a stormwater channel identified on Sydney Water's Section 170 Register as having heritage significance (**Figure 33**).

In terms of heritage items surrounding the site, the HIS identified the State heritage listed Glebe and Wentworth Park railway viaduct located approximately 60 m to the south-east of the site and a number of locally listed heritage items (**Figure 34**).



Figure 33 | Extract of the curtilage map for the Blackwattle Bay Stormwater Channel (shown in purple) (source: Applicants HIS)

Heritage Council NSW advised that the proposal would have some impact on the landmark qualities of the Glebe and Wentworth Park railway viaduct as viewed along the foreshore and recommended that the mitigation measures outlined in the HIS including the preparation and implementation of a heritage interpretation plan be adopted as conditions.

The Department notes that while there are a number of heritage items in the vicinity of the site, these items are reasonably well removed from the subject site visually and spatially due to Bridge Road, Wentworth Park Road and Wentworth Park. Further, the proposed building would improve the visual presentation of the site to the surrounding area, while also providing opportunities for greater public access and appreciation of the heritage and history of the area.

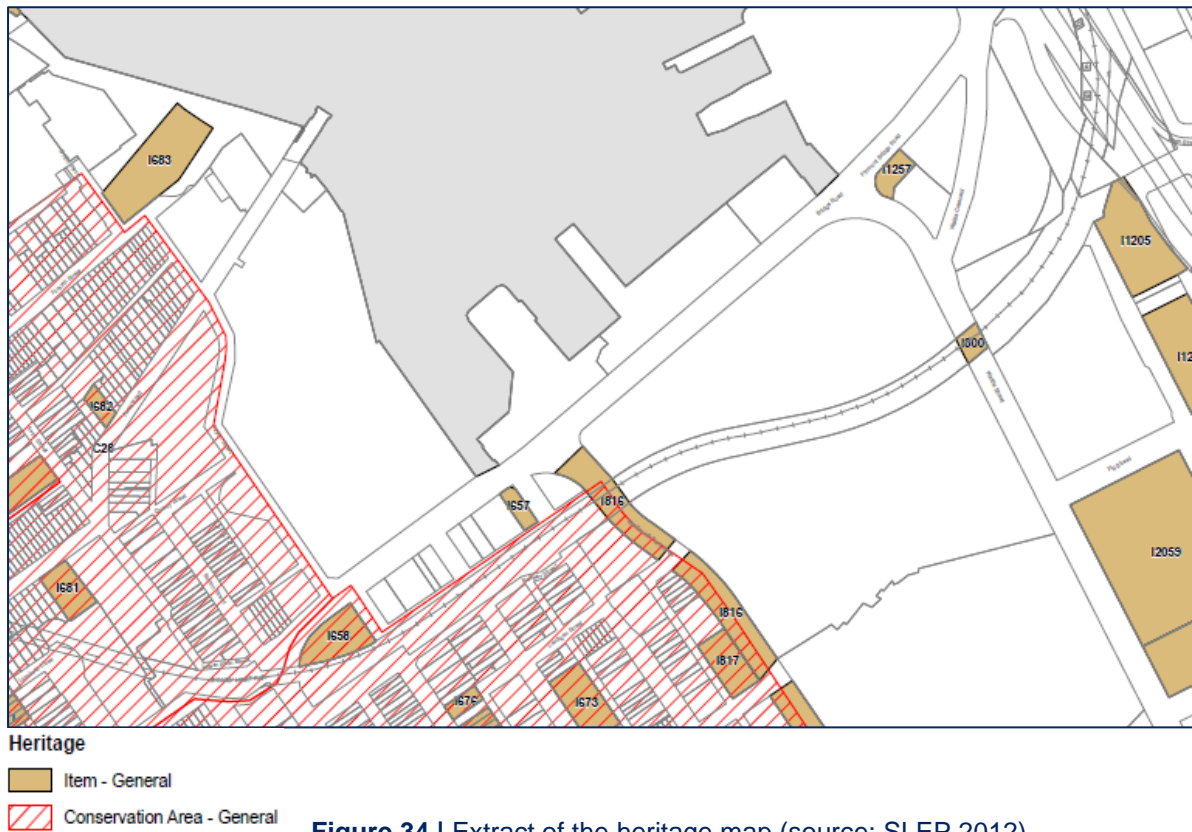


Figure 34 | Extract of the heritage map (source: SLEP 2012)

The Department also notes the stormwater channel identified on Sydney Water’s Section 170 Register, as having heritage significance, is proposed to be retained and is incorporated within the eastern civic plaza area.

The Department notes a Heritage Interpretation Strategy was lodged with the RtS. The Department considers there are opportunities for reuse of materials and incorporation of heritage interpretation measures, with a public art and wayfinding/signage strategy, to provide a positive heritage outcome at the site. The Department recommends a condition requiring the recommendations of the HIS be implemented as a part of the development.

Overall, the Department is satisfied the proposal would not result in any significant impacts on surrounding State or locally listed heritage items, subject to conditions. Issues related to archaeology are addressed under **Section 6.12**.

6.5 Public Domain

Loss of harbour and foreshore area

Public submissions raised concern about the impact of the proposal on the harbour and foreshore area.

To demonstrate the impact of the proposal on the harbour and foreshore, the Applicant submitted a comparison of the existing and proposed structures over the harbour (**Figure 35**). The Department notes the additional structures over the harbour, equate to 21,450 m² (approximately 2 hectares).

The Applicant also states that the proposal would significantly increase public access to the foreshore including:

- 490 linear metres of access (some through the building as linkages) to the foreshore

- a recreational wharf with an additional 980 m² and 189 linear metres of access to the foreshore, with capacity to accommodate a potential future ferry service stop
- a public plaza to the eastern and western end of the SFM building which will provide 4,715 m² of public open space for public gatherings which acts as an extension to the public foreshore.

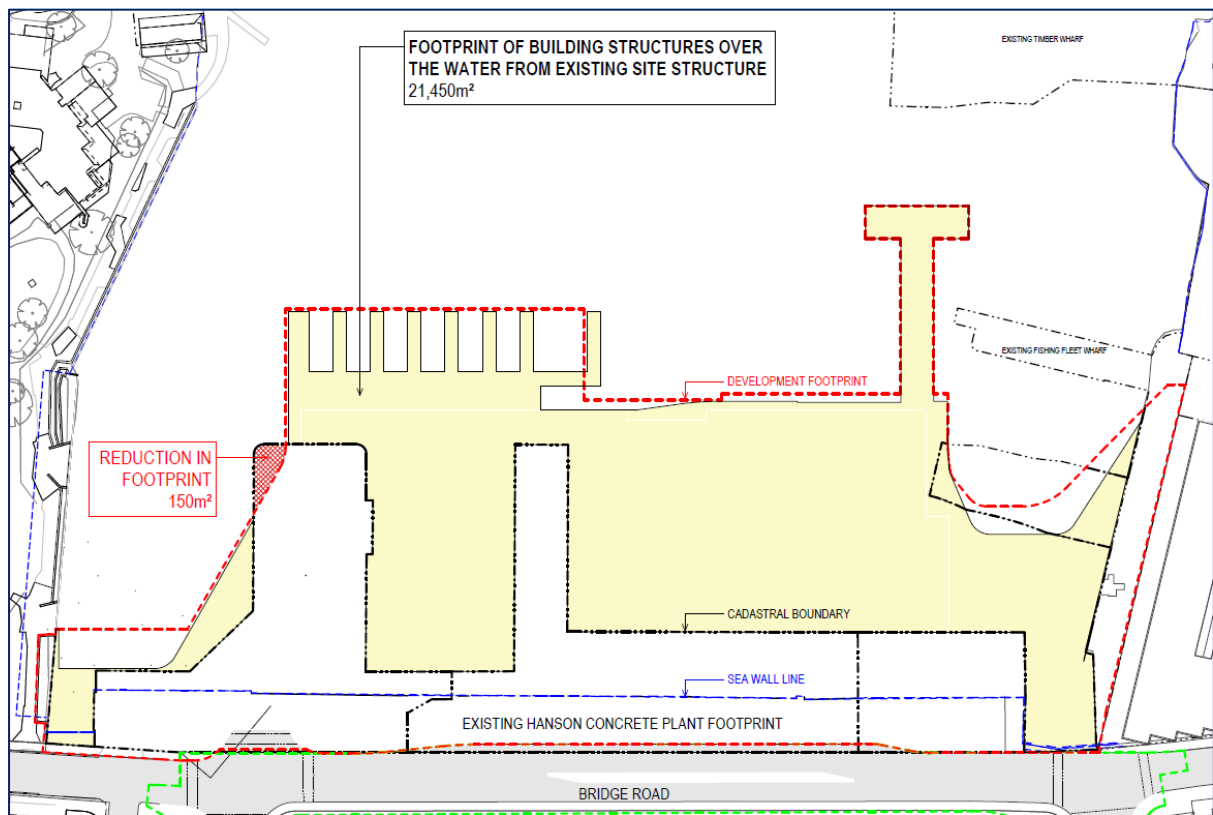


Figure 35 | Existing and proposed structures over the Harbour (source: RtS)

While the loss of any part of the harbour is normally strongly discouraged, in this instance the Department considers the proposal is acceptable, because:

- public accessibility is being significantly increased to and along the harbour, which does not currently exist
- the proposal includes two new public plazas at the eastern and western ends of the proposed SFM which would improve the site's relationship to Blackwattle Bay
- the impact on water users is not significant and can be appropriately mitigated and managed (as discussed below)
- the proposal facilitates the removal of a private unsightly use adjoining the harbour
- the proposal incorporates a wharf and a future public ferry stop which would allow engagement and use of the harbour from the site
- impacts on marine ecology are able to be managed and mitigated and some opportunities for increased habitat exist if designed appropriately.

The Department is therefore satisfied the loss of some harbour waterways is acceptable in this instance, as it would be appropriately offset by significant public access improvements to the harbour foreshore. The improvement to foreshore access, its linkages to the surrounding foreshore access network and the provision of two new civic plazas would provide a significant public benefit, which does not currently exist.

Foreshore Access

A public promenade is proposed, which will provide an additional 490 linear metres of public foreshore access. The proposal includes an elevated promenade that transitions users from the ground level to the upper ground level and through the building. At the upper ground floor level, the promenade is accessible 24-hours and integrates with the building. **Figure 36** illustrates the proposed publicly accessible paths around and through the SFM.

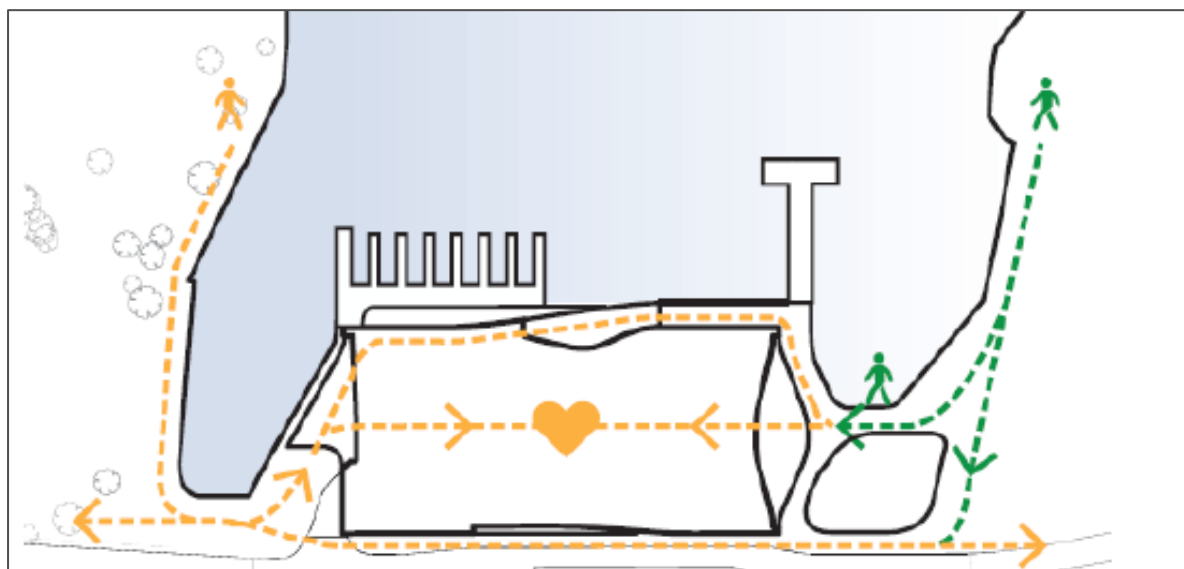


Figure 36 | Foreshore access and circulation (source: Applicant's Design Report)

Public submissions, including the Local Member, raised concerns about the relocation of the SFM from the current site, disjointed access and excessive stairs, impacts on equitable access, and sub-optimal foreshore access.

Council raised concern about the potential for the public access to be eroded or compromised by private structures and uses (like retail seating dedicated to a tenancy, not available to the public), so the public can enjoy and utilise the intended foreshore access for free. Council also provided comments regarding the detail of furniture to support public rest stops and the lack of vertical circulation.

The Department notes continuous access at the ground floor could not be provided due to the working fishing fleet operations, to the north-west of the building. While the proposed layout is conceptually sound, it does disrupt and terminate the continuous public access around the site at ground floor, in the north-western corner of the site.

The proposed solution is the creation of a public promenade along the northern edge of the upper ground level, with accessibility via the sweeping stairs to the east, west and north. Alternate accessible paths of travel between the ground floor and the elevated public promenade on the upper ground level would be provided via four public lifts (two located adjacent to the western stairs, one located adjacent to the eastern stairs and one located adjacent to the southern stairs). The public promenade will be elevated above the working fish market and wharves for the fishing fleet, will be accessible to the public 24-hours-a-day, seven-days-a-week, and provides a minimum footpath width of 4.5 m.

The Department considers the solution is not ideal, as people will naturally favour continuous ground level foreshore access. However, the solution is specific to the site/use and is innovative. It would allow the first floor above the working fleet in the north-western corner to act as a viewing platform of the lively operations below, which is important in appreciating and contemplating the working harbour. At

the same time, the generous width of the stair access provides public seating and viewing areas and lifts would be provided to improve accessibility to the first-floor level. The Department considers the proposal strikes a reasonable balance between managing the operational requirements of the SFM and providing foreshore access around the entire building.

Overall, the Department considers the proposed foreshore access has been well-considered and is acceptable because:

- the foreshore access is significantly improved compared to existing site conditions
- the fishing fleet associated with SFM is being accommodated, yet the access is provided around and over the site, to allow wider linkages
- circulation along the harbour at ground and first floors allows fishing fleet operations to be viewed by the public, which provides a unique experience and appreciation of the working harbour
- lifts are located through the building and close to key desire lines to augment the stair access where provided, allowing equitable foreshore access, viewing platforms and perimeter circulation
- the foreshore access around, over and through the site is complemented by the use of adjoining public open space which activates the foreshore access and enlivens it, through retail, SFM, display and artistic/heritage interpretation components, including activating a first floor.

The Department has also recommended conditions of consent to address the issues raised by Council regarding the need to ensure the publicly accessible areas remain public and further details to be submitted about the design of the public domain and the provision of furniture to support public rest stops. Subject to the recommended conditions, the Department is satisfied the proposal would provide a significant improvement to foreshore access and its linkages to the surrounding foreshore access network providing an important public benefit.

Open Space and Landscaping

The proposal includes two public plazas at the east and west of the proposed building, facing the harbour. The eastern and western plazas will provide a total of 4,715 m² of publicly accessible open space and help open-up vistas past the site from Bridge Road and Wentworth Park (**Figure 37**).

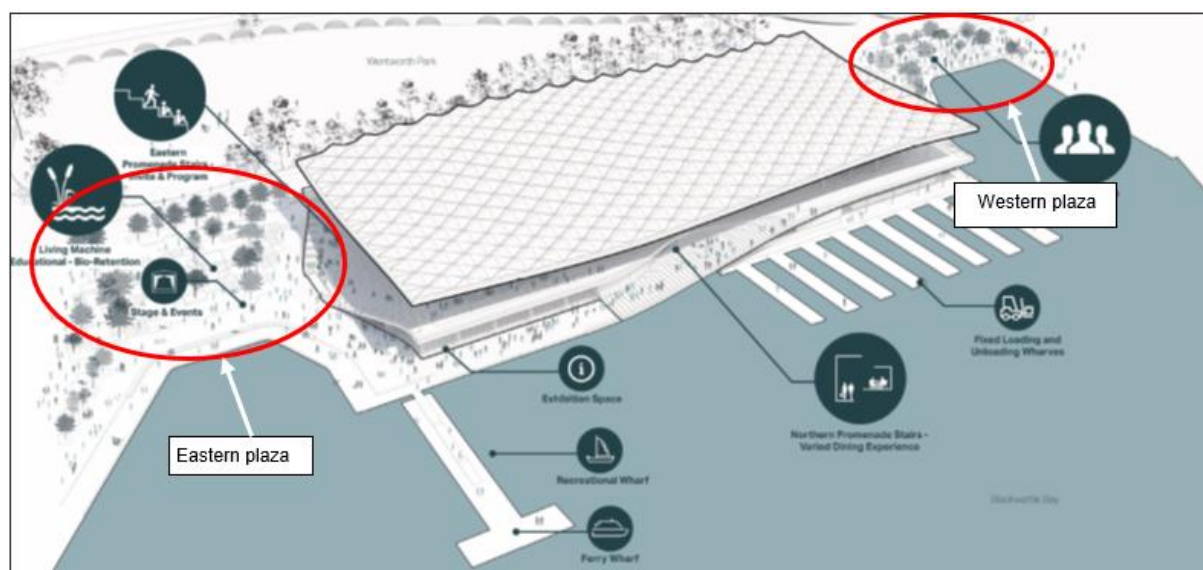


Figure 37 | Civic (eastern) plaza and western plaza (base source: Applicant's Design Report)

The Department notes the civic (eastern) plaza would provide a main entrance point to the SFM and an area where public and social gatherings can take place. It would also allow for appreciation of the harbour and the SFM building. The western plaza would provide a more local space and a logical extension to the wider foreshore access network. Both plazas are integrated with stairs and lifts to provide viewing opportunities of the public domain and the harbour. The eastern and western plazas are illustrated in **Figure 38 - 39**.



Figure 38 | Montage of eastern plaza (source: Applicant’s Design Report)



Figure 39 | Concept and montage of western plaza (source: Applicant’s Design Report)

The public domain also incorporates a green promenade along Bridge Road and a waterfront promenade along the edge of Blackwattle Bay, including an elevated promenade that transitions visitors from the ground level to the upper ground level providing a viewing area overlooking the wharves and fishing boats. This will help create a unique experience and is part of the attraction of visiting a working fish market.

Council requested that further details of the public domain and landscaping be provided for consideration. While conceptionally sound, the Department agrees that further details of the street furniture, paving, equitable access, management of WSUD measures and landscaping is required and

has recommended conditions of consent requiring this issue to be further considered as part of the design development and the Design Integrity process ahead.

Council also suggested further breaking up of the stairs following its review of the Applicant's RtS. In response, the Applicant contends these areas provide good oversight of the surrounding area and rest/viewing areas. The Department agrees the stairs to the east and west of the building provide a well-considered response to the site and positively contribute to the public domain. Further, alternate access is provided by lifts at either end of the building.

The Department considers the overall design of the open space and landscaped areas is acceptable as it provides an extension of the foreshore into the new SFM domain. The plazas and promenades provide an opportunity to draw in visitors and the surrounding community, allowing people to engage in the water's edge, as well as offering direct links to Bridge Street and the new SFM. It would also open-up view towards Blackwattle Bay and the Anzac Bridge.

Subject to the recommended conditions, the Department considers the proposal would result in a significant improvement to the open space and public domain character of this part of the harbour.

Bridge Road Public Domain

The Department notes the proposal includes works to Bridge Road which includes:

- raising the level of the road by approximately 1 m between its intersections with Wattle Street and Wentworth Park Road, to improve access and address flooding
- providing lane widths to meet Australian Standards
- provision of a clearway zone, bus parking zone, access to substations and a median island (Figure 40).



Figure 40 | Proposed works to Bridge Road (Base source: Applicant's Design Report)

Figures 41 and 42 below shows the extent of works, typical section and interrelationship of shared and vehicular/bus zones.

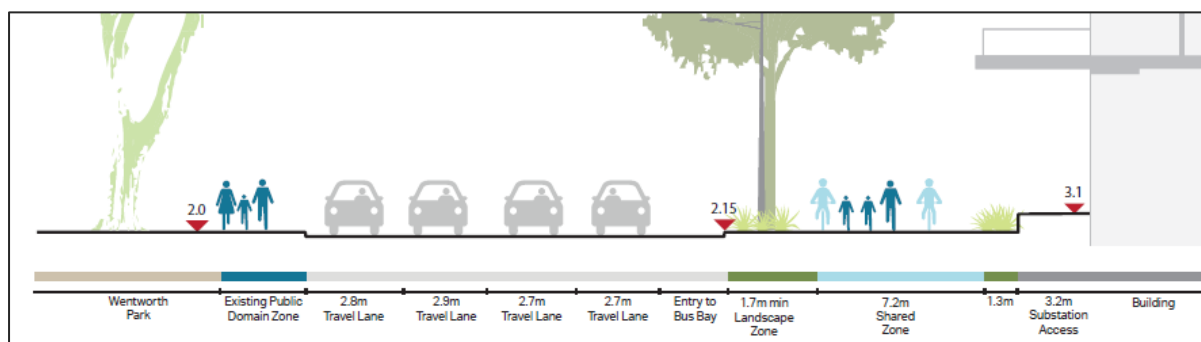


Figure 41 | Extent of works and typical section (Base source: EIS)

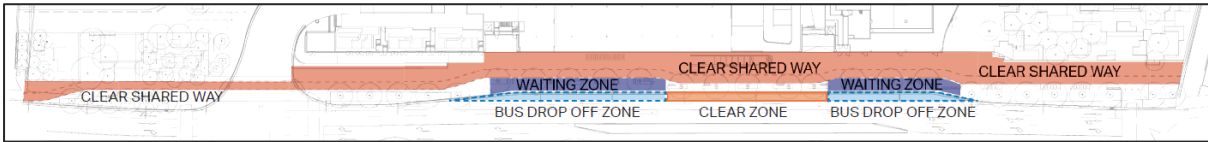


Figure 42 | Extent of works and shared vehicular/bus zones (Base source: EIS)

The proposal also includes a shared path for cyclists and pedestrians along the northern side of Bridge Road. The shared path will provide an off-road environment where cyclists can travel safely. As shown below (**Figure 43**), there is potential to enhance and link the bicycle network along Bridge Road and through the existing SFM site to connect with the regional bike network at Millet Street, as well as link up with the existing recreational route along Blackwattle Bay.

Council raised concern about:

- the use of public authority land for the drop-off/pick-up area along Bridge Road and forcing pedestrians and cyclists onto what could be regarded as future 'privatised' land to pass by the site. Council requested an easement be imposed requiring approval from Council before modifications to this area can be made in the future.
- the widths of the shared path and the potential for conflict between people crossing from the drop-off/pick-up area.
- the shared path along Bridge Road and requested a dedicated off-road cycle way be provided to minimise conflict between cyclists and pedestrians entering and leaving the SFM.

TfNSW/RMS also requested that the Applicant investigate the possibility of a dedicated off-road cycleway. Public submissions also raised concerns on the lack of a dedicated cycleway.

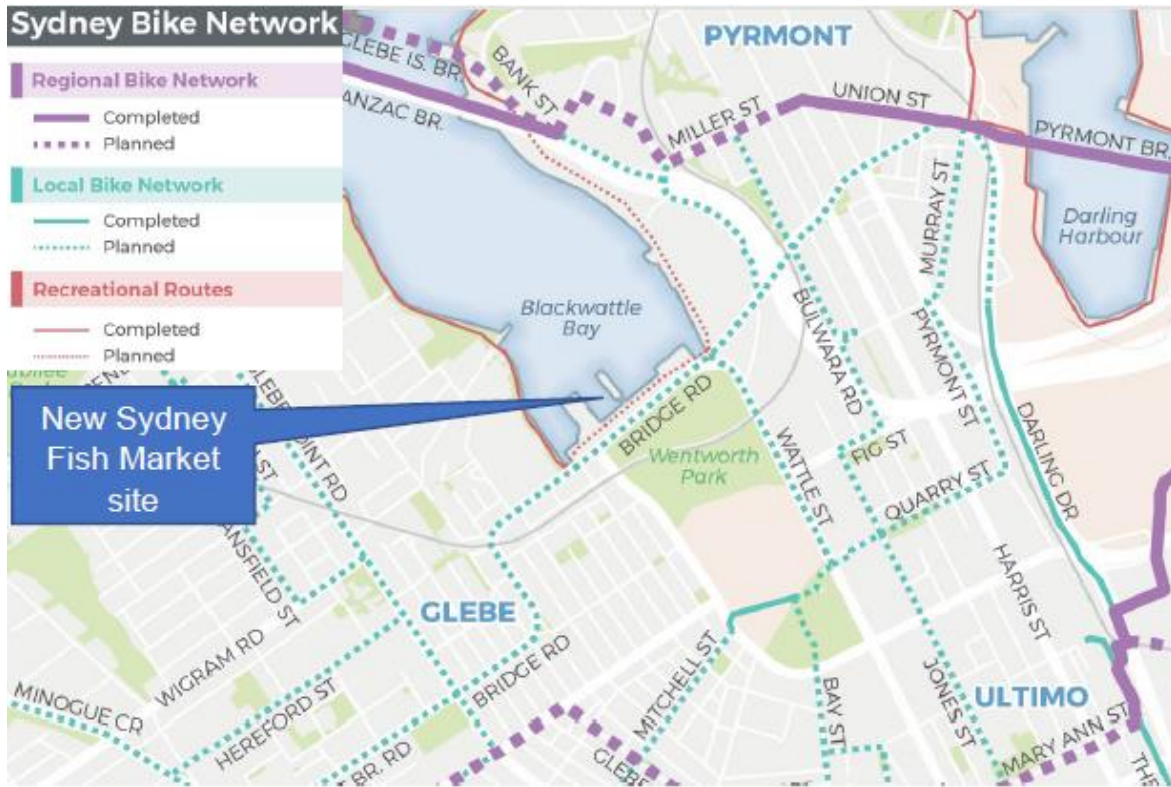


Figure 43 | Sydney bike network (source: Applicant's Addendum to the Traffic Impact Assessment)

In respect of the concerns raised by Council, TfNSW/RMS and in public submissions, the Applicant's RtS highlighted:

- the public domain including the shared footpath will be retained in the ownership of and managed by Infrastructure NSW. Bridge Road is identified as a classified road, and therefore any works within the road reserve would be subject to a Roads Act approval from RMS. As such, an easement in favour of Council is not required as the public domain areas and Bridge Road will be managed by a public authority
- the overall design including unencumbered widths of the shared path will be further considered in the detailed design

The Applicant also investigated the provision of a dedicated off-road cycle way but considered that a shared path would be more suitable as it would facilitate the safest journeys for cyclists to and from the SFM, as well as accessing the broader cycling network. A number of other options were considered by the Applicant, with the shared path option deemed to be the most suitable for the safety of both pedestrians and cyclists. Alternative options included:

- a separated cycleway on the northern side of Bridge Road. This was not considered acceptable as the cycleway would run parallel to the drop-off and pick up-up lane, where significant numbers of coaches, minibuses, taxis and other vehicles would conflict with cyclists as they enter and exit the area
- a separated cycleway on the Bridge Road footpath. This was not considered acceptable as it would create safety issues with pedestrians walking across the cycleway between the drop-off and pick up-up lane and the SFM building
- a separated cycleway on the southern side of Bridge Road. This was not considered acceptable as it would require cyclists to cross Bridge Road at both the Wattle Street and (future) Wentworth Park Road traffic lights to access the broader cycling network.

In its response on the RtS, Council maintained its concerns on the lack of a dedicated off-road cycle path, while TfNSW/RMS raised no further issues on this matter.

Despite the concerns raised by Council and in public submissions, the Department considers the Bridge Road works acceptable as:

- the overall pedestrian environment, likely usage, flat terrain and good sightlines would allow cyclists and pedestrians to share the space, which is common in the City. The Department therefore considers the proposed shared path is acceptable, and represents an improvement compared to the existing situation at SFM and along Bridge Road.
- the Applicant is committed to further consultation with Council and TfNSW on the detailed design of the shared path.
- raising the level of Bridge Road will bring its height closer to the level of Wentworth Park, and provide improved north-south visibility (as well as east-west along the southern side of Bridge Road), increasing safety for pedestrians, cyclists and motorists.
- the works provide for localised widening of Bridge Road to provide improved and widened footpath areas, a drop-off/pick-up area, shared path, landscaping, a central median and compliant lane dimensions
- the arrangements are far superior than the inter-relationship of vehicles and pedestrians at the current SFM site.

In addition, the Department has recommended conditions requiring:

- consultation with Council and TfNSW on the design of the shared path, including consideration of available roadside/footpath space on Bridge Road, safety of all users as well as interface with the adjacent drop-off/pick-up area
- a detailed public domain plan, which would include proposed treatment along Bridge Road, including for shared areas, to be resolved with the DRP as part of the Design Integrity Process
- a public right of way, registered on title for portions of the site which are publicly accessible for pedestrians, bicycles and vehicles
- a Bus, Coach and Pick-Up and Drop-Off Management Plan, including details relating to the management of potential conflicts between cyclists and people accessing the pick-up and drop-off area.

Subject to the above conditions, the Department's assessment concludes that the proposed works to Bridge Road, including the design and provision of a shared path are acceptable.

Ground plane activation

The Department notes that activating the ground level plane is challenging for a building which has two key frontages (one to the harbour and one to Bridge Road), while accommodating a working fish market, transportation of goods and a high number of visitors. Despite these challenges, the Department considers the proposed activation solution is sound.

Figure 44 shows the proposed activation zones (green). As demonstrated in the plan, the proposal provides good levels of activation on the majority of frontages. However, there are two areas which warrant consideration, highlighted in red circles (**Figure 44**).

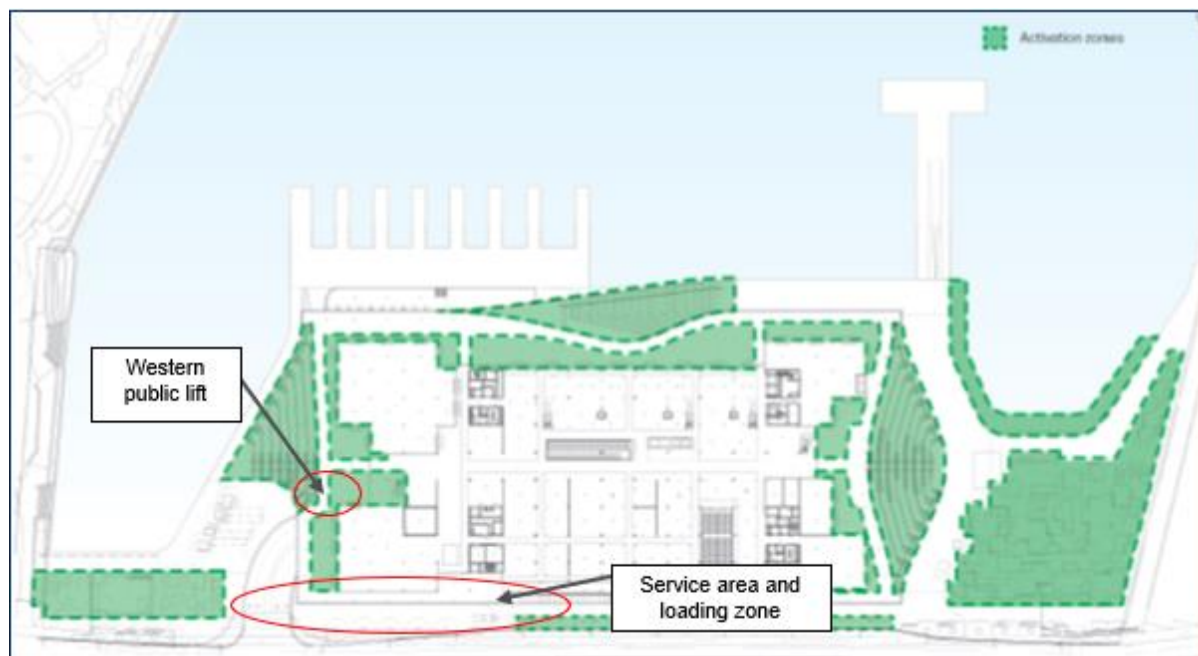


Figure 44 | Activation zones (Base source: EIS)

The first area relates to the loading and servicing zone along Bridge Road. Around 70 m of the ground floor facing Bridge Road comprises vehicular and loading access, plant rooms, substations and the like. The location of the vehicular access to the parking and loading area is sound in terms of traffic and access to the building, however it diminishes activation along Bridge Road.

The Department raised concern about the width and inactive frontage along Bridge Road. In response, the Applicant advised it needs three substations due to operational requirements associated with significant product storage. However, the Applicant states that measures to improve the presentation along Bridge Road would be further developed as a part of the design integrity process.

The Department accepts that areas for plant and servicing are unavoidable for such a building. While the length of the plant and servicing zone is significant, there are benefits in consolidating them at this location as it provides the main vehicle access point to the basement and it allows public access, connectivity, activation, foreshore access and passive space to be maximised elsewhere. Further, the Department is satisfied that developing measures to improve the presentation of this part of the building as a part of the design integrity process is acceptable. The Department has also recommended a condition that the materials and finishes of this area be of the same high-quality standard as the rest of the SFM building.

The second area relates to the safety and security associated with the recessed western lift. The Applicant's RtS advised that the western public lift is partially recessed into the promenade stairs, behind the drip line of the canopy roof, to enable covered (roof) access, whilst also providing an equitable solution which sees users land adjacent to the main boulevard on the upper ground floor. The RtS also highlighted that the undercroft area beneath the western promenade will be enclosed.

Council provided further comment on this issue, requesting that the Security Risk Assessment and the architectural plans are updated to reflect the change to the undercroft area and the final design reviewed by the DRP as part of the design integrity process. The Department agrees with Council and has recommended the final design of the undercroft area be reviewed by the DRP and approved by the Planning Secretary.

The Department further notes that CCTV cameras will provide surveillance and natural surveillance is achieved via appropriate street lighting and accessibility friendly footpath and direct visibility from the lift entry to Bridge Road public domain. Signage and wayfinding will also establish clear directions to lift access and provide delineation between public and private spaces. The Department is satisfied these measures would appropriately mitigate and manage safety and security of this space.

6.6 Transport, Traffic, Parking and Access

Overview

The Department notes the approach to parking and traffic impacts and assessment particularly in and around the CBD, is somewhat unique. This is because the CBD is the busiest area in the State, with the densest provision of jobs, and comparatively excellent public transport accessibility. The physical and topographical constraints of the City are such that roads are limited and will continue to be so.

The Department therefore considers an approach to limiting parking supply for new development in highly accessible areas, is conceptually sound, and sustainable, because:

- continued and increased uncapped parking supply, based on car "demand", will significantly impact upon traffic and the capacity of the network at its most potentially congested point
- sound traffic planning and network capacity planning can occur by regulated and capped parking supply
- limiting parking supply encourages more sustainable travel behaviour (public transport, cycling and walking)

- approaches to street parking can be regulated to align with parking supply and traffic outcome objectives.

The Department notes the approach to limiting parking provision in the City of Sydney has existed for over 25 years. The parking supply for commercial and retail development in the CBD is limited based on site area (1 space per 50 m²). So, no matter how big a new commercial development, the parking rate is capped. This is a supply-led approach to parking, rather than a demand-led approach.

This approach is also consistent with strategic policies for reducing car dependency and encouraging alternative forms of transport in highly accessible locations. A Plan for Growing Sydney outlines that car parking should be provided in a way that is consistent with the level of access provided by alternative travel choices. Further, the Future Transport Strategy 2056 encourages active travel (walking and cycling) and the use of public transport. The Department notes the SFM is within easy walking distance of the light rail station, which has services to the city approximately every 5-8 minutes during peak hour and every 15 minutes during off-peak hours.

The Department notes concerns about existing traffic and parking situations are commonly held and often why this is a major issue in submissions, particularly for major new development. This is the case with this proposal, with traffic (58%) and parking (38%) concerns being the most common issue raised in public submissions. The Department accepts there is understandable concern amongst the community that where there are existing traffic and parking issues on public roads that new development seeking to increase visitation will only make things worse.

For the proposal, the parking provided is set at the existing parking provision at the SFM site (417 vehicle spaces). The Department notes this generally equates to the 1 space per 50 m² site area rate used by Council in the CBD. The Department supports this approach for the reasons cited above and notes this approach is also supported by Council.

The Department notes the approach of limiting parking supply does highlight the need to encourage non-car-based travel. This is a key issue raised by Council in its submission, regarding traffic and parking. This includes seeking linkages to public transport, cycling provision/support and general pedestrian accessibility.

The Department also notes the issue of coach parking needs to be considered and resolved given the high number of tourists that would visit the site. The data of existing SFM visitation numbers, times of visitation and modal split are relevant and useful in assessing the proposal and planning to mitigate impacts.

Consideration of various aspects of the traffic and parking considerations for the development are outlined below.

Traffic and Transport

The Department notes the key issue raised in public submissions was traffic impacts (58%) on the surrounding area. Concerns were also raised about the availability and adequacy of public transport to service the proposal.

To assess the potential traffic impacts associated with the proposal, the Applicant submitted a traffic Impact Assessment (TIA) and detailed traffic modelling, which included consideration of increased visitors to the new SFM to 6 million people per year by 2034. In summary, the modelling confirmed that the proposed SFM would have an acceptable impact on the surrounding road network. The analysis

indicates that key intersections within the surrounding road network would operate at the same level of service compared to existing conditions.

RMS and Council initially raised concerns about the proposed modelling as survey data collection was predominately based in 2017, and as such may not provide a full representation of existing traffic conditions within the area. Council also questioned the modelling results and requested more investigation be undertaken for the vehicular access point on Bridge Road and immediate intersections.

The Applicant subsequently submitted a supplementary traffic assessment, including network modelling which considers the operation of intersections as a network rather than in isolation. The supplementary traffic assessment and network modelling reaffirmed that the proposal would not result in any significant traffic impacts on surrounding intersections. The modelling confirmed that all traffic intersections would operate at the same level of service and the proposal would not result in any significant increase in queuing or delays, as outlined below:

- of the nine key intersections around the site, the Level of Service (LoS), (linked to delays at intersections) does not change in rating for any intersection. This is not to say there are not some additional delays, but that the LoS band does not change.
- the delays at the AM, PM and weekend peak times at these intersections varies from 0-24 seconds
- averaging the delays from current to future across the nine intersections shows an average increase in a 2 second delay at peak times
- the biggest impact is upon Bridge Road and Wentworth Park Road, where delays vary at that intersection from 20-24 seconds in peak hour(s).

TfNSW/RMS responded to the additional information provided within the RtS and requested a number of conditions be imposed, including:

- submission of an electronic copy of the modelling to TfNSW for review and approval, with any adjustments to the base values of the model identified and supporting justification for any change provided.
- submission of the survey data to TfNSW for review and approval, to validate the volumes used for the modelling and justification be provided for use of any survey data that is not current.

The Department supports TfNSW/RMS request and has recommended conditions as requested.

Council raised no further issues on this matter. However, it noted that unresolved issues like traffic light cycles, is beyond Council's control and shall be reviewed by TfNSW/RMS.

The Department has assessed the TIA and carefully considered the comments received by TfNSW/RMS, Council and in public submissions. The Department notes that the assumptions used in the traffic modelling rely on a shift away from car usage and an increase in the take up of public transport, walking and cycling. Using the assumptions put forward in the TIA, the proposal is predicted to only result in a 39% increase in vehicle trips, despite visitation increasing by 100% over 10 years.

The Department considers the assumptions used in the traffic modeling are reasonable and despite the increase in visitation, the proposal would not result in any significant traffic impacts given:

- the traffic modelling confirmed that all intersections would operate at the same level of service and the proposal would not result in any significant increase in queuing or delays

- while there would be increases in traffic at the Wentworth Park Road / Bridge Road intersection compared to current conditions, traffic lights at this location would more efficiently manage traffic flow and improve pedestrian access.
- the availability and frequency of public transport in the surrounding area, including buses and light rail stops
- the likely improvements to public transport availability at the site over time, including a new Metro stop within the Bays Precinct and a possible ferry stop at the site
- car parking spaces would be capped at the same level as the existing fish markets, discouraging private car travel and encouraging a shift toward public transport.
- the proposal would provide a number of road upgrades to improve the capacity and function of the surrounding road network, including signalisation of the Bridge Road/Wentworth Park Road intersection to provide a dedicated entry and exit point to the site and improvements to the Wattle Street/Bridge Road intersection
- provision of improved drop-off and pick up areas for buses, coaches and taxis and bicycle parking, and improved pedestrian and cycling connections
- footpath widening and dedicated off-road cycle/pedestrian connection along Bridge Road adjacent to the frontage of the site.

The Department also notes the proposal includes a Green Travel Plan (GTP) to increase the use of the available public transport and reduce private car usage. However, both TfNSW and Council requested amendments to the GTP to provide a clear “target” to achieve the forecast modal split.

The Department considers that given the traffic modelling relies on a shift from private car use to public transport and the limited supply of on-site carparking, it is appropriate to include a condition requiring an amended GTP to be prepared to include clear objectives and targets to ensure the forecast modal targets are achieved.

The Department also notes that the SFM can experience high traffic volumes and car parking demand during seasonal peaks. As such, the Department has recommended a condition requiring the Applicant to work with TfNSW to develop a traffic management plan that identifies appropriate measures to help mitigate and manage traffic issues associated with peak seasonal demands.

Subject to the recommended conditions, the Department is satisfied that the proposal would not result in any significant traffic impacts compared to the current situation and the site is well placed to take advantage of various modes of public transport.

Car Parking

The proposal includes 417 car parking spaces for use by the public and staff. The 417 spaces include:

- 4 accessible spaces
- 56 parking spaces for B99 vehicles (i.e larger passenger vehicles)
- 176 dedicated retail car parking spaces
- 181 flexible retail car parking spaces, which can be used by 137 small rigid vehicles during the early morning wholesale and auction period.

The Applicant has sought to retain the same number of car parking which is currently provided at the existing SFM, to manage the potential traffic impacts associated with the proposal as well as taking advantage of public transport walking and cycling options available in the area.

The Department also notes that employees are not afforded dedicated parking spaces and it is intended that parking for both staff and visitors will be charged at market rates.

As outlined above, the Department considers constraining parking provision as a supply management measure is appropriate and it is consistent with both local and State policies to reduce car dependency and increase alternative forms of transport in highly accessible locations. The proposed car parking provision is also consistent with the rates for parking in the CBD, and it also encourages non car-based travel over time, which promotes principles of ESD. Further, the Department notes Council and RMS/TfNSW did not object to or raise concerns about the proposed amount of car parking.

The Department has also recommended conditions requiring a maximum number of car parking spaces be provided (417 spaces) and car parking to comply with Australian standards including queuing areas, turn paths, sight distance requirements, aisle widths, lighting and parking bays.

The Department is therefore satisfied the proposed amount of car parking is acceptable as it is consistent with State and local policies which seek to minimise car parking in highly accessible locations and it would help minimise traffic generation within the surrounding area.

Bicycle Parking

The proposal includes 136 bicycle parking spaces, comprising of 60 spaces located within the basement (including end-of-trip facilities) for use by employees and 76 spaces for public use, which will be located within the public domain including each of the main plaza spaces and along Bridge Road.

Currently the existing SFM site provides eight bicycle parking spaces. While cycling to the existing SFM site currently represents a low percentage of vehicle trips (around 1%), with improved infrastructure on roads and on-site facilities for bicycle parking, there is scope and potential to increase visitation by bicycles. The proposal significantly increases bicycle parking provision to 60 spaces for staff and 76 for visitors. Bicycle parking spaces for visitors will be provided using u-rails. Additionally, end-of-trip facilities are provided for staff, to further encourage bicycle use by supporting infrastructure for comfort.

In its response to the EIS, Council encouraged greater bicycle provision for visitors based on the quantum of expected visitation and made recommendations regarding the class of bicycle parking and detail of the end-of-trip facilities.

In respect to the comments raised by Council, the Applicant's response in the RtS highlighted:

- the proposed number of bicycle parking represents a significant increase in the number of on-site spaces when compared to the existing SFM
- although Council notes that 18,000 people may attend the SFM on a daily basis, the number of people on site at any one time is only around 15% of this figure. In this context the proposed quantum of bicycle parking is considered suitable for the site
- following the opening of the SFM, the demand for bicycle parking will be monitored and additional spaces provided if necessary

The Department considers the quantum of bicycle parking spaces both for staff and visitors acceptable as bicycle parking spaces have been based on the forecast travel demand to the SFM and represents a significant improvement when compared to the existing SFM. In respect to Council's comments regarding the number of bicycle parking spaces for visitors, the Department considers it appropriate for a condition to be imposed to monitor visitor bicycle parking and additional spaces provided, if required. The provision of bicycle spaces utilising U-rails, will also aid in the ease of providing additional bicycle parking spaces for visitors over time, if required.

To ensure a sufficient amount of bicycle parking spaces, as well as end-of-trip facilities is provided, the Department has also recommended conditions requiring:

- a minimum of 60 bicycle parking spaces for staff and a minimum of 76 bicycle spaces for visitors and end of trip facilities (Class B for staff and Class C for visitors) provided in accordance with Australian Standards
- the demand for visitor bicycle parking spaces to be monitored after commencement of operation and additional spaces provided, if necessary.

Subject to the above conditions, the Department's assessment concludes the quantum of bicycle parking spaces acceptable.

Access

Vehicular access into the site is proposed via a new signalised intersection at Bridge Road and Wentworth Park Road. The intersection will accommodate general traffic movements as well as heavy vehicles accessing the loading dock within the site.

The access point is well-located and logical. The design of the car park is such that it is sheathed by the building which maximises active uses to the public domain and minimises visual impacts (while not eliminating them from the entry and service areas).

Traffic lights will manage vehicle movements from all directions, compared to the current situation where queues can develop on Wentworth Park Road as vehicles have to give way to cars travelling on Bridge Road. For this reason, the level of service is projected to remain unchanged, despite the projected increase in traffic movements at this location. The Department therefore considers the new intersection would appropriately manage access to/from the site and it would not result in any significant traffic impacts.

Loading

The proposal includes an on-site loading dock on the ground floor providing 21 service vehicle parking spaces, comprising of 5 spaces for semi/heavy rigid vehicles, 13 spaces for medium rigid vehicles and 3 spaces for small rigid vehicles. In addition to the on-site loading dock, provision is made within the basement for 137 parking spaces for small rigid vehicles.

Small rigid vehicles will have the ability to enter the basement car parking area due to the 3.5 m height clearance, which would eliminate the need for these vehicles to access and utilise the on-site loading dock. All loading/unloading activities (other than wharf-based activities) will occur within the building.

In terms of the loading truck movements, detailed surveys of the existing SFM were undertaken in 2018 by the Applicant and showed sporadic peaks in the early morning period (4 am-5 am), morning period (8 am-9 am) and midday period (11 am-2 pm) (**Figure 45**). The larger vehicle movements tend to occur more in the earlier mornings.

RMS reviewed the proposal and noted that there was an equal too or slightly above on-site provision of semi/heavy rigid vehicles and medium rigid vehicles utilising the loading dock at the 5am peak period. This may lead to queuing occur on-site and the potential to block the intersection of Wentworth Park Road/Bridge Road.

In order to minimise the impact of loading activities on the surrounding road network, RMS recommended a condition requiring the Applicant to update the preliminary Loading Management Plan

submitted with the proposal and prepare a detailed Freight and Servicing Management Plan in consultation with the Sydney Coordination Office within TfNSW.

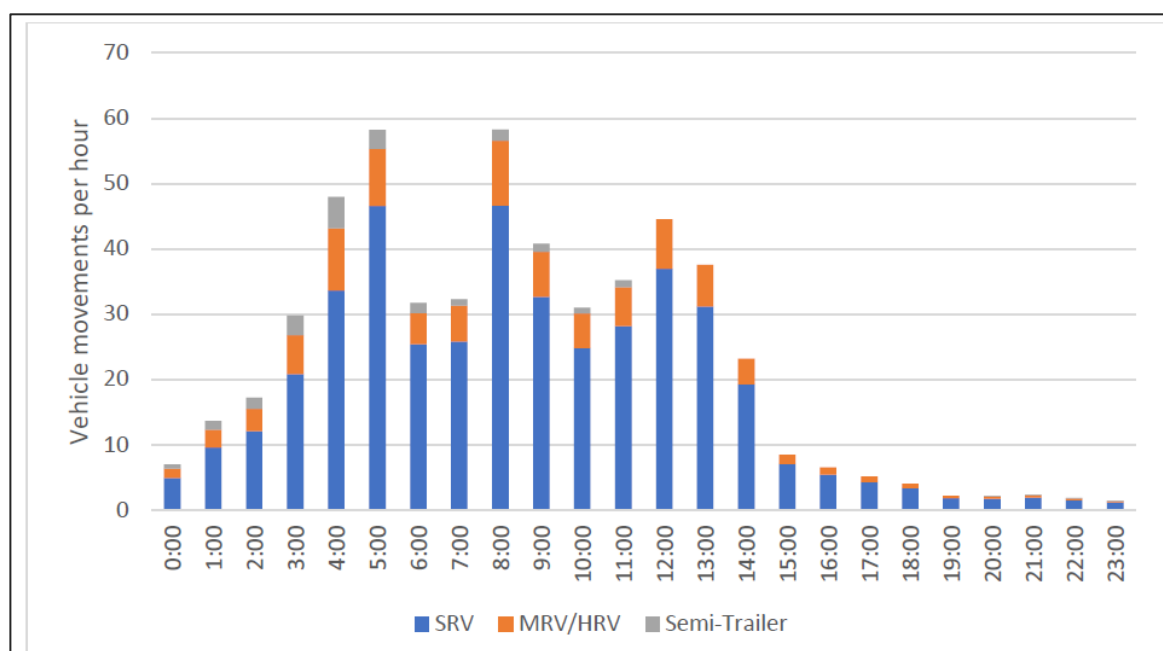


Figure 45 | Loading vehicle movements by type and time (source: Applicant’s Preliminary loading management plan)

The Department supports TfNSW’s request and has recommended a condition requiring a detailed Freight and Servicing Management Plan be prepared in consultation with TfNSW. The Department considers that subject to the recommended condition, the proposed loading is acceptable.

Coaches

The proposal includes a dedicated vehicle drop-off and pick-up lane on the northern side of Bridge Road, which will be used by coaches, taxis/ride share and general drop-off and pick-up. The proposal would also accommodate coach parking within the site.

Concerns were raised in agency and public submissions about the capacity of the coach drop-off and parking area to meet the demand and the potential for coaches to park in surrounding streets.

In response, the Applicant submitted a supplementary transport report, which confirmed the proposed pick-up / drop-off area would have sufficient capacity to meet demand from coaches and a management strategy would be implemented to manage the movement of coaches within the site and minimise off-site coach parking, as is the case with the existing SFM.

TfNSW reviewed the response and it raised no concerns with the proposal. However, it recommended that the Applicant prepare a Bus, Coach and Pick-up and Drop-off Management Plan to minimise disruption to traffic, manage any queuing along Bridge Street as well as any potential conflicts between cyclists and people accessing the pick-up / drop-off area.

The Department accepts the advice in the supplementary transport report that the proposed pick-up / drop-off area would have sufficient capacity to meet demand. Further, the Department notes the peak arrival times for coaches is between 11.30 am -12.30 pm, which is outside weekday peak periods, therefore coaches are unlikely to result in any significant traffic impacts along Bridge Road.

The Department also considers the provision of coach parking within the basement of the building is acceptable as it would remove the need at certain times for coaches to park on surrounding street. This would be managed via a pre-booking system to ensure coaches are not preventing service vehicles from accessing the loading dock during peak periods.

Finally, the Department is satisfied that potential conflicts between cyclists and people accessing the pick-up / drop-off area can be appropriately managed by a Bus, Coach and Pick-Up and Drop-off Management Plan, as recommended by TfNSW.

Subject to the preparation and implementation of a Bus, Coach and Pick-Up and Drop-off Management Plan, the Department's assessment therefore concludes the proposed coach drop-off/ pick-up and parking arrangements are acceptable.

Maritime Safety and Impact on Rowing Clubs

The Department has considered the potential impacts of the proposal on maritime navigational safety both during construction and the operational phase of the SFM. In particular, the Department has considered the impact of the proposal upon the functioning of Glebe Rowing Club, the Pacific Dragons Dragon Boat and Outrigger Canoe Club and Sydney University Boat Club. This was a key issue raised in public submissions, as it necessitates a change to the rowing route around Blackwattle Bay. Concerns were also raised about the potential for the proposal to block access for rowers and dragon boat users to the harbour via the foreshore steps located on the western promenade adjacent to Sydney Secondary College.

The Applicant submitted a detailed Navigation Impact Assessment (NIA) with the EIS. The report reviewed existing operations, assessed the potential navigation impacts and proposed mitigation measures during construction and operational phases of the proposal. The safety of a range of vessels and recreational craft was also considered and addressed in the analysis. The NIA concludes that maritime and navigation safety impacts would be acceptable, subject to the implementation of measures to minimise and mitigate potential navigation impacts. This includes a modification and reduction in the length of the rowing route at the head of Blackwattle Bay to provide a minimum distance of 45 m between rowers and turning vessels and ferries manoeuvring at the head of the wharves. This would result in the reduction to the overall rowing course length by approximately 90 m. The impact on the rowing course within Blackwattle Bay is shown below in **Figure 46**.



Figure 46 | Left - Rowing course affectation – shown in yellow (source: EIS).
Right – Existing Rowing Course – shown in red (source: Applicant's NIA)

The Port Authority of NSW did not raise any specific issues about navigational impacts or marine traffic management. However, it requested that it be further consulted on the preparation of a Vessel Traffic Management Plan (VTMP), to provide guidance on how to enhance marine safety and navigation for

all vessels using the wharf facilities and the surrounding waterway. The Port Authority also advised that an approval is required through the Harbour Master Approval process (under Clause 67ZN of the Ports and Maritime Administration Regulation 2012) for any disturbance of the seabed. RMS' Foreshores and Planning Advisory Committee advised it has no specific issues in relation to the proposal.

In response to the concerns raised by the rowing clubs, the Applicant advised that:

- the reduction to the length of the rowing route is required in order to provide a safe buffer distance from the proposed wharves for rowing activities
- a VTMP will be developed for the proposal, to provide guidance to enhance marine safety and navigation for all vessels using the wharf facilities and surrounding waterway areas. The VTMP would be prepared in consultation with all stakeholders, Port Authority NSW, ferry operators, SFM wharf users, and rowing and dragon boat club representatives. The VTMP would be reviewed periodically based on feedback received from stakeholders on its implementation and performance
- consultation will be maintained between the Applicant, principal contractor and all recreational water users during the construction planning stage of the proposal to minimise and mitigate any impacts as a result of construction works
- continued access to the harbour via the foreshore steps located on the western promenade would be retained during the operational phase of the SFM

The Department is satisfied that the NIA has undertaken a robust assessment of potential navigation impacts associated with the proposal and it has put forward a suite of mitigation measures to ensure potential conflict between water users and safety impacts are appropriately mitigated and managed.

The Department notes that while the proposal will result in some shortening of a rowing course, the impact is reasonable as it would ensure that a safe buffer distance is maintained between rowing users and larger maritime vessels utilising the SFM wharves.

The Department also notes that continued access to the harbour would be maintained during construction and ongoing consultation with rowing and dragon boat clubs would be undertaken to address any potential construction impacts that may arise.

Based on the findings of the NIA and comments received from regulatory authorities responsible for maritime navigational safety, the Department considers it is reasonable and appropriate to support the proposal from a marine navigational perspective. However, to ensure the potential impacts on maritime navigational safety, including any impacts on the functioning of rowing and dragon boat clubs are appropriately mitigated and managed, the Department has recommended conditions requiring:

- implementation of the recommended mitigation measures outlined in the NIA
- the establishment of a community consultative committee to allow regular contact between the Applicant and representatives from rowing and dragon boat clubs to resolve any issues regarding construction impacts during construction
- development of a VTMP (construction and operation) in consultation with all stakeholders, Port Authority NSW, ferry operators, SFM wharf users, and rowing and dragon boat club representatives.

6.7 Ecological Impacts

Removal of on-site trees

The Department notes the Applicant's approach to tree management can be characterised as seeking to retain significant trees on the site and to provide opportunities for increased landscaping and planting within the site's new public domain. However, some trees are proposed to be removed from the site.

An Arboriculture Impact Assessment (AIA) was submitted with the RtS. The AIA notes that of the 60 trees (located within and immediately adjacent to the site), 11 trees are proposed to be removed to accommodate the new SFM. This is justified by the Applicant's arborist for the following reasons:

- the 11 trees to be removed are all small, semi-mature specimens of low Landscape Significance; and
- no trees with a High Retention Value are proposed for removal.

The Department accepts the findings in the AIA and is satisfied the trees proposed to be removed have a low retention value and no significant trees would be removed. The Department also notes the proposal seeks significant tree planting within the eastern and western plaza and street tree planting within the road reserve of Bridge Road, which will adequately offset the loss of the 11 trees. The proposed replacement trees would also improve the tree canopy within the area and help soften the appearance of the development.

The Department also recommends a condition requiring measures to be put in place to ensure the retained trees would be adequately protected during the construction of the development. Subject to the recommended tree protection measures the Department's assessment concludes the proposal is acceptable.

Pruning of Moreton Bay Figs

The AIA and the arborist's letter (dated 20 April 2020) identified that 25 trees (22 of which are identified as Moreton Bay Fig trees located along the northern boundary of Wentworth Park, adjacent to Bridge Road) would require pruning to accommodate the upgrade of Bridge Road which would be increased in height by 1 metre. The pruning would be required to provide vehicles with sufficient vertical clearance to pass underneath the overhanging branches.

The assessment of pruning requirements was estimated from the footpath on Bridge Road using a height pole, as it was not possible for the arborist to stand in the carriageway immediately below the crowns of the trees due to safety reasons. A second assessment of pruning requirements will be undertaken at the completion of the construction period when Bridge Road is still closed to vehicular traffic. This two-stage approach, as recommended by the arborist, will reduce the potential for unnecessary over pruning.

Stage 1 involves pruning the main branches where conflict will occur with passing traffic and provides additional access for construction machinery. Stage 2 pruning will involve minor pruning at the completion of the works to address any (generally smaller) conflicting branches which could not be accurately identified during the initial assessment.

The AIA provides a detailed Pruning Specification identifying individual branches to be pruned. In general, the pruning works would account for approximately 2-4%, with some trees requiring up to 10% of the total crown volume of the tree to be pruned.

In its response on the EIS, the RMS advised that the rising of the road level of Bridge Road will require pruning of branches to the Moreton Bay Fig trees. Council also raised concerns about the impacts from traffic signals/sightlines, raising of the road level on Bridge Road and impacts from pruning on the crowns of Moreton Bay Fig trees.

In respect of comments made by Council and the RMS, the Applicant's response in the RtS highlighted:

- there would be no significant impact to the Moreton Bay Fig trees subject to a range of mitigation measures being implemented during construction including tree pruning procedures, as recommended in the AIA
- raising of the road level will not impact tree roots, as the roots under the existing footpaths will be retained and protected
- pruning works will only account on average for approximately 2-4% of the total crown volume of the tree to be pruned

The Department notes that the retention of the Moreton Bay Fig trees is important given they of high landscape, scenic and social value. However, the Department considers some pruning is acceptable as it would allow the height of Bridge Road to be raised which would improve the public domain, access to the site, road widths and flood management in the area. Further, the Department supports the proposed two stage approach to pruning as it would reduce the potential for unnecessary over pruning.

The Department also considers raising the level of Bridge Road would not result in any significant harm to the Moreton Bay Fig trees as the roots of the trees would be retained and protected during works.

The Department has also recommended conditions to ensure the pruning is undertaken in accordance with the recommendations in the AIA and Council's requirements. Subject to the recommended conditions the Department is satisfied the proposed pruning of the Moreton Bay Fig trees is acceptable.

Terrestrial Biodiversity

The Applicant submitted a detailed Biodiversity Development Assessment Report (BDAR). In summary, the report found:

- no mapped plant community types, have previously been recorded within the site and no ecosystem credit or species credit species were predicted to occur
- the site does not contain any mapped streams or wetlands, but does contribute to a biodiversity corridor mapped by Greater Sydney Local Land Services
- from a search of 10km radius of the site, Grey Headed Flying Fox, listed as vulnerable, have the potential to be affected. However, no breeding colonies are located within or close to the site (the nearest is 5km away at Centennial Park) and no significant impact is likely
- Moreton Bay Fig trees provide potential feed and habitat, and none are being removed
- the site is highly disturbed, limiting potential impacts.

EESG reviewed the BDAR and advised it does not appear that any targeted surveys were undertaken of the buildings or other structures to search for evidence of microbats and recommended that further advice is sought to ensure that this issue is addressed.

Council also commented on potential terrestrial ecological impacts and advised:

- the BDAR has not explored the opportunities to strengthen the City's interest in creating a continuous vegetated foreshore as identified in the Urban Ecology Strategic Action Plan across the site
- the proposed planting schedule should be reviewed
- migrating birds have been observed within 1km of the site. Efforts should be made to reduce the incidence of bird strike by reviewing glass materials
- the biodiversity values of the site be reviewed.

A revised BDAR and a Microbat Management Plan (MMP) was submitted by the Applicant to address comments raised by EESG. A targeted microbat survey and assessment was undertaken at the site, which concluded that the site contains the potential for multiple microbat roost locations within the wharf structures and within existing derelict buildings. The MMP recommends the approach of bat exclusion to mitigate the potential of risk of injury and death to microbats from the proposed works.

EESG reviewed the draft condition and has recommended the MMP be amended to its satisfaction. EESG also recommended that monitoring of compensatory bat boxes and habitat in the new SFM structures is to occur at the end of the fifth year following completion of the works. EESG recommended that if there is no evidence of sustained use by Southern Myotis (*Myotis Macropus*) as a maternity roost and/or use of the compensatory roost boxes or of the habitat within the new SFM structures, the Applicant must purchase and retire Southern Myotis biodiversity credits to offset the impacts. The Department supports EESG's recommended conditions.

In respect of Council's comments, the Applicant advised the façade design has considered minimisation of bird strikes in the design of the facades and selection of façade materials, and low reflectivity glass is an effective measure to reduce bird strikes. The Applicant also advised there is improved landscaping along Bridge Road and within the development, contributing to an improvement in terrestrial biodiversity. The biodiversity values of the site were also reviewed in the revised BDAR, which identified the site as containing very low biodiversity value (lower than the remainder of the Bays Precinct), given the previous industrial use of the site.

The Department has considered the potential terrestrial impacts and considers that based on the data available, the nature of the site, and the likely impacts of the proposal, it is reasonable to conclude the proposal would not have a significant impact on terrestrial biodiversity. Further, the Department is satisfied that there is potential for improvements to habitat and linkages within the wider network due to additional landscaping within the site.

However, to ensure the potential impacts of the proposal are appropriately mitigated and managed, and to provide for opportunities to make improvements to habitat linkages, the Department has recommended conditions requiring:

- the MMP to be approved by EESG prior to works commencing
- monitoring of compensatory bat boxes five years after occupation, and purchase and retire Southern Myotis biodiversity credits, if required
- detailed landscaping design plans to be reviewed by the DRP and submitted to the Planning Secretary
- tree selection along Bridge Road to be undertaken in accordance with Council's Street Tree Master Plan.

Subject to the above conditions, the Department's assessment concludes the proposal is acceptable and it would not result in any significant impacts on terrestrial ecology.

Aquatic Ecology

The Applicant submitted a detailed Marine Ecology Assessment Report (MEA). In summary, the report found:

- there would be no direct or indirect impacts to threatened aquatic species, populations or ecological communities or their habitat
- direct and indirect impacts would occur from piling and shading on unvegetated substrate
- new hard surfaces from piles, pontoons and vertical walls may supplement habitat loss due to the new structures, but there would still be an overall net loss of type 3 minimally sensitive key fish habitat
- the use of habitat-enhancing features would increase and improve habitat and help offset the loss of type 3 minimally sensitive key fish habitat
- three small mangrove seedlings would be harmed equating to the loss of less than 1 m² of type 2 moderately sensitive key fish habitat

EESG reviewed the MEA and advised that the main threat to aquatic ecology would be increased turbidity during removal and placement of new piles, given that sediments in and around Blackwattle Bay are highly contaminated. These toxins generally bound to fine sediments and particulate matter and will be resuspended and remobilised. EESG recommended that silt curtains are implemented during construction as a mitigation measure to control disturbed sediments. The Department has included EESG recommended condition regarding silt curtains.

The Department of Primary Industries also reviewed the proposal and recommended a condition that all permanent seawalls and foreshore structures must be fish friendly to increase the potential for aquatic biodiversity.

Council also commented on potential aquatic impacts and advised that:

- further enhancement measures should be implemented to improve aquatic foreshore biodiversity.
- 'living seawalls' should consider connectivity to surrounding sites.
- shading over water may encourage non-native species
- the existing subtidal zone has potential habitat for seahorses

In respect of Council's comments, the Applicant's response in the RtS highlighted:

- a commitment for the preparation and implementation of an Aquatic Biodiversity Management Plan (ABMP) as recommended by the MEA
- research being commissioned from Macquarie University and University of NSW to identify opportunities to enhance native habitat-forming organisms, which will form part of the ABMP, where relevant
- seahorse habitat was confirmed to be outside of the development footprint and would not be affected by the proposed works.

The Department has considered the potential aquatic impacts and considers that based on the highly disturbed nature of Blackwattle Bay, the proposal will have acceptable and manageable aquatic ecological impacts, with longer term potential benefits of increased habitat to enhance the aquatic biodiversity, which will offset any potential loss of key fish habitat.

However, to ensure the potential impacts of the proposal are appropriately mitigated and managed, and to provide for opportunities to make improvements to aquatic biodiversity, the Department has recommended conditions requiring:

- seawalls to be designed in accordance with OEH Friendly Seawall Guidelines, with the aim of increasing aquatic biodiversity
- recommendations of the MEA to be adopted, which provides measures on the design of seawalls, wharves, piles and pontoons and the enhancement of subtidal sand through the installation of artificial reefs
- preparation and implementation of a ABMP, including where relevant, research from Macquarie University and University of NSW to identify opportunities to enhance native habitat-forming organisms

Subject to the above conditions, the Department's assessment concludes the proposal is acceptable and it would not result in any significant impacts on aquatic ecology.

6.8 Operational Impacts

SFM Operations

The Department notes the current SFM site operates 24-hours-a-day, and it is accepted and necessary for the SFM operations to operate 24-hours-a-day, as the fishing fleet leaves and arrives at unconventional hours, based on weather and fishing conditions.

The main impact associated with these hours relate to the loading and unloading of goods from trucks and shipping vessels. This is considered and reasonably addressed by the proposal by the loading area being located within the building, to reduce acoustic impacts.

As noted previously, peak loading truck movements are during the early morning period (4 am-5 am), morning period (8 am-9 am) and midday period (11 am-2 pm) (**Figure 44**). The larger vehicle movements tend to occur more in the earlier mornings. The maximum movements equate to around one movement per minute.

The Department considers that while these earlier morning movements have potential to cause amenity impacts from heavy vehicles to the surrounding area from the SFM operations, this is essentially the same as the existing operations given the retail loading is not likely to occur at the more sensitive early hours discounting growth and contraction according to demand changes over time.

The Department also considers that as the key routes to the site are unchanged and the site is well serviced by arterial roads from all directions, there should be little noticeable change to the surrounding area, although potentially greater noise impacts at the western end may be experienced where the loading entrance is located, generally opposite Wentworth Park Road (noise impacts are discussed further below).

The Department therefore considers the proposed (continued) 24-hour operation of the facility is considered acceptable in the circumstances.

Retail and Commercial Premises

The Department notes the intended operational hours for the retail and commercial premises for the upper level retail and food and beverage areas and the mezzanine office area and Sydney Seafood School are:

- 7 am to 10 pm for Sundays to Thursdays
- 7 am to 12 midnight for Fridays and Saturdays (proposed extended trading at Easter, Christmas and New Year)

The Department notes these hours are reasonable and generally equivalent to existing and surrounding hours of operation, and those applied to retail businesses in the CBD. The hours also strike a reasonable balance between consideration of local amenity impacts and provision of services to a wide area, and for tourists.

Despite the above, the Department has recommended that the first use and fit out of individual retail tenancies be the subject of separate development approvals as the application has not identified specific retail uses within the building. The Department notes this is common in large base-building work applications, and some fit-outs may be able to be undertaken as exempt and complying development.

Public Domain

The Department notes the public domain areas including stairs, promenades and public lifts to the upper promenade level would be open 24-hours-a-day, seven-days-a-week. This would also be the case for the plaza areas to the east and west of the building.

The Department considers this is appropriate and continual public access is in the public interest and a public benefit of the proposal. The Department recommends that lighting and security will need to be to meet Australian Standards (as required by a recommended condition).

Noise Impacts

A specialist Noise Impact Assessment (NIA) was submitted with the application. The assessment included assessment of noise associated with operational aspects of:

- mechanical plant and equipment
- the car park and loading dock activities
- customer/public patron areas.

The Department notes that sensitive receivers around the site were identified and classified by use. This included a unit at 84 Wentworth Park Road, which is the nearest residential use to the proposed building and also generally opposite the expected noisier part of the building operations (including the carpark and loading entrance). Noise monitoring (both attended and unattended) was undertaken in February 2018, prior to the lodgement of the DAs. This was to establish existing ambient background noise, a base from which additional noise impacts can be measured and ascertained.

The Department notes that in terms of noise associated with the loading dock activities, the NIA found that with mitigation measures in place, there is a single residual exceedance of 4dBA for the residential units at 84 Wentworth Park Road during the night-time period. This may require an at property solution (e.g. double glazing or the like). No noise criteria exceedances are expected related to patron noise.

In response to the RtS, the EPA advised it is confident that all reasonable and feasible measures are being taken with residential receivers that would experience residual noise impacts from the operation of the development. While the EPA stated the response to logger locations was not ideal as it did not include numerical validation, the EPA was nonetheless generally satisfied.

The Department notes that noise from patrons and mechanical plant equipment would be regulated by recommended conditions. The Department also notes that future individual tenancies (restaurants, bars etc) are required to lodge separate development applications and that operational noise would be considered in the assessment of those applications.

Having regard to all the circumstances, the Department considers the operational noise impacts from the proposal are able to be appropriately managed and mitigated through the recommended conditions of consent. This includes further engagement with representatives for the residential units at 84 Wentworth Park Road to discuss the impacts of the residual noise exceedance and potential preferred additional mitigation measures where possible (and if applicable).

The Department has also recommended a suite of conditions to mitigate and manage noise impacts including noise limits for mechanical plant, loading dock activities, and customer patron areas, and the requirement for noise monitoring and verification of compliance with noise limits following operation.

Subject to the recommended conditions and ongoing consultation with the representatives for the residents at 84 Wentworth Park Road, the Department considers the proposal would not result in any unacceptable noise impacts.

Odour and Air Quality

Public submissions raised concern about potential odour and air quality impacts associated with the proposal.

The Applicant submitted a specialist air quality assessment (AQA) with the EIS to assess the odour and air quality impacts associated with the proposal. The AQA identified that the main potential odour and air quality impacts sources of the SFM are from:

- odours and particulates from retail kitchens
- odours from handling, processing and storage of seafood and waste
- odours from volatile organic compounds (VOCs) associated with the recycling of waste polystyrene boxes
- odours from the treatment of wastewater generated from the defrosting, gutting, scaling, portioning and filleting of fish and the washing of fish products
- emissions associated with the combustion of fuel in motor vehicles and marine vessels
- VOCs emissions from the diesel storage room for emergency generators

For operational impacts, the air quality assessment concludes that provided appropriate mitigation measures are implemented as part of the detailed design stage, the relevant air quality criteria will not be exceeded. All kitchens are proposed to be equipped with air extraction systems. Electrostatic precipitators are also proposed to be installed in order to control particulate, smoke and odour emissions, and a comprehensive exhaust system is being designed to extract emissions and discharge through vents in the roof of the building. Proposed mitigation measures include an Operational Management Plan to include measures to monitor and manage odours and respond to complaints from neighbours.

Having regard to the proposal, concerns raised in community submissions and potential impacts, the Department considers that odour and air quality aspects are acceptable because:

- the building is purpose-built and includes modern centralised refrigeration and exhaust systems, as well as natural ventilation. This is expected to significantly improve the management of odours and emissions compared to the existing situation
- no objections have been raised by any public authority with responsibility for regulating such matters, (other than recommended conditions), including by NSW EPA, OEH or Council
- expert review by the Applicant's consultant has concluded impacts are manageable and within relevant guidelines
- the Applicant intends to develop and refine plans to manage impacts during operation
- the recommended conditions would reasonably manage and mitigate impacts.

Subject to recommended conditions, the Department is satisfied the proposal would not result in any significant odour and air quality impacts on surrounding locality.

6.9 Flooding

The site and Bridge Road are subject to flooding, being at the base of a valley draining to Blackwattle Bay. In a 1 in 10-year flood event (10% AEP), Bridge Road can be up covered by water up to 700 mm deep. The flood hazard rating for Bridge Road varies from low-medium in the 1% AEP.

The Applicant submitted a Flooding and Water Quality Assessment Report (flood analysis) to assess flooding impacts associated with the proposal. The flood analysis used flood models developed for the Blackwattle Bay Catchment Flood Study as a base, while a hydraulic flood model was generated to assess flooding impacts and set Flood Planning Levels. Impacts were modelled for the 1% AEP, 10% AEP and Probable Maximum Flood (PMF) The analysis also consider the impacts of climate change including increased rainfall intensity and sea level rise.

The Department also notes that Council has a Floodplain Risk Management Study and Floodplain Risk Management Plan, developed in accordance with the *NSW Floodplain Development Manual (2005)* which have been considered and addressed in the Applicant's analysis.

The analysis showed no adverse impacts of flooding would occur on the site or adjoining private properties as a result of the proposed development. The Flooding and Water Quality Assessment Report concluded the impacts of development on flooding were found to be consistent with the requirements of the NSW Floodplain Development Manual (2005).

The Department has reviewed the flood analysis and considers flood impacts are acceptable as:

- the proposed entry and basement levels have been set in accordance with Council's flood planning requirements
- the proposed development has no adverse impact on flooding on adjacent properties and roads as the flood hazard around the study area generally remains unchanged in all modelled scenarios
- raising the height of Bridge Road would improve access to the site during minor flooding events and assists in flood management in peak flood events (1% AEP)
- during the 1% AEP and PMF events, visitors and staff can appropriately shelter in-place given the short duration of flooding events at this location
- impacts of climate change incorporating sea level rises have been appropriately considered and although the site would experience increased flooding heights, the proposed impacts would not be significant.

The Department also notes EESG reviewed the flood analysis and accepted there would be no adverse flood impacts on the site, adjacent properties and roads from the proposed development. Council recommended a condition be imposed requiring the floor levels of the proposal be set in accordance with the Flood Report.

The Department has included Council's recommended condition and conditions to ensure measures are implemented to manage stormwater and flood flows for small and large-sized events, including but not limited to 1 in 1-year flood event, 1 in 5-year flood event and 1 in 100-year flood event. The Department has also recommended a condition requiring a flood management plan be prepared for people to shelter in place, as recommended by the Flooding and Water Quality Assessment Report.

Subject to the recommended conditions, the Department is satisfied the proposal would not result in any adverse flooding impacts.

6.10 Water Quality

The Applicant submitted a Stormwater Management Plan and a Flooding and Water Quality assessment to address the stormwater management requirements of the proposal. The proposed stormwater management system would manage water runoff from the roof and paved surfaces. Water runoff from the roof would be directed to a 100kL rainwater tank located in the basement, while water from the wash down areas would be directed to and treated by a combination of pre-treatment systems such as a dissolved air flotation system.

Stormwater runoff from the paved areas will be treated using proprietary filters, before being discharged to the harbour via the two discharge points located on the eastern and western end of the basement.

The Department has assessed the proposal in consultation with Council and is satisfied that the proposal would appropriately manage stormwater before entering the harbour as:

- the updated MUSIC modelling shows that water quality would be appropriately managed by the proposed treatment system
- a holistic integrated approach to water management within the building is proposed including water use reduction through efficient fixtures, water runoff capture, and greywater treatment. Greywater will be treated, stored and reticulated for use in cooling, irrigation, toilet flushing and wash down areas, which will greatly reduce the demand on the town water supply
- the use of a “coffer dam” and silt curtain would help contain water-borne sediments within the harbour
- the proposed operations maintenance schedule/manual would ensure the stormwater management system is maintained and operates effectively.

Council requested that the MUSIC modelling be submitted to Council for review prior to works commencing. The Department has therefore recommended a condition in accordance with Council's request.

The Department notes the EPA has recommended conditions regarding a Dewatering Plan and DPI Water has advised a Water Access License may be required. The Department has included these recommendations as conditions of consent.

The Department has also recommended conditions requiring compliance with the stormwater management plan and review of the stormwater management system to ensure harvesting and reuse and minimisation of direct discharge to Blackwattle Bay are realised. Subject to the recommended conditions, the Department is satisfied the proposed stormwater management strategy will appropriately manage stormwater volume and quality.

6.11 Contamination

Ground contamination

The Applicant has prepared preliminary and detailed investigations and a detailed Remedial Action Plan to address potential contamination issues on site.

The Department notes that previous sources of contamination or potential contamination relate to coal unloading and five underground storage tanks, which were removed in 1995, asbestos used in construction, concrete batching, unknown fill material, previous industrial uses and substances stored and applied to marine vessels. Potential for gases in soil exist where there are high levels of organic material, as part of the decomposition process.

Investigation of soil samples by the Applicant's remediation expert across the site revealed:

- the concentration of contaminants of potential concern in historical samples were below the adopted health-based criteria (except zinc for marine ecology)
- the need for further assessment of total petroleum hydrocarbons
- potential ASS and some odour from marine sediments, and requiring management
- groundwater with elevated levels of copper, zinc and polycyclic aromatic hydrocarbons compounds, the latter marginally exceeding the adopted ecosystem criteria at a single location within the central portion of the site
- heavy metals and hydrocarbon-contaminated sediments within the harbour seabed, based on previous baseline ecological assessment from sediment sampling within the greater area of Blackwattle Bay
- potential ground gas vapours from organic materials, noting to date there has been no specific vapour sampling or analysis undertaken.

Based on known data and samples, a RAP was warranted and undertaken. This includes a conceptual site model of contamination conditions and identification of data gaps, identification and evaluation of remedial strategies, identification of preferred strategies and details of site management and validation requirements during works to ensure the site is remediated and suitable for the use.

The issue of existing contamination of soils and the harbour bed, and management of such contamination during excavation and construction was raised in public submissions. The Department notes that this is made challenging by the potential dispersal of contaminants in the groundwater and harbour waters themselves, and the known existing contaminants identified from previous investigations and sampling.

The EPA has reviewed the analysis and remediation proposed both when the EIS was notified and the RtS, and originally advised the sampling density was less than the guidelines for the land-based area and that an Asbestos Management Plan should be prepared. Conditions were recommended to be imposed upon reviewing the EIS and associated relevant expert reports.

The Applicant provided a data gap assessment and advised that it met the sampling density and the results and conclusions were consistent with the Environmental Site Assessment, such that it was considered that the remedial framework outline in the RAP remain valid, and when implemented will ensure the site is suitable for the proposed development. The Applicant's response to the EPA, also advised that:

- the RAP outlines potential disturbance of sediments which require management of contamination and ASS
- best-practice management procedures will be informed by a site-specific construction and environmental management plan based on the broad management principles provided in the acid sulphate soils management plan (ASSMP)

- performance will be monitored during construction, so that alternative mitigation measures can be implemented if required.
- trace levels of asbestos were detected in a single sample at the western boundary of the site. The presence of asbestos fibres in soil will potentially require management during construction activities to address WHS risks with the Hazardous Materials Management Plan and the RAP detailing the required management procedures regarding asbestos.
- there is an existing Unexpected Finds Protocol in the RAP
- an accredited site auditor has been engaged and a Site Audit Statement will be prepared and submitted prior to the issue of Construction Certificate for the works

The Department notes the EPA reviewed the Applicant's RtS and advised careful management of water quality risk is required and that the Data Gap Assessment did not sufficiently characterise the site. The EPA therefore recommended that an EPA-accredited site auditor be engaged to review the DGA and provide interim audit advice which comments on the appropriateness of the DGA report and the report's conclusions. If the site auditor finds any deficiencies in the report these must be addressed. The EPA also recommended that an accredited site auditor is engaged to review the characterisation of fill materials in relation the presence of asbestos.

Council also recommended engagement of an accredited site auditor for a peer review. DPI Water recommended a condition be imposed regarding de-watering, requiring Water Access Licenses should groundwater or surface water be accessed during works.

The Department supports the recommendation conditions by the EPA, DPI Water and Council. The Department considers that subject to imposing recommended conditions, including review and oversight by an independent accredited site auditor, that the land will be suitable after remediation for the proposed SFM, and that the land will be remediated before the land is used for the SFM.

Acid Sulphate Soils (ASS)

The site is subject to a high ASS classification. An ASSMP has been prepared to guide the management of such soils, together with the RAP and a review by a site auditor, consistent with legislative requirements.

The Department considers the ASSMP is acceptable as it provides appropriate management procedures including:

- a methodology for the identification of materials requiring management;
- protocols for the onsite treatment and management of ASS materials and associated leachate water (as required) during the proposed works;
- excavation inspection and validation assessment protocols to be implemented during the proposed works
- water and soil quality targets for the excavation, treatment and removal of material encountered during the proposed works
- a contingency framework in the event that additional ASS conditions are encountered during the site works, monitoring indicates disturbance of off - site ASS materials or the proposed treatment strategy fails.

The Department has included conditions to ensure appropriate management and mitigation measures are in place to manage ASS. This includes review and oversight by an independent accredited site auditor, compliance with the management procedures of the ASSMP, and ensuring ASS are managed

in accordance with the ASS Manual 1988 (NSW ASS Management Advisory Committee and the EPA's Waste Classification Guidelines 2014 (Part 4: ASS).

Subject to the recommended conditions, the Department is satisfied that any environmental risks associated with the disturbance of ASS can be appropriately managed and mitigated.

6.12 Other issues

Other relevant issues for consideration are addressed in **Table 11**.

Table 11 | Summary of other issues raised

Issue	Findings	Recommendations
Public Art	<ul style="list-style-type: none"> • A Preliminary Public Art Strategy has been provided with the RtS. • Council recommends this not be approved, but be further developed, addressing a number of detailed matters. • The Applicant advises this Strategy is being further developed in consultation with its heritage and archaeological experts. • Despite this, Council request that the final Public Art Plan be presented to the Council's Public Art Advisory Panel • The Department considers the Strategy is acceptable as it would provide for the implementation of public art improving the quality of the public domain. • However, the Department considers that the Strategy should be further developed in consultation with Council. The Department has included a recommended condition accordingly. 	<ul style="list-style-type: none"> • A condition is recommended requiring a Public Art Strategy be prepared in consultation with Council and approved by the Planning Secretary.
Seawalls & Marine structures	<ul style="list-style-type: none"> • The Department notes the proposal includes extensive seawall and marine structure works. These include a seawall, public pier, waterfront promenade, wharf structures and pontoons. • No significant concerns were raised by government agencies in relation to the seawall and marine structure works. In particular: <ul style="list-style-type: none"> ○ DPI reviewed the proposal and recommended a condition that all permanent seawalls and foreshore structures be fish friendly. ○ RMS Foreshore and Planning Advisory Committee advised it has no specific issues in relation to the proposal. ○ Port Authority of NSW advised of the need for an approval under Clause 67ZN of the Ports and Maritime Administration Regulation 2012 for any disturbance to the seabed. ○ RMS (Maritime Planning) made no comments on the proposal • The Department considers any aquatic ecological impacts arising from the seawall and marine structures acceptable as discussed in Section 6.7. The Department has also recommended conditions requiring the design of the seawall and marine structures to comply with the recommendations outlined in the Marine Ecological Assessment and DPI and OEH's requirements for the structures to be fish friendly. • Th Department has also recommended a condition requiring the detailed design of all marine structures (public 	<ul style="list-style-type: none"> • Conditions are recommended requiring seawalls and marine structures to be designed and constructed in accordance with government agency requirements.

Issue	Findings	Recommendations
	<p>pier, waterfront promenade, wharve structures and pontoons) to be submitted to and approved by RMS (Maritime). All marine structures are to comply with NSW Maritime's Engineering Standards for Maritime Structures.</p> <ul style="list-style-type: none"> • Subject to the recommended conditions, the Department is satisfied the proposed seawall and marine structures are acceptable. 	
Archaeology	<ul style="list-style-type: none"> • The Applicant has submitted a detailed Aboriginal Cultural Heritage Assessment. In summary, the assessment found: <ul style="list-style-type: none"> ○ the study area has been significantly disturbed ○ no registered Aboriginal sites have been identified within the study area ○ one potential archaeological deposit is approximately 30 m east of the study area ○ there are no Native Title claims registered within the study area (which extends beyond the site). • The assessment made 12 recommendations relevant to the site and surrounds to mitigate and manage any residual heritage impacts associated with the proposal. • EESG reviewed the EIS and the Aboriginal Cultural Heritage Assessment and advised recommendations within the Aboriginal Cultural Heritage Assessment report be included as conditions of consent. • No submissions were received from an Aboriginal organisation. • The Department considers archaeological impacts from the proposal are able to be appropriately mitigated and managed through conditions of consent. 	<ul style="list-style-type: none"> • A condition is recommended requiring the measures within the Applicant's Aboriginal Cultural Heritage Assessment be implemented, as well as an unexpended finds protocol.
Signage	<ul style="list-style-type: none"> • No approval is sought for signage. • However, a Signage Strategy was provided with the RtS. The Signage Strategy also included a wayfinding strategy. • The Signage Strategy incorporates signage zones for building identification signs on the southern and northern elevation as well as wayfinding signage external to the building and within the surrounding public domain. • Council advised the Signage Strategy was generally supported and recommended a final strategy to be submitted. • The Department has reviewed considers Signage Strategy and considers: <ul style="list-style-type: none"> ○ it will guide future signage, which will be further considered and addressed in detail when a DA(s) is lodged ○ it satisfactorily complies with the assessment criteria in SEPP No. 64 – Advertising and Signage. Further consideration of this matter is provided in Appendix C ○ the proposed signage zones would not detract from the built form of the proposal as they are integrated into the building façade and are of an appropriate size and location ○ the proposed signage zones are unlikely to result in any adverse impact on surrounding residences, given their separation distance from the proposal ○ the proposed signage would not have a significant visual impact on the surrounding heritage items given their separation ○ wayfinding signage is reasonable and would allow users to appropriately navigate through and around the 	<ul style="list-style-type: none"> • A condition is recommended requiring an updated Signage and Wayfinding Strategy to be prepared in consultation with the Design Review Panel.

Issue	Findings	Recommendations
	<p>building, which is considered important given the forecasted number of visitors to the site.</p> <ul style="list-style-type: none"> • However, given the Strategy is concept in nature, the Department agrees with Council that a final Signage and Wayfinding Strategy is prepared to ensure the final signage areas and locations and detailed design is reviewed and finalised. 	
<p>Demolition/ Construction impacts (SSD 8924)</p>	<ul style="list-style-type: none"> • The Department has assessed the construction impacts associated with the Stage 1 demolition works, including in relation to noise, traffic, maritime vessels, waste, dust and odour. • Works are proposed to be carried out in in four stages: demolition of above ground structures on the wharf, demolition of wharfs, make good existing seawall and services reticulation. • The Department accepts that there will be localised impacts on nearby uses, which cannot be totally avoided when construction activity occurs. • The highest noise levels are associated with the use of noise intensive plant items such as the hydraulic hammer and concrete saw. Based on a worst-case assumption, predicted noise levels would be below the noise affected level at all receivers, with exception of receivers within the noise catchment area (NCA) to the immediate south and west of the site (identified as NCA3 and NCA4 in the NIA). • In the worst-case scenario, the Noise Management level for: <ul style="list-style-type: none"> ○ residential receivers would be exceeded by 6 dBA ○ commercial receivers would be 8 dBA ○ educational receivers would be 9 dBA • Despite this exceedance, the Department considers there would be no adverse construction noise impacts because: <ul style="list-style-type: none"> ○ the exceedance would only occur during the use of noise intensive plant items. When these items of plant are not in use, noise level would be significantly lower ○ the works would occur during the less sensitive daytime period ○ respite periods for noisy works will be required ○ the Community Consultative Committee would have regular contact with sensitive receivers, including Sydney Secondary School to allow issues about noise and other construction-related impacts to be discussed and resolved in a reasonable and timely way. • The Department has also assessed the construction impacts on maritime users and recommended measures to minimise and mitigate potential impacts during demolition/construction, including the preparation of a Construction Vessel Traffic Management Plan. • The Department has considered the potential impacts on water quality in Sydney Harbour, and has recommended conditions to protect water quality, including that no contaminated or treated site waters are permitted to be discharged in Sydney Harbour and no approval is permitted to pollute any waters. • The Department has also required the installation of silt curtains to ensure the works minimise disturbance and mobilisation of sediments and contaminants in Blackwattle Bay. 	<p>Conditions are recommended requiring:</p> <ul style="list-style-type: none"> • Limited hours of construction between 7 am and 5.30 pm Mondays to Fridays and 7.30 am and 3.30 pm Saturdays. No work on Sundays and Public Holidays. • Restrictions on high noise activities. • Establishment of a Community Consultative Committee. • Preparation of a Community Communication Strategy. • Preparation of a: Construction: Environmental Management Plan; Pedestrian and Traffic Management Plan; Noise and Vibration Management Plan; and Air Quality Management Plan. • Preparation of a Soil and Water Management Plan; a Hazardous Materials Management Plan; and a Construction Vessel Traffic Management Plan. • Harbour Master approval prior to any seabed disturbance. • All works must ensure the protection of water quality objectives and environmental values for Sydney Harbour. • Use of silt curtains. • No dredging or reclamation are permitted.

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> The Department has considered government agency advice in respect of water, contamination, traffic, waste, dust and odour impacts and has included a suite of conditions to appropriately mitigate and manage impacts during demolition/construction including standard work hours and a range of management plans. The Department therefore considers all construction-related impacts are acceptable, subject to the imposition of conditions to manage and mitigate impacts on surrounding residents, the local community and the environment. 	<ul style="list-style-type: none"> Protection of trees.
<p>Construction impacts (SSD 8925)</p>	<ul style="list-style-type: none"> The Department has assessed construction impacts associated with the Stage 2 works. Construction impacts will be over a relatively long period (approximately four years). The Department accepts that there will be localised impacts on nearby uses, which cannot be totally avoided when construction activity occurs. These issues were raised in public submissions. However, such impacts can be reasonably regulated through restricting hours of construction activity and implementation of management plans. The Department considers the key construction impacts associated with the proposal are noise, water quality and traffic. These issues are discussed below. <p><u>Noise</u></p> <ul style="list-style-type: none"> The Department notes that the NIA found there would be impacts up to 6dBA above background noise for residential uses, 8dBA for commercial properties and 9dBA for educational uses close to the site, during daytime hours. Piling noise impacts would exceed noise criteria generally between 1 pm-5 pm. In terms of vibration, the assessment found that assuming heavy rock breaking equipment (which may not be necessary for such low-lying sedimentary land) none of the nearby receivers are believed to be within the safe working distance for cosmetic damage. The Department notes that a range of mitigation measures were identified in the NIA to reduce noise impacts. These include quieter plant and equipment, maximising distance from noisy plant and equipment and its orientation, respite periods and shielding. Construction noise issues were not raised as an issue by Council. A number of technical issues were also raised by the Local Health District. In response to the RtS, the EPA advised they are generally satisfied with responses provided to noise and vibration matters raised in its submission on the EIS. The Department supports the preparation of an updated CNVMP and has recommended it be prepared in consultation with the EPA and Council. The Department also recommends the establishment of a Community Consultative Committee and preparation of a Community Consultation Strategy. This would allow issues associated with noise and construction-related activities to be discussed and resolved with sensitive receivers if they arise, including Sydney Secondary School. The Department concludes construction noise impacts from the proposal are able to be appropriately managed and mitigated through the recommended conditions. <p><u>Water</u></p>	<p>Conditions are recommended requiring:</p> <ul style="list-style-type: none"> Limited hours of construction between 7 am and 5.30 pm Mondays to Fridays and 7.30 am and 3.30 pm Saturdays. No work on Sundays and Public Holidays. Restrictions on high-noise activities. Establishment of Community Consultative Committee and preparation of Community Communication Strategy. Preparation of a: Construction: Environmental Management Plan; Pedestrian and Traffic Management Plan; Noise and Vibration Management Plan; and Air Quality Management Plan. Preparation of a Soil and Water Management Plan; a Hazardous Materials Management Plan; and a Vessel Traffic Management Plan. Harbour Master approval prior to any seabed disturbance. All works must ensure the protection of water quality objectives and environmental values for Sydney Harbour. Use of silt curtains. No dredging or reclamation are permitted.

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> • The Department has considered the potential impacts on water quality in Sydney Harbour, and has recommended conditions to protect water quality, including that no contaminated or treated site waters are permitted to be discharged in Sydney Harbour and no approval is permitted to pollute any waters. • The Department has also required the installation of silt curtains to ensure the works minimise disturbance and mobilisation of sediments and contaminants in Blackwattle Bay. • These conditions are consistent with the conditions recommended for SSD 8924. <p><u>Traffic</u></p> <ul style="list-style-type: none"> • The TIA estimates between 16 to 60 vehicles per day, with a maximum of nine hourly movements during the 7 am and 8 am peak period. • The TIA notes this is less movements than the operational phase of the proposal and construction vehicles would not have an adverse impact on the surrounding road network. • The Department notes that impacts from construction traffic is an issue of concern raised in public submissions. However, impacts during construction associated with new development is inevitable yet needs to be managed appropriately. • The TIA outlines a range of measures to mitigate construction traffic impacts, including: <ul style="list-style-type: none"> ○ no on-site parking for workers ○ establishment of on-site vehicle limits ○ materials and spoil would be delivered during standard hours ○ avoid idling of trucks outside sensitive receivers ○ all deliveries to be pre-booked. • A Preliminary Construction, Pedestrian and Traffic Management Plan was submitted with the EIS, as part of the Traffic Impact Assessment. Construction traffic routes are intended to use major arterial routes, which should reduce impacts on residential streets. • The Department considers such impacts can be reasonably minimised and mitigated practically through a detailed Construction, Pedestrian and Traffic Management Plan. This has been recommended by TfNSW and Council and is included in the recommended conditions. • The Department has also assessed the construction impacts on maritime users and recommended measures to minimise and mitigate potential impacts during demolition/construction, including the preparation of a Construction Vessel Traffic Management Plan. <p><u>Other</u></p> <ul style="list-style-type: none"> • The Department has assessed all other potential construction impacts associated with the proposal and is satisfied that they can be appropriately mitigated and managed by conditions of consent. 	<ul style="list-style-type: none"> • Protection of trees.
<p>Safety and Security</p>	<ul style="list-style-type: none"> • The Applicant submitted a Crime Prevention through Environmental Design (CPTED) assessment to identify opportunities to reduce the potential for crime and/or antisocial behaviour through CPTED principles such as surveillance, lighting, territorial reinforcement, environmental maintenance, space management and access control. 	<ul style="list-style-type: none"> • A condition is recommended requiring the implementation of the measures outlined in the CPTED assessment.

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> • The CPTED assessment concluded that the design of the proposal demonstrates consideration of the CPTED principles and recommended a number of measures to further improve safety across the development. These measures include sufficient lighting to deter opportunistic crime and provide safety for users at all times and the coordinated design of landscaping, lighting, public art, wayfinding and seating to direct users and reinforce territoriality. • The Department has considered the CPTED assessment and is satisfied the safety and security aspects of the proposal are acceptable, given: <ul style="list-style-type: none"> ○ the good activation of the ground floor plane ○ active uses and surveillance around the perimeter of the site across two levels, which allows good surveillance ○ ground levels being similar to surrounding land, and improved relative to Wentworth Park ○ public spaces at both ends of the building ○ intended integration of lighting, art and interpretation ○ internal uses which add indirect light and surveillance of the adjoining public areas. • The Department has also recommended a condition requiring the implementation of the measures outlined within the CPTED assessment to ensure safety and security is appropriately managed. Subject to the recommended conditions the Department considers the safety and security aspects of the proposal are acceptable. 	
BCA and Access	<ul style="list-style-type: none"> • The Applicant submitted a BCA and Fire Engineering Report to support the proposal. • 25 BCA issues were identified as requiring attention and resolution (such as by a performance-based solution) during the detailed design stage. Notwithstanding this, the report found: <i>“The information submitted at this stage of the design is considered to be detailed to the extent where the development of a full BCA report is possible and therefore this report is suitable for DD Stage”.</i> • All BCA matters identified are stated as being reviewed by the applicant’s Fire Engineer or Ergonomic consultant. • The Department is satisfied the proposal is capable of complying with the BCA subject to further detailed design and resolution of the issues identified in the BCA Report. To ensure the proposal satisfies the BCA requirements, the Department has recommended a condition of approval requiring the Applicant to demonstrate it satisfies the BCA requirement prior to the release of a Construction certificate for the development. • Council and public submissions raised concern about accessibility, within the proposed SFM and surrounding public domain. • The Accessibility Capability Statement submitted with the proposal concluded the proposed design is capable of compliance with the statutory accessibility legislation, subject to ongoing design development. • The Department considers issues regarding accessibility are acceptable as: <ul style="list-style-type: none"> ○ lifts are provided throughout the building, including linking to the publicly accessible areas, and in relatively convenient and discernible locations. ○ accessibility and connectivity through and around the development is logical and well-considered and 	<ul style="list-style-type: none"> • Conditions are recommended requiring compliance with the BCA, including resolving of the issues identified in the BCA report lodged with the EIS. • Compliance with the Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards), and the access provisions of the Building Code of Australia 2019.

Issue	Findings	Recommendations
	<p>significant improvements to accessibility to and along the Harbour will result from the development.</p> <ul style="list-style-type: none"> ○ a condition is recommended requiring the Applicant to demonstrate compliance with Accessibility requirement prior to the issue of a Construction Certificate for the development. ● Subject to the recommended conditions, the Department is satisfied that the proposal can comply with the BCA and Accessibility requirements. 	
Utilities and Infrastructure	<ul style="list-style-type: none"> ● A Utilities and Infrastructure Report was provided with the proposal. This included proposed upgrades to utilities and infrastructure and servicing options, including wastewater and stormwater recycling for non-potable use, and alternative water and energy supply. ● Based on a preliminary review of the existing infrastructure and proposed works, the report concluded the majority of services may have the capacity to service the development, however further consultation with utility authorities is required. ● Potential upgrade works include: <ul style="list-style-type: none"> ○ potable water upgrades on Bridge Road ○ wastewater upgrades on Bridge Road ○ potential new feeder cables from the Camperdown zone substation ● Substations have been incorporated into the design, as well as other servicing. ● The Department is satisfied that the site can be appropriately serviced subject to a condition being imposed requiring the Applicant to be responsible for all infrastructure upgrades, as may be required to service the new development, and to consult authorities where such infrastructure is to be demolished. 	<ul style="list-style-type: none"> ● A condition is recommended requiring the Applicant to seek approval from relevant authorities for utility service upgrades, where necessary.
Subdivision	<ul style="list-style-type: none"> ● Subdivision is proposed to create 2 lots (Lot 100 and Lot 101) to allow the leasing of the site/building and to reflect the development footprint. Further subdivision of proposed Lot 100 is proposed to create separate lots for the building and the public domain and water. ● The proposed subdivision is not contrary to any development standard under an EPI (i.e. no minimum lot size control exists). ● Clause 18A of the SREP (Sydney Harbour Catchment) allows subdivision of land in the Harbour (zoned W1 in that Plan) where the subdivision is to enable the creation of a lot that is, or is to be used for development the subject of an existing development consent ● Before granting consent to subdivision the consent authority must consider whether, and to what extent, the subdivision is likely to result in any reduction in public access to the foreshore or waterways. ● The Department is satisfied the proposed subdivision would result in improved pedestrian access to and along the foreshore, while public access within the Waterway is not significantly compromised. The separate lot for public access areas (and current/intended government ownership) assists in managing this in the long term. The Department's assessment therefore concludes the proposed subdivision is acceptable. 	<ul style="list-style-type: none"> ● Conditions are recommended requiring the issuing of a subdivision certificate and creation of easements
Waste	<ul style="list-style-type: none"> ● A detailed Waste Management Plan (WMP), including sustainability initiatives, was submitted with the application. 	<ul style="list-style-type: none"> ● Conditions are recommended

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> Waste management strategies are to be developed as part of the demolition and construction phase (e.g. CEMP), with the appointed contractor, with the aim of diverting 95% of construction waste away from landfill. For operational waste, a centralised waste management system is proposed, to manage the predicted 6,000 tonnes generated by the proposal annually. This includes: <ul style="list-style-type: none"> an electronic bin system to transport and collect mobile bins and compaction to reduce waste to landfill the provision of refrigerated rooms for fish offal would to minimise potential odours impacts. source separation to improve resource recovery, including organics and recyclables is proposed. The Department considers the proposed waste management strategies are acceptable as they would appropriately reduce waste being transferred to landfill, promote recycling and manage odour impacts. Further, the Department considers the proposed waste management at the new site is expected to be a significant improvement compared to the current situation at the existing SFM site. 	<p>requiring the implementation of the WMP and future WMP's to consider and address the Council's Policy as applicable.</p>
Wind	<ul style="list-style-type: none"> A specialist wind report was submitted with the application. This included wind tunnel modelling of the proposal (with and without vegetation). The wind report identified a range of amelioration measures required to ensure a safe and comfortable walking environment, such as vegetation (as proposed), screens and materials detailing. Council recommended that the design of the outdoor areas be developed to incorporate measures to address issues identified in the wind report and recommended that the overall design be reviewed to ensure that the design intent of the proposal is not diminished by the incorporation of these measures. The Department is satisfied that wind impacts can be appropriately mitigated and managed to an acceptable level, subject to the implementation of the measures outlined in the wind report, with the overall design reviewed as part of the Design Integrity Process. The Department has included a recommended condition accordingly. 	<ul style="list-style-type: none"> A condition is recommended requiring the Applicant to incorporate the recommended wind mitigation measures in the wind report and for the design to be reviewed as part of the Design Integrity Process.
Exhibition Space Strategy	<ul style="list-style-type: none"> The proposal includes exhibition spaces located at the south-eastern corner and at the north-eastern corner of the building. A preliminary Exhibition Space Strategy was submitted with the RtS, which outlines potential uses of these spaces, which includes a SFM merchandise retail use, community/event space use and a lecture theatre use. Council reviewed the preliminary Exhibition Space Strategy and advised it was not supportive of a lecture theatre use for the exhibition space as it was not considered to be an 'active' use. Council also recommended that a detailed exhibition space strategy be submitted prior to works commencing. The Department considers the lecture theatre use requires further consideration and agrees with the requirement for the submission of detailed Exhibition Space Strategy. The Department has included a recommended condition accordingly. 	<ul style="list-style-type: none"> A condition is recommended requiring a detailed Exhibition Space Strategy be prepared as part of the Design Integrity Process

Issue	Findings	Recommendations
Development contributions	<ul style="list-style-type: none"> • City of Sydney Contributions Plan 2015 applies to part of the site as it is limited to the current foreshore line and the majority of the proposed building sits outside the area. • The Department notes the potential contribution payable would be approximately \$1.7million for 26,751 m² of floor area (whole of the building). • The Applicant has advised that the estimated cost of the public domain works is approximately \$106 million based on the following works: <ul style="list-style-type: none"> ○ public domain and landscaping ○ public wharf ○ Wentworth Park intersection upgrade ○ stairs – publicly accessible ○ public art. • The Applicant has requested an exemption from the monetary contribution as: <ul style="list-style-type: none"> ○ the Plan does not apply to most of the development ○ a broad range of infrastructure providing a significant public benefit more than offsets the contribution payable ○ the development itself will generate limited additional demand for public infrastructure and any demand can be accommodated on site through infrastructure that is integral to the design of the development. • The Department notes works-in-kind in lieu of a monetary payment is permitted under the Plan, and under section 7.13 of the EP&A Act, the Minister is not bound to impose a condition under section 7.11. • The Department also notes Council has not requested development contributions. • The Department considers the development would provide works-in-kind that are substantially more than the cost of the monetary payment under the Plan and agrees the works would provide significant public benefit. • The Department therefore considers a monetary contribution is not required for the proposal. 	<ul style="list-style-type: none"> • No conditions are recommended.
Redevelopment of existing SFM site	<ul style="list-style-type: none"> • Public submission raised concern about the future redevelopment of the existing fish markets site. • The Department notes that the redevelopment of the existing fish markets site is outside the scope of the current proposal. • Any proposal seeking to redevelop the existing site would be subject to a separate assessment and community consultation process. 	<ul style="list-style-type: none"> • No conditions are recommended

7 Evaluation

The Department has assessed the merits of the proposal and has carefully considered all issues raised in Council, government agency and public submissions. The Department has also considered all relevant matters under Section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ESD.

The Department is satisfied the proposal should be approved for the following reasons:

- the proposal is consistent with the objectives of the Greater Sydney Region Plan and the Eastern City District Plan as it would deliver a new SFM which would make a significant contribution to tourism, support the renewal of the Bays Precinct and increase access to the waterfront, which is currently restricted
- it would expand and improve the functions of the existing SFM in a new landmark building which achieves design excellence
- the height and scale of the proposal appropriately relates to the existing site context and surrounding features and would not result in any unreasonable amenity impacts
- the visual impacts associated with the proposal are acceptable as the proposal would replace the current industrial structures on the site with a contemporary landmark building at the head of Blackwattle Bay
- it would provide significant public domain improvements including the creation of two public plazas, a waterfront promenade and improved access to Blackwattle Bay, linking to surrounding areas
- the proposal would achieve a minimum 5-Star Green Star Design, incorporating a solar power system, energy efficient lighting and a water reuse system which would result in a significant improvement in sustainability compared to the existing SFM facility
- the proposal includes the same number of car parking spaces currently provided at the existing SFM (417 vehicle spaces) and it is consistent with local and State policies which seek to limit car parking at highly accessible locations
- it would not result in any significant traffic impacts as parking would be capped, road upgrades would be undertaken, and measures would be put in place to encourage greater use of nearby public transport
- appropriate mitigation and protection measures would be implemented to retain and protect the fig trees within Wentworth Park and the potential risk to microbats can be suitably mitigated and managed by recommended conditions
- it is expected to create approximately 700 construction jobs (over the two stages) and approximately 725 ongoing operational jobs
- all other issues have been appropriately addressed by recommended conditions of approval.

The Department's assessment therefore concludes the proposed concept proposal and Stage 1 demolition and associated works application (SSD 8924) and the proposed Stage 2 main works application (SSD 8925) are in the public interest and recommends the applications be approved, subject to the recommended conditions.

8 Recommendation

It is recommended that the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the applications;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants consent** for the applications in respect of SSD 8924 and SSD 8925; and
- **signs** the attached development consents and recommended conditions of consent (see **Appendix D**).

Recommended by:



Rodger Roppolo
Senior Planning Officer
Key Sites Assessments

Recommended by:



Cameron Sargent
Team Leader
Key Sites Assessments

Recommended by:



Anthony Witherdin
Director
Key Sites Assessments

Recommended by:



Anthea Sargeant
Executive Director
Regions, Industry and Key Sites

9 Determination

The recommendation is **Adopted / Not adopted** by:

A handwritten signature in blue ink, appearing to read 'Rob Stokes', is written over the printed name.

The Hon. Rob Stokes

NSW Minister for Planning and Public Spaces

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:

SSD-8924 Concept Proposal and Stage 1 Demolition and Associated Works application

Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/10011>

Submissions on Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/10011>

Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10011>

Submissions on Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10011>

Applicant's Revised Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10011>

SSD-8925 Stage 2 Main Works application

Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/10421>

Submissions on Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/10421>

Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10421>

Submissions on Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10421>

Applicant's Revised Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10421>

Appendix B – Community Views for Draft Notice of Decision

A summary of the Department’s consideration of the issues raised in submissions is provided in **Table 1**.

Table 1 | Department’s consideration of key issues raised in submissions

Issue	Consideration
<p>Traffic impact and generation</p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department considers the traffic impacts of the proposal on the surrounding road networks acceptable as: <ul style="list-style-type: none"> ○ traffic modelling undertaken indicates that the level of service for nine key intersections around the site would not change in rating for any intersection ○ road upgrade works are proposed to Bridge Road and intersection works to Bridge Road/Wentworth Park Road, and Wattle Street/Bridge Road to ensure the site is accessible and improve traffic flows ○ to reduce car dependency and reduce traffic generation various traffic mitigation measures are proposed including a Green Travel Plan to encourage travel via public transport, cycling and walking. • This matter is further discussed in Section 6 <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> • Conditions include requirements for road upgrade works and intersection works, traffic modelling to be submitted to TfNSW for review and implementation of a travel plan.
<p>Parking</p> <ul style="list-style-type: none"> • Lack of customer and coach parking • Parking on local streets 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department considers the proposed amount of parking acceptable as: <ul style="list-style-type: none"> ○ parking provided is set at the existing parking provision at the SFM site (417 vehicle spaces) ○ continued and increased uncapped parking supply, based on car demand, will significantly impact upon traffic and the capacity of the network ○ parking will be contained on-site, with measures proposed to reduce car dependency and encourage travel via public transport, cycling and walking ○ parking at the SFM (particularly on weekends) coincides with the peak on-street parking periods which acts as a constraint ○ peak arrival times for coaches is between 11.30 am – 12.30 pm, which is outside weekday peak periods • This matter is further discussed in Section 6. <p><i>Recommended Conditions Response</i></p> <ul style="list-style-type: none"> • Conditions include requirements for a Travel Plan to encourage non-car travel, and a Bus, Coach and Pick-Up and Drop-off Management Plan to manage the movement of coaches within the site as well as off-site parking.

Contamination

Assessment

- The Department considers the contamination of soils and the harbour bed and management of such contamination during excavation and construction works acceptable
- The applications were accompanied by a preliminary and detailed investigations and a detailed remedial action plan (RAP). The RAP provides management procedures to be implemented during works for the management of the contamination of soils and acid sulfate soils with the performance of these procedures monitored.
- An accredited site auditor will be engaged to peer review the RAP prior to works commencing and issue a Site Audit Statement.
- At the completion of the works and prior to the commencement of the use or occupation, the Applicant shall submit a detailed site audit summary report and site audit statement and validation report.
- This matter is further discussed in **Section 6**.

Recommended Conditions/Response

- Conditions include requirements for an accredited site auditor to review the RAP and issue a Site Audit Statement
- Management procedures to be implemented during works to manage contamination of soils and acid sulfate soils
- Lodgement of site audit summary report and site audit statement and validation report. Site audit statement must be issued by an accredited EPA site auditor prior to the commencement of the use or occupation.

Loss of direct connection between Wentworth Park and Blackwattle Bay

- Views from the Park towards the Bay will be obscured.

Assessment

- The Department considers the connection between Wentworth Park and Blackwattle Bay acceptable for the following reasons:
 - a direct connection between the Park and Bay is currently restricted as a result of the cement works consisting of a number of structures as well as fencing that currently runs parallel to Bridge Road and acts as barrier between the surrounding area and Wentworth Park. The restriction will be removed through the development of the SFM, which will provide public access to the foreshore
 - proposed public plazas to the east and west of the SFM building will allow public views (and access) at these locations
 - improvements to intersections will improve access from the Park to the Bay.
- This matter is further discussed in **Section 6**.

Recommended Conditions/Response

- No conditions recommended.

Future use of the existing SFM site

- request for clarity on use of existing SFM site
- concern over residential development

Assessment

- The Department notes the State Significant Precinct Study and Pyrmont Peninsula Place Strategy will inform the future use of the SFM site.

Recommended Conditions/Response

- No conditions recommended.

Closure of concrete batching plant (Hanson)

- loss of jobs
- increase travel time for concrete deliveries

Assessment

- While the closure of the concrete batching plant is outside the scope of this application, a new concrete batching plant is proposed at Glebe island (SSD 8544) and is currently under assessment by the Department.
- The Department notes the SFM will create an estimated 700 jobs during construction and will require approximately 48,000 m³ of concrete.

Recommended Conditions/Response

- No conditions recommended.

Accessibility

- Disable access to the upper promenade

Assessment

- The Department considers issues relating to accessibility acceptable as:
 - Council did not raise issues regarding BCA issues
 - lifts are provided through the building, including linking to the publicly accessible areas, and in relatively convenient and discernible locations
 - accessibility and connectivity through and around the development is logical and well-considered and significant improvements to accessibility to and along the harbour will result from the development.
- This matter is further discussed in **Section 6**.

Recommended Conditions/Response

- Conditions include the requirement regarding the accessibility of the development to comply with the Disability (access to Premises – Buildings) Standards 2010 (premises Standards) and the access provisions of the BCA.

Suitability of the site and alternate site options including redevelopment of the existing SFM site

Assessment

- The Department considers the site suitable for the proposal, for reasons outlined within this report.
- Alternate sites for development of the SFM have been previously considered and its proposed location is the preferred option. This matter is further considered in **Section 1.4**.

Recommended Conditions/Response

- No conditions recommended.

Impact on maritime users

- Shortening of rowing course
- Safety of maritime users during construction

Assessment

- It is acknowledged that the proposal will necessitate a change to the rowing course around Blackwattle Bay, with the southern end of the course reduced by 45 m in length resulting in an overall reduction of 90 m to the course.
- The shortening of the rowing course is required to accommodate the operational requirements of the SFM whilst providing a safe buffer distance from the proposed wharves for continued rowing activities.
- Safety of maritime users during construction is discussed in **Section 6**.

Recommended Conditions/Response

- Conditions include a requirement for a Community Consultative Committee to be established and a Community Communication Strategy to be prepared which will provide a mechanism to facilitate communication between the Applicant, Council and the Community during demolition and construction works and for a minimum of 2 months following the completion of construction.

Harbour and foreshore access

- Access to the foreshore
- Loss of public land due to development over the harbour

Assessment

- Access to the foreshore is significantly improved when compared to existing site conditions. This includes the provision of:
 - 490 linear metres of access (some through the building as linkages) to the foreshore
 - a new public ferry and recreational wharf with an additional 980m² and 189 linear metres of access to the foreshore
 - new public plazas to the eastern and western end of the SFM building, which will provide areas for public gatherings and acts as an extension to the public foreshore.
- The Department acknowledges that the proposal involves structures being built over the harbour, equating to approximately 2 hectares. The loss of harbour land should be considered with increased public accessibility to the foreshore as mentioned above.
- This matter is further discussed in **Section 6**.

Recommended Conditions/Response

- Conditions include references to the approved layout plans and public domain areas and easements for public accessibility.

Adequacy and location to public transport

Assessment

- The Department considers the site has good access to public transport with visitors afforded a range of transport options including bus, light rail, ferry and rail.
- This matter is further discussed in **Section 6**.

Recommended Conditions Response

- Conditions include requirements for a Travel Plan to encourage non-car travel and improved wayfinding from public transport stops.

Built form

- bulk and scale
- height

Assessment

- The Department considers proposal would result in an acceptable built form outcome for the site.
- There are no height and no floor space ratio controls which apply to the site under an environmental planning instrument.
- The overall built form and scale has been guided by the process under the Design Excellence Strategy with the following principles:
 - opening up vistas to the east and west
 - perimeter circulation and connectivity to surrounding and adjoining public areas, for pedestrians and other modes of access
 - building setbacks, articulation and roof form to modulate and break down the mass and scale
 - height has been guided by the adjoining trees within Wentworth Park and existing structures
 - activation at the edges to knit the building into its surrounds.
- This matter is further discussed in **Section 6**.

Recommended Conditions Response

- No conditions recommended.

Lack of masterplan and long-term strategic vision for the Bays Precinct

Assessment

- Only part of the site is subject to the Master Plan for Rozelle and Blackwattle Bay Maritime Precincts prepared by the Waterways Authority and adopted in 2002. This document intended to guide redevelopment from 2002 to 2007.
- The masterplan identified the existing wharves as continuing as use for commercial boating. This master plan is now outdated and is to be replaced by the concept DA insofar as it applies to the site.
- It is noted that Infrastructure NSW has prepared masterplan options for the area and is currently on public exhibition until 19 June 2020. This is further considered in **Section 3.5**.

Recommended Conditions/Response

- No conditions recommended.

Visual impact

- loss of views from residential areas
- loss of views to the harbour
- view of Blackwattle Bay from Wentworth Park will be blocked by the SFM building

Assessment

- The Department considers there will be some loss of water views, which are valued.
- However, this will be offset with the removal of unsightly development currently on site.
- The Department considers the visual impact acceptable as:
 - direct views to Blackwattle Bay have been blocked or highly filtered for some time as a result of the existing batching plant, buildings, carparks, coal loader and the fencing that runs parallel to Bridge Road.
 - the proposed civic plazas to the east and west will enable views to the harbour.
 - the height of the SFM building is lower than the coal loader and generally equivalent to the evergreen tree line from Moreton Bay Fig trees, which are being retained.
 - visual impacts of the SFM building will be mitigated through advanced tree plantings along the eastern and western promenades and along the entire length of Bridge Road
- This matter is further discussed in **Section 6**.

Recommended Conditions/Response

- Conditions include the requirement for advanced tree planting along the eastern and western promenades and along the entire length of Bridge Road to mitigate any visual impact of the SFM building.
-

Lack of dedicated cycling lane

Assessment

- The Department considers the provision of a shared cycleway acceptable.
- A number of options were considered by the Applicant in relation to the most appropriate cycling facility along Bridge Road, with the shared cycleway option deemed to be the most suitable. Other options considered included:
 - a separated cycleway on the northern side of Bridge Road. This was not considered acceptable as the cycleway would run parallel to the drop-off and pick up lane, where significant numbers of coaches, minibuses, taxis and other vehicles would conflict with cyclists as they enter and exit the area
 - a separated cycleway on the Bridge Road footpath. This was not considered acceptable as it would create safety issues with pedestrians walking across the cycleway between the drop-off and pick up lane and the SFM building
 - a separated cycleway on the southern side of Bridge Road. This was not considered acceptable as it would require cyclists to cross Bridge Road at both the Wattle Street and (future) Wentworth Park Road traffic lights to access the broader cycling network.
- The shared path will provide an off-road environment where recreational and less confident cyclists can safely travel. Due to the lower speed environment, more confident cyclists may choose to continue to utilise Bridge Road – particularly during period of high pedestrian activity.

Recommended Conditions/Response

- Conditions include requirements for consultation with TfNSW and Council on the design of the shared cycleway and Bridge Road footpath. This will consider available roadside/footpath space on Bridge Road, safety of all users as well as interface with the adjacent drop-off and pick-up zone.

Acoustic impact

- noise impacts arising during construction and operation

Assessment

- The Department considers acoustic impacts acceptable as:
 - noise impacts both during construction and operation can be appropriately managed and mitigated through recommended conditions of consent
 - EPA advised they are generally satisfied with responses provided to noise and vibration matters in the EIS and RtS.
- This matter is further discussed in **Section 6**.

Recommended Conditions/Response

- Conditions include requirements for a detailed Construction Noise and Vibration Impact Management Plan, operational noise conditions and noise monitoring.

Construction management	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers any construction impacts, including in relation to noise, traffic, waste, water and air quality can be adequately managed in accordance with recommended conditions and management plans. This matter is further discussed in Section 6. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> Conditions include a requirement for preparation of a detailed CEMP, separate plans for the management of noise, traffic, waste, water and air quality, and establishment of a Community Consultative Committee and preparation of a Community Communication Strategy.
<p>Cost of development</p> <ul style="list-style-type: none"> cost to taxpayers initial budget exceeded 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Outside the scope of assessment for the proposal. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> No conditions recommended.
<p>Impacts on Wentworth Park</p> <ul style="list-style-type: none"> Overshadowing of Wentworth Park Impact on existing trees (Moreton Bay fig trees) 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers there will be minimal overshadowing impacts to Wentworth Park, which is generally limited to after 2 pm and likely to be barely discernible from shadows cast by existing trees. The Department considers the proposal has appropriately minimised impacts on significant trees, particularly the double row of Moreton Bay Figs within Wentworth Park. Mitigation and protection measures will be implemented to give effect to retaining and protecting the fig trees during works associated with the upgrading of Bridge Road. All significant trees will be retained and opportunities for increased landscaping and planting within the site's new public domain areas will be provided. This matter is further discussed in Section 6. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> Conditions include the requirement for mitigation and management measures to ensure the Morton Bay fig trees protected.
<p>Compliance with planning controls</p> <ul style="list-style-type: none"> The applicant has not adequately addressed zoning and permissibility 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers the applications have adequately addressed zoning and permissibility. The site is subject to several environmental planning instruments (EPIs), with each EPI having different zones and permissibility. This matter is further discussed in Section 4.2 and Appendix C. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> No conditions recommended.

Lack of ecological sustainable development principles within the development

Assessment

- The Department considers the development adequately incorporates ecological sustainable development principles as follows:
 - the Applicant is committed to achieving a 5-Star Green Star Design
 - incorporating a 335kW solar power system
 - the use of lighting and reuse of water is a significant improvement to the existing SFM facility.
- This matter is further discussed in **Section 6**.

Recommended Conditions/Response

- Conditions include requirements for compliance with the environmental sustainability objectives, measures and initiatives outlined in the Applicant's Environmentally Sustainable Design Strategy and for the building to achieve a minimum 5-Star Green Star Design and As-Built rating.

Pedestrian safety along the shared path on Bridge Road

Assessment

- The Department considers the shared path an acceptable solution for pedestrians and cyclists. To ensure safety for pedestrians, the path will include advisory pavement marking to encourage considerate behaviour by cyclists, including travelling at speeds of no more than 10 km/h and giving way to pedestrians at all times.
- Given the level of pedestrian activity, this will naturally reduce cyclist speeds creating a safer environment for pedestrians.
- This matter is discussed further in **Section 6**.

Recommended Conditions/Response

- Conditions include requirements for consultation with TfNSW and Council on the design of the shared cycleway and Bridge Road footpath. This will consider available roadside/footpath space on Bridge Road, safety of all users as well as interface with the adjacent drop-off and pick-up zone.

Not in the public interest

Assessment

- The Department considers the proposal to be in the public interest as it will expand and improve the functions of the existing SFM.
- The new SFM will be of a contemporary urban design and will be set within an improved public domain, including the creation of a waterfront promenade with improved access to the foreshore of Blackwattle Bay, and increased access to waterfront public open space which is currently restricted.

Recommended Conditions/Response

- No conditions recommended.

Air quality/odour

Assessment

- The Department considers air quality and odour impacts acceptable as:
 - the building is purpose-built and includes modern refrigeration and exhaust systems as well as natural ventilation
 - no objections have been raised by any public authority with responsibility for regulating such matters
 - expert review by the Applicant's consultant has concluded impacts are manageable and within relevant guidelines.
- This matter is further discussed in **Section 6**.

Recommended Conditions/Response

- Conditions include restrictions on odours and compliance with the *Protection of the Environment Operations Act 1997*.

Economic impacts

- amount of retail floor space

Assessment

- The Department considers the economic impact of the associated retail floor space acceptable.
- Approximately 6000 m² of additional retail floor space is proposed in comparison to the existing SFM retail floor space.
- The additional retail floor space provides complementary retail spaces that support the key function of the SFM.
- The SFM is a regional and international drawcard catering to a very different market segment than a sub-regional shopping centre or main street shopping.
- It is considered that the proposed development will have no significant impact on the role and function of centres in the vicinity of the site.

Recommended Conditions/Response

- No conditions recommended.

Community consultation

- Lack of community consultation by the Applicant

Assessment

- The Department considers the consultation undertaken by the Applicant is sufficient for the purposes of the proposal, and notes that extensive consultation has taken place since 2014.
- The Department considers there is a need for ongoing community consultation during the construction and operation of the SFM, and therefore recommends a condition requiring the Applicant to establish a Community Consultative Committee and prepare a Community Communication Strategy.
- This will provide a mechanism for ongoing communication between the Applicant, government agencies, Council and community stakeholders.

Recommended Conditions/Response

- Establish a Community Consultative Committee.
- Prepare a Community Communication Strategy.

Flooding

Assessment

- The site and Bridge Road is subject to flooding, being at the base of a valley draining to Blackwattle Bay.
- In a 1 in 10 year flood event (10% AEP), Bridge Road can be up covered by water up to 700mm deep. The site is also affected by overland flow paths.
- The Department considers issues regarding flooding acceptable as the rising of Bridge Road will assist in flood management in peak flood events.
- The applications were accompanied by a Flooding and Water Quality Assessment Report which concluded, that the impacts of development on flooding were found to be consistent with the requirements of the SEARs and the NSW Floodplain Development Manual (2005). The report considered there to be no adverse impacts on flooding on adjoining properties as a result of the proposal.
- This matter is discussed further in **Section 6**.

Recommended Conditions/Response

- The development shall be constructed to comply with the recommended flood planning levels indicated in the Flooding and Water Quality Assessment.
- All building structures are to be designed to ensure structural integrity for immersion and the impact of hydraulic forces of floodwaters and debris up to the 100-year flood level plus 0.5 m or Probable Maximum Flood Level whichever is greater.

Lack of mooring for recreational crafts including kayaks

Assessment

- The Department considers the proposal provides sufficient opportunities for the mooring of recreational crafts, as follows:
 - A recreational floating wharf with 15 berths is proposed to service recreational boating access for day-trippers to the new SFM.
 - Access from the water is presently available via the stairs from the waterfront promenade on the western side of the site near where existing outrigger canoes are stored. This provides an area for kayak parking close to the new SFM.

Recommended Conditions/Response

- No conditions recommended.

Crime prevention through environmental design

- Safety and security

Assessment

- The Department considers that appropriate treatments have been implemented to address the safety of users within public areas which includes CCTV coverage and the appropriate design of external public areas.
- Concerns relating to security can be effectively managed by the preparation, implementation and review of security risk management plans.
- This matter is discussed further in **Section 6**.

Recommended Conditions/Response

- Conditions include the requirement for ongoing consultation with the DRP in the design of external public areas to ensure the measures identified in the CPTED and Security Risk Assessment report are implemented during design development.

Appendix C – Statutory Considerations

In line with the requirements of section 4.15 of the EP&A Act, the Department’s assessment of the project has provided a detailed consideration to a number of statutory requirements. These include:

- the objects found in section 1.3 of the EP&A Act; and
- the matters listed under section 4.15(1) of the EP&A Act, including applicable environmental planning instruments and regulations.

The Department has considered all of these matters in its assessment of the project and has provided a summary of this assessment in **Tables 1** and **2** below.

Table 1 | Consideration of the objects of the EP&A Act

Objects of the EP&A Act	Summary
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources	The proposal would conserve and manage resources by providing for an efficient and contemporary SFM with improved waste, water and energy use when compared to the existing SFM.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The principles of ESD are considered below.
(c) to promote the orderly and economic use and development of land	The proposal represents an efficient and economic use of land consistent with environmental planning instruments and policies under the EP&A Act.
(d) to promote the delivery and maintenance of affordable housing	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The proposal would not adversely impact any native animals and plants, including threatened species, populations and ecological communities, and their habitats as addressed in Section 6 .
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The proposal would not have an adverse impact on nearby heritage items or conservation areas, as addressed in Section 6 .
(g) to promote good design and amenity of the built environment	The proposal exhibits design excellence as discussed in Section 6 .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	Recommended conditions would ensure the proposed works would be constructed in compliance with all relevant building codes and health and safety requirements.
(i) to promote the sharing of the responsibility for environmental planning and assessment	The proposal is SSD and therefore the Minister is the consent authority. The

between the different levels of government in the State	Department consulted with Council, and other relevant agencies on the proposal.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Section 5 of this report sets out details of the Department's public exhibition of the proposal.

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

Section 4.15(1) Evaluation	Summary
(a)(i) any environmental planning instrument	The Department's consideration relevant EPIs is provided below.
(a)(ii) any proposed instrument	Consideration of proposed instruments is provided below.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Nonetheless, an assessment of the development against relevant controls provided within the DCP is provided below.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Appropriately mitigated or conditioned - refer to Section 6 and Appendix D of this report.
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Sections 4 and 6 of this report.
(d) any submissions	Consideration has been given to the submissions received during the EIS exhibition period and following lodgement of the RtS. See Sections 5 and 6 and Appendix B of this report.
(e) the public interest	Refer to Section 6 of this report.

Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and

environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The Department has assessed the proposed development in relation to the ESD principles and has made the following conclusions:

- Precautionary Principle – the site is fairly disturbed as it has been previously used for industrial and port-related uses. As such, the proposal would not result in any serious or irreversible environmental damage.
- Inter-Generational Equity - the proposal would not have adverse impacts on the environment for future generations, subject to the Department's recommended conditions.
- Biodiversity Principle – the Department is satisfied the proposal would not have any significant flora, fauna or biodiversity impacts, subject to the proposed mitigation measures and the Department's recommended conditions, including the EESG approve the Microbat Management Plan and use of compensatory bat boxes. The proposal would also have acceptable and manageable aquatic ecological impacts, with longer term potential benefits of enhancing aquatic biodiversity through environmentally friendly designed seawalls and foreshore structures.
- Valuation Principle – the proposal includes a number of measures to limit the ongoing cost, resource and energy requirements of the development. These include the treatment of wastewater within the building, improved water and energy consumption, recycle waste streams and strategies for the construction and on-going operation of the development.

The proposal has been designed to achieve a 5-Star Green Star rating, with aspirations to achieve a 6-Star Green Star rating. A range of sustainability measures and ESD initiatives are proposed, including:

- Energy - reduction in energy associated to demolition, construction and operation, across the building and its associated sources (30% reduction target in Greenhouse Gas Emissions from operations). The building will incorporate a 335kW solar power system, which is significant, and also well integrated into the unique roof design. This will reduce reliance on traditional forms of power production, with consequential environmental benefits
- Water Efficiency - including reduced potable water demand and improved stormwater quality (45% reduction target in potable water consumption). A holistic integrated approach to water management within the development has been undertaken including water use reduction through efficient fixtures, rainwater harvesting (including the provision of a 100KL rainwater tank) and greywater treatment, capturing wash-down water from the wholesale area, as well as roof runoff. The water will be treated, stored and reticulated for use in cooling, irrigation, toilet flushing and wash-down of the wholesale floor area.
- Passive Design Principles – reducing the development's overall requirement for building services
- Ecology - Maintaining ecology through landscaping where practical
- Materiality – Considering the whole of life impact of materials in demolition, construction and operation stages, and considering their selection to minimise harm to the environment

- Waste – implementation of best practice management techniques to reduce waste going to landfill (landfill diversion rate is targeted at 90% for construction and demolition waste, and 80% for operational waste)
- Transport – encouraging alternate low carbon means of transportation to and from the new SFM.

Overall, the proposal is generally consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) requires that an assessment of significance be completed to determine the significance of impacts to threatened species, populations and/or communities or their habitat. The application was accompanied by a:

- Biodiversity Development Assessment Report (BDAR) to identify and determine the impacts to terrestrial ecology, and
- Marine ecology report to identify and determine the impacts to aquatic ecology.

The Department notes the proposal is supported by a revised BDAR and Microbat Management Plan.

Terrestrial Ecology

The BDAR assessed the site as modified and disturbed, and containing exotic species, weeds and planted native or non-indigenous species. No mapped plant community types (PCTs) were recorded within the site. However, grey-headed flying fox (GHFF), listed as vulnerable under the BC Act, non-threatened small birds were identified with the potential to occur within the site.

The proposed works would remove 0.19ha of potential foraging habitat for GHFF and 0.37 ha of potential foraging habitat for small birds. An assessment of the Commonwealth Significant Impact Criteria (Commonwealth of Australia 2013) was undertaken for the GHFF. The assessment concluded that the project would not have a significant impact on this species, and as such, a referral to the Commonwealth was not required.

Following EESG's and Council's comments on the BDAR, the Applicant revised the BDAR and addressed prescribed impacts to microbats. Targeted searches for microbats (threatened species) are discussed in Chapter 1.9.1 Targeted Surveys and a technical report was included in Appendix D of the BDAR. The report notes microbats were discovered roosting under the wharf, and mitigation measures for construction are outlined in the Microbat Management Plan.

The revised BDAR provides mitigation strategies to manage potential impacts of the proposal on GHFF and microbats and a Microbat Management Plan has been prepared. The Department recommends the Microbat Management Plan is approved by EESG prior to the commencement of the relevant works to ensure impacts on microbats are appropriately managed. The Department has also recommended EESG's microbat and monitoring conditions and use of biodiversity offsets (only if required).

Aquatic Ecology

The marine ecology report concluded there would be no direct or indirect impacts to threatened aquatic species, populations or ecological communities or their habitat as a result of the proposal. Direct and indirect impact through piling and shading would occur on unvegetated substrate (minimally sensitive key fish habitat). New hard surfaces from piles, pontoons and vertical walls may supplement habitat

loss due to the new structure, but there would still be an overall net loss of key fish habitat. The use of habitat enhancing features would also increase and improve habitat and help offset the loss of habitat.

Although the proposal would not directly or indirectly harm marine vegetation, mitigation measures are recommended to minimise the risk of impact during construction and operation of the SFM.

The Department therefore considers the proposal satisfies the provisions of the BC Act both in terms of potential impact on terrestrial and aquatic ecology.

Environmental Planning Instruments

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

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy 55 – Remediation of Land
- Draft State Environmental Planning Policy for the Remediation of Land
- State Environmental Planning Policy 33 – Hazardous and Offensive Development
- State Environmental Planning Policy (Coastal Management) 2018
- Sydney Regional Environmental Plan No.26 – City West
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Draft State Environmental Planning Policy
- Sydney Local Environmental Plan 2012
- Sydney Harbour Foreshores and Waterways Area DCP 2005.

State Environmental Planning Policy (State and Regional Development) 2011

Clause 8 (2) of Part 2 of the SRD SEPP states if a single proposed development the subject of one development application comprises development declared as State significant development, the remainder of the development is also declared to be State significant development.

The project is classified as State significant development (SSD) under section 4.36 of the EP&A Act, as it comprises development on land (the SFH is partly on the land) identified as being within the Bays Precinct site and has a capital investment value of more than \$10 million under clause 2(a) of Schedule 2 of the SRD SEPP.

The Minister for Planning and Public Spaces is the consent authority for the proposal.

State Environmental Planning Policy (State Significant Precincts) 2005

The State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP) seeks to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State (State Significant Precincts) for the benefit of the State.

While clause 4 of Schedule 6 of the SSP SEPP identifies the site as located within the Sydney Harbour Port and Employment Related Lands area, as the development is above \$10 million it is not Part 4 development and this clause does not apply.

State Environmental Planning Policy (Infrastructure) 2007

The State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The project approval is 'traffic generating development' under Schedule 3 of the ISEPP. In addition, the proposal includes more than 2,500m² commercial GFA and therefore is a development to which the ISEPP applies. The ISEPP requires the development be referred to TfNSW (RMS) for comment.

The application was referred to TfNSW (RMS) in accordance with the ISEPP. TfNSW (RMS) . submissions on the proposal are summarised at **Section 5**. The Department considers the proposed development to be consistent with the ISEPP given the consultation and consideration of transport, traffic and parking issues in **Section 6** and recommended conditions of consent in **Appendix D**.

State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No.55 - Remediation of Land (SEPP 55) aims to ensure potential contamination issues are considered in the determination of a development application. SEPP 55 requires the consent authority to consider whether the land is contaminated, and if so, whether the land is suitable for the purposes of the proposed development.

The Department supports the recommendation conditions by the EPA, DPI Water and Council. The Department considers that subject to imposing recommended conditions, including review and oversight by an independent accredited site auditor, that the land will be suitable after remediation for the proposed SFM, and that the land will be remediated before the land is used for the SFM.

As discussed in **Section 6**, the Department considers the proposed development is consistent with SEPP 55 subject to recommended conditions in **Appendix D**.

Draft Remediation of Land State Environmental Planning Policy

The Department is reviewing all State Environmental Planning Policies to ensure they remain effective and relevant and SEPP 55 has been reviewed as part of that program. The Department recently published the draft Remediation of Land State Environmental Planning Policy (Remediation SEPP), which was exhibited until April 2018.

Once adopted, the Remediation SEPP will retain elements of SEPP 55, and add the following provisions to establish a modern approach to the management of contaminated land:

- require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant
- categorise remediation work based on the scale, risk and complexity of the work
- require environmental management plans relating to post-remediation management or ongoing management of on-site to be provided to Council.

The new SEPP will not include any strategic planning objectives or provisions. Strategic planning matters will instead be dealt with through a direction under section 117 of the EP&A Act.

The Department considers the proposed development is consistent with the draft Remediation SEPP subject to recommended conditions.

State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33)

State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33) seeks to ensure the relevant authority has sufficient information to assess whether a development is hazardous or offensive, and if the development is found to be hazardous or offensive, to impose conditions to reduce or minimise any adverse impact.

The Applicant prepared a SEPP 33 Assessment of the quantities of dangerous goods proposed for storage at the SFM site. The development would include cool rooms, freezer rooms and ice making facilities for the storage of fish and seafood and new refrigeration systems will be installed. A review of the hazardous materials and dangerous goods for the proposal identifies that only two materials are classified as Dangerous Goods (as listed in the Australian Dangerous Goods Code) being liquefied carbon dioxide and ammonia (anhydrous) used as refrigerants. The assessment concludes that the materials used as refrigerants would not exceed the threshold levels under SEPP 33.

The Department therefore considers the proposed development is consistent with SEPP 33 and would not result in the proposal being considered a potentially hazardous or potentially offensive industry.

State Environmental Planning Policy (Coastal Management) 2018

The State Environmental Planning Policy (Coastal Management) 2018 (Coastal SEPP) consolidates and replaces SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection).

The Coastal Management SEPP gives effect to the objectives of the *Coastal Management Act 2016* (NSW) from a land use planning perspective. It defines four coastal management areas and provides assessment criteria tailored for each coastal management area. The consent authority must apply those criteria when assessing proposals for development that fall within one or more of the mapped areas.

The Coastal SEPP identifies the site as being located within the Coastal environment area and Coastal use area. Land within these areas are subject to clause 13 and 14, however as the site is located on land within the Foreshores and Waterways Area of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, clauses 13 and 14 of the Coastal SEPP do not apply.

Sydney Regional Environmental Plan No 26 – City West

Sydney Regional Environmental Plan No 26 – City West (SREP 26) provides planning principles for development within the area identified as City West. The site is located within the Bays Precinct part of the City West, and the Department has considered the relevant provisions of SREP 26 in **Table 3**.

Table 3 | Department’s consideration of Sydney Regional Environmental Plan No 26 – City West

Criteria	Departments Consideration	Compliance
<p>Clause 2 Areas covered by this plan</p> <ul style="list-style-type: none"> This plan applies to the land shown on the Map 	The site is located on land shown on Map 1 of SREP 26.	Yes

- This plan does not apply to land to which the Sydney Local Environmental Plan 2012 applies

<p>Clause 3 Precincts The City West area incorporates four precincts</p>	<p>The site is located within the 'Bays Precinct'.</p>	<p>Yes</p>
<p>Clause 4 Aims of the Plan This plan aims to establish planning principles and controls and promote the orderly and economic use and development of land</p>	<p>The proposed development is consistent with these aims in that it is consistent with the planning principles and development controls of the City West area and the Bays Precinct as outlined below and it enables the orderly and economic use and development of the site.</p>	<p>Yes</p>
<p>Clause 11 Planning principles of regional significance for City West Provides a set of planning principles for land within City West</p>	<p>Regional Role The proposal would contribute to Sydney's status as a tourist city.</p> <p>Land Use Activities The proposal would contribute to a range of land use activities being employment opportunities, educational and recreational.</p> <p>Mixed Living and Working Environment The proposal would provide a range of employment opportunities which are compatible with the achievement of a high-quality mixed living and working environment</p> <p>Leisure and Recreation The proposal would facilitate access to the foreshore and upgrade public domain providing opportunities for waterfront and water-based recreation and tourism activities.</p> <p>Social Issues The proposal will provide recreational opportunities on a site that currently has no public waterfront access</p> <p>Environmental Issues The environmental impact of the proposal would be suitably managed through conditions of consent (Appendix D) as addressed in Section 6 and as discussed above the proposal has regard to the principles of ESD.</p> <p>Urban Design and the Public Domain The proposal would make a significant contribution to the public domain through improved access to the waterfront and associated outdoor recreational opportunities.</p>	<p>Yes</p>

Heritage

Consideration has been given to heritage items in the vicinity of the site as addressed in **Section 6** and recommended conditions (**Appendix D**).

Movement and Parking

The proposal is in close proximity to existing public transport and would improve accessibility and access by pedestrians and cyclists.

Parking is anticipated to meet the needs of the development having regard to available public transport and the role and function of the fish market.

Implementation and Phasing

The proposal would make an important contribution to the public domain and makes efficient use of existing infrastructure.

Clause 14A Subdivision – consent requirements Land to which this plan applies may be subdivided, but only with development consent	The proposal includes subdivision	Yes
Clause 15 Planning principles of regional significance for Precincts Provides a set of planning principles for land within the Bays Precinct	The proposal is consistent with the Bays Precinct planning principles as it would: <ul style="list-style-type: none">reinforce and complement the role of the Precinct as a major inner-harbour port and maritime location, and recognise its 24-hour operationutilise the advantage of the precinct's location and infrastructurerejuvenate the precinct by improving environmental outcomes from the operation of the new SFMnot have adverse impacts on views from within the Precinct and to and across the Precinct from surrounding areas, as discussed in Section 6.propose public domain works and improved public access to the foreshore for recreation and tourism activities.	Yes
Clause 16 How land is zoned The zoning of the land is shown on Map 2.	The site is located partially on land zoned Waterfront Use as identified on Map 2	Yes
Clause 20B Waterfront Use zone	Part of the site (excluding the waters of Blackwattle Bay) is within the City West area	Yes

Only uses which the consent authority is satisfied are generally consistent with one or more of the zone objectives are permissible within this zone.

The objectives of the 20B Waterfront Use Zone are:

- to provide for development of water-based commercial and recreational activities, including facilities for the servicing, mooring, launching and storage of boats, and
- to allow a range of commercial maritime facilities (such as boating industry facilities, marinas, waterfront service operations, waterfront commercial and tourism facilities and uses associated with the servicing, temporary mooring, launching and storage of boats and uses ancillary to these), which will take advantage of the harbour location, and
- to provide public access within and across the zone and to facilitate the extension of the Ultimo-Pyrmont foreshore promenade from Blackwattle Bay to Rozelle Bay and link with public access networks surrounding the precinct, and
- to create, retain and enhance views and links between Wentworth Park and the foreshores of Blackwattle Bay.

and the Bays Precinct and is zoned 'Waterfront Use'

The proposal is consistent with the relevant objectives and is therefore permissible within the zone, as it would:

- provide water-based commercial and recreational activities. This includes the commercial component of the SFM and the provision of areas for public recreational enjoyment through improvements to the public domain
- provide a range of commercial maritime facilities, including temporary mooring of fishing fleet and a variety of other vessels and maritime uses taking advantage of the waterfront location.
- improve public access with the Ultimo-Pyrmont foreshore promenade from Blackwattle Bay to Rozelle Bay and link with public access networks surrounding the precinct both and existing and planned.
- improve links with Wentworth Park and the foreshore and views along the alignments of Wattle Street and Wentworth Park Road.

<p>Clause 21 Use of unzoned land Development may be carried out on any land which is shown uncoloured on Map 2 only for a purpose which is permissible on land adjoining that land</p>	<p>A portion of Bridge Road is on land uncoloured on Map 2. Upgrade works are proposed to Bridge Road which is considered ancillary to the SFM.</p>	<p>Yes</p>
<p>Clause 23 Maximum building heights</p>	<p>The site is not subject to building heights</p>	<p>Yes</p>
<p>Clause 24 Application of urban design planning principles</p>	<p>The proposal would be consistent with these principles as the maximum building height proposed is RL 27.7 AHD with the height of</p>	<p>Yes</p>

The consent authority must be satisfied that the building will be consistent with the urban design planning principles for the Precinct as detailed in clause 15.

the roof variable. The height of the proposal is compatible with the height of trees in Wentworth Park. The building height is similar to the height of the existing industrial structures (28.7 AHD) at the western end of the site.

Clause 29 General considerations for heritage items

Development of or including a heritage item, in the vicinity of a heritage item, or within a conservation area, must be compatible with the conservation of the heritage significance of the item or the character of the conservation area.

The area proposed to be developed is not listed as a heritage item or a conservation area under Map 4 of the SREP 26.

Yes

However, the proposal is in the vicinity of heritage items and conservation areas. The development would respect the character of these, as discussed in **Section 6**.

Clause 30 Duty of consent authority

Before granting consent to any such development, the consent authority must consider:

- the heritage significance of the heritage item or conservation area, and
- the impact that the proposed development will have on the heritage significance of the heritage item and its setting or the conservation area, and
- the measures proposed to conserve the heritage significance of the heritage item and its setting or the conservation area, and
- whether any archaeological site or potential archaeological site would be adversely affected

Clause 33 Potential archaeological sites

Before determining an application for consent to development on land identified in an urban development plan as a potential archaeological site, the consent authority may request a report on the likely impact of the development on any archaeological material.

The Department does not consider that any archaeological site or potential archaeological site would be adversely affected by this proposal, subject to the recommended conditions in **Appendix D**.

Yes

Clause 40 Requirement for and use of Master Plans

The consent authority must consider the relevant Master Plan

Part of the site is within an area on which development consent cannot be granted unless there is a Master Plan for the land, and the consent authority has taken the Master Plan into consideration. In these

Yes

circumstances, Section 4.23 of the EPA Act provides that this obligation may be satisfied by the making and approval of a concept development application in respect of that land.

Any such concept development application is to contain the information required to be included in a master plan under SREP 26. A concept development application has been submitted.

Land containing the existing structures at the head of Blackwattle Bay has been the subject of the *Master Plan for Rozelle and Blackwattle Bay Maritime Precincts* prepared by the Waterways Authority and adopted in 2002.

This document intended to guide redevelopment from 2002 to 2007. This master plan identified the existing wharves as continuing as use for commercial boating. This master plan is now outdated and is to be replaced by the concept DA insofar as it applies to the site.

Clause 49 Land decontamination	Contamination issues have been considered under the assessment of SEPP 55 in Section 6, Appendix C and recommended conditions in Appendix D .	Yes
Clause 50 Services Development must not be carried out on any land until arrangements have been made for the supply of water, sewerage and drainage which are satisfactory to the Water Board.	The Department consulted Sydney Water with no comments received.	Yes
The consent authority must, where it considers it appropriate, seek the views of the Leichhardt Council, the City West Development Corporation, the Sydney Ports Corporation, the Office of Marine Administration, the Maritime Authority of NSW, the Rail Access Corporation, the State Rail Authority, the Freight Rail Corporation and the Director-General of the Department of Transport	The Department has consulted with Council, INSW, the Port Authority of NSW, TfNSW, RMS (Roads), TfNSW (Maritime). The result of this consultation is outlined in Section 5 of this report, and the issues raised are considered in Section 6 of this report and recommended conditions in Appendix D .	Yes
Clause 53 Views of other bodies about development within Waterways zone For land within the Waterways Zone, the consent authority must seek the views of the Maritime Services Board regarding the effect of development on the navigational safety and operations of the Port of Sydney.	The Department has consulted with TfNSW (Maritime). The result of this consultation is outlined in Section 5 of this report who raised no issues with the proposal.	Yes

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Sydney Regional Environmental Plan (Sydney harbour Catchment) 2005 (SHC SREP) provides planning principles for development within the Sydney Harbour catchment. The site is located within the Sydney Harbour catchment area and is in the foreshores and waterways area. No items of heritage significance are identified within the site. The nearest item is the Glebe Island Bridge and its abutments, located to the south of the site. The Department has considered the relevant provisions of SHC SREP in **Table 4**.

Table 4 | Department's consideration of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Criteria	Departments Consideration	Compliance
<p>Clause 2 Aims of the plan The SHC SREP provides aims in relation to the Sydney Harbour Catchment and the Foreshores and Waterways Area.</p>	<p>The proposal is consistent with the aims of the plan as it:</p> <ul style="list-style-type: none"> would protect, enhance and maintain the natural asset of the catchment by providing a high quality development enabling the public to obtain improved access around the foreshore would continue the use of the area as a working harbour through the operation of a fish market facility and other commercial elements would increase public access to the foreshore 	Yes
<p>Clause 13 Sydney Harbour Catchment The SHC SREP provides planning principles for land within the Sydney Harbour Catchment</p>	<p>The proposal is consistent with the planning principles for land within the Sydney Harbour Catchment as follows:</p> <ul style="list-style-type: none"> the proposal would protect and improve the hydrological and ecological health of the catchment through the implementation of erosion and sediment controls during construction and stormwater and wastewater management during operation. the proposal would not have a significant impact on biodiversity or natural qualities of the harbour acid sulfate soils will be managed during the construction process 	Yes
<p>Clause 14 Foreshores and Waterways Area</p>	<p>The proposal is consistent with the planning principles for land within the Foreshores and Waterways Area as follows:</p>	Yes

The SHC SREP provides planning principles for land within the Foreshores and Waterways Area

- the proposal improves public access to the foreshore
- the future development of the Bays Precinct would be compatible with the on-going operation of the SFM
- the proposal provides for some public boating facilities

Clause 16 Zones indicated on Zoning Map

The water-based component of the site is identified as being located within the W1 Maritime Waters zoned by the SHC SREP

Yes

Clause 17 Zoning objectives

The objectives of W1 zone are as follows:

- to give preference to and protect waters required for the effective and efficient movement of commercial shipping, public water transport and maritime industrial operations generally,
- to allow development only where it is demonstrated that it is compatible with, and will not adversely affect the effective and efficient movement of, commercial shipping, public water transport and maritime industry operations,
- to promote equitable use of the waterway, including use by passive recreation craft.

The proposal is consistent with these objectives as follows:

- accommodates commercial shipping being the Sydney fishing fleet and also the operations of the new SFM
- has no significant impact on the use of Blackwattle Bay for commercial shipping
- promotes equitable use of the waterway for recreational purposes by accommodating existing recreational uses with only minor adjustments to activities
- can accommodate public water transport.

Yes

Clause 18A Subdivision in the waterways

Under clause 18A of the SHC SREP, subdivision of land in the waterways is permissible where the purpose of the subdivision is to enable the creation of a lot that is, or is to be, used only for development the subject of an existing development consent.

Yes

Before granting consent to subdivision under this clause the consent authority must consider whether, and to what extent, the subdivision is likely to result in any reduction in public access to the foreshore or waterways.

The proposed development results in improved access to the waterways through the provision of pedestrian promenades providing an improved pedestrian environment along Bridge Road and along the waterfront. The

proposal includes a concept proposal for the subdivision of land to create a lot on which the new SFM would be located and a further subdivision of this lot to identify separate lots comprising the public domain and water, and various parts of the new SFM building and wharves to be leased in separable parts.

Division 2 Matters for Consideration

The proposal is consistent with the relevant matters for consideration for land within the foreshores and waterways area as it:

- would not have any significant adverse impacts on the biodiversity or ecology of the area, noting the MMP needs to be approved by EESG prior to the commencement of works.
- provides improved access to the waterways through the provision of pedestrian promenades providing an improved pedestrian environment along Bridge Road and along the waterfront
- continues the use of the area as a working harbour and caters for demand for the fishing industry
- would ensure the interrelationship of waterway and foreshore uses is compatible would not have adverse impacts on the use of the waterways
- would have an acceptable impact on the scenic quality of the waterway, having regard to the scale, form, design and siting of the building
- would be consistent with the visual character of the working harbour and would have an acceptable impact on surrounding views, as considered in **Section 6**.

Division 3 Foreshores and Waterways planning and Development Advisory Committee

The proposal is a type referred to in Schedule 2 of the SHC SREP and therefore the Department referred the application to the Committee under clause 29 of the SHC SREP. The Committee raised no specific issues in relation to the proposal.

Yes

Clause 36 Development on land comprising acid sulfate soils

The consent authority must not grant development consent unless it has considered the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the Acid Sulfate Soils Assessment Guidelines, and the likelihood of the proposed development resulting in the discharge of acid water. An acid sulfate soil management plan has been prepared and considered acceptable as discussed in **Section 6**.

Yes

State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64) applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. Although, no specific approval is sought for signage, a Signage Strategy was submitted with the RtS. The Signage Strategy incorporates wayfinding signage and signage zones for building identification signs on the southern and northern façade (**Figure 1**)

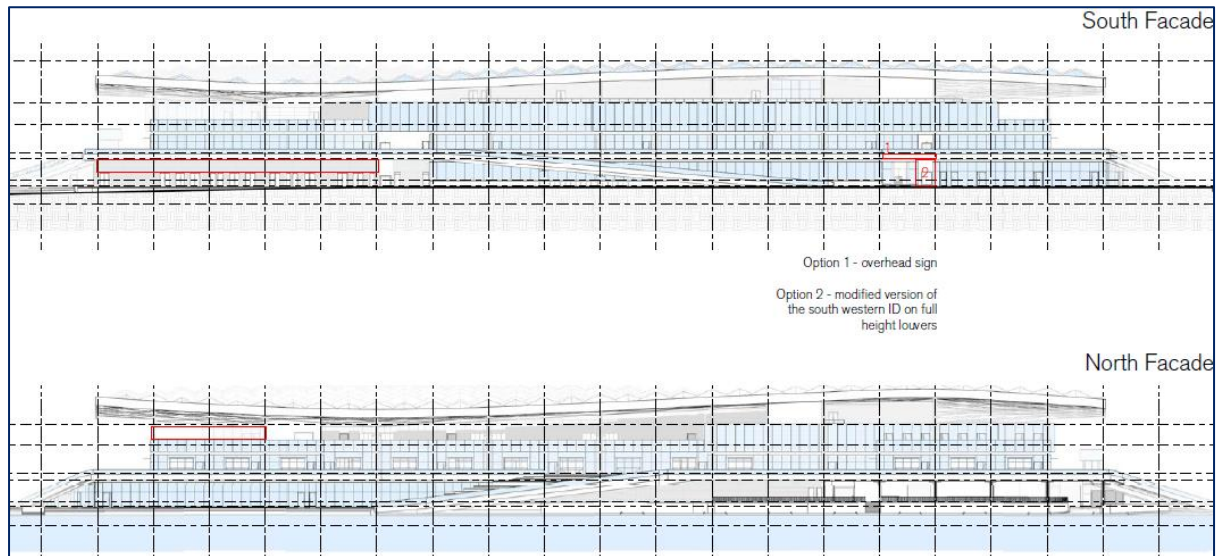


Figure 1 | Extract of the building signage zones (outlined in red) (Base source: Applicant's Signage and Wayfinding Strategy)

The Signage Strategy has been assessed against the relevant requirements of SEPP 64 in **Table 5**.

Table 5 | Department's consideration of State Environmental Planning Policy No. 64 – Advertising and Signage

Criteria	Departments Consideration	Compliance
Part 2 Signage generally		
Clause 8 Granting of consent to signage		
The signage is to be consistent with the objectives of this Policy	The signage zones/wayfinding signage are compatible with the desired amenity and visual character of the area, provides effective	Yes

communication of the building. The signage zones/ wayfinding signage to do not appear excessive, are integrated into the building and allow some enlivening of service areas to the south and appear reasonable. It therefore consistent with the objectives of SEPP 64

The signage is to satisfy the assessment criteria in Schedule 1	The signage zones/ wayfinding signage are consistent with the assessment criteria in Schedule 1 (see below).	Yes
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Schedule 1 Compliance Assessment

1 Character of the area

Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The signage zones/ wayfinding signage are compatible with the future character of the Bays Precinct.	Yes
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Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signage zones/ wayfinding signage are unique to the development.	Yes
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2 Special areas

Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The signage zones/ wayfinding signage would not detract from the amenity or visual quality of any environmental area conservation areas, open space areas, waterways, rural landscapes or residential areas as the signage zones to do not appear excessive and are integrated into the building	Yes
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3 Views and vistas

<p>Does the proposal:</p> <ul style="list-style-type: none"> • obscure or compromise important views? • dominate the skyline and reduce the quality of vistas? • respect the viewing rights of other advertisers? 	Signage zones are affixed and will be contained within the envelope of the building. As the signs do not project beyond the building envelope, the proposal would not compromise any important views, the skyline or interfere with other advertisers.	Yes
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4 Streetscape, setting or landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signage zones/wayfinding signage are not considered excessive in size and is considered of an appropriate scale for the streetscape and surrounding landscape	Yes
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Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage zones will contribute to the visual interest of the streetscape as it will complement the architectural design of the building	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The Signage Strategy aims to reduce clutter by simplifying wayfinding signs and building identification signs by not overloading the user with information.	Yes
Does the proposal screen unsightliness?	The proposed signage zone on the southern elevation will contribute to enlivening the building services within this area	Yes
Does the proposal require ongoing vegetation management?	The signage zones would not require ongoing vegetation management	Yes
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage zones are not considered excessive in size and appropriate to the scale of the building.	Yes
Does the proposal respect important features of the site or building, or both?	The signage zones will be integrated into the building façade	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage strategy is considered innovative as it will: <ul style="list-style-type: none"> • simplify the navigational choices • use pictograms to supplement written information • be designed for the broadest audience possible • be integrated with and complements the architectural design of the building 	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	These details have not been provided at this stage. However, it is expected that these details would be provided as part of future DA(s) for signage, consistent with the requirements of SEPP 64.	Yes
7 Illumination		
<ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination affect safety for 	Details regarding illumination have not been provided at this stage. However, it is expected that these details would be provided as part of any future DA(s) for signage, consistent with the requirements of SEPP 64.	Yes

- pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation.
- Can the intensity of the illumination be adjusted?
- Is the illumination subject to a curfew?

8 Safety

<p>Would the proposal reduce safety for:</p> <ul style="list-style-type: none"> • any public road? • pedestrian or bicyclists? • pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>The future signage will be integrated with the building and is therefore not expected to reduce safety for road users, cyclists or pedestrians.</p>	<p>Yes</p>
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Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

The Sydney Harbour Foreshore and Waterways Area Development Control Plan (the DCP) complements the SHC SREP and provides more detailed design parameters for development within the foreshore area of Sydney Harbour.

The site is within the defined Foreshores and Waterways Area under the SHC SREP and is therefore subject to the controls in the DCP. The DCP includes aims and performance criteria in relation to ecological assessment, landscape assessment, and design guidelines for development within the area.

The Department has considered the submitted Biodiversity Assessment and concludes the proposal would not result in detrimental impacts on the ecological communities within the study area of the site. As such, the proposal satisfies Part 2 (Ecological Assessment) of the DCP.

The proposal complies with the general objectives and requirements for water-based and land/water interfaces under the DCP as follows:

- the proposal would not cause congestion of the waterway and foreshore, and conflicts on the waterway and foreshore would be minimised
- the proposal would not have adverse impacts on navigation on the waterway, noting TfNSW (Maritime) has not raised any concerns in this regard.

The proposed built form would not obstruct views and vistas to the waterway. Issues regarding built form and visual impacts are considered in **Section 6**.

Accordingly, the proposal is considered generally consistent with the objectives and provisions of the DCP.

Draft State Environmental Planning Policy

The Explanation of Intended Effect for the Draft State Environmental Planning Policy (draft Environment SEPP) was exhibited until 31 January 2018. The draft Environment SEPP proposes to simplify the planning rules for the protection and management of the natural environment by consolidating seven existing SEPPs, including the SHC SREP.

The references in the aims of the plan to a working Harbour are proposed to be amended to provide clarification of the importance of the role of recreational and tourism uses in a modern working Harbour. The proposed use, being within an existing port and employment area, would continue to provide a core role in the functioning of the Harbour, and would not have adverse impacts on these uses.

The objectives for the W1 Maritime Waters zone will be updated to align with the relevant Standard Instrument zone W3 Working Waterways. The Department considers these objectives are currently closely aligned and therefore the proposal would be consistent with the future zone objectives.

The relevant matters for consideration and the general provisions relating to Sydney Harbour are proposed to remain in accordance with those in the current SEPP and therefore the proposed development would be consistent with the intended effect of the draft Environment SEPP.

The Sydney Harbour Foreshores and Waterway Area DCP 2005 is proposed to be transitioned into one or more guidelines that would cover the current content and provide updated guidance to consent authorities based on design principles and landscape character, however these guidelines are not currently in draft form.

Sydney Local Environmental Plan 2012

Portions of the site are subject to the provisions of the Sydney Local Environmental Plan 2012 (SLEP 2012). This includes:

- Part of Lot 1 DP 835794 - land containing foreshore seating forming part of the existing SFM. Works are proposed within this area consisting of a public promenade.
- Part of Bridge Road - land associated with Bridge Road, at its intersections with Wattle Street and Wentworth Park Road. Road works are proposed to Bridge Road.

The Department has considered the relevant provisions of SLEP 2012 in **Table 6**.

Table 6 | Department's consideration of Sydney Local Environmental Plan 2012

Criteria	Departments Consideration	Compliance
Clause 2.2 Zoning of Land	A portion of the site within Lot 1 DP835794 is zoned B3 Commercial Core. A portion of Bridge Road is partly zoned B4 Mixed Use and SP2 Infrastructure (Classified Road) within its intersection with Wentworth Park Road and partly zoned SP2 Classified Road with its intersection with Wattle Street.	Yes
Clause 2.3 Zone objectives The objectives of the B3 Commercial Core zone are:	The proposed public promenade works within part of Lot 1 DP 835794 is consistent with the objectives of the B3 commercial core zone in that it will	Yes

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To promote uses with active street frontages.

promote walking and cycling to meet the needs of the local and wider community.

The proposed road works to Bridge Road are consistent with the objectives of the B4 Mixed Use zone and the SP2 Infrastructure (Classified Road) zone as it will provide infrastructure which is vital to the functionality of the SFM.

The objectives of the B4 Mixed Use zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure uses support the viability of centres.

The objectives of the SP2 Infrastructure zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

Clause 2.3 Permissibility

- 'Water recreational structures' are proposed within part of Lot 1 DP 835794 which is permissible with consent pursuant to Schedule 1 'Additional permitted uses' of the SLEP 2012.
- 'Roads' are permissible with consent in in the SP2 zone and B4 zone.

Yes

Clause 5.10 Heritage Conservation

Pursuant to clause 5.10 of the SLEP 2012 the part of the site zoned B3, B4 and SP2 are not listed as a heritage item nor are they within a heritage conservation area. There are a number of items with heritage significance and heritage conservation areas located within close proximity to the site. Issues

Yes

regarding heritage are discussed in **Section 6**.

Clause 6.21 Design Excellence

The proposal demonstrates design excellence as discussed in **Section 6**.

Yes

Appendix D – Recommended Instrument of Consent

The recommended conditions of consent can be found on the Department's website at:

SSD 8924 - Concept proposal and Stage 1 demolition and associated works application

<https://www.planningportal.nsw.gov.au/major-projects/project/10011>

SSD 8925 - Stage 2 main works application

<https://www.planningportal.nsw.gov.au/major-projects/project/10421>