

# Modification of Development Consent

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

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



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

Sydney

7 June 2021

## SCHEDULE 1

**Development consent:** **SSD 8925** granted by the Minister for Planning and Public Spaces on 12 June 2020

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

- A three-storey (4 levels) building with a GFA of 26,751m<sup>2</sup> comprising:
  - Wholesale services, product storage and processing
  - Retail, business and office premises
  - Multi-function spaces for events and functions
  - Staff amenities and end-of-trip facilities
  - Outdoor seating areas
  - Basement car park
- New public domain, including a foreshore promenade and landscaping
- Marina
- Pedestrian, cycle and road access
- Upgrade works to Bridge Road and intersections with Wattle Street and Wentworth Park Road
- Provision of services, site level adjustments and stormwater management
- Subdivision of land.

**Applicant:** Infrastructure NSW

**Consent Authority:** Minister for Planning and Public Spaces

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

**Modification:**

**SSD 8925 MOD 1:** the modification includes internal changes to the floor plan, external changes to the facades, re-configuration of the recreational and operational wharfs, amendments to the western plaza and amendments to EPA conditions.

## SCHEDULE 2

1. The description of the approved development is amended by the deletion of ~~struck-out~~ words and the insertion of **bold and underlined** words as follows:

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

- A three-storey (4 levels) building with a GFA of ~~26,751~~ **26,928** m<sup>2</sup> comprising:
  - Wholesale services, product storage and processing
  - Retail, business and office premises
  - Multi-function spaces for events and functions
  - Staff amenities and end-of-trip facilities
  - Outdoor seating areas
  - Basement car park
- New public domain, including a foreshore promenade and landscaping
- Marina
- Pedestrian, cycle and road access
- Upgrade works to Bridge Road and intersections with Wattle Street and Wentworth Park Road
- Provision of services, site level adjustments and stormwater management
- Subdivision of land.

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

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS and Response to Submissions and additional information;
- (d) in accordance with the ~~approved plans in the tables below~~: Modification Report entitled 'SSD DA 8925 Stage 2 DA Main Works Section 4.55(1A) Modification 3 Planning Report', and accompanying appendices prepared by BBC Consulting Planners (dated March 2021);
- (e) in accordance with the ~~approved plans in the table below~~: **Modification Report entitled 'SSD DA 8924 Concept and Early Works SSD DA 8925 Stage 2 DA Main Works Section 4.55(1) Modification Planning Report', and accompanying appendices prepared by BBC Consulting Planners (dated December 2020) and Response to Submissions prepared by BBC Consulting Planners (dated February 2021)**
- (f) **in accordance with the approved plans in the tables below:**

Architectural Drawings prepared by 3XN and BVN			
Drawing No.	Revision	Name of Plan	Date
S2-A00 AAA-01	H <b>K</b>	Cover Sheet	18/09/19 <b>01/12/20</b>
S2-A20 AAA-01	H	Site Survey	18/09/19
S2-A20 AAA-02	H <b>I</b>	Locality/Context Plan	18/09/19 <b>14/08/20</b>
S2-A20 AAA-03	H <b>I</b>	Site Plan	18/09/19 <b>14/08/20</b>
<b>S2-A20 AAA-04</b>	<b>A</b>	<b>Public Domain</b>	<b>14/08/20</b>
S2-A20 L01-01	G <b>H</b>	Public Domain Ground	18/09/19 <b>13/08/20</b>
S2-A20 L02-01	G	Public Domain Upper Ground	18/09/19

	<b>H</b>		<b>13/08/20</b>
S2-B10 L00-01	<b>H</b>	Floor Plan Ground	18/09/19
	<b>I</b>		<b>14/08/20</b>
S2-B10 L01-01	<b>H</b>	Floor Plan Upper Ground	18/09/19
	<b>I</b>		<b>14/08/20</b>
S2-B10 L02-01	<b>H</b>	Floor Plan Mezzanine	18/09/19
	<b>I</b>		<b>14/08/20</b>
S2-B10 L03-01	<b>H</b>	Mezzanine Roof Plan	18/09/19
	<b>I</b>		<b>14/08/20</b>
S2-B10 L10-01	<b>H</b>	Roof Plan	18/09/19
S2-B10 LB1-01	<b>H</b>	Floor Plan Basement	18/09/19
S2-C10 AAA-01	<b>H</b>	East and West Elevation	18/09/19
	<b>I</b>		<b>14/08/20</b>
S2-C10 AAA-02	<b>H</b>	North and South Elevation	18/09/19
	<b>I</b>		<b>14/08/20</b>
S2-D10 AAA-01	<b>H</b>	Cross Sections	18/09/19
	<b>I</b>		<b>14/08/20</b>
S2-D10 AAA-02	<b>H</b>	Long Sections	18/09/19
	<b>I</b>		<b>14/08/20</b>
S2-E43 AAA-01	<b>H</b>	Auction and Office Section	18/09/19
	<b>I</b>		<b>14/08/20</b>
S2-E43 AAA-02	<b>H</b>	Food and Beverage Section	18/09/19
	<b>I</b>		<b>14/08/20</b>
S2-E43 AAA-04	<b>H</b>	Wholesale and Catering Section	18/09/19
	<b>I</b>		<b>14/08/20</b>
<b>AR-S2-L10 AAA-01</b>	<b>H</b>	<b>GFA Measurement SREP 26</b>	<b>18/09/19</b>
<b>AR-S2-L10 AAA-02</b>	<b>J</b>	<b>GFA Standard Instrument</b>	<b>01/12/20</b>

<b>Subdivision Drawings prepared by Robert S Davidson</b>			
<b>Reference</b>	<b>Sheet No.</b>	<b>Name of Plan</b>	<b>Date</b>
78527	1 of 2	Plan of Subdivision of Lots 3,4 & 5 D.P. 1064339, Lot 1 D.P. 835794 & Lot 107 D.P. 1076596	26/09/2019
78527	2 of 2	Plan of Subdivision of Lots 3,4 & 5 D.P. 1064339, Lot 1 D.P. 835794 & Lot 107 D.P. 1076596	26/09/2019
78527STRATUM	1 of 7	Plan of Subdivision of Proposed Lot 100	30/09/2019
78527STRATUM	2 of 7	Plan of Subdivision of Proposed Lot 100	30/09/2019
78527STRATUM	3 of 7	Plan of Subdivision of Proposed Lot 100 – Basement Floor	30/09/2019
78527STRATUM	4 of 7	Plan of Subdivision of Proposed Lot 100 – Ground Floor	30/09/2019
78527STRATUM	5 of 7	Plan of Subdivision of Proposed Lot 100 – Upper Ground Floor	30/09/2019
78527STRATUM	6 of 7	Plan of Subdivision of Proposed Lot 100 – Mezzanine Floor	30/09/2019
78527STRATUM	7 of 7	Plan of Subdivision of Proposed Lot 100 – Roof Level	30/09/2019

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

<b>Sydney Fish Market - Bridge Road Upgrade – From Wattle Street to Wentworth Park Road – Concept Design Drawings prepared by Mott Macdonald</b>				
<b>Drawing No.</b>	<b>Sheet No.</b>	<b>Issue No.</b>	<b>Name of Plan</b>	<b>Date</b>
CI-GEO-A00 GE-0001	GE-0001	1	Cover Sheet and Index Sheet	25/09/19
CI-RD1-D10 RD-0011	RD-0011	1	Typical Cross Sections	25/09/19

CI-RD3-B20 RD-0301	RD-0301	1	Roadworks Plan Sheet 1 of 3	25/09/19
CI-RD3-B20 RD-0302	RD-0302	1	Roadworks Plan Sheet 2 of 3	25/09/19
CI-RD3-B20 RD-0303	RD-0303	1	Roadworks Plan Sheet 3 of 3	25/09/19
CI-RD3-D20 RD-0401	RD-0401	1	Roadworks Longitudinal Sections Sheet 1 of 3	25/09/19
CI-RD3-D20 RD-0402	RD-0402	1	Roadworks Longitudinal Sections Sheet 2 of 3	25/09/19
CI-RD3-D20 RD-0403	RD-0403	1	Roadworks Longitudinal Sections Sheet 3 of 3	25/09/19
CI-UT1-B00 UT-0011	UT-0011	1	Existing Utilities Legend	25/09/19
CI-UT1-B20 UT-0301	UT-0301	1	Drainage and Public Utilities Plan Sheet 1 of 3	25/09/19
CI-UT1-B20 UT-0302	UT-0302	1	Drainage and Public Utilities Plan Sheet 2 of 3	25/09/19
CI-UT1-B20 UT-0303	UT-0303	1	Drainage and Public Utilities Sheet 3 of 3	25/09/19
CI-PV1-B20 PV-0301	PV-0301	1	Pavement Plan Sheet 1 of 3	25/09/19
CI-PV1-B20 PV-0302	PV-0302	1	Pavement Plan Sheet 2 of 3	25/09/19
CI-PV1-B20 PV-0303	PV-0303	1	Pavement Plan Sheet 3 of 3	25/09/19

3. Schedule 2, Part B – Prior to Commencement of Works/Issue of a Crown Building Works Certificate – Condition B5 is amended by the deletion of ~~struck-out~~ words and the insertion of **bold and underlined** words as follows:

B5. As part of the Design Integrity Process, the following shall be resolved with the Design Review Panel:

- (a) The frontage to Bridge Road comprising the servicing areas to the west shall be treated with materials, artwork, directional signage, lighting and/or heritage interpretation measures to reduce the visual impact of the inactive frontage.
- (b) A detailed exhibition space strategy. The strategy must include information regarding the different uses of each space located on the ground floor of the building facing Bridge Road, Blackwattle Bay and Eastern Promenade.
- (c) Opportunities for light penetration to the water within public domain areas. The landowner is encouraged to continue consultation and engagement with local universities regarding ongoing marine habitat opportunities.
- (d) A detailed Public Domain Plan shall be submitted to the Design Review Panel. The Public Domain Plan shall detail the proposed landscaping, lighting, street furniture, play equipment and treatment along Bridge Road for shared areas (including weather protection and shading for coach users). The flooding and the water sensitive urban design devices for the western and eastern plaza areas (overland flows, pits, bio-retention devices, tree pits and the like) shall not obstruct equitable access and shall seek to be integrated into the public domain and enhance use and enjoyment of such space, to the greatest extent possible.
- (e) Detailed drawings of the roof cassettes, including operability (if proposed).
- (f) Detailed drawings of street level carpark entries, access ramps, service and waste management areas to ensure that all surfaces to these areas are treated in materials equal to the standard of the principle building façade to achieve a high-quality interface with the public domain.
- (g) The enclosure of the undercroft area beneath the western promenade to manage safety and security.
- (h) Detailed drawings incorporating the wind mitigation measures identified in the Pedestrian Wind Environment Study by Windtech, May 2019 or any alternative solutions prepared by Windtech.
- (i) A Final Signage and Wayfinding Strategy
- (j) The modifications as approved under modification application SSD 8925 MOD 1, including:**

- (i) the design of the western plaza
- (ii) materials and colours for the fascia
- (iii) internal and external changes to the building

Final design details are to be submitted to and approved by the Planning Secretary prior to the issue of the relevant Crown Building Works Certificate. A copy of the final design details are to be submitted to Council for information. Details demonstrating compliance with these requirements are to be provided to the Certifier.

4. Schedule 2, Part B – Prior to Commencement of Works/Issue of a Crown Building Works Certificate – Condition B79 is amended by the deletion of ~~struck-out~~ words and the insertion of **bold and underlined** words as follows:

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

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

Prior to the commencement of works, details demonstrating compliance with the above requirements (B67**79** (a)-(j)) must be submitted to the Certifier. A copy of the CNVMP must be submitted to the Certifier, Council and the Planning Secretary.

5. Schedule 2, Part B – Prior to Commencement of Works/Issue of a Crown Building Works Certificate – Condition B81 is amended by the deletion of ~~struck-out~~ words and the insertion of **bold and underlined** words as follows:

B81. Prior to the commencement of works, a Construction Air Quality Management Plan (CAQMP) prepared by a suitably qualified person shall be submitted to the Certifier.

The CAQMP must be prepared in consultation with, and address the relevant requirements of, Council and the EPA. The CAQMP shall address (but not be limited to):

- (a) describe the measures that would be implemented on site to ensure:
  - (i) the control of air quality and odour impacts of the development;
  - (ii) that these controls remain effective over time;
  - (iii) that all reasonable and feasible air quality management practice measures are employed
  - (iv) the air quality impacts are minimised during adverse meteorological conditions and extraordinary events; and
  - (v) compliance with relevant conditions of consent.
- (b) include performance objectives for monitoring dust and ensuring no off-site air quality impacts to nearby residences and businesses;
- (c) includes an air quality monitoring program that:
  - (i) is capable of evaluating the performance of the construction works;
  - (ii) includes a protocol for determining any exceedences of the relevant conditions of consent and responding to complaints
  - (iii) adequately supports the air quality performance objectives; and
  - (iv) evaluates and reports on the effectiveness of air quality management for the construction works.
- (d) details on monitoring weather conditions and communicating changing conditions to the workforce;
- (e) stop work procedures if performance objectives are not being met.

Prior to the commencement of works, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the ~~CPTMP~~ **CAQMP** must be submitted to Certifier and the Planning Secretary.

6. Schedule 2, Part B – Prior to Commencement of Works/Issue of a Crown Building Works Certificate – Condition B92 is amended by the deletion of ~~struck-out~~ words and the insertion of **bold and underlined** words as follows:

B92. Prior to the commencement of works, an Unexpected Contamination Finds Protocol (UFP) prepared by a suitably qualified and experienced expert shall be prepared. The protocol should include detailed procedures for identifying and dealing with unexpected contamination, asbestos and other unexpected finds. The Applicant should ensure that the procedure includes details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved. The UFP must be submitted to the Certifier ~~and EPA~~. The UFP must be implemented for the duration of construction works.

7. Schedule 2, Part B – Prior to Commencement of Works/Issue of a Crown Building Works Certificate – Condition B96 is amended by the deletion of ~~struck-out~~ words and the insertion of **bold and underlined** words as follows:

B96. Prior to the commencement of demolition works, an updated Hazardous Materials Management Plan (HMMP) prepared by a suitably qualified person, shall be submitted to the Certifier. The HMMP must be prepared in consultation with ~~the EPA and~~ SafeWork NSW. The HMMP must:

- (a) ensure the development complies with the NSW Occupational Health and Safety Regulation 2001 and Part 7 of the Protection of the Environment Operations (Waste) Regulation 2014;
- (b) be consistent with Safe Work Australia's codes of practice How to Safely Remove Asbestos 2011 and How to Manage and Control Asbestos in the Workplace 2011;

- (c) identify any known or potential areas of concern on site for hazardous and asbestos containing materials;
- (d) outline the procedures for identification, handling and disposal of hazardous materials;
- (e) include an Asbestos Management Plan;
- (f) ensure that all hazardous materials would be handled and disposed of by suitably qualified and licensed experts in accordance with the relevant guidelines and legislation;
- (g) ensure an induction process is in place for site workers and visitors regarding the identification of hazardous and asbestos containing materials and the formal procedures to be followed if such materials are identified on site;
- (h) include a suitable airborne asbestos fibre monitoring program for all asbestos removal works areas; and
- (i) outline the procedures for validation and inspection following the completion of asbestos removal works and issuing of asbestos clearance certificates.
- (j) be guided by the processes and procedures outlined in the Hazardous Materials Management Plan, prepared by JBS&G, dated 8 April 2020 and the SEPP 33 Assessment, prepared by RiskCon Engineering, dated 18 April 2019

Prior to the commencement of works, details demonstrating compliance with the above requirements (Condition B77~~96~~<sup>96</sup> (a)-(j)) must be submitted to the Certifier. A copy of the HMMP must be submitted to the Certifier, ~~EPA~~, SafeWork NSW and the Planning Secretary.

~~Prior to the commencement of works, a copy of the HMMP must be submitted to the EPA, SafeWork NSW and the Department.~~

**End of modification  
(SSD 8925 MOD 1)**