

Cameron Sargent
Team Leader, Key Sites Assessments
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

10/02/2021

Dear Cameron,

The new Sydney Fish Market Main Works SSD-8925 Modification 2 – Administration Error

I am writing to you to apply to modify the consent to SSD-8925 approved by the Minister for Planning and Public Places on 12 June 2020 for the construction, use and operation of the new Sydney Fish Market at Blackwattle Bay.

INSW seek to modify this consent in accordance with the provisions of Section 4.55(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The modification application seeks to amend condition B52 of the consent as Transport for NSW (TfNSW) have confirmed they are unable to provide approval for the marine structures and construction vessel traffic management plan. Similarly, INSW are requesting amendment of condition B54 to align with SSD-8924 (Concept and Early Works). Further details on the justification for the amendment are contained below. The application seeks to correct these minor errors.

Condition B52 – Marine Structures

INSW are requesting for Condition B52 to be modified:

MARINE STRUCTURES

B52. Prior to the issue of the relevant Crown Building Works Certificate, the detailed design of all marine structures (public pier, waterfront promenade, wharve structures and pontoons) must be submitted to and approved by TfNSW (Maritime). The drawings and specifications are to:

- a) Comply with NSW Maritime's Engineering Standards for Maritime Structures and NSW Maritime's Guidance Note Documentation, AS 4997-2005 Guidelines for the Design of Maritime Structures and AS 3962-2001 Guidelines for Design of Marinas;*
- b) Fully and clearly describe all new works for land below the Mean High-Water Mark and all their components and interconnections;*

-
- c) *Demonstrate the structural components have been designed by a practising structural Civil Engineer and experienced in the design of maritime structures;*
- d) *Include all marine ecological aspects and initiatives within the Marine Ecological Assessment prepared by Ecological Australia dated 2 April 2019, so opportunities to increase marine biology are realised.*
- e) *Include all management and mitigation measures within the Navigation Impact Assessment prepared by Royal HaskoningDHV, dated 20 September 2019.*

As per correspondence in Appendix A, TfNSW has confirmed that they can only provide acknowledgement that they have received all the relevant documentation and certifications under condition B52. TfNSW cannot approve any design engineer plan.

INSW request for the condition to be amended from “shall be submitted to and approved by TfNSW (Maritime)” to “shall be submitted to the satisfaction of TfNSW (Maritime)”

Condition B54 – Construction Vessel Traffic Management Plan

INSW are requesting for Condition B54 to be modified:

CONSTRUCTION VESSEL TRAFFIC MANAGEMENT PLAN

B54. Prior to the commencement of works, a Construction Vessel Traffic Management Plan (CVTMP) prepared by a suitably qualified person shall be submitted to and approved by TfNSW (Maritime) and Port Authority of NSW. The CVTMP must include the management and mitigation measures outlined in the Navigation Impact Assessment prepared by Royal HaskoningDHV, dated 20 September 2019. A copy of the CVTMP must be provided to the Planning Secretary.

As per correspondence in Appendix B, TfNSW has confirmed they would like to align condition B54 of SSD-8925 to B34 of SSD-8924 (Concept and Early Works).

INSW request for the condition to be amended from “shall be submitted to and approved by TfNSW (Maritime)” to “shall be submitted to the satisfaction of TfNSW (Maritime)”.

Conclusion

There are no expected impacts of the modification to the consent to SSDA-8925 as it is to correct a minor error and the development will remain substantially the same development as that originally approved. The proposed modification is considered to be in the public interest.

Yours sincerely,



Humfrey Whitaker

Program Director – Blackwattle Bay

Appendix A – email from TfNSW (Maritime) on Condition B52

From: David Doyle <David.Doyle@transport.nsw.gov.au>
Sent: Thursday, 10 December 2020 1:58 PM
To: Humfrey FWhitaker <hwhitaker@ugdc.nsw.gov.au>
Cc: John Swadling <john.t.swadling@transport.nsw.gov.au>; Joseph Pascuzzo <Joseph.Pascuzzo@transport.nsw.gov.au>; Rory Byrne <Rory.Byrne@transport.nsw.gov.au>
Subject: FW: Maritime Planning Inbox Enquiry - The New Sydney Fish Markets . Development Consent SSD 2895

Hi Humfrey,

See trailing emails from Multiples requesting TfSNW approval under “Condition 52” of the Development Consent.

We can only provide acknowledgement that we have received all the relevant documentation and certifications under this condition. TfNSW cannot approve any design engineer plans/documentation.

Given that INSW are managing the construction under the licence can you ensure that the package of documentations by Multiplex is in order for TfNSW to acknowledge and that INSW are satisfied that the documentation is in line with the Development Consent and this condition.

Regards
Dave

From: Vic Naidu
Sent: Friday, 6 November 2020 11:54 AM
To: maritimeplanning@rms.nsw.gov.au
Cc: Eric Rolls <Eric.Rolls@multiplex.global>
Subject: RE: The New Sydney Fish Markets . Development Consent SSD 2895

Good Morning

Please see below email from the applicant with regard to addressing specific Maritime provided conditions.

Regards

Vic Naidu
Land Use Planner
Planning and Programs
Greater Sydney Division
Transport for NSW

M: 0436 473334

E: vic.naidu@transport.nsw.gov.au

27-31 Argyle Street, Parramatta NSW 2150



From: Eric Rolls [<mailto:Eric.Rolls@multiplex.global>]

Sent: Friday, 6 November 2020 9:02 AM

To: Vic Naidu <Vic.Naidu@transport.nsw.gov.au>

Subject: The New Sydney Fish Markets . Development Consent SSD 2895

Hello Vic and thanks for getting back to me yesterday

Vic, I am the Project Manager representing Multiplex Constructions the builder for the new Sydney Fish Market Project. The development consists of land based works and Marine based works. The condition of consent that I'm am trying to resolve is a Marine oriented.

"Condition B52

Prior to the issue of the relevant Crown Building Works Certificate, the detailed design of all marine structures (public pier, waterfront promenade, wharve structures and pontoons) must be submitted to and approved by TfNSW (Maritime). The drawings and specifications are to:

- a) Comply with NSW Maritime's Engineering Standards for Maritime Structures and NSW Maritime's Guidance Note Documentation, AS 4997-2005 Guidelines for the Design of Maritime Structures and AS 3962-2001 Guidelines for Design of Marinas;*
- b) Fully and clearly describe all new works for land below the Mean High-Water Mark and all their components and interconnections;*

- c) *Demonstrate the structural components have been designed by a practising structural Civil Engineer and experienced in the design of maritime structures;*
- d) *Include all marine ecological aspects and initiatives within the Marine Ecological Assessment prepared by Ecological Australia dated 2 April 2019, so opportunities to increase marine biology are realised.*
- e) *Include all management and mitigation measures within the Navigation Impact Assessment prepared by Royal Haskoning DHV, dated 20 September 2019."*

Are you able to point me in the right direction in relation to a TfNSW(marine) person whom I can contact regarding the condition outlined above.

Thank you and regards Eric Rolls
0416 256 574

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Appendix B – email from TfNSW (Maritime) on Condition B54

From: [David Doyle](#)
To: [Humfrey Whitaker](#); [John Swadling](#)
Cc: [Jennifer Chang](#)
Subject: RE: Maritime Planning Inbox Enquiry - The New Sydney Fish Markets . Development Consent SSD 2895
Date: Monday, February 8, 2021 4:26:04 PM
Attachments: [image002.png](#)

Hi Humfrey,

Happy with the word "satisfaction"

Dave

From: Humfrey Whitaker [mailto:Humfrey.Whitaker@infrastructure.nsw.gov.au]
Sent: Monday, 8 February 2021 3:48 PM
To: David Doyle <David.Doyle@transport.nsw.gov.au>; John Swadling <john.t.swadling@transport.nsw.gov.au>
Cc: Jennifer Chang <Jennifer.Chang@infrastructure.nsw.gov.au>
Subject: RE: Maritime Planning Inbox Enquiry - The New Sydney Fish Markets . Development Consent SSD 2895

Hi David,

Thanks for the response.

Noted on the change to B52.

I just want to double check on the approval of the VTMP.

The proposed wording change to 'shall be submitted to the satisfaction' is in line with the Early works condition for the VTMP (Condition B34). DPIE flagged that they may have accidentally put the wrong wording in the main works condition. So we are surprised TfNSW wants different wording in the Main works condition. The Early works VTMP was reviewed by Drew Jones and consequently he provided his 'satisfaction' with some requested edits.

Can you please confirm TfNSW's 'approval' is required rather than 'satisfaction' for the main works VTMP, and if the appropriate reviewer is Drew Jones.

Thanks,

Humfrey.

From: David Doyle <David.Doyle@transport.nsw.gov.au>
Sent: Monday, 8 February 2021 2:27 PM
To: Humfrey Whitaker <Humfrey.Whitaker@infrastructure.nsw.gov.au>; John Swadling <john.t.swadling@transport.nsw.gov.au>
Cc: Jennifer Chang <Jennifer.Chang@infrastructure.nsw.gov.au>
Subject: RE: Maritime Planning Inbox Enquiry - The New Sydney Fish Markets . Development Consent SSD 2895

Hi Humfrey,

B52 Marine Structures is acceptable to Property.

B54 TMP will still need to go through TfNSW for review and approval.

Dave

From: Humfrey Whitaker [<mailto:Humfrey.Whitaker@infrastructure.nsw.gov.au>]

Sent: Monday, 8 February 2021 1:40 PM

To: John Swadling <john.t.swadling@transport.nsw.gov.au>

Cc: Jennifer Chang <Jennifer.Chang@infrastructure.nsw.gov.au>; David Doyle
<David.Doyle@transport.nsw.gov.au>

Subject: RE: Maritime Planning Inbox Enquiry - The New Sydney Fish Markets . Development
Consent SSD 2895

Importance: High

Hi John,

I'm urgently chasing a response to the below question.

The DA Modification is with DPIE pending approval, but we cannot progress until we receive a response from you.

Can you please confirm the below, or advise current status.

Thanks,

Humfrey.

From: Humfrey Whitaker

Sent: Monday, 1 February 2021 3:29 PM

To: David Doyle <David.Doyle@transport.nsw.gov.au>; John Swadling
<john.t.swadling@transport.nsw.gov.au>

Cc: Jennifer Chang <Jennifer.Chang@infrastructure.nsw.gov.au>

Subject: RE: Maritime Planning Inbox Enquiry - The New Sydney Fish Markets . Development
Consent SSD 2895

Hi David and John,

I believe we haven't heard back from you on the below.

Can you please confirm that:

1. TfNSW agree that Condition B54 *Construction Vessel Traffic Management Plan* should be modified so that TfNSW would not need to approve the CVTMP;
2. Agree with the change to the wording of B52 *Marine Structures* and B54 *Construction Vessel Traffic Management Plan*.

Thanks,

Humfrey Whitaker
Program Director, Projects NSW

P 02 9216 5941 | 0428 964 918

E humfrey.whitaker@infrastructure.nsw.gov.au | www.insw.com

Level 27, 201 Kent Street Sydney NSW 2000



I acknowledge and pay my respects to the traditional owners and custodians on whose land I walk, work and live.

From: Jennifer Chang <Jennifer.Chang@infrastructure.nsw.gov.au>

Sent: Friday, 22 January 2021 10:35 AM

To: David Doyle <David.Doyle@transport.nsw.gov.au>

Cc: John Swadling <john.t.swadling@transport.nsw.gov.au>; Humfrey Whitaker <Humfrey.Whitaker@infrastructure.nsw.gov.au>

Subject: RE: Maritime Planning Inbox Enquiry - The New Sydney Fish Markets . Development Consent SSD 2895

Hi David,

Following on from your below email, it is required for INSW to go through a modification process through the Department of Planning, Industry and Environment to amend the wording of Condition B52 *Marine Structures* so TfNSW will not need to approve the detailed design of the marine structures.

Before we submit the modification I wanted to bring to your attention Condition B54 which requires for TfNSW to approve the Construction Vessel Traffic Management Plan (CVTMP):

CONSTRUCTION VESSEL TRAFFIC MANAGEMENT PLAN

B54. Prior to the commencement of works, a **Construction Vessel Traffic Management Plan (CVTMP)** prepared by a suitably qualified person shall be submitted to and approved by TfNSW (Maritime) and Port Authority of NSW. The CVTMP must include the management and mitigation measures outlined in the Navigation Impact Assessment prepared by Royal HaskoningDHV, dated 20 September 2019. A copy of the CVTMP must be provided to the Planning Secretary.

For both these conditions we would be seeking for the phrase “shall be submitted to and approved” to be modified to “shall be submitted to the satisfaction”.

Can you please confirm that:

1. TfNSW agree that Condition B54 *Construction Vessel Traffic Management Plan* should be modified so that TfNSW would not need to approve the CVTMP;
2. Agree with the change to the wording of B52 *Marine Structures* and B54 *Construction Vessel Traffic Management Plan*.

Please feel free to contact me or Humfrey with any questions.

Regards,
Jen

Jennifer Chang
Development Manager

|
P 02 9216 5790 M 0447 419 962

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