



The new Sydney Fish Market - Stage 2 Modification 2

Correction to Condition B52 and Condition B54
State Significant Development Modification Assessment
(SSD 8925 MOD 2)

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Cover image: Indicative western view of the new Sydney Fish Market (Applicant's EIS SSD 8925)

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Glossary

Abbreviation	Definition
Applicant	Infrastructure NSW
CVTMP	Construction Vessel Traffic Management Plan
Department	Department of Planning, Industry and Environment
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
INSW	Infrastructure NSW
Minister	Minister for Planning and Public Spaces
SFM	Sydney Fish Market
SSD	State Significant Development
TfNSW (Maritime)	Transport for NSW (Maritime Planning)

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1 Introduction

1.1 Background

This report provides an assessment of an application to modify the State significant development (SSD) consent for the construction and operation of the new Sydney Fish Market – Stage 2 (SSD 8925).

The modification application seeks approval to amend Condition B52 in relation to marine structures and Condition B54 in relation to the construction vessel traffic management plan (CVTMP).

The application has been lodged by Infrastructure NSW pursuant to section 4.55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2 The site

The modification application relates to the new Sydney Fish Market (SFM), located at the head of Blackwattle Bay between Pymont Peninsula and Glebe Peninsula (**Figure 1**). It is situated less than 2 km west of Sydney's central business district and is within the City of Sydney local government area.

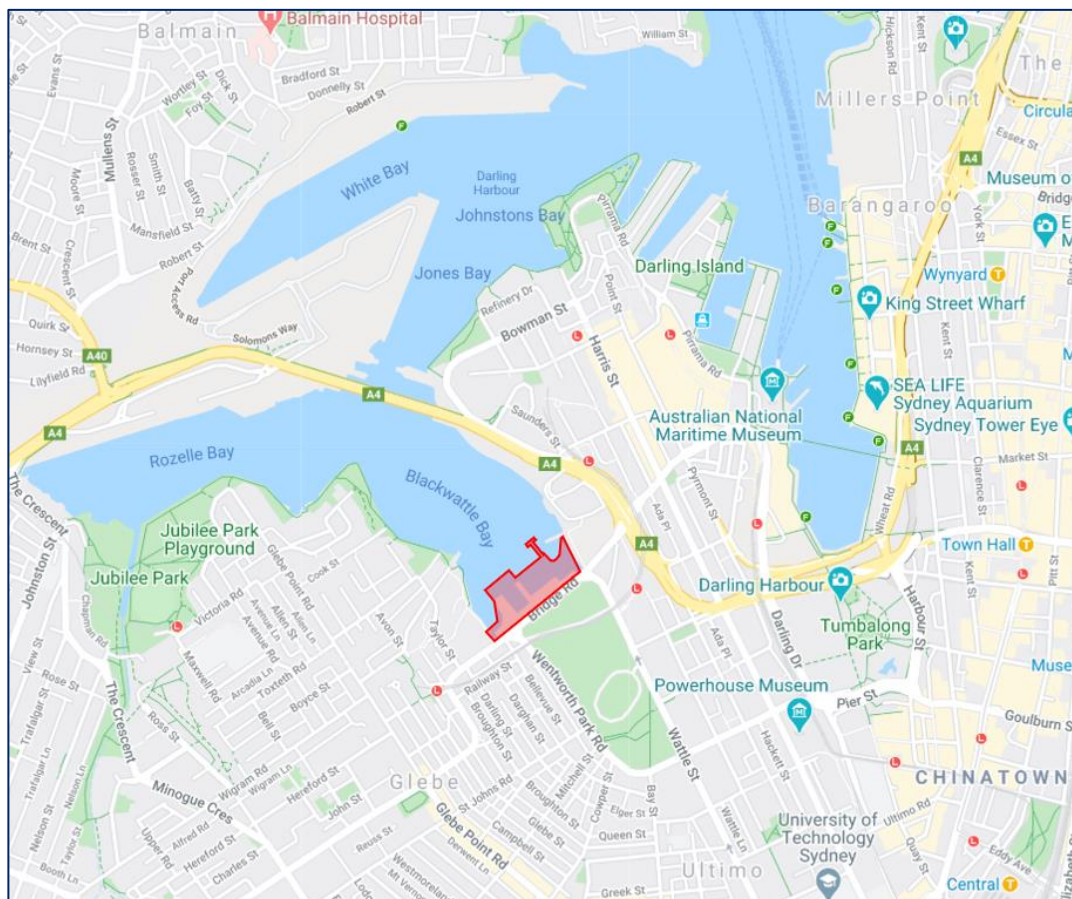


Figure 1 | Site context with the site shaded in red (base source: Nearmap)

1.3 Approval history

On 12 June 2020, the Minister for Planning and Public Spaces approved the development of a new SFM. Consent was granted to two State Significant Development applications, comprising a concept and Stage 1 demolition application (SSD 8924) and a Stage 2 main works application (SSD 8925).

The concept approval and Stage 1 demolition works comprise:

- building envelope for a three-storey building (AHD 28 m)
- maximum GFA of 30,000 m²
- use of the site for a fish market, including waterfront commercial and tourist facilities and ancillary uses
- waterfront structures, including wharves
- public domain, including landscaping and foreshore promenade
- pedestrian, cycle, footpath and Bridge Road works
- Stage 1 works comprising demolition of existing wharves, structures, utilities and services.

The Stage 2 main works comprise the construction, use and operation of a new SFM, including:

- a three-storey (4 levels) building with a GFA of 26,751 m² 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
- subdivision of land

The approved development has not been modified. However, as detailed within **Table 1**, there are currently two modification applications under assessment.

Table 1 | Summary of modifications

Mod No.	Summary of Modification	Approval Authority	Type	Status
SSD 8924 MOD 1	<ul style="list-style-type: none">• amendment to the development footprint of the operational and recreational wharves.• amendment to correct the geometry of the building envelope. This relates to the inclusion of the eastern, western and northern promenade stairs within the building envelope.	Director	4.55(1A)	Under assessment
SSD 8925 MOD 1	<ul style="list-style-type: none">• internal changes, external changes to the facades, re-configuration of the recreational and operational wharfs and amendments to the western plaza.	Director	4.55(1A)	Under assessment

2 Proposed modification

On 11 February 2021, the Applicant lodged a modification application SSD 8925 MOD 2 seeking approval under section 4.55(1) of the EP&A Act, for amendments to Condition B52 and Condition B54, to remove the requirement for approval by TfNSW (Maritime).

The modification application seeks to modify Condition B52 and B54 as follows (words proposed to be deleted are shown in ~~strike through~~ and words to be inserted are shown in **bold and underline**):

Condition B52 Marine Structures

Prior to the issue of the relevant Crown Building Works Certificate, the detailed design of all marine structures (public pier, waterfront promenade, wharf structures and pontoons) must be submitted to ~~and approved by~~ **the satisfaction of** 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.

Condition B54 Construction Vessel Traffic Management Plan

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~~ **the satisfaction of** TfNSW (Maritime) and **approved by** 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

3 Statutory context

3.1 Scope of modifications

Section 4.55(1) of the EP&A Act allows the consent authority to modify a development consent to correct a minor error, misdescription or miscalculation.

Given the proposed changes to the conditions are administrative changes to correct a minor error based on advice received from TfNSW (Maritime), the Department is satisfied the proposed modification is within the scope of section 4.55(1) of the EP&A Act.

3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, the Director, Key Sites Assessments, may determine this application under delegation as:

- a political disclosure statement has not been made
- there are 10 or less public submissions in the nature of objections.

3.3 Consistency with concept approval

In accordance with Clause 3b of Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and other Provisions) Regulation 2017, the Department has considered the proposed modification and is of the opinion the modification remains consistent with the concept development application as the proposed modification simply corrects a minor error.

4 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Assessment and conditions of approval for the original application and the Concept Approval
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act and Regulation

4.1 Amendment to Condition B52 and B54

Condition B52 and Condition B54 requires approval from TfNSW (Maritime) for the design and specification drawings of all marine structures and approval of the CVTMP.

TfNSW (Maritime) confirmed they cannot approve any design plans and/or documentation and acknowledged the wording of the conditions should be amended from 'requiring approval from TfNSW (Maritime)' to 'submitted to the satisfaction of TfNSW (Maritime)'.

The Department considers the proposed changes acceptable as:

- it reflects the advice received from TfNSW (Maritime)
- would allow the Applicant to comply with the condition
- would not change the overall intent or purpose of the original conditions.

The Department therefore concludes the proposed changes are reasonable and acceptable.

5 Evaluation

The Department has assessed the merits of the application in accordance with the relevant requirements of the EP&A Act.

The Department is satisfied the proposed modification simply corrects a minor error based on advice received from TfNSW (Maritime).

Consequently, the Department considers the development is in the public interest and should be approved.

6 Recommendation

It is recommended that the A/Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 8925 MOD 2 falls within the scope of section 4.55(1) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the consent SSD 8925
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



Rodger Roppolo
Senior Planning Officer
Key Sites Assessments

Recommended by:



Cameron Sargent
Team Leader
Key Sites Assessments

7 Determination

The recommendation is **adopted** / ~~not adopted~~ by:

A handwritten signature in black ink, appearing to read 'AWatson'.

Amy Watson

Acting Director

Key Sites Assessments

(as delegate of the 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:

Modification Request

<https://www.planningportal.nsw.gov.au/major-projects/project/41096>

Appendix B – Modification Instrument

The Modification Instrument can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/41096>