

ATTACHMENT A

**PLANNING PROPOSAL:
AMENDMENT TO SYDNEY LOCAL
ENVIRONMENTAL PLAN 2012 –
SYDNEY FISH MARKET –
56-60 PYRMONT BRIDGE ROAD PYRMONT**

PLANNING PROPOSAL

Sydney Fish Market

56-60 Pyrmont Bridge Road, Pyrmont

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Introduction

This Planning Proposal explains the intent of, and justification for, the proposed amendment of *Sydney Local Environmental Plan 2012* to amend the land use table for the B3 Commercial Core zone and the proposed floor space control for the Sydney Fish Market site.

The Sydney Fish Market site at 56-60 Pyrmont Bridge Road, Pyrmont is bounded by the Hymix concrete batching plant to the north, Bank Street to the east, Pyrmont Bridge to the south and Blackwattle Bay to the west. The Market comprises of a number of different buildings and a large at-grade car park. The site is irregular in shape and has an area of approximately 44,000sqm. It has a linear harbour frontage and approximate and a frontage to Bank Street. The site slopes in a south westerly direction towards Blackwattle Bay.

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

Background

The Sydney Fish Market is a significant Sydney Harbour foreshore site on the northeastern foreshores of Blackwattle Bay and partly beneath the eastern approaches of the Anzac Bridge, Pyrmont. The Fish Market has operated at this site since 1966 when it relocated from its previous location in Haymarket. The redevelopment of Blackwattle Bay is an integral link in the development of the wider Bays Precinct which includes White Bay, Rozelle Bay and Johnstons Bay.

The Sydney Fish Market site is leased from the State Government under 50 year lease to Sydney Fish Market Pty Ltd, the shareholders of which include a consortium of merchants and tenants who sell at the market and the NSW commercial fishers and aquaculturists who supply the market.

The market comprises retail and wholesale operations and a large number of tenants. The various uses of the site include an auction hall, wholesaling, processing and distribution, restaurants, takeaway food outlets, ancillary retail and office, ice manufacturing, refrigeration, and a seafood school.

The Bank Street car park located underneath the Western Distributor ramp forms part of the site. This land is owned by the City of Sydney and leased to Sydney Fish Market Pty Ltd. The site is surrounded by major arterial roads including Pyrmont Bridge Road to the east, Jones Street to the north east and the overhead lanes of the Western Distributor and Bank Street to the north. The access driveway of the adjoining the Hymix concrete batching plant adjoin the northern boundary, and the foreshore of Blackwattle Bay forms the south western site boundary. To the east of the site is Wentworth Park. An aerial photograph showing the site boundary is provided at Figure 1 below.

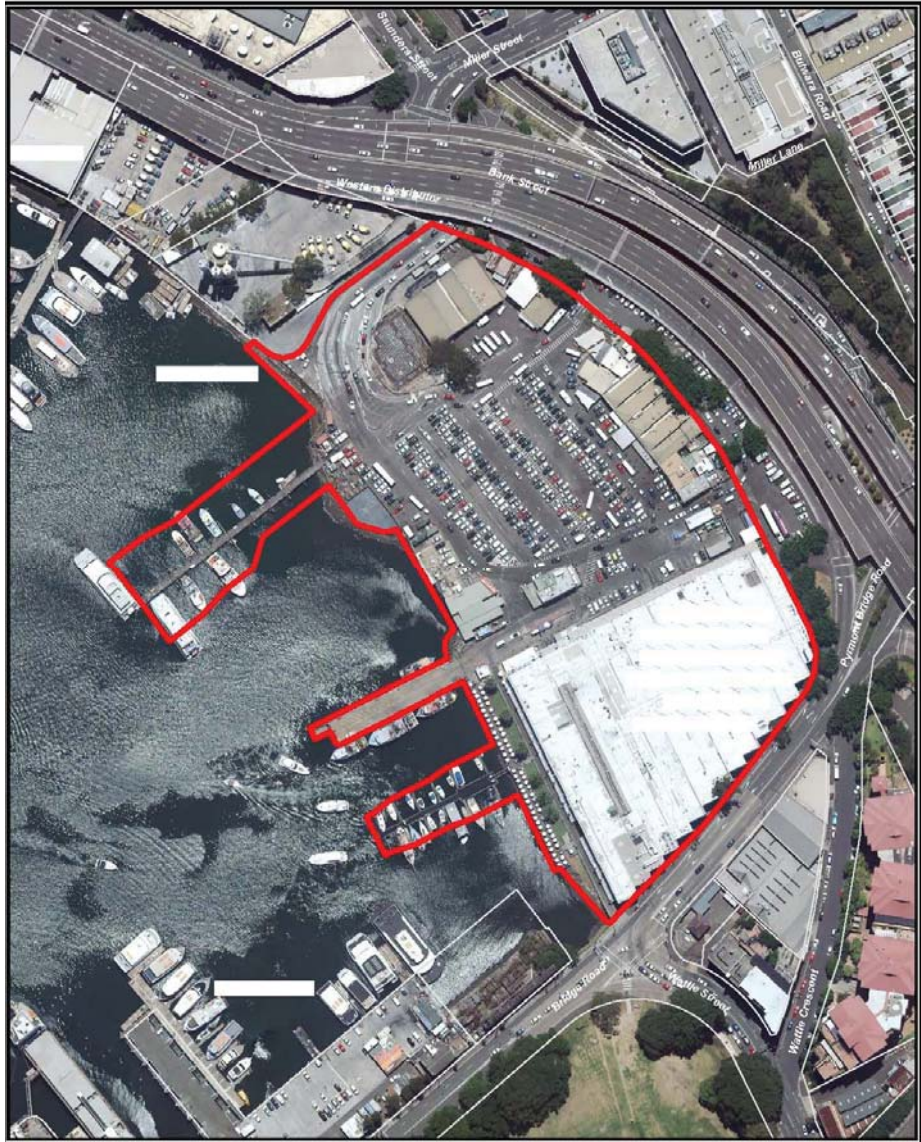


Figure 1 Aerial photo of the Sydney Fish Market Site

Bays Precinct Taskforce

In June 2007 the State Government created the Bays Precinct Taskforce (the Taskforce) to guide and inform the future planning of the Bays Precinct area which covers Glebe Island, Blackwattle Bay (including the Sydney Fish Market site), Rozelle Bay and White Bay. The Bays Precinct area boundary is shown in the aerial photo below at Figure 2.



Figure 2 shows the boundary of the Bays Precinct as highlighted by the yellow border. The Sydney Fish Markets site is part of the Blackwattle Bay area.

The Taskforce was composed of state government representatives but did not include representatives from local government and local Members of Parliament.

To date the City of Sydney's input into the planning process for the Bays Precinct has primarily been via its participation on the Bays Precinct Community Reference Group (CRG). The CRG had the role of providing advice to the Taskforce about the community's needs, aspirations and concerns for the precinct. However, the CRG's focus was limited to White Bay, Glebe Island and the White Bay Power Station.

In response to the Bays Precinct 'Stage 1' consultation facilitated by the Sydney Harbour Foreshore Authority (SHFA), the City of Sydney and the CRG lodged submissions in 2009/2010 advocating a strategic plan, and recommending planning principles for the entire Bays Precinct.

On 19 September 2011 Council adopted the planning principles to guide the City's participation on the Bays Precinct taskforce. The planning principles align with the strategic vision for the area outlined in the City's submission to Stage 1 consultation.

The planning principles aim to ensure that the future planning for the entire Bays Precinct prioritises community facilities, increased public access to the foreshore, increased open space, an appropriate scale of mixed use development to activate the harbour, industrial and maritime heritage preservation, new cultural facilities,

and support for the maritime economy including providing working harbour opportunities.

This Planning Proposal is consistent with the planning principles for the Bays Precinct as recommended by the City in its submission to the Taskforce.

The Planning Controls

The Planning Controls for the Sydney Fish Market have a long history. Under the current planning controls, the consent authority for development on the site is shared between the City of Sydney (for development less than \$10M) and the Minister for Planning and Infrastructure (for development greater than \$10M).

Sydney Fish Market Master Plan 2005 and Concept Plan 2011

Under the provisions of the *Sydney Regional Environmental Plan No.26 – City West* for the Sydney Fish Market site a Master Plan was prepared in June 2005. The Master Plan was prepared in accordance with the guiding principles of *State Environmental Planning Policy No.56 – Sydney Harbour Foreshores and Tributaries* (SEPP 56).

The vision for the site under the 2005 Master Plan is to encourage the commercially viable development of Sydney Fish Market as Australia's premiere seafood centre of excellence that creates a vibrant and unique market atmosphere with Sydney's lifestyle incorporating: working fishing port, wholesale fish market, fresh food retail market, food and beverage outlets and entertaining and stimulating harbour side experience.

The Master Plan sets out requirements for future development in the form of detailed development principles and controls. These aim to encourage development that responds to its context and contributes to the quality of the built environment, the future character of the site and the surrounding Blackwattle Bay locality.

A Concept Plan was approved by the Minister for Planning in May 2011 and provides for the redevelopment of the entire site.

The Concept Plan – being a project application under the former Part 3A of the *Environmental Planning and Assessment Act, 1979* - for the redevelopment of the Sydney Fish Market was granted consent by the Minister for Planning on 30 May 2011. It allows for the following development within the site boundary as shown in Figure 1 above:

- demolition of existing buildings and structures;
- construction of a new four-storey building comprising ground floor retail and wholesale uses and 3 upper levels of car parking spaces with related vehicular ramps (Building A);
- construction of a new two-storey building comprising retail, tavern, restaurant and roof terrace use;
- construction of a new foreshore urban plaza, waterfront promenade and boardwalk;

- parking for 510 patron vehicles and 112 service vehicles across the site;
- provision of internal vehicle service roads and revised intersection at the Sydney Fish Market entry at Bank Street and Miller Street;
- restoration and reconstruction of the heritage sea wall; and
- remediation of land.

Sydney Local Environmental Plan 2005

The *Sydney Local Environmental Plan 2005*, which came into effect in December 2005, carried forward the planning controls for the Fish Market from *Sydney Regional Environmental Plan No. 26 – City West*. The key planning controls included a business zoning (with residential uses prohibited), a floor space ratio (FSR) of 2.5:1 and height controls varying from 14m to 21m.

Sydney Local Environmental Plan 2012

The *Sydney Local Environmental Plan 2012* was made on **xxxxx 2012**. The Sydney LEP 2012 is largely a translation of existing controls in the City's previous planning instruments including those for Pyrmont under *Sydney Local Environmental Plan 2005*.

Land Use Provisions

The Sydney Fish Market site is zoned B3 Commercial Core under the *Sydney Local Environmental Plan 2012*. The primary objective of the zone is 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. The zone permits a wide range of commercial uses and prohibits residential development.

The B3 Commercial Core zone was selected for the Fish Market site and other areas of Pyrmont as it was the most closely-aligned Standard Instrument zone to the previous zoning under *Sydney Local Environmental Plan 2005*. Under the 2005 LEP, all land uses, with the exception of residential development, are permissible providing that they are consistent with the zone objectives. One of the key zone objectives is to "*promote a wide range of uses, particularly business development including tourist, leisure, commercial, retail and office development consistent with Ultimo-Pyrmont's proximity to the Sydney CBD, harbour locations and transport infrastructure*". The B3 zone also seeks to encourage employment opportunities in accessible locations.

Floor Space Ratio Control

Under *Sydney Local Environmental Plan 2012* the site has an FSR control of 1:1 and varying height controls ranging from 15m at the waterfront to 33m in the south-eastern corner. The development controls were intended to reflect the existing Master Plan, the approved Concept Plan and the previous controls from the *Sydney Regional Environmental Plan No. 26* and *Sydney Local Environmental Plan 2005*.

Part 1 – Objectives or Intended Outcomes

The Standard Instrument LEP requires councils to nominate permissible and prohibited land uses in a land use table. In the Sydney LEP 2012 "*warehouse or distribution centre*" is currently prohibited in the B3 Commercial Core zone. The current and future operations at the Fish Market involve warehousing and distribution.

To enable "*warehouse and distribution centres*" to be permitted with consent in Zone B3 Commercial Core in the *Sydney Local Environmental Plan 2012* it is recommended that the term "*warehouse or distribution centre*" is moved from the prohibited development list to the permitted with consent list in the Land Use Table for the B3 Commercial Core zone.

Secondly, in translating the FSR controls in the *Sydney Local Environmental Plan 2012*, a floor space ratio of 1:1 was applied to the site instead of the longstanding control of 2.5:1. This Planning Proposal seeks to amend the FSR control to reflect the existing controls established under the 2005 Master Plan and the *Sydney Local Environmental Plan 2012*.

Part 2 – Explanation of Provisions

This Planning Proposal seeks to address two matters identified by the Department of Planning and Infrastructure in relation to the planning controls for the Sydney Fish Market site.

Land Use Controls

To enable the functions of the Fish Market to continue, the Land Use Table for Zone B3 Commercial Core is to be amended to include "*warehouse and distribution centre*" as a permissible use as shown in bold italics (addition) and strikethrough (deletion) in the land use table below. Under the Standard Instrument LEP, "*warehouse or distribution centre*" means: "*a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made*".

The prohibition of "*warehouse or distribution centre*" was not deliberate on the Fish Market site and as such, this Planning Proposal recommends making this land use permissible with consent in the B3 Commercial Core zone to ensure that the current and future operations on the site are not compromised.

Some of the inconsistencies between the *Sydney Local Environmental Plan 2012* land use table and the land uses envisaged for the site under the Sydney Fish Market Master Plan have occurred as a result of the application of Zone B3 Commercial Core which has also been applied elsewhere in the City of Sydney Local Government Area.

The addition of this use will not have any adverse impacts on the other areas of our Local Government Area zoned B3 Commercial Core. The same zoning is used for the Star Casino and some of the wharf areas on the eastern side of Pyrmont, primarily as a tool to prohibit residential development on these sites consistent with the previous planning controls.

LAND USE TABLE

Zone B3 Commercial Core

1 Objectives of zone

- 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.

2 Permitted without consent

Nil

3 Permitted with consent

Backpackers' accommodation; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Horticulture; Hotel or motel accommodation; Information and education facilities; Light industries; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Sewage reticulation systems; Warehouse and distribution centres, Waste or resource transfer stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Jetties; Mortuaries; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wholesale supplies

Floor Space Ratio control

In translating the FSR controls in the *Sydney Local Environmental Plan 2012*, a floor space ratio of 1:1 was applied to the site instead of the longstanding control of 2.5:1. The application of an FSR of 1:1 is an error and misreading of the existing controls established under the 2005 Master Plan whereby the total gross floor area was compared against the net lettable area.

The previous controls in the *Sydney Regional Environmental Plan No. 26* and *Sydney Local Environmental Plan 2005* clearly show an FSR of 2.5:1. The Master Plan and the approved Concept Plan also clearly state a maximum FSR of 2.5:1.

Part 3 – Justification

Section A – Is the planning proposal the result of any strategic study or report

The Department of Planning and Infrastructure has requested that the City initiate a planning proposal to reinstate the site's FSR from 1:1 to 2.5:1 and to add "warehouse or distribution centre" to the list of permissible uses in the land use table for the B3 Commercial Core zone. These matters were only identified in a late submission to the Department of Planning and Infrastructure prior to the making of the *Sydney Local Environmental Plan 2012*. The Planning Proposal seeks to rectify any inconsistencies between the LEP and the Sydney Fish Market Master Plan and Concept Plan.

Council has been requested to progress this Planning Proposal by the Department of Planning and Infrastructure to ensure that impacts to future development on the Fish Market site are kept to a minimum.

Both of the proposed amendments to the *Sydney Local Environmental Plan 2012* are considered minor and are consistent with the 2005 Master Plan, the approved Concept Plan and the previous planning controls for the site.

Section B – Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The draft Sydney City Subregional Strategy identifies the retail and wholesale function of the Sydney Fish Market.

The draft Subregional Strategy identifies the Sydney Fish Market as an attraction to Sydney residents as well as regional and international tourists. The amendment to the controls to reflect the Sydney Fish Market Master Plan and the Concept Plan approved by the Minister for Planning in 2011 will ensure the continuation of the Fish Market as an important attractor for economic and social purposes.

Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The proposed amendment to the planning controls for the Sydney Fish Market site is consistent with the objectives of the Sustainable Sydney 2030 Strategic Plan. The Sustainable Sydney 2030 Strategic Plan is the vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress.

The redevelopment of the Sydney Fish Market provides an opportunity to realise the many aspects of Sustainable Sydney 2030 Strategic Plan. Of these, the following Directions are relevant:

Direction	Comment	Compatible ✓/x
<p>Direction 1 - A Globally Competitive and Innovative City</p>	<p>The Fish Market will continue to operate as a working fish market combining wholesale and retail functions. The Fish Market/working harbour function and maritime character is unique. The working harbour atmosphere of the Fish Market which is valued by Sydney siders and draws a number of tourists per annum.</p> <p>Permitting warehouse and distribution centres will enable the realisation of the Sydney Fish Market Master Plan to create economic return with working waterfront, vibrancy and diversity of the harbour foreshore and community service obligations.</p> <p>The Sydney Fish Market is unique to Australia and is an important place and contributor to the character of Sydney.</p>	<p>✓</p>
<p>Direction 6 - <i>Vibrant Local Community and Economies</i> recognises and seeks to build on our diverse City communities with diverse lifestyles, interests and needs.</p>	<p>The Sydney Fish Market makes an important contribution to the local and wider economy of Sydney.</p> <p>The redevelopment of the Sydney Fish Market is an integral link in the development of the Blackwattle Bay and the wider Bays Precinct which includes White Bay and Rozelle Bay.</p> <p>Sydney Fish Market has an important place in the social and cultural context of Sydney with the reputation as Australia's premier seafood market and is held in high esteem and greatly appreciated by the local and wider community.</p>	<p>✓</p>

Is the planning proposal consistent with applicable State Environmental Planning Policies?

Not applicable given that *Sydney Regional Environmental Plan No.26 – City West* (deemed State Environmental Planning Policy) does not apply to land covered under *Sydney Local Environmental Plan 2012*.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal has been assessed against each Section 117 Direction as shown in the table below:

1. Employment and Resources

No.	Title	Comment
1.1	Business and Industrial Zones	Consistent The Planning Proposal is intended to introduce "warehouse and distribution centres" as a land use that is permitted with consent use in the <i>Sydney Local Environmental Plan 2012</i> Land Use Table for Zone B3 Commercial Core. The Planning Proposal which seeks to amend the land use table for the B3 Commercial Core zone facilitates the function of the Sydney Fish Market for retail and wholesale operations.
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable

2. Environment and Heritage

No.	Title	Comment
2.1	Environmental Protection Zones	Not applicable
2.2	Coastal protection	Not applicable
2.3	Heritage Conservation	Not applicable
2.4	Recreation Vehicle Areas	Not applicable

3. Housing, Infrastructure and Urban Development

No.	Title	Comment
3.1	Residential Zones	Consistent. The amendment does not change the status of residential development as a prohibited use within the B3 Commercial Core zone.
3.2	Caravan parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrating Land Use and	Consistent

	Transport	The Planning Proposal does not contradict or hinder achievement of the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).
3.5	Development Near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable

4. Hazard and Risk

No.	Title	Comment
4.1	Acid Sulfate Soils	Consistent. The Planning Proposal does not contradict or hinder application of the acid sulfate soils provisions in Sydney LEP 2012.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Consistent. The planning proposal does not contradict or hinder application of the flood prone land provisions in Sydney LEP 2012.
4.4	Planning for Bushfire Protection	Not applicable

5. Regional Planning

No.	Title	Comment
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance - NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway	Not applicable
5.8	Second Sydney Airport – Badgerys Creek	Not applicable

6. Local Plan Making

No.	Title	Comment
6.1	Approval and Referral	Consistent

	Requirements	<p>The planning proposal does not include concurrence, consultation or referral provisions.</p> <p>The planning proposal does not identify any development as designated development.</p>
6.2	Reserving Land for Public Purposes	The planning proposal will not reduce the land available for public purposes on the Sydney Fish Market site.
6.3	Site Specific Provisions	The planning proposal does not contradict the objectives and intent of the 2005 Sydney Fish Market Master Plan and the 2011 Concept Plan for the site.

7. Metropolitan Planning

No.	Title	Comment
7.1	Implementation of the Metropolitan Strategy	<p>Consistent</p> <p>The planning proposal does not contradict or hinder application of the NSW Government's Metropolitan Plan for Sydney 2036, published in December 2010.</p>

Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal is unlikely to adversely affect any critical habitat or threatened species, populations of ecological communities, or their habitats.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

It is unlikely that the proposed amendments to *Sydney Local Environmental Plan 2012* will result in development creating any environmental effects that cannot readily be controlled.

How has the planning proposal adequately addressed any social and economic effects?

The proposed amendments to the land use table for the B3 Commercial Core zone and floor space ratio for the Sydney Fish Market site reflect the existing controls for the site under the Sydney Fish Market Master Plan 2005 and Concept Plan for the site approved in 2011. It also reflects the provisions in the previous controls for the site under *Sydney Local Environmental Plan 2005*. The amendment to the controls will facilitate the orderly and economic use of the land

and the continuation of wholesale activity will complement the future functions of the Bays precinct.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The amendment to the *Sydney Local Environmental Plan 2012* seeks to amend the land use table for the B3 Commercial Core zone and amend the floor space ratio for the site.

The planning of the Sydney Fish Market site has occurred over a number of years. The Concept Plan approved by the Minister for Planning in 2011 and the Sydney Fish Market Master Plan approved in 2005, were prepared in accordance with the requirements of *Sydney Regional Environmental Plan No.26 – City West*. The provisions were carried forward into *Sydney Local Environmental Plan 2005*.

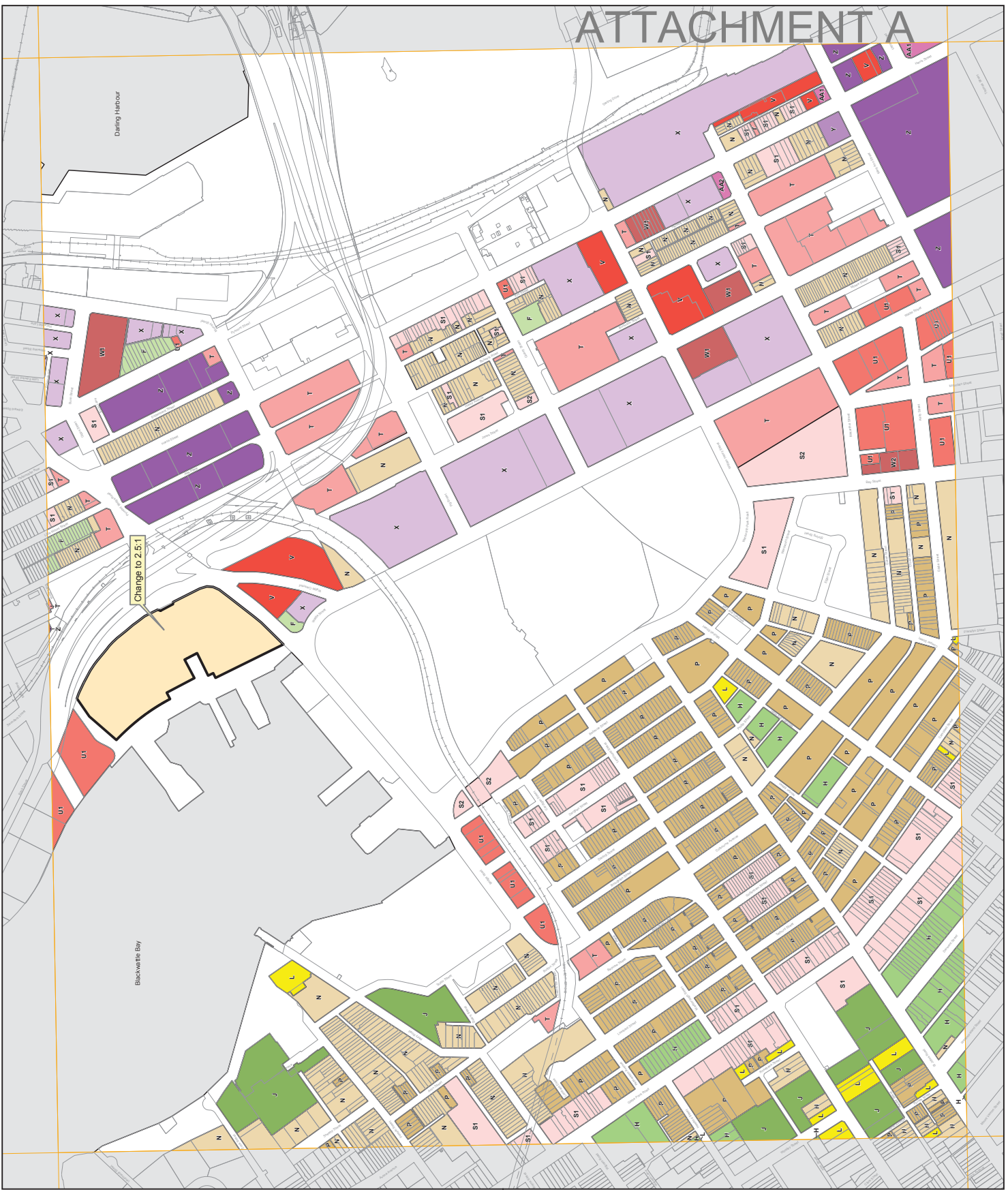
An amendment to *Sydney Local Environmental Plan 2012* to reflect existing controls will not result in additional demand on infrastructure which has already been foreseen during the development of the Master Plan and Concept Plan.

What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

N/A

Part 4 – Mapping

The Planning Proposal seeks to amend the floorspace ratio (FSR) controls from 1:1 to 2.5:1 in the *Sydney Local Environmental Plan 2012*. The Planning Proposal will require an amendment to the Floor Space Ratio Map in the *Sydney Local Environmental Plan 2012* as shown below.



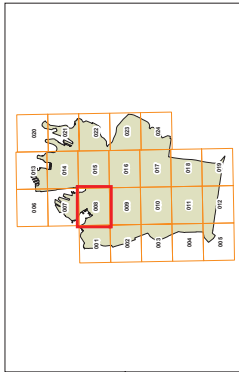
Sydney Local Environmental Plan 2012

Floor Space Ratio Map - Sheet FSR_008

Maximum Floor Space Ratio (n:1)

F	0.6	X	4
H	0.7	Y	4.5
J	0.8	Z	5
L	0.9	AA1	6
N	1	AA2	6.5
P	1.25	AB1	7
S1	1.5	AB2	7.5
S2	1.75	AC	8
T	2	AD	9
U1	2.5	AE	10
U2	2.75	AF	11
V	3		Refer to clause 6.14
W1	3.5		Refer to clause 6.4
W2	3.75		

Change (Yellow box)
Cadastral (White box)
 Cadastre 14/11/2012 © City of Sydney



Scale: 1:5,000 @ A3

0 200 m

Projection: GDA 1984 Zone 56

Map identification number: Z202_COM_FSR_008_005_20121114

Part 5 – Community Consultation

Public Exhibition

This Planning Proposal is to be exhibited for a period of not less than 14 days in accordance with section 4.5 of *A Guide to preparing LEPs*.

Notification of the public exhibition will be:

- on the City of Sydney website; and
- in newspapers that circulate widely in the area (The Sydney Morning Herald and relevant local newspaper)

Information relating to the Planning Proposal will be on display at the following customer service centres:

CBD

Level 2, Town Hall House
456 Kent Street
Sydney NSW 2000

Monday to Friday: 8am to 6pm
Public Holidays: Closed

Tel: 02 9265 9333
Email: council@cityofsydney.nsw.gov.au

Glebe

186 Glebe Point Road (cnr Wigram Road)
Glebe NSW 2037

Monday to Friday: 9am to 5pm
Public Holidays: Closed

Email: council@cityofsydney.nsw.gov.au

Part 6 – Project Timeline

The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval. It is estimated that this amendment to *Sydney Local Environmental Plan 2012* will be completed by mid-July 2013.

