

Sydney Local Environmental Plan 2012 Sydney Fish Market 56-60 Pyrmont Bridge Road, Pyrmont (Amendment to Land Use Table Zone B3 Commercial Core and Floor Space Ratio)

Proposal Title :	Sydney Local Environmental Plan 2012 Sydney Fish Market 56-60 Pyrmont Bridge Road, Pyrmont (Amendment to Land Use Table Zone B3 Commercial Core and Floor Space Ratio)		
Proposal Summary :	The Planning Proposal intends to amend the Sydney Local Environmental Plan 2012 to enable 'warehouse and distribution centre' to be permitted with consent in Zone B3 Commercial Core. The Planning Proposal also seeks to amend the FSR control on the subject land, being the Sydney Fish Market 56-60 Pyrmont Bridge Road, Pyrmont, from 1:1 to 2.5:1. This is to better reflect the existing controls established under the Sydney Fish Market Master Plan 2005 and Concept Plan 2011.		
PP Number :	PP_2013_SYDNE_001_00	Dop File No :	12/xxxx

Proposal Details

Date Planning Proposal Received :	20-Dec-2012	LGA covered :	Sydney
Region :	Sydney Region East	RPA :	Council of the City of Sydney
State Electorate :	SYDNEY	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	56-60 Pyrmont Bridge Road		
Suburb :	Pyrmont	City :	Sydney
		Postcode :	2009
Land Parcel :	The subject lands, Part Lot 1 DP 74155, Lot 2 DP 125720, Lot 1 DP 734622, Part Lot 2 DP 827434, Lot 1 DP 836351 and Part Lot 1 DP 125720, are zoned B3 Commercial Core, with an FSR of 1:1 and Building Height Controls varying from 15m-33m under the Sydney Local Environmental Plan 2012.		

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
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**Sydney Local Environmental Plan 2012 Sydney Fish Market 56-60 Pyrmont Bridge Road,
Pyrmont (Amendment to Land Use Table Zone B3 Commercial Core and Floor Space Ratio)**

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro Sydney City subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.**

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives is considered adequate.**

The Planning Proposal seeks to rectify any inconsistencies between the Sydney LEP 2012 and the Sydney Fish Market Master Plan 2005.

To enable the functions of the Sydney Fish Market to continue, the proposed amendment will permit 'warehouse or distribution centre' with consent in the B3 Commercial Core zone.

In addition the proposed amendment will increase the FSR for the subject site from 1:1 to 2.5:1 in order to maintain consistency with the controls established in the current Sydney Fish Market Master Plan 2005.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions provided is considered to be adequate.**

**Sydney Local Environmental Plan 2012 Sydney Fish Market 56-60 Pyrmont Bridge Road,
Pyrmont (Amendment to Land Use Table Zone B3 Commercial Core and Floor Space Ratio)**

To enable 'warehouse and distribution centre' to be permitted with consent in the B3 Commercial Core Zone, an amendment to the Land Use Table of Sydney Local Environmental Plan 2012 is required.

In addition, to rectify the error under the Sydney Local Environmental Plan 2012 and enable the floor space ratio for the site to be consistent with the controls of the current Sydney Fish Market Master Plan 2005, Council seek to amend the floor space ratio controls for the site from 1:1 to 2.5:1.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

N/A

e) List any other matters that need to be considered :

S.117 Directions

1.1 Business and Industrial Zones

The Planning Proposal is intended to introduce 'warehouse and distribution centres' as a land use that is permitted with consent in the Sydney Local Environmental Plan 2012 Land Use Table for Zone B3 Commercial Core.

The proposed amendment facilitates the continued function of the Sydney Fish Market for retail and wholesale operations. The business zone will be retained and the total potential floor space area for business uses will not be reduced. Therefore the Planning Proposal is consistent with the objectives of this Direction.

3.1 Residential Zones

The proposed amendment does not enable residential development as a permitted use within the B3 Commercial Core. Therefore the Planning Proposal is consistent with the objectives of this direction.

3.4 Integrating Land Use and Transport

The Planning Proposal is consistent with the aims, objectives and principles of Improving Transport Choice- Guidelines for planning and development (DUAP 2001) and The Right Place for Business and Services-Planning Policy (DUAP 2001). Hence it does not contravene the objectives of this direction.

4.1 Acid Sulfate Soils

The Planning Proposal applies to lands with potential for Acid Sulfate Soils, Class 2. However, the proposed amendment is minor as it is rectifying an anomaly regarding the FSR on the site, seeking to amend the FSR from 1:1 to 2.5:1 consistent with the Sydney Fish Market Master Plan 2005. The Planning Proposal does not contravene the objectives of this direction.

4.3 Flood Prone Land

The Planning Proposal is not rezoning flood prone land, it is correcting a minor error by inserting 'warehouse and distribution centre' as permissible with consent under the

**Sydney Local Environmental Plan 2012 Sydney Fish Market 56-60 Pyrmont Bridge Road,
Pyrmont (Amendment to Land Use Table Zone B3 Commercial Core and Floor Space Ratio)**

Land Use Table for Zone B3 Commercial Core and amending the FSR to reflect the current Sydney Fish Market Master Plan 2005. Consequently, the proposed amendment does not contravene the objectives of this direction.

6.1 Approval and Referral Requirements

The Planning Proposal does not include concurrence, consultation or referral provisions. The Planning Proposal does not identify any development as designated development. Therefore, the Planning Proposal is consistent with the objectives of this direction.

6.2 Reserving Land for Public Purposes

The proposed amendment does not reserve land for public purposes on the Sydney Fish Market site. Consequently, the Planning Proposal is consistent with the objectives of this direction.

6.3 Site specific Provisions

The Planning Proposal includes site specific FSR controls. This is of minor significance as the proposed FSR is consistent with the Sydney Fish Market Master Plan 2005 and Concept Plan 2011. The Planning Proposal does not contravene the objectives of this Direction.

7.1 Implementation of the Metropolitan Strategy

The Planning Proposal is consistent with the aims and principles of the NSW Metropolitan Plan for Sydney 2036. Therefore it is consistent with the objectives of this direction.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council have provided the amended Floor Space Ratio Map- Sheet FSR_008 to identify the site with FSR 2.5:1 applying. Please see the attached document.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council propose to exhibit the Planning Proposal for a period of 14 days.

Notification of the public exhibition will be provided:

1. On the Council of the City of Sydney website;
2. Within the local newspapers, including the Sydney Morning Herald and other relevant local papers; and
3. In writing to the owners, the adjoining landowners, relevant community groups and the surrounding community in the immediate vicinity of the site.

All exhibition material will be available for viewing at Council's customer service centres located at the CBD office and Glebe office.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP : **The Sydney Local Environmental Plan (LEP) 2012 was notified on the 14 December 2012.**

Assessment Criteria

Need for planning
proposal :

In the finalisation of the Sydney Local Environmental Plan 2012, a late submission was received identifying an anomaly regarding the Sydney Fish Market site and planning provisions that apply to the subject lands. Consequently, Council have lodged a Planning Proposal to rectify this anomaly.

The Sydney Local Environmental Plan 2012 identifies 'warehouse and distribution centre' as prohibited within the Zone B3 Commercial Core. The Sydney Fish Market site is zoned B3 Commercial Core. The main functions of the Sydney Fish Market Site include retail and wholesale operations with various uses across the site including an auction hall, wholesaling, processing and distribution, restaurants, takeaway food outlets, ancillary retail and office, ice manufacturing, refrigeration and a seafood school. In order for these historical functions of the Sydney Fish Market to continue, an amendment is required to enable 'warehouse and distribution centre' as a permissible use on the site.

Subsequently, the Planning Proposal seeks an amendment to the Land Use Table for Zone B3 Commercial Core to allow 'warehouse and distribution centre' as a permissible use with consent.

Zone B3 Commercial Core is not only applied to the Sydney Fish Market Site. It is also applied to the Star Casino and a number of the wharf areas on the eastern side of Pyrmont, primarily as a tool to prohibit residential development on these sites consistent with previous planning controls. Council has considered the impact of enabling 'warehouse and distribution centre' as permissible with consent across all areas zoned B3 Commercial Core and is satisfied that the amendment would not have any adverse impacts on these areas.

Residential uses are not permitted within the B3 Commercial Core zone and Council has indicated there are no existing residential uses in close proximity to those areas zoned B3 Commercial Core within the Sydney Local Government Area. Consequently, it is considered potential for land use conflicts surrounding those areas zoned B3 Commercial Core is limited.

Any development on the Sydney Fish Market site is subject to the provisions of the Sydney Fish Market Master Plan 2005 and Sydney Fish Market Concept Plan 2011. The Concept Plan was approved by the Minister in May 2011 and provides for the redevelopment of the entire site. Both the Master Plan and Concept Plan identify an FSR of 2.5:1 across the site. The Sydney LEP 2012 identifies an FSR of 1:1. This is an anomaly and is necessary to be rectified.

In order to ensure consistency with the Sydney Fish Market Master Plan 2005 and Concept Plan 2011, the Planning Proposal seeks to amend the FSR for the site from 1:1 to 2.5:1.

These proposed amendments to Sydney LEP 2012 are considered minor and consistent

**Sydney Local Environmental Plan 2012 Sydney Fish Market 56-60 Pyrmont Bridge Road,
Pyrmont (Amendment to Land Use Table Zone B3 Commercial Core and Floor Space Ratio)**

with the previous planning provisions that applied to the site in addition to the Sydney Fish
Market Master Plan 2005 and Concept Plan 2011.

**Sydney Local Environmental Plan 2012 Sydney Fish Market 56-60 Pyrmont Bridge Road,
Pyrmont (Amendment to Land Use Table Zone B3 Commercial Core and Floor Space Ratio)**

Consistency with
strategic planning
framework :

The Planning Proposal is consistent with the objectives and actions of the Sydney City Draft Subregional Strategy and Metropolitan Plan for Sydney 2036.

Sydney City Draft Subregional Strategy:

The Sydney City Draft Subregional Strategy sets Key Directions and Key Actions for the implementation of the Metropolitan Strategy (for the year 2031) at a more local level.

The Sydney City Draft Subregional Strategy identifies the Sydney Fish Market and its key retail and wholesale function. It identifies the Sydney Fish Market as an attraction to Sydney residents as well as regional and international tourists. The amendment to the planning provisions to reflect the Sydney Fish Market Master Plan 2005 and the Concept Plan 2011 will ensure the continuation of the key functions of the Sydney Fish Market as an important attraction for economic and social purposes.

Metropolitan Plan for Sydney 2036:

The Metropolitan Plan for Sydney 2036 is the second blueprint for metropolitan Sydney and replaces the Metropolitan Strategy: City of Cities which was the vision for Sydney for the year 2031.

The Planning Proposal includes minor amendments to ensure that the planning provisions for the Sydney Fish Market site under the Sydney Local Environmental 2012 are consistent with Council's current and approved Sydney Fish Market Master Plan 2005 and Concept Plan 2011.

There are no amendments proposed that would not support the Metropolitan Plan.

The Planning Proposal is consistent with the Council's local strategic plan.

Sustainable Sydney 2030 Strategic Plan:

The proposed amendment to the planning provisions 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 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 1. A Globally Competitive and Innovative City

The Sydney Fish Market will continue to operate as a working fish market combining wholesale and retail functions. Its functions as a Fish Market and working harbour as well as its maritime character are unique. The working harbour atmosphere of the Sydney Fish Market is valued by Sydney-siders and draws a number of tourists annually.

Enabling 'warehouse and distribution centre' as permissible with consent will realise the intent 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. The Sydney Fish Market is unique to Australia and is an important place and contributor to the character of Sydney.

Direction 6. Vibrant Local Community and Economies (recognises and seeks to build on our diverse City communities with diverse lifestyles, interests and needs.

The Sydney Fish Market makes an important contribution to the local and wider economy of Sydney.

The redevelopment of the Sydney Fish Market is an integral link in the development of the Blackwattle Bay and the wider Bays Precinct.

**Sydney Local Environmental Plan 2012 Sydney Fish Market 56-60 Pyrmont Bridge Road,
Pyrmont (Amendment to Land Use Table Zone B3 Commercial Core and Floor Space Ratio)**

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.

The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPPs).

Council considered the Sydney Regional Environmental Plan No. 26- City West in the preparation of the Planning Proposal. However, Council deemed this SEPP not applicable given that it does not apply to land covered under the Sydney Local Environmental Plan 2012.

Council identified 8 s.117 Directions which apply to the Planning Proposal. It is considered that the Planning Proposal is not inconsistent with the s.117 Directions, as discussed earlier.

Environmental social
economic impacts :

Environmental Impacts:

The Planning Proposal does not rezone land. Any development application made as a result of this Planning Proposal would be required to demonstrate that no threatened communities or habitats are affected by the proposed development. Therefore, the Planning Proposal is unlikely to adversely affect any critical habitat or threatened species, populations of ecological communities, or their habitats. Any potential development will need to be in accordance with the Sydney Fish Market Master Plan 2005 and Concept Plan 2011 and hence any environmental effects as a result will be readily managed.

Social and Economic Impacts:

No social or economic impacts are anticipated as a result of the Planning Proposal. The proposed amendments to the Land Use Table for Zone B3 Commercial Core and the Floor Space Ratio for the Sydney Fish Market site reflect the existing Sydney Fish Market Master Plan 2005 and Concept Plan 2011 in addition to the previous provisions of the Sydney Local Environmental Plan 2005.

The amendment to these controls will facilitate the orderly and economic use of the land and the continuation of the wholesale and retail functions of the Sydney Fish Markets, complementing the future functionality of the Bays Precinct.

The proposed amendment to Sydney Local Environmental Plan 2012 to reflect the existing controls will not result in additional demand on infrastructure which has already been foreseen during the preparation of the Sydney Fish Market Master Plan 2005 and Concept Plan 2011.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	6 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d)	Other		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			

**Sydney Local Environmental Plan 2012 Sydney Fish Market 56-60 Pyrmont Bridge Road,
Pyrmont (Amendment to Land Use Table Zone B3 Commercial Core and Floor Space Ratio)**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Sydney Fish Markets Planning Proposal- Council Letter.pdf	Proposal Covering Letter	Yes
Sydney Fish Market Planning Proposal- Planning Proposal.pdf	Proposal	Yes
Sydney Fish Market Planning Proposal- Map Amendment FSR_008.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 6.1 Approval and Referral Requirements
 6.2 Reserving Land for Public Purposes
 6.3 Site Specific Provisions
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the Planning Proposal proceed subject to the following conditions:**

- 1. The Planning Proposal is exhibited for 14 days**
 - 2. The Planning Proposal should be completed within 6 months of the Gateway Determination.**
- The RPA should be advised that:**
- 1. The Planning Proposal is considered to be consistent with the Section 117 Directions and Council does not need to address these further.**
 - 2. No consultation with Public Authorities is required.**
 - 3. No further studies are required to be carried out.**

Supporting Reasons : **The Planning Proposal seeks to amend the Sydney Local Environmental Plan 2012 to enable 'warehouse and distribution centre' as permissible with consent under Zone B3 Commercial Core and to amend the FSR for the Sydney Fish Market site from 1:1 to 2.5:1.**

**Sydney Local Environmental Plan 2012 Sydney Fish Market 56-60 Pyrmont Bridge Road,
Pyrmont (Amendment to Land Use Table Zone B3 Commercial Core and Floor Space Ratio)**

This proposed amendment aims to rectify any inconsistencies between the Sydney LEP 2012 and the existing Sydney Fish Market Master Plan 2005 and Concept Plan 2011.

The Planning Proposal is considered minor in nature, will not reduce land available for business or industrial purposes and ensures the Sydney Local Environmental Plan 2012 is consistent with the approved and current Master Plan and Concept Plan for the Sydney Fish Markets.

Signature:



Printed Name:

Tim Archer

Date:

11/1/13