

12 November 2019

Planning and Assessment
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam

OBJECTION
Development Applications SSD 8924
The new Sydney Fish Market - Concept and Stage 1

The Glebe Society (TGS) is committed to protecting and conserving the heritage, environment and community of Glebe. It was founded in 1969 and has 415 current financial members, and exercises a wider reach within the Glebe and Forest Lodge community.

We have been deeply involved in all prior endeavours to upgrade the Sydney Fish Markets (SFM) on the current site. We have also been involved in many meetings and discussions with the NSW Government over the future of the largely publicly owned Bays Precinct. TGS, along with other community groups, has consistently argued for all redevelopment to be based on sound planning principles.

TGS **objects** to the proposed relocation of the Sydney Fish Market (SFM) for the following reasons:

- NSW taxpayer funds are being expended on a commercial venture instead of on essential infrastructure
- The impact on local traffic and parking
- The inadequacy of the proposed promenade
- The profound risk posed by the chemicals, including heavy metals, in the sediment below the proposed site
- As far as we know, there is no Master Plan for the Bays Precinct to ensure integrated and strategic planning. Consequently an ad hoc approach is continuing without consideration for the implications of other developments
- The development is against the spirit of the pre-existing zoning controls of the Bays Precinct which did not support the Shopping Centre type food precinct, with food halls and restaurants, in the proposed SFM
- There is no persuasive rationale for the relocation of the SFM from its current site. Rebuilding on that site should cost far less than the proposed new constrained and technically challenging site.

Greater detail in relation to these objections follows:

Use of NSW Taxpayer Funds

TGS supports building a new SFM on the current site funded by the private sector, notwithstanding the DA rejects the current site as unacceptable due to the interruption of trading on the existing SFM businesses, and sub-optimal urban design (*E.I.S. clause 1.4, p.3*).

The State Government is effectively underwriting those businesses. TGS notes the minor disruption to the SFM traders due to rebuilding on the current site would be temporary while the disruption that would be experienced by Glebe residents from the new SFM would be serious and permanent.

TGS further notes sub-optimal urban design can be addressed.

NSW taxpayers will be funding the expansion of the SFM into a commercial retail and dining venture, which is not without risk. The current SFM has a floor area of 18,000sqm, including 10,600sqm retail (*E.I.S. 2.7.3 p.20*). The proposed SFM would be nearly twice the size, at approximately 30,000sqm (*E.I.S. 3.5.4, p.30*), with the retail space increasing by 93%. TGS does not believe it is appropriate for taxpayers to bear the cost and risk of building a shopping centre type food hall and dining precinct.

TGS is particularly concerned about the escalation in cost, from the initial estimate of \$250 million to \$750 million as announced on 19 September, 2019. (<https://www.nsw.gov.au/your-government/the-premier/media-releases-from-the-premier/new-fish-markets-a-step-closer/>) Building over the contaminated sediments of Blackwattle Bay, will incur a massive expense, and any failure to contain the contamination would not only be catastrophic for the Bay, it would result in skyrocketing costs that must be borne by NSW taxpayers.

Traffic and parking

The DA states that currently there are three million visitors a year to the existing SFM (*E.I.S. 2.7.3 p.20*), and that this number is expected to double over a ten year period (*E.I.S. 7.5.4 p.122*).

The DA states that 45% to 50% of all journeys to the current SFM are by car (*E.I.S. 7.5.1 p.121*), and forecasts that less than 40% of the six million will travel by car (*E.I.S. 7.5.4 p.123*).

TGS believes the DA is incorrect in its assumptions and notes that the forecast elsewhere that 70% of additional visitor arrivals will be by car (*Appendix 11, Traffic Impact Assessment p.65*).

An inconsistent statement appears on page xix of E.I.S. Executive Summary viz “key intersections in the vicinity of the new SFM site will operate at the same level of service compared to existing conditions”. The plan is to direct traffic to the SFM from the intersection of Wentworth Park and Bridge Roads, which will have traffic signals.

However Figures 75, 76 and 77 within E.I.S. Appendix 11 indicate forecast increases of 16.5% in the AM peak hour, 11.5% in the PM peak hour, and 32.5% in the weekend peak hour at that intersection. Traffic is also forecast to increase at the Bridge Road/Wattle Street intersection by 4.2% in the AM peak hour, 3.0% in the PM peak hour, and 5.0% in the weekend peak hour.

These figures all contradict the assertion that there will be the same level of service.

Traffic heading west on Bridge Road will also be able to access the SFM from a turning lane. But accessing the SFM from Bridge Road will have its problems. Appendix 11, Traffic Impact Assessment, 2.2.2 p. 14 states “The intersection of Bridge Road and Wattle Street may represent a key network constraint in terms of future vehicular access to the new SFM site.”

Despite the forecast increase in visitor numbers, the new SFM will have the same number of parking spaces as the current SFM. The TGS rejects the assertion that the proposed strategies viz. charging market rates for parking, using off-street car parks in close proximity and providing a drop-off bay (*E.I.S. 7.5.5 p.123*) will result in adequate car parking availability.

The DA admits that “On a weekend demand will exceed the available on-site capacity by approximately 80 car spaces between 11.00am and 2.00pm and that during major events (e.g. 35 hour seafood marathon, Easter Friday etc.) parking demand will increase further” (*E.I.S. 3.7.2 p.36*).

The DA projections ignore the increased traffic along Bridge Road. The DA completely dismisses the impact that the new trading hours will have on weekday peak hour traffic conditions, when an estimated additional 400 vehicles will travel on Bridge Road to enter the new car park from 5pm to 7pm.

The TGS believes an inevitable consequence of the limited parking spaces, and the charging of market rates for parking at the SFM (*E.I.S. 3.7.2 p.36*) will be that drivers will park in the surrounding streets of Glebe, where there is free 2 hour parking between 8am and 6pm on weekdays, and unrestricted hours the rest of the time.

Only between 7.5 to 8.2 per cent of seafood sold at the SFM wholesale auction arrives by water, according to then general manager Bryan Skepper (*“Real Estate Deal, Concerns raised about Fish Market Development”, Sydney Morning Herald, January 13, 2019*). The remainder arrives by road.

Appendix 11, clause 4.10.4, p.44, states that, over the course of a typical weekday, heavy vehicles (Gross vehicle mass or aggregate trailer mass of more than 4.5 tonnes) were found to comprise approximately 13% of total traffic entering and exiting the site. These vehicles have the potential to clog Wentworth Park and Bridge Roads, delaying traffic on these already busy roads.

The proposed bike path will be shared with pedestrians. The experience around the Glebe foreshore is that shared paths do not work as pedestrians feel endangered and bike riders chafe at the 10km per hour speed limit. There will only be a shared path in front of the SFM, (*Stage 2, 3.9.3 p44*) with bikes travelling both ways. This assumes most pedestrians will take the promenade, but the reality is many Glebe residents walk into Pyrmont and the city, using the most direct route along the shared path. This is a recipe for accidents.

Currently coaches that deliver many visitors to the SFM park on-site. TGS notes with alarm that at the new SFM it is proposed that “once passengers are dropped off, coaches will be required to park and wait off site on nearby streets.” (*Appendix 11, 8.3.1 p.81*).

It should also be pointed out that due to the lack of master planning, the DA does not take into account the transport needs of the residents of the proposed 4000 apartments that will be built on the current site and along Bank Street, nor those from future developments in Pyrmont/Ultimo and Glebe. TGS strongly disputes the assertion in Appendix 11, 8.3.1 p. 88 that, because the current master plan for Blackwattle Bay “*envisages largely residential uses (with low rates of on-site car parking)... Therefore the volume of traffic generated by future development will be modest and potentially lower than that currently generated by the existing operations.*”

To consider the SFM development in isolation from these factors, shows blatant disregard for best practice in high density urban planning.

The inadequacy of the promenade

For 50 years TGS has fought for access to the foreshores and the development of an accessible foreshore walk. Stage 2 E.I.S. clause 3.9.6 page 47 describes the Glebe foreshore walk as “one of the world’s great waterfront walks”.

The promenade around the front of the SFM involves going up, along and then down two sets of steps. (*E.I.S. 3.5.3, pp. 29 and 30*).

TGS believes that the steps effectively discriminate against people who are reliant on wheelchairs. It will also create difficulties for parents and carers with children in prams, and people with young children riding bicycles, all using the Glebe Foreshore Walk in large numbers.

People using wheelchairs when travelling from Glebe must deviate from Bridge Road to access the lift that will take them up to the next level where they can re connect with the promenade. Those travelling in the reverse direction also need to access a lift down to the next level. This arrangement creates many potential problems for people with mobility impairment, both social and physical, as lifts break down, security risks increase, and most importantly, it is discriminatory.

Stage 2 Appendix 17A, Accessibility Compliance Report, refers to the intention of the Disability Discrimination Act (DDA) 1992 and summarises this as follows: *"The DDA objectives focus on the provision of equitable, independent, and dignified access to services, facilities and premises for people with mobility, sensory and cognitive disability. The DDA makes it unlawful to discriminate against people on the grounds of disability."* 'Premises' is broadly defined under the DDA -Section 23 to include not only buildings but many other aspects of the built environment, including streetscapes and open space areas. (P. 5).

The consultants report also stresses the importance of "Universal Design" (UD) (p.8). *"By considering the diversity of users, the design can integrate accessibility, so functionality and benefits can be maximized, without adding on specialized 'accessible' features that can be costly, visually unappealing and may perpetuate exclusion and stigma."*

TGS believes the current design of the promenade is not equitable, and that it appears to contravene the DDA. TGS objects to such a significant walk going through a building under the control of the SFM management. TGS also fears the SFM management could close the walk down if there were safety or security concerns.

The risk of chemical contamination

TGS fears that disturbing the chemical load, including heavy metals, in the sediment under the proposed building, could have a devastating effect on the biodiversity of Blackwattle Bay.

We dispute the findings of Eco Logical Australia (E.I.S. 7.7.1 p. 132) that the aquatic environment surrounding the site had limited biodiversity.

Becky Morris, in her 2016 PhD Thesis, Retrofitting Biodiversity, (unpublished PhD, available at the University of Sydney library) identified 26 fish species and over 50 other organisms, including oysters, shrimp, limpets, sponges and algae. We oppose any move that would threaten this biodiversity.

The Stage 1 DA states: *"Heavy metal, PAH (polycyclic aromatic hydrocarbons) and TRH (total petroleum hydrocarbon) contaminated sediments have been identified within the extent of the development site that were reported to exceed both low and high trigger value sediment quality guidelines protective of ecological communities."* (E.I.S. 7.10.3 p. 156).

The heavy metals that exceed the high trigger values include Mercury, Lead, Zinc, Copper and Nickel, while Arsenic was also found (Appendix 4, Figure 4B). The site also has *"a high probability of acid sulphate soils within the benthic sediment. These soils can cause harm to marine flora and fauna if disturbed, exposed to oxygen, and then resubmerged."* (E.I.S. 7.7.1 p. 132).

Further, the DA states *“it is recommended that further site investigation activities be undertaken prior to the commencement of any works that will result in disturbance of the sediments”* (E.I.S. 7.10.3 p.157). It is clear that the extent of the contamination, and the threat it poses, are not fully understood.

Although there are plans to contain any contamination, any escape would threaten the biodiversity of the Bay and incur significant expense to remediate it. We consider this a strong enough reason to abandon the proposed SFM and to rebuild on the current site.

Zoning

The existing SFM has a Gross Floor Area (GFA) of approx. 18,000m² of which 10,600m² is ground floor retail and auction rooms (E.I.S. 2.7.3. p.20).

The proposed SFM will have a GFA of up to 30,000m² (E.I.S. Executive Summary p. xvi). There is to be a 93% increase in retail space compared to the existing SFM, (Traffic Impact Assessment Appendix 11, page 62) such that the primary use of the SFM is for retail and entertainment dining when assessed against allocation of area and the spread of trading hours.

Portion of the proposed SFM is to be built on the site zoned Waterfront Use, Sydney Regional Environmental Plan No 26 - City West (SREP 26) and TGS rejects the assertion that the new facility meets (or is consistent with) the objectives of the zoning as detailed on Page 81 and 82.

TGS further rejects the assertion that the development proposals are consistent with the aims of Sydney Regional Environmental Plan (Sydney Harbour Catchment 2005) as detailed in E.I.S. Table 9, commencing page 92. In particular TGS strongly rejects any consistency with the following clauses:

Clause 2(1)(a)(1) – *as an outstanding natural asset,*

Clause 2(1)(f) – *to ensure accessibility to and along Sydney Harbour and its foreshores,*

Clause 2(1)(g) - *the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity,*

Clause 2(2)(b) - *the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores,*

Clause 2(2)(c) - *protection of the natural assets of Sydney Harbour has precedence over all other interests.*

Put bluntly, the interests of the private businesses within the existing SFM and speculative Government practices have been placed well ahead of the public good. There is the opportunity to finally restore the natural foreshore, as far as is possible, and to continue in a style that is contiguous with the Glebe foreshore walk, thus continuing one of the world best natural foreshore walks.

The lack of a master plan

There is still no master plan for the area.

Throughout the DA, reference is made to the Bays Precinct Sydney Transformation Plan. This has effectively been trashed by the take-over of the Rozelle Railways (formerly slated for housing and public space), by Westconnex, the expansion of the Super Yacht facility on Rozelle Bay that blocks the planned waterfront walk, the planned Glebe Island Multi-User facility and the adjacent aggregate handling and concrete batching facility.

TGS rejects any suggestion that it is necessary to finalise the relocation of the SFM before master planning of the Bays Precinct can occur.

Loss of natural amenity

The new building will be 238 metres long and 25.5 m high. As such, it will completely block the view of the Bay from almost the entire length of Wentworth Park.

The importance of retaining and enhancing views of the water, particularly from public places, is reiterated in the DA, including:

- E.I.S. Table 4 p. 82, Consistency with Zone Objectives of SREP26 - Objective: *“to create, retain and enhance views and links between Wentworth Park and the foreshores of Blackwattle Bay”*;
- E.I.S. Table 12. P. 97 - *Matters for consideration for Foreshores and Waterways area, No 26 Maintenance, protection and enhancement of views “(a) development should maintain, protect and enhance views (including night views) to and from Sydney Harbour (b) development should minimise any adverse impact on views and vistas from public places; and the DA states the first priority is “Views from the public domain (principally streets, parks and waterways)”*. (EIS Stage 1 clause 7.3.2. p. 117)

The Stage 1 DA asserts: *“the proposal will allow for greater views of Blackwattle Bay...from the proposed public domain area. Currently these areas are not accessible as a result of the concrete batching plan and the former Jones Coal Loader.”* (E.I.S. 7.3.3 p.118).

A quick visit to Wentworth Park would reveal this statement to be categorically untrue: there are more than glimpses of the Bay from the concrete batching plant, and the Bay is clearly visible past sections of the old Jones coal loader site, views that would be completely blocked by the proposed SFM.



Hymix Concrete. The tower on the left is the height of the proposed SFM.



Hymix concrete, and the former site of Blackwattle Bay Marina. The Bay is clearly visible. The new SFM would be the height of the tower at Hymix and block the entire view.

DA conditions

No matter the eventual location of the SFM, the DAs must be subject to conditions that address the livability needs of neighboring residential areas and must include but not limited to:

- Unrestricted 24 hour foreshore access to all people regardless of ability
- Measurable noise controls from 10pm to 7am, 7 days per week

- Odour control system 24/7
- Lighting and security management to prescribed levels
- Identified and negotiated off street parking facilities for waiting coaches
- Public Domain management (including any plazas) not to allow hiring or letting of facilities to third parties for commercial gain
- A permanent passenger ferry service be operable during all retail trading hours

TGS requests that the SFM to be redeveloped on its current site, and for the foreshore of Blackwattle Bay along Bridge Road to be restored, as far as is possible, and opened to the public.

Finally

The future of the SFM, as outlined in the DAs, is reliant on two factors: the continued supply of fresh fish, and the growth in tourism from China.

According to the SFM 2018 Annual Report

(<https://www.sydneyfishmarket.com.au/Portals/0/adam/Content/eaTuDOL05Ee7JrTucVGbKw/ButtonLink/SFM%20Annual%20Report%202018.pdf>), the auction volume of fish in 2017/18 fell by 1,013 tonnes to 11,443 tonnes compared to the previous year. The report stated almost all of the fall was attributable to NSW, which was down 21%. This fall was due to the downturn in catches in the north of the state due to the drought. NSW supplied 52.8% of product volume in 2017/18. Supplies from Queensland and New Zealand fell in the fourth quarter. (p. 26)

The continuation/recurrence of drought, climate change and increased fishing will all place pressure on fish stocks and availability into the future.

Recommendation 1

The NSW State Government does not proceed with the relocation of the SFM to the new site, for the reasons listed above.

Recommendation 2

The SFM to be redeveloped on its current site, and for the foreshore of Blackwattle Bay along Bridge Road to be restored, as far as is possible, and opened to the public. We believe this presents a wonderful opportunity to improve the amenity and landscape of a heavily populated area, and to greatly improve the quality of the lives of those who reside there and those who visit.

Yours faithfully



Brian Fuller
President
The Glebe Society