

SSD Ref: SSD 8925

13 November 2019

Jim Betts  
Secretary  
Department of Planning, Industry and Environment  
GPO Box 39  
SYDNEY NSW 2000

Attention: Rodger Ropollo

Dear Rodger

**OBJECTION TO SSD 8925  
THE NEW SYDNEY FISH MARKETS, STAGE 2 MAIN WORKS DA**

**1. INTRODUCTION**

This submission is made by Mirvac Real Estate (Mircvac). Mirvac is one of Australia's leading property groups and has created some of Sydney's most innovative, contemporary and world class communities and developments. They are also the owners and managers of nearby retail centres including the Broadway Shopping Centre, the Tramsheds at Forest Lodge and Harbourside at Darling Harbour.

This submission responds to the new Sydney Fish Markets Stage 2 Main Works Development Application (DA) (SSD 8925) that is currently on public exhibition. Mirvac is supportive of the provision of a new cultural and tourism anchor within Blackwattle Bay, the upgrade of the fish market facilities and the iconic design of the proposed building. However, Mirvac has concerns with the proposed quantum of retail floorspace, the lack of specific controls and the significant deficiency in the justification relating to the retail floorspace provision within the proposed development.

On review of the documentation provided with SSD 8925 and based on Mirvac's significant experience, the key concerns that are raised with the proposal are as follows:

- The proposal does not demonstrate how the proposed uses are consistent with the objectives within the 'Waterfront' zone under the SREP 26; and in this regard that the proposed 'ancillary' uses are 'permissible'.
- The proposal does not outline what functions of the development relate to the waterfront commercial and tourist facilities and how the proposed development is a new cultural and tourism anchor for Blackwattle Bay and not a shopping centre with traditional convenience components.
- The preparation of the Concept and Stage 1 Development Application and this concurrent Stage 2 Main Works DA in isolation of the Bays Market District Masterplan process is extremely premature, as the full and cumulative extent of the potential impacts of the redeveloped Precinct cannot be truly considered.

- The EIS and technical supporting documentation does not provide any the economic justification for the provision of the proposed quantum of retail floorspace and does not assess the potential impact of the proposed retail floorspace on the surrounding retail hierarchy.
- No other State significant retail developments have been assessed in the absence of an Economic Impact Assessment.
- The EIS and other technical supporting documentation does not address clause 7(f) of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*, which requires among other things the justification of the development having regard to economic and social considerations.

These key concerns are discussed further in **section 2**.

## 2. GROUNDS OF OBJECTION

**The proposal does not demonstrate how the proposed uses are consistent with the objectives within the 'Waterfront Use' zone under the SREP 26**

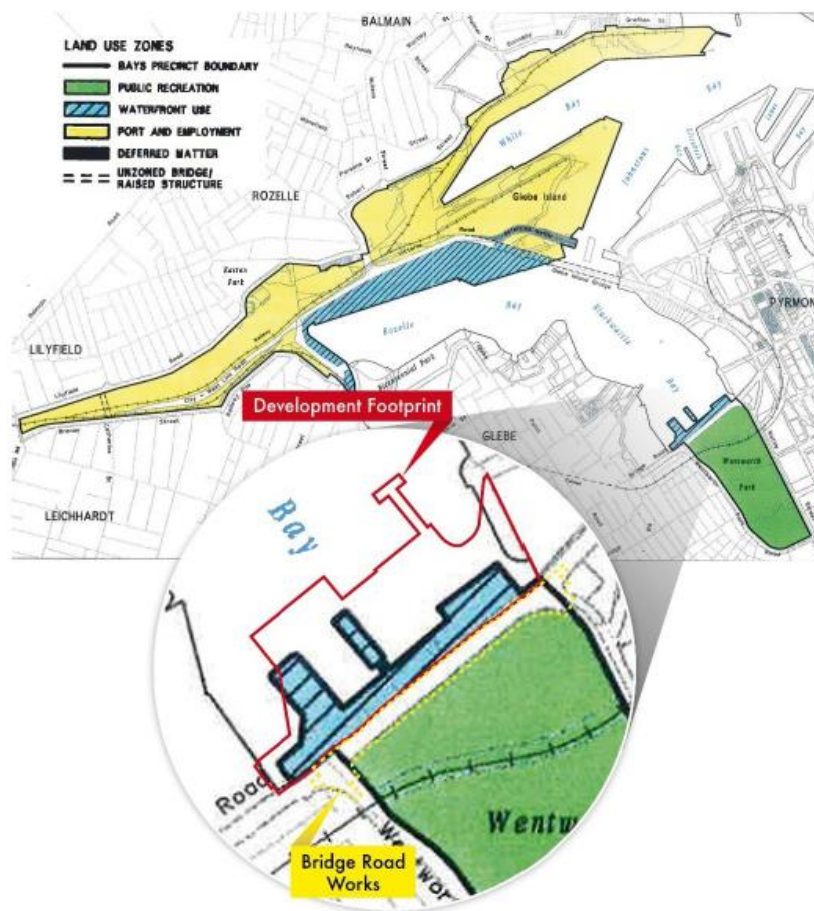
The EIS identifies (refer to **Figure 1**) that the majority of the land-based portion of the site is zoned 'Waterfront Use' under the Sydney Regional Environmental Plan No.26 City West (SREP 26). The residual part of the land-based development site is included within the existing Sydney Fish Market site and is zoned B3 – Commercial Core under the Sydney Local Environmental Plan 2012 (Sydney LEP 2012).

Within the Waterfront Use Zone under SREP 26 *“only uses which the consent authority is satisfied are generally consistent with one or more of the zone objectives are permissible within this zone”*.

The objectives of the Waterfront Use Zone are as follows:

- *To provide for development of water-based commercial and recreational activities, including facilities for the servicing, mooring, launching and storage of boats, and*
- *To allow for a range of commercial maritime facilities (such as boating industry facilities, marinas, waterfront service operations, waterfront commercial and tourism facilities and uses associated with the servicing, temporary mooring, launching and storage of boats and uses ancillary to these), which will take advantage of the harbour location, and*
- *To provide public access within and across the zone and to facilitate the extension of the Ultimo-Pyrmont foreshore promenade from Blackwattle Bay to Rozelle Bay and link with public access networks surrounding the precinct, and*
- *To create, retain and enhance views and links between Wentworth Park and the foreshores of Blackwattle Bay.*

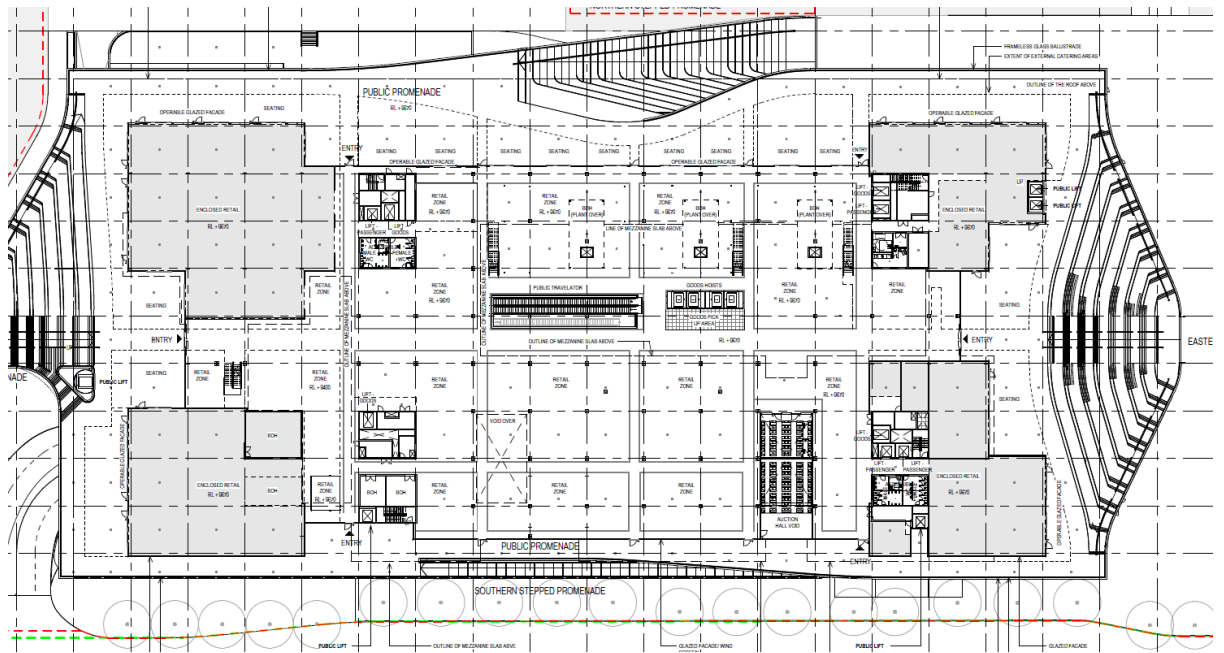
The first two objectives are key in setting the vision for the type of development that should be permitted on the land. It is clear from the objectives that development should be of a water-based/ waterfront commercial and recreational nature that incorporates uses that serve the primary use, together with relevant ancillary uses. Indeed, media releases by Infrastructure NSW and the former Urban Growth Development Corporation, pitch the development as *“a new cultural anchor for Blackwattle Bay”*, that is *“an authentic working fish market and an inspiring icon on Sydney's world-renowned harbour”*.



**Figure 1** Extract from the EIS – City West SREP land use zoning map

Notwithstanding the intended vision for the development, the Stage 2 Main Works DA seeks approval for inter alia;

- the construction of a new Sydney Fish Market building for wholesale facilities and auction rooms, offices and commercial space, Sydney Seafood School, retail premises including food and beverage premises (with potential for liquor licenses), back-of-house facilities and car and delivery vehicle parking;
- a total floorspace of 26,751m<sup>2</sup> comprising indicatively of 11,110m<sup>2</sup> of fish market operations, 4,100m<sup>2</sup> of retail uses, 8,000m<sup>2</sup> of food and drink premises uses, 800m<sup>2</sup> for the Sydney Seafood School and 2000m<sup>2</sup> commercial premises; and
- an upper ground floor layout as indicated in **Figure 2**, that has no definitive allocated uses and could easily be amended post-approval to combine the 'enclosed retail' areas and facilitate a more traditional everyday convenience retail tenant.



**Figure 2 Extract of the Upper Ground Floor retail layout from the Stage 2 Architectural Drawings Package**

Mirvac's key concern therefore is that the proposed quantum of 12,100m<sup>2</sup> of retail premises floorspace (including food and drink premises) as included within the Stage 2 Main Works DA cannot be classified as 'ancillary' to the waterfront commercial and tourist facility use, as it represents 48% of the total proposed floorspace within the building. This is a significant proportion.

In this regard, the EIS and the technical supporting documents do not demonstrate:

- how the proposed development is a new cultural and tourism anchor for Blackwattle Bay and not a shopping centre with the potential to provide a significant quantum of traditional everyday convenience floorspace;
- the proposed quantum of retail premises floorspace is ancillary to the primary use, as the breakdown of uses within the EIS is indicative only and ultimately provide 48% of the total floorspace in any event;
- the economic justification for the provision of the proposed quantum of retail floorspace; and
- the impact of the proposed retail floorspace on the surrounding retail hierarchy.

In our view, without this critical analysis and justification, the EIS and the supporting documentation is significantly deficient in its demonstration of how the proposed uses are consistent with the objectives within the 'Waterfront Use' zone under the SREP 26 and accordingly that the proposed development is 'permissible'.

**The proposal does not provide any economic justification and does not assess the impact of the proposed quantum of retail floorspace**

It is noted that the new Sydney Fish Markets site falls within the The Bays Market District, which is currently being investigated as a State Significant Precinct. It is understood that Infrastructure NSW will consult the community on the masterplan options in 2020. The Study Requirements for Bays Market District (the Requirements) identifies the key requirements that must be addressed and considered in regard to a new planning framework for the Bays Market District. Importantly, Section 19 of the Requirements necessitates the following to be undertaken in regard to economic development, local retail and services:

- *Prepare and analyse the local economic and employment profile for the precinct and local area;*
- *Analyse the economic development, local employment and local retail and services needs to support the development and economic sustainability of the precinct, ensuring a highly walkable precinct with a high degree of containment, its future community and relevant local and regional centres;*
- *Identify the quantum of floorspace required to support economic development, local retail and service provision;*
- *Develop a strategy to deliver strategically important uses, through market delivery combined with targeted interventions where market delivery will not satisfy identified needs;*
- *Consider the role of the precinct in terms of employment, retail, local services and other economic generating land uses within the local and regional context including nearby local centres such as Ultimo, Pyrmont, Glebe and Broadway.*
- *Identify measures to ensure the development of the precinct meets the economic development, local employment and local retail and service needs of the community and supports the economic development of neighbouring centres. This is to consider the difference service, business and employment needs of groups within the community.*
- *Provide recommendations to inform planning control on the quantum of retail, service and employment floorspace needed to meet the needs of the vision and objectives of the project.*

As noted in Section 1.3 of the EIS, the concurrent Concept and Stage 1 Development Application has been prepared and submitted to meet the requirements for a 'masterplan' as outlined in Clause 40 of SREP 26.

In Mirvac's view, the preparation of the Concept and Stage 1 Development Application and this concurrent Stage 2 Main Works DA in isolation of the Bays Market District Masterplan process is extremely premature, as the full and cumulative extent of the potential impacts of the redeveloped Precinct cannot be truly considered.

Furthermore, Mirvac is extremely concerned therefore that given the Concept and Stage 1 Development Application is purported to be a 'master plan of sorts' for the new Sydney Fish Market site, neither that nor the Stage 2 Main Works DA address any of the economic development, local retail or services requirements that the 'masterplan' for the Bays Market District is required to address and does not provide any economic impact or retail impact assessment to justify the proposal.

No other State significant retail development has been assessed in the absence of an Economic Impact Assessment or an assessment of the potential impacts upon nearby retail centres and the fine grain food and beverage offer within Glebe village, Glebe High Street, Pyrmont and Ultimo.

In consideration of this, Mirvac considers that the EIS and other technical supporting documentation does not address clause 7(f) of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*, which requires among other things the justification of the development having regard to economic and social considerations.

### 3. CONCLUSION

Mirvac Real Estate objects to SSD 8925. Specifically, the following matters are of significant concern to Mirvac regarding the process that has been adopted by Infrastructure NSW and the quality of the documentation provided to support the Stage 2 Main Works DA for the new Sydney Fish Markets:

- The proposal does not demonstrate how the proposed uses are consistent with the objectives within the 'Waterfront' zone under the SREP 26; and in this regard that the proposed 'ancillary' uses are 'permissible'.
- The proposal does not outline what functions of the development relate to the waterfront commercial and tourist facilities and how the proposed development is a new cultural and tourism anchor for Blackwattle Bay and not a shopping centre with traditional convenience components.
- The preparation of the Concept and Stage 1 Development Application and this concurrent Stage 2 Main Works DA in isolation of the Bays Market District Masterplan process is extremely premature, as the full and cumulative extent of the potential impacts of the redeveloped Precinct cannot be truly considered.
- The EIS and technical supporting documentation does not provide any the economic justification for the provision of the proposed quantum of retail floorspace and does not assess the potential impact of the proposed retail floorspace on the surrounding retail hierarchy.
- No other State significant retail development has been assessed in the absence of an Economic Impact Assessment or an assessment of the potential impacts upon nearby retail centres and the fine grain food and beverage offer within Glebe village, Glebe High Street, Pyrmont and Ultimo.
- The EIS and other technical supporting documentation does not address clause 7(f) of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*, which requires among other things the justification of the development having regard to economic and social considerations.

Accordingly Mirvac recommends that:

- The proponent undertake economic and retail impact assessments in line with those set out within the Study Requirements for Bays Market District masterplan;
- The quantum of retail floorspace proposed within the development be reduced to ensure that the proposed development is truly a waterfront commercial and tourist anchor or Blackwattle Bay; and
- The Concept and Stage 1 Development Application provide capped floorspace figures for the different types of retail uses proposed in line with the following:
  - 4,000m<sup>2</sup> of food and beverage floorspace within the entire development;
  - 2,000m<sup>2</sup> of floorspace for 'shops' (excluding the wholesale and auction operations on the ground level); and
  - a specific provision is included within the Stage 2 Main Works DA that does not allow supermarket uses within the proposed development.

Mirvac reserves the right to make a further submission concerning the proposal, prior to the determination of the application.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'B. Rollo', with a stylized, cursive script.

Ben Rollo  
Asset Director  
Mirvac Retail Sub SPV Pty Ltd