

Ms Carolyn McNally
Secretary
NSW Department of Planning &
Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Karl Fetterplace
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RE: MP 11 0001, Maritime facility (former Sydney Heritage Fleet) -Modification 3, Bank St Pyrmont

The Glebe Society is pleased to provide its objections to the above request for modification of the current development approvals at the Bank St site to allow a change of use to a harbor cruise business and for associated on land changes.

The Glebe Society has made no reportable political donation in the last two years.

1. Summary

This application is put forward by UrbanGrowth NSW as proponent. It seeks approval:

“to modify the design of the dry land works (with the proposed buildings contained within the approved building footprint) and a change of use to that approved. This will facilitate the accommodation of harbour cruise businesses within Blackwattle Bay, space for which is limited in Sydney Harbour. Public access to the foreshore will remain a priority.”

While this statement of objective makes generic reference to the accommodation ‘of harbor cruise businesses within Blackwattle Bay’ this ‘modification’ is sought by UrbanGrowth to accommodate the relocation of All Occasion Cruises (operated by Blackwattle Bay Marina Pty Ltd) currently located on Pyrmont Bridge Road in Blackwattle Bay.

The Glebe Society strongly opposes this application for a ‘modification’ to the approved uses of the Bank street site.

Our members are concerned that residents in the vicinity of Banks street will suffer significant amenity problems (eg: loss of promised parkland, noise, rubbish, parking and traffic) should this proposal be approved.

We consider their concerns as to amenity and related problems strong validity and support their objection to the proposed modification on these grounds.

The Glebe Society also strongly objects to this modification proposal on a number of other grounds that are of concern to the broader public:

- The proposal unwarrantedly privileges private commercial interests over legitimate public interest – noting that the land and water involved are publicly owned assets and the land currently zoned ‘public recreation’.
- the proponent has blatantly breached the DG’s requirement for ‘effective and genuine consultation’- and its own very public commitments to full and transparent community consultation
- the proposed changes to the existing approved uses are major and cannot be considered as a modification
- the proposed new uses are inconsistent with previous commitments of Government, and most recently UrbanGrowth NSW, in relation to public access and use of this site
- recent history of the development of the nearby Sydney Super Yacht Marina –(originally a public owned and operated short term facility for the 2000 Sydney Olympics and now a greatly extended private business with a very long lease held by a trust on behalf of Lendlease) - demonstrates that ‘temporary’ loss of a public asset provides little surety that it will not be virtually permanent. In that context we note that the tenant’s existing lease has close to 30 years before expiry.
- it is clear that the proposed relocation of a major commercial harbour cruise operation to this site will block, or highly compromise, the long promised provision of public access via a continuous public foreshore promenade.
- the operation of the Harbour cruise business from this site will pose dangers for longstanding recreational rowing and dragon boat activities in the Bays – noting the extreme shortage of remaining safe sites in the Harbour for such activities
- the failure to test with the community possible viable alternative sites is a major failure in the planning and consultation process.

We offer more detailed comment on several key concerns.

2. Not in the public interest

The Glebe Society is a long term defenders of the public interest/good in the redevelopment of the Bays Precinct and its 90 plus hectares of publicly owned Harbour foreshore. Our

strongest objections in relation to this proposal relate to blatant breaches of commitments re process and outcomes – notably in relation to transparency, meaningful consultations, integrated strategic planning and protection of the public interest in the overall Bays project.

Some relevant context

The current proposal has a controversial history – sadly all too typical of planning in NSW. This history understandably shapes and compounds the community unease and anger about this particular proposal.

This modification request is necessary to allow the transfer to Bank St of All Occasion Cruises from their existing leased location on Bridge Rd, Blackwattle Bay. It may not be technically relevant to the Modification request, but it is certainly noteworthy that the original granting of this Blackwattle Bay lease to Occasional Cruises in 2009/10 was highly contentious and raised deep concerns about agency and ministerial probity.

It occurred without any community consultation (as was the usual non-transparent practice of the agencies) and was stunningly inconsistent with the recent, very high profile, public commitment by the then Labor Government to have put an end to ad hoc, one-off deals in the Bays Precinct.

Public news of this lease to the controversial Elias brothers caused a furore and was an embarrassment to the then Planning Minister who was apparently unaware of the lease until it was reported in the SMH. The Planning Minister was responsible for the Bays Precinct project.

The incoming O'Farrell Government instigated a probity inquiry into the tender process for the awarding of the lease. This made no adverse findings despite the Department of Planning having truncated a two stage tendering process to a single stage¹. The Glebe Society understands the persistent failure of the operators to deliver on promised facilities which were conditions of the lease led to various attempts by Maritime Services to end the lease.² In November last year the The SMH reported:

*'Court documents show the RMS has been trying to evict Mr Elias' company Blackwattle Bay Marina from the site, terminate the lease and regain control.'*³

¹ Kate McClymont and Leesha McKenny: *ICAC takes evidence of marine project linked to corrupt former minister Joe Tripodi*, SMH 12 June 2014
<http://www.smh.com.au/nsw/icac-takes-evidence-of-marine-project-linked-to-corrupt-former-minister-joe-tripodi-20140612-zs5yu.html>

² Anne Davies: *'Decaying dreams on the waterfront'* SMH 20 June 2011; NSW Maritime Annual Report 2010 pp31-2.
<http://www.rms.nsw.gov.au/documents/about/corporatepublications/nsw-maritime-annual-report-2010> ;

³Sean Nicholls and Kate McClymont: *'Obeid family associate Joe Elias in line for Sydney Fish Market windfall*, SMH 7th November 2016.

These efforts were obviously unsuccessful - though it is difficult to understand why. None of the on-shore promised or required improvements have been delivered. The current state of the site, almost a decade later, is generally deemed a disgraceful eyesore.

Numbers of the players directly or indirectly involved in the tendering/ leasing process have been found to be corrupt by the NSW ICAC.

It is galling that the current modification proposal will result in this private business, which from all appearances has not been a good tenant in its current site, displacing long planned public use of and benefit from the Bank St site.

The prior decision to **relocate the Fishmarkets to a new site on Bridge Rd** is also a part of the broad context and our concern about the extent to which public good is an active consideration. (This decision necessitates the relocation of All Occasion Cruises to Bank St.)

It is not at all clear that the relocation of the Fishmarkets from its current, large and publicly owned foreshore site, to a much smaller and constrained foreshore site is in the public interest. It will clearly require a much more expensive and technically challenging design/build task with accentuated traffic and parking issues – and unknown implications for Wentworth Park.

While it has been claimed by UrbanGrowth that the reason for the relocation was to allow a smooth transition for the fishmarket businesses – many in the community are sceptical. The current site is large enough to have allowed temporary accommodation while the new Fishmarket was built. And the site is large enough to have allowed extensive other uses – including residential and commercial development.

It is hard not to conclude that the relocation of the Fishmarkets to their difficult new site was driven by the decision to provide maximum area for private residential and commercial development. The public is not likely to see any bottom-line analysis of the relative public /private fiscal and social benefit from this decision.

On the face of it- the public benefit would not appear to be the likely winner.

3. Lack of required consultation and breach of commitments to outcomes and agreed process

The DG's requirements include a fairly standard specification as to:

*‘effective and genuine community consultation, where a comprehensive, detailed and genuine community consultation engagement process must be undertaken as early as possible in the preparation of the EA. This process must ensure that the community is provided with a good understanding of what is proposed, how this relates to the existing approval and provide a clear description of any additional impacts and how they can actively engage in issue of concern to them’.*⁴

Independently of this formal requirement, the Glebe Society had relied on the regularly re-iterated commitment from Urban Growth - in its published planning principles, publicity documents and public meetings- that the Bays Precinct redevelopment process was going to be characterized by transparency and meaningful community consultation prior to decision making. On this basis, the Glebe Society, like other community bodies, decided to participate in the Bays Precinct Community Reference Group (CRG) when it was established in late 2015.

Urban GrowthNSW – the proponent of this proposal- was specific in its commitment to meaningful consultation in reference to this site. Its most recent commitment:

“UrbanGrowth NSW will soon release information about the engagement and consultation processes planned for Stage 1 of the Bays Waterfront Promenade, in particular at Bank Street, Pyrmont. Community members will be involved as early as possible once high level concepts are generated to support effective consultation.

*“Where possible, UrbanGrowth NSW is assisting discussions between the Pyrmont Heritage Boating Club (a current user of Bank Street land) and Roads and Maritime Services (as the landowner). Future planning for Bank Street will consider the Sydney Heritage Fleet’s existing Development Application at Bank Street.”*⁵

The Glebe Society, despite its close interest in and attention to proposals/developments in relation to the Bays Precinct and its participation in the Bays CRG, was totally surprised by publication of the Modification 3 proposal on the 26 June 2017. CRG members were informed of the proposal on 4th July 2017.⁶

There was no mention of this proposal at meetings of the CRG though members consistently asked specific questions as to any developments. It is now clear that Urban Growth, RMS and Planning had been progressing this proposal for a considerable time but determined not to share this information with the CRG or the wider community. One can only presume this was a Government approved or imposed stance.

⁴ DG requirements SEARS ?? 12/4/17

⁵ CRG meeting notes 22nd March 2017

⁶ Email: *Bank Street application on public exhibition: Anh Dang to CRG members* 4/7/17

From our general discussions and views expressed at the large public meeting to discuss this proposal on Monday 24th July, this is clearly the common experience of all community groups associated with the Bank Street site.

The Glebe Society considers the clearly deliberate exclusion of the community – including the members of the Bays Precinct CRG- from any consultation on the proposal prior to the relocation decision being effectively taken – is sufficient ground for this proposed modification to be rejected by the Planning Department or the Minister.

4. Viable alternative sites

The Glebe Society understands that a number of other viable sites were considered before Urban Growth and DMS determined on the Bank St site as the most appropriate. The community has been given no information as to which other sites were possible- or why the other sites were not chosen or why the Bank St site was chosen.

It is our view that meaningful consultation on this proposal includes consultation about alternative viable sites.

The Glebe Society calls on the Planning Department or the Minister to involve the community in consideration of alternative viable sites before any decision on this proposed modification is made. The current proposal should be withdrawn or rejected.

5. Just another example..

Again a contextual comment.

The Bays Precinct project has been typified by decision making prior to meaningful consultation. Most recently the Glebe Society –as with others – was taken by great surprise by the Government’s announcement that the new Fishmarkets would be relocated.

Over the many years of discussion about the much needed redevelopment and rejuvenation of the Fishmarkets, it had always been assumed (in fact agreed) that the new Fishmarkets would occupy part of its existing publicly owned site.

There was no prior consultation on the startling decision to relocate it to its new site and to date we have not been able to elicit a credible explanation as to why this decision was made. As indicated earlier, the new location will clearly require a much more expensive and technically challenging design/build task and will bring accentuated traffic and parking issues – and unknown implications for Wentworth Park.

Collectively these decisions (and the more recent consolidation of the cement mixing enterprises onto Glebe Island) make the current invitation for public (and the CRG) to

participate in the development of a Masterplan for the Bays Market District somewhat of a farce.⁷

6. Not a modification

The nature of the operation of All Occasion Cruises and the on water and on land activities and structures are such that this proposal cannot properly be considered a modification. It is a quite different operation, with very different implications for the nearby residents and existing users of Blackwattle Bay. It is a far remove from the previously approved use by the Sydney Heritage Fleet.

Major differences include: land based accommodation , 18 hours of operation each day, large numbers of employees (75) , increased number of vessels (22 compared with 12) and berths, messy land based storage facilities (storage containers, garbage bins, 50 gas bottles), increased - 'regular and frequent'- boat movements, food and beverage deliveries up to 6 times a week, increased noise generation from vessels and garbage disposal,

The impact of the proposal is compounded by unrealistic parking provision – 2 places only on the unlikely assumption that the 'majority of staff' will use public transport.

Most significantly, the proposed change in use is a breach of the longstanding and repeated commitment by RMS and UrbanGrowth for provision of a park and public recreation area on this site.

This proposed modification should be rejected on grounds of it being a major and inappropriate change to the existing approvals for on-land and on-water uses and that its consequent negative impact on local residents and existing recreational users of the site will be considerable.

7. Incompatible with foreshore promenade

Although the proposal references a timber walkway for public access, it is clear that the proposed relocation of a major commercial harbour cruise operation to this site will block, or highly compromise, the long promised provision of public access via a continuous public foreshore promenade.

The experience of the nearby very popular Blackwattle Bay foreshore walk indicates a safety imperative of a 30 metre setback to allow for a promenade wide enough to accommodate large numbers people, bicycles and dogs safely . Current high usage of this walkway is now manifesting congestion and safety problems at its narrowest points.

This high usage of the Bays foreshore promenade will be intensified by the major residential

⁷ *Public to have their say on Bays Market District* (Urban Growth Media Release 25 July 2017)

development foreshadowed for the old Fishmarket site, the completion of the Harold Park residential development and other nearby intensive residential developments. The proposed narrow walkway will not be adequate or safe.

This proposed modification to accommodate the relocation of All Occasion Cruises to Bank St should be rejected on the grounds that it is incompatible with the provision of the long promised public access to a continuous foreshore promenade which is sufficiently wide to cope with anticipated high usage levels with safety.

The Glebe Society hopes this submission will be of assistance to the Department of Planning and Environment in its assessment of the the proposed modification.

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15/8/17

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