

Blackwattle Bay Marina Modification 4

Prepared for All Occasion Cruises

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All Occasion Cruises

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Approved by



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21 May 2024

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Executive Summary

Maintenance of a working harbour within Blackwattle Bay is integral to the functioning of the wider Sydney Harbour given limited berth capacity and high demand, particularly for vessels that service Sydney Harbour visitors. With the ongoing conversion of waterfront land to housing around the harbour foreshore, there are limited sites available for tourism boating facilities.

All Occasions Cruises (AOC) operates the Blackwattle Bay Marina located at 5-11 Bank Street, Pyrmont. The marina is a base for AOC's own vessels, and for other government and private sector vessels operating on Sydney Harbour to which they provide berths and back of house support.

AOC was relocated to its present location from the site of the new Sydney fish markets (currently under construction), despite around twenty years to run on its previous lease. A negotiated relocation to its current site, and significant investment by AOC on the water side marina construction costs, enabled the fish market redevelopment to go ahead.

As per the Modification Assessment Report for the relocation of AOC to its current site, this use was approved for a limited five-year period given potential incompatibility of the marina operations with the proposed renewal of the Blackwattle Bay waterfront which was still in an early planning phase. The five-year approval was to allow time for consideration of alternate permanent sites for the Blackwattle Bay Marina (DPE 2018, pg. 29).

AOC presently holds a long-term renewable lease over the water side operations, and a licence over the land side operations, both from Transport for NSW as the landowner. This lease has options for the next 15 years provided a planning approval for the marina operations remains in place.

Operation of the site as a marina is allowed under Project Approval MP 11_001 (MOD 3) (the consent), granted by the former NSW Department of Planning, Industry and Environment (DPIE) on 12 December 2018.

The current 5-year limitation on the operation under Condition A8 of the Project Approval would, if left unchanged, require the business to cease operations by 11 August 2025. AOC's operations are a key contributor to the Sydney Harbour economy and tourism industry and provides for public amenities and social infrastructure. In a full year of operation, tens of thousands of visitors are taken by the vessels based at the marina for harbour cruises and events. The vessels also service high end visits to Australia, accommodating private tours for overseas dignitaries and celebrities.

The current site is optimal for marina activities as it removes potential conflict with other water-based activities, such as recreational boating and kayaking, and provides the shortest route from Blackwattle Bay to the main part of Sydney Harbour. The operations of vessels in the marina co-exist happily with the adjacent Dragon Boat racing club that operates in the Bay.

Continuation of the operations of AOC will ensure ongoing benefits whilst avoiding unnecessary costs and impacts to the community and operator that would be incurred should the current land and water side operations be relocated.

The NSW Government has designated The Bays Precinct as a State Significant Precinct (SSP), within which the Blackwattle Bay Marina is situated. Though the water side facilities of the Blackwattle Bay Marina are aligned to the SSP, the marina's land side-facilities are proposed to be within a public park, Bank Street Park. Blackwattle Bay State Significant Precinct (BBSSP) rezoning was finalised in December 2022 (DPE 2022a). Infrastructure NSW is currently preparing a development application for this new park at Bank Street, incorporating 5-19 Bank Street. As part of that application, office space to support the marina will be delivered at 1-3 Bank Street. INSW will work with Transport for NSW to determine ownership arrangements of the office, which have not yet been finalised.

This modification is seeking the following:

- a change to Condition A8 to remove the current 5-year restriction on operations as it relates to the water side component of the marina

- a change in Condition A8 to allow for ongoing operations of the land side component of the marina until such time as that land is required for the proposed Bank Street Park and the alternate office within 1-3 Bank Street is in place.

The purpose of the modification being sought is to align the duration of the planning approval with the needs of the current operations and provide operation certainty to the business, and to align with the redevelopment plans of INSW.

The modification application does not seek to change any aspect of the approved 'development', only to amend the 5-year operational restriction (Condition A8, MP 11_001 (MOD 3)) that was included to avoid the prospect of incompatible uses being locked in ahead of the conclusion of the rezoning process for the renewal of the Blackwattle Bay Precinct. Given the outcome of this process has confirmed the suitability of this area for ongoing commercial day charter operations, it is proposed to remove current restrictions and provide operational certainty to the business. As no other aspect of the operation of the approved marina facility will occur as result of the proposed modification, other than removing the current restrictions on the duration of the planning consent, it is considered that the proposal meets the 'substantially the same development' provisions of Section 4.56(1) of the EP&A Act.

TABLE OF CONTENTS

Executive Summary	ES.1
1 Introduction	1
1.1 Overview of Blackwattle Bay Marina	1
1.2 Applicant	4
1.3 Need for the proposed modification	4
1.4 Purpose of this document	5
2 Strategic context	6
2.1 Blackwattle Bay Precinct	6
2.2 Water-side activities alignment with Blackwattle Bay Design Guidelines	7
2.3 Proposed Bank Street Park (SSD-53386706)	8
2.4 Transition for land operations	8
3 The proposed modification	9
3.1 Removal of operational restriction – water side operations	9
3.2 Transition of land side operations	9
3.3 Proposed amendment to Condition A8	9
4 Statutory context	10
4.1 Permissibility	10
4.2 Approval pathway	10
4.3 Approval pre-conditions and mandatory considerations	10
5 Engagement	13
6 Assessment of impacts	14
7 Justification and conclusion	16
7.1 Justification	16
7.2 Conclusion	16
References	17

Tables

Table 1.1	Applicant details	4
Table 3.1	Proposed modification to Project Approval	9
Table 4.1	Relevant sections of the EP&A Act	12
Table 5.1	Engagement with Government agencies	13

Table 6.1	Potential Impacts	14
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Figures

Figure 1.1	Blackwattle Bay Marina at 5-11 Bank St Pyrmont – Land side facilities	2
Figure 1.2	Ferries berthed at Blackwattle Bay Marina – Water side facilities	2
Figure 1.3	Map showing the layout of Blackwattle Bay Marina	3
Figure 1.4	Location of 1-3 Bank Street	5
Figure 2.1	Revised Precinct Plan (DPE 2022b)	7
Figure 2.2	Indicative reference design for Bank Street Park	8

1 Introduction

1.1 Overview of Blackwattle Bay Marina

All Occasions Cruises (AOC) operates the Blackwattle Bay Marina located at 5-11 Bank Street, Pyrmont. Blackwattle Bay is integral to the functioning of the wider Sydney Harbour given limited berth capacity, high demand of visitor vessels in Sydney and its proximity to Sydney Harbour. The Blackwattle Bay Marina is a business that services the Sydney Harbour economy, the tourism industry and provides for public amenities and social infrastructure. With the ongoing conversion of waterfront land to housing around the Sydney Harbour foreshore, there are limited sites available for tourism boating facilities.

AOC was relocated to this present Pyrmont site from the new fish market site, despite around twenty years to run on its previous lease. The current site for Blackwattle Bay Marina was nominated by Transport for NSW and Urban Growth, relocating Blackwattle Bay Marina from its previous site (which was chosen by the NSW Government for the development of the new Sydney Fish markets). A negotiated relocation to its current site, and significant investment by AOC on the water side marina construction costs, enabled the fish market redevelopment to go ahead.

The site functions as a day-use charter and tourism boating facility, including associated land components. The wharf serves as a berth for AOC's own vessels, other private sector tourist vessels and is also utilised for vessel storage by Sydney Harbour ferries. In addition, AOC provides back of house support to these vessels. No passengers embark/disembark from the marina in accordance with planning approval conditions.

The site is located within the City of Sydney Local Government Area (LGA), with its land side operations sited approximately under the ANZAC Bridge. The water side facilities include fixed piers, piling, floating pontoons, three concrete dolphins and a publicly accessible timber walkway.

The land side facilities which are used for office/administrative and storage use, minor maintenance, and cleaning, include:

- architecturally designed, demountable office block area
- public space landscaping, including native fauna plantings
- storage and car-parking space
- publicly accessible foreshore walk.

The land and water side facilities photos and layout are shown in Figure 1.1 to Figure 1.3.

As per the Modification Assessment Report for the relocation of AOC to its current site, this use was approved for a 5-year period given potential incompatibility of the marina operations with the proposed renewal of the Blackwattle Bay waterfront which was still in an early planning phase. The 5-year approval was to allow time for consideration of alternate permanent sites for the Blackwattle Bay Marina (DPE 2018, pg. 29).

AOC presently holds a long-term renewable lease over the water side operations, and a licence over the land side operations, both from Transport for NSW as the landowner. This lease has options for the next 15 years provided a planning approval for the approved activity remains in place.

Operation of the site as a Marina is allowed under Project Approval MP 11_001 (MOD 3) (the consent), granted by the former NSW Department of Planning, Industry and Environment (DPIE) on 12 December 2018.

The NSW Government has designated The Bays Precinct as a State Significant Precinct (SSP), within which the Blackwattle Bay marina is situated. Though the water side facilities of the Blackwattle Bay marina are aligned to the SSP, the marina's land side-facilities are proposed to be within a public park, Bank Street Park. Blackwattle Bay

State Significant Precinct (BBSSP) rezoning was finalised in December 2022 (DPE 2022a). Infrastructure NSW is currently preparing a development application for this new park at Bank Street, incorporating 5-19 Bank Street. As part of that application, office space to support the marina will be delivered at 1-3 Bank Street.



Figure 1.1 Blackwattle Bay Marina at 5-11 Bank St Pyrmont – Land side facilities



Figure 1.2 Ferries berthed at Blackwattle Bay Marina – Water side facilities

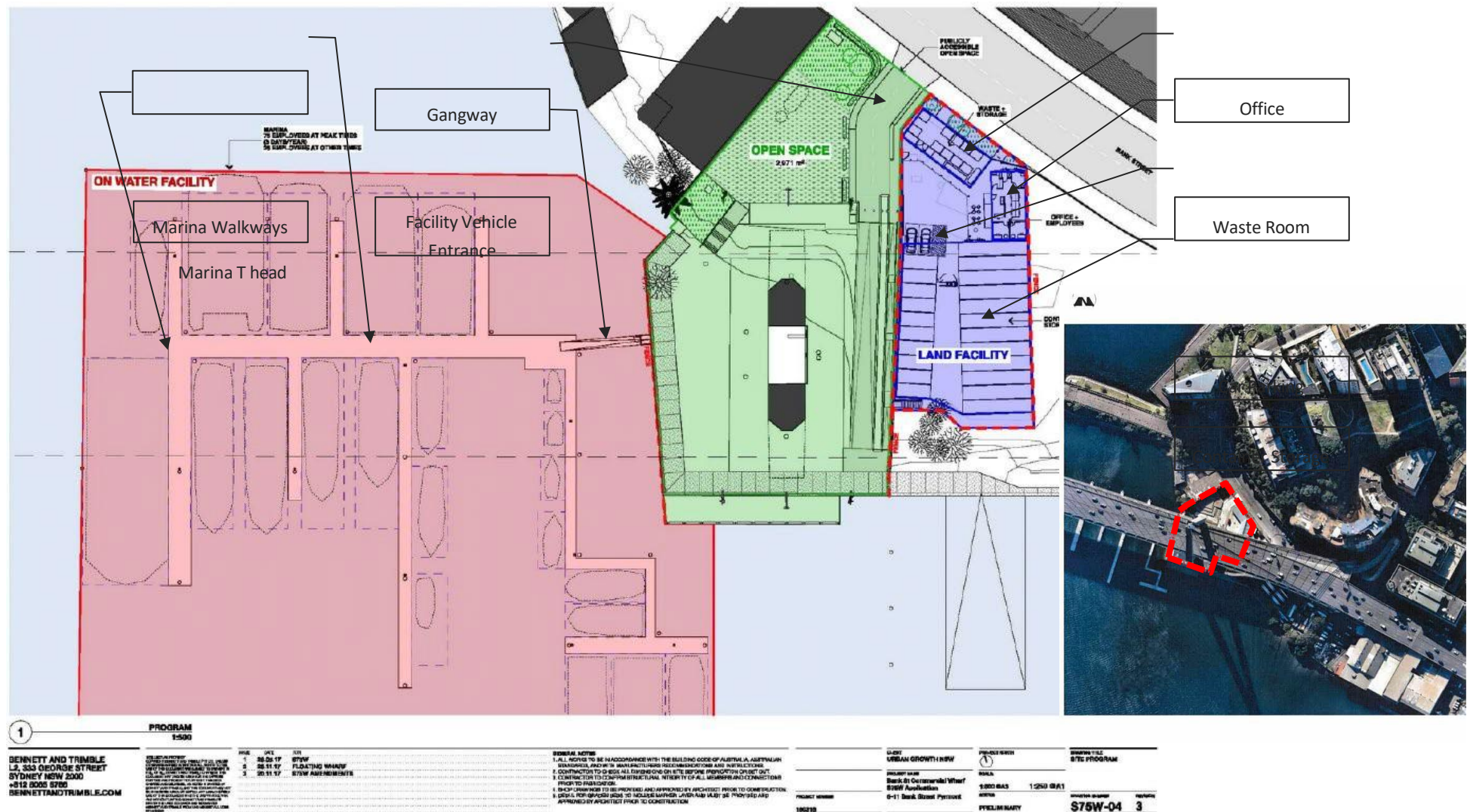


Figure 1.3 Map showing the layout of Blackwattle Bay Marina

1.2 Applicant

The applicant details are outlined in Table 1.1.

Table 1.1 **Applicant details**

Name	All Occasion Cruises Pty Ltd.
Postal Address	5-11 Bank St, Pyrmont NSW 2009
Contact	(02) 9809 5499
ABN	79 100 782 787

1.3 Need for the proposed modification

Condition A8 of the current project approval MP 11_001 (MOD 3) restricts the operations of the site for 5 years from the date of commencement of operations. As a consequence, the business will currently have to cease operations by 11 August 2025.

The 5-year operational restriction was included to avoid the prospect of incompatible uses being locked in ahead of the conclusion of the rezoning process for the renewal of the Blackwattle Bay Precinct. Given the outcome of this process has confirmed the suitability of this area for ongoing commercial day charter operations, it is appropriate to remove current restrictions and provide operational certainty to the business.

This modification application seeks to allow for ongoing operation of the business by removing the current five-year limit under the consent, via removal of any timing restrictions associated with the water side operations in Condition A8 of the Planning Approval.

Furthermore, as the marina's land side-facilities have been rezoned as part of a public park, Bank Street Park under the BBSSP rezoning, AOC is seeking approval to continue operations from the current land side location until the alternative office space and landside facilities are provided at 1-3 Bank Street in accordance with the development plans agreed between Transport for NSW and INSW.

We understand that subject to planning approval, the Bank Street park construction is scheduled to commence in 2024, with the new land side facilities at 1-3 Bank Street to be constructed prior to the removal of the current landside facilities for the open space.

The purpose of the modification is to provide operational certainty to the business by aligning the requirements of the planning approval with the needs of the current operations.



Figure 1.4 **Location of 1-3 Bank Street**

1.4 Purpose of this document

The document is provided in support of AOC’s application to modify the current project approval.

This report provides an assessment of the proposed modification in accordance with Section 4.55 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Under the provisions of the EP&A Act, the proponent may request the Minister to modify the Project Approval.

This report includes a description and justification for the proposed modification and an assessment of any potential changes in environmental and social impacts and benefits resulting from the proposed modification. The structure and content of this report is as follows:

- Section 1 – provides an introduction to the approved project and the proposed modification
- Section 2 – summarises the strategic context for the proposed modification
- Section 3 – provides a description of the proposed modification, including a comparison of the modified project to the approved project
- Section 4 – reviews the relevant statutory requirements for assessing the proposed modification
- Section 5 – provides a summary of key stakeholder engagement relevant to the proposed modification
- Section 6 – Assesses the potential impacts of the proposed modification
- Section 7 – provides a justification and evaluation of the modified project as a whole.

2 Strategic context

This present site for Blackwattle Bay Marina was nominated by Transport for NSW and Urban Growth, to allow the relocation of Blackwattle Bay Marina from its previous site, which formed part of the site chosen by the NSW Government for the development of the new Sydney Fish markets. The following section provides the Strategic context of the marina within the surrounding environs and the recent planning for the renewal of the Blackwattle Bay Precinct.

2.1 Blackwattle Bay Precinct

Blackwattle Bay Marina falls within the recently planned Blackwattle Bay Precinct, which is part of what was previously referred to as the Bays Market District. In 2016, the then Minister for Planning declared the urban renewal of The Bays Precinct as a matter of state significance at the request of UrbanGrowth NSW and for consideration of rezoning of the precinct. In 2019, INSW took over the function of UrbanGrowth with respect to the renewal of Blackwattle Bay.

INSW lodged an SSP Study with the then Department of Planning and Environment (DPE) in early 2021, which was exhibited between 2 July 2021 and 20 August 2021. The SSP Study sought to update the planning and design controls applying to the Precinct to enable the development of a new mixed-use precinct.

A Response to Submissions report together with amendments to the proposed masterplan and draft planning controls were lodged by INSW in June 2022.

A critical part of the precinct is high quality public domain which includes a series of parks and open spaces connected by a world class foreshore promenade.

The SSP process concluded with the rezoning of certain lands under an amendment to Sydney Local Environmental Plan 2012 and development of a set of design guidelines to govern future development with the BBP.

The site of the Blackwattle Bay Marina land side operations is subject to a SSD proposal submitted to DPE for the Bank Street Park (refer Section 2.2). The existing building at 1-3 Bank Street forms part of this proposal for the Bank Street Park development, where it is contemplated that the land side operations of the Marina are to be relocated.

The water-side activities of Blackwattle Bay Marina are aligned with the Blackwattle Bay Design Guidelines and the precinct plan identifies a “Day Charter Marina” operation on the existing Blackwattle Bay Marina site (refer Figure 2.1).



Figure 2.1 Revised Precinct Plan (DPE 2022b)

2.2 Water-side activities alignment with Blackwattle Bay Design Guidelines

The development of the marina and public space is referenced in Section B3.6 of the Blackwattle Bay State Significant Precinct Study (SSPS) (INSW 2021). The current site is located within the ‘W1 – Proposed day charter marina’ area, shown in the ‘Indicative future water uses’, in Figure 2.1.

The Urban Design Statement (INSW 2021, attachment 3) supports the continuation of commercial marina functions as part of the Blackwattle Bay renewal:

“Commercial berth capacity in bays around Sydney Harbour is limited and demand is high. Studies indicate that Blackwattle Bay can maintain the current commercial vessel capacity whilst accommodating the new fish market and renewal of the lands in the Study Area.”

The SSPS also supports the continuation of day charter marina functions in their current location:

“The Bank Street marina is best suited to Day Charter functions with more frequent vessel movements able to be accommodated with minimal crossover with the passive craft movements in the rowing course.”

The existing Blackwattle Bay Marina and charter operations at Bank Street are consistent with the vision for this part of Blackwattle Bay.

2.3 Proposed Bank Street Park (SSD-53386706)

In December 2022, an SSD application and Scoping Report was submitted to DPE by INSW, seeking Secretary's Environmental Assessment Requirements for a proposed waterfront public park along the north-eastern edge of Blackwattle Bay.

The proposed Bank Street Park is to be located at 1A-19 Bank Street, Pyrmont NSW. The site area is approximately 1 hectare and includes the site of the land-side operations of the Blackwattle Bay Marina, as seen in Figure 2.2. The Marina's ongoing operations are in alignment with this SSD application, as the proposal negotiated between Transport for NSW and INSW relocates the land side operations from its present location to the neighbouring site 1-3 Bank Street. The existing building at 1-3 Bank Street is to be redeveloped to include a range of land uses, including the marina's land side operations.



Figure 2.2 Indicative reference design for Bank Street Park

2.4 Transition for land operations

Blackwattle Bay Marina intends to operate from its present site 5-11 Bank Street until such time as alternate accommodation is provided at the refurbished 1-3 Bank Street.

The timing of the development of 5-11 Bank Street to public open space and its relationship to the refurbishment of 1-3 Bank Street are not detailed in the Scoping Report for Bank Street Park SSD. AOC has been advised that INSW and Transport for NSW plan to complete the redevelopment of 1-3 Bank Street as a first stage of the Bank Street Park development to minimise interruption to the marina operations.

3 The proposed modification

3.1 Removal of operational restriction – water side operations

As part of this modification, AOC is seeking to remove any timing restrictions associated with the water side operations as permitted under Project Approval MP 11_001 (MOD 3).

The project approval currently allows for operation of the site for 5 years, triggered from the date of operational commencement. Operations at the site commenced on 11 August 2020, thus the current consent will expire on 11 August 2025.

The consent allows for:

- Charter and tourism boating facility for the mooring of 22 vessels for a temporary period, including:
 - Land component: Demountable office building, storage compound, shipping containers, car and bicycle parking spaces, public open space and landscaping
 - Water component: fixed wharf, floating pontoons, publicly accessible walkway, and piling

The consent also has a time restriction as below:

- Section A8: The operation of this approval from the commencement of the operation of this use is restricted to a maximum of five years.

AOC is seeking to modify Condition A8 of the consent by removal of any time restrictions for its ongoing operation.

3.2 Transition of land side operations

As discussed in Section 2.3, the site of land side operations of the Blackwattle Bay Marina have been identified as future public open space and are subject to the Bank Street Park proposal (SSD-53386706). We understand INSW is lodging plans to redevelop 1-3 Bank Street for a range of uses including land side operations for the marina, as a first stage in the delivery of the Bank Street Park. This will provide long-term surety for the marina operations

However, continuation of the current operation is essential until such time as the alternate accommodation is available. As such, the proposed amendment to Condition A8 (refer Table 3.1) seeks to enable the land side activities to continue in its current location until such time as space within 1-3 Bank Street is available.

3.3 Proposed amendment to Condition A8

In order to provide the ongoing operational certainty to the business and prevent the lapsing of the consent, which is currently due to occur on 11 August 2025, it is proposed to modify Condition A8 as set out in the table below.

Table 3.1 Proposed modification to Project Approval

Condition to be modified	Existing Condition	Proposed amended Condition
A8	<i>"The operation of this approval from the commencement of operation of this use is restricted to a maximum of 5 years"</i>	<i>"The operation of the land component on its current site (5-11 Bank Street) is restricted to such time as that land is required for the purposes of a public park and until such time that alternate land based facilities are available at 1-3 Bank Street thereafter".</i>

4 Statutory context

4.1 Permissibility

Operation of the site as a marina is permitted under Project Approval MP 11_001 (MOD 3) (the consent), granted by DPIE on 12 December 2018.

The consent allows for operation of the site for 5 years, triggered from the date of operational commencement. Operations at the site commenced on 11 August 2020, thus the current consent will expire on 11 August 2025.

The consent allows for:

- Charter and tourism boating facility for the mooring of 22 vessels for a temporary period, including:
 - Land component: Demountable office building, storage compound, shipping containers, car and bicycle parking spaces, public open space and landscaping
 - Water component: fixed wharf, floating pontoons, publicly accessible walkway, and piling.

Section 3.3 discusses the changes in permissibility proposed.

4.2 Approval pathway

The original approval for the marina operation was granted under Part 3A of the EP&A Act, which has since been repealed. The Part 3A approval has been transitioned to a SSD approval.

Following the transition, modification is being sought via Part 4.55 (1A) of the EP&A Act. It is understood that the Department of Planning, Housing and Infrastructure (DPHI) may determine that public notification and exhibition will be required for the proposed modification.

4.3 Approval pre-conditions and mandatory considerations

There are no approval pre-conditions relevant to the proposed modification.

The only mandatory considerations to exercising the power to grant approval are set out in Section 4.55 (1A) of the EP&A Act.

(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- a) it is satisfied that the proposed modification is of minimal environmental impact, and
- b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- c) it has notified the application in accordance with—
 - i) the regulations, if the regulations so require, or
 - ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

- iii) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified”.

The other consideration is contained in Section 3BA(6), Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017, which states:

(6) In the application of section 4.55(1A) or (2) or 4.56(1) of the Act to the following development, the consent authority need only be satisfied that the development to which the consent as modified relates is substantially the same development as the development authorised by the consent (as last modified under section 75W)—

- (a) development that was previously a transitional Part 3A project and whose approval was modified under section 75W,
- (b) development that was taken to be an approved project pursuant to clause 8J of the Environmental Planning and Assessment Regulation 2000 and whose consent was modified under section 75W.

In regard to the ‘substantially the same development’ provisions, the ‘test’ is contained in Section 4.56(1) of the EP&A Act and states:

- (1) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if--
 - (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)

As discussed previously, this modification application does not seek to change any aspect of the approved ‘development’, only to amend the 5-year operational restriction (Condition A8, MP 11_001 (MOD 3)) that was included to avoid the prospect of incompatible uses being locked in ahead of the conclusion of the rezoning process for the renewal of the Blackwattle Bay Precinct. Given the outcome of this process has confirmed the suitability of this area for ongoing commercial day charter operations, it is appropriate to remove current restrictions and provide operational certainty to the business. As no other aspect of the operation of the approved marina facility will occur as result of the proposed modification, other than removing the current restrictions on the duration of the planning consent, it is deemed that proposal meets the ‘substantially the same development’ provisions of Section 4.56(1) of the EP&A Act.

The objects of the EP&A Act are a relevant consideration and are reviewed in Table 4.1.

Table 4.1 **Relevant sections of the EP&A Act**

Instrument	Requirement
1.3(a) To promote the social and economic welfare of the community and a better environment by the proper management, development, and conservation of the State's natural and other resources.	The Marina contributes to the overall functioning of Sydney Harbour and contributes to the social and economic framework of the community. Maintenance of a working harbour within Blackwattle Bay is integral to the functioning of the wider Sydney Harbour given limited berth capacity and high demand, particularly from the vessels that service Sydney Harbour visitors.
1.3(b) To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.	AOC operates with a robust OMP which supports ecologically sustainable operations.
1.3(c) To promote the orderly and economic use and development of land.	The modification seeks to vary the current operations to align with government plans for the redevelopment of the land.
1.3(d) To promote the delivery and maintenance of affordable housing.	Not directly relevant to the proposed modification.
1.3(e) To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.	AOC operates with a robust OMP which is in line which supports ecologically sustainable operations.
1.3(f) To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage).	The modification seeks to vary the current operations to align with government plans for the redevelopment of the land, including reuse of vacant property in the heart of Sydney.
1.3(g) To promote good design and amenity of the built environment.	Not directly relevant to the proposed modification.
1.3(h) To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.	Not directly relevant to the proposed modification.
1.3(i) To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State.	Not directly relevant to the proposed modification.
1.3(j) To provide increased opportunity for community participation in environmental planning and assessment.	Broad community consultation was not considered necessary for the proposed modification. Consultation with the DPHI, Infrastructure NSW and Transport for NSW has been undertaken in preparation of this modification to ensure consistency with current policies and future public uses of the areas in and around the subject site.

5 Engagement

AOC has undertaken significant consultation with key stakeholders as part of the preparation of this modification application, specifically:

- the Department of Planning, Infrastructure and Environment (consent authority);
- Transport for NSW (landowner); and
- Infrastructure NSW (agency responsible to Blackwattle Bay redevelopment)

Transport for NSW has additionally been consulting with government agencies in its capacity as landowner of the subject site to help secure the ongoing use of the site as a marina facility within the context of the Blackwattle Bay redevelopment.

Table 5.1 provides a summary of the key consultation undertaken with government agencies.

Table 5.1 Engagement with Government agencies

Date	Stakeholder	Details
2 December 2021	DPIE	Initial meeting to discuss the current timing restriction in the planning approval need to modify the consent to provide security for the ongoing operation of the business.
20 June 2023	DPIE, Transport for NSW, INSW	Further discussion with agencies on the need to modify the consent following completion of the Blackwattle Bay rezoning process.
Various	Transport for NSW	Regular consultation with TfNSW as landowner regarding ongoing use of the site as a marina facility and alternate land-based options following redevelopment of 1-3 Bank Street as public open space.
October 2023	INSW	Draft modification report provided to INSW for review/ comment. INSW feedback has been incorporated into this modification report.

6 Assessment of impacts

As this modification application is an administrative change, that seeks removal of time restrictions on its operations and the relocation of the land-based facilities of AOC, it is noted that this modification will not create or change any environmental impacts.

Therefore, it is concluded that this modification application does not require any further assessment of impacts for the modification application.

Table 6.1 Potential Impacts

Environmental aspect	Existing environment	Potential impacts
Traffic and transport	The present site has planned parking facilities for its operations.	There are no impacts on parking requirements during its operations from its present site at 5-11 Bank Street.
Air quality	Operation do not give rise to the emissions of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health. Gas emissions comply with the requirements of the Protection of the Environment Operations Act 1997 and Regulations. Uses that produce airborne particulate matter will be incorporated into a dust collection system.	No change in impact resulting from proposed modification
Human health	The site is compliance with responsibilities under the National Law for Domestic Commercial Vessels, the NSW Work Health and Safety Act, and the NSW Protection of the Environment Operations Act.	No change in impact resulting from proposed modification
Noise and vibration	A comprehensive Operational Noise and Vibration Management Plan has been prepared for the marina by Renzo Tonin and Associates. The document is dated 22 May 2020, and is a companion document to the OMP.	No change in impact resulting from proposed modification
Land use and property	The site is zoned as RE1 Public Recreation under Sydney Local Environmental Plan 2012	No change in impact resulting from proposed modification
Visual impacts and urban design		No change in impact resulting from proposed modification
Social and economic	Maintenance of a working harbour within Blackwattle Bay is integral to the functioning of the wider Sydney Harbour given limited berth capacity and high demand, particularly from the vessels that service Sydney Harbour visitors....	No change in impact resulting from proposed modification
Soil and water quality	The site is governed by the detailed Water Sensitive Urban Design Strategy, in a OMP from Warren Smith and Partners, dated 27 May 2020.	No change in impact resulting from proposed modification
Contamination	The OMP details out methods to avoid contamination, and AOC follows the same.	No change in impact resulting from proposed modification
Flooding and drainage	The Flood Evacuation Plan has been prepared to ensure the safe evacuation of volunteers and visitors to an Emergency must point / safe refuge area in the event of a large flood.	No change in impact resulting from proposed modification
Groundwater	There is no usage of ground water in the premises.	No change in impact resulting from proposed modification
Non-Aboriginal heritage	None identified in the current planning approval	No change in impact resulting from proposed modification
Biodiversity	None identified in the current planning approval	No change in impact resulting from proposed modification

Table 6.1 **Potential Impacts**

Environmental aspect	Existing environment	Potential impacts
Greenhouse gas	None identified in the current planning approval	No change in impact resulting from proposed modification
Aboriginal heritage	None identified in the current planning approval	No change in impact resulting from proposed modification
Resource use and waste minimisation	The Waste Management Plan (WMP) outlines all measures that would be implemented to ensure the effective management of operational waste associated with the Facility. The WMP outlines how waste is minimised, handled, stored and disposed of in accordance with the relevant guidelines and legislation. The plan has been prepared in consultation with City of Sydney Council, the EPA & the Planning Secretary.	No change in impact resulting from proposed modification
Climate change risk and adaptation	None identified in the current planning approval	No change in impact resulting from proposed modification
Hazard and risk	As per the OMP all hazardous waste including halogen tubes, e-waste, globes and batteries are disposed of at an external recycling licensed facility. Faulty smoke detectors are put into waste receptacles to prevent radioactive material entering landfills.	No change in impact resulting from proposed modification
Cumulative impacts	As per the current project approval	No change in impact resulting from proposed modification

7 Justification and conclusion

7.1 Justification

Maintenance of a working harbour within Blackwattle Bay is integral to the functioning of the wider Sydney Harbour given limited berth capacity and high demand, particularly from the vessels that service Sydney Harbour visitors. With the ongoing conversion of waterfront land to housing on the Sydney waterfront, there are limited sites available for tourism boating facilities.

AOC's operations are a key contributor to the Sydney Harbour economy and tourism industry and provides for public amenities and social infrastructure. In a full year of operation, tens of thousands of visitors are taken by the vessels based at the marina for harbour cruises and events. The vessels also service high end visits to Australia, accommodating private tours for overseas dignitaries and celebrities.

This area is optimal for marina activities as it removes potential conflict with other water-based activities, such as recreational boating and kayaking, and provides the shortest route from Blackwattle Bay to the main part of Sydney Harbour. The operations of vessels in the marina co-exist happily with the adjacent Dragon Boat racing club that operates in the Bay.

The BBSSP rezoning process allows for continuation of the existing marina waterside use and as such it is appropriate to remove the current operational time limit restriction. The land side is the site of the future Bank Street Park, but an extension to the time limit is justified as the land is unlikely to be needed for the park until after the current consent expires, and until the new landside facilities are completed.

Continuation of the operations of AOC provides the best approach to achieving benefits whilst avoiding costs and impacts to the community and operator that would be incurred with a new site and project approval.

7.2 Conclusion

The purpose of the modification being sought is to provide operational certainty by aligning planning approval with the needs of the current operations. This modification application seeks to remove the current 5-year limit under the consent which is due to expire on 11 August 2025 with respect to the water side operations and the ability for the land side operations to remain until such time as alternate accommodation at 1-3 Bank Street is provided through INSW and Transport for NSW's redevelopment plans.

The proposed modification does not alter the day-to-day operations on the marina which operated in accordance with the existing approval and as such will not result in any new or additional impacts. It therefore requested that the modification application be approved.

References

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