



# Sutherland Shire Environment Centre

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Stormwater and Waterway Assets  
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Friday 15 October 2021

Dear Stormwater and Waterway Assets team,

**Re: Sutherland Shire Council Catchment and Waterway Management Strategy**

Sutherland Shire Environment Centre is a not-for-profit community organisation – our members have been actively involved in advocating for the environment in the Sutherland Shire and our surrounding bio-regions since 1991. We welcome the opportunity to give feedback regarding Council’s upcoming draft **Catchment and Waterway Management Strategy and Implementation Plan**.

This policy is an important and welcome initiative. The scope of the draft plan is extensive. We note the strategy is to provide management guidelines for the coast, estuarine bays and rivers, freshwater creeks and wetlands, and the stormwater drainage network. This encompasses areas from Port Hacking (noting the impact of waterways leading to the Hacking), Bate Bay and the Southern side of Botany Bay, Kurnell and the Towra Point zone, the Woronora River catchment area, and Georges River.

There are significant issues impacting the ecology of all of these areas including the protection of critically endangered plant and animal species, issues with industrial waste, plastic and stormwater pollution in catchment systems. Inadequate filtration and treatment from the main sewerage treatment plant means pollution washes up on beaches. Climate change impacts are already apparent and will increase in the future. Excessive harvesting of shellfish and molluscs from coastal areas is inadequately policed, as is ensuring that dogs are not taken into prohibited areas.

Each of these issues together has flow on effects through the ecosystem as a whole.

It is impossible to address the scope of what is required by the management plan through the preliminary community survey on Council’s website. This Catchment and Waterway Management Strategy is intended to set the long-term direction for the sustainable management of stormwater assets, creeks, floodplains, catchments and coasts across the Sutherland Shire. It will also set actions for implementation over the short and medium term. This is a huge undertaking. Nonetheless, we note the information on the Join the Conversation survey page states that Council will “review comments received and use them to help inform” the draft Catchment Management Plan.

Community feedback is valuable, but we wish to flag concerns about how the survey appears to minimise the importance of environmental considerations, when the premise of a catchment management plan requires these be given priority.

Question 2, for example, “What activities do you use the waterways for” stresses activities such as boating and fishing, placed first and second on the list respectively. Boating and fishing both are legitimate recreational sports, but both can have potentially damaging environmental impacts, and this is not made clear in the survey or any supporting documentation. It gives the impression that carte blanche use on the part of these user groups has equal or greater priority when weighed against environmental considerations.

Two points of concern here. First, studies have found that discarded fishing equipment “which is deadly to marine life makes up the majority of large plastic pollution in the oceans”.<sup>1</sup> Second, there is a shrinking amount of endangered Posidonia seagrass in our catchment areas. Many people would not think twice about seagrass, even people who use the waterways frequently. Yet studies have shown that in areas where seagrass is lost there is an equivalent decline in fish species adapted to seagrass habitat. Seagrass is vital for fish to breed, shelter, and feed in.<sup>2</sup> The Posidonia seagrass beds in Port Hacking are listed as endangered populations under the threatened species schedules of the NSW Fisheries Management Act. A 2004 study found we lost 55% or about 95 hectares of seagrass in Port Hacking between 1951 and 1999<sup>3</sup>. Declining levels of seagrass have been flagged around the Georges River, Kurnell, and other areas in the Shire.

Seagrasses slow currents and help protect shorelines from storms. They improve water clarity and can efficiently filter out polluting chemicals even as they cycle nutrients, oxygenate the water and pull carbon dioxide into the seafloor. Seagrasses are estimated to generate up to 18% of the ocean’s carbon sequestration, even though they cover only about 0.1 percent of the ocean floor<sup>4</sup>.

The more seagrass we lose, the more likely this will have damaging flow-on impacts. New studies of our local area are urgently needed to direct management actions that halt seagrass decline. Anchor scour is one main cause of seagrass loss, as well as dredging, which larger boat user groups regularly demand. None of this is made clear to residents who might fill in the survey.

Where dredging may become an issue in terms of this management plan is suggested by a 2020 Council report on dredging which referred to Council waterways as an asset –

“the Shire’s waterways as an asset, like maritime infrastructure, that provide services of value to the community, such as navigable access, and for which funds are expended to maintain or enhance that service. Accordingly, waterways should be considered in Council’s Asset Management Strategy and Asset Management Plans (AMPs). By considering waterways as assets, well-accepted asset management principles such as level of service, asset degradation

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<sup>1</sup> <https://www.theguardian.com/environment/2019/nov/06/dumped-fishing-gear-is-biggest-plastic-polluter-in-ocean-finds-report>

<sup>2</sup> [https://www.dpi.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0008/478502/dpi-seagrass-friendly-boat-mooring-report-2008.pdf](https://www.dpi.nsw.gov.au/__data/assets/pdf_file/0008/478502/dpi-seagrass-friendly-boat-mooring-report-2008.pdf)

<sup>3</sup> Williams R.J. and A.J. Meehan 2004, “Focusing management needs at the sub-catchment level via assessments of change in the cover of estuarine vegetation, Port Hacking, NSW, Australia” in *Wetlands Ecology and Management* 12: 499–518

<sup>4</sup> <https://www.unep.org/news-and-stories/press-release/protection-seagrasses-key-building-resilience-climate-change>

and risk can be applied to help quantify and optimise the ongoing costs in providing the service. These costs can then be reflected in the LTFP and programmed for inclusion in Council's Delivery Program (DP) and annual Operational Plans (OP)."<sup>5</sup>

One key issue not mentioned in this "significant natural asset" schema is seagrass and endangered migratory shorebirds, both of which may be adversely impacted by the dredging that has been proposed.<sup>6</sup> These waterways are complex and dynamic environments, the sand shoals shift and move. Dredging can be damaging, and very costly, but the results only last around 12-24 months.

Our environment and natural ecosystems are also "assets", but they are assets of intergenerational significance, which if damaged may not recover. As with the loss of seagrass, incremental damage to these ecosystems as a result of human impacts has been considerable. There was an abundance of species even 20-30 years ago which are no longer, or less frequently seen, including fairy penguins and black swans on the Hacking.<sup>7</sup> We are now on notice in order to not lose more: some of the species we have in these areas are "critically endangered", the highest classification of concern.

Question 4 of the survey, "What do you value most about the Shire's waterways" placed 'Recreation' first on the list. Biodiversity was mentioned, but the term has the tendency to become a token catch phrase. This survey and these questions simply do not provide information about what is at stake. With Question 6, "What are your most important water related issues or concerns?" again, "Reduced biodiversity" was placed last on the list of available options.

Our catchment ecosystems need to be protected, managed properly, and environmental considerations should not be shunted aside. Surveys are obviously imperfect devices, but the views of users who are ill-informed about impacts should not be prioritised over and above issues of environmental concern.

Council has an important mandate with this management plan to find a balance. The plan being prepared sits within the parameters of the NSW government's Coastal Management planning framework – the Coastal Management Act 2016, and the State Environmental Planning Policy (Coastal Management SEPP) 2018. The emphasis here is on "ecologically sustainable development" which -

- protects and enhances sensitive coastal environments, habitats and natural processes;
- strategically manages risks from coastal hazards and responds to climate change;
- maintains and enhances public access to scenic areas, beaches and foreshores;
- supports the objectives for our marine environment under the *Marine Estate Management Act 2014*;
- protects and enhances the unique character, cultural and built heritage of our coastal areas, including Aboriginal cultural heritage.<sup>8</sup>

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<sup>5</sup> <https://www.sutherlandshire.nsw.gov.au/files/sharedassets/website/document-library/governance/council-meetings/2020-07-13-inf-business-paper.pdf>

<sup>6</sup> <https://www.theleader.com.au/story/7134517/dredging-impasse-ends/>

<sup>7</sup> "Port Hacking, Fishermans' Paradise –Circa 1940" in Sutherland Shire Historical Society Bulletin VOL. 6 No.1, February 2003 [https://www.shirehistory.org/uploads/1/0/9/1/109164607/146\\_2003\\_february.pdf](https://www.shirehistory.org/uploads/1/0/9/1/109164607/146_2003_february.pdf)

<sup>8</sup> <https://www.planning.nsw.gov.au/Policy-and-Legislation/Coastal-and-marine-management/Coastal-management/Coastal-Management-Act-2016>

Sutherland Shire Council has previously prepared a number of management plans for Shire estuary and wetland systems. These individual plans do not constitute an overall strategy, and some are now dated, but valuable research informed these plans. Reviewing any key performance indicators, what recommendations have and have not been met would assist determining actions for implementation in the new draft plan. Ideally new recommendations / actions will take into account flow-on impacts across whole ecosystems.

On this point we note that nationally significant populations of shorebird species inhabit various areas in the Shire including Boat Harbour and Port Hacking. There are areas used by these birds which are critical habitat, used for both roosting and feeding. These endangered and critically endangered shorebirds are listed under both State and Federal environmental protection laws. The Environmental Protection and Biodiversity Conservation Act refers to the need to protect species which inhabit this area as a ‘matter of national environmental significance’.<sup>9</sup> Australia is also a signatory to several international agreements which seek to protect migratory shorebirds (the Bonn Convention, Ramsar Convention, JAMBA, CAMBA, ROKAMBA).

Often dogs are taken into areas where they are prohibited, and this is inadequately sign posted, and policed. Yet as Council’s own information resources note, dogs are regarded by shorebirds as predators, and even dogs on a leash can cause these birds to take flight when they need to rest undisturbed.<sup>10</sup> In the case of Port Hacking, adequate management that addresses this issue is not evident. It is one of a number of environmental concerns that are not being addressed due to lack of resources, limited and specific jurisdiction of different regulatory agencies.

It is troubling that the responsibility for managing and addressing such concerns has been displaced on to council when it is unclear whether council has the authority and resources to do so adequately. For example, Port Hacking is under the jurisdictional control and management of both state and local government. The Intertidal Zone (ITZ) is Crown land, and as such falls under the purview of the Crown Land Management Act.<sup>11</sup> Sutherland Shire Council only has authority to the high tide mark. Other state government agencies have management responsibilities of the waterways. Roads and Maritime is concerned with maritime safety and regulations; the Department of Primary Industries is concerned with fish and fishing. These agencies work separately and are concerned with regulations and compliance as opposed to an overall management plan for the ecosystem.

Sutherland Shire Council does assist with public awareness campaigns and protection for endangered and critically endangered shorebirds, but feral animals are an ongoing problem. Deer are shredding the coastal saltmarsh: this vital habitat for a range of species including migratory shorebirds is being

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<sup>9</sup> *EPBC Act Policy Statement 3.21—Industry guidelines for avoiding, assessing and mitigating impacts on EPBC Act listed migratory shorebird species*, Commonwealth of Australia 2017  
<http://www.environment.gov.au/system/files/resources/67d7eab4-95a5-4c13-a35e-e74cca47c376/files/bio4190517-shorebirds-guidelines.pdf>

<sup>10</sup> <https://www.youtube.com/watch?v=8cmeTX6tX-I>

<sup>11</sup> The Crown Land Management Act is administered by the NSW Department of Planning, Industry and Environment. It is an offence to pollute or contaminate “Crown land or waters”: NSW Department of Planning, Industry and Environment, DOC18/071673, October 2019  
[https://www.industry.nsw.gov.au/\\_data/assets/pdf\\_file/0006/161547/Greater-powers-to-stop-illegal-activity-on-Crown-land-fact-sheet.pdf](https://www.industry.nsw.gov.au/_data/assets/pdf_file/0006/161547/Greater-powers-to-stop-illegal-activity-on-Crown-land-fact-sheet.pdf)

destroyed. Coastal Saltmarsh is listed as endangered under the NSW Biodiversity Conservation Act, and as an “Endangered Ecological Community”.<sup>12</sup> Feral deer are a catchment management problem. Another issue concerns the taking of shellfish and molluscs which the endangered shorebirds rely on. It is questionable whether current restrictions are adequate, and whether the restrictions that do exist are being policed effectively by the NSW Department of Primary Industries.<sup>13</sup> Similar concerns have been reported in Wollongong and the Illawarra for a number of years.<sup>14</sup> Anecdotal reports from Sutherland Shire Environment Centre members indicate restrictions are not working. That ‘nippers’ are still allowed to be taken on the Deeban Spit tidal flats only adds to the confusion. Little research or monitoring of local populations of nippers, molluscs and shellfish appears to have been carried out.

Another issue in relation to enforcement relates the number of dogs that are brought into areas they are not supposed to go. We submitted a report to Council recently about lack of compliance across a number of areas in the Shire. Deeban Spit is being treated as a dog park: signs around Maianbar advising that dogs are prohibited have reportedly been ripped down, or vandalised, and not replaced. There are no signs on the Spit itself, and people who arrive in boats bring dogs with them. Meanwhile Council only has authority to the high tide mark - enforcing compliance becomes problematic.

With such limited jurisdictional powers and different priorities on the part of the various government authorities some agency must be established to address what slips through the cracks. Any management plan should address this issue, and consider how to manage impacts on the ecosystem as a whole. As is, the current regulations intended to protect endangered plants and animals in Port Hacking are failing to prevent species decline.

To summarise, we ask Council to make environment and ecosystems a priority in the upcoming Catchment and Waterway Management Strategy plan. We have focused on Port Hacking to illustrate points which require attention, but similar issues impact all Sutherland Shire waterways and catchment areas. What is taking place at Boat Harbour with the damage wrought by 4WDs on the beach is a particular concern. Specific issues which need urgent attention across the Shire include:

- Climate change – sea level rise impact on habitat / endangered species
- Pollution issues from stormwater ie. drains which empty into swimming areas
- Plastic pollution - ie. cotton bud tips now washing up on beaches due to inadequate sewage filtration systems
- Managing industrial waste from Hacking - pollution from the Metropolitan Colliery, and other industries around Helensburgh
- Managing endangered seagrass populations
- Molluscs, shellfish and nippers – there should be a ban on collection and this should be adequately policed
- Endangered Coastal saltmarsh – management solutions must address deer predation and risks to local populations from sea level rises associated with climate change

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<sup>12</sup> “Due to the reduction in the extent of saltmarsh in New South Wales and ongoing threats to its survival, Coastal Saltmarsh has been listed as Endangered Ecological Community (EEC) under the Threatened Species Conservation Act 1995.” NSW Department of Primary Industries:

[https://www.dpi.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0007/459628/Coastal-Saltmarsh-Primefact.pdf](https://www.dpi.nsw.gov.au/__data/assets/pdf_file/0007/459628/Coastal-Saltmarsh-Primefact.pdf)

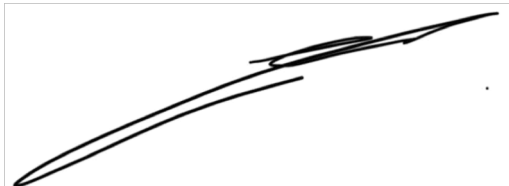
<sup>13</sup> See [https://www.dpi.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0020/614522/recreational-fishing-guide-sydney-south.pdf](https://www.dpi.nsw.gov.au/__data/assets/pdf_file/0020/614522/recreational-fishing-guide-sydney-south.pdf)

<sup>14</sup> <https://www.illawarramercury.com.au/story/7076566/cockle-pirates-raid-lake-illawarra-abandoning-shellfish-by-the-hundreds/> and, <https://www.abc.net.au/news/2019-02-14/shellfish-stoush-on-popular-lake-illawarra/10811806>

We offer a number of recommendations to address these issues, actions Council could adopt, with the support of State government agencies:

- Reinstigate the Port Hacking Riverkeeper role to fill in the gaps in management by different government agencies. Among other actions the Riverkeeper could act to ensure compliance issues with dogs is addressed.
- Council / State government could commission research into the shifting sand shoals in Port Hacking and Sutherland Shire beaches with the view to understanding climate change impacts and guide Council decisions in relation to managing public assets such as endangered shorebirds, seagrass, and fish stocks.
- Council could ask the State government to rectify sewerage outflows to stop plastic pollution such as cotton buds washing up on our beaches.
- Council has a number of Committees, but none specifically concerned with environmental issues. We ask Council to establish an Environment Committee as a matter of urgency.
- Council needs to liaise with other government agencies in order to address issues in zones outside Council boundaries that impact on Council waterways. For example, pollution issues impacting Port Hacking from the upper part of the Hacking River catchment require cooperation between a number of different stakeholders such as NPWS and Wollongong Council.

Thank you for considering this submission, and for the opportunity to give feedback regarding Council's upcoming draft Catchment and Waterway Management Strategy and Implementation Plan.

A handwritten signature in black ink, appearing to read 'Dr Catherine Reynolds', is written over a white rectangular background.

Dr Catherine Reynolds  
Secretary  
Sutherland Shire Environment Centre