

PLN008-26
Waterways Planning Proposal:
Progress Options

A Sutherland Shire Environment Centre briefing to
Councillors

9 March - Planning Committee Meeting
23 March - Council Meeting

What is this briefing?

- This is a briefing available to every Councillor to inform them of the challenges faced by the Waterways Planning Proposal and the Progress Options business paper, PLN008-26.
- Analysis by the Sutherland Shire Environment Centre (SSEC) is clear, further investment of Council's and the community's resources cannot be justified.
- The analysis addresses the strategic and site specific merit test challenges of the proposal.
- Investment in the full suite of studies required will most likely exceed \$500,000 and take a couple of years. Everyone agrees that is a poor investment.
- A desktop study will not convince the state agencies or the community of the merits of the proposal. It simply won't deal with the detail required.
- It is time to bring this proposal that started in 2023 to an end and invest in proposals that make Sutherland Shire simply a great place to live, work and play.
- This briefing does not go into the specific environmental impacts of the proposal; we don't yet have a specific proposal to comment on.
- This briefing is publicly available and available on the SSEC's web site.

What is the proposal?

- The proposal is to extend the area of W2 zones across Port Hacking and the Georges River waterways. By how much is yet to be determined.
- In W1 areas waterfront property owners can already
 - build moorings without consent and
 - develop aquaculture; boat launching ramps; environmental facilities; environmental protection works; flood mitigation works; passenger transport facilities and water recreation structures with consent.
- W1 zoned lands are already highly developed with a wide range of infrastructure.
- Do we really need increased development intensity in these areas?
- This proposal will allow property owners in the new W2 areas to
 - Do everything already permitted in the W1 zone plus
 - build boat sheds; charter and tourism boating facilities; kiosks; marinas; mooring pens and outdoor recreation facilities (think swimming pools, water skiing facilities and tennis courts) with consent.
- These types of development will change the character of the rezoned areas for everyone living nearby and have a dramatic impact on the commercial, recreational, residential and environmental values of our waterways.

What are your options?

- This proposal has been struggling to progress since 2022 because it lacks both strategic and site specific merit.
- As councillors you have three realistic options:
 1. Spend a lot of money to try and make the case for the proposal
 - The business paper suggests some \$500,000 is required and that *'The outcome may result in minimal or no substantive changes to existing W1 zoned land.'*
 2. Start spending about \$50,000 of rate payer funds for a desktop study and hope for some incremental change to the zoning.
 - The chance of success is less than option 1 because the case isn't as strong
 - The costs won't stop here. If the proposal is in some way inconsistent with a Ministerial direction, the business paper and DPHI's letter state that it is, then DPHI will most likely ask for a specific study to address that inconsistency.
 - During consultation the community will also ask questions of Council and the State agencies that will need to be investigated and justified.
 - The cost will only grow, the time spent will get longer, the certainty of the outcome shrink as compromises are made and support will fall away
 3. Bring this proposal to an end now.
 - This option is in your business paper, on page 10, *'Council may also consider withdrawing the Planning Proposal.'*
 - This option allows Council to direct its and the community's resources, rates, time and effort to higher value planning activities that improve the livability of our community

How did we get the zones we have?

- The zones were established in the 2015 LEP
- The LEP was strongly influenced by the state agencies to protect the environmental and economic assets (tourism, recreational fishing, breeding grounds for commercial fish stocks) of the waterways along with the navigation channels
- The zones were based on the best available information at the time
- The threats to the waterways have only increased since 2015 and the extent of the environmental assets has generally been maintained, through the efforts of government investment and community / volunteer support
- To change the zones Council will have to make a case for the change and that will require further studies, as the required information on tourism, fishery function, environmental constraints, landscape qualities and impact on existing residential areas are not available.

Will a desktop study convince the state agencies?

- It is highly unlikely that the desktop study will provide the information required
- The first hurdle is strategic merit. The proposal will not meet the test
 - It doesn't align with any state priority – housing, employment, growth...
 - It is, in part, inconsistent with Ministerial directions 3.10 (Water Catchments) and 4.2 (Coastal Management)
 - It is, in part, inconsistent with the Greater Sydney Region Plan and South District Plan
 - These 'in part inconsistencies' are enough to sink the proposal.
- The second hurdle is site specific merit
 - If the proposal fails the strategic merit hurdle DPHI won't look at site-specific merit
 - The desktop study will reduce the areas of zone change significantly due to sea grass beds, navigation channels, remnant vegetation and other limitations
 - Many environmentally significant areas are not well mapped, it is likely that the boundaries of these areas will be contested by the agencies and the community.
 - The only solution is further study, survey and reports
- DPHI have identified '*significant issues raised by state agencies*'. A desktop study won't fill in the gaps. It is a practical strategy to keep the proposal moving to its inevitable demise.
- Council will spend another \$50,000 now and be asked to find further money for specific studies when the state agencies and the community ask further questions.

Will the proposal deliver the benefits promised?

- It is highly unlikely that development potential of the rezoning will happen because other controls set out in the Ministerial directions and regional plans will need to be considered at the DA stage, like:
 - tree cover retention
 - erosion and sediment control provisions
 - protection of scenic quality
 - sea level rise policy
 - site coverage restrictions
 - set backs from sensitive areas
 - coastal hazards
 - others...
- The result, waterfront owners' expectations won't be met.
- Some waterfront and non waterfront neighbours are also likely to be upset with increased intensity of development. The conflict will draw on Council's resources including compliance and enforcement costs.
- The proposal poses a very real risk to Council's decision-making authority.
 - Such broad rezoning will allow development applications for things like marinas, kiosks and mooring pens in essentially residential environments. Should the community and Council not want this at a particular site their ability to stop it will be limited because the developer can take the proposal to the courts. The permissible use table will influence the court's decision.
 - Adopting this proposal will reduce Council's ability to control development, increase costs fighting inappropriate developments and putting at risk the environmental qualities that attract people to the Shire, like going with your kids and/or grandkids to catch a decent fish or go snorkelling and see a weedy sea dragon...

What are other Councils doing?

- Northern Beaches Council is the most comparable council area to Sutherland.
- That Council is currently consolidating its LEP and it has gone through Gateway
- Their provisions work differently, however, what is clear is that they are retaining limits on permissible uses in their waterway areas, specifically
 - W1 zones have been maintained or converted to
 - a Conservation 2 zoning with equal protections where there is bushland, or,
 - RE1 for land containing public infrastructure (Narrebeen Lake car park and Manly rock pool), mown reserves (Jamieson Park) and the sand portion of Shelly Beach.
 - W2 zones, that are only in Pittwater, were retained
 - W2 zones only allow environmental protection works without consent, no moorings to protect sea grass beds.
 - W2 developments with consent are consistent with Sutherland except:
 - Pittwater allows Emergency Service facilities, jetties, signage and boat building and repair facilities
 - Sutherland allows outdoor recreation facilities (that will have a big impact on tree cover)
 - Foreshore development is also controlled through landscaping area controls that require 75% of the foreshore to be landscape area, or if it is already less than 75%, not to further reduce the landscape area.

Community support?

- This proposal has progressed without community involvement since 2022.
- The proposal is only now coming into the public domain.
- Council has 142 letters of support, facilitated by Harbour Planning Pty Ltd, who specialise in waterfront consultancy.
- What proposal do these letters support? Will this support continue when property owners discover that they will now miss out because the rezoning won't apply to their property?
- Environment groups and the broader community are not yet engaged.
- When members of the local environment groups and concerned neighbours become aware of the final proposal you can expect hundreds of letters against the proposal.

Councillors, the choice is yours...

Will you,

1. Support further allocation of time and rate payers' money to a proposal that has struggled to progress for over 3 years and has a poor chance of delivering the promised outcomes now

OR

2. Bring this proposal to an end and direct this effort and money to proposals of greater strategic merit in making Sutherland Shire a connected and safe community that respects people and nature

The Sutherland Shire Environment Centre sincerely hopes you choose option 2 on 23 March 2026.