



GYDE

Planning Proposal

P-24467

Sutherland Shire Waterways

Prepared for Sutherland Shire Council

10 July 2025

gyde.com.au

Acknowledgment of Country

Gyde Consulting acknowledges and pays respect to Aboriginal and Torres Strait Islander peoples past, present, Traditional Custodians and Elders of this nation and the cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander people. We recognise the deep and ongoing connections to Country – the land, water and sky – and the memories, knowledge and diverse values of past and contemporary Aboriginal and Torres Strait communities.

Gyde is committed to learning from Aboriginal and Torres Strait Islander people in the work we do across the country.



Towards Harmony by Aboriginal Artist Adam Laws

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Disclaimer

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Executive Summary

This Planning Proposal has been prepared by Gyde Consulting on behalf of Sutherland Shire Council for a proposed amendment to the Sutherland Local Environmental Plan (SLEP) 2015 to rezone waterways from W1 Natural Waterways to W2 Recreational Waterways throughout the local government area.

The proposal will facilitate a greater access and utilisation of the waterways proposing to be rezoned. The Planning Proposal has avoided altering the W1 Natural Waterways zoning for any area containing mapped environmental values and areas more than 100m from land, to ensure that environmental protections remain in place controlling inappropriate development within the waterways.

The planning proposal has considered the strategic merit having regard to the Greater Sydney Regional Plan, South District Plan and Sutherland Local Strategic Planning Statement. The planning proposal has considered the applicable State Environmental Planning Policies and Ministerial Directions.

SECTION A - BACKGROUND

1. Introduction

GYDE Consulting has prepared this Planning Proposal Report on behalf of Sutherland Shire Council (Council). It provides a justification for amending Sutherland Shire Local Environmental Plan 2015 (the LEP) to facilitate the waterways rezoning.

It is noted that waterways are defined as 'land' under the definition provided within the Environmental Planning and Assessment Act, 1979 (EP&A Act):

land includes—

- (a) the sea or an arm of the sea,*
- (b) a bay, inlet, lagoon, lake or body of water, whether inland or not and whether tidal or non-tidal, and*
- (c) a river, stream or watercourse, whether tidal or non-tidal, and*
- (d) a building erected on the land.*

This Report addresses Section 3.33 of the EP&A Act and relevant guidelines issued by the NSW Department of Planning and Environment (DPE), including Local Environmental Plan Making Guideline (as updated August 2023) to provide:

- A description of the subject site and its present context,
- A description of the proposed development as relevant to the objectives and intended outcomes of the Planning Proposal,
- An explanation of provisions that would give effect to the objectives or intended outcomes,
- Justification of the strategic and site-specific merit of the proposal,
- Proposed mapped provisions,
- Recommendations with respect to consultation and the timeline to prepare the LEP amendment.

Information presented in this Report addresses matters relevant to Planning Proposals identified in Ministerial Directions made under Section 9.1 of the EP&A Act (detailed in Table 2 in Appendix A) and State Environmental Planning Policies (SEPPs) (detailed in Table 1 in Appendix A).

2. The site and its context

2.1 Location and description

The subject site of the proposal is area identified as waterways within the Sutherland Local Government Area. The subject area is identified in Figure 1 below.

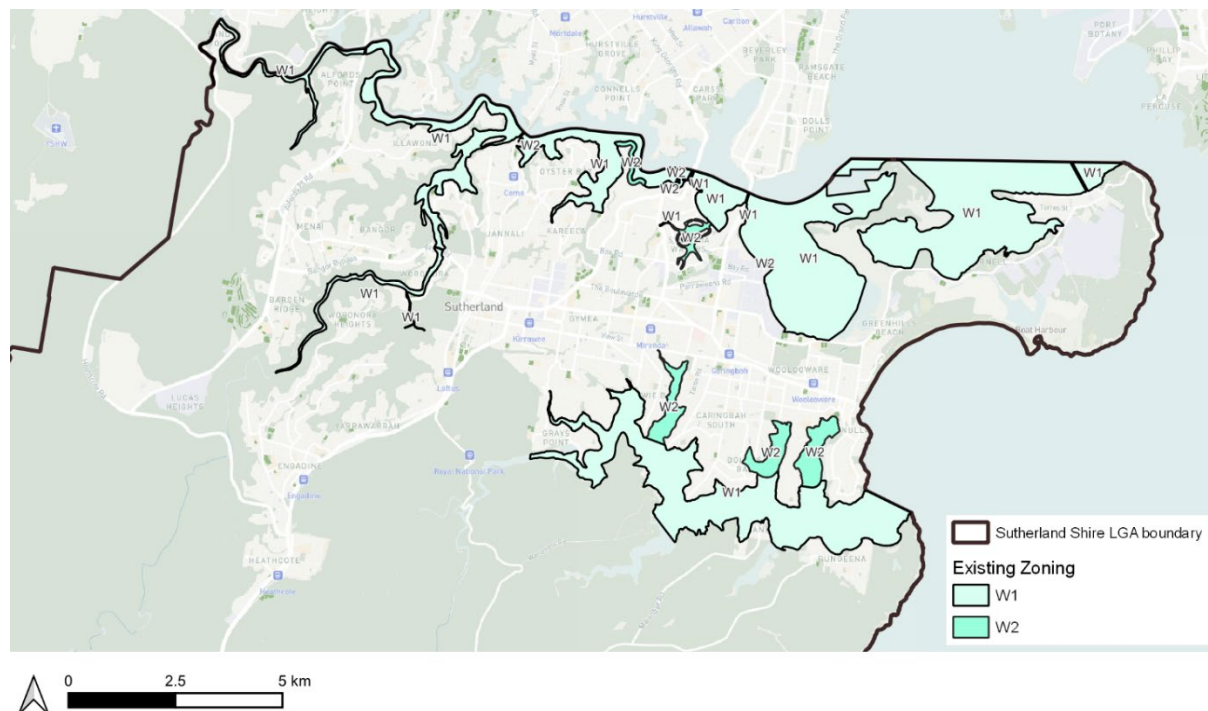


Figure 1 Existing waterways and their zoning within Sutherland Local Government Area (Source: Gyde Consulting)

2.2 Planning Proposal history

On 31 October 2023, Council resolved (PLN031-22 Minute No: 222) in part that:

2. Council officers undertake investigations into the current controls regulating waterways, including
 - a. the application of the W1 Natural Waterways and W2 Recreational Waterways zones and the implications of expanding the application of the W2 Recreational Waterways zone in Port Hacking and Georges River.

In response to the Council resolution, Council considered an evidence-based review of the application of the zones and the environmental constraints affecting each section of the waterways. Council resolved on 11 December 2023 (PLN007A-23) Application of the W1 Natural Waterways and W2 Recreational Waterways Zones (Minutes No:277) that:

2. All waterways be rezoned from W1 Natural Waterways to W2 Recreational Waterways with this change forming part of a 2024 Foreshores and Waterways Planning Proposal.

On 20 May 2024, Council resolved (COR002A-24) that:

2. The draft Waterways Planning Proposal, as attached at Appendix A to the report, be amended to exclude the following areas:
 - a. Towra Point Nature Reserve and Shiprock Aquatic Reserve;
 - b. Coastal wetlands and littoral rainforests currently mapped in W1 areas and identified under the State Environmental Planning Policy (Resilience and Hazards) 2021;

and then be referred to the Sutherland Shire Local Planning Panel for advice before being reconsidered by Council.

Council sought Gyde's services September 2024 to assist council with the preparation of a planning proposal to deliver the Council resolution.

On 26 May 2025, Council resolved to proceed with a refined planning proposal, applying it only to waterways in close proximity to a shoreline adjacent to residential land uses.

2. Council amend the draft Waterways Planning Proposal in response to the advice of agencies and the Sutherland Shire Local Planning Panel by reducing the extent of the rezoning to W2 Recreational Waterways so that it is confined to only those parts of the waterways which abut residential properties.

3. Planning Proposal category

The LEP Making Guidelines delineate four categories of planning proposals based on the strategic consistency and complexity. Council is required to identify the planning proposal category when submitting the planning proposal to the Department for Gateway determination and the Department will confirm the category during its review.

The categories of planning proposals are for administrative purposes only and not set out in the EP&A Act. The categories are used to indicate (for example) benchmark timeframes and the scope of information and technical studies required to support its assessment.

This Planning Proposal has been prepared in line with the **Standard** category as it not categorised as a principal LEP, standard or basic planning proposal.

Stage	Maximum Benchmark Timeframes (working days)			
	Basic	Standard	Complex	Principal
Stage 1 - Pre-lodgement	30 days	50 days	60 days	20-30 days
Stage 2 - Planning Proposal	80 days	95 days	120 days	40 days
Stage 3 - Gateway determination	25 days	25 days	45 days	45 days
Stage 4 - Post-Gateway	20 days	50 days	70 days	160 days
Stage 5 - Public Exhibition & Assessment	70 days	95 days	115 days	95 days
Stage 6 - Finalisation	25 days	55 days	70 days	80 days
Sub-total (Department target)	140 working days	225 working days	300 working days	380 working days
Total (end to end)	220 days	320 days	420 days	420 days

SECTION B – PLANNING PROPOSAL

4. Part 1 – Objectives and intended outcomes

4.1 Objective

The objective of this planning proposal is to amend area zoned W1 Natural Waterways within the Sutherland LEP 2015 to a W2 Recreational Waterways zoning to facilitate a range of permissible uses, delivering greater public access to foreshores.

4.2 Intended outcomes

The planning proposal seeks to achieve the following outcomes:

- To provide opportunities for greater access and utilisation of the waterways
- To provide additional development opportunities on waterways in areas that are not environmentally sensitive.
- To ensure areas identified as being environmentally sensitive land be maintained as W1 Natural Waterways.

5. Part 2 – Explanation of provisions

5.1 Intended provisions

The proposal involves an amendment to Sutherland LEP 2015 to:

- Amend the Land Zoning Map, rezoning identified areas from W1 Natural Waterways to W2 Recreational Waterways.

This Planning Proposal applies to land zoned W1 within 100m of the shoreline adjacent to residential zoned land, with the exception of the following areas:

1. Area identified as having value on the Coastal Wetlands and Littoral Rainforests Area Map within the State Environmental Planning Policy Resilience and Hazards (2011)
2. Area identified as part of the Shiprock and Towra Point aquatic reserves,
3. Area identified as part of the Ramsar wetlands; and
4. Area identified at Kurnell due to existing environmental values of the beach and wetlands at Kurnell.

The area subject of this Planning Proposal is identified on Figure 2 below.



Figure 2 Area subject of this Planning Proposal (Source: Gyde Consulting)

6. Part 3 – Justification

6.1 Need for the Planning Proposal

6.1.1 Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study, or report?

The Planning Proposal is the result of a report endorsed by Council.

Report PLN007A – 23 December 2023, was an evidence-based review of the application of the zones and environmental constraints affecting 13 discrete sections of the waterways.

This Planning Proposal extends the application of Report to waterways within the Sutherland LGA excluding areas identified as:

- Coastal Wetlands and Littoral Rainforests Area Map within the State Environmental Planning Policy Resilience and Hazards (2011) (see Figure 3);
- Shiprock and Towra Point aquatic reserves; and
- Ramsar wetlands.

In addition, due to the existing environmental values of the beach and wetlands at Kurnell, the Kurnell area retained a W1 zoning.

All environmentally sensitive waterways that will be retained as W1 have been identified on Figure 4.

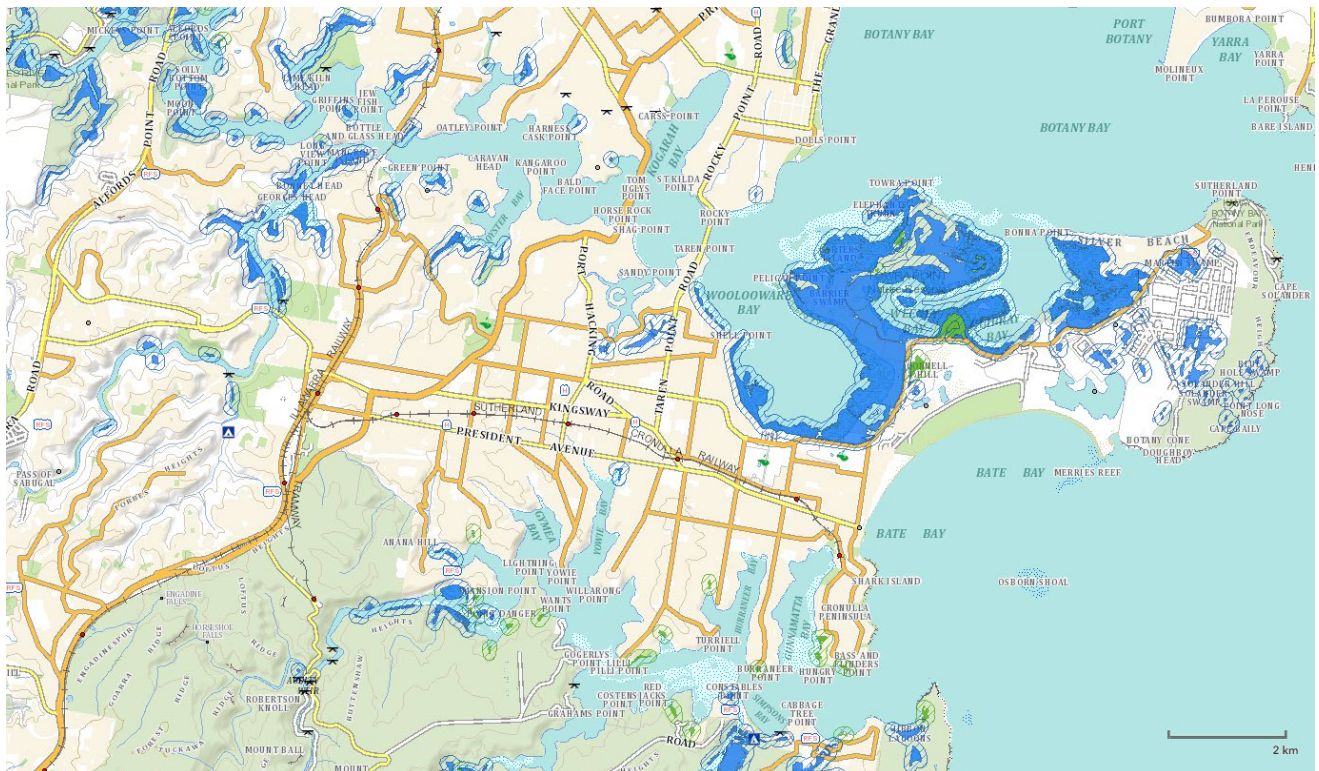


Figure 3 Coastal Wetlands and Littoral Rainforests Area Map (Source: NSW Planning Portal)

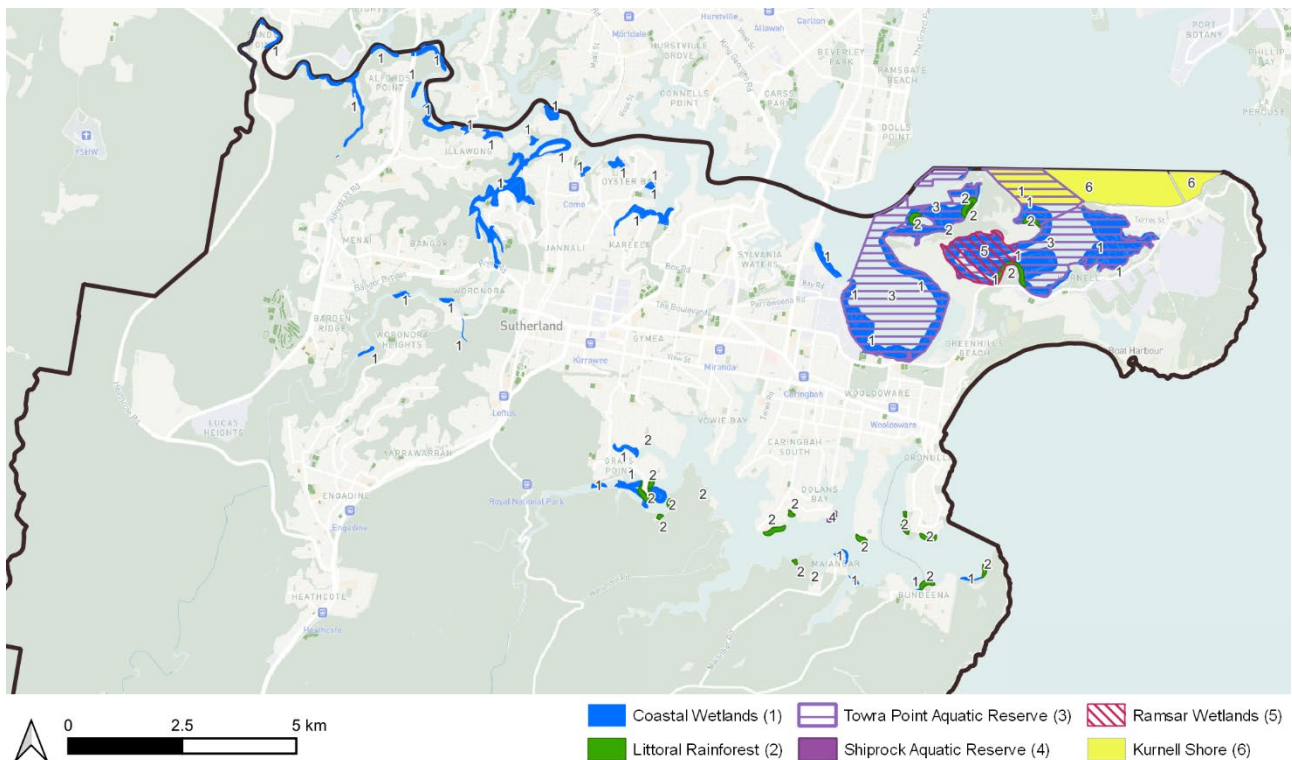


Figure 4 Waterway areas to be retained as W1 (Source: Gyde Consulting)

In addition, to minimise the potential impacts on the natural environment, the planning proposal is only applied to areas with 100m of residential zoned land's shoreline. This approach is consistent with the waterways zoning applied to Kangaroo Point.

6.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

To achieve the objectives or intended outcomes, a Planning Proposal is required to facilitate a greater range of permissible uses and utilisation of the waterways. There are no other means of delivering Council's intent.

6.2 Relationship to Strategic Planning Framework

6.2.1 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Greater Sydney Region Plan and South District Plan are applicable to the Planning Proposal.

Greater Sydney Region Plan

The Greater Sydney Region Plan presents a strategy for managing growth and change and is intended to guide infrastructure delivery of the next 40 years. The relevant objectives and responses to the objectives are addressed as follows:

Objective 25: The coast and waterways are protected and healthier.

Rezoning waterways from W1 Natural Waterways to W2 Recreational Waterways has the potential to remove environmental protections. Increased development potential and greater recreational use has the potential to impact on the coast and waterways. The W2 Recreational Waterways zone does not directly encourage degradation of water quality of waterways; however, it can indirectly lead to that effect if

development is not appropriately managed through careful environmental consideration at the assessment stage and suitable conditions of consent.

It is noted that no known areas of environmental significance are proposed to be rezoned from W1 Natural Waterways to W2 Recreational Waterways.

Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced.

The planning proposal is not proposing to alter the zoning of areas identified as having significant biodiversity value, as mapped under SEPP (Resilience and Hazards).

Objective 28: Scenic and cultural landscapes are protected

There is no documentation or mapping confirming that the area subject of the planning proposal is identified as a scenic or cultural landscape. Despite the potential for the planning proposal to increase built form within the waterways, it is considered that the planning proposal will impact on any documented scenic or cultural landscapes.

Objective 31: Public open space is accessible, protected and enhanced

The planning proposal will improve accessibility by facilitating appropriate development within selected waterways within the Sutherland LGA. The planning proposal will not alter the W1 Natural Waterways zoning for areas identified as having environmental characteristics, as identified within section 6.1.1.

South District Plan

The South District Plan presents a 20 year plan to manage growth in the context of economic, social and environmental matters to achieve the vision established within the Greater Sydney Regional Plan. Consideration of the relevant planning priorities are addressed as follows:

Planning Priority S13: Protecting and improving the health and enjoyment of the district's waterways

The planning proposal is partially inconsistent with Planning Priority 13 as allowing further development within waterways will not improve their health.

However, the objectives of the W2 zone requires future development to consider 1) protecting the ecological, scenic and recreation values of recreational waterways; and 2) protecting remnant natural features, aquatic habitat, public access and navigability of waterways. These zone objectives will ensure future development maintains and protects waterways.

Planning Priority Action 57: Protect environmentally sensitive coastal areas and waters

The planning proposal is consistent with this action as it maintains the W1 zoning for areas identified as having environmental significance under the SEPP (Resilience and Hazards).

Planning Priority Action 58: Enhance sustainability and liveability by improving and managing access to waterways, foreshores and the coast for recreation, tourism, cultural events and water-based transport.

The planning proposal facilitates greater accessibility and utilisation of the waterways through the introduction of the W2 zoning.

Planning Priority Action 60: Reinstate more natural conditions in highly modified urban waterways

The term 'highly modified urban waterways' applies where the land and waterway interface has been modified to support development. Action 60 seeks to encourage areas that have been highly modified, return to a more natural state. The interface between land and waterway is the focus of individual development applications rather than the zoning application.

The intent of Planning Priority Action 60 is to ensure development applications along waterways deliver more natural conditions. The intent of this Planning Priority Action can still be delivered through future development applications if the Planning Proposal proceeds.

It is noted that the Planning Proposal is proposing to introduce a the W2 Recreational Zoning, which has the potential to increase development within waterways, however the intent of the zone, as indicated by the zone objectives, is not to encourage highly modified urban waterways. If future development is consistent with the W2 zone objectives, Planning Priority Action 60 is able to be achieved.

Planning Priority Action 65: Identify and protect scenic and cultural landscapes

The District Plan identifies that *“The coastline and waterways are significant elements of the District’s scenic and cultural landscapes”*. The planning proposal will facilitate development within the waterways, however that doesn’t necessitate that all future development will be harmful to scenic and cultural landscapes. There is the opportunity for future development, facilitated by this planning proposal, to be appropriately designed to have nil impact on scenic and cultural landscapes.

Planning Priority Action 66: Enhance and protect views of scenic and cultural landscapes from the public realm.

The planning proposal will not alter any views to scenic and cultural landscapes from the public realm.

6.2.2 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

The Sutherland Local Strategic Planning Statement (LSPS) was endorsed 15 September 2020. The LSPS articulates the vision of how places and land use in Sutherland Shire will be described in 20 years time. Consideration of the applicable priorities are as follows:

Priority 7: Respect Local Character

This priority identifies that lots fronting waterways and foreshore reserves have a significant role in maintaining and restoring the natural, scenic, and environmental qualities of Sutherland Shire.

The planning proposal is consistent with this direction as does not alter the character of the lots fronting waterways. The lots fronting waterways will be subject to the same planning considerations if this planning proposal proceeds.

Priority 18: Improve the quality of our waterways and beaches by ensuring the planning framework and public works protect waterways, foreshores and beaches.

Action 18.2 Retain (short term) retain LEP and DCP provisions to protect and enhance waterways and foreshores, while respecting and recognising existing approved development, existing rights of landowners and land use

Action 18.6 (long term) facilitate greater waterway access while protecting the environment

The planning proposal is consistent with this priority as it facilitates greater access to waterways while proposing a W2 zone that maintains objectives to protect the ecological, scenic and recreation values of waterways.

The Community Strategic Plan (CSP) outlines the community’s aspirations and ten-year vision for Sutherland Shire. It was adopted by Council on the 22 May 2022. The following outcome is applicable to the planning proposal:

Outcome 2: A beautiful, protected and healthy natural environment.

Strategy 2.3, Enhance and protect diverse natural habitats.

Aim 2.3.3 Promote and facilitate responsible urban planning which balances growth with environmental sustainability and protection.

The planning proposal is consistent with the outcome, strategy and aim of the CSP as it facilitates greater access to waterways while avoiding altering the W1 zoning for areas identified as having environmental

characteristics. The planning proposal delivers aim 2.3.3 of the CSP by balancing development opportunities whilst avoiding areas identified as having environmental value.

6.2.3 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Policy and guidelines for fish habitat conservation and management

This policy and guideline are aimed at maintaining and enhancing fish habitat for the benefit of native fish species, including threatened species, in marine, estuarine and freshwater environments. Section 2.5 of the policy and guideline identifies the relevant considerations for planning proposals, stating:

“Amendments to current planning instruments, and the development of new planning instruments (including SEPPs and LEPs) must also be consistent with existing state government policy. To achieve policy consistency, local government and the Department of Planning and Infrastructure routinely forward draft planning instruments to NSW DPI for review and comment.”

The planning proposal is consistent with the existing state government policy by not altering the zoning of any land identified under the Coastal Wetlands and Littoral Rainforests Area Map within the State Environmental Planning Policy Resilience and Hazards (2011). In addition, NSW DPI will be consulted to ensure policy consistency is achieved.

There are no other applicable State or regional studies specifically relevant to the planning proposal.

6.2.4 Is the planning proposal consistent with applicable SEPPs?

A comprehensive assessment of the planning proposal against all State environmental planning policies (SEPPs) is considered as follows.

SEPP	Comments
SEPP (Biodiversity and Conservation 2021)	The SEPP applies to all area zoned waterways. The planning proposal is not inconsistent with the SEPP, however it will alter the baseline development standards applicable to any future development application.
SEPP (Exempt and Complying Development Codes) 2008	This SEPP does not apply.
SEPP (Housing) 2021	This SEPP does not apply.
SEPP (Industry and Employment 2021)	This SEPP does not apply.
SEPP (Planning Systems) 2021	This SEPP does not apply.
SEPP (Precincts – Central River City) 2021	This SEPP does not apply.
SEPP (Precincts – Eastern Harbour City) 2021	This SEPP does not apply.
SEPP (Precincts – Regional) 2021	This SEPP does not apply.

SEPP	Comments
SEPP (Precincts – Western Parklands City) 2021	This SEPP does not apply.
SEPP (Primary Production) 2021	This SEPP does not apply.
SEPP (Resilience and Hazards) 2021	This SEPP applies to areas mapped Coastal Wetland, Coastal Environment and Coastal Use (as defined by the SEPP). The SEPP applies to any development application within land identified in the maps. This Planning Proposal does not propose to alter the zoning of any land identified within the SEPP mapping.
SEPP (Resources and Energy) 2021	This SEPP does not apply.
SEPP (Sustainable Buildings) 2022	This SEPP does not apply.
SEPP (Transport and Infrastructure) 2021	This SEPP does not apply.

6.2.5 Is the Planning Proposal consistent with the applicable Ministerial directions (s.9.1 directions)?

A comprehensive assessment of the planning proposal against all Ministerial directions is considered as follows.

Direction	Comments
1.1 Implementation of Regional Plans	The rezoning of the selected waterways to W2 Recreational Waterways is partially inconsistent with <i>Objective 25: The coast and waterways are protected and healthier</i> of the applicable Regional Plan. There is the possibility that by altering the zoning from W1 Natural Waterways to W2 Recreational Waterways, it could indirectly lead to less healthier waterways. It is considered that this inconsistency is of minor significance as both zones maintains the zone objective 1) protecting the ecological, scenic and recreation values of recreational waterways. Despite the change in zoning, the zone objectives will ensure any future development protects the existing ecological values.
1.2 Development of Aboriginal Land Council Land	Not applicable.
1.3 Approval and Referral Requirements	The planning proposal is consistent with this direction.
1.4 Site Specific Provisions	Not applicable.

Direction	Comments
1.4A Exclusion of Development Standards from Variation	Not applicable.
1.5 – 1.22 Place Based Directions	Not applicable
3.1 Conservation zones	The planning proposal is consistent with this direction as it does not seek to alter the zoning of any land within a conservation zone or land otherwise identified for environment conservation/protection purposes.
3.2 Heritage Conservation	Not applicable
3.3 Sydney Drinking Water Catchments	The planning proposal is consistent with this direction.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
3.6 Strategic Conservation Planning	Not applicable
3.7 Public Bushland	The planning proposal is consistent with this direction.
3.8 Willandra Lakes Region	Not applicable
3.9 Sydney Harbour Foreshores and Waterways Area	Not applicable
3.10 Water Catchment Protection	The direction applies as the land falls within a regulated catchment (the George's River catchment). The direction required documentation, prepared by a suitably qualified person(s), indicating whether the planning proposal will result in adverse direct environmental impact. The planning proposal is inconsistent with this direction as it not supported by a report assessing the direct environmental impact. However, the inconsistency is justified as minor significance as the areas proposed to be rezoned have been informed by the SEPP mapping layers which was unpinned by an environmental analysis. By avoiding areas mapped within the SEPP mapping, the planning proposal avoids areas of environmental significance. In addition, controls within the Sutherland DCP will continue to ensure that future development is

Direction	Comments
	appropriately assessed and does not result in adverse environmental impacts.
4.1 Flooding	The planning proposal is not inconsistent with this direction.
4.2 Coastal Management	The planning proposal is consistent with this direction as it not proposing to alter the zoning of any land identified on the coastal wetlands and littoral rainforests area identified by Chapter 2 of SEPP Resilience and Hazards 2021.
4.3 Planning for Bushfire Protection	The planning proposal is consistent with this direction
4.4 Remediation of Contaminated Land	Not applicable
4.5 Acid Sulfate Soils	The planning proposal is consistent with this direction
4.6 Mine Subsidence and Unstable Land	Not applicable
5.1 Integrating Land Use and Transport	The planning proposal is consistent with this direction
5.2 Reserving Land for Public Purposes	Not applicable
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable
5.4 Shooting Ranges	Not applicable
6.1 Residential Zones	The planning proposal is consistent with this direction
6.2 Caravan Parks and Manufactured Home Estates	Not applicable
7.1 Employment Zones	Not applicable
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
8.1 Mining, Petroleum and Extractive Industries	Not applicable
9.1 Rural Zones	Not applicable
9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable

Direction	Comments
9.4 Farmland of State or Regional Significance	Not applicable

6.3 Environmental, Social and Economic Impact

6.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Waterways within the Sutherland contain a threatened species (*Posidonia australis*) and significant ecological communities consisting of mangroves, sea grasses and littoral rainforests at the land water interface. The planning proposal will affect a significant portion of the waterways within the Sutherland LGA. The planning proposal has sought to minimise potential impacts on these species by retaining a W1 zoning for

1. Land identified as having value on the Riparian Lands and Watercourses Map within the State Environmental Planning Policy Coast Wetlands
2. Land identified as part of the Shiprock, Towra Point aquatic reserves,
3. Land identified as part of the Ramsar wetlands;
4. Land identified at Kurnell due to the existing environmental values of the beach and wetlands at Kurnell, the Kurnell area retained a W1 zoning; and
5. Land that is more than 100m from the shoreline.

Areas supported for a W2 Recreational Waterway zoning have not been identified within any environmentally sensitive mapping or by any environmental studies.

In addition, the W2 Recreational Waterways zone objectives require any future development “1) *protecting the ecological, scenic and recreation values of recreational waterways*” ensuring that any unmapped critical habitat or threatened species, population or ecological community, or their habitat, is protected.

6.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no mapped environmental values that will be affected by the planning proposal. However, it is noted that development in waterways has the potential to cause environmental impacts if future development is not consistent with the objectives of W2 and appropriate environmental mitigation measures are included as part of future development applications. The potential impacts of development within waterways will need to be assessed and mitigated during development assessment.

6.3.3 Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will have a minor positive social benefit on the Sutherland LGA by facilitating greater access to waterways. The planning proposal will allow for more development to occur within the proposed area, leading to more opportunities to patrons to utilise the waterways for recreational purposes.

6.4 Infrastructure (Local, State and Commonwealth)

6.4.1 Is there adequate public infrastructure for the planning proposal?

The Planning Proposal will not directly alter any existing public infrastructure requirements.

Indirectly, The Planning Proposal has the potential to facilitate additional development intensity for Council managed facilities adjoining waterways. The Planning Proposal facilitates waterfront structures to enable recreational use of waterways directly from residential properties. It is unlikely that this will lead to significant additional usage of existing boat ramps and public facilities.

Council's current S.7.12 plan requires contributions from development within waterways. This may cover the cost of upgrading public infrastructure that adjoins waterways, if required.

6.5 State and Commonwealth interests

Council undertook early engagement with State agencies, with submissions received from the following agencies:

- Department of Climate Change, Energy, the Environment and Water
- Department of Primary Industries and Regional Development – Fisheries
- Department of Planning, Housing and Infrastructure

Department of Climate Change, Energy, the Environment and Water (DECCW)

DECCW raised the following matters:

- the Planning Proposal clarifies that it applies to Crown waterways where Council is the Crown land manager and explicitly state it excludes those waterways reserved as part of Royal National Park
- the retention of a buffer of W1 zoned waterway adjacent to land reserved under the National Parks and Wildlife Act 1974
- the Planning Proposal has the potential to have significant direct and indirect impacts on the many threatened species and communities known to utilise the area
- any increase in recreational activities like boating and jet skiing, which generate excessive noise, damage the sand spit or tidal flats, or affect shorebird food availability through fishing, could significantly impact threatened shorebird species
- the development of permissible activities under the proposed W2 Recreational Waterways zoning has the potential to cause significant irreversible impacts on the threatened shorebird species

It is noted that DECCW was consulted on a planning proposal that covered a much larger scope. The planning proposal seeks to provide opportunities for greater recreational access and utilisation of the waterways. Hence, the planning proposal has since been reduced to:

- only apply to areas within 100m of a residential foreshore, minimising potential environmental impacts.

The proposal also excludes the application of the W2 zone to sensitive foreshores including:

- Towra Point Nature Reserve and Shiprock Aquatic Reserve;
- the Coastal wetlands and littoral rainforests currently mapped in W1 areas and identified under the State Environmental Planning Policy (Resilience and Hazards) 2021

All applications for permissible development are subject to the development application process.

DECCW will be further consulted when a Gateway Determination is issued to confirm if the refined application of the planning proposal addresses their concerns.

Department of Primary Industries and Regional Development – Fisheries (DPIRD Fisheries)

Fisheries raised the following recommendations for a future planning proposal:

- A buffer zone be included for aquatic reserves. DPIRD Fisheries recommends a buffer zone of at least 100m to be consistent with the buffer zone the proposal has selected for SEPP Wetlands / Littoral Rainforest.
- DPIRD Fisheries recommends retaining W1 waterway zoning in these locations with an adequate buffer from TYPE 1 seagrasses. This recommendation not only ensures protections for TYPE 1 KFH, but it also ensures protections for the above listed threatened species listed under the FM Act.
- DPIRD Fisheries also recommends waters adjacent to land zoned C1 and C2 remain as W1 zoning. This ensures that intensification of land use within the waterway will not occur adjacent to land that is already zoned for conservation purposes.

It is noted DPIRD Fisheries was consulted on a planning proposal that covered a much larger scope. The planning proposal seeks to provide opportunities for greater recreational access and utilisation of the waterways. The planning proposal has since been reduced to only apply to areas within 100m of a foreshore, minimising potential environmental impacts on sensitive environmental locations.

The proposal excludes the application of the W2 zone to sensitive foreshores including:

- Towra Point Nature Reserve and Shiprock Aquatic Reserve;
- the Coastal wetlands and littoral rainforests currently mapped in W1 areas and identified under the State Environmental Planning Policy (Resilience and Hazards) 2021

All applications for permissible development are subject to the development application process.

DPIRD Fisheries will be consulted again if a Gateway Determination is issued to confirm if the refined application of the planning proposal addresses their concerns.

Department of Planning, Housing and Infrastructure (DPHI)

DPHI raised the following matters in March 2025:

- Further analysis of the strategic merit is required;
- Consideration of the driver for the proposal;
- Land ownership of the foreshore;
- Precedence for future proposals;
- Consideration of the Fisheries Key Fish Habitat Policy;
- Environmental and infrastructure impacts;
- Reduction of public access to waterfront; and,
- Additional agency consultation requirements.

The planning proposal seeks to provide opportunities for greater recreational access and utilisation of the waterways.

The planning proposal has been revised since the initial consultation to address, where possible, the matters raised by DPHI. These matters will further considered if required by a Gateway Determination.

Formal engagement will be concluded following engagement with public authorities, including response from Department of Environment, Climate Change and Water (DECCW) who is the principal agency responsible for implementing the Ramsar Conservation, National Parks and Wildlife, and Transport for NSW.

7. Part 4 – Maps

The planning proposal will amend the Land Zoning maps within the SLEP 2015, delivering the following mapping amendments.

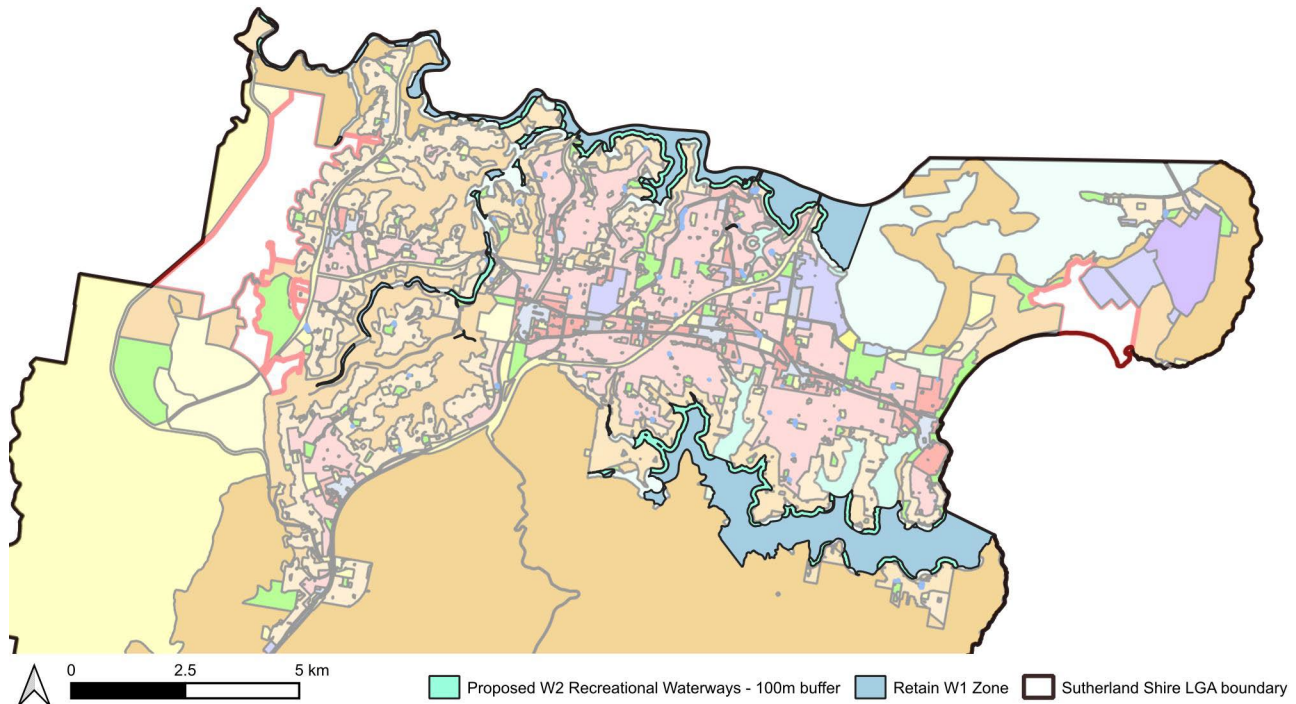


Figure 5 Planning Proposal SLEP 2015 Land Zoning Map

8. Part 5 – Community consultation

In accordance with the community participation requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2021, the planning proposal will be exhibited for a period of 28 days unless a longer time period is specified by the gateway determination.

The Sutherland Shire Community Engagement Strategy 2023 specifies that planning proposals of this nature are required to undertake engagement under the following methods at a minimum:

- *Advertisement in local newspaper* - An advertisement will be placed in the Council page in the St George and Sutherland Shire Leader identifying the purpose of the planning proposal and where the planning proposal can be viewed.
- *Council online website* - The planning proposal will be exhibited on the Council consultation website with links from Council's home page.
- *Engagement with landowners* – There are over 3,500 waterfront lots in the Sutherland Shire. Tailored engagement activities such as focus groups and wider engagement with users will be planned. This may include notification of the proposal at fishing clubs, boat ramps, parks etc

9. Part 6 – Project timeline

The Local Environmental Plan Making Guideline provides an outline project timeline as a tool for Council and the Department to monitor the progress of the planning proposal through the LEP making process and manage resources accordingly.

The timeframes indicated are estimates and may change during the life of the proposal. The project timeline may be amended by Council or in the Gateway determination.

Table 1: Indicative timeframe (Complex planning proposal category)

Stage	Benchmark timeframe	Anticipated commencement date
1. <i>Pre-lodgement</i>	<i>Complete</i>	
2. Planning Proposal - Consideration by Council - Council decision	120 working days	LPP - March 2025 Council - July 2025
3. Gateway determination	45 working days	August 2025
4. Post-Gateway - Additional technical studies - Pre-exhibition consultation with authorities and government agencies	70 working days	September 2025
5. Public exhibition and assessment - Commencement and completion of public exhibition period - Consideration of submissions - Post-exhibition review and (if required) additional studies - Submission to the Department (where applicable)	115 working days	October-November 2025
6. Finalisation - Finalisation checks - Final GIS mapping - Legal drafting - Gazettal of LEP amendment	70 working days	December 2025