

12 February 2014

Sutherland Draft LEP Review  
NSW Department of Planning and Infrastructure

Dear Sir/Madam,

Herewith are copies of two submissions I made to Sutherland Shire Council regarding the Draft LEP. Please consider the matters therein in the review. In particular I draw attention to the lack of compliance of the proposed E2 and E3 zonings in the Draft LEP with the Department's Practice Notes and the extensive areas of residential land proposed for E3 zoning.

**Inadequate and unsustainable vehicle parking and delivery vehicle access**

The Draft LEP, as with the current SSLEP2006, has inadequate requirements for storage space, vehicle parking and turning and access for delivery and trades vehicles within developments. Roads in Sutherland Shire are becoming congested by vehicle, trailer, boat and caravan parking as developments have not provided adequately. While the Draft LEP includes some provisions integrating traffic planning with development, the Draft LEP completely lacks any integration of development and vehicle parking controls in public roads, particularly for medium and high density housing. Significant numbers of lots in Sutherland Shire are accessed by rights of way and the Draft LEP requires only two vehicle parking spaces within lots and does not require any area accessible for trade or delivery vehicles. This results in access to other lots being obstructed, trespass of vehicles onto adjoining lands and confrontations and, even where developments meet the two vehicle space requirement, demands being made under section 88K of the *Conveyancing Act 1919* for easements for parking and loading over adjacent properties. It is absurd that such extra parking or loading areas could be "reasonably necessary" under s88K but not in the Draft LEP. The lack of adequate requirement for parking, turning and service vehicle access and consequential congestion of roads is unsustainable. The provision for vehicle parking is so inadequate that Sutherland Shire Council has issued *Guidelines* to its parking patrol officers requiring them to NOT enforce the National Road Rules in the *NSW Road Regulations* regarding parking on nature strips.

**Lack of remedial requirements of zoning**

Sutherland Shire Council has supported the imposition of very restrictive 7D and E2 zonings by Wollongong Council in the Helensburgh - Otford area. These zonings require remedial reconfiguration of the lands into larger holdings before any effective use or development can be made. Yet, hypocritically, Sutherland Shire Council does not utilize such remedial zoning requirements to bring development in its own area into line with minimum requirements of zonings, even on the lands it proposes to zone Environmental E2, E3 and E4. Some lots in the areas proposed for E3 zoning are well below the current minimum lot size and width and have inadequate access and vehicle parking, yet the Draft LEP would permit further development exacerbating the existing problems. The owners of older residential flats with no or inadequate vehicle parking and appalling security or of waterfront lots designed for early 1900s holiday cottages will never be encouraged to reconfigure their lands and redevelop while they are allowed to pour in money for such as boat sheds, pontoons, inclinators, gymnasiums and media rooms to enhance the existing development but are not required to provide even the basics and are allowed to freeload on the public roads. The result is that Sutherland Shire has multi-million dollar waterfront and waterfront reserve properties that freeload on the public and cause congestion of public roads. The Draft LEP entrenches this reverse redistribution of wealth.

Regards, 

Robert Campbell  
188 Ellesmere Road  
Gymea Bay NSW 2227

16 September 2013

Sutherland Shire Council  
4-20 Eton Street  
SUTHERLAND NSW 2232

Dear Sir/Madam

**Amended draft Sutherland Shire LEP 2013**

I oppose:

1. **The E3 zoning of any residential area** in Sutherland Shire and in particular large parts of Gymea Bay. These areas have been residential for many years, the character of the areas are overwhelmingly residential and of Low Density Residential and should be zoned as such (R2) with a tier of permitted uses and environmental controls. The proposed application of E3 zoning is not consistent with the NSW Department of Planning Practice Note for such zoning which states: "Prior to applying the relevant zone, the environmental values of the land should be established, preferably on the basis of a strategy or from an environmental study" and makes it clear E3 zoning is only for land "where the primary focus is [] the conservation and/or management of environmental values" and where is not, "a different zone type should be applied."
2. **The proposed increased building heights and densities of high rises in centres.**
3. **Reduction in landscaped area requirements and increased floor space ratios.**
4. **Continued planning based on minimum lot sizes and controls of dual occupancies** rather than by floor space ratio as proposed by NSW Department of Planning and the Minister for Planning.
5. **Any rezoning, development or alienation of Waratah Park from public open space.**  
Sutherland Shire is already poor in open space and sports facilities. Sports teams from the east of the Shire have to travel to Lucas Heights (Barden Ridge) and even before the Sharks (CSRLFC) build all over its fields, Shire Rugby League teams (eg. Gymea JRLFC) are using fields in Helensburgh in Wollongong LGA as their home ground. Sutherland has few large parks and fewer for passive use (and even less riverfront reserves that provide accessible public access).
6. **The handing over of planning of any part of Sutherland Shire as an Urban Activation Precinct** by which scheme the NSW government holds local councils to ransom for infrastructure and development funding. Your role as a council is to campaign and hold against such ransom and demand reasonable funding without ransom. Ken Johns and the other Liberal Party councillors can earn brownie points from their state party leaders for pre-selection without ruining Sutherland Shire.

I have **NOT** made any donation or gift to any Councillor or Council employee.

Regards,

31 October 2013

Sutherland Shire Council  
4-20 Eton Street  
SUTHERLAND NSW 2232

Dear Sir/Madam,

**Re: Draft Sutherland Shire LEP 2013****E2 Environmental Conservation**

Supposedly, *"This zone applies to areas that contain **high** ecological, scientific, cultural or aesthetic values."* The draft LEP proposes many totally inappropriate areas be zoned E2 Environmental Conservation. Some of these have no substantial environmental qualities to be conserved and it is apparent that their inclusion has been without any environmental assessment of the sites.

I hold a science degree in earth, ecological and biogeography sciences, was formerly a Council bushcarer and member of Council's Coonong Creek Management Committee and have long experience in weed identification and control and bushland restoration. I have examined many of the areas in Gymea Bay and Gymea proposed for E2 Environmental Conservation zoning and found many have no substantial environmental qualities to conserve as set out in the table below.

Location	Conditions
Public lane running north from south eastern end of Coopers Avenue, Gymea Bay	Part sealed public road. Areas of mown grass maintained as extensions to private yards. Remaining area heavily weed infested. Some rock outcrops. No area of sufficient environmental quality to conserve.
Drainage strip off south western end of Coopers Avenue, Gymea Bay	Predominated by weeds. Large amounts of litter from stormwater system. Few local indigenous trees or shrubs shared with adjoining lots zoned E3. Very poor environmental qualities. Area so narrow, it could not practically be used for conservation.
Unmade part of public road, southern end of Molong Road, Gymea extending to tidal river	Predominated by mown grass with a few mature and aged local indigenous trees, some in poor condition. Large mature woody weeds and considerable weed shrubs - no apparent weed management. Area intersected by section of made road, excavated and concreted driveways and access pathway. Area between made public road at end of Marina Crescent and waterfront is mown and used for storage of boats. Encroachments on area. Mangroves mostly cleared from area and adjacent Crown land. Area would require considerable environmental restoration rather than environmental conservation. Successful restoration is unlikely given uses by local residents. Trees worthy of management but insufficient other environmental qualities intact for conservation.
Unmade part of public road, southern end of Coonong Road, Gymea extending to tidal river	Stone and concrete path with steps and railing. Electricity poles and cables. Trees and tall shrubs heavily cut back from cables. Weeds predominant. Depauperate variety of native shrubs over-dominated by <i>Pittosporum undulatum</i> . Small native shrubs and ground cover almost non-existent. Heavily disturbed area. Insufficient environmental qualities to conserve.
Unmade part of Sylvania Road South between Darryl Place and Bunarba Road, Gymea	Mostly mown lawn grass. Entirely cleared of all indigenous vegetation except a few individual trees. Some outcrops of sandstone. Some plantings of native plants (some non-local

	ornamental natives and cultivars). Area worthy of management but no remnant natural environment to conserve.
Area along un-named creek around unmade western part of Ellesmere Road, GyMEA Bay adjacent to Marina Crescent to waterfront of North West Arm of Port Hacking River.	Area heavily disturbed by sewer main construction. Creek is heavily polluted and littered as part of street stormwater system. Area is severely infested with weeds. Deer sighted and impacts on vegetation and on soil stability very evident. Area would need extensive environmental restoration before being worthy for environmental conservation.
Area along Dents Creek / North West Arm of Port Hacking River	Area between Tathra Place, Cobargo Road and First Avenue worthy of environmental conservation. Rest of area is heavily infested with weeds. Along Tathra Place there are massive stands of the weed <i>Ligustrum lucidum</i> (Large Leaf Privet) – completely unmanaged. Very poor environmental qualities for conservation and in fact much of area serves as a weed seed source to infest local areas including the nearby Royal National Park. Area downstream of end of Cobargo Road and along Huskisson Road has been heavily disturbed by the construction of a sewer main.

The unmade river ends of Bunarba Road, GyMEA , Kiora Road and Binda Road, Yowie Bay, proposed for E2 zoning are also heavily infested with weeds, little managed and of poor environmental quality.

That these areas are proposed for E2 Environmental Conservation zoning suggests that no environmental assessment, as required by the NSW Department of Planning practice notes, has been undertaken and that the proposals are fanciful and are not based in any accepted or acceptable planning practice.

### **E3 – Environmental Management**

This environmental zoning has been proposed for vast areas of long-time residential land. This itself should be an indication of the misapplication of the zoning. E3 is not an appropriate zoning for residential land. An examination of the boundaries of this proposed zone shows that the zone has been applied to blocks of lots rather than delineating “*land with special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes*”. The boundaries of the zone have been drawn so as to make them consistent, neat lines along roads and fence lines, rather than seeking to delineate areas of land needing environmental management. Examination of boundary lots reveals the misapplication of the zoning as set out in the table below.

135 Coonong Road, GyMEA (lot 107 DP 14635)	The aerial photograph record shows the lot was completely cleared. It still has no trees and contains an extended and bricked 1950s dwelling, concrete drive and paths and lawns. The lot is not within a foreshore area or within sight of or from the river. There are no substantial environmental qualities for the inclusion of the lot within the Environmental Management zone. There is no significant difference of this lot to the adjoining lot which is within the R2 Low Density Residential zone. The boundary of the E3 zone has quite apparently included this lot just to make the boundary a consistent line.
58 Arcadia Avenue, GyMEA (lot 86 DP14635)	As above but, two trees have grown and two exotic conifer trees have been planted in the front yard.

These two cases exemplify how the E3 zoning has been misapplied in the draft LEP. The zoning has been applied arbitrarily without adequate, if any, assessment.

The processes of determining the application of the Environmental, E2, E3 and E4 zonings in the draft LEP have been completely inadequate and the zonings misapplied. The draft LEP is a disgrace and should be completely redone.

Regards, 