

KOGARAH RESIDENTS' ASSOCIATION INCORPORATED

ESTABLISHED IN 1921 BY THE RESIDENTS OF KOGARAH AS PART OF THE PROGRESS ASSOCIATION MOVEMENT

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Director Environment and Building Policy
NSW Department of Planning and Environment
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Sydney NSW 2001

Draft Coastal Management State Environmental Planning Policy (SEPP)

Our Association supports law reform that will improve environmental outcomes within the coastal zone, with the objective is for all development in the coastal zone to be consistent with the principles of Ecologically Sustainable Development (ESD).

The former Kogarah LGA is now under administration as part of the new Georges River Council. Kogarah is located within the Georges River catchment; the 100 kilometre river rises on the Illawarra escarpment near Appin, and it takes over a month for water to flow down the length of the Georges River, out to sea at Botany Bay.

Kogarah Bay is the largest bay in the former LGA, with the largest area of seagrass in the Georges River; the bay is considered a 'sensitive aquatic habitat'. Mudflats also comprise more than 70% of Kogarah Bay foreshore at low tide. Due its size, more than half of Kogarah Bay is 'dead water', unaffected by flows in the Georges River, creating a silt trap for sediments, which can contain toxic pollutants such as heavy metals and dredging can release them back into the water.

Shipwrights Bay and Kyle Bay consist mostly of rocky cliffs and reserves featuring remnant wet sclerophyll forest (closed forest), important mudflats used by wading birds; continuous mangroves and seagrass, plus threatened species of fauna. The shoreline of Connells Bay is highly developed, but large amounts of silt has been colonised by seagrass.

Oatley Bay has the greatest number of protected plants and animals of the former LGA in its reserves, which include Oatley Point Reserve with the highest quality remnant coastal forest with many colonies of native fauna. Two waterways flow either side into Oatley Bay, one being the last remaining natural creek which flows through Poulton Park, the other is channelled underground through Moore Park. Oatley Bay also has one of the largest areas of mangroves in the Georges River.

Neverfail Bay was named after a water spring which supplied fresh water to Captain Arthur Philip's First Fleet in 1788. The bay was once home to extensive oyster farms, with the last farm removed in 1993 due to deteriorating water quality. The catchment is mainly urbanised and the Illawarra Railway and Como Bridge cross the western edge. A narrow strip of conservation land features extensive mudflat areas of mangroves and wading birds appear to fly in from Towra Point and other large roosting sites in Botany Bay.

Rapid urbanisation has caused significant environmental degradation, and the Georges River Catchment has one of the fastest growing populations in Australia. Unless rectified, the release of untreated stormwater runoff will continue to cause shoaling of the bays, loss of habitat, and pollution of the water and foreshores. Sewer overflows significantly impact on stormwater runoff quality. Industrial sites also have the potential to discharge contaminated effluent to the stormwater system.

Leachate can impact stormwater quality, particularly from landfill sites. Boats and jet-skis are a cause of heavy metals, fuel, sewage and general garbage thrown overboard. In addition, boat maintenance particularly in marinas, are sources of toxic organic compounds.

The changes in climate are also bringing more severe droughts and storms: less rain falls are unable to flush out catchment systems, heavier rain falls can exceed the capacity of the stormwater system, creating local flooding which transports pollutants into the waterways. In addition, when damaging storms occur, silt and sediments are carried by tidal swells and ‘dumped’ on foreshores and bays, resulting in further sedimentation and lowering of water levels. Seagrasses and coastal vegetation are also smothered by these sediments and eventually disappear.

We contend it is imperative to include allowances in the Draft SEPP for areas at risk of being flooded by rising sea levels, flash-flooding and storm surges. Such areas would also need to be rehabilitated or secured by engineering works:

The continuation of rising sea levels could eliminate the mangrove beds along the lower Georges River foreshore with rising temperatures and lower rainfall impacting on marine flora and fauna. (Kogarah City Council’s report, State of the Environment 2008-2009, page 244)

The former Kogarah LGA’s coastline

The Georges River catchment is the largest catchment within the Southern Sydney Region. The former Kogarah LGA was responsible for over 18 kilometres of the Lower Georges River Foreshore - stretching from the Como Rail Bridge to the Captain Cook Bridge.

The Aboriginal history of Botany Bay and Georges River is ancient and of tremendous significance. Evidently, food was reliably sourced in the shallow waterways for tens of thousands of years. Our Association is well aware of a flagrant and continued lack of recording and protection for local Aboriginal heritage at both local and state government levels, assisting destruction and degradation through lack of knowledge of the location or of the site’s significance.

Recent legislative requirements to standardise the planning instruments now only include ‘consideration of Aboriginal significance’, and Aboriginal heritage sites or places no longer need to be placed on a public map. Items and places of Aboriginal significance have not been included in the current *Kogarah LEP 2012*. The former Kogarah LGA has only 26 items and places of Aboriginal significance recorded on the NSW National Parks and Wildlife Service register, almost all on public reserves, when most waterfront land is actually in private ownership and awaits Aboriginal heritage assessment of long-standing, plus contemporary cultural significance.

Past Local Government coastal management

The former Kogarah City Council completed and adopted foreshore planning controls which included the built form, construction management, preservation of the marine ecology and environmentally sensitive lands. The controls were designed to apply in response to stretches of the waterfront with particular qualities, landform or vegetative characteristics. The coastline was given two zonings: Waterfront Scenic Protection Area (WSPA) and Foreshore Scenic Protection Area (FSPA), later referred to as E4 - Environmental Living.

Current Local Government coastal management

Recent amendments were made to *Kogarah LEP 2012* by Council prior to amalgamation, originally proposed in 2014, they were approved by the outgoing Council on April 4, 2016 and are currently under consideration by NSW Planning. The amendments propose to legislate the following:

“The E4 – Environmental Living zone ...previously known as Waterfront Scenic Protection Area (WSPA) and Foreshore Scenic Protection Area (FSPA), ... it is proposed that the zone be removed and replaced with the R2 – Low Density zone in order to facilitate dual occupancy development across the LGA and allow residents to undertake Complying Development...” (Kogarah City Council, *Draft amendments to Kogarah LEP 2012*)

The waterfront and foreshore protection zones will be removed from the *Kogarah LEP 2012* to be replaced by residential zonings which also include vastly increased land uses and complying development. If legislated, this will be blatantly obverse to the aims of SEPP 71 and the objects of Coastal Protection Act 1979. Further loss of unrecognised Aboriginal heritage would be imminent. Likewise, the ‘edge effect’, where the bushland is subject to deterioration by encroachment and associated disturbances, will be driven across natural landscape with threatened biodiversity, that is currently reduced to just 5% of Kogarah’s pre-European landscape.

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Due to the Draft SEPP exhibition period being throughout December and January (a tactic usually used to minimise submissions), we’re unable to respond to your questions posed in relation to the proposed changes. This is why we have instead, provided a description of our area, and alert you to the intended removal of LEP environmental protection from future development along our coastline. We ask you to assess whether the proposed system alone, could provide the future protection and management needed for this seriously degraded area of the largest catchment in Southern Sydney.

Under the Draft Coastal Management SEPP, the mapping process is clearly in its nascent stages, as the new Georges River Council LGA has been mapped with two zones being an identical 100m outline of the coast, with coastal wetlands only being noted within three bays and no vulnerable areas identified. It is proposed that councils be given the duty to identify map errors and to confirm boundaries. However, Georges River Council may be hindered by legislated counter objectives of their current and future residential zonings. **We therefore register our strongest objection to the implementation of the new coastal management legislation**, until scientific mapping with field validation has been made, and we call on the Government to desist from watering down existing coastal protection policy.

Although serious environmental changes may not take effect immediately, decisions need to be made now to protect the future. Thank you for allowing us to comment. We would appreciate receiving all further advice on this issue of major importance to our community.

Yours respectfully,

Leesha Payor
Honorary Secretary, Kogarah Residents’ Association Incorporated

Kogarah Residents’ Association Incorporated and its Committee has made no reportable political or donations in kind within the past two (2) years. We acknowledge assistance in the preparation of our submission from *State of the Environment 2008-2009*, report by Kogarah City Council.