

Date: 15.12.2017

Director, Planning Frameworks  
Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

**Re: Submission in Respect of The Explanation of Intended Effect for the Environment SEPP**

Dear Director of Planning Frameworks at Department of Planning and Environment,

**Introduction**

This letter has been submitted on behalf of VAN MINH NGUYEN & KIM THANH PHAM NGUYEN who resides at S WYBALENA RD HUNTERS HILL 2110 and I am a stakeholder in Environment SEPP.

The submission of this letter is in response to the current exhibition of the Explanation of Intended Effects (EIE) for the Environment SEPP and specifically relate to the EIE on the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP) and its application in my area of Hunters Hill. This letter supports the review of the SREP and the EIE to update the legislation to reflect the way the harbour and waterways are used whilst ensuring its significance is protected and natural qualities are retained and improved.

The EIE update aims to emphasise public accessibility along with protection and enhancements to the natural and scenic qualities of the foreshore and waterways. Additionally, the consent authorities are required to give precedence to public good and prioritise the protection of the natural assets of the Harbour whilst amending and clarifying the aim of the 'working harbour' to include a range of recreational, transport, tourism and commercial uses. The below changes requested to the EIE and the subsequent Environment SEPP reflect these aims.

**Specifics of Submission**

**We support preservation of foreshore and waterway areas in need of preservation**

Many sites within W7 and W8 are unsuitable for development owing to features such as public intertidal access, remnant sandstone cliffs, rocks and caves, angophora trees, seagrass beds, navigation impact, preservation of views from public sites, visual impacts from the waterway, sandy beaches accessible to the public.

However, there are many sites that are appropriate for development by private jetties and mooring pens and these should be assessed on merit assessment case by case.

**We endorse and support the proposed change to W7**

We endorse and support the proposed change to W7 which would permit mooring pens on a case by case merit assessment process.

**We recommend the same change be made to W8 as proposed for W7**

Mooring Pens and Private Landing Facilities should be permitted with consent in W8 on the same basis as now proposed in W7, subject to case by case merit assessment.

In most cases where there are private freeholds extending to Mean High Water Mark on the Lane Cove River, and Parramatta River there is impeded public access along the intertidal zone. Public access can be unavailable owing to local geography, steep cliffs, deep water, built form etc. The draft planning review suggests widening permitted activity in W7 but it does not address the consequential need to amend the W7 zone objectives.

This pathway of amending W7 and W8 permitted activities to allow mooring pens and private landing facilities and making slight alterations to the zone objectives, would allow better outcomes without having to re-visit all W8 areas in Sydney. This will allow the permitted activities in a zone to marry that zone's objectives and application by the authority.

These updates to *W7 and W8 zones* will align with the objectives of the EIE, specifically the aim of the 'working harbour (revised)' and promotion of public and private recreation uses of the foreshore and waterways. These changes will alleviate the demand for swing mooring space in the waterways by allowing private landing facilities and mooring pens in appropriate locations and in accordance with suitable planning principles.

The current restrictive nature of the zoning and lack of ability to undertake a merit based assessment has created inflexibility in the existing control that have led to poorer environmental outcomes, disadvantaged public users, disadvantaged private users, impacted on scenic and view quality and reduced safety on the waterways. This is especially obvious in my local area of Hunters Hill, where deep waterfront properties satisfy the broad intent of the zone objectives, however, due to the unduly restrictive nature of the existing planning controls the property owners are required to moor their boat on a swing mooring rather than on a permanent mooring adjoining their property. As an outcome of the existing controls the increased use of swing moorings has led to:

- impediment to the public waterway use around Parramatta River (boats on swing moorings with a greater area of imposition in an area used by the public);
- creation of navigational hazards and waterway obstructions in the publicly accessed areas of the waterway;
- having a detrimental visual continuity, scenic quality and view impacts to and from the water;
- creation of inconsistency between surrounding uses of the land and waterway and disharmony of uses in the surroundings and locality; and
- negligible and arguably increased impact on the ecological value and environmental impact.

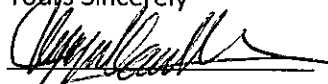
**Conclusion**

The proposed amendments to the *W8 Scenic Waters Passive Use* zone permitted use to allow Mooring Pens and Private Landing Facilities and alignment with the objectives as indicated above would have improved outcomes for the community and environment. Additionally, it would better align with the aims and objectives of the EIE and Environment SEPP without the requirement to re-visit the *W8 Scenic Waters Passive Use* mapping and allowing permanent mooring in appropriate merit based situations and locations. Should the *W8 Scenic Waters Passive Use* zone not be amended as requested, to allow appropriate development of private jetties and mooring pens based

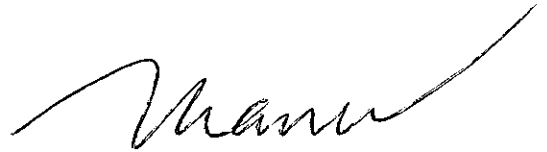
on a merit assessment and a case by case basis, the mapping for the Parramatta River currently zoned W8 adjoining Hunters Hill should be amended to a W7 zone to allow this to occur.

An update to the EIE and subsequent SEPP to reflect the request for amendments to the W8 zoning as highlighted in this letter are appreciated. This letter supports the review of the SREP and the EIE to update the legislation to reflect the way the harbour and waterways are used whilst ensuring its significance is protected and natural assets are retained and improved. Thank you for your time in reviewing my submission and consideration in updating of the EIE and subsequent Environment SEPP.

Yours Sincerely



Name: VAN MINH NGUYEN



KIM THANH PHAM NGUYEN