



31st January 2018

RESPONSE TO PROPOSED DRAFT ENVIRONMENTAL PLANNING POLICY (ENVIRONMENT) 2017

1. Overview of our stance

We support the drafting of a new SEPP to incorporate seven existing SEPPs into a simple, modern and accessible instrument. We also support the alignment of three zones under the SREP to the Standard Instrument and we have contributed to other respondents' submissions regarding proposed changes to Zones W7 and W8.

Our submission below addresses the issue of the 'working harbour'.

2. The need for a definition of 'working harbour'

Despite the embedding of the 'working harbour' within the SREP 2005, DCP 2005 and local environment plans, no clear-cut definition was ever provided. This is a glaring oversight when one considers the breadth and minutiae of definitions provided in these existing instruments.

Numerous NSW state government reports in the lead up to the 2005 SREP analysed the 'working harbour' and provided insights into the then 'working harbour' and how it might evolve as port activity was relocated to Port Botany, these being:

- a) the 1999 report "The Future of Sydney's Working Harbour, An Analysis of Potential Sites on Sydney Harbour and Parramatta River" commissioned by the Ministry for Forests and Marine Administration that described the various marine industries in the context of the 'working harbour', and recommended that Rozelle Bay be reserved for general and specialist marine contractors servicing Sydney Harbour.

It noted that 'the remoteness of the site from residential development makes these noisy and often untidy activities suitable for this site.'

- b) In 2003, the NSW Department of Planning commissioned a report "Land Supply for the Working Harbour" which aimed to synthesize previous analyses of the working and industrial aspects of Sydney Harbour, and to provide future direction for the working harbour policy.

This report recognised that foreshore land available for the working harbour had diminished and emphasised that it was the responsibility of the NSW Government to ensure that a strategic plan was in place to protect potential working harbour sites from being lost to other forms of development. The report also noted that there was local government and community opposition to the provision of foreshore land for the working harbour.

- c) An Auditor-General's performance report "Disposal of Sydney Harbour Foreshore Land" in 2003 questioned a 'broad, aspirational-style policy' at play and concluded that there was "no common understanding of the working harbour" character with the result that the requirement can be misinterpreted.

Despite these insights, the 'working harbour' became a mere notion in 2005 and the reality of the working harbour has largely been ignored resulting in:

- Lack of access to foreshore from which to carry out working harbour activities
- Waterfront contractors restricted from using public boat ramps
- Move on notices from RMS boating officers for moored commercial vessels

This has culminated in a reduction of waterfront contractors who are able to operate as part of the 'working harbour'. As the 1999 report identified, the working harbour is often untidy and noisy. Despite the best intentions of SREP 2005 to 'ensure a prosperous working harbour', the very fact is that a lot of waterfront operators have been forced from the waterfront.

We recommend that:

- a) the revised SEPP provides a clear definition of 'working harbour' which is inclusive of waterfront contractors;
- b) the policies that underpin the revised SEPP find the balance between public and commercial access to foreshore land and the waterfront and ensure that infrastructure is there to support waterfront industries.

3. The proposed amend aim 1(d) of the SREP to clarify the working harbour

It is commendable that this review aims to clarify the term 'working harbour', however we do not agree with the broadening of its application to include a range of recreational, transport, tourism and commercial uses. It is true that Sydney Harbour has shifted away from 'traditional industrial and heavy shipping uses to a more modern working harbour' however, as argued above, no clear definition of the working harbour has been in place, so what therefore is a modern working harbour?

Patrick Malone nails it in his work "City, Capital and Water" when he stated that "unlike the port functions they replace, the land uses emerging in redundant port areas may have little or no relationship to water; that relationship may be purely visual, or limited to leisure activities."

We argue that:

- a) the working harbour is functional
- b) tourism and recreation provide fun

and never the twain shall meet.



4. Proposal to review the current Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

We strongly support the proposal “to prepare revised design guidance for water and land/water developments only, with a focus on identifying the design performance criteria to be achieved for each development type” and we would wholly support a revised development control plan that takes into account design innovation.

We recommend that a working group be established comprised of:

- a) waterfront planners
- b) waterfront operators
- c) representatives from government agencies, including Roads and Maritime Services, Department of Primary Industries, etc

who would bring to the review many years of expertise.

The DCP, like the SREP, is due for review. The vast and specialised experience of the above would provide not only the fine grain to proposed revisions to design guidelines, but also industry knowledge of emerging technologies, a coal face understanding of what works and what doesn't especially in terms of safety considerations, and a view to the future.

Thank you for providing this opportunity for us to stake our claim for the working harbour.

Yours sincerely,

Charles F. Parsons