

Proposed lease of Crown land at Dolans Bay

What We Heard – Community Consultation Report

August 2025



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1. Executive Summary

This report summarises the community feedback received during engagement about a proposed lease of Crown land at Dolans Bay.

We engaged with the community to assess how a lease for a marina expansion would impact the community's current use and enjoyment of the land.

Engagement was carried out in line with the Crown Lands Community Engagement Strategy (CES) for an activity assessed as having a potentially 'moderate' impact on community use and enjoyment of Crown Land.

A total of 245 submissions were received during the public consultation.

The engagement demonstrated a strong community connection to the Crown land at Dolans Bay, valuing it as both a recreational and social asset. The community expressed a desire for protecting:

- safe public access
- sensitive environmental values
- existing amenity and scenic values, and
- current recreational use.

This report looks at the community's concerns, separating those about Crown land from those about wider planning and development issues linked to the marina expansion. The development issues may be considered under a Development Application (DA).

For this proposal, Crown Lands commenced the community engagement process early, noting that the proposed expansion was at concept stage only.

Report recommendations:

A lease may be granted over the existing licence area but should not be granted over an increased area unless the proponent develops a scheme and obtains development consent for a marina expansion that responds meaningfully to community concerns.

2. Background

Dolans Bay Marina is located at 72 Parthenia Street at Dolans Bay in the Sutherland Shire Local Government Area and within the waterway known as Port Hacking. The tidal bay is on the edge of the larger Burraneer Bay.

The marina operator holds a licence to operate the existing 29 berth commercial marina until July 2034.

In 2012, the former marina operator applied to significantly expand the marina. The application was refused by the Planning and Assessment Commission on the grounds of overdevelopment in a “visually unacceptable and bay-alienating fashion, unacceptable amenity impacts including parking and reduced public access to Dolans Bay and inadequate information”.

The applicant appealed the decision in the NSW Land and Environment Court and, despite amendments to the application, the Court dismissed the appeal in December 2012. The refusal was based on concerns related to environmental impacts and the potential disruption to public access and amenity.

The marina operator lodged a new application in 2024 for a lease to expand the marina’s footprint over the Crown land. The proposal attempted to address some of the issues raised in the earlier case, however, a DA has not been lodged to date.

The proposal does not involve any changes to existing Crown reservations but would require the grant of a new lease under the *Crown Land Management Act 2016*.

Following the introduction of the *Crown Land Management Act 2016*, the CES was developed to ensure decisions about Crown land are made openly and that communities are informed and involved in the decision-making process.

Under the CES, the proposed lease was assessed as having a potentially **moderate** impact on current use and enjoyment of the Crown land because:

- the site is currently used and enjoyed by the community and the proposal would likely have a significant impact on public access to or through the site;
- the site is currently used and enjoyed by community and the proposal would likely result in a permanent or long-term restriction to the times during which the community can access the site;
- the proposal would introduce a requirement for the community to pay a significant amount for access to a site where payment has not previously been required; and
- the proposed lease is, or would be, of significant interest to directly abutting landowners and/or surrounding landowners and residents whose current use and enjoyment of the site may be impacted.

3. How we engaged with the community

In accordance with the CES requirements for a **moderate** impact activity, Crown Lands undertook an **inform and consult** approach to engagement which:

- notified the community of the proposed activity (**inform**); and
- invited the community to have its say on how the proposed lease may impact their current use and enjoyment of the Crown land (**consult**).

The engagement comprised:

- notification on the Crown Lands website from 13 January until 4 April 2025, including responses to frequently asked questions (FAQs);
- notification on the NSW Government's '*Have Your Say*' website from 13 January until 4 April 2025, including responses to FAQs; and
- on-site signage at 72 Parthenia Street during the engagement directing the community to the NSW Have Your Say website via QR code.

FAQs were published online to assist those making submissions.

Key questions included:

- Where is the proposed Crown land lease located?
- What is the Crown land currently used for?
- Why is Crown Lands proposing to lease the land?
- What are we asking the community to consider?
- How will the area covered by the proposed lease be changed?
- When will Crown Lands make a decision about the lease?
- Why are you consulting on the lease before the planning application (DA) has been lodged?

Feedback was invited by email, mail and online submissions.

The engagement was monitored and adjusted in response to community interest in the proposal and feedback regarding visibility of the process. The consultation period was extended from 28 days to 82 days and more prominent signage was also installed at the marina entrance.

Image – Installed sign next to Dolans Bay Marina’s driveway – QR Code link in bottom left hand corner.



4. Community Response

There were 245 individual submissions in response to the engagement in the form of:

- 131 online responses;
- 78 email responses; and
- 36 mail responses.

5. What we heard

5.1 Current use and enjoyment of Crown land

Respondents to the engagement consistently highlighted their long-standing use and enjoyment of the Crown land at Dolans Bay.

The most described uses of the land included:

- using the bay's calm waters for casual swimming and family recreation;
- low-impact water sports such as kayaking, paddle-boarding and canoeing;
- shore-based and boat fishing;
- boating, with emphasis placed on ease of access and manoeuvrability in the existing open water space for safe small boat use;
- families using safe areas around jetties, boat ramps, and shallow waters for informal play;
- water-based community activities such as the annual Carols by Cruiser; and
- enjoyment of the land such as sitting by the water or appreciating the visual amenity and peaceful character of the bay. Mention was made of the contribution this enjoyment makes to mental and physical well-being.

The feedback demonstrates that Dolans Bay is more than a functional waterway. Respondents value the land as a shared community space that supports recreation, social connection, and appreciation of the natural environment.

5.2 Key concerns raised by the community

Most of the respondents expressed concerns that a lease over an expanded area could:

- reduce open water for recreation;
- harm environmental values;
- restrict safe access for non-motorised craft;
- increase noise, traffic, and operational activity; and
- alter the visual character and serenity of the waterway.

The table below summarises the **Key Themes** from the feedback and ordered them by frequency of reference.

Table 1 **Key themes and subcategories of adverse impacts**

Key Themes or Issues	Sub-category	Summary of Concerns Raised
Safety	<ul style="list-style-type: none"> * Fire Safety * Waterway Safety * Traffic Congestion * Parking Availability 	<p><i>Key concerns included:</i></p> <ul style="list-style-type: none"> * Limited emergency access to the marina from road and water especially in the event of accidents or fire * Increased risk of fire from storage of boats in an enclosed residential setting * Safety risks to recreational users of the waterway from increased marina traffic and larger vessels * Increased traffic congestion, especially during peak periods, and * Increased parking demand leading to congestion and insufficient parking for both marina users and residents.
Existing Public Use	<ul style="list-style-type: none"> * Recreational Space * Community Events * Swing moorings 	<p><i>Key concerns included:</i></p> <ul style="list-style-type: none"> * Reduced open water space for, and disruption of, recreational activities like swimming, fishing, kayaking and paddle-boarding * The threat of a marina expansion to the continuance of traditional community events in the bay, and * The displacement or relocation of swing moorings.
Environmental Values	<ul style="list-style-type: none"> * Water Quality * Marine Ecosystems * Pollution Risk * Foreshore Erosion 	<p><i>Key concerns included:</i></p> <ul style="list-style-type: none"> * Environmental degradation and water quality from potential contamination from fuel, bilge discharge, boat maintenance and runoff * The impact on local and protected marine life including damage to seagrass beds and disruption to marine habitats and species (e.g. turtles, seals and penguins), and * The erosion impacts of increased wave action from larger vessels.

Key Themes or Issues	Sub-category	Summary of Concerns Raised
Residential Amenity	<ul style="list-style-type: none"> * Visual Impact * Noise Pollution * Property values 	<p><i>Key concerns included:</i></p> <ul style="list-style-type: none"> * The visual impact of a marina expansion on the natural landscape * The potential obstruction of views from residential properties because of expanded berthing and vessels * Increased construction and operational noise from marina activities, and * The potential negative impact on property values near the marina due to increased activity and loss of private amenity.
Government Process	<ul style="list-style-type: none"> * Lease Area * Consultation activities * Trust / Transparency 	<p><i>Key concerns included:</i></p> <ul style="list-style-type: none"> * Perception that the lease is too large * Direct negotiation -vs- competitive process in terms of a lease award, and * Perception of a lack of transparency and inadequate notification in the consultation process.
Planning History	<ul style="list-style-type: none"> * Planning refusal * Compliance with Plans 	<p><i>Key concerns included:</i></p> <ul style="list-style-type: none"> * Questioning why a marina expansion previously refused in Court is being re-considered, and * Claims that the proposal conflicts with local planning instruments.
Commercial Concerns	<ul style="list-style-type: none"> * Private benefit * Scale of Expansion 	<p><i>Key concerns included:</i></p> <ul style="list-style-type: none"> * The returns for the marina operator and users outweigh the community benefit, and * The scale of the proposal is disproportionate to the size of the bay with a perception of privatisation of part of the bay.
Equity of Access	<ul style="list-style-type: none"> * Provision of disabled access 	<p><i>Key concerns included:</i></p> <ul style="list-style-type: none"> * A lack of disabled parking, and * Inadequate disabled access due to topography and facilities and a perceived lack of viable alternative access solutions.

Key Themes or Issues	Sub-category	Summary of Concerns Raised
Positive Impact	* Benefit to boating community	* Potential benefits of a marina expansion to the recreations boating community.

5.3 Community use impacts -vs- planning considerations

Many of the responses raised issues relating to planning matters rather than the potential impact on community use and enjoyment of the proposed lease on Crown land. These responses highlighted concerns related to:

- marina design and visual impact;
- operational matters such as traffic generation, parking adequacy, accessibility, potential noise and light pollution, safety and access;
- environmental protection; and
- impacts on private amenity.

While all concerns are valid and some issues are connected, this engagement focuses on how the proposal affects the current use and enjoyment of Crown land.

If the proponent submits a DA to extend the marina, planning matters will be considered by the relevant consent authority.

6. Evaluation of engagement and feedback

The engagement generated significant and valuable feedback around how the community currently uses and enjoys the Crown land at Dolans Bay.

Feedback clearly identified strong community concerns on issues relating to safe public access, environmental protection and preserving local amenity and character.

This evaluation focuses on concerns about how the community uses and enjoys Crown land. However, if a future marina expansion is proposed under a lease, it will also need to address planning issues raised by the community. These planning matters are best dealt with through any future DA process.

In conclusion, this evaluation finds that:

- the existing marina operation has co-existed with, and contributed to, the Dolans Bay community over an extended period under a licence arrangement;
- the community has raised valid concerns regarding potential impacts on the use and enjoyment of Crown land arising from a lease to enable expansion of the existing marina;
- many of the concerns raised by the community were also reflected in the judgment by the Land and Environment Court in refusing the 2012 marina expansion proposal;

- it is unclear at this stage whether the proponent can satisfactorily address these concerns, given the proponent's current proposal is at a preliminary stage of design and development;
- further development of the proposal does not require a lease at this stage but would require the proponent to undertake site investigations to demonstrate it can develop detailed plans that specifically respond to the issues identified by the community; and
- future engagement for similar proposals should occur closer to or concurrently with a DA process.

7. Recommendations

This engagement has demonstrated that the decision to grant a lease over Crown land to enable a marina expansion is intrinsically linked to the determination of a DA, as both processes must address common concerns relating to community use, amenity and environmental impacts.

At this stage, the proponent has not developed detailed plans demonstrating whether or how the community's concerns around potential impact on use and enjoyment of the land — and the broader planning considerations — can be adequately addressed. This would require further site investigations and feasibility studies required to develop a DA.

It is recommended that:

1. A lease over an expanded area should not be granted unless the proponent can properly demonstrate it can adequately address, mitigate or manage the concerns raised through this engagement.
2. A lease be granted over the *existing* licence area only, subject to the proponent meeting all relevant Crown Lands' leasing policy and application requirements.
3. The proponent should be provided with all non-confidential and appropriately redacted semi-confidential submissions from this engagement to ensure it:
 - is fully informed of community expectations regarding any proposed expansion; and
 - can consider whether the concerns raised by the community can be addressed, mitigated or appropriately managed in the development of a DA.
4. Should the proponent wish to pursue a marina expansion, it may apply for a *Site Investigation Licence* (which does not entitle the holder to occupy the land) to undertake

more detailed investigations, feasibility studies and consultation (at its risk and cost) with the aim of developing a proposal that adequately addresses community concerns and is capable of gaining development consent; and

5. Subject to satisfying Recommendation 4, Crown Lands could grant *Landowner's Consent* to allow the proponent to lodge a DA for such a marina expansion proposal to be assessed by the relevant planning authority.
6. Only if the proponent obtains development consent for a marina expansion that responds meaningfully to community concerns raised in this engagement, and to the planning authority's satisfaction, should Crown Lands consider granting a lease over an expanded area.

These recommendations ensure that both Crown land management principles and planning requirements are met, while recognising and respecting the valuable contribution of the community through the consultation process.