

Kate Eccles - Site Hearing L & E Court 19.3.2013

President Mosman Parks & Bushland Association Inc having been secretary for several years

MPBA Aims & Objectives

- To resist the destruction and alienation of Mosman's bushland, parks and pockets of public open space
- To protect the integrity and biodiversity of the native flora by promoting bush regeneration in Mosman
- To advocate good principles of town planning especially insofar as they impact on bushland, parks and public open space

The Public Interest

Fundamental to these aims is the belief that urban bushland and foreshore bushland have a public benefit. MPBA aims to preserve open space for the benefit of the public, present and future, local and broader, recognizing its increasing importance as population density increases

A little bit of history

The public has been objecting vigorously to this proposal since 1999 when the first DA was made.

- The current DA has attracted 59 letters of objection (my counting from the DA Tracker) and a petition with 94 signatures (Many of the objections have come from the wider community - they are not just from the immediate vicinity)

- when the application was made in 2004 there were 102 letters of objection, 99 proforma letters, and a petition of over 900 signatures collected primarily from people walking to the beach via unformed Stanton and Fairax Roads. A public meeting of over 150 people voted overwhelmingly to oppose the DA. Also in that year, Balmoral ward endorsed a Councillor campaigning for the bushland by electing her with the biggest margin of any elected Councillor.

The Mosman public values its bushland.

This piece of land - Unmade Stanton Road - is now zoned RE1 whereas Wyargine Reserve is zoned E2 in recognition of its high value as bushland. But in the 1998 Mosman LEP, Unmade Stanton Road was zoned 7A Bushland, the same zoning as Wyargine Reserve. In the public's mind the two areas are linked together and there is no doubt that they are valued as a whole. Alienate a part and the whole is diminished.

So who is the public? We speak today for the people who currently value this piece of land, adjacent to an ecologically important foreshore reserve, and for the public yet to come - the future generations whose need will even greater.

We speak for

- The Users of the reserve
- The Users of the pathway through Wyargine Reserve to Edwards Beach entered from made Stanton Road and users of unmade Fairfax Road which links up with the path through Wyargine Reserve.
- The Users of Edwards Beach who will lose a portion of the reserve behind the beach

What does the public lose?

- It loses foreshore bushland (bushland which was once much better than it is today and could be good again with good management). It is bushland which borders on, and is generally considered to be part of the larger area of E2 zoned foreshore reserve which the public appreciates as a whole.
- It loses the potential biodiversity that the larger car free area would encourage
- It loses likely aboriginal heritage - there are rock carvings in Wyargine Reserve
- It loses a natural landscape - instead of scenically attractive bushland, rocks and a watercourse it gets a road with a culvert
- It loses the haven of peace, quiet and safety of a natural area and of a natural walkway down unmade Fairfax road - instead it will have to be mindful of cars and put up with the attendant pollution and noise
- A particular public safety issue arises when, on a crowded weekend with parking hard to find, a car fails to observe the "private driveway/no public access" sign, can't turn around and ends up backing down the roadway.

Who gains from this proposal?

Not the public! The roadway is for the benefit of one household only which already has an inalienable right of way to the property.

The public has demonstrated repeatedly the view that a private interest should be subservient to the public interest - particularly where the need has not been demonstrated.

The DA does not observe the aims and principles of the Planning Instruments designed to protect the Sydney Harbour Catchment area and urban bushland for the public good. SEPP 19 Sect 6 (4) (b) states that a consent authority shall

not consent to the carrying out of development unless it is satisfied that the disturbance of the bushland is essential for a purpose in the public interest.

The DA is not compatible with the objectives of the RE1 zoning. The RE1 zoning is for the benefit of the Mosman and broader community. A road may be permissible but this road is for the benefit of a single household.

This DA fails to meet the expectations of the community.

Planning Instruments supporting the considerations of the public interest:

Foreshore land and public access

SREP (Sydney Harbour Catchment) 2005

- aims to protect the foreshores of Sydney Harbour as a public asset of national and heritage significance for existing and future generations
- adopts the principles of protecting Sydney Harbour for the public good, giving precedence to public good over private good whenever change is proposed for the Harbour or its foreshores

Sydney Harbour Foreshore Authority Act 1998

- the retention and enhancement of public access links between existing foreshore open space areas.

Scenic Protection

SREP (Sydney Harbour Catchment) 2005

- the protection of the natural assets of Sydney Harbour has precedence over all other interests

The Mosman LEP 2012

- development should maintain the existing natural landscape and landform.
- to recognize the visual, aesthetic and amenity importance of bushland

SEPP 19

- recognising the value of bushland for its aesthetic value

Public Interest

LEP 2012

- The land is zoned RE1 for the benefit of the Mosman and broader community. There is no public benefit that would compensate for its alienation. RE1 permits roads with development consent. Permissibility does not make it a right.

SEPP 19

- managing urban bushland to facilitate its enjoyment by the public

SEPP 19 Sect 6 (4) (b)

- A consent authority shall not consent to the carrying out of development unless it is satisfied that the disturbance of the bushland is essential for a purpose in the public interest.