



Mosman Parks & Bushland Association

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10th November 2021

Attention: Craig Covich, Director Environment and Planning

MOSMAN SCENIC PROTECTION AREA – PLANNING PROPOSAL

SUPPORT

The Mosman Parks & Bushland Association congratulates Council on its efforts to maintain scenic protection for Mosman's Harbour slopes. We recognise that finding a way forward with the NSW Department of Planning has been a long and arduous journey.

The agreed solution – the creation of a special environment zone (E4), will, if approved as an outcome of the public exhibition of the proposal, allow the current protections for the Harbour slopes to be continued.

Council will be very aware of our support for the Scenic Protection Area and its objectives – protecting the visual amenity and landscape character of the Harbour slopes – and in particular the protection of views from Sydney Harbour as well as those to the Harbour, so important to Mosman residents.

- In 2018 we lobbied the Member for North Shore, Felicity Wilson, to achieve a continuation of Mosman's exemption from the Housing Codes SEPP for its Harbour slopes. A three-year extension to Council's control over development within the area was achieved.
- Last year Council conducted a preliminary survey of affected landowners to gauge the likely reaction to the introduction of a new E4 Environmental zone that would allow continuation of the current controls over development within R2 zoned areas which are also in the Scenic Protection Area. We wrote in support of the E4 zone.
- Earlier this year we wrote to our members about the E4 zoning proposal. We reassured them that only R2 zoned properties within the Scenic Protection Area would be subject to the rezoning, and that none of the planning controls presently existing would change. We reminded them that Sydney Harbour is a national icon, but that Mosman residents also benefit from the preservation of views, the protection of the tree canopy and by having the right to object to neighbouring development.

Points made in our submission to Council's preliminary survey of residents whose properties would fall within an E4 zoning if it proceeded were:

THE NEED FOR SCENIC PROTECTION PROVISIONS

Location on Sydney Harbour

Mosman's location on Sydney Harbour at the opening of the Heads gives it a particular significance. Its headlands and its topography, its foreshore recreation areas, its bushland and National Parks all contribute to the visual amenity of a nationally and internationally recognised icon. The way the built environment sits within this landscape is the result of a planning framework that has recognised the need to protect the vegetation and to require a high quality in the design of buildings and structures in residential foreshore areas.

The foreshore slopes are part of Mosman's local character and are valued by the community. They are of even greater importance as part of the character of Sydney Harbour and are of value to a wider community – NSW, Australian and international.

The current Mosman LEP 2012 contains a Scenic Protection Clause – Clause 6.4

The objectives of the clause are:

- To recognise and protect the natural and visual environment of Mosman and Sydney Harbour
- To reinforce the dominance of landscape over built form
- To ensure that development on land to which this clause applies, is located and designed to minimise its visual impact.

These objectives continue to be appropriate.

MERIT BASED PLANNING CONTROLS

It is essential that a merit-based assessment is undertaken when development is proposed in this area. The Housing Code does not provide this.

It is known that developers will seek to exploit opportunities afforded by the Housing Code given the rewards of harbourside locations, so it is important that clear controls are set out and a merit-based approach is taken.

Under the Housing Code, larger developments which retain smaller areas for landscaping and trees are likely.

Approval by private certifier inappropriate

It is inappropriate that development in such an important area be approved by a private certifier (working for the developer).

Lack of consultation with neighbours, local community, and Council

It is also inappropriate that there would be no opportunity for Mosman Council, the local community, and neighbours to be able to comment on development proposals.

Trees and landscape

Furthermore, the complying development provisions allow for the clearing of trees without appropriate consideration of the impact on the scenic quality of the area. This is not consistent with the NSW Government's Greener Places strategy.

E4 ZONING USED SUCCESSFULLY BY OTHER COUNCILS

E4 Environmental Living is a zone for land with special environmental or scenic values where residential development can be accommodated. Development in this zone is to give priority to the preservation of particular environmental or scenic qualities.

Examples of Councils using E4 zonings are Willoughby, Kuringai, Wyong and Sutherland. The Codes SEPP does not apply to the environmental or scenic protection areas of these LGAs.

CONCLUSION

Mosman Parks & Bushland is earnestly hoping that residents will approve Council's proposal for an E4 zone. If the proposal is adopted, and the minor amendments made to the LEP and Residential DCP, there may be opportunities to further enhance the protections.

We have found the SPACKMAN MOSSOP MICHAELS report "Mosman Foreshores – Visual Character and Scenic Amenity Analysis" an interesting document. Its use of photography to document changes was particularly valuable. The report recommended the creation of an E4 zone. It also contained other recommendations that could further the objectives of the Scenic Protection Area. These could be considered when appropriate at a later date.

The Mosman Parks & Bushland Association supports the creation of an E4 zone to protect the scenic value of Mosman and Sydney Harbour.



Kate Eccles OAM
President

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