



Council@mosman.nsw.gov.au

Attention Urban Planning

5th October, 2020

CREATION OF AN E4 ENVIRONMENTAL LIVING ZONE IN THE MOSMAN SCENIC PROTECTION AREA – SUPPORT

Council will remember the Association's advocacy in 2018 for Mosman's Scenic Protection Area and for its exclusion from the NSW Government's Codes SEPP. We obtained the support of Felicity Wilson MP who made representations on our behalf and Council's to the Minister of Planning and we were pleased at the outcome – a three year extension of Council's controls over development within the area.

With that three year period due to expire in November 2021, we now write in support of Council's proposal to create an E4 Environmental Living Zone so that control of development within the R2 zoned areas of the Scenic Protection Area will be continued.

THE NEED FOR SCENIC PROTECTION PROVISIONS

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 in 2020 and beyond.

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.

2.

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.

It is inappropriate that development in such an important area be approved by a private certifier (working for the developer). It is also inappropriate that there would be no opportunity for Mosman Council or the local community to be able to comment on development proposals.

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.

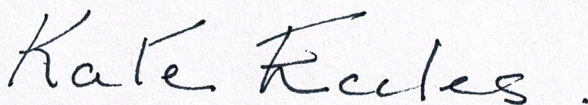
E4 ZONING USED BY OTHER COUNCILS

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.

Mosman's location on Sydney Harbour makes scenic protection important to Mosman, NSW, Australia and to international visitors.

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



Kate Eccles

President

5th October, 2020