

Appendix A: Council Report

Agenda Report

Council Resolution Item

Action is required from the Council Meeting on **02 June 2015** as per the Resolution outlined below.

17. EP/25 Review of Bushland Areas Zoning (EP)

EP/25: Review of Bushland Areas Zoning (EP)

REPORT BY: Manager Urban Planning

EXECUTIVE SUMMARY

A review of bushland areas currently zoned RE1 Public Recreation to consider suitability for rezoning to E2 Environmental Conservation.

OFFICER'S RECOMMENDATION

The Manager Urban Planning recommends that:

1. Council prepare a planning proposal to rezone 15 unmade road bushland sites and a part of Quakers Hat North from RE1 Public Recreation to E2 Environmental Conservation.
 2. The planning proposal be referred to the NSW Department of Planning and Environment for a gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979*.
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Background

At its meeting on 3 December 2013, Council considered a report (EP/75) on the rezoning of the unformed area of Stanton Road from RE1 Public Recreation to E2 Environmental Conservation. At that meeting Council resolved in part:

That:

- A. Council review the zoning of bushland areas currently zoned RE1 Public Recreation with a view to preparing a planning proposal to rezone suitable land to E2 Environmental Conservation as outlined in option 4 of the report.
- B. Council liaise with relevant stakeholders in identification and preparation of the planning proposals outlined in A.

Part A of the resolution refers to 'option 4 of the report'. The report (EP/75) listed four options for the rezoning of the site, and one of these options (Option 4) was to undertake a co-ordinated review of the need to rezone RE1 land, including unmade roads.

This report addresses part A of the Council resolution to review the zoning of bushland areas currently zoned RE1 Public Recreation with a view to preparing a planning proposal to rezone suitable land to E2 Environmental Conservation. Part B of the Council resolution is also addressed.

Bushland areas zoned RE1

The review of zoning of bushland areas currently zoned RE1 Public Recreation has concentrated on unmade roads due to the following:

- Most larger parcels of open space in Mosman have a split zoning with part of the site zoned RE1 and part E2, recognising the significant bushland on the site.
- Larger reserves are generally Crown land for which Council is the Trust manager. This review of bushland areas currently zoned RE1 has therefore focused on unmade roads as they are Council owned and haven't been previously assessed for suitability for an E2 zoning.

The majority of bushland areas zoned RE1 are unmade road reserves. Mosman has 84 sections of bushland unmade road assets. Unmade roads are parcels of land that are classified as public roads but are not constructed as such. Apart from some unmade roads containing remnant vegetation their main benefit to the biodiversity of Mosman is their role in providing habitat corridors.

Bushland unmade road assets are considered locally significant. Unmade roads are sections of road that historically have not been formed into a road for reasons most likely due to landscape features (steep slopes, etc). Not all unmade roads are managed or considered to be bushland and some simply contain lawn or cosmopolitan vegetation. These are predominantly used for pedestrian access and stormwater drainage.

Of the 84 unmade road bushland sites in Mosman, 64 of these are currently zoned RE1 Public Recreation. The remaining 20 sites are zoned E2 Environmental Conservation (12 sites), R2 Low Density Residential (4 sites), E1 National Parks and Nature Reserves (2 sites), R3 Medium Density Residential (1 site) and SP2 Infrastructure (1 site).

A number of these sites were proposed to be rezoned E2 in 2008 during the preparation of the *Mosman Local Environmental Plan 2012*. The NSW Department of Planning (Department) rejected the majority of the proposed sites and only agreed to rezone six sites to E2. In a letter to Council of 17 November 2008, the Department concluded that "the remainder of the sites proposed to be E2 by Council are not considered to be critical habitats or of high conservation value and should be zoned RE1 Public Recreation".

Planning context

There are a number of sites in Mosman that have an E2 zoning, including Lawry Plunkett Reserve, parts of Reid Park, Parriwi Reserve, the rear part of Balmoral Park, parts of Sirius Park and Wyargine Reserve. There are also 12 unmade road sites that have an E2 zoning such as unmade Millet Road, unmade Amaroo Crescent, unmade Bay Street and most recently, unmade Stanton Road. This zoning recognises the need to protect areas of high ecological, scientific, cultural or aesthetic values and this is reflected in the objectives for the zone.

The Department of Planning and Environment recommends that the E2 Environmental Conservation zone only be applied where the protection of the environmental significance of the land is the primary consideration. As per the Department's Practice Note (PN 09-002) on rezoning land to E2, the environmental values should be established, preferably on the basis of a strategy or from an environmental study developed from robust data sources and analysis. The unmade road bushland sites in Mosman that currently have an E2 zoning are generally those of a higher ecological value, condition and priority ranking.

Review of suitable sites

Unmade Road Bushland Sites

A review of unmade road bushland sites was undertaken using existing data including the Unmade Road Rapid Assessment Matrix 2013, Mosman Flora and Fauna Survey 2006 - 2007, Unmade Roads Restoration Strategy 2002 and discussions with relevant council staff including Coordinator Biodiversity and Landscape.

Out of the 64 unmade road bushland sites that are zoned RE1 Public Recreation, 33 sites were chosen for further investigation. These sites, which can be seen on the attached map, were chosen as they connect to larger bushland areas or contain remnant patches of bushland.

Inspections and photographic surveys of sites built upon this body of evidence which was used to develop the following set of planning principles to determine suitability for rezoning:

1. The quality of the bushland and remnant vegetation as per the Mosman Flora and Fauna Survey 2006-2007
2. Within or adjoining a biodiversity corridor as identified on current geographical data information as identified in the Mosman Residential Development Control Plan 2012
3. Aboriginal or cultural heritage value - contains a heritage item on all or part of the site as identified in the *Mosman Local Environmental Plan 2012*
4. Within the vicinity of a natural watercourse identified in the *Mosman Local Environmental Plan 2012*
5. Adjoins land that is zoned E2 Environmental Conservation, E1 National Parks and Nature Reserves or RE1 Public Recreation as identified in the *Mosman Local Environmental Plan 2012* and has good connectivity

The combination of these principles, the existing use of the site (including any constraints to rezoning) and the asset rating from the Unmade Road Rapid Assessment Matrix 2013 was used to identify the most suitable sites for potential rezoning and those most likely to be supported by the Department.

Of the 33 unmade road bushland sites chosen for further investigation, the following 15 unmade road sites are recommended for rezoning:

1. Unmade Armitage Lane
2. Unmade Boyle Street
3. Unmade Cobbittee Street
4. Unmade Edwards Bay Road
5. Unmade Glen Street
6. Unmade Gordon Street
7. Unmade Grecia Lane (east)
8. Unmade Harnett Avenue
9. Unmade Inkerman Street (North)
10. Unmade Kallaroo Street
11. Unmade Lower Sverge Street
12. Unmade Mosman Street
13. Unmade Mulbring Street
14. Unmade Wallington Road
15. Unmade Warringah Road

The remaining 18 sites were considered not suitable for a variety of reasons, including the poor quality of bushland, low asset rating or less than two-thirds canopy cover on the site. Of these sites, two - unmade Wyong Road and unmade Shellbank Avenue were considered not

suitable as these sites are partly located within the Mosman LGA and partly within the North Sydney LGA. It was considered best practice for these sites to retain the same zoning on both sides of the LGA boundary - RE1 Public Recreation.

Quakers Hat North

In considering the zoning of certain bushland sites it is relevant to address a related matter concerning Quakers Hat Bay. Council's Plan of Management Natural Areas (Bushland) adopted on 4 December 2012 includes the following Performance Target:

- Review zoning of Quakers Hat North which is part zoned RE1 and E2.
- The Means of Achievement is - Planning Proposal to rezone Quakers Hat North

A small part of Quakers Hat North is currently zoned RE1 with most as E2. This land is located along the foreshore to the rear of 16 - 20 Bay Street and can be seen in the attached map.

The objective of the Plan of Management relating to the rezoning of this part is to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna of the land and other ecological values of the land.

Consultation

As per part B of the Council resolution to liaise with relevant stakeholders, a meeting was held with representatives of Mosman Parks and Bushland Association on 18 February 2015 to discuss the potential rezoning of several unmade road bushland sites currently zoned RE1 to E2. An overview of the project was given and the 33 sites chosen for further investigation were discussed. A list of these 33 sites along with a map of the sites was given to the Association and preliminary feedback was invited.

Should Council resolve to rezone land, local residents and the wider community would be consulted as part of the planning proposal process. The exhibition period for planning proposals is determined by the NSW Department of Planning and Environment and is generally anywhere from 2 - 6 weeks.

Rezoning Process

The *Environmental Planning and Assessment Act 1979* includes provision for planning proposals to be prepared to amend local environmental plans. If Council decides to proceed with the rezoning, a planning proposal would need to be prepared and submitted to the Department for gateway determination. Following this, community consultation would need to occur and then a report back to Council on the consultation. This could take six to nine months. For time efficiency it is considered practical to include the Quakers Hat rezoning as part of this planning proposal.

Relationship with MOSPLAN

Mosman's Community Strategic Plan, MOSPLAN 2013-2023 under Strategy One of the Built Environment Program maintains the special local character of Mosman by ensuring that there are effective planning strategies in place. The review of bushland area zonings and the preparation of a planning proposal to rezone appropriate sites is in line with this strategy.

Comment

The existing RE1 zoning provides a high level of protection of the land from development. The objectives of the RE1 zone are:

- To enable land to be used for public open space or recreational purposes
- To provide a range of recreational settings and activities and compatible land uses
- To protect and enhance the natural environment for recreational purposes
- To protect and enhance areas of ecological, scientific, cultural or aesthetic values
- To maintain and provide visual open space links to a diversity of public and private spaces and facilities as an integral part of the open space system
- To recognise the visual, aesthetic and amenity importance of bushland

The zone objectives include recognition of the importance of bushland. Another layer of protection is afforded to the bushland as Council is the owner and manager of the land.

Council's implementation of its Unmade Roads Bushland Restoration Program ensures the sites are managed well. The zoning does allow some land uses that may not be suitable for bushland, such as roads, which would provide vehicular access to adjoining residential sites.

Notwithstanding, the review has identified sites which meet criteria consistent with land that has an E2 zone. To retain the existing RE1 zone would not distinguish between significant sites and those that are less so.

The objectives of the E2 zone are:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values
- To conserve native plant and animal species through the maintenance of suitable habitats
- To contribute to the scenic quality of Mosman and Sydney Harbour

The E2 zone objectives have more of a conservation and restoration emphasis and its very limited range of permitted land uses is consistent with that.

The evaluation process undertaken as part of this bushland review identifies sites that are of higher conservation value than others. Sound evidential planning would lead to a conclusion that rezoning should focus on sites that meet the planning principles.

Recommended Action

It is recommended that the following action be taken:

- Prepare a planning proposal to rezone suitable unmade road bushland sites to E2 Environmental Conservation
- Prepare a planning proposal to rezone a part of Quakers Hat North to E2 Environmental Conservation

Recommendation endorsed by Director Environment and Planning.

ATTACHMENTS

Circulations

- Map showing Unmade Rd Bushland sites investigated for rezoning from RE1 to E2, managed bushland areas and Quakers Hat North
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Ms Yolande Stone (Mosman Parks and Bushland) addressed the Council

COUNCIL RESOLUTION

Motion Sherlock/Moline

That the Officer's recommendation be adopted.

CARRIED UNANIMOUSLY

