

Planning Proposal

Unmade Road Bushland Sites



September 2015

Table of Contents

	Page
1.0 Introduction	3
2.0 Background.....	4
3.0 The Planning Proposal	8
Part 1 – Objectives or Intended Outcomes	8
Part 2 – Explanation of Provisions	8
Part 3 – Justification	9
Part 4 – Community Consultation	13
Part 5 – Project Timeline	14
Appendix A: Council Report	15
Appendix B: Maps	22
Appendix C: Photographs	88
Appendix D: SEPPs and Deemed SEPPs.....	104
Appendix E: S.117 Directions.....	107

1.0 Introduction

The purpose of this planning proposal is to amend Mosman Local Environmental Plan 2012 (MLEP 2012) to rezone 15 Unmade Road Bushland Sites and a part of Quakers Hat North from RE1 – Public Recreation to E2 – Environmental Conservation.

All sites are owned by Council, with the exception of a small part of Unmade Inkerman Street North which is Crown Land for which Council is the Trust Manager. The sites proposed to be rezoned were part of a thorough review and assessment of bushland sites in Mosman that was undertaken between January 2014 and May 2015. The review assessed a number of bushland sites for suitability against a combination of planning principles, the existing use of the site (including any constraints to rezoning) and the asset rating from the Mosman Unmade Road Rapid Assessment Matrix 2013. The review concluded that these sites contain good quality bushland and remnant vegetation and should be rezoned to E2 - Environmental Conservation.

The proposed amendments sought in this planning proposal are detailed in Part 1 - Objectives and Intended Outcomes and Part 2 Explanation of Provisions. Part 3 provides justification for the amendments sought in the planning proposal and Part 4 explains the proposed consultation of the planning proposal subject to its approval by the NSW Department of Planning and Environment (the Department).

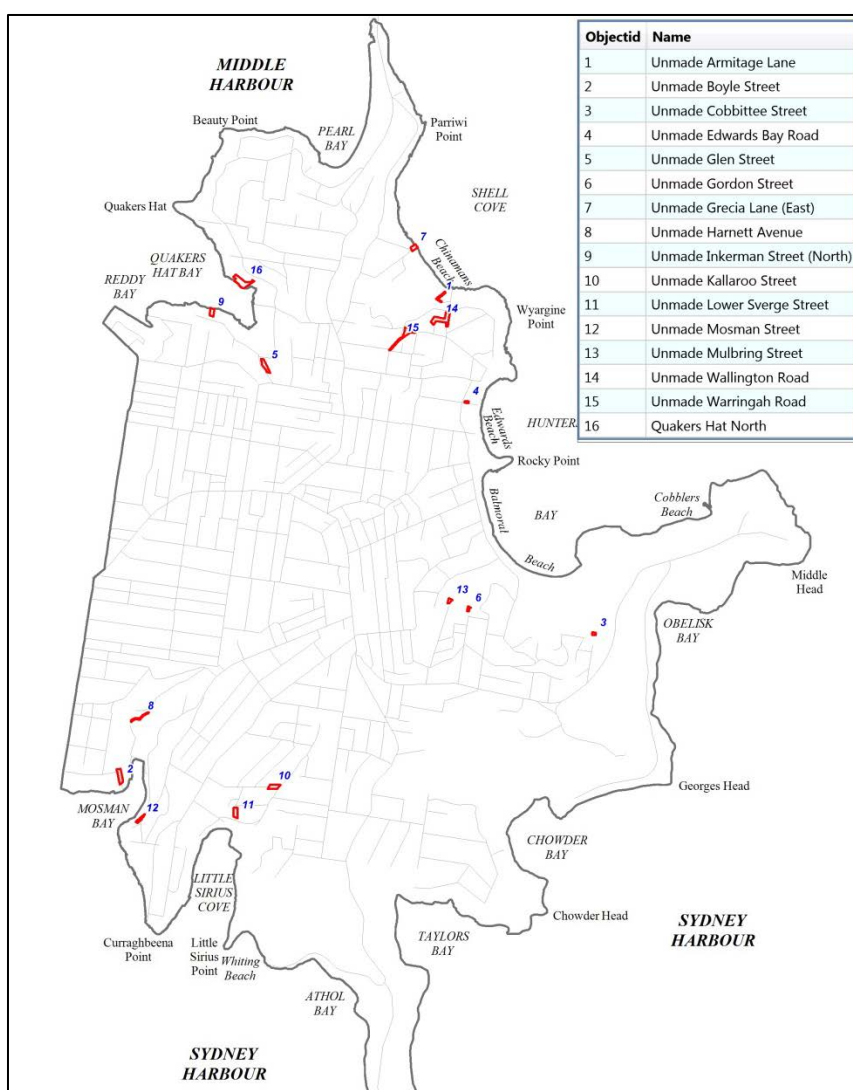


Figure 1 - Sites included in this planning proposal

2.0 Background

At its meeting on 3 December 2013, Council considered a report (refer to Appendix A) on the rezoning of the unformed area of Stanton Road from RE1 Public Recreation to E2 Environmental Conservation. At that meeting it was 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.

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.

The review of zoning of bushland areas currently zoned RE1 Public Recreation 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.

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 map at Appendix A, 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 proposed to be rezoned to E2:

#	Name	Location
1	Unmade Armitage Lane	Located in the north eastern area of the Mosman LGA below Armitage Road adjoining Rosherville Reserve to the south-east.
2	Unmade Boyle Street	Located in the south western area of the Mosman LGA below the eastern end of Lower Boyle St above Mosman Bay and adjoining 1 - 2 Lower Boyle St to the east and west and Harnett Park to the south.
3	Unmade Cobbittee Street	Located in the eastern area of the Mosman LGA at the north end of Cobbittee Street adjoining 11 Cobbittee St to the east, 24 Cobbittee St to the west and Sydney Harbour Trust Land to the north.
4	Unmade Edwards Bay Road	Located in the north eastern area of the Mosman LGA. Adjoining the eastern end of Edwards Bay Rd above Edwards Beach.
5	Unmade Glen Street - Also known as 1 Bay St - Lot 54 / DP 10956	Located in the north western area of the Mosman LGA at the corner of Glen St and Bay St and adjoining 3 Bay St to the east.
6	Unmade Gordon Street	Located in the eastern area of the Mosman LGA at the north end of Gordon St adjoining 10 Plunkett Rd to the east, 34A and 36 Gordon St to the west and Lawry Plunkett Reserve to the north.
7	Unmade Grecia Lane (East)	Located in the north eastern area of the Mosman LGA at the eastern end of Cyprian Street adjoining 2 Cyprian St to the north and Chinamans Beach to the south.
8	Unmade Harnett Avenue	Located in the south western area of the Mosman LGA below the western end of Park Ave and the north western end of Reid Park above Mosman Bay.
9	Unmade Inkerman Street (North)	Located in the north western area of the Mosman LGA between 33 and 35 Carrington St and adjoining Carrington St to the south and Quakers Hat Bay foreshore to the north.
10	Unmade Kallaroo Street	Located in the southern area of the Mosman LGA between 4 Sirius Cove Rd to the south and 4A Sirius Cove Rd to the north at the eastern end of Kallaroo St.
11	Unmade Lower Sverge Street	Located in the southern area of the Mosman LGA between 2 and 4 Sverge St to the west and 1B Sirius Ave to the east and adjoining Sirius Ave to the north and Sirius Cove Rd to the south.

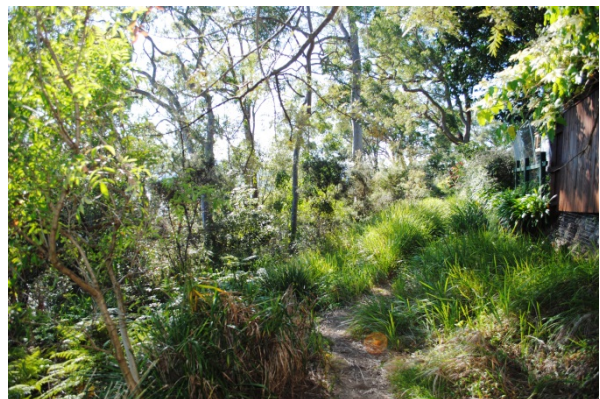
#	Name	Location
12	Unmade Mosman Street	Located in the southwest area of the Mosman LGA dividing the south end of Mosman St towards Mosman Bay adjoining 2E Mosman St.
13	Unmade Mulbring Street	Located in the eastern area of the Mosman LGA at the north end of Mulbring St between 21 and 30 Mulbring St and adjoining Lawry Plunkett Reserve to the north.
14	Unmade Wallington Road	Located in the north eastern area of the Mosman LGA at the end of Wallington Rd and adjoining several residential properties at 7-19 Hopetoun Avenue and 31 Fairfax Ave to the north and west.
15	Unmade Warringah Road	Located in the north eastern area of the Mosman LGA adjoining Warringah Rd to the west.

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.

Examples of the bushland sites can be seen in the below photographs (Photograph 1 - 4). Aerial photographs showing the location of the above 15 sites and an overall plan can be found at Appendix B. Photographs of the sites can be found at Appendix C.



Photograph 1 - Unmade Mosman St



Photograph 2 - Unmade Warringah Rd



Photograph 3 - Unmade Mulbring St



Photograph 4 - Unmade Armitage Lane

Quakers Hat North

In addition to the zoning of certain bushland sites the zoning of part of Quakers Hat Bay has also been considered. 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, Mosman in the north western area of the LGA and can be seen in the attached map at Appendix B.

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 for this is - Planning Proposal to rezone Quakers Hat North

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.



Photograph 5 - Quakers Hat North

Report and Resolution of Council

A report on the review of bushland zonings was presented to Council on 2 June 2015 (refer to Appendix A). At that meeting, Council considered the report and resolved:

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.

3.0 The Planning Proposal

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the NSW Department of Planning & Infrastructure's document "*A guide to preparing planning proposals*", October 2012.

Part 1 – Objectives or Intended Outcomes

The intended outcomes of the planning proposal are:

- To provide a greater level of protection to areas of potentially high ecological, social and aesthetic values; and
- To prevent development that could have an adverse effect on those values.

Part 2 – Explanation of Provisions

All 15 unmade road bushland sites and the part of Quakers Hat North are currently zoned RE1 – Public Recreation under the provisions of MLEP 2012. To achieve the intended outcomes it is proposed to amend the MLEP 2012 Land Zoning Map to rezone the subject sites to E2 – Environmental Conservation. The proposed map changes are shown in **Appendix B**.

The implications of the rezoning would result in these sites having a very limited range of permitted uses, compared to the RE1 zoning. As can be seen in **Table 1** below, the RE1 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. 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.

Table 1 - Comparison of uses for RE1 and E2 zones

RE1 zoning	E2 zoning
Permitted without consent: Nil	Permitted without consent: Nil
Permitted with consent: Child care centres; Community facilities; Environmental facilities; Environmental protection works; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads	Permitted with consent: Environmental facilities; Environmental protection works

Part 3 – Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Yes. A comprehensive review of bushland zonings in Mosman was undertaken between January 2014 and May 2015 which has resulted in this planning proposal. Several studies and reports helped to inform the recommendations of this review. These studies included:

- Mosman Flora and Fauna Survey 2006-2007, prepared by Total Earth Care
- Unmade Roads Rapid Assessment Matrix 2013, prepared by Mosman Council
- Unmade Roads Restoration Strategy 2002, prepared by Mosman Council

This review found that the proposed E2 – Environmental Conservation zone is the most appropriate zoning for the site. The studies and reports support these findings.

The review of bushland zonings in Mosman 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.

Inspections and photographic surveys of the bushland 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

In addition to an assessment against the above planning principles, studies and reports, discussions were also held with relevant council staff including Coordinator Biodiversity and Landscape.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means of achieving the intended outcome as it will ensure that the sites are protected from development and allow for appropriate vegetation management to be undertaken.

In addition, rezoning the sites to E2 Environmental Conservation would provide a consistent approach to the zoning of potentially environmentally significant bushland.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. The planning proposal is consistent with the State Government's Sydney Metropolitan Strategy, *A Plan for Growing Sydney* (2014). In particular, Action 3.2.2 under Direction 3.2 (page 85) and Action 4.1.1 under Direction 4.1 (page 96) are consistent with this planning proposal.

ACTION 3.2.2: INVESTIGATE OPTIONS FOR A BUSHLAND RENEWAL PROGRAM

Urban bushland is important to the city's network of green spaces, biodiversity and the development of the Sydney Green Grid. A bushland renewal program will be developed to preserve and improve the environmental quality of the bushland within the city.

The Government will:

- *explore options to enhance current programs and investment to support habitat and bushland renewal; and*
- *investigate the application of Environmental Trust funds to habitat and bushland renewal projects.*

The planning proposal will assist in achieving Action 3.2.2 as it presents an opportunity to facilitate the protection and regeneration of an area of bushland within the Sydney metropolitan area and supports habitat and bushland renewal.

ACTION 4.1.1: PROTECT AND DELIVER A NETWORK OF HIGH CONSERVATION VALUE LAND BY INVESTING IN GREEN CORRIDORS AND PROTECTING NATIVE VEGETATION AND BIODIVERSITY

A strategic approach to managing long-term biodiversity and promoting environmental resilience as housing and economic development occurs will have greater benefits than site-by-site decision making.

Applying mitigation measures can prevent or reduce the impacts of development on areas of high conservation value, native vegetation and diversity from development. Offsets can be used to address the remaining impacts and protect other areas of land with high conservation value.

The Government will invest in areas of high conservation value and protect our biodiversity through:

- *working with private industry to manage bushland on private lands in areas of high conservation value, including biodiversity corridors. Private landholders can voluntarily enter into a joint agreement with the Minister for the Environment to permanently protect special features on their land. Such an agreement permanently conserves the land even if the land changes hands; and*
- *continuing to use state planning policies and local planning controls to protect high conservation value areas, native vegetation and biodiversity. Many of these areas are identified during the planning and development process. The management of these areas (and of activities taking place outside their boundaries) contributes directly to the protection of animals and plants.*

In addition, the planning proposal will assist in achieving Action 4.1.1 as it will offer greater protection to high conservation value land and protect native vegetation and improve biodiversity in Mosman.

Under the new Strategy plan, Mosman is identified as being within the North Subregion. The North Subregional Strategy has not yet been released.

The planning proposal is consistent with the exhibited draft Inner North Subregional Strategy (under the former Metro Strategy).

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Yes. Local strategies and strategic plans applicable to the Mosman Local Government Area are:

- *MOSPLAN Community Strategic Plan 2013-2023*

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.

MOSPLAN also identifies 10 year strategies which include:

"2. Preserve and enhance biodiversity on both public and private land, including Mosman's urban forests, bushland, reserves, open space, beaches, intertidal zone and the marine environment."¹

The Planning Proposal will facilitate the preservation and enhancement of biodiversity on public bushland by applying an E2 – Environmental Conservation zoning to the subject sites.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. Refer to Appendix D of this planning proposal.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. Refer to Appendix E of this planning proposal.

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal would not adversely affect critical habitat or threatened species but may assist in the conservation of threatened species found in adjoining bushland sites by limiting development on the subject site and providing a buffer zone between the sites and adjoining residential development.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning Proposal would assist in minimising potential environmental effects by restricting development on the land.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal would not result in any significant social or economic effects.

¹ Mosplan, pg 142

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The planning proposal will not generate the need for additional public infrastructure.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

One of the sites proposed to be rezoned, Inkerman Street North, includes a small parcel of land along the foreshore at Quakers Hat Bay which is owned by The Crown. Several other sites adjoin land which is Crown Land. No consultation has been carried out at this stage, however, the Department of Primary Industries - Lands will be consulted as part of the exhibition process and invited to comment on the planning proposal. Commonwealth Public Authorities would not need to be consulted due to the local nature of this proposal.

Part 4 – Community Consultation

Community consultation for this planning proposal would be consistent with the prescribed consultation guidelines under the NSW Department of Planning and Infrastructure's document "*A Guide to preparing Local Environmental Plans*" (April 2013).

The planning proposal would likely be publicly exhibited for a minimum period of 14 days and in the following manner:

- Notice placed in the Mosman Daily (local newspaper)
- Notice and background information to be made available on Council's websites
- Exhibition at Council offices and Mosman Library
- Letter to adjoining landowners
- Letter to Department of Primary Industries - Lands, as part owner of Inkerman St North and adjoining owner of several sites.

The written notice would:

- Give a brief description of the objectives or intended outcomes of the planning proposal
- Indicate the land affected by the planning proposal
- State where and when the planning proposal can be inspected
- Give the name and address of the Council for the receipt of submissions
- Indicate the last date for submissions
- Confirm whether the Minister has chosen to delegate the making of the LEP to Council.

During the exhibition period the following material would be made available for inspection by the community:

- The planning proposal, in the form approved for community consultation by the Gateway determination issued by NSW Planning and Environment
- The Gateway determination
- Any information or technical information relied upon by the planning proposal

The community consultation will be deemed complete once Council has considered any submissions made on the planning proposal.

Part 5 – Project Timeline

The following timeline for the planning proposal is an estimation only.

Task	Timeframe / target date
Council endorsement of Planning Proposal and decision to send to NSW Planning and Infrastructure for gateway determination	2 June 2015
Referral to NSW Planning and Environment for gateway determination	September 2015
Gateway determination issued by NSW Planning and Environment	<i>September 2015</i>
Public exhibition period (14 days)	<i>October 2015</i>
Consideration of submissions received and proposal post exhibition	<i>November 2015</i>
Report to Council considering submissions received	<i>December 2015</i>
Liaise with Parliamentary Counsel (assuming delegation)	<i>December 2015 - January 2016</i>
Anticipated date Council will make plan (assuming delegation)	<i>January 2016</i>
Anticipated date that plan would be forwarded to NSW Planning and Environment for notification	<i>January - February 2016</i>