

Planning proposal to rezone 16 sites from RE1 Public Recreation to E2 Environmental Conservation

Proposal Title :	Planning proposal to rezone 16 sites from RE1 Public Recreation to E2 Environmental Conservation		
Proposal Summary :	The planning proposal seeks to rezone 15 unmade road bushland sites and a part of Quakers Hat North from RE1 Public Recreation to E2 Environmental Conservation.		
PP Number :	PP_2015_MOSMA_003_00	Dop File No :	15/13658

Proposal Details

Date Planning Proposal Received :	17-Sep-2015	LGA covered :	Mosman
Region :	Metro(CBD)	RPA :	Mosman Municipal Council
State Electorate :	NORTH SHORE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	various		
Suburb :		City :	Postcode :
Land Parcel :	various land within Mosman local government area		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro Inner North subregion	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Metropolitan (CBD) has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Departmental officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes :

BACKGROUND

On 3 December 2013, Mosman Council resolved 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.

As a result, Council conducted an in-house review and assessment of bushland sites between January 2014 and May 2015. Out of 64 unmade road bushland sites that are zoned RE1, 33 sites were chosen for further investigation. Unmade roads are parcels of land that are classified as public roads but are not constructed as such. These sites were chosen for review as they connect to larger bushland areas or contain remnant patches of bushland.

The review involved discussions with relevant Council staff including the Coordinator for Biodiversity and Landscape and considered the following:

- unmade road rapid assessment matrix 2013;
- Mosman flora and fauna survey 2006-2007;
- unmade roads restoration strategy 2002;
- whether land is located within or adjoining a biodiversity corridor;
- whether land contained a heritage item;
- the location of land within the vicinity of a natural watercourse; and
- whether land adjoins E2 Environmental Conservation, E1 National Parks and Nature Reserves or RE1 Public Recreation and has good connectivity.

The review concludes 15 unmade road bushland sites, subject of this planning proposal, contain good quality bushland and remnant vegetation and should be rezoned as E2 Environmental Conservation.

Council also considered Council's Plan of Management Natural Areas (Bushland) for Quakers Hat North adopted in 2012. To achieve the Plan's objective in ensuring ongoing ecological viability of the land, part of Quakers Hat North is proposed to be rezoned from RE1 to E2.

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As a result, on 2 June 2015, Mosman Council resolved to 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.

THE SITES

All sites subject to this planning proposal are owned by Council, with the exception of a small part of unmade Inkerman Street North which is Crown Land. Council is the Trust Manager for this site. Refer to Attachment 1 for the site location.

On 17 September 2015, Council contacted Crown Lands to begin preliminary discussions about its intention to rezone a small portion of Crown Land to E2. Council advised no response was received, however it will inform the Department should it hear back from Crown Lands.

In addition to bushland, most sites comprise concrete or natural pedestrian paths. Council confirms that all sites are accessible to the public. The majority of the sites adjoin bushland, parks or reserves.

Council's overall objective of bushland management in Mosman is to protect remnant vegetation and allow for appropriate vegetation management to be undertaken.

ADDITIONAL INFORMATION - Review of Bushland sites

The planning proposal states the proposed rezoning is the outcome of Council's review of bushland sites. On 9 September 2015, the Department requested Council provide a copy of this review to support its assessment for a Gateway determination. The additional information was received on 17 September 2015.

DELEGATION OF PLAN MAKING FUNCTIONS

Mosman Council is seeking delegation to carry out the Minister's functions under section 59 of the Environmental Planning and Assessment Act 1979 (EP&A Act) to progress this planning proposal. Council has provided Attachment 4 - Evaluation criteria for the delegation of plan making functions. Delegation is considered appropriate.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The objectives of the planning proposal are to:

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

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The planning proposal will amend Mosman Local Environmental Plan 2012 land zoning maps by rezoning 16 sites from RE1 Public Recreation to E2 Environment Conservation. Refer to Appendix B of the planning proposal for the location of the sites.

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Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

* May need the Director General's agreement

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SREP (Sydney Harbour Catchment) 2005

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

SECTION 117 DIRECTIONS

2.1 Environment Protection Zones

This direction is applicable because the planning proposal proposes to rezone land from RE1 Public Recreation to E2 Environmental Conservation.

Council's review of bushland sites within Mosman local government area (LGA) found that the sites subject to this proposal contain good quality bushland and remnant vegetation and that the proposed E2 zone is the most appropriate zoning for the sites.

Objectives of the RE1 zone enable protection of areas considered to be ecologically significant and recognise the importance of bushland. However, the zone permits development, such as roads, which may impact the quality of flora and fauna or have impacts on bush regeneration works.

The E2 zone is generally applied to areas with high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves. The zone provides the highest level of protection, management and restoration for such lands whilst allowing uses compatible with those values. The proposal is consistent with this direction as it includes provisions that facilitate the protection and conservation of environmentally sensitive areas.

4.4 Planning for Bushfire Protection

This direction is applicable as the planning proposal involves land identified as being bush fire prone under the Manly, Mosman, North Sydney Bush Fire Risk Management Plan prepared under section 57 of the Rural Fires Act 1997.

While it is acknowledged that the proposal will not result in an intensification of development on the subject lots, this direction requires consultation with the NSW Rural Fire Service prior to exhibition for any proposal that will affect, or in in close proximity, to bushfire prone land.

Should the proposal receive a Gateway determination, consultation with the NSW Rural Fire Service is required prior to public exhibition of the planning proposal.

The planning proposal maybe inconsistent if it has obtained advice from the Rural Fire Service that the planning proposal may progress.

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7.1 A Plan for Growing Sydney (the Plan)

The planning proposal is consistent with this direction in that it supports direction 3.2 Create a network of interlinked, multipurpose open and green spaces across Sydney in the Plan. The planning proposal will support improving the quality of bushland sites that are accessible by the public.

In addition, the planning proposal supports direction 4.1 Protect our natural environment and biodiversity in the Plan, in that it will offer greater protection to sites considered to contain high conservation values and improve biodiversity within Mosman LGA.

The planning proposal is consistent with relevant State Environmental Planning Policies and other relevant section 117 directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal contains existing and proposed mapping reflecting the intent of the amendment to Mosman Local Environmental Plan 2012.

Council will need to prepare amending maps in accordance with the Standard Technical Requirements for LEP maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has proposed a 14 day public exhibition period which is considered appropriate.

An estimated project time line indicates that the planning proposal will be finalised by February 2016. The Department considers a 6 month project time line for completion is adequate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2011**

Comments in relation to Principal LEP :

Mosman Local Environmental Plan 2012 was notified on 9 December 2011 and commenced on 1 February 2012.

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Assessment Criteria

Need for planning proposal :

The Department notes that, as the land is owned by Council and the State Government, and is zoned a non-urban zone (ie. RE1), the subject lots are substantially protected against inappropriate development. Additionally, it is noted the lots are small in area and that most are surrounded by or in close proximity to urban zones and land uses. Consequently, protecting and maintaining the environmental value of the land may be challenging.

Notwithstanding, Council has undertaken several studies and reports to support the proposal, including Mosman flora and fauna survey 2006-2007. Council also undertook site inspections and photographic surveys of the bushland sites in order to build upon this body of evidence.

The rezoning proposal is supported by evidence and is of a local nature, and as such should proceed to Gateway.

Consistency with strategic planning framework :

The planning proposal is generally consistent with the strategic planning framework, including the Draft Inner North Subregional Strategy (draft strategy), A Plan for Growing Sydney and Mosman Council Community Strategic Plan 2013-2023 (Mosplan).

In particular, it supports actions 3.2.2 and 4.1.1 in A Plan for Growing Sydney, by encouraging bushland renewal and proposing a mechanism to reduce the impacts of development in areas considered environmentally significant.

The planning proposal is consistent with the strategic direction under Mosplan, which is to preserve and enhance biodiversity on both public and private land, including Mosman's urban forests and bushland.

ADDITIONAL STATE AGENCY CONSULTATION

While the majority of the sites are owned by Council, the unmade road at Inkerman St (North) is owned by the State Government. It is understood Council has sought, but not yet received comments, from Crown Lands on the proposal to rezone its site.

It is recommended Council receive comments from Crown Lands, incorporating these comments into the planning proposal, prior to proceeding to exhibition.

Environmental social economic impacts :

ENVIRONMENTAL

Council's bushland review identifies that the site at unmade Cobbitee Street contains a threatened flora species - *Syzygium paniculatum* (Magenta Lilly Pilly). In addition, 15 sites are identified as being located within a biodiversity corridor.

The planning proposal may assist in the conservation of threatened species found in adjoining bushland sites by providing a buffer zone between the subject sites and adjoining residential development.

ECONOMIC AND SOCIAL

The planning proposal states there would be no significant social or economic impacts.

The Department acknowledges the proposed E2 zone would result in a limited range of permitted uses on the subject sites. This may impact on providing social infrastructure and employment generating uses to the community currently permitted on RE1 zones, such as public recreation facilities (indoor and outdoor) and child care centres.

However, future development on the sites may be difficult to achieve when considering the environmental characteristics of the sites recognised in Council's review and supporting studies. Also none of the sites contain vehicle access to adjoining residential properties. Council confirms public access would remain on all sites should the rezoning proceed.

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The Department considers there would not be adverse social or economic impacts associated with the planning proposal.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
Department of Trade and Investment
NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council cover letter.pdf	Proposal Covering Letter	Yes
Planning Proposal - Unmade Road Bushland Sites - Mosman Council.pdf	Proposal	Yes
Appendix A - Council Report and Resolution - Mosman Planning Proposal Bushland Sites.pdf	Proposal	Yes
Appendix B1 - Maps.pdf	Map	Yes
Appendix B2 - Maps.pdf	Map	Yes
Appendix C - Photographs - Mosman Planning Proposal Bushland Sites.pdf	Photograph	Yes
Appendix D - SEPPs and Deemed SEPPs - Mosman Planning Proposal Bushland Sites.pdf	Proposal	Yes
Appendix E - S.117 Directions - Mosman Planning Proposal Bushland Sites.pdf	Proposal	Yes
Attachment 1 - Crown Land (additional information).pdf	Map	Yes
Additional information - Review of Unmade Road Bushland Sites.pdf	Proposal	Yes

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Additional information - Letter to Department of Planning and Environment - Letter of support from Smith - 16 September 2015.pdf

Proposal

Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 2.1 Environment Protection Zones**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of A Plan for Growing Sydney**

Additional Information :

- 1. Prior to exhibition, consultation is to occur with the following public agencies under section 56(2) of the EP&A Act:**
 - Office of Environment and Heritage;
 - NSW Rural Fire Service; and
 - Department of Trade and Investment - Crown Lands.

Each public authority is to be provided with a copy of the planning proposal, including the additional information submitted to the Department, and given at least 21 days to comment on the proposal.

Comments received from Crown Lands and NSW Rural Fire Service must be incorporated into the planning proposal prior to exhibition.

- 2. The planning proposal must be made publicly available for community consultation for a minimum of 14 days.**

- 3. Council is to prepare amending maps in accordance with the Standard Technical Requirements for LEP maps. Amending maps should be placed on exhibition with the planning proposal.**

- 4. A public hearing is not required.**

- 5. A written authorisation to exercise delegation under section 59 of the EP&A Act is issued to Council in relation to the planning proposal.**

- 6. The timeframe for completing the Local Environmental Plan is to be 6 months from the week following the date of the Gateway determination.**

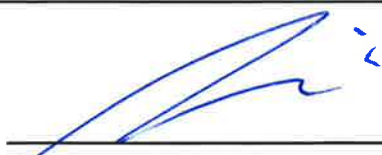
Supporting Reasons :

The planning proposal should proceed for the following reasons:

- it is the result of a review of bushland sites, supported by studies and reports;
- it acknowledges the environmental characteristics of bushland sites, consistent with the objectives of the E2 zone;
- bush regeneration and biodiversity will be enhanced;
- public access would be maintained; and
- none of the sites are privately owned.

Council proposes to progress the planning proposal under delegation. The matter is considered to be of local significance and the use of Council's delegation is supported.

Signature:



Printed Name:

W. Williamson

Date:

15/10/2015