

Planning Proposal

Amend Mosman Local Environmental Plan 2012 to revise the listing of archaeological sites (heritage items)



September 2015

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1.0 Introduction

This planning proposal has been prepared to amend Mosman Local Environmental Plan 2012 (MLEP 2012) to revise the listing of archaeological sites (heritage items) in Schedule 5 Environmental heritage and on the LEP Heritage Map to:

1. provide more specific site, address and property description information; and
2. amend or omit the listing of certain sites which have no archaeological heritage significance.

2.0 Background

Currently there are 16 archaeological sites listed in Schedule 5, Part 3 of MLEP 2012 (see **Table 1** and **Figure 1** on the following pages). These sites include former tram infrastructure, wharves, quarries and other relics of early European settlement in Mosman during the 1800s and early 1900s.

These 16 archaeological sites were first included in the former MLEP 1998 in 2001 on the basis of research undertaken in the 1996 Mosman Heritage Review by Godden Mackay Heritage. These sites were identified as having local heritage significance, with only general information about their location noted. This general information was included in the former MLEP 1998, and carried across into the current MLEP 2012 without change.

To ensure the ongoing conservation of archaeological sites and to provide accurate information to landowners, more specific information about the exact location and extent of sites is required. This is particularly important given the standardisation of planning terminology across NSW. An archaeological site is now defined as a heritage item under MLEP 2012:

archaeological site means a place that contains one or more relics.

heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

This has a number of implications. As a heritage item, archaeological sites must be identified on planning certificates issued by Council under section 149 of the *Environmental Planning and Assessment Act 1979*. Greater restrictions are also applied in terms of development that can and cannot be undertaken on land that is a heritage item, and the process for obtaining approval, in order to ensure the conservation of sites.

In January 2015, Council engaged archaeological heritage consultants Austral Archaeology to determine the exact location and extent of the 16 archaeological sites listed in Schedule 5, Part 3 of MLEP 2012. The consultants have now completed this work, determining the specific location of the archaeological sites, noting some that have no archaeological material and should be omitted from MLEP 2012 entirely, and some that are of State significance and should be nominated for listing on the NSW State Heritage Register.

On 4 August 2015 Council considered a report on the review of archaeological sites and resolved that a planning proposal be prepared to amend MLEP 2012 to revise the listing of archaeological sites (heritage items) in the manner outlined in this planning proposal. Council also resolved that it further investigate State Heritage listing of certain sites – this will occur as a separate process by application to the NSW Office of Environment & Heritage. (See report in **Appendix A**).

Suburb	Site	Address	Property description	Significance	Item No
Mosman	Former Athol Wharf Tram Terminus, including escarpment and retaining walls	Athol Wharf Road	Road reserve adjacent to Taronga Zoo Ferry Wharf	Local	A482
Mosman	Site of first wharf serving Taronga Zoo	Athol Wharf Road	Taronga Zoo Ferry Wharf	Local	A483
Mosman	Former tram terminus, including enclosing sandstone walls	Avenue Road	Road reserve at end of Avenue Road	Local	A484
Mosman	Former stone quarry	65A–69A Avenue Road	Excavated indentation on eastern side of Avenue Road	Local	A485
Mosman	Former quarry wharf	Centenary Drive, Mosman Bay	Sandstone sea wall around Quarry Point between Mosman Rowers Club and Mosman Amateur Sailing Club	Local	A486
Mosman	Site of former Harnett's Quarry	Harnett Avenue and Royalist Road	Steep escarpment between Harnett Avenue and Royalist Road from end of Calliope Street to waterfront	Local	A488
Mosman	Ventilation stack and former original septic tank, now a swimming pool	Middle Head Road, HMAS Penguin Naval Depot	Lot 201, DP 1022020	Local	A490
Mosman	Site of original 1870s Musgrave Street Wharf	Musgrave Street	At end of Musgrave Street	Local	A491
Mosman	Remains of Grant's Wharf	Parriwi Road	Off Parriwi Road at The Spit	Local	A492
Mosman	Site of former Pearl Bay Pleasure Grounds	Pearl Bay Avenue	Pearl Bay/ Quakers Hat Bay Park near Fig Tree Walk	Local	A493
Mosman	Sites of Curlew and Mia Mia Camps	Sirius Cove Road	Bushland between Little Sirius Cove and Whiting Beach	Local	A494
Mosman	Remains of former bridge and sea wall	Spit Road	Off northern end of Spit Road at Ellery Park	Local	A496
Mosman	Site of former explosives wharf	Spit Road	Off northern end of Spit Road between Ellery Park and The Spit Reserve	Local	A495
Mosman	Sydney Harbour National Park	Sydney Harbour National Park	Middle Head, Georges Heights, Taylors Head and Bradleys Head	Local	A489
Mosman	Abandoned tramway cutting	The Esplanade	From end Mulbring Street to Plunkett Road through public reserve	Local	A487
Mosman	Site of former road to The Spit	Upper Spit Road	Parriwi Park, end of Upper Spit Road	Local	A497

Table 1: Extract from current MLEP 2012, Schedule 5 Environmental heritage, Part 3 Archaeological sites

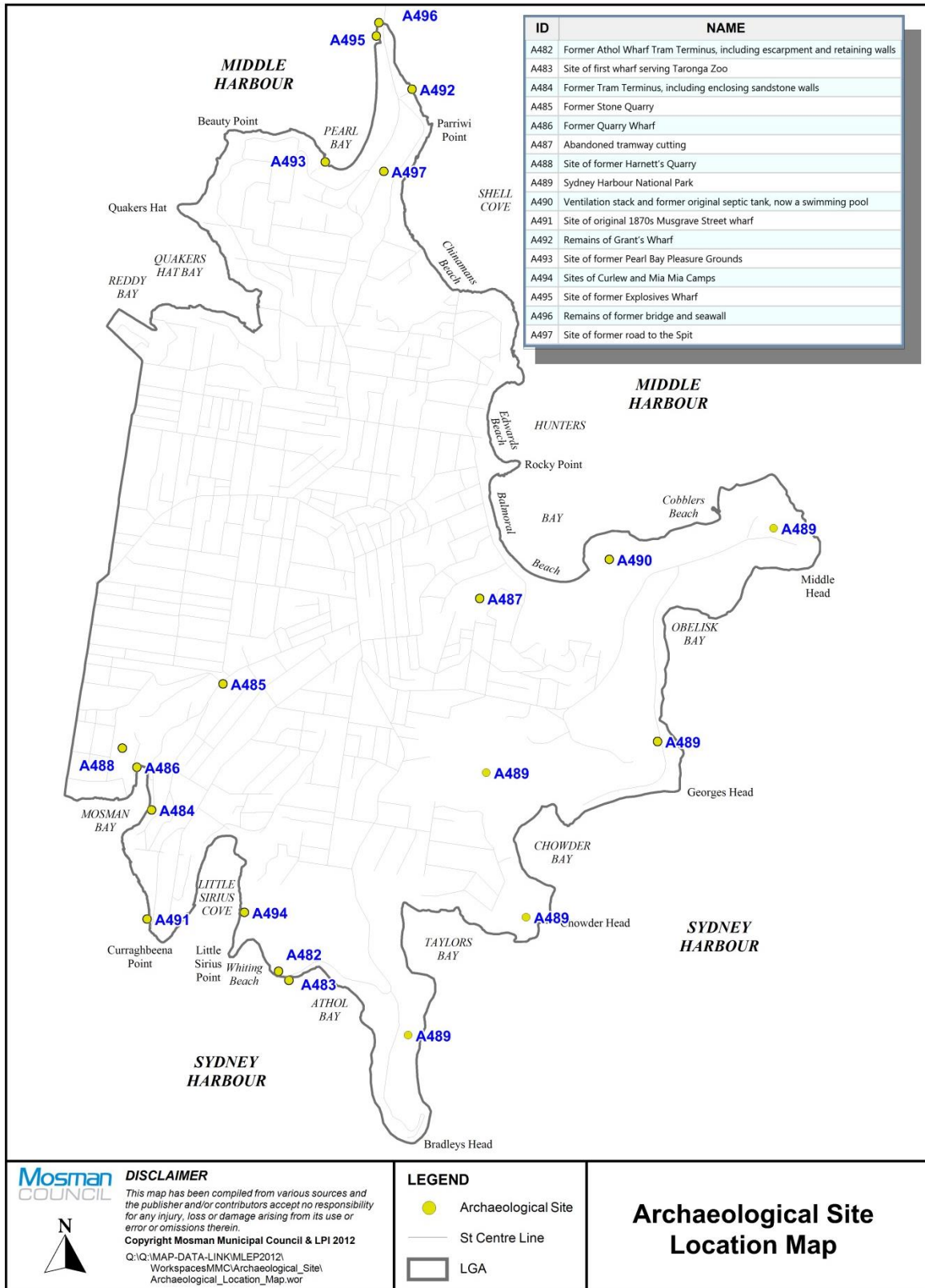


Figure 1: Location of archaeological sites shown on current MLEP 2012 Heritage Map

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 *A guide to preparing planning proposals*, issued by NSW Department of Planning & Infrastructure, October 2012.

Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to conserve the cultural and environmental heritage of Mosman through the inclusion of more accurate and specific information about archaeological sites in MLEP 2012.

Part 2 – Explanation of Provisions

The objective will be achieved by amending MLEP 2012 in the following manner:

1. Revise Schedule 5 Environmental heritage as outlined in **Appendix B**. These amendments include:
 1. More specific site, address and property description information for archaeological sites listed in Part 3 Archaeological sites;
 2. Relocation of *Item A490 Ventilation stack and former original septic tank, now a swimming pool* from Part 3 Archaeological sites to Part 1 Heritage items, on the basis that this item was found to not necessarily contain any archaeological material however it does have heritage significance. The site name is also to be revised;
 3. Omission of *Item A495 Site of Former Explosives Wharf* from Part 3 Archaeological sites on the basis that this site was found to contain no archaeological material;
 4. Omission of *Item A496 Remains of former Spit Bridge and seawall* from Part 3 Archaeological sites on the basis that this is a duplicate listing with existing Item I453 in Part 1 Heritage items. The site name, address and property description of Item I453 is to be revised with more specific identifying information.
2. Revise the Heritage Map to:
 1. Reflect the amendments to Schedule 5 Environmental heritage outlined in 1. above;
 2. Be consistent with updated mapping guidelines issued by the NSW Department of Planning and Environment. (Refer to Part 4 – Mapping of this planning proposal).

Aerial maps in **Appendix C** illustrate the location of archaeological sites based on research recently undertaken by heritage consultants Austral Archaeology engaged to verify the location of sites.

Part 3 – Justification

Section A – Need for the planning proposal

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

Yes. The planning proposal is the result of the following studies:

- *Assessment of Archaeological Sites, Mosman Local Environmental Plan*, June 2015, by Austral Archaeology Pty Ltd
- *Assessment of Archaeological Sites, Mosman Local Environmental Plan, Sydney Harbour National Park Addendum Report*, July 2015, by Austral Archaeology Pty Ltd
- *Assessment of Listing of Archaeological Site of the Former Explosives Wharf (A495), The Spit, in Mosman Local Environmental Plan 2012*, July 2015, by Austral Archaeology Pty Ltd

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

Yes. The mechanism for amending MLEP 2012 is a planning proposal.

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). Whilst there is no action identified in the State's plan which directly relates to this planning proposal, the proposal is consistent with heritage conservation values identified in the plan such as the following in relation to action 3.4.4 (page 93):

"The Government is committed to identifying, protecting and managing areas with heritage significance."

Under the new State 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 State plan).

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

Yes. The planning proposal is consistent with *MOSPLAN Community Strategic Plan 2013-2023*, in particular the following:

Plan: Built Environment

Strategy 3: Effectively manage the conservation of Mosman's heritage.

Key initiative 3D: Review heritage studies including archaeological sites.

Maintaining the accuracy of heritage content within MLEP 2012 is an essential element of this program.

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?

No.

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

Better knowledge of the location of archaeological sites will result in improved conservation of sites, having a positive impact on the surrounding environment.

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

Yes. Information about the exact location and extent of archaeological sites is now known, which can provide more certainty to landowners and ensure improved conservation of sites. Archaeological sites are now defined as a heritage item under State-wide mandated planning definitions, and there are a number of consequences of this.

1. Planning certificates issued under section 149 of EP&A Act 1979

Heritage items must be identified on section 149 planning certificates issued by Council under the *Environmental Planning And Assessment Act 1979* (as prescribed by Schedule 4 of *Environmental Planning and Assessment Regulation 2000*, clause 2(h)). A section 149 planning certificate (or 'zoning certificate') provides information about planning controls and other property issues that affect a particular piece of land, and is required to be obtained when land is proposed to be sold. This provides transparency of information to landowners and potential purchasers of land.

2. Exempt and complying development under Codes SEPP

Heritage items have greater development restriction under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP). Many types of exempt development cannot be carried out on land identified as a heritage item or can only be carried out with certain restrictions. Exempt development is typically very low impact or minor development for which development consent is not required, for example, advertising and signage, air conditioning units and internal works. Complying development (fast track approval process for straightforward development) cannot be carried out on land identified as a heritage item.

A development application is required to be lodged with Council to obtain approval for most works on land identified as a heritage item. However notwithstanding this, clause 5.10(3) of MLEP 2012 provides that consent is not required where the proposed works are minor or would not adversely affect the heritage significance of the site. An assessment by Council planning staff or Council's Heritage Advisor is required to obtain this exemption under clause 5.10(3). An application form must be completed to obtain this exemption, however no fee applies.

3. Conservation of Mosman's heritage

Heritage consists of those places and objects that we as a community have inherited from the past and want to hand on to future generations. Our heritage gives us a sense of living history and provides a physical link to the work and way of life of earlier generations. It enriches our lives and helps us to understand who we are today.

Heritage listing in MLEP 2012 provides formal recognition by Council that a place has heritage significance and that the community wants to keep it for future generations. Accurately identifying the location of archaeological sites will improve their conservation for future generations, which is of social importance to the people of Mosman.

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?

All owners of land upon which archaeological sites were likely to be located were notified by letter in March 2015 advising of the review of sites being undertaken by Council. Most of these sites are located on publicly owned land; the following public landowners were contacted:

- NSW Maritime
- NSW Parks & Wildlife Service
- Zoological Parks Board
- Royal Australian Navy HMAS Penguin

No views were expressed to Council.

Further consultation would occur during the exhibition period for the planning proposal, to affected land owners and the community more generally.

Part 4 – Mapping

The MLEP 2012 Heritage Maps will be amended to reflect the proposed revisions to Schedule 5 Environmental heritage.

The MLEP 2012 Heritage Maps will also be updated to be consistent with the advice issued by the NSW Department of Planning and Environment (and predecessors) about the format of Standard Instrument LEPs, specifically:

- LEP practice note PN 1-001 issued 10 March 2011, *Preparing LEPs using the Standard Instrument: standard clauses*, issued by NSW Department of Planning (in particular pages 13 and 14 in relation to Schedule 5 Environmental heritage), and
- *Standard Technical Requirements for LEP Maps, Version 2.0*, issued by NSW Department of Planning & Infrastructure, November 2012 - which require the entire allotment upon which an archaeological site (heritage item) is located to be mapped. The guidelines however provide that on very large lots where heritage items may be found, only the immediate location of the heritage item may be coloured (rather than the entire lot).

Council will prepare the revised MLEP 2012 Heritage Maps in consultation with the NSW Department of Planning and Environment.

Part 5 – 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 landowners

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 fieldwork for this review, Austral Archaeology received enquiries from some landowners interested to find out more about the history of archaeological sites located on their land. This information will be provided to landowners when further consultation occurs during public exhibition of the planning proposal.

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 6 – 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	4 August 2015
Referral to NSW Planning and Environment for gateway determination	September 2015
Gateway determination issued by NSW Planning and Environment	<i>October 2015</i>
Public exhibition period (14 days)	<i>October/November 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</i>
Anticipated date Council will make plan (assuming delegation)	<i>December 2015 / January 2016</i>
Anticipated date that plan would be forwarded to NSW Planning and Environment for notification	<i>December 2015 / January 2016</i>

Appendix A: Council Report and Resolution

MINUTES OF THE ORDINARY MEETING OF MOSMAN MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBERS, MOSMAN SQUARE ON TUESDAY 4 AUGUST 2015 AT 7.13PM

EP/43: Mosman Archaeological Sites Review

RESPONSIBLE OFFICER: **Manager Urban Planning**

EXECUTIVE SUMMARY

There are 16 non-Aboriginal archaeological sites listed in Mosman Local Environmental Plan 2012 (MLEP 2012), including former tram infrastructure, quarries and other relics of early European settlement in Mosman. The 1996 Mosman Heritage Review by Godden Mackay Heritage identified these sites as having heritage significance, noting only general information about their location.

NSW planning legislation now defines an archaeological site as a heritage item, and this has a number of implications including the need to more definitively identify the location of archaeological sites. Archaeological heritage consultants Austral Archaeology have ascertained the exact location and extent of archaeological sites listed in MLEP 2012, and an amendment to MLEP 2012 is now required to update the heritage schedule and map.

OFFICER'S RECOMMENDATION

The Manager Urban Planning recommends that:

1. A planning proposal be prepared under sections 53-60 of the *Environmental Planning and Assessment Act 1979* to amend Mosman Local Environmental Plan 2012, Schedule 5 and the Heritage Map, in respect of archaeological sites as outlined in this report.
2. Council further investigate State Heritage listing of archaeological sites:
 - a. A494: Sites of Curlew and Mia Mia Camps; and
 - b. A496: Remains of former Spit Bridge and sea wall.

COUNCIL RESOLUTION

Motion Menzies/Moline

That the Officer's Recommendation be adopted.

CARRIED UNANIMOUSLY

Background

In January 2015, archaeological heritage consultants Austral Archaeology were engaged by Council to determine the exact location and extent of archaeological sites listed in Mosman Local Environmental Plan 2012 (MLEP 2012), Schedule 5, Part 3.

There are 16 non-Aboriginal archaeological sites listed in MLEP 2012, including former tram infrastructure, quarries and other relics of early European settlement in Mosman. The 1996 Mosman Heritage Review by Godden Mackay Heritage identified these sites as having heritage significance, noting only general information about their location. This general location information was included in the MLEP 2012, and former MLEP 1998.

NSW planning legislation now defines an archaeological site as a heritage item. MLEP 2012 contains standardised heritage clauses and definitions which are mandated by the State Government's Standard Instrument LEP template, including:

archaeological site means a place that contains one or more relics.

heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Under the former MLEP 1998, an archaeological site was not defined as a heritage item.

This change in definition has a number of consequences, including the need to:

- a) identify whether or not land is a heritage item on planning certificates issued by Council under s.149 of the *Environmental Planning And Assessment Act 1979* (EP&A Act); and
- b) obtain development consent for most works on such land and a heritage assessment (clause 5.10 MLEP 2012).

This leads to the need to more definitively identify the location of archaeological sites.

Austral Archaeology has completed a review of archaeological sites listed in MLEP 2012 Schedule 5, Part 3.

Current Position

Currently, only general information about the location of archaeological sites is included in Schedule 5, Part 3 of MLEP 2012. The LEP Heritage Map similarly only identifies the general location of archaeological sites. An extract from the current MLEP 2012 is contained in an attachment to this report.

The review of Mosman's archaeological sites by Austral Archaeology has determined the exact location and extent of these 16 archaeological sites. It has also considered the archaeological significance of some sites, noting sites that should be nominated for listing on the State Heritage Register, and conversely sites that have no archaeological significance.

Based on this review, a number of changes are recommended to be made to MLEP 2012:

1. Update heritage listings with more accurate information

More accurate and specific information about the item name, address and property description of archaeological sites is now known, based on field work and research undertaken by Austral Archaeology. Schedule 5, Part 3 of MLEP 2012 should be updated to reflect this information. Refer to attachment to this report.

It is clear that most of the 16 archaeological sites in Mosman are located on publicly owned land. These are within road reserves, national parks, open spaces and within the harbour, and include former tram infrastructure, wharves, sea walls, bridges, roads, recreation grounds and camps. Clearly identifying the location of these sites and informing relevant authorities would result in improved conservation of sites, particularly when maintenance and other works are carried out.

Of the archaeological sites, three are located on privately owned land occupied by residential development. These are former quarries in Avenue and Royalist Roads, and former tram infrastructure in Avenue Road:

- *Item A484 Former tram terminus including enclosing sandstone walls (Avenue Road).* The enclosing sandstone walls at the southern end of Avenue Road extend onto privately owned land at 1 Avenue Road (SP34299, SP46000), and there is the potential for relics of tram infrastructure to be located beneath the driveway adjacent the wharf leading to 2C Mosman Street (SP12874).
- *Item A485 Former stone quarry (Avenue Road).* The archaeological significance of the quarry walls is of importance. The walls are located on 65A, 69 and 71 Avenue Road (SP38652, SP47862 and SP648).
- *Item A488 Site of former Harnett's Quarry (Harnett Avenue and Royalist Road).* The archaeological significance of the quarry walls is of importance. The walls are located on 11 and 13 Royalist Road and within the access road to 3-11 Royalist Road (SP66746, Lot 1 DP1052582, Lot 125 DP752067).

The MLEP 2012 Heritage Map would also need to be updated to reflect these changes and updated mapping guidelines issued by the NSW Department of Planning and Environment.

2. Remove or relocate heritage listings with no archaeological significance

Item A495 Site of former explosives wharf (off northern end of Spit Road between Ellery Park and The Spit Reserve at D'Albora Marina) was found to have no archaeological heritage significance. Austral Archaeology did not identify any features associated with the original wharf except for a retaining wall to which the former wharf was attached, and accordingly recommends that this site be removed entirely from listing in MLEP 2012.

Item A490 Ventilation stack and former original septic tank, now a swimming pool (Middle Head Road, HMAS Penguin Naval Depot) was found to not necessarily contain any archaeological material, however it does have heritage significance. The Austral Archaeology report recommends that this site be retained as a heritage item in MLEP 2012 but be relocated to Schedule 5, Part 1 for listing as general heritage items.

Item A496 Remains of former Spit Bridge and sea wall (off northern end of Spit Road at Ellery Park) was similarly found to not necessarily contain any archaeological material, however it does have heritage significance. This site is actually listed twice in MLEP 2012 – once as an archaeological site A496 under Schedule 5, Part 3 and once as a heritage item I453 under Schedule 5, Part 1. The Austral Archaeology report recommends that only one heritage listing for this site be included in MLEP 2012 within Schedule 5, Part 1.

3. Nominate items on State Heritage Register

Item A494 Sites of Curlew and Mia Mia Camps (bushland between Little Sirius Cove and Whiting Beach) was found to have considerable heritage significance. The Austral Archaeology report notes that, while MLEP 2012 lists this site as being of local heritage significance, Curlew Camp is justifiably listed as being of regional significance on the State Heritage Inventory listing, and it is highly recommended that Curlew Camp be nominated for listing on the State Heritage Register.

Similarly, the Austral Archaeology report notes that, whilst *Item A496 Remains of former Spit Bridge and sea wall* (off northern end of Spit Road at Ellery Park) is listed as being locally significant, it is considered that it is of State significance and that it should be upgraded on the State Heritage Register. The report notes that the site is an iconic landmark in the harbour, encapsulating the transition from a ferry crossing in the 1830s to steam-operated punt in the late 19th century through to construction of the former and current bridges connecting Mosman to Manly.

Consultation

All owners of land upon which archaeological sites were likely to be located were notified by letter in March 2015 advising of the review being undertaken by Council. Further consultation would occur during exhibition period for the planning proposal, to affected land owners and the community more generally.

Financial Implications

No additional financial implications. The review of archaeological sites is budgeted for within the staffing costs of the Urban Planning budget.

Relationship with MOSPLAN

The Built Environment Program of Mosman's Community Strategic Plan, MOSPLAN 2013-2023, identifies the need to effectively manage the conservation of Mosman's heritage. Maintaining the accuracy of heritage content within MLEP 2012 is an essential element of this program.

Comment

Amendments to MLEP 2012

Clearly identifying the location of archaeological sites is important to ensure conservation of sites and for transparency of information.

The mechanism for amending MLEP 2012 is a planning proposal under sections 53-60 of the EP&A Act. This process is as follows:

1. Council must resolve to prepare a planning proposal under sections 53-60 of the EP&A Act to amend MLEP 2012. A planning proposal sets out the justification for making the proposed amendment, and must include matters outlined in section 55 of the EP&A Act and Department guidelines.
2. Gateway determination. The planning proposal is submitted to the Department for review and consideration as to whether the LEP amendment should proceed.
3. Community consultation. If approval is granted for the LEP amendment to proceed, the planning proposal is publicly exhibited, typically for 14 to 28 days. Submissions would then be considered and reported to Council.
4. Finalisation. Parliamentary Counsel drafts the final wording of the LEP amendment and the Minister gazettes the LEP amendment (or Council may be granted delegation to make the LEP). The process from start to completion is approximately 3-6 months.

During field work for this review, Austral Archaeology received enquiries from some landowners interested to find out more about the history of archaeological sites located on their land. This information will be provided to landowners when further consultation occurs during public exhibition of the planning proposal to amend MLEP 2012.

Nominate items on State Heritage Register

The process for nominating a place or object for listing on the State Heritage Register (SHR) is by application to the NSW Office of Environment & Heritage. For a nomination to be considered, it must be demonstrated that the place or object meets at least one of the seven Heritage Council of NSW criteria for listing on the SHR relating to the importance of the item for the whole of NSW.

Recommended Action

It is recommended that a planning proposal be prepared to amend MLEP 2012 as recommended by the Austral Archaeology report, and that items A494 and A496 (to be merged with duplicate Item I453) be considered for nomination to the State Heritage Register.

Recommendation endorsed by Director Environment and Planning.

ATTACHMENT: MOSMAN ARCHAEOLOGICAL SITES

Extract from current Mosman Local Environmental Plan 2012, Schedule 5 Environmental heritage , Part 3 Archaeological sites

(in alphabetical address order as it appears currently in MLEP 2012)

Suburb	Site	Address	Property description	Significance	Item No
Mosman	Former Athol Wharf Tram Terminus, including escarpment and retaining walls	Athol Wharf Road	Road reserve adjacent to Taronga Zoo Ferry Wharf	Local	A482
Mosman	Site of first wharf serving Taronga Zoo	Athol Wharf Road	Taronga Zoo Ferry Wharf	Local	A483
Mosman	Former tram terminus, including enclosing sandstone walls	Avenue Road	Road reserve at end of Avenue Road	Local	A484
Mosman	Former stone quarry	65A–69A Avenue Road	Excavated indentation on eastern side of Avenue Road	Local	A485
Mosman	Former quarry wharf	Centenary Drive, Mosman Bay	Sandstone sea wall around Quarry Point between Mosman Rowers Club and Mosman Amateur Sailing Club	Local	A486
Mosman	Site of former Harnett's Quarry	Harnett Avenue and Royalist Road	Steep escarpment between Harnett Avenue and Royalist Road from end of Callopie Street to waterfront	Local	A488
Mosman	Ventilation stack and former original septic tank, now a swimming pool	Middle Head Road, HMAS Penguin Naval Depot	Lot 201, DP 1022020	Local	A490
Mosman	Site of original 1870s Musgrave Street Wharf	Musgrave Street	At end of Musgrave Street	Local	A491
Mosman	Remains of Grant's Wharf	Parriwi Road	Off Parriwi Road at The Spit	Local	A492
Mosman	Site of former Pearl Bay Pleasure Grounds	Pearl Bay Avenue	Pearl Bay/ Quakers Hat Bay Park near Fig Tree Walk	Local	A493
Mosman	Sites of Curlew and Mia Mia Camps	Sirius Cove Road	Bushland between Little Sirius Cove and Whiting Beach	Local	A494
Mosman	Remains of former bridge and sea wall	Spit Road	Off northern end of Spit Road at Ellery Park	Local	A496
Mosman	Site of former explosives wharf	Spit Road	Off northern end of Spit Road between Ellery Park and The Spit Reserve	Local	A495
Mosman	Sydney Harbour National Park	Sydney Harbour National Park	Middle Head, Georges Heights, Taylors Head and Bradleys Head	Local	A489
Mosman	Abandoned tramway cutting	The Esplanade	From end Mulbring Street to Plunkett Road through public reserve	Local	A487
Mosman	Site of former road to The Spit	Upper Spit Road	Parriwi Park, end of Upper Spit Road	Local	A497

Summary of findings – 2015 Austral Archaeology review report:

(in item number order)

Item No	Site	Summary of findings
A482	Former Athol Wharf Tram Terminus, including escarpment and retaining walls	Located at end of Athol Wharf Road adjacent to Taronga Zoo Ferry Wharf. The eastern escarpment wall extends up the road, however the western extent of the wall was lost when the road was widened for vehicles. The retaining wall is mostly remained intact. The tramlines are likely to have survived <i>in situ</i> along the entire length of Athol Wharf Road. It is unlikely that any archaeological material relating to the tram terminus has survived. Construction of the zoo cable car station has resulted in significant ground disturbance.
A483	Site of first wharf serving Taronga Zoo	Formerly located to the east of the current wharf. Fieldwork did not identify features associated with the original wharf except for the retaining wall to which the wharf was attached.
A484	Former tram terminus, including enclosing sandstone walls	Located at the southern end of Avenue Road. The enclosing sandstone walls have largely survived intact, although some has been lost following construction of garages and surrounding apartment blocks. The walls at the southern end of Avenue Road extend onto privately owned land at 1 Avenue Road (SP34299, SP46000). The tramlines are likely to have survived <i>in situ</i> along the entire length of the terminus. There is the potential for relics of tram infrastructure to be located beneath the driveway adjacent to the wharf leading to 2C Mosman Street (SP12874).
A485	Former stone quarry	Located in Avenue Road. Fieldwork was able to clearly locate the northern, eastern and southern extent of the quarry. The archaeological significance of the quarry walls is of importance. The walls are located on 65A, 69 and 71 Avenue Road (SP38652, SP47862 and SP648).
A486	Former quarry wharf	Located in the area now occupied by the sea scouts to the south-west of Mosman Rowers. The wharf itself was easily identified.
A487	Abandoned tramway cutting	Fieldwork confirmed that the actual route of the tram line generally followed that of the present footpath through Lawry Plunkett Reserve. Despite the loss of the actual tramlines, many secondary features related to the tram line are still present.
A488	Site of former Harnett's Quarry	Located in Royalist Road. Fieldwork was able to clearly identify the western extent of the quarry, however the northern and eastern extent could not be identified due to landscaping works. The archaeological significance of the western quarry wall is of importance. The wall is located on 11 and 13 Royalist Road and within the access road to 3-11 Royalist Road (SP66746, Lot 1 DP1052582, Lot 125 DP752067).
A489	Sydney Harbour National Park	The Sydney Harbour National Park is subject to various overlapping heritage listings at both the State and local level in terms of built heritage. This listing includes four distinct points within the various precincts of the national park, being the headlands of Middle Head, Georges Head, Taylors Head and Bradleys Head. The MLEP 2012 Heritage Map records an archaeological site at Chowder Head and at Cross Street, however no recorded archaeological potential was found at these locations and they should be removed from the mapping.
A490	Ventilation stack and former original septic tank, now a swimming pool	Located at HMAS Penguin Naval Depot. This site was found to not necessarily contain any archaeological material, however it does have heritage significance. Recommendation that this site be retained as a heritage item in MLEP 2012 but be relocated to Schedule 5, Part 1 for listing as general heritage items.
A491	Site of original 1870s Musgrave Street Wharf	Located at the southern end of Musgrave Street. The location of the former wharf was easily identified in fieldwork. Evidence of the location of the 1870s wharf is represented by post holes, a large timber beam and a large iron bolt.
A492	Remains of Grant's Wharf	Located off Parriwi Road at The Spit. The location of the former wharf was easily identified in fieldwork adjacent to the carpark on the eastern side of Parriwi Road / Spit Road.

Item No	Site	Summary of findings
A493	Site of former Pearl Bay Pleasure Grounds	Located in The Spit Reserve / Quakers Hat Bay Park adjacent to Pearl Bay. Landscaping works undertaken in the 1960s have removed most traces of the original seawall, however fieldwork confirmed the location of the original jetty at the northern end of the seawall and two rock engravings.
A494	Sites of Curlew and Mia Mia Camps	Located in bushland between Little Sirius Cove and Whiting Beach. Fieldwork confirmed the location of Curlew Camp and noted several features which related to camp life. The location of Mia Mia Camp could not be confirmed. While MLEP 2012 lists this site as being of local heritage significance, Curlew Camp is justifiably listed as being of regional significance on the State Heritage Inventory listing, and it is highly recommended that Curlew Camp be nominated for listing on the State Heritage Register.
A495	Site of former explosives wharf	Located off the northern end of Spit Road between Ellery Park and The Spit Reserve (D'Albora Marina). Fieldwork did not identify features associated with the original wharf except for the retaining wall to which the wharf was attached. Recommend that this site be removed entirely from listing in MLEP 2012 as it contains no archaeological heritage significance.
A496	Remains of former bridge and sea wall	Located off the northern end of Spit Road at Ellery Park. This site is actually listed twice in MLEP 2012 – once as an archaeological site A496 under Schedule 5, Part 3 and once as a heritage item I453 under Schedule 5, Part 1. Recommend that only one heritage listing for this site be included in MLEP 2012 within Schedule 5, Part 1. Further, the report notes that whilst this site is listed in MLEP 2012 as being locally significant, it is considered that it is of State significance and that it should be upgraded on the State Heritage Register. The site is an iconic landmark in the harbour, encapsulating the transition from a ferry crossing in the 1830s to steam-operated punt in the late 19 th century through to construction of the former and current bridges connecting Mosman to Manly.
A497	Site of former road to The Spit	Parriwi Park, end of Upper Spit Road. Fieldwork determined that the course of the Upper Spit road is visible within the first 60 metres of the park, however visibility within the remainder of the park is poor. Large boulders with footholds, a surveyor's mark and an inscription were found.

Appendix B: Proposed Amendments to MLEP 2012

Proposed amendments to the schedule are shown in red. The wording shown here is in draft only may be further revised following review by NSW Department of Planning and Environment and the NSW Parliamentary Counsel's Office.

Schedule 5 Environmental heritage, Part 1 Heritage Items

Include the following within the table in Schedule 5, Part 1 in alphabetical order of address:

Suburb	Site	Address	Property description	Significance	Item No
Mosman	Balmoral Sewerage Treatment Plant (ventilation stack and former original septic tank, now a swimming pool)	Middle Head Road, HMAS Penguin Naval Depot	Lot 201, DP 1022020	Local	I482
Mosman	Spit Reserve, Former Spit Bridge , Sea Wall and Ferry Landing (including footings and other associated features)	Spit Road (within Ellery Park)	Ellery Park and road reserve below and to the west of the Spit Bridge, between Lot 1162, DP 820301 to the east, and Lot 104, DP 1011363 to the west	Local	I453

Schedule 5 Environmental heritage, Part 3 Archaeological sites

Omit the table in Schedule 5, Part 3 and replace with the following table:

Suburb	Site	Address	Property description	Significance	Item No
Mosman	Former Athol Wharf Tram Terminus (including escarpment and retaining walls)	Athol Wharf Road	Road reserve at western terminus of road , adjacent to Taronga Zoo Ferry Wharf and extending east approximately 250 metres along road and within part of Lot 22, DP843294	Local	A482
Mosman	Site of first wharf serving Taronga Zoo Wharf (remains and seawall)	Athol Wharf Road	Road reserve and water immediately east of current Taronga Zoo Ferry Wharf	Local	A483
Mosman	Avenue Road Former Tram Terminus (including enclosing sandstone escarpment walls)	Avenue Road 1 & 1E Avenue Road 2A & 2C Mosman Street	Road reserve at southern terminus end of Avenue Road and part of Lot C DP 396388, SP 12874, SP 46000 and SP 34299	Local	A484
Mosman	Avenue Road Former Stone Quarry (quarry wall)	65A, 69 & 71 69A Avenue Road	Excavated indentation on eastern side of Avenue Road SP 38652, SP 47862 and SP 648	Local	A485

Suburb	Site	Address	Property description	Significance	Item No
Mosman	Abandoned Tramway Cutting (including culvert, embankment and sandstone walls)	Botanic Road Mulbring Street Plunkett Road (within Lawry Plunkett Reserve) The Esplanade	Lot 7052, DP 93711 Lot 7054, DP 1060246 Road reserve at northern end of Mulbring Street (adjacent to 30 Mulbring Street)	Local	A487
Mosman	Former Quarry Wharf (including seawall)	Centenary Drive, Boyle Street Mosman Bay	Reclaimed shoreline between Lot 7344, DP 1156264 to east and Lot 7343, DP 1156264 to west, and southern extent of unmade Boyle Street, and part of Lot 7344, DP 1156264 and Lot 1130, DP 752067 Sandstone sea-wall around Quarry Point between Mosman Rowers Club and Mosman Amateur Sailing Club	Local	A486
Mosman	Ventilation stack and former original septic tank, now a swimming pool	Middle Head Road, HMAS Penguin Naval Depot	Lot 201, DP 1022020	Local	A490
Mosman	Bradleys Head, Georges Head and Middle Head of the Sydney Harbour National Park (fortifications and associated archaeological features)	Bradleys Head Road Middle Head Road Sydney Harbour National Park	Crown land at southern end of Bradleys Head; Lot 1, DP 604478 Middle Head, Georges Heights, Taylors Head and Bradleys Head	Local	A489
Mosman	Site of original 1870s Musgrave Street Wharf (remains and seawall)	Musgrave Street	Unmade road reserve at southern end of Musgrave Street (adjacent to 1-5 Musgrave Street)	Local	A491
Mosman	Remains of Grant's Wharf (remains)	Parrivi Road	Road reserve between Lot 1171, DP 820301 to north and Lot 1179, DP 822221 to south Off Parrivi Road at The Spit	Local	A492
Mosman	Site of former Pearl Bay Pleasure Grounds (seawall, pathway and wharf)	Pearl Bay Avenue (within Quakers Hat Park and The Spit Reserve, near Fig Tree Walk)	Part of Lot 1, DP 909057 and Lot 7374, DP 1160311 (that part of these lots near 19-33 Pearl Bay Avenue) Pearl Bay/ Quakers Hat Bay Park near Fig Tree Walk	Local	A493
Mosman	Site of former Harnett's Stone Quarry (quarry wall)	Harnett Avenue and Royalist Road 11 & 13 Royalist Road Access road to 1-15 Royalist Road	Steep escarpment between Harnett Avenue and Royalist Road from end of Calliope Street to waterfront Pt 125, DP 752067 and that part of Royalist Road adjacent to this lot; SP 66746 (western end of lot); Lot 1, DP 1052582	Local	A488
Mosman	Sites of Curlew and Mia Mia Camps (including location and various features along the foreshore)	Sirius Cove Road (bushland between Little Sirius Cove and Whiting Beach)	Part of Lot 22, DP 843294 adjacent to western boundary of lot Bushland between Little Sirius Cove and Whiting Beach	Local	A494

Suburb	Site	Address	Property description	Significance	Item No
Mosman	Remains of former bridge and sea wall	Spit Road	Off northern end of Spit Road at Ellery Park	Local	A496
Mosman	Site of former explosives wharf	Spit Road	Off northern end of Spit Road between Ellery Park and The Spit Reserve	Local	A495
Mosman	Route Site of former road to The Spit	Upper Spit Road (within Parriwi Park)	Lot 263, DP 752067 Parriwi Park, end of Upper Spit Road	Local	A497

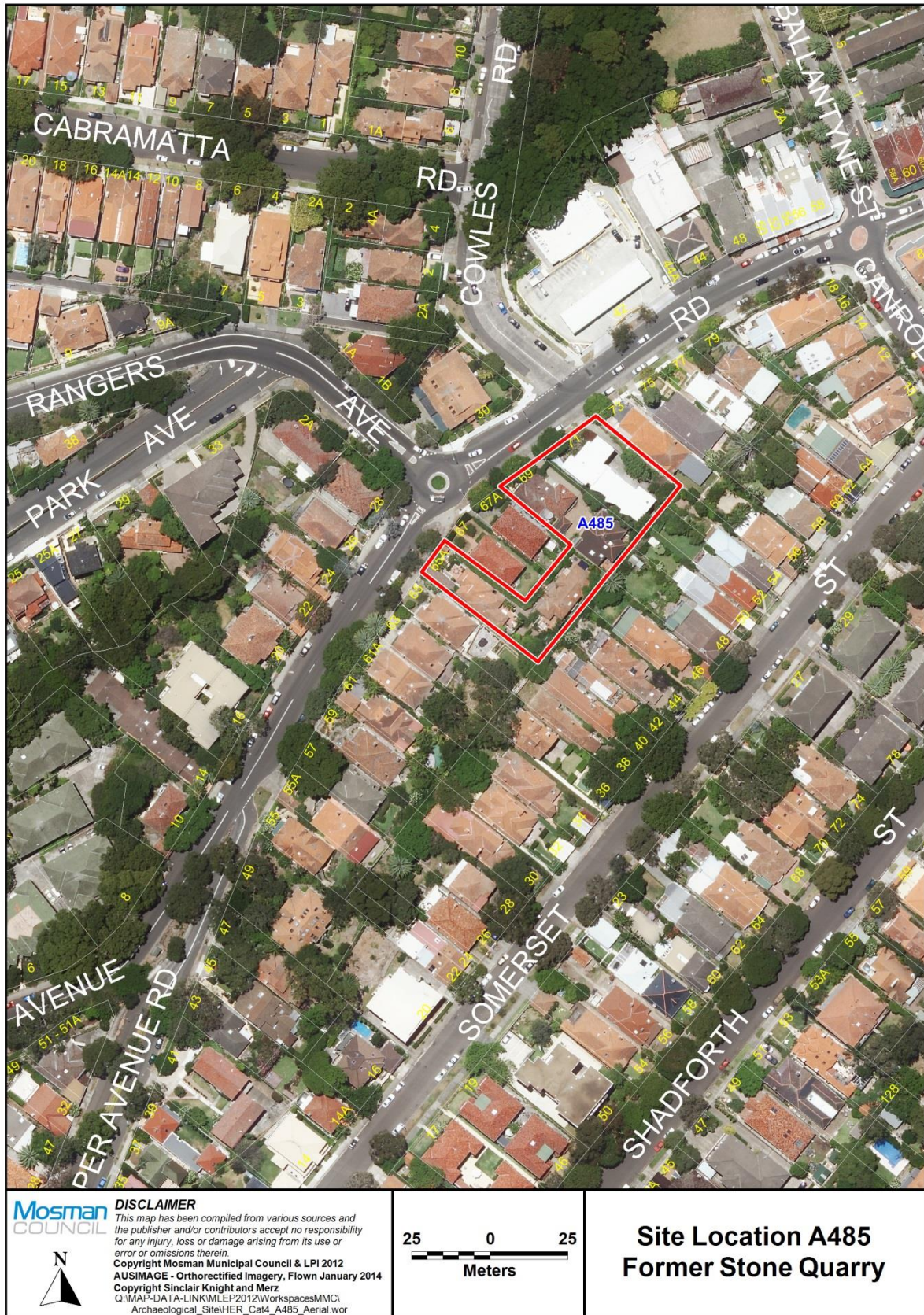
Appendix C: Location of Archaeological Sites (Revised)

Aerial maps on the following pages show the revised location of archaeological sites based on the research undertaken by heritage consultants Austral Archaeology during January to June 2015.

The MLEP 2012 Heritage Maps will be amended to reflect the location of archaeological sites shown.





















Appendix D: SEPPs and Deemed SEPPs

State Environmental Planning Policies

State Environmental Planning Policies (SEPPs)	(tick only one)			Comment
	Not relevant	Consistent	Justifiably inconsistent	
SEPP 1 – Development Standards	✓			
SEPP 14 – Coastal Wetlands	✓			
SEPP 15 – Rural Landsharing Communities	✓			
SEPP 19 – Bushland in Urban Areas		✓		
SEPP 21 – Caravan Parks	✓			
SEPP 26 – Littoral Rainforests	✓			
SEPP 29 – Western Sydney Recreation Area	✓			
SEPP 30 – Intensive Agriculture	✓			
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	✓			
SEPP 33 – Hazardous and Offensive Development	✓			
SEPP 36 – Manufactured Home Estates	✓			
SEPP 39 – Spit Island Bird Habitat	✓			
SEPP 44 – Koala Habitat Protection	✓			
SEPP 47 – Moore Park Showground	✓			
SEPP 50 – Canal Estate Development	✓			
SEPP 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	✓			
SEPP 55 – Remediation of Land	✓			
SEPP 59 – Central Western Sydney Economic and Employment Area	✓			
SEPP 62 – Sustainable Aquaculture 2000	✓			
SEPP 64 – Advertising and Signage	✓			
SEPP 65 – Design Quality of Residential Flat Development	✓			
SEPP 70 – Affordable Housing (Revised Schemes)	✓			
SEPP 71 – Coastal Protection	✓			
SEPP (Affordable Rental Housing) 2009	✓			
SEPP (Building Sustainability Index: BASIX) 2004	✓			
SEPP (Kurnell Peninsula) 1989	✓			

State Environmental Planning Policies (SEPPs)	(tick only one)			Comment
	Not relevant	Consistent	Justifiably inconsistent	
SEPP (Exempt and Complying Development Codes) 2008	✓			
SEPP (Housing for Seniors or People with a Disability) 2004	✓			
SEPP (Infrastructure) 2007	✓			
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	✓			
SEPP (Major Development) 2005	✓			
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	✓			
SEPP (Rural Lands) 2008	✓			
SEPP (State and Regional Development) 2011	✓			
SEPP (Sydney Drinking Water Catchment) 2011	✓			
SEPP (Sydney Region Growth Centres) 2006	✓			
SEPP (Three Ports) 2013	✓			
SEPP (Urban Renewal) 2010				
SEPP (Western Sydney Employment Area) 2009	✓			
SEPP (Western Sydney Parklands) 2009	✓			
Draft SEPP (Competition) 2010	✓			

Deemed State Environmental Planning Policies (formerly regional environmental plans)

<i>Deemed State Environmental Regional Environmental Plans (REPs)</i>	<i>(tick only one)</i>			<i>Comment</i>
	<i>Not relevant</i>	<i>Consistent</i>	<i>Justifiably inconsistent</i>	
Sydney REP 8 – Central Coast Plateau Areas	✓			
Sydney REP 9 – Extractive Industry (No. 2)	✓			
Sydney REP 16 – Walsh Bay	✓			
Sydney REP 18 – Public Transport Corridors	✓			
Sydney REP 19 – Rouse Hill Development Area	✓			
Sydney REP 20 – Hawkesbury-Nepean River (No. 2 1997)	✓			
Sydney REP 24 – Homebush Bay Area	✓			
Sydney REP 26 – City West	✓			
Sydney REP 30 – St Marys	✓			
Sydney REP 33 – Cooks Cove	✓			
Sydney REP (Sydney Harbour Catchment) 2005	✓			

Appendix E: S.117 Directions

Ministerial Directions (s.117 directions)

New Ministerial Directions under s.117 of the EP&A Act	(tick only one)			Comment
	Not relevant	Consistent	Justifiably inconsistent	
D1. Employment and Resources				
D1.1 Business and Industrial Zones	✓			
D1.2 Rural Zones	✓			
D1.3 Mining, Petroleum Production and Extractive	✓			
D1.4 Oyster Aquaculture	✓			
D1.5 Rural Lands	✓			
D2. Environment and heritage				
D2.1 Environmental Protection Zones	✓			
D2.2 Coastal Protection	✓			
D2.3 Heritage Conservation		✓		
D2.4 Recreation Vehicle Areas	✓			
D3. Housing, Infrastructure and Urban Development				
D3.1 Residential Zones	✓			
D3.2 Caravan Parks and Manufactured Home Estates	✓			
D3.3 Home Occupations	✓			
D3.4 Integrating Land Use and Transport	✓			
D3.5 Development Near Licensed Aerodromes	✓			
D3.6 Shooting Ranges	✓			
D4. Hazard and Risk				
D4.1 Acid Sulfate Soils	✓			
D4.2 Mine Subsidence and Unstable Land	✓			
D4.3 Flood Prone Land	✓			
D4.4 Planning for Bushfire Protection	✓			
D5. Regional Planning				
D5.1 Implementation of Regional Strategies	✓			
D5.2 Sydney Drinking Water Catchments	✓			
D5.3 Farmland of State and Regional Significance on the NSW Far North Coast	✓			
D5.4 Commercial and Retail	✓			

<i>New Ministerial Directions under s.117 of the EP&A Act</i>	<i>(tick only one)</i>			<i>Comment</i>
	<i>Not relevant</i>	<i>Consistent</i>	<i>Justifiably inconsistent</i>	
Development along the Pacific Highway, North Coast				
D5.8 Second Sydney Airport: Badgerys Creek	✓			
5.9 North West Rail Link Corridor Strategy	✓			
D6. Local Plan Making				
D6.1 Approval and Referral Requirements	✓			
D6.2 Reserving Land for Public Purposes	✓			
D6.3 Site Specific Provisions	✓			
D7. Metropolitan Planning				
D7.1 Implementation of a Plan for Growing Sydney		✓		