
EP/52 Scenic Protection Area - Planning Proposal**Responsible Officer: Director Environment and Planning**

Executive Summary

A Planning Proposal has been prepared to rezone 2,631 lots within the Mosman Scenic Protection Area from Zone R2 Low Density Residential to Zone E4 Environmental Living under Mosman Local Environmental Plan 2012 (MLEP 2012), and associated other amendments.

The Mosman Local Planning Panel has provided advice in support of the Planning Proposal.

The change in zone recognises the significant scenic and landscape quality of the foreshore land, and ensures that the land will continue to be excluded from the NSW Government's Housing Code after the current temporary exclusion ceases on 30 November 2021.

Without this exclusion, new one and two-storey dwelling houses, and alterations/additions to existing dwelling houses, could be built on Mosman's foreshore slopes as 'complying development' under the Housing Code and private certification system, bypassing the need for Council approval and the development application process. There would be no meaningful consultation with surrounding landowners and Council's planning controls would not be considered. The impact that this may have on the foreshore landscape and on residents' amenity may be detrimental and irreversible.

Consultation with affected landowners and the wider community about the Zone E4 option occurred between 10 September and 5 October 2020. In response, 164 submissions were received, with 74% indicating support for the change in zone and 11% unsure but in support of Council exploring this option further. A further 13% did not support the rezoning.

Officer's Recommendation

The Director Environment and Planning recommends that Council:

1. Note the submissions received in response to initial consultation with landowners and the wider community about the Mosman Scenic Protection Area rezoning option.
2. Note the Mosman Local Planning Panel's advice regarding the Planning Proposal for the Mosman Scenic Protection Area.
3. Endorse the Planning Proposal to rezone land within the Mosman Scenic Protection Area from Zone R2 Low Density Residential to Zone E4 Environmental Living under Mosman Local Environmental Plan 2012 and associated amendments.
4. Submit the Planning Proposal to the NSW Department of Planning, Industry and Environment for Gateway determination under section 3.34 of the *Environmental Planning and Assessment Act 1979*, prior to statutory public exhibition.

Advice from Mosman Local Planning Panel (MLPP)

Local Planning Panels Direction—Planning Proposals issued by the Minister for Planning under section 9.1 of the *Environmental Planning and Assessment Act 1979* (the Act), provides that –

- Prior Council considering whether to forward a Planning Proposal to the Minister for Gateway determination under section 3.34 of the Act, it must consider the advice of the local planning panel; and
- This applies to all Planning Proposals except for those relating to the correction of an error, or to matters of a consequential or minor nature, or as otherwise determined by the Council's General Manager.

On 13 November 2020, the Mosman Local Planning Panel considered the Mosman Scenic Protection Area Planning Proposal and accompanying report (MLPP/62), and provided the following advice:

The Mosman Local Planning Panel recommends as follows:

1. *The Panel notes the submissions received in response to the initial consultation, in particular that the majority of the submissions were in favour of the Planning Proposal.*
 2. *The Panel supports the Planning Proposal to re-zone 2,631 lots within the Mosman Scenic Protection Area from zoning R2 to E4 under the Mosman Local Environmental Plan 2012 and associated amendments.*
 3. *The Panel is of the opinion that the Planning Proposal is essential in order to maintain the vegetative slopes and landscape of the Mosman Scenic Protection Area on Sydney Harbour foreshores.*
 4. *The Panel is of the opinion that the Planning Proposal is in the local and general public interest.*
 5. *The Panel is of the opinion that the re-zoning of the specified lots within the Mosman Scenic Protection Area from R2 to E4 is an eminently sensible and feasible action which will achieve protection of the amenity and landscape character of the slopes.*
 6. *The Panel is of the opinion that the re-zoning proposed in the Planning Proposal will protect and enhance the extent of the dominance of tree canopy, vegetation, biodiversity and wildlife habitat within the Mosman Scenic Protection Area.*
 7. *The Panel is of the opinion that the re-zoning proposed in the Planning Proposal will be consistent with the wooded nature of other parts of the Mosman foreshore which are included within National Parks, Sydney Harbour Federation Trust area, reserves and Taronga Zoo.*
 8. *The Panel notes that the Planning Proposal will not alter the current planning provisions applying to the slopes as the existing R2 zoning provisions will be carried through to the proposed E4 zoning.*
 9. *The Panel recommends that the Planning Proposal be submitted to the NSW Department of Planning, Industry and Environment for Gateway determination under Section 3.34 of the Environmental Planning and Assessment Act 1979, prior to statutory public exhibition.*
- CARRIED UNANIMOUSLY**

Background

Measures to ensure protection of the Mosman Scenic Protection Area through permanent exclusion of this land from the NSW Government's Housing Code has been the subject of ongoing discussion between Council and the NSW Department of Planning, Industry and Environment (DPIE) for many years.

The Housing Code – a component of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) – has not applied to land within the Mosman Scenic Protection Area since its commencement in February 2009. This is in recognition of the importance of this landscape to the harbour setting that is significant to Sydney, the State and more broadly.

However, the exclusion provided for the Scenic Protection Area is time limited and, despite continued efforts by Council to obtain more permanent protective measures, is due to cease on 30 November 2021.

Without this exclusion, new one and two-storey dwelling houses, and alterations/additions to existing dwelling houses, could be built on Mosman's foreshore slopes as 'complying development' under State-wide controls and the private certification system, bypassing the need for Council approval and the development application process. As complying development:

- There would be no meaningful consultation with surrounding landowners.
- Council's long-standing controls for building bulk/scale, landscaping, view sharing, privacy, overshadowing and the visual impact of development, would not be considered.
- The impact this may have on the foreshore landscape, particularly in a cumulative sense, as well as on residents' amenity, may be detrimental and irreversible.

Reports to Council Meetings of 5 June 2018 and 4 September 2018 detail Council's efforts over the years in pursuing permanent exclusion from the Housing Code. Indications from the Minister for Planning and NSW DPIE are that the temporary Scenic Protection Area exclusion is unlikely to be extended, and that Council should consider alternative approaches such as an environmental-residential zone, to which the Housing Code would not apply.

Options were presented and discussed at a Councillor Workshop held on 25 February 2020. This included an option to rezone R2 Low Density Residential land within the Scenic Protection Area to Zone E4 Environmental Living under MLEP 2012. Councillors were generally supportive of pursuing this option, noting that there would need to be comprehensive information provided to land owners about the implications of this.

In May 2020, Council wrote to the NSW DPIE in response to the COVID-19 pandemic and difficulty it presented in resolving this matter before the temporary exclusion expires. Council sought a one-year extension to the current exclusion, however this request was denied.

Consultation with affected landowners and the wider Mosman community about the E4 zone option was undertaken from 10 September to 5 October 2020.

A planning proposal to rezone land within the Mosman Scenic Protection Area from Zone R2 to E4 under MLEP 2012, and associated other amendments, was then prepared and referred to the MLPP for advice in November 2020.

Current Position

Zone E4 Environmental Living is a low-density residential zone that is suitable for land in NSW with special ecological, scientific or aesthetic values. It is a standardised zone under the NSW Government's Standard Instrument - Principal Local Environmental Plan that can be applied, through a council's local environmental plan, to land that exhibits these qualities.

The E4 zone is applied to large areas of foreshore land and in bushland areas in Hornsby, Ku-ring-gai, Lane Cove, North Sydney, Northern Beaches, Sutherland and Willoughby local government areas, and others. The E4 zone is evident in 41% of all council local environmental plans that apply to land in the Greater Sydney metropolitan area. Large areas of foreshore land at Castle Crag, Middle Cove and Northbridge are zoned E4.

There are mandated objectives and land uses that must be included for the E4 zone, outlined below, however local objectives and land uses that are compatible with the zone can be added by councils.

Zone E4 Environmental Living**1 Objectives of zone**

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- *[Council can add local objectives if compatible]*

2 Permitted without consent

Home occupations *[Council can add land uses if compatible]*

3 Permitted with consent

Dwelling houses; Oyster aquaculture; Pond-based aquaculture; Tank-based aquaculture *[Council can add land uses if compatible]*

4 Prohibited

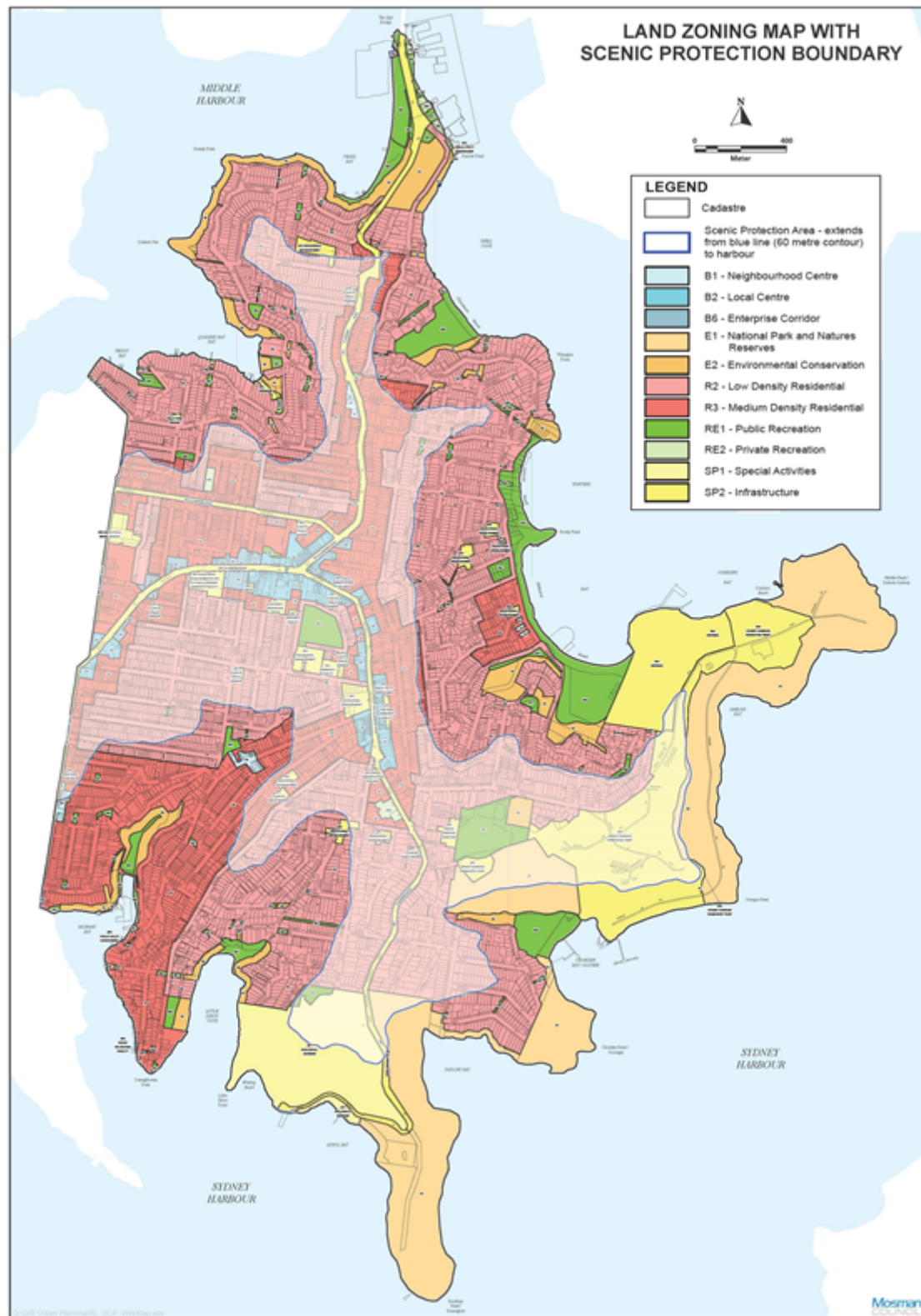
Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3 *[Council can add land uses if compatible]*

R2 zoned land within the Mosman Scenic Protection Area has the qualities that meet the E4 zone mandated objectives. The land is currently identified as suitable for low-density residential housing, and is recognised as having special aesthetic value under clause 6.4 Scenic protection of MLEP 2012. The Scenic Protection Area applies to all land up to the 60 metre contour line, identified as the benchmark for significant views to and from Sydney and Middle Harbours. See figure below

There are 2,631 lots zoned R2 that are within, or partially within, the Scenic Protection Area. Of these, 516 lots are permanently excluded from the Housing Code by virtue of other affectations such as heritage, acid sulphate soils or being within a foreshore area (that is, subject to a foreshore building line). Rezoning land from R2 to E4 will ensure that all of this land remains permanently excluded from the Housing Code, with its aesthetic significance recognised in land zoning.

In applying the E4 zone to this land, it would remain a low-density residential area with Council's local planning controls continuing to apply. The same range of land uses that are currently permissible in the R2 zone under MLEP 2012 would be carried across to the E4 zone, along with the standards for building height, floor space ratio, landscaped area, view sharing, scenic protection and others. Other considerations - such as the impact of proposed development on local bushland and biodiversity, and the potential to disturb Aboriginal archaeological objects - would also remain as important.

The E4 zone could not apply to land zoned R3 Medium Density Residential within the Scenic Protection Area as this would 'down-zone' land contrary to Local Planning Directions issued by the NSW DPIE. A solution to ensure ongoing protection of R3 zoned land remains outstanding.



*Mosman Scenic Protection Area boundary with current land zoning under MLEP 2012.
Land zoned R2 Low Density Residential is coloured light pink.
Areas outside the Scenic Protection Area are faded out.*

Consultation

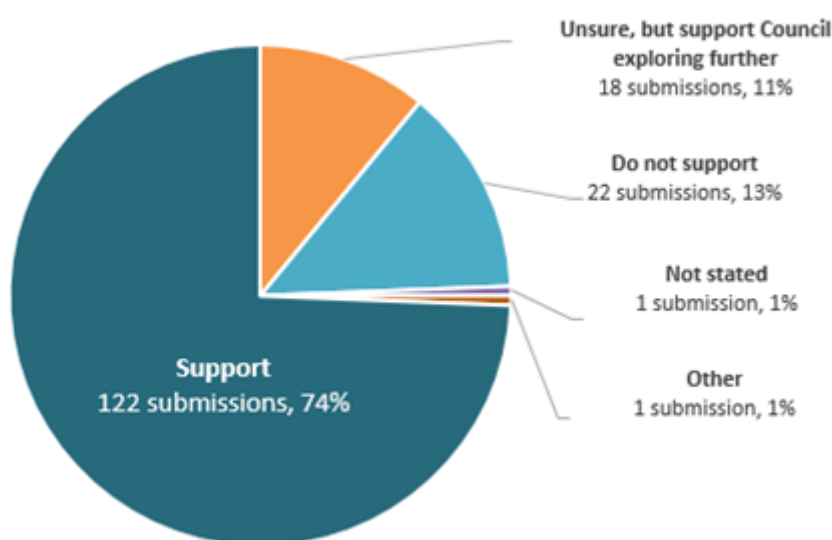
Consultation with affected landowners and the wider Mosman community about the E4 zone option was undertaken from 10 September to 5 October 2020. This included:

- Letter sent to around 2,600 affected landowners, that is, owners of property zoned R2 located within the Scenic Protection Area;
- Information on Council's engagement website, Your Voice Mosman, including a brief survey; and
- Notice on Council's social media, in the Mosman Daily, on noticeboards in the civic precinct and within the Council administration building.

In response, 164 submissions were received, of which 96% (157 submissions) were from affected land owners. Of these, 149 were completed online surveys and 15 were emails or letters to Council.

The majority of submissions received (74%) were in support of Council rezoning land from R2 to E4 within the Scenic Protection Area, with a further 11% noting that they were unsure if they support this option, but do support Council exploring this option further. Most (77%) of the survey respondents indicated that they felt they had a sufficient understanding of the matter.

Support for Rezoning Land from R2 to E4



Respondents in support of the E4 zone option gave reasons for this including:

- Protect the amenity, natural beauty and landscape quality of the foreshore area;
- Retain the integrity of the Mosman area as it is;
- Maintain local control to protect character, heritage, views and privacy;
- Housing Code will detract from the amenity and value of Mosman properties; and
- Essential that residents have the opportunity to comment on proposed development.

Submissions were also received in opposition to the rezoning, with 22 submissions (13%) received expressing concern about the E4 zone option for reasons including:

- E4 zone is unnecessarily restrictive;
- Excessive bureaucracy, cost and delays in obtaining development approval; and
- Housing Code parameters are reasonable, transparent and objective.

Attachments to this report provide more detail about the consultation undertaken and a summary of all submissions received.

Key matters raised in submissions are addressed under 'Comments' below.

Financial Implications

The financial implications for Council would be minimal to insignificant. Currently the owners of land within the Scenic Protection Area are required to submit a development application to Council to obtain approval for most types of proposed development, and this would continue with rezoning land to Zone E4. As all planning provisions and procedures would remain the same, it is unlikely that there would be any change in the volume of development applications received for assessment by Council's Environment and Planning Department or requiring referral to the MLPP for determination.

Relationship with MOSPLAN

Strategic Direction 3 - An Attractive and Sustainable Environment
Strategic Direction 6 - Well Designed, Liveable and Accessible Places

Comment

Submissions – Feedback Received

Initial consultation has shown that protecting the aesthetic significance of the Scenic Protection Area remains an important value of landowners and the wider Mosman community, and that there is majority support for the E4 zone option.

Key matters raised in submissions received are considered below.

- *Importance of the Mosman Scenic Protection Area / support for maintaining Council's local planning controls and the development application process*

Feedback in submissions: Protect the natural beauty, scenic amenity, trees, character, views and quality of living of Mosman foreshores; important for people's mental health and wellbeing, and wildlife habitat; concerned about overdevelopment; the landscape is of value of all of Sydney, not just local residents; we have a responsibility to think long-term; preserve existing local planning controls for aesthetics, scenic protection, view sharing, landscaping etc.

Comment: Protecting the scenic quality and landscape amenity of Mosman's foreshore slopes has been a Council priority for many years. Their significance within the harbour landscape has been recognised in State and Council planning since the 1960s, and through good planning, the foreshore slopes remain predominantly characterised by a dominance of vegetation over built form. Planning controls in MLEP 2012 and Mosman Residential Development Control Plan 2012 (MRDCP 2012) apply a fine-grained assessment of proposed development, considering matters such as landscaping, view sharing to the harbour and iconic landmarks, bulk, scale and design. These local controls would not be considerations under the Housing Code.

- *Concern about complying development and the Housing Code*

Feedback in submissions: Do not support the State Government overriding local planning controls with a one-size-fits-all model; concern about private certification process; concern about loss of community consultation and neighbour notification; concerned that it could result in misguided development, even if nominally complying, that would permanently and negatively alter Mosman's neighbourhood; Council is better placed to consider proposed development than the NSW Government.

Comment: Council has voiced its concern about the Housing Code to the NSW DPIE since its introduction over 10 years ago. As complying development, adjoining property occupants (but not owners) would be notified of a complying development application but be given no opportunity to have any concerns considered. Provided the application met State-wide criteria, approval could be

issued in 10 days with no consideration of the visual impact of development, view sharing or other local planning controls. Whilst this fast-track system may be suitable in some areas of NSW, it is not suitable on the foreshore slopes of Mosman which are recognised as visually significant.

- *Concern about loss of property value*

Feedback in submissions: Concerned that the Housing Code would detract from value of Mosman properties such as from a loss of views; property assets will be better protected by the continuation of local planning controls. Conversely, concerned that an E4 zone would have a negative impact on property value with limits on the ability to redevelop, or the ability to sell property quickly.

Comment: The impact of a change in zone on property values is unknown, but given that the intention of the zoning change is to maintain the status quo in terms of planning controls, it may be the case that there is no impact on property values. The E4 zone would provide certainty to current and prospective land owners about the type of, and process for, proposed development. It would maintain the ability for landowners to be consulted about developments that may affect their amenity, including view loss. This may have a positive impact on property values. Conversely, the ability to build a new two-storey house or alter an existing house as complying development under the Housing Code, without having to lodge a development application or to consider objections from neighbours, could be viewed as valuable by some purchasers. Accordingly, the impact on property values is not considered to be a determining factor in this matter.

- *E4 zone location and permissible development*

Feedback in submissions: What land uses would be permissible in an E4 zone; could permissible land uses be restricted to dwelling-houses only with all other uses 'Prohibited'; are views taken into account under an E4 zone; the E4 zone should apply to land within 200 metres of the foreshore; extend to all of Clifton Gardens; the E4 zoning should not be applied to an urban area.

Comment: Permissible land uses for the E4 zone would be the same as those for the R2 zone currently identified in MLEP 2012. The area would remain for low-density residential development. Council cannot restrict the permissible land uses to only dwelling-houses as there are mandated permissible uses that must be included (see comments earlier in report) and further, it would unduly restrict the development rights currently enjoyed by landowners. The same local controls that currently apply to the land would continue to apply under an E4 zone, including consideration of views.

The Scenic Protection Area boundary is at the 60m contour line and this is established as a benchmark for significant views to and from Sydney and Middle Harbours. There is no strategic planning basis for applying a 200 metre limit from the waterline as the boundary for the zone, nor for extending the zone beyond the 60 metre contour line. The E4 zone is a common zone applied throughout the Sydney metropolitan area including in neighbouring North Sydney, Willoughby and Northern Beaches local government areas.

- *The E4 zone would be too restrictive / support for complying development*

Feedback in submissions: Support a streamlined process that does not involve Council; rezoning means inefficiencies in the system are being continued; small changes to a site would require a full development application with onerous documentation required and high costs; excessive bureaucracy; the complying development parameters are perfectly reasonable; I do not want to be rezoned.

Comment: The E4 zone option is intended to maintain the status quo in terms of planning controls. Minor changes to a site, such as those that do not increase the floor space or footprint, would still be able to be undertaken under the NSW Government's Exempt Development Code or Housing Alterations Code. A development application (DA) would need to be lodged with Council for all

other development and consent obtained; this is the same process as current. It is acknowledged that the documentation required, fee and processing time for a DA would generally be greater than that for a complying development application, however it is considered that this cost would be less than the potential risk to properties from the approval of inappropriate development through the complying development process.

- *Extend the current temporary exclusion for the Scenic Protection Area instead*

Feedback in submissions: An E4 zoning is unfamiliar to most; unsure why Council cannot just extend the timeframe of the current Scenic Protection Area; the area certainly needs protecting but protections need to be practical and straightforward; we have been happy with the existing arrangements under the Scenic Protection Area and would be happy for that to continue.

Comment: The simplest method of ensuring ongoing protection of Mosman's foreshore land from the Housing Code would be to amend the Codes SEPP to remove the temporary nature of the exclusion. However, despite lobbying the NSW DPIE for this change for many years, this has not occurred, and it is unlikely that the current temporary exclusion will be extended beyond 30 November 2021.

- *Unnecessary to apply E4 zone to heritage properties within Scenic Protection Area*

Feedback in submissions: As my property is located within a heritage conservation area, all development currently requires Council consent so there is adequate provision for ensuring view protection and no need to change the zoning.

Comment: Properties within a heritage conservation area are excluded from the Housing Code with the exception of development that is for a detached outbuilding, a detached development other than a studio, or a swimming pool. Ensuring a dominance of vegetation over built form and tree retention are important qualities of the Scenic Protection Area which may be compromised by a lower standard under the Housing Code. Applying the E4 zone to all R2 zoned land in the Scenic Protection Area, including heritage conservation areas, will assist in conserving the special aesthetic value of the land.

- *Consultation with landowners on this matter*

Feedback in submissions: Keep me informed about the progress of this matter; seek more detailed information about pros and cons; the definition of E4 Zoning is not provided in your correspondence which raises questions of transparency; we need serious consultation to understand the implications of the E4 proposal; the period of consultation is short and overlaps school holidays; need more time to review information available and consider the matter; a much clearer message is needed.

Comment: The consultation recently undertaken was preliminary only to obtain the opinion of affected landowners on the E4 zone option. If Council and the NSW DPIE endorse this option as suitable to proceed, statutory engagement with landowners and the wider community would be undertaken potentially in mid-2021 for a six-week period. Extending the preliminary consultation period now would delay this process, with the risk that it would not be resolved before the temporary exclusion expires on 30 November 2021. The website provided as part of the preliminary consultation included a definition of the E4 zone, and a pros and cons table, it being noted that 77% of survey respondents indicated they felt they had a sufficient understanding of the matter. Feedback received will inform later statutory engagement. Regular updates on the progress of this matter will be included on Council's Mosman Planning website and Urban Planning newsletter.

Planning Proposal to amend MLEP 2012

A Planning Proposal is the means to change the zoning of land within a council's local environmental plan. It is prepared by a council in accordance with section 3.33 of the Act and guidelines issued by the NSW DPIE.

A Planning Proposal has been prepared to amend MLEP 2012 in the following manner:

1. Rezone 2,631 lots that are within, or partially within, the Mosman Scenic Protection Area, from Zone R2 Low Density Residential to Zone E4 Environmental Living, retaining the land for low-density residential use; and
2. Ensure that, with the change in zone from R2 to E4, the same permissible and prohibited land uses, development standards and planning controls that currently apply to the land will continue to apply, along with exempt development standards.

The Planning Proposal is included as an Attachment to this report. It provides:

- detailed information about the importance of the Mosman Scenic Protection Area,
- an explanation of proposed changes to MLEP 2012, and
- justification for the proposed changes, including an assessment under State and local strategic plans, State environmental planning policies and Ministerial directions, and consideration of the environmental, social and economic impact of the proposal.

The proposed changes to MLEP 2012 are briefly explained below.

Rezone land from R2 to E4

All land in Mosman is identified with a land use zone on the MLEP 2012 Zoning Map, reflecting its intended use. The Planning Proposal will rezone all land within the Scenic Protection Area from R2 to E4, maintaining the land for low-density residential use and recognising its special aesthetic value. Where the Scenic Protection Area boundary cuts across a lot, the entirety of the lot will be rezoned to E4 consistent with best planning practice to avoid split zones. In total, 2,631 lots will be rezoned. Local roads adjacent to such lots will also be rezoned consistent with NSW planning guidelines. Proposed Zoning Maps are included in the Planning Proposal.

Permissible and prohibited land uses for Zone E4

The same range of permissible and prohibited land uses that currently exist for the R2 zone under MLEP 2012 will be carried across for the E4 zone. Dwelling-houses and semi-detached dwellings will remain permissible on the land, along with other compatible land uses. Secondary dwellings (i.e. granny flats) are currently permitted on the land under SEPP (Affordable Rental Housing) 2009, and it is appropriate for this to continue. Local objectives for the R2 zone are carried across for the new E4 zone, and will apply along with mandated objectives. A proposed E4 zone land use table is included in the Planning Proposal.

Development standards and other planning controls for zone E4

Development standards and controls in MLEP 2012 that currently apply to R2 zoned land will continue to apply to the land under an E4 zone without change to planning standards. As such, the Planning Proposal includes minor amendments to clauses for minimum lot size, height of buildings, floor space ratio, landscaped area and the location of sex services premises, to indicate that the standards equally apply to land zoned E4. Clause 4.6 'Exceptions to development standards' will continue to apply to the land with the change in zone, with subclause (6) now applying to the land as an E4 zone, requiring that subdivision of land comply with minimum lot size standards of the LEP with only minor variation permitted. This is consistent with Council's current assessment

practice. A minor change to the note to this subclause is made reflecting the new use of the E4 zone in MLEP 2012.

Exempt development

Certain types of minor development can be undertaken as exempt development currently, that is, no approval is required, under the NSW Government's Exempt Development Code. This includes, for example, decks, carports, fences, landscaping works and other development of minor impact. It is intended that, with the change in zone from R2 to E4, there would be no change to the exempt development provisions that currently apply to the land. The means to ensure this outcome will be further discussed with the NSW DPIE. The Planning Proposal includes changes to Schedule 2 of MLEP 2012 in this regard.

Next Steps

The steps in the Planning Proposal process are:

1. Submission to the Mosman Local Planning Panel for advice
2. Report (with the Panel's advice) to Council Meeting seeking endorsement
3. Submission to NSW DPIE for Gateway determination
4. Public exhibition for 14-28 days minimum (likely extend to 6 weeks)
5. Consider submissions and report to Council for endorsement
6. Liaise with NSW Parliamentary Counsel on legal drafting of LEP amendment
7. LEP amendment is made when published in the NSW Government Gazette.

This process would typically take 12-18 months. A more detailed timeline is included in the Planning Proposal.

Amendments to MRDCP 2012 will be required to apply the plan to the E4 zone. It is intended that the same objectives and planning controls within the DCP that apply to the R2 zone currently will continue to apply to the land with the change in zone, for example, view sharing, privacy, overshadowing, on-site car parking and so on. A report will be prepared for Council's consideration in early 2021 outlining proposed changes to the DCP and to seek Council's endorsement for public exhibition.

Recommended Action

It is recommended that the Officer's Recommendation be supported.

Recommendation endorsed by General Manager.

Attachments

1. Consultation Summary [**EP/52.1** - 3 pages]
2. Submissions Summary [**EP/52.2** - 16 pages]
3. Planning Proposal - Scenic Protection Area [**EP/52.3** - 46 pages]

Consultation Summary – Scenic Protection Area Zone E4

Public Exhibition Dates:

10 September to 5 October 2020

Methods of consultation:

Method	Details
Online:	
Unique consultation page on Council's engagement website www.yourvoicemosman.com.au/mosman-scenic-protection-area Including FAQ – <ul style="list-style-type: none"> Where is the MSPA? Why is the MSPA important? Why is Council concerned about the NSW Government's Housing Code? When does the current exclusion from the Housing Code expire? What is Zone E4 Environmental Living? Would dwelling-houses still be permissible in Zone E4? What are the pros and cons of Zone R2 v E4? What happens next? How can I make a submission? Also Reports, Photos, and a Survey.	For the duration of the exhibition period. This resulted in: <ul style="list-style-type: none"> 622 visits; 475 aware visitors (i.e. visited at least one webpage); 384 informed visitors (i.e. visited multiple pages); 329 downloads of documentation (i.e. reports, draft Strategy).
Notice in Council MosmanNow e-newsletter	Distributed to around 14,000 subscribers on 10/9/2020 and 24/9/2020.
Notice in the Mosman Daily newspaper – online edition	Advertisement on 17/9/2020, 24/9/2020 and 1/10/2020.
Notice on Council website www.mosman.nsw.gov.au	During the exhibition period.
News on Council's Mosman Planning website www.mosmanplanning.net	For the duration of the exhibition period.
Notice in Mosman Planning e-newsletter	Distributed to 760 subscribers on 11/9/2020.
Other social media – <ul style="list-style-type: none"> Blog post on Mosman Planning website Notice on Mosman Planning Facebook Notice on Mosman Planning Twitter 	Posts on 10/9/2020.
In hard-copy / in person:	
Letter posted to owners of affected properties (i.e. land zoned R2 within Scenic Protection Area)	Approx. 2,600 letters mailed on 9/9/2020.
Notice in the Mosman Daily newspaper (in print)	Advertisement on 17/9/2020, 24/9/2020 and 1/10/2020.
Exhibition display in Council administration building, level 2	For the duration of the exhibition period.
Information on Noticeboards around the Civic precinct	During the exhibition period.
Planning staff available in person, by phone	For the duration of the exhibition period, during usual business hours

Feedback Summary:No. submissions received:

164 total:

- 160 submissions during consultation period
- 4 late submissions

Submission type:

- 149 online surveys
- 15 other submissions

Submissions from affected landowners:

Respondent is the owner of land zoned R2 Low Density Residential within the Mosman Scenic Protection Area:

- 157 submissions (96%) - yes
- 7 submissions (4%) - no

Responses have been verified.

Support for rezoning land

Support is expressed for rezoning land from R2 Low Density Residential to E4 Environmental Living within the Mosman Scenic Protection Area:

- 122 submissions (74%) – yes
- 22 submissions (13%) – no*
- 18 submissions (11%) – unsure, but support Council exploring this option further
- 1 submission (1%) – other; reason given: *Keep current R2 zoning and continue the Scenic Protection Zone rather than rezoning*
- 1 submission (1%) – not stated

*There were 8 completed surveys within which a 'do not support' response was given, however comments provided in the survey indicated support for rezoning. Council staff contacted the respondents of these submissions on 13/10/2020 to seek clarification. A response was received from 3 of the respondents advising that they support the rezoning; these are reflected as 'yes' in the above statistics. No information was received from the other 5 respondents; these are reflected as 'no' above.


Understanding of the matter:

Respondent indicates that they feel they have a sufficient understanding of this matter:

- 114 submissions (77%) – yes
- 16 submissions (11%) – no
- 19 submissions (13%) – unsure

Note - Only those who completed survey responded to this question

Survey Questions

	Respondent No:	Responded At: date/time
	Login:	Last Seen: date/time
	Email:	IP Address:

Q1. Name	participant response
Q2. Contact email	participant response
Q3. Are you an owner of land zoned R2 Low Density Residential in the Mosman Scenic Protection Area?	<p>Yes / No</p> <p>Note - You can check your land zoning on the NSW Planning Portal at www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address , or view the maps within the FAQ.</p>
Q4. If yes, what is the address of this property?	participant response
Q5. Do you support Council rezoning land within the Mosman Scenic Protection Area from R2 Low Density Residential to E4 Environmental Living?	<ul style="list-style-type: none"> • Yes, I support this rezoning. • No, I do not support this rezoning. • Unsure, but I support Council exploring this option further. • Don't care. • Other (please specify)
Q6. Please briefly explain why you gave this response.	participant response
Q7. Do you feel that you have a sufficient understanding of this matter?	Yes / No / Unsure
Q8. Anything else relating to this matter?	participant response

Submissions Summary – Scenic Protection Area Zone E4

Submissions received are summarised in the following tables. Key matters raised are addressed in the Council report.

Abbreviation	Meaning
Affected land owner	Owner of land zoned R2 Low Density Residential within the Mosman Scenic Protection Area
MLEP 2012	Mosman Local Environmental Plan 2012
MSPA	Mosman Scenic Protection Area
R2	Zone R2 Low Density Residential
E4	Zone E4 Environmental Living

Survey responses

All survey responses are available to be viewed in their complete form in ECM Doc Set ID. 5960269.

Sub. No.	Name	Affected land owner	Support rezoning to Zone E4	Sufficient understanding of matter	Summary of Submission
1.	Y. Stone	Yes	Unsure – but support Council exploring option further	Yes	It is understood that this proposal is to avoid complying development being applied in certain residential zones in MSPA. This is supported. The Standard Instrument E4 Zone only nominates single dwellings and aquaculture as permitted uses; other uses would need to be added which are currently permitted in R2 and R3 zones in MSPA.
2.	A. Borthwick	No	Unsure – but support Council exploring option further	Unsure	Unsure
3.	M. North	No	Yes	Yes	Our Harbour and its foreshores are an extensive 'lung' for Sydney where open space is vanishing quickly. Lower-rise, treed areas and open play spaces are necessary for mental health and wellbeing. The beauty of such spaces add to this for all of us. We must hold on to what we have for the benefit of residents in the immediate area and all residents of our fast-growing city. Stand firm on this matter.
4.	G. Schaeffer	Yes	Yes	Yes	I agree with Council's endeavours to protect the scenic amenity of Mosman's foreshore land. Council's response to the NSW State Government's overall statewide plans is another example of why it was so necessary for Mosman Council to avoid amalgamation with other councils.
5.	G. Drysdale	Yes	Yes	Yes	I do not believe that the responsibility for development on/near the Sydney Harbour foreshore should be left in the hands of private certifiers and without community consultation. It is a situation which will create conflict of interest, diminishing the needs of the many in favour of individuals.
6.	P. Lofthouse	No	Yes	Yes	To protect the character and heritage of Mosman we need to give Council more control over development, and prevent the State Government from riding roughshod over the wishes of residents. I really appreciate the pro-active stance of Council in protecting our suburb.
7.	C. Dale	Yes	Yes	Yes	We prefer to retain the visual and community amenity of the current restrictions on development. We are concerned about the detrimental effect on visual appearance, traffic volumes and views that would accompany construction work (including dust, rubbish, noise and parking loss), arising from over development. The benefit of Council notifications of nearby development applications is highly valued.

Sub. No.	Name	Affected land owner	Support rezoning to Zone E4	Sufficient understanding of matter	Summary of Submission
8.	D. [surname not given]	No*	Unsure – but support Council exploring option further	No	I have not researched it fully. <i>*Respondent had marked 'yes', but property is located just beyond the MSPA boundary.</i>
9.	M. Longhurst	Yes	Yes	Yes	I would like to see planning and development controlled by local government and not State Government who are pushing to double Sydney's population with minimal opposition from residents regarding what is allowed to be built in the local neighbourhood. As a collective community we fought to reject council amalgamation so residents can have a say when it comes to what goes on in the local community, this includes the rezoning of land and development. If anything the E4 environmental area should cover the whole of Mosman.
10.	P. Booth	Yes	Yes	Yes	Our foreshores are precious and overdevelopment in the proximity of the foreshores will undermine the bush and foreshores. I already see the damage caused by the overdevelopment of the Spit West Reserve Area. Sadly Council has no control over the marina but this policy will at least allow control over development near the foreshores. Our suburb is not only precious to local residents but to all the visitors to our area. It is vital that foreshores be protected so that everyone not just particular residents have access.
11.	L. Gerrie	Yes	No	Yes	E4 is unnecessarily restrictive to development and small changes to the site would require a full DA with onerous documentation requirements, delays and high costs. I support the Department of Planning Model Housing Code.
12.	TN Williams	Yes	Yes	Yes	Restrictions have to be in place to make sure overdevelopment doesn't happen.
13.	S. [surname not given]	Yes	No	Yes	Don't trust council - they have done nothing about Brush Turkeys so why give them any more power. I find council sanctimonious on saying they want to control environmental aspects of living in Mosman when the place is over run by Brush Turkeys digging up everything. Fix that problem and then the council might get some trust back. <i>Note: This submission raises matters that are not directly relevant to the E4 zone option. The following comment is provided: The Brush Turkey is not a new arrival to the region. Their recent success has been attributed to the ongoing progress of restoring our bushland, feral animal control and a shift away from the traditional cottage garden concept of landscaping. Brush Turkeys are a native animal protected under Part 2 of the Biodiversity Conservation Act 2016. It is illegal to harm a protected animal and this may include the removal of the animal from its natural habitat. As such Council does not remove or relocate Brush Turkeys on private or public land. Native fauna in Mosman is managed by National Parks and Wildlife Services.</i>
14.	J. Hamer	Yes	Yes	Yes	To preserve views and privacy
15.	H. Portrate	Yes	Unsure – but support Council exploring option further	No	Protect the amenity and natural beauty of the area avoiding development that affects these characteristics
16.	K. Koomen	Yes	Yes	Yes	It is critical that Mosman Council maintain its long standing controls for low density buildings, limited building size and scale, view sharing, privacy, overshadowing and visual issues to preserve the beauty of the area which makes Mosman one of the most beautiful places in the world.
17.	D. and G. Frend	Yes	Yes	Yes	It is critical to maintain local control over excessive development and other adverse changes. We fully support the proactive stance taken by Mosman Council

Sub. No.	Name	Affected land owner	Support rezoning to Zone E4	Sufficient understanding of matter	Summary of Submission
18.	E. Lindsay	Yes	Yes (<i>originally stated as 'no'</i>)	Yes	The existing arrangements best preserve the local landscape, privacy, quality of living etc. They also preserve the historical and aesthetic essence of the suburb, which is of value to all of Sydney, not just local residents. <i>Note: Contacted respondent on 13/10/20 to clarify 'no' response as contradictory to comments made. Respondent confirmed support for rezoning.</i>
19.	E. Kelly-Jones	Yes	Yes	Yes	I believe the E4 zoning is critical to maintain the unique relaxed natural beauty of the area immediately surrounding Balmoral beach area.
20.	E. Mair	Yes	Yes	Yes	To avoid complying developments from bypassing the requisite controls which maintain the character and beauty of Mosman's foreshore
21.	J. Shroder	Yes	Yes	Yes	I value the foreshore area of Mosman and do not wish to see it overdeveloped. The natural environment should be considered in the development process and the local community should be able to have a voice on surrounding development which may impact private and public amenity.
22.	P J Wilkinson	Yes	Yes	Yes	The website flagged makes the new zoning clear.
23.	M. Ward	Yes	Yes	Unsure	I feel council has locals best interests at heart in this matter
24.	T. Burnett	Yes	Yes	Yes	Environment needs protection: long term needs to protect vegetation, wildlife corridors, runoff from sloping land, sharing public pathway views. We have a responsibility to think long term and to demonstrate this.
25.	C. Sherbon	Yes	Yes	Yes	Mosman should retain its character, particularly its aspects of natural beauty. Just because 'complying developments' could be built doesn't mean they should be. Residents' views on scale, landscaping, view sharing, privacy etc should be taken into account. These things have intrinsic real dollar value to residents and cannot be ignored. 'Complying development' rules do not meaningfully consider these aspects. It is imperative to conserve and repair our local environment; Council has a responsibility to protect it where practicable. The community must do what we should, not what we could.
26.	L. Goodman	Yes	Yes	Yes	The foreshore area should be protected from large scale unsympathetic developments so that local residents and anyone who uses the harbour and foreshore parks can enjoy the beauty of the area. It would assist the development approval process if the council were to take a more "mediation" driven approach rather than the current adversarial approach. I am seeing the negative effects of this with neighbours more than 7 years after completion of the build.
27.	R. Anstice	Yes	Unsure – but support Council exploring option further	No	I would like to know more about what can and can't be built under an E4 Zone. Are views taken into account under an E4 in regard to protecting?
28.	J. Mccredie	Yes	Yes	Unsure	Need to have a degree of protection to ensure that current residents don't lose control over the types of dwellings allowed
29.	J. Crawford	Yes	Yes	Yes	I would rather that Council had control over Residential Planning in Mosman. I understand an E4 Environmental Zone would (if passed) ensure the retention of low density residential under MLEP 2012. I have been and remain a long term resident of Mosman, starting in 1952/3. As an Architect (retired) I have a keen interest in retaining the elements and character of what makes Mosman, Mosman.
30.	M. Karikios	Yes	Yes	Yes	There is currently a developer who would like to put a 7 storey build opposite us. This would look directly into my back yard and overshadow me. Without protection, builds like this could go ahead. Everything should be run by Council to ensure a fair share of sunlight and views. I hope Council can protect us from this ruling.

Sub. No.	Name	Affected land owner	Support rezoning to Zone E4	Sufficient understanding of matter	Summary of Submission
31.	S. West	Yes	Unsure – but support Council exploring option further	Yes	I want all local considerations taken into account when development applications are made.
32.	G. Wightwick	Yes	Yes	Yes	It is critical to maintain the integrity of the land use around the Mosman foreshore. Appropriate planning controls need to be in place in order to ensure that development is undertaken that is consistent with the aesthetics, view sharing, landscaping, overshadowing, privacy and building bulk and scale that characterise this area.
33.	R. Noble	Yes	Yes	Yes	I want Council's existing planning controls to continue.
34.	C. Walton	Yes	Yes	Yes	Ensure the protection of low rise, low density housing on the foreshore.
35.	T. Camilleri	Yes	Yes	No	Preserve Council controls for bulk/scale, view sharing and privacy
36.	M. Figtree	Yes	Yes	Unsure	I am an environmentalist, we have lived in our house (which we built) for 46 years. We have seen too many trees removed e.g. under RFS legislation, or for building new homes or altering existing ones. What is the point of trashing what we have left, which is still unique, to line developers' pockets? Council is trying to protect Mosman - I approve of that noble idea!
37.	K. Grieve	Yes	No	No	Mosman should maintain its low density housing and look and feel of the suburb <i>Note: Contacted respondent on 13/10/20 to clarify 'no' response as contradictory to comments made. Respondent did not reply.</i>
38.	J. Collier	Yes	Yes	Yes	The State Government planning scheme will detract from the amenity and value of Mosman properties. Any move by council to mitigate their effect is welcomed. Please keep me informed about progress, and advise what I can do to lobby on behalf of council's proposal.
39.	N. Frisina	Yes	Yes	Unsure	More protection to overdevelopment of this area. 3 storey home already built at 20 Esther Rd in 2018, which I requested that Council refuse at that time. What extra protection is Council offering this time around?
40.	N. Jurado-witch	Yes	Yes	Yes	Residential land within 200m of the foreshore forms an important part of the scenic backdrop to the Harbour giving land a level of environmental sensitivity. Accordingly new development needs to be carefully managed. The E4 Zone should only apply to land within 200m of the foreshore and the existing primary development controls (FSR, building height, minimum lot size etc) should continue to apply, as is currently proposed.
41.	D. Morrison	Yes	No	Yes	I like the idea of a streamlined process that doesn't require me to interact or seek approval from Mosman Council. Complying development is not appropriate for properties within 200m of the foreshore.
42.	J. Tonkin	Yes	Yes	Yes	I have been a resident of Mosman for 35 years. We need to keep the uniqueness of this area and allow the Council as representatives of the residents to monitor what building work takes place and how it will impact both neighbours and the integrity of the area. Mosman is one of the original suburbs of Sydney and its historical significant landscape should be maintained as well as its natural beauty.
43.	L. R. Rawson	yes	Yes	Yes	The protection of the amenity of the local landscape, including trees and bushland, and low density housing in this unique location will preserve as much of the natural environment as possible. It has been highlighted this year with COVID-19 restrictions how important the natural environment is for physical and mental health; it is essential that as much as possible is protected. This is in addition to the preservation of natural habitat for wildlife and retention of trees and bushland in an effort to reduce climate change.

Sub. No.	Name	Affected land owner	Support rezoning to Zone E4	Sufficient understanding of matter	Summary of Submission
44.	F. Henry	Yes	Yes	Yes	I don't want complying developments in this area. It's important to maintain the area as low development where surrounding landowners are given an opportunity to be consulted about impacts of development proposals in regards to overshadowing, bulk/scale, view sharing, privacy etc.
45.	B. Olola	Yes	No	Yes	Having owned property previously that was rezoned to E4 from R2 the ability to improve our land was dramatically reduced and made a lot more difficult. The preamble in the schedule of uses is to protect the environment as first priority and then accommodate residential as a secondary consideration not to provide residential firstly as is currently the case. This had a negative impact on my property value and I would think would do the same in to my home in Mosman. If it was E4 on one side of the street and R2 on the other, the R2 zone is a lot more attractive. I understand your issue with the Housing Code however this is not the way to get around it, it will cost all rate payers more than the impacts from the housing code.
46.	I. Boas	Yes	Yes	Unsure	Keep Mosman beautiful and not destroy our environment or heritage buildings. All new buildings need to 'fit' in and be respectful to the existing houses and people. It would be good to have this issue explained more clearly as there is obviously an 'agenda' here probably being driven by developers. The question really is do we want major development or redevelopment in Mosman? If yes then where and under what circumstances and if not why not.
47.	M. O'Meara	Yes	No	Yes	Risk of negative impact on the environment and neighbouring properties
48.	P. Urquhart	Yes	Yes	Yes	I have lived in my current home for over 50 years. Mosman has a reputation for being a pleasant leafy suburb. These areas need to be preserved from the ugly modern concrete monoliths being built these days; they have no charm and many trees and gardens would be sacrificed. The foreshore areas are enjoyed by the locals and visitors. These areas don't need to be decimated by over development. We would lose habitats for our birds and other native animals if high density building was allowed. We need to preserve what we have for the future. I would definitely encourage the Council to apply for E4 Zone.
49.	I. Hendry	Yes	Unsure – but support Council exploring option further	No	Seeking more detailed information about pros and cons.
50.	M. H. Kalaria	Yes	Yes	Yes	Without rezoning there will be no checks/balances or accountability with regard to development in a sensitive and unique natural environment. Residents will have no voice in the development process and experience loss of local amenity and financially. There will be a longer term trend towards developers buying up land and creating unchecked mega structures with no intention to reinvest back into Mosman to the detriment of rate payers. The impact on the environment and landscape will be devastating. The housing code would promote a one size fits all model unsuitable for Mosman. The historical and present significance of the MSPA would be lost long term. Rezoning will help to protect and uphold local development controls, adopting a proportionate approach between development and natural landscape. Rezoning to E4 should contain a limited number of categories of permitted development. The local level controls should remain consistent with the current Mosman local planning framework.
51.	P. Stead	Yes	Yes	Yes	It is essential that residents have the opportunity to comment on proposed developments that are near to their property, and for those comments to be taken into consideration. This is particularly important when controls for building bulk/scale, landscaping, view sharing, privacy, overshadowing and the visual impact of development would no longer be evaluated by a reliable approving authority.
52.	G. Mitchell	Yes	Yes	Yes	I wish Council to maintain planning control over the MSPA. I am a property owner in this specific foreshore area and would like to be kept informed of Councils progress regarding the E4 application.
53.	T. Mathers	Yes	Yes	Yes	I support the efforts of Mosman Council to protect the MSPA.

Sub. No.	Name	Affected land owner	Support rezoning to Zone E4	Sufficient understanding of matter	Summary of Submission
54.	J. Goodsir	Yes	Yes	Yes	It is important that land around the foreshore be protected by Council controlling building bulk/scale, landscaping, view sharing, privacy, overshadowing, visual impact and consultation with surrounding landowners. The removal of these protections would be detrimental and irreversible to the beauty and nature of Mosman and quality of life of residents. I congratulate Council in taking this stand and attempting to protect both the landscape of Mosman's foreshore slopes to Sydney Harbour and Middle Harbours, residents amenity and quality of life in this magnificent suburb.
55.	C. Taylor	Yes	Yes	Unsure	I wish to limit the quantity and size of housing on this area
56.	S. Wainberg	Yes	Yes	Yes	Views are an important amenity and appropriate controls are essential to ensure everyone benefits over the long term.
57.	R. C. Tinker	Yes	Yes	Unsure	Support the land remaining low density residential with Council controls still applying. Not sure I understand enough about the cons of the Housing Code under E4.
58.	J. Sanders	Yes	No	Yes	Rezoning means that inefficiencies in the system are being continued with no complying development allowed. House prices will drop in reflection of the new zoning as most development will be problematic. This is not aimed at preserving the environment - more reserving local council control and its accompanying fees.
59.	G. Hirst	Yes	No	Unsure	Retain the integrity of Mosman as it is. People from all over Sydney enjoy the beauty of Mosman with its gracious old homes. Being a member of the National Trust I fully support the maintenance of our heritage. Mosman is very important to the history of Sydney and is one of the few areas around Sydney which has upheld historic sites. Imagine Sydney without the Rocks area, this is of the same value. Please keep the residents informed of further developments. <i>Note: Contacted respondent on 13/10/20 to clarify 'no' response as contradictory to comments made. Respondent did not reply.</i>
60.	P. and A. Blau	Yes	Yes	Yes	Hopefully to stop any over development of MSPA and to protect rate payers from unsightly buildings. The loss of home owners having a say in regards to neighbouring developments is of concern.
61.	T. King	Yes	Yes	Yes	Very important to maintain the environmental and biodiversity integrity of the harbour foreshore for the enjoyment of all. The planet has been pushed to the brink and important to preserve what remains of the natural environment.
62.	R. Aubin	Yes	Yes (originally stated as 'no')	Unsure	After reading the information I support keeping Mosman a low density housing area. There are already developers and builders who knock nice old houses down with plenty of trees on them and build to the boundary to maximise the floor space and sale value. That's not the place I want to live in. There should be more control and scrutiny over developments, not less. <i>Note: Contacted respondent on 13/10/20 to clarify 'no' response as contradictory to comments made. Respondent confirmed support for rezoning.</i>
63.	M. Moles	Yes	Yes	Yes	I highly value the foreshore area of Mosman and do not want see development with little controls negatively impact on the natural beauty of this place. The natural environment should be considered in the development process and the local community should be able to have a voice on surrounding development which have an impact on private and public amenity.

Sub. No.	Name	Affected land owner	Support rezoning to Zone E4	Sufficient understanding of matter	Summary of Submission
64.	D. and G. Shirling	Yes	Yes	Yes	It is vital that Council enables a voice to all residents regarding development in these places, and a protection from over-building, loss of amenity, privacy, views and light, as well as the protection of habitat and vegetation for the vast array of fauna that live in Mosman. Loss of this oversight could change the character of Mosman completely
65.	C. Wilson-Brown	Yes*	Unsure – but support Council exploring option further	Unsure	Mosman foreshore should be enjoyed by everyone. I support Council protecting rights for all residents, rather than a selfish few. <i>*Respondent had indicated 'no', but has been verified as an affected land owner.</i>
66.	M. Adam-Smith	Yes	Yes	Yes	Mosman is a very special area and it makes no sense to risk spoiling it through lack of sensitive supervision of developments by experts with local knowledge of the area.
67.	J. Dennett	Yes	Yes	Yes	Keep accountability tied to Council to arbitrate and govern foreshore development to sensible standards as well done over many prior decades.
68.	M. Campbell	Yes	Yes	Yes	It is important not to overdevelop the foreshore areas.
69.	C. Moeller	Yes	Yes	Yes	The Mosman Foreshore area is not just beautiful for the people living here, but a wonderful amenity for the entire region. I congratulate Council for preparing this E4 Zone to avoid suddenly having a couple of high rises in front of the house or across the way.
70.	H. Clemens	Yes	Yes	Yes	Support Council's efforts to protect development of the dwellings on the Mosman foreshore as described in the Council's letter.
71.	M. Jackson	Yes*	Yes	Unsure	Maintain the need for council approval to DA's in this important zone of land. <i>*Respondent had indicated 'no', but has been verified as an affected land owner.</i>
72.	R. Beardsell	Yes	Unsure – but support Council exploring option further	No	I have just been introduced to these concepts and a brief explanation of the differences between zoning would have been beneficial. These are important considerations about the future of the foreshore slopes of Mosman that need to be investigated to ensure the foreshore slopes are there for future generations. A summary and explanation of the strengths and weaknesses of the proposal would be useful.
73.	A. Percival	Yes	No	Yes	The area needs to be protected from excessive development for the amenity of residents and to maintain the beauty of the harbour so that visitors can enjoy the spectacular natural environment that is a precious resource so close to a major city and so currently accessible. This is a once in a lifetime opportunity to save the natural environment surrounding the harbour. The beauty and the natural environment in the foreshore area is something that should be shared and accessible to everyone not 'locked up' by potential development for a select few. Save the beauty and natural resources for future generations. <i>Note: Contacted respondent on 13/10/20 to clarify 'no' response as contradictory to comments made. Respondent did not reply.</i>
74.	R. Higgs	Yes	Yes	Yes	Maintain the beauty of our suburb, to prevent no consultation with surrounding landowners and council for what is going to be built.
75.	S. [no surname given]	Yes	Yes	Yes	Importance of detailed consultation instead of just permitting 'complying' development in the absence of consideration of other impacts.
76.	G. Vains	Yes	Yes	Yes	Protect our beautiful suburb from over development

Sub. No.	Name	Affected land owner	Support rezoning to Zone E4	Sufficient understanding of matter	Summary of Submission
77.	M. Ward	Yes	Yes	Yes	Support all the reasons Council outlines on its website as to why the MSPA is important and that the Council needs to closely monitor development to stop the building of McMansions in Mosman. It would be great if the MSPA could be extended to all of Clifton Gardens - similar to North Sydney Council treating Cremorne Point as its own area. Clifton Gardens is slowly being overtaken by ugly McMansions with no thought to the heritage value of the area.
78.	R. King	Yes	Yes	Yes	Large scale, bulky building has been allowed in the past. An apartment block that is totally out of character with the location, environment and character of the street/ area, was built and recently was the subject of a proposed redevelopment making the building grossly over size for the street. NSW legislation should not be able to override local planning, when such planning has been drafted and approved with residential consultation.
79.	B. Rees	Yes	Yes	Yes	Mosman has a very special position on Sydney Harbour and I fully support the MSPA. It is important that Council control the DA and approval process so that the special characteristics of the Mosman foreshores slopes areas are not adversely affected in terms of amenity and landscape. Otherwise the whole character of these areas could change with no thought of the impact overall.
80.	R. Procter	Yes	Yes	Yes	If it was not for the MSPA we would have a 4 storey home built next door to us. It would have been a dominating building in so far as bulk/scale, landscaping, view sharing, privacy and overshadowing. Neighbours were able to voice their opinion, and Council considered all points of view. The matter was handled in a professional, fair manner with a good outcome for Mosman residents and foreshore. We need this Protection if not we will end up like the Eastern suburbs just a concrete jungle instead of the beautiful Mosman we have today. Thank you for looking after our suburb and protecting its natural beauty.
81.	F. E. Yates	Yes	Yes	Unsure	Am aware of the battles of neighbours and ourselves to save views, trees etc and reduce the impact of large bulky over height developments which have been proposed. The idea of complying development is quite alarming. In the circumstance were E4 not adopted - If someone wants to build a non-complying development would this have to go through local planning controls? Or would it just not be allowed?
82.	M. Brennan	Yes	Yes	Yes	Fully support E4 zone and want 'permitted with consent' to be dwelling houses only with all other uses permitted. We wish Council to continue to have control of the development approval process and for affected residents to have a say on proposed developments that directly impact their property's amenity or have a general impact of the neighbouring streetscape and environment. Preserve the unique nature of Mosman and its leafy tree environment. Council is better placed to do this than the NSW Government. Mosman residents will be better served by their council than the state government that may not appreciate the unique qualities of this suburb that require preserving.
83.	I. Booth	Yes	Yes	Yes	The area needs to be protected from avaricious developers, who want to overbuild
84.	A. Kraefft	Yes	Yes	Unsure	Views and visual amenity are very important to preserving the beauty of the Mosman area. In favour of the environmental classification but not happy with the rules currently relating to heritage listing. Our property is heritage listed which in theory limits our ability to improve and modernise our house and therefore the value of our property. The valuer general values the site not taking such limitations into account. An unfair burden is placed on our property without any rate relief through a diminished property valuation. Will the environment rules further affect our land value and therefore in turn our council rates?
85.	C. Graham	Yes	Yes	Yes	MSPA is an important aesthetic zone for Mosman generally, from the waterways and to other residents in that area. Given the views, there is significant developer economic temptation to drastically change the environment. If there is not specific protection, the weight of developer money will just bulldoze through (literally). I support this rezoning and would support Council taking to LEC, if required
86.	A. Butler	Yes	Yes	No	Greater protection against over development.

Sub. No.	Name	Affected land owner	Support rezoning to Zone E4	Sufficient understanding of matter	Summary of Submission
87.	L. Ringham	Yes	Yes	Yes	Quakers Hat Bay has scenic and environmental significance that supports a zoning where there is low density. It supports a significant population of wild life, and flora.
88.	P. Featherstone	Yes	Yes	Yes	Mosman has a special and unique character. This is due in a large part to the strictness of the local regulations. It is clear to see other Sydney areas of unsightliness where the planning codes are relaxed. It is essential that a proactive approach to preserving the character of Mosman is maintained. This is why I support the proposal.
89.	B. [no surname given]	Yes	No	Yes	Increasing bureaucratic processes and delays in getting Council planning approvals for what should be a simple process does not mean that we will get a better outcome. I have lived in Mosman for over 22 years, submitted a DA for my property on 3 occasions and been a notified neighbour to many more. The difficulty and time involved in getting planning approvals in Mosman is inordinate. A better direction for your efforts would be to simplify the controls and processes. An E4 zone which increases the opportunity make a more complex process and to delay approvals is not supported. Simpler controls do not lead to worse outcomes.
90.	K. Hagan	No	Yes	Yes	One of the reasons I love living most in Mosman is the sense of space and history. I would be very disappointed to lose any of that.
91.	C. Meller	Yes	Yes	Unsure	Don't want any more development in this area
92.	M. Baric	Yes	Yes	Unsure	To continue the ambience of the area
93.	R. Weatherhead	Yes	Yes	Yes	It is imperative that Council retains some control over development in the area and that neighbours continue to have the same level of protections as they do now. Even under current arrangements, the current level of development is excessive and roads are congested. I am not confident that there is sufficient consideration of the impact on roads and shared amenities when granting permission for development.
94.	E.J. Cameron	Yes	Yes	Yes	To protect the area from overdevelopment.
95.	J. Thind	Yes	No	Yes	The complying development parameters are perfectly reasonable and already contain enough controls to maintain the feel we want in Mosman. The fact that they are transparent and objective with well-defined height and setback requirements make for a much better framework. The speed and ease of a complying development would also catalyze a lot of much needed improvement to older homes in Mosman.
96.	M. Gibson	Yes	Yes	Yes	I would like to see the same approval process through Council apply so that each application can be processed on its merits and impact on the neighbourhood. Specifically, the maximum of building height, the visual impact on the streetscape, retaining vegetation, overshadowing and notification to neighbours. I'm glad that Council is taking steps to be able to retain approval rights for development.
97.	H. Ash	Yes	Yes	Yes	I think this is a good way to ensure that Council can maintain oversight on bulk/scale of developments and consultation with neighbours.
98.	J. Skellern	Yes	Yes	Yes	Maintain the beauty of Sydney Harbour. It is important to have residents' opinions respected.
99.	K. Hodge	Yes	No	Yes	I do not want to be rezoned.
100.	L. Estok	Yes	Yes	Yes	The visual and landscape qualities of Mosman's foreshore slopes need to be maintained and protected for all to enjoy.
101.	J. Hunter	Yes	Yes	No	Important we protect our foreshores and keep it an amenity we can all enjoy. The houses and types dwellings in Mosman reflect the type of community we want to be. It's a special place and should be treated more carefully than other suburbs where rapid new development is the goal.
102.	I. Hundy	Yes	Yes	Yes	Oppose further development of the area which would potentially result in higher density living and the loss of amenity, scenic value and feel of the area. Not in favour of private certification and developers.

Sub. No.	Name	Affected land owner	Support rezoning to Zone E4	Sufficient understanding of matter	Summary of Submission
103.	A. Mazkvoi	Yes	Yes	Yes	Allowing to side step council approvals for any construction work will impact the very unique environment that is Mosman. Please do what it takes to ensure it is not possible to side step council approval, which takes into account the interests of neighbours, for construction approval. It would be a shame to see Mosman erode away.
104.	S. Wadley	Yes	Yes	Yes	Mosman is a very special residential area unlike any other and I strongly support Council's rezoning plan to an E4 zone. Please Council, fight to the bitter death to protect this very special community.
105.	R. Tilly	Yes	Yes	Yes	The explanation set in the letter to householders dated 9 September 2020 set out the reasons
106.	R. Jacobs	Yes	Yes	Yes	To ensure ongoing protection of foreshore land.
107.	J. J. Roennfeldt	Yes	Unsure – but support Council exploring option further	No	Need a more complete explanation of both possibilities- however am in support of very careful planning and protection of views, etc
108.	S. Partridge	Yes	Other - Keep current R2 zoning and continue the MSPA rather than rezoning	No	An E4 zoning is unfamiliar to most and may have a negative impact on property values or the ability to sell property quickly. We are unsure to why council cannot just extend the timeframe of the current MSPA. We would like to know why the current MSPA can't be extended from a timeframe point of view.
109.	JCE	Yes	Yes	Yes	N/a
110.	P. Loth	Yes	Unsure – but support Council exploring option further	Unsure	Council should be involved in the approval of development process. Private certifiers should initially be consulting with council to ensure we don't end up with oversized building on small blocks
111.	S. Renkert	Yes	Unsure – but support Council exploring option further	No	The area certainly needs protecting but protections need to be practical and straightforward. I need to see in detail what is proposed.
112.	The Proprietors of SP44476	Yes	Yes	Unsure	To retain protection of the landscaped property and green vegetation. This is a heavily vegetated area how will this be managed under the new code?
113.	W. M. Reid	Yes	Yes	Yes	I am concerned that development could take place which: does not go through the "normal" planning process; is not in keeping with the area, and could be to the detriment of neighbouring properties.
114.	B. Watters	Yes	Yes	Yes	Support the rezoning to continue the protections provided by current R2 zoning, without the risk of "complying development" being approved without consultation. Support Council's efforts to protect the housing character and environment of the Mosman foreshore areas.
115.	E. Meakin	Yes	No	Yes	The Mosman area is very different to most areas in Sydney and should be governed by Council NOT a State organisation which would employ a blanket approach incompatible with the ongoing best practice for this suburb. In particular it is highly likely they would increase the density of dwellings here which is not a good idea. <i>Note: Contacted respondent on 13/10/20 to clarify 'no' response as contradictory to comments made. Respondent did not reply.</i>

Sub. No.	Name	Affected land owner	Support rezoning to Zone E4	Sufficient understanding of matter	Summary of Submission
116.	J. [no surname given]	Yes	Yes	Yes	I, like other owners, have invested millions of dollars for property in the R2 zone whose value is protected by the current planning rules used by Council as it relates to protection of unique water views, privacy, shadow impact etc. Our property's value and liveability would have been destroyed by a DA in 2018 from an adjoining property that was appropriately rejected by Council and confirmed in the Land and Environment Court. This objectionable DA would have been acceptable under the more lax NSW planning laws.
117.	M. [no surname given]	Yes	No	Yes	Excessive bureaucracy and cost to comply with local government processes.
118.	R. Saltman	Yes	No	Yes	My property is located in a Heritage Conservation Area where development requires Council consent. This will be unaffected by removal of the MSPA provision. There is no reason, therefore, to rezone my property or any others in HCAs that are within the 60m contour, from R2 to E4, as sufficient provisions will remain for view protection.
119.	S. Cordiner	Yes	Yes	Yes	This is an area, not just of Sydney but Australia, of significant heritage and beauty. It is imperative that restrictive planning laws are in place to ensure any future development is appropriate to the environs. It is important that neighbours are provided with the opportunity to have input into any development that affects them and a due planning process is in place. What is currently allowed under the R2 zoning would be completely inappropriate in these areas.
120.	Y. Liu	Yes	No	Yes	We are not expecting to see changes for current R2, as we don't know what the changes will be good for us or not. We have enough cars driving already, and the cars accumulate after the 25/km buffer, it may be a good idea to install a speed camera in/around 45 Bay St Mosman to keep road safe.
121.	P. & L. Cobley	Yes	Unsure – but support Council exploring option further	Yes	We want to preserve the landscape quality of Mosman's foreshore slopes and have Council control all development applications. As a general principle, all development applications should not increase the existing profile of existing houses.
122.	M. Gillingham	Yes	Yes	Yes	In order to protect my water view. I look forward to further community consultation in this important matter
123.	D. Hudson	Yes	Yes	Yes	I wish the planning controls to remain under council jurisdiction.
124.	V. Howard	Yes	Yes	Yes	I support any initiative by the Council to ensure Mosman's development controls are adhered to rather than the state government's push for ever more density through its Housing "Control".
125.	C. Ower	Yes	Yes	Yes	There are many reasons why it is vital to keep the Low Density zoning, not least to protect the beauty of the area, Aboriginal Heritage, and residents' harbour views. Many residents will have purchased property in the area believing their views to be safe. If this were no longer the case, it would have an adverse effect on property prices. Some sort of compensation would then have to be fought for. I would very much like to support the council's proposal as government at a local and consultation with residents would be far more effective in this situation.
126.	C. and J. Rendle	Yes	No	Yes	Council too over-arching
127.	T. Case	Yes	Yes	Yes	Mosman generally is already densely built up, with development increasingly to existing boundaries removing any sense of space and privacy. Support any recommendations by Council to protect the visual significance and landscape quality of Mosman's foreshore slopes, and the amenity of existing residential properties, and in particular the continuation of meaningful consultation on development applications, which are becoming more bulky in size, and less respectful of space, and natural the landscape, and historical context of the area.

Sub. No.	Name	Affected land owner	Support rezoning to Zone E4	Sufficient understanding of matter	Summary of Submission
128.	P. Abelson	Yes	Yes	Yes	I understand that this is necessary to ensure community representation in residential development matters. This is essential to maintaining the livability standards of the Mosman community. Developments are public issues and should not be wholly determined by private interests. To do so would greatly diminish area amenity. I urge Council to strenuously protect and enhance our local environmental standards. Of course development must be allowed. But once a development occurs, it is irreversible and stands for 50 years.
129.	K. Grant	Yes	Yes	Yes	I am in support of re-zoning the area to E4 because I am concerned about the possibility of no meaningful community consultation about future development applications. If the Housing Code were to be applied, the visual significance and landscape quality of Mosman's foreshore slopes would be in jeopardy.
130.	P. Hamilton	Yes	Yes	Yes	I'd like to see the beauty of Mosman protected and the housing density kept to a minimum or we shall surely lose what has taken us many years to acquire. That would be grossly unfair and frankly dangerous from beauty, desirability and quality points of view. People are always testing the boundaries of Council rules. A line in the sand needs to happen now for the protection of current (and future) residents.
131.	J. De Lorenzo	Yes	No	No	The proposed zoning is an environmental zoning that should NOT be applied to an urban area. The council is clearly trying to subvert the NSW housing code for its own purposes. I am also angry that the definition of the E4 Zoning has not been provided in your councils correspondence which raises questions of transparency. Why has the council not provided the definition of E4 Zoning? It is ridiculous for the council to expect any support as they have not provided enough information for even this survey to be meaningful.
132.	R. Wigham	Yes	Yes (originally stated as 'no')	Unsure	For any development, I think it is important to allow for meaningful consultation with surrounding landowners and for Council to have some control over the building bulk and scale. <i>Note: Contacted respondent on 13/10/20 to clarify 'no' response as contradictory to comments made. Respondent confirmed support for rezoning.</i>
133.	J. McGlade	Yes	No	Yes	There are many properties DA's that have been rejected or amended after neighbour consultation. Residents have a right to comment on what is happening in their neighbourhood. No - if taken to a vote - I would vote no.
134.	R. Madden	Yes	Unsure – but support Council exploring option further	No	We have been happy with the existing arrangements under the MSPA, and would be happy for that to continue. If that is not possible, we need serious consultation to understand the implications of alternatives, including the E4 proposal. We look forward to further information and community consultation.
135.	M. Wiles	Yes	No	Yes	As my property is located within a heritage conservation area, all development currently requires Council consent. There is adequate provision for ensuring view protection. There is no need to change the zoning of our property and any others located within a heritage conservation area that are below the 60m contour. The period of consultation for this survey is short and overlaps school holidays; any future consultation as part of a formal rezoning process should be a minimum of eight weeks and not overlap school holidays.
136.	A. Giuffrida	Yes	Yes	Yes	Given the views and close positioning of neighbouring houses, planning does need to take scenic lines into account. We bought the house with the planning controls in place and would like to protect the view we have.
137.	M. Rose	Yes	Yes	Yes	With global warming really accelerating it is so important that we protect as many areas of Sydney as possible at lower density with plenty of trees and parks.
138.	J. [no surname is given]	Yes	Yes	Yes	Better and local control of development

Sub. No.	Name	Affected land owner	Support rezoning to Zone E4	Sufficient understanding of matter	Summary of Submission
139.	J R & K S Eccles	Yes	Yes	Yes	Property assets will be better protected by the continuation of Mosman Council's planning controls particularly the protection of visual assets - tree canopy and vegetation - by controlling the bulk, scale and design of new buildings and additions. The character of Mosman will be maintained better by the continuation of existing controls in the LEP and DCP. Sydney Harbour views to the MSPA will continue to be enhanced by protective controls over the tree canopy and vegetation and the scale and bulk of developments.
140.	O. Smith	Yes	Yes	Yes	We need continued protection for this area of outstanding natural beauty.
141.	J. Butler	Yes	Yes	Yes	Controls should stop developments that may meet the numerical controls, but cause substantial loss of amenity, including unsightly development along the foreshore. The state numerically driven controls allow for very few exceptions (just cl 4.6) which is not sensible. In general, having easy to understand and "automatic" local planning permission seems practical in much of Sydney / NSW and in parts of Mosman. However, there are some circumstances (including the proposed E4 areas) where local planning permission to go above and beyond the simple numeric controls, if justified by the proposer (at the proposers cost), should be permitted. Mosman needs flexibility to tailor development of the suburb, particularly along the foreshore. Blind compliance with numerical controls does not serve the circumstances in the proposed E4 areas.
142.	P. Labouze	Yes	Yes	Yes	It is important to balance a number of factors in case of a new development: scale, shared views, privacy, shadowing are all aspects of adequate development with respect to neighbours and community
143.	A. Josephson	Yes	Yes	Yes	Removing the protection of the Mosman foreshore is very likely to have significant detrimental consequences for residents. Our protected foreshore is a unique feature of Mosman's beauty and landscape quality that benefits everyone. Many of us residents having the privilege of living on the foreshore slopes of Mosman have revegetated our properties to restore native fauna and birdlife.
144.	T. Campbell	Yes	Yes	Yes	We do not want Mosman to become another Bondi. Mosman is widely recognised and valued as a beautiful and unique harbourside suburb, due largely to the landscape of its foreshore slopes. The protection of Mosman's unique character is of vital importance, especially as its erosion would be irreversible. It is essential to preserve vegetation over built form. The unfettered application of the NSW Housing Code in Mosman would be the thin end of a wedge, with the fast-track approval process allowing property owners no say in the almost certain loss of our amenity. We have no trust in the private certification system. A few extra weeks that a developer has to wait for Council approval is nothing compared with countless years of overdevelopment and blocked views.
145.	G. Perry	Yes	Yes	Yes	We believe Council plays and should continue to play an important role in keeping inappropriate housing developments in check and under control
146.	Y. and R. Clemesha	Yes	Unsure – but support Council exploring option further	Unsure	We do not wish to lose our current rights and protections when it comes to neighbours or other residents developing their properties. Could Council obtain a further extension of time from State Government for The Mosman Protection Area to continue to be excluded from The Housing Code. If not possible, then rezoning to an E4 zone would be appropriate. Would like further consultation from Council as to the full implications of such a rezoning. Are there any unintended cons or negative consequences. Provided that the current resident protections would continue with an E4 rezoning then in principle we agree with the rezoning to E4.
147.	J. Harding	Yes	Unsure – but support Council exploring option further	No	This is the first time that I have considered this matter.

Sub. No.	Name	Affected land owner	Support rezoning to Zone E4	Sufficient understanding of matter	Summary of Submission
148.	A.	Yes	No	Yes	The existing planning controls are good enough. The use of E4 to usurp state government guidelines is oppressive, adds cost and red tape to an already expensive and difficult process, when lodging a DA, and is overreach by council.
149.	R. Watson	Yes	Unsure – but support Council exploring option further	No	Need more time to review information available and consider the matter. Importance of this matter should allow residents needing more time to be given an extension to reply to Mosman Council.

Other submission responses (i.e. letters and emails to Council)

Sub. No.	ECM Doc. Set ID	Name	Affected land owner	Support Rezone E4	Summary of Submission
150.	5944295	I. Holden	Yes	Not stated	Whilst the issue you attempt to raise is clearly one of great importance to the Council, the letter is so poorly written, so negatively impacted by grammatical errors (for example, are you writing to me because you are a land owner?) and so full of legislative jargon, it is hard to grasp the main points you are trying to raise. If you are seeking community support for this matter, a much clearer message is needed.
151.	5949025	J A Hinde	Yes	Yes	I would be pleased if Council would apply an E4 zone to all land in the Scenic Protection Area that is currently zoned R2. Wyargine Reserve, close to my property on the foreshore, contains Aboriginal Heritage, and the Cliffs of Wyargine must continue to be protected. Council should ensure the current foreshore building line which separates houses on the foreshore from the cliff must be a significant part of council decisions in order to protect this magnificent area of Middle Harbour.
152.	5947587	M. Brennan	Yes	Yes	We fully support E4 zone. We also want the E4 'Permitted With Consent' to be 'Dwelling Houses' only, with all other uses 'Prohibited'.
153.	5948078	R. Kibble	Yes	Yes	I fully support E4 zone and want 'Permitted With Consent' to be 'Dwelling Houses' only, with all other uses 'Prohibited'
154.	5952037	B. and J. Simpson	Yes	Yes	I have been very much involved with volunteer bushcare over the past 20+ years and work together with Mosman Parks and Bushland. Most of this bushcare work has been involved with the restoration and maintenance of Wyargine Reserve and Edwards Beach. We have also been active in protecting Wyargine Reserve from residential development together with Council to change the zoning to 7A Bushland to protect it from commercial or residential development. We are very supportive of the environmental and planning work that is being done by Mosman Council.
155.	5948445	M. and I. Baric	Yes	Yes	We fully support E4 zone and want 'Permitted With Consent' to be 'Dwelling Houses' only, with all other uses 'Prohibited'
156.	5956842	A. Josephson	Yes	Yes	We have lived in Beauty Point for 18 years, love our very special location and pristine outlook. Our protected foreshore is a unique feature of Mosman beauty and landscape quality that benefits everyone. Many of us residents having the privilege of living on the foreshore slopes of Mosman have revegetated our properties to restore native fauna and birdlife. Thank you for pursuing this and looking out for your residents.
157.	5956845	K. Eccles - Mosman Parks &	Not stated	Yes	In 2018, MPB advocated for permanent exclusion of the MSPA from the Codes SEPP and obtained support from Felicity Wilson MP for 3 year extension. MPB supports the proposal to rezone land to E4 so control of development will be continued. Mosman's location on Sydney Harbour gives it a particular significance. Its headlands, topography, foreshore recreation areas, bushland and National Parks all contribute to the visual amenity of a nationally and internationally

Sub. No.	ECM Doc. Set ID	Name	Affected land owner	Support Rezoning E4	Summary of Submission
		Bushland (MPB)			recognised icon. The objectives of clause 6.4 Scenic Protection in MLEP 2012 continue to be appropriate in 2020 and beyond. It is essential that a merit based assessment is undertaken when development is proposed in this area. The Housing Code does not provide this. The complying development provisions allow for the clearing of trees without appropriate consideration of the impact on the scenic quality of the area; this is inconsistent with the NSW Government's Greener Places Strategy. The E4 Zone is for land with special environmental or scenic values where residential development can be accommodated. It is used in Willoughby, Ku-ring-gai, Wyong and Sutherland council areas.
158.	5956598	S. Wadley	Yes	Yes	We fully support E4 zone and want permitted with consent to be 'dwelling houses' only, with all other uses prohibited. If the State Government takes over the zoning of Mosman I think we run the very great risk that they will amalgamate Willoughby and North Sydney with Mosman. As a result our rates could then be used to pay off the huge debt incurred by these two badly run councils.
159.	5956935	R. Corbett	Yes	No	<p>Notification period does not allow sufficient time for consideration. The deadline for consideration of this matter should be extended for 6 months. All Mosman residents should be notified - not just affected landowners within the MSPA. All submissions received should be available online for viewing. The community has not been properly informed. It is not right to be manipulative in achieving a goal, or to attempt to use provisions for the purposes for which they are not intended. The rezoning appears to be designed to circumvent the CDC provisions of NSW Government Housing Code. The letter does not give any substantive reasons for Mosman not to comply with the Code.</p> <p>Home owners who have built or purchased in a residential zoning have every right to continue to live in a residential zoning. Homeowners have the right to rely into the future on the development parameters for that zoning and in a fair way the application of the core 'protection' principles in Council's letter of bulk/scale, landscaping, view sharing, privacy, overshadowing and visual impact. The MSPA has not inherent extra right to any of these planning protections than any other area of Mosman zoned R2. The planning issues raised have no relationship to the environment as the term is intended in the 'environmental zoning'. To use zone E4 is a clear manipulation of the intention of such a zoning. If we need to solve a problem then it needs to be defined and a way established to solve it directly, not indirectly. The 'protection' principles are important for Mosman due to the topography.</p> <p>Complying development is an excellent method of progressing development in a timely way and of relieving Council of much work. Suggest changes to the CDC accreditation process to ensure that Certifiers are accountable. The NSW Government's Low Rise Housing Diversity Code is a reasonable attempt by the Government to address availability, sustainability and affordability issues. Do not support any manipulation of zoning classifications to secure a Mosman agenda, nor believe that Mosman should go it alone in the State with respect to planning principles, nor believe Mosman should frustrate new policy. Mosman should be a leader in these matters, working on the 'how to' rather than the 'how not'.</p>
160.	5956612	R. Corbett	Yes	No	Council needs to come up with acceptable compromises on complying development. The suggestions in my earlier submission are workable and should be agreeable to NSW Planning. We need a change of thinking at City Hall on this one.
161.	5956745	K. Latimer	No*	Yes	Passionate about keeping these foreshore preservation controls in order to maintain the beauty of the area. Current guidelines and restrictions need to be applied to each DA submission to ensure the best outcome for the local area. Concerned about property developers and owners whose DAs involve the removal or heritage buildings, design box like bulky buildings and/or obstruction views when view sharing is possible. Have great faith in the planning department as I have been involved as an owner builder submitting a DA and twice as a property under threat by a development which would have greatly affected my property if it weren't for the individual attention by the planning department to modify the DA.

Sub. No.	ECM Doc. Set ID	Name	Affected land owner	Support Rezone E4	Summary of Submission
					<i>*Respondent had indicated 'yes', but has been verified as not an affected land owner.</i>
162.	5957934	S. Lai	Yes	Yes	As a landowner on the Balmoral Slopes, as seek and support Council's continuing local controls, administration and management of DA's.
163.	5958527	K. Mathers	Yes	Yes	I totally endorse applying an E4 zone to all land within the MSPA that is currently zoned R2 Low Density Residential under MLEP 2012. It is imperative that the new Housing Code not apply to land zoned E4.
164.	5962706	S. and L. Anderson	Yes	Yes	<p>Strongly support initiative to apply E4 zone to all land within MSPA. The planning, approval and development application processes currently applied under the MSPA have been essential to preserve the uniquely valuable visual and environmental qualities which benefit the entire community, as well as preserve the amenities for existing residents. The optimal development of properties in this area should consider specific matters including landscape, visual impact, views and privacy, and the effects of development on nearby properties that need to be carefully assessed through a consultative process that invites both technical expertise and submissions from all affected parties. Concerned that the Housing Code would not provide those controls and processes, and could result in misguided development, even if nominally complying, that would permanently and negatively alter many of the most distinctive and attractive aspects of these neighbourhoods.</p> <p>As residents on the Burran/Hopetoun Ave cliff face, are aware of the visual impact that development along this cliff face has on the foreshore as seen from the Harbour, as well as on streetscape and neighbourhood ambiance. Continued application of MLEP2012 would help protect the area and provide owners with a proper framework for change. Even under the restrictions and uncertainties of the COVID pandemic, there is little evidence that construction activity in the area is in any way constrained; accelerating approvals by reducing controls risks long term damage for no justifiable gains.</p>