

16 July 2018

Director, Codes and Approval Pathways
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Lynne Sheridan;

Re: Submission – Housekeeping Amendments to the Codes SEPP

I am writing in response to the public exhibition of the Explanation of Intended Effect (EIE) for proposed Housekeeping Amendments to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) on exhibition from 20 June to 18 July 2018.

Mosman Council has taken a keen interest in the introduction of, and subsequent amendments to, the Codes SEPP. The unique harbourside location of the area requires careful planning due to topographical challenges, amenity and visual significance of the foreshore slopes from Sydney Harbour. The current (temporary) exclusion of Mosman's foreshore slopes from Part 3 Housing Code under clause 1.19 is recognition of the area's importance, although Council has for many years sought permanent exclusion through the Codes SEPP and by other means.

The proposed Housekeeping Amendments to the Codes SEPP include a variety of changes. This submission focuses on only one proposed change of strategic importance to Mosman, that is, as outlined on page 12 of the EIE:

Policy Issue	Affected Code	Draft Policy Amendment	Reason for Draft Amendment
Mosman temporary exclusion	Complying Development	Amend clause 1.19(3)(a) to extend the time in which clause 1.19(2) applies to land in the local government area of Mosman.	This amendment extends the current expiry date for the exclusion of certain land in the Mosman LGA from the application of the State Policy for a further two years until 30 November 2020.

Whilst this extension of time is supported, Council maintains that permanent exclusion of Mosman's Scenic Protection Area from the Housing Code must be granted through the deletion of clause 1.19(3)(a) of the Codes SEPP.

This change is sought on the grounds that:


1. **The significance of Sydney Harbour** - Mosman is an integral part of the Sydney Harbour environment, widely recognised as one of the most beautiful urban harbours in the world, the gateway to Sydney and a place of significant national and heritage value. The significance of Mosman's foreshore lands and their relationship to the harbour has been long recognised in State and local planning as important to be maintained for future generations.
2. **Mosman's local controls achieve quality outcomes** - In order to ensure quality outcomes, it is essential that development within Mosman's Scenic Protection Area continues to be assessed by Council under Mosman LEP 2012 and DCPs, to include consideration of the visual impact of development on the harbour, vegetation dominance over built form and view sharing. These are not considerations under the complying development provisions of the Codes SEPP.
3. **Consistency with exclusion of other harbour foreshore land** - The Codes SEPP makes provision for land with special qualities to be excluded. Large areas of harbour foreshore land in North Sydney, Willoughby and Northern Beaches council areas, as well as river front land in Hunters Hill, are permanently excluded from the Housing Code. Development on such land is instead subject to development assessment under local planning controls which reflect the special characteristics of the land. This is no different to what Council is seeking.

Permanent exclusion of Mosman's Scenic Protection Area from the Housing Code through the deletion of clause 1.19(3)(a) is a simple amendment that could readily be made by the Department, and is the option that Council has been advocating for, with encouragement from Department staff, for years.

By advocating for permanent exclusion, Council is not seeking to prohibit any types of development within the Mosman Scenic Protection Area, rather it seeks to ensure that the landscape integrity and visual significance of the Harbour is retained and enhanced through detailed development assessment. This objective is consistent with the *Greater Sydney Region Plan: A Metropolis of Three Cities* (March 2018) objective 28: Scenic and cultural landscapes are protected; and objective 30: Urban tree canopy cover is increased.

Thank you for the opportunity to comment on the proposed Codes SEPP amendment. Please contact me on 9978 4058 if you would like to discuss the above comments.

Yours sincerely



Kelly Lynch
SENIOR STRATEGIC PLANNER