



New South Wales

## **Mosman Local Environmental Plan 1998 (Amendment No 11)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.  
(S01/01017/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

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## Mosman Local Environmental Plan 1998 (Amendment No 11)

### 1 Name of plan

This plan is *Mosman Local Environmental Plan 1998 (Amendment No 11)*.

### 2 Aims of plan

This plan aims:

- (a) to correct mapping anomalies relating to zoning that were created during the preparation of *Mosman Local Environmental Plan 1998 (the 1998 plan)*, and
- (b) to correct a mapping anomaly relating to a heritage item, and
- (c) to correct a description of a heritage item, and
- (d) to replace the definition of *place of public worship* in the 1998 plan with the definition appearing in the *Environmental Planning and Assessment Model Provisions 1980*, and
- (e) to clarify that Mosman Municipal Council may allow an additional third storey in an existing building in all residential zones where the additional storey comprises an *existing* basement of the existing building, and
- (f) to provide that when determining a development application involving heritage items classified in Schedule 2 to the 1998 plan as being of State significance, the Council is not required to consider a conservation plan which sets out management constraints for development if, in the opinion of the Council, the proposed development is of a minor nature.

### 3 Land to which plan applies

- (1) To the extent that this plan corrects mapping anomalies relating to zoning, it applies to the land shown by distinctive colouring, edging and lettering on Sheet 1 of the map marked “Mosman Local Environmental Plan 1998 (Amendment No 11)” deposited in the office of Mosman Municipal Council.

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- (2) To the extent that this plan corrects a mapping anomaly relating to a heritage item, it applies to the land known as the Elfrida Street Steps, as shown by distinctive colouring on Sheet 2 of that map.
  - (3) To the extent that this plan corrects a description of a heritage item, it applies to land known as the “Ythanbank” Flats (otherwise known as “Boxmoor”), 15 Raglan Street, Mosman.
  - (4) To the extent that this plan replaces a definition, it applies to all land within the local government area of Mosman under the 1998 plan.
  - (5) To the extent that this plan clarifies that an existing basement in an existing building may be permissible as a third storey, it applies to all land within the residential zones under the 1998 plan.
  - (6) To the extent that this plan provides for development applications relating to heritage items of State significance, it applies to all land listed in Schedule 2 to the 1998 plan classified as being of State significance.

#### **4 Amendment of Mosman Local Environmental Plan 1998**

*Mosman Local Environmental Plan 1998* is amended as set out in Schedule 1.

**2001 No 777**

Mosman Local Environmental Plan 1998 (Amendment No 11)

Schedule 1 Amendments

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**Schedule 1 Amendments**

(Clause 4)

**[1] Clause 13 Height limits in residential zones**

Insert “existing” before “basement” in clause 13 (3) (b).

**[2] Clause 33 Protection of heritage items and heritage conservation areas**

Insert “or unless it is of the opinion that the proposed development is of a minor nature” after “for development” in clause 33 (3) (d).

**[3] Schedule 1 Definitions**

Insert at the end of the definition of *heritage conservation map*:

Mosman Local Environmental Plan 1998 (Amendment No 11)—Sheet 2

**[4] Schedule 1, definition of “place of public worship”**

Omit the definition. Insert instead:

*place of public worship* means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**[5] Schedule 1, definition of “zoning map”**

Insert in appropriate order in the definition:

Mosman Local Environmental Plan 1998 (Amendment No 11)—Sheet 1

**[6] Schedule 2 Heritage items**

Omit “ ‘Boxmoor’ Flats (formerly ‘Ythanbank’)” from Column 4 in the matter relating to 15 Raglan Street.

Insert instead “ ‘Ythanbank’, House (formerly known as ‘Boxmoor Flats’)”.

BY AUTHORITY