



New South Wales

# **Mosman Local Environmental Plan 2012 (Amendment No 5)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

VERONICA LEE, GENERAL MANAGER, MOSMAN COUNCIL  
As delegate for the Minister for Planning

## **Mosman Local Environmental Plan 2012 (Amendment No 5)**

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### **1 Name of Plan**

This Plan is *Mosman Local Environmental Plan 2012 (Amendment No 5)*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to all land to which *Mosman Local Environmental Plan 2012* applies.

## **Schedule 1      Amendment of Mosman Local Environmental Plan 2012**

### **[1]    1.8A Savings provisions relating to development applications**

Insert at the end of clause 1.8A:

- (2) If a development application has been made before the commencement of *Mosman Local Environmental Plan 2012 (Amendment No 5)* in relation to a matter to which that Plan applies and the application has not been finally determined before that commencement, the application must be determined as if that Plan had not commenced.

### **[2]    Land Use Table**

Omit the last 2 dot points from item 1 of the matter relating to Zone R2 Low Density Residential.

Insert instead:

- To ensure that development is of a height and scale that seeks to achieve the desired future character.
- To encourage residential development that maintains or enhances local amenity and, in particular, public and private views.
- To minimise the adverse effects of bulk and scale of buildings.

### **[3]    Clause 4.3 Height of buildings**

Insert “particularly” before “when” in clause 4.3 (1) (a) (ii).

### **[4]    Clause 4.3 (1) (a) (iii)**

Omit “new”. Insert instead “that”.

### **[5]    Clause 4.3 (1) (a) (iv)**

Omit paragraph. Insert instead:

- (iv) to minimise the adverse effects of bulk and scale of buildings,

### **[6]    Clause 4.3 (1) (b) (i)**

Omit “new”.

### **[7]    Clause 4.3A**

Insert after clause 4.3:

#### **4.3A Height of buildings (additional provisions)**

- (1) This clause applies to all land in a residential zone to which a maximum building height of 8.5 metres applies as shown on the Height of Buildings Map.
- (2) The consent authority may refuse development consent for the erection of a building on land to which this clause applies if the building has more than two storeys above ground level (existing).

- (3) However, the consent authority may grant development consent for an additional storey in the foundation space of an existing building on land to which this clause applies if the consent authority is satisfied that the building height and bulk is of an appropriate form and scale.
- (4) A building on land to which this clause applies must not have a wall height, at any point of the building (other than at a chimney, gable end or dormer window), that exceeds 7.2 metres.
- (5) In this clause:  
*dormer window* means a window in the roof plane that measures no more than 25% of the width of the roof in that plane.  
*wall height* means the vertical distance between the ground level (existing) and the underside of the eaves at the wall line, parapet or flat roof, whichever is the highest.

**[8] Clause 4.4 Floor space ratio**

Omit clause 4.4 (1) (a) (iii). Insert instead:

- (iii) to minimise the adverse effects of bulk and scale of buildings,
- (iv) to limit excavation of sites and retain natural ground levels for the purpose of landscaping and containing urban run-off,

**[9] Clause 6.6**

Insert after clause 6.5:

**6.6 Landscaped areas**

- (1) The objectives of this clause are as follows:
  - (a) to have the landscape and townscape area character of Mosman's residential areas maintained and enhanced by requiring landscaping of sites in conjunction with other development,
  - (b) to have a general visual dominance of landscape over buildings maintained, particularly on harbour foreshores, while recognising the difficulty of achieving this on small lots where there are existing buildings such as semi-detached dwellings,
  - (c) to have adequate and usable ground level open space for recreation, landscaping and containing urban run-off.
- (2) This clause applies to land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential.
- (3) The consent authority may refuse to grant development consent to development involving the erection of a building unless at least the following minimum landscaped area of a site (as a percentage of the site area) is provided for the development:
  - (a) for development resulting in one dwelling per lot or for a non-residential building:
    - (i) 25%, if the site area is less than 400 m<sup>2</sup>,
    - (ii) 30%, if the site area is at least 400m<sup>2</sup> but less than 500 m<sup>2</sup>,
    - (iii) 35%, if the site area is at least 500m<sup>2</sup> but less than 650 m<sup>2</sup>,
    - (iv) 40%, if the site area is at least 650m<sup>2</sup> but less than 750 m<sup>2</sup>,
    - (v) 45%, if the site area is at least 750m<sup>2</sup> but less than 900 m<sup>2</sup>,
    - (vi) 50%, if the site area is at least 900 m<sup>2</sup>,

- (b) for development resulting in more than one dwelling per lot:
  - (i) 50%, for land identified on the Floor Space Ratio Map as having a maximum floor space ratio of 0.6:1 or less,
  - (ii) 40%, for land identified on the Floor Space Ratio Map as having a maximum floor space ratio greater than 0.6:1.