



New South Wales

# **Mosman Local Environmental Plan 2012 (Amendment No 12)**

under the

**Environmental Planning and Assessment Act 1979**

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

DOMINIC JOHNSON, GENERAL MANAGER  
MOSMAN COUNCIL  
As delegate for the local plan-making authority

## **Mosman Local Environmental Plan 2012 (Amendment No 12)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Mosman Local Environmental Plan 2012 (Amendment No 12)*.

### **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 the land to which *Mosman Local Environmental Plan 2012* applies.

### **4 Maps**

The maps adopted by *Mosman Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

## Schedule 1 Amendment of Mosman Local Environmental Plan 2012

### [1] Land Use Table

Insert after the second bullet point in Zone B1 Neighbourhood Centre, item 1—

- To ensure the facades of new buildings are in keeping with the proportions of surrounding traditional shop fronts.

### [2] Land Use Table, Zone B2 Local Centre, item 1

Insert after the fifth bullet point—

- To maintain the local character and enhance the village atmosphere of Mosman Junction by limiting the height, bulk and scale of buildings.
- To ensure the facades of new buildings in Mosman Junction are in keeping with the proportions of surrounding traditional shop fronts.

### [3] Clause 4.3A Height of buildings (additional provisions)

Insert before clause 4.3A(1)—

- (1A) The objectives of this clause are as follows—
- (a) to provide for view sharing,
  - (b) to minimise the adverse effects of the bulk and scale of buildings,
  - (c) to encourage 2-storey buildings consistent with the desired future character of the area.

### [4] Clause 4.3A(5)

Omit the definition of *wall height*. Insert in alphabetical order—

*mansard roof* means a roof that has—

- (a) a pitch of more than 45°, and
- (b) 2 slopes on each side, with the lower slope significantly steeper than the higher slope.

*wall height* means the vertical distance from ground level (existing) to—

- (b) the underside of the eaves at the wall line, parapet or flat roof, whichever is highest, or
- (a) for a building with a mansard roof—1.8m above the finished floor level of the roof space.

### [5] Part 6 Additional local provisions

Insert at the end of the Part, with appropriate clause numbering—

#### Earthworks

- (1) The objectives of this clause are as follows—
  - (a) to ensure earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
  - (b) to allow earthworks of a minor nature without requiring separate development consent.
- (2) Development consent is required for earthworks unless—

- (a) the work is exempt development under—
    - (i) this Plan, or
    - (ii) another applicable environmental planning instrument, or
  - (b) the work is ancillary to other development for which development consent has been granted.
- (3) In deciding whether to grant development consent for earthworks, the consent authority must consider the following matters—
- (a) the likely disruption of, and detrimental effect, if any, on—
    - (i) existing drainage patterns and soil stability in the locality, and
    - (ii) the natural features of, and vegetation on, the land and adjoining land,
  - (b) the effect of the development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the development on the existing and likely amenity of adjoining properties,
  - (e) the source of fill material and the destination of excavated material,
  - (f) the likelihood of disturbing relics,
  - (g) the proximity to, and potential for adverse impact on, a watercourse, drinking water catchment or environmentally sensitive area,
  - (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Note—** The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

**[6] Schedule 2 Exempt development**

Omit “\$1,000,000” from the matter relating to **Taronga Zoo works**.

Insert instead “\$1,500,000”.