

Proposed Amendments to Mosman LEP 2012

Proposed Wording of Clauses

Submission to Parliamentary Counsel

Proposed amendments to Mosman LEP 2012 - revised post exhibition pursuant to section 58(1) of the Act - are shown below.

Savings Provision

It is intended that a savings provision be included for these proposed amendments, that is, the amendments would only apply to development applications lodged with Council on or after the day the amendments come into effect. This needs to be drafted by Parliamentary Counsel.

Mosman Local Environmental Plan 2012

MLEP 2012 Part / Clause	Proposed Amendments - shown in blue and blue strikethrough or purple	Note to Parliamentary Counsel
Part 2 Permitted or prohibited development Land Use Table R2 Low Density Residential Zone	1 Objectives of zone - To provide for the housing needs of the community within a low density residential environment. - To enable other land uses that provide facilities or services to meet the day to day needs of residents. - To retain the single dwelling character of the environmentally sensitive residential areas of Mosman. - To maintain the general dominance of landscape over built form, particularly on harbour foreshores.	

Proposed Amendments to Mosman LEP 2012 – Proposed Wording of Clauses

MLEP 2012 Part / Clause	Proposed Amendments - shown in blue and blue strikethrough or purple	Note to Parliamentary Counsel
	• To ensure that sites are of sufficient size to provide for buildings, vehicular and pedestrian access, landscaping and retention of natural topographical features. • To ensure that development is of a height and scale that complements <i>seeks to achieve</i> the desired future character. • To encourage residential development that has regard to <i>maintains or enhances</i> local amenity and, in particular, public and private views. • <i>To minimise the adverse effects of bulk and scale of buildings.</i>	
Part 4 Principal development standards Clause 4.3 Height of buildings	(1) The objectives of this clause are as follows: (a) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential: (i) to share public and private views, and (ii) to minimise the visual impact of buildings <i>particularly</i> when viewed from the harbour and surrounding foreshores, and (iii) to ensure new—that buildings are compatible with the desired future character of the area in terms of building height and roof form, and (iv) to minimise the <i>adverse</i> effects of bulk and scale of new buildings, (b) for development on land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B6 Enterprise Corridor: (i) to ensure that new buildings are compatible with the desired future character of the area in terms of building height and roof form and will produce a cohesive streetscape, and (ii) to provide opportunities for buildings of a greater height than existing development in suitable locations to achieve the Council's residential strategy and provide opportunities for economic growth. (2) The height of a building on any land is not to exceed the maximum height shown for the land	

Proposed Amendments to Mosman LEP 2012 – Proposed Wording of Clauses

MLEP 2012 Part / Clause	Proposed Amendments - shown in blue and blue strikethrough or purple	Note to Parliamentary Counsel
	on the Height of Buildings Map. (3) For all residential zoned land to which a maximum building height of 8.5 metres applies as shown on the Height of Buildings Map, a maximum wall height of 7.2 metres also applies. (4) The wall height of a building means the vertical distance between the ground level (existing) and the underside of the eaves at the wall line, parapet or flat roof (not including a chimney) whichever is the highest, but excluding dormer windows that are no more than 25% of the width of the roof plane and gable ends. (5) The Council may refuse development consent to development involving the erection of a building on residential zoned land to which a maximum building height of 8.5 metres applies as shown on the Height of Buildings Map if the building has more than two storeys (above ground level (existing)). Council may allow an additional storey in the foundation space of existing buildings provided that the building height and bulk is of an appropriate form and scale.	It is intended that the wall height clause be included in MLEP 2012 as a development standard (i.e. subject to clause 4.6 of the LEP). However it is intended that the number of storeys clause not be a development standard (i.e. drafted in a similar way to the landscaping clause and not as a development standard requiring a clause 4.6 exception).
Part 4 Principal development standards Clause 4.4 Floor space ratio	4.4 Floor space ratio (1) The objectives of this clause are as follows: (a) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential: (i) to ensure that buildings are compatible with the desired future character of the area in terms of building bulk and scale, and (ii) to provide a suitable balance between landscaping and built form, and (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, (b) for development on land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or	

Proposed Amendments to Mosman LEP 2012 – Proposed Wording of Clauses

MLEP 2012 Part / Clause	Proposed Amendments - shown in blue and blue strikethrough or purple	Note to Parliamentary Counsel
	Zone B6 Enterprise Corridor, to ensure that buildings are compatible with the desired future character of the area in terms of building bulk and scale, (c) for development on land in Zone B2 Local Centre or Zone B6 Enterprise Corridor, to provide opportunities for buildings of a greater scale than existing development in suitable locations to achieve the Council's residential strategy and provide opportunities for economic growth. (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	
Part 6 Additional local provisions Clause 6.6 Landscaped area NEW CLAUSE	6.6 Landscaped area (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, and (b) to have a general visual dominance of landscape over buildings maintained, particularly on harbour foreshores, although recognising the difficulty of achieving this on small lots where there are existing buildings such as semi-detached dwellings, and (c) to have adequate and usable ground level open space for recreation, landscaping and containing urban run-off. (2) This clause applies to land zoned R2 Low Density Residential or R3 Medium Density Residential. (3) The Council may refuse development consent to development involving the erection of a building unless at least the minimum landscaped area as specified in subclause (4) is provided. (4) The minimum landscaped area of a site (as a percentage of the site area) should be: (a) for development resulting in one dwelling per lot or a non-residential building: (i) 25%, if the site area is less than 400m²; (ii) 30%, if the site area is at least 400m² but less than 500m²; (iii) 35%, if the site area is at least 500m² but less than 650m²;	

Proposed Amendments to Mosman LEP 2012 – Proposed Wording of Clauses

MLEP 2012 Part / Clause	Proposed Amendments - shown in blue and blue strikethrough or purple	Note to Parliamentary Counsel
	(iv) 40%, if the site area is at least 650m² but less than 750m²; (v) 45%, if the site area is at least 750m² but less than 900m²; (vi) 50%, if the site area is at least 900m². (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.	