

Proposed Amendments to Mosman LEP 2012 and Mosman Residential DCP 2012

Proposed Wording of Clauses

For Public Exhibition 12 June to 10 July 2014

Proposed amendments to Mosman Local Environmental Plan 2012 and Mosman Residential Development Control Plan 2012 are listed in the following tables. The proposed LEP amendments are in draft only. Following public exhibition, Council will submit the proposed LEP amendments to the Parliamentary Counsel's Office (PCO) to formalise the drafting of this legislation, and some amendment may occur as a result.

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.

Proposed amendments are indicated in blue and blue strikethrough.

Mosman Local Environmental Plan 2012

MLEP 2012 Part / Clause	Proposed Amendment
Part 2 Permitted or prohibited development Land Use Table R2 Low Density Residential Zone	<p>1 Objectives of zone</p> <ul style="list-style-type: none"> • 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. • 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 achieves the desired future character.

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	<ul style="list-style-type: none"> • To encourage residential development that has regard to enhances local amenity and, in particular, public and private views. • To minimise the adverse effects of bulk and scale of buildings.
<p>Part 4 Principal development standards Clause 4.3 Height of buildings</p>	<p>(1) The objectives of this clause are as follows:</p> <p>(a) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential:</p> <ul style="list-style-type: none"> (i) to share public and private views, and (ii) to minimise the visual impact of buildings particularly 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 adverse effects of bulk and scale of new buildings, <p>(b) for development on land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B6 Enterprise Corridor:</p> <ul style="list-style-type: none"> (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. <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>(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, the following also applies:</p> <ul style="list-style-type: none"> (a) a maximum wall height of 7.2 metres; and (b) a maximum of two storeys (above ground level (existing)). Council may allow an additional storey in the attic roof space of existing and new buildings, or in the foundation space of existing buildings, provided that the building height and bulk is of an appropriate form and scale.

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	<p>(4) The <i>wall height</i> of a building means the vertical distance between the top of the eaves at the wall line (excluding dormer windows that are no more than 25% of the width of the roof plane and gable ends), parapet or flat roof (not including a chimney) whichever is the highest, and the ground level (existing) immediately below that point.</p>
<p>Part 4 Principal development standards Clause 4.4 Floor space ratio</p>	<p>4.4 Floor space ratio</p> <p>(1) The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> (a) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential: <ul style="list-style-type: none"> (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 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. <p>(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.</p>

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MLEP 2012 Part / Clause	Proposed Amendment
<p>Part 6 Additional local provisions</p> <p>Clause 6.6 Landscaped area</p> <p>NEW CLAUSE</p>	<p>6.6 Landscaped area</p> <p>(1) The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> (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. <p>(2) This clause applies to land zoned R2 Low Density Residential or R3 Medium Density Residential.</p> <p>(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.</p> <p>(4) The minimum landscaped area of a site (as a percentage of the site area) should be:</p> <ul style="list-style-type: none"> (a) for development resulting in one dwelling per lot or a non-residential building: <ul style="list-style-type: none"> (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; (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: <ul style="list-style-type: none"> (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.

Mosman Residential Development Control Plan 2012

MRDCP 2012 Part / Clause	Proposed Amendment
Part 4.2 Siting and Scale	<p><i>Omit the following:</i></p> <p>O1. To have the effects of bulk and scale of buildings arising from new development minimised.</p> <p>P1. For all residential zoned land to which a maximum building height of 8.5 metres applies under the LEP, the following also applies:</p> <ul style="list-style-type: none"> (a) a maximum wall height of 7.2m; (b) a maximum of two storeys (above ground level (existing)). Council may allow an additional storey in attic roof space of existing and new buildings, or in the foundation space of existing buildings, provided that the building height and bulk is of an appropriate form and scale.
Part 4.4 Landscaping	<p><i>Omit the following:</i></p> <p>O1. 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.</p> <p>O2. To have a general visual dominance of landscape over buildings maintained, particularly on harbour foreshores and on land in Zone R2 Low Density Residential.</p> <p>O3. To have adequate and useable ground level open space for recreation, landscaping and containing urban runoff.</p> <p>P1. The minimum landscaped area of a site (as a percentage of the site area) should be:</p> <ul style="list-style-type: none"> (a) For land zoned R2 Low Density Residential: <ul style="list-style-type: none"> (i) 30%, where the site area is 500sqm or less; (ii) 50%, where the site area is 900sqm or more; (iii) in accordance with the following formula, where the site area is more than 500sqm but less than 900sqm: $LA = \left[30 + \frac{(SA - 500)}{20} \right] \%$

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	<p>Where LA is landscaped area, and SA is site area. This formula is shown graphically in a sliding scale on the following page.</p> <p>(b) For land zoned R3 Medium Density Residential:</p> <p>(i) 50%, for land identified in the LEP as having a maximum floor space ratio of 0.55:1 or 0.6:1;</p> <p>(ii) 40%, for land identified in the LEP as having a maximum floor space ratio of 0.7:1 or 1:1.</p> <div data-bbox="651 507 1541 1161" style="text-align: center;"> <p>Graph showing the minimum landscaped area of a site (as a percentage of the site area) applying to land zoned R2 Low Density Residential</p> </div>
Part 5.10 Transport, Access and Parking	O3. To have adequate on site car parking provided so that development does not generate additional off on street parking demand.