



New South Wales

Mosman Local Environmental Plan 2012 (Amendment No 11)

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 11)

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Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Mosman Local Environmental Plan 2012 (Amendment No 11)*.

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 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] Clause 2.1 Land use zones

Insert “C4 Environmental Living” in appropriate order under the heading **Conservation Zones**.

[2] Land Use Table

Insert after Zone C2 Environmental Conservation—

Zone C4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- 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 and landscaping and to retain natural topographical features.
- To ensure that development is of a height and scale that achieves the desired future character of the area.
- 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.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Group homes; Home businesses; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture

4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

[3] Clause 4.1 Minimum subdivision lot size

Omit “residential zones” from clause 4.1(1)(a).

Insert instead “Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone C4 Environmental Living”.

- [4] Clause 4.3 Height of buildings**
Omit “or Zone R3 Medium Density Residential” from clause 4.3(1)(a).
Insert instead “, Zone R3 Medium Density Residential or Zone C4 Environmental Living”.
- [5] Clause 4.3A Height of buildings (additional provisions)**
Omit “a residential zone” from clause 4.3A(1).
Insert instead “Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone C4 Environmental Living”.
- [6] Clause 4.4 Floor space ratio**
Omit “or Zone R3 Medium Density Residential” from clause 4.4(1)(a).
Insert instead “, Zone R3 Medium Density Residential or Zone C4 Environmental Living”.
- [7] Clause 4.6 Exceptions to development standards**
Omit “When this Plan was made it did” from clause 4.6(6), note.
Insert instead “This Plan does”.
- [8] Clause 4.6(6), note**
Omit “, Zone E3 Environmental Management or Zone E4 Environmental Living”.
Insert instead “or Zone C3 Environmental Management”.
- [9] Clause 6.5 Location of sex services premises**
Omit “or Zone RE1 Public Recreation” from clause 6.5(2)(a)(i).
Insert instead “, Zone RE1 Public Recreation or Zone C4 Environmental Living”.
- [10] Clause 6.6 Landscaped areas**
Omit “or Zone R3 Medium Density Residential” from clause 6.6(2).
Insert instead “, Zone R3 Medium Density Residential or Zone C4 Environmental Living”.
- [11] Schedule 2 Exempt development**
Insert in alphabetical order—
- Fowl and poultry houses**
- (1) Must only be constructed or installed on land in Zone C4 Environmental Living.
Note. The construction or installation of fowl and poultry houses on land in a residential or rural zone may be exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
 - (2) Must not be constructed or installed—
 - (a) on or in a heritage item or a draft heritage item, or
 - (b) in the foreshore area.
 - (3) Must not be higher than 3m above ground level (existing).
 - (4) Must not have a floor area of more than 15m².
 - (5) Must be located in the rear yard.
 - (6) Must not house—

- (a) roosters, or
 - (b) more than 5 fowl or poultry.
- (7) Must be located at least 3m from each lot boundary.
- (8) Must be located—
- (a) if intended to house fowls, including guinea fowls, only—at least 4.5m from a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food, or
 - (b) otherwise—at least 30m from a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.
- (9) Must be enclosed to prevent the escape of poultry.
- (10) Must be constructed or installed so that roofwater is disposed of without causing a nuisance to adjoining owners.
- (11) To the extent it is comprised of metal components—must be constructed of low reflective, factory pre-coloured materials.
- (12) If located on bush fire prone land and less than 5m from a dwelling—must be constructed of non-combustible material.
- (13) Must not be more than 1 house per lot.