



GOSFORD PLANNING SCHEME

ORDINANCE

as at 5 July 2013

This document referred to as the Gosford Planning Scheme Ordinance is believed to be a correct and accurate representation of the Ordinance as gazetted on 24 May 1968 and amended from time to time including amendments to 8 February 2013. No responsibility can be accepted for any error or omissions. Further amendments may have been made after 8 February 2013. This Ordinance should be read together with Regional Environmental Plans and State Environmental Planning Policies. Where necessary, reference should be made to the Government Gazette containing the Ordinance and subsequent amendments.

CITY OF GOSFORD

GOSFORD PLANNING SCHEME ORDINANCE

Gazetted 24 May 1968

As amended by

Amendment No. 1 –	Gazetted	11 December 1970;
Amendment No. 3 -	"	3rd September, 1971;
Amendment No. 2 -	"	28th July, 1972;
Amendment No. 5 -	"	11th August, 1972;
Amendment No. 6 -	"	11th July, 1980; and
Amendment No. 4 -	"	22nd August, 1980;
Gosford Local Environmental Plan No.	1 - Gazetted	5/12/80
Gosford Local Environmental Plan No.	9 - Gazetted	27/2/81
Gosford Local Environmental Plan No.	11 - Gazetted	27/2/81
Gosford Local Environmental Plan No.	14 - Gazetted	20/3/81
Gosford Local Environmental Plan No.	15 - Gazetted	27/3/81
Gosford Local Environmental Plan No.	16 - Gazetted	6/4/81
Gosford Local Environmental Plan No.	17 - Gazetted	6/4/81
Gosford Local Environmental Plan No.	18 - Gazetted	15/5/81
Gosford Local Environmental Plan No.	23 - Gazetted	22/5/81
Gosford Local Environmental Plan No.	24 - Gazetted	16/10/81
Gosford Local Environmental Plan No.	26 - Gazetted	4/9/81
Gosford Local Environmental Plan No.	27 - Gazetted	21/8/81
Gosford Local Environmental Plan No.	28 - Gazetted	21/8/81
Gosford Local Environmental Plan No.	30 - Gazetted	4/9/81
Gosford Local Environmental Plan No.	31 - Gazetted	4/9/81
Gosford Local Environmental Plan No.	32 - Gazetted	4/9/81
Gosford Local Environmental Plan No.	34 - Gazetted	4/9/81
Gosford Local Environmental Plan No.	35 - Gazetted	18/9/81
Gosford Local Environmental Plan No.	37 - Gazetted	13/11/81
Gosford Local Environmental Plan No.	38 - Gazetted	18/9/81
Gosford Local Environmental Plan No.	40 - Gazetted	23/10/81
Gosford Local Environmental Plan No.	41 - Gazetted	6/11/81
Gosford Local Environmental Plan No.	42 - Gazetted	20/11/81
Gosford Local Environmental Plan No.	43 - Gazetted	4/12/81
Gosford Local Environmental Plan No.	44 - Gazetted	20/11/81
Gosford Local Environmental Plan No.	45 - Gazetted	4/12/81
Gosford Local Environmental Plan No.	46 - Gazetted	4/12/81
Gosford Local Environmental Plan No.	47 - Gazetted	4/12/81
Gosford Local Environmental Plan No.	48 - Gazetted	18/12/81
Gosford Local Environmental Plan No.	49 - Gazetted	22/1/82
Gosford Local Environmental Plan No.	51 - Gazetted	26/3/82
Gosford Local Environmental Plan No.	52 - Gazetted	23/4/82
Gosford Local Environmental Plan No.	53 - Gazetted	7/5/82
Gosford Local Environmental Plan No.	56 - Gazetted	21/5/82
Gosford Local Environmental Plan No.	58 - Gazetted	14/5/82
Gosford Local Environmental Plan No.	59 - Gazetted	4/6/82
Gosford Local Environmental Plan No.	60 - Gazetted	9/7/82
Gosford Local Environmental Plan No.	62 - Gazetted	9/7/82
Gosford Local Environmental Plan No.	65 - Gazetted	6/8/82
Gosford Local Environmental Plan No.	66 - Gazetted	23/7/82
Gosford Local Environmental Plan No.	67 - Gazetted	20/8/82
Gosford Local Environmental Plan No.	68 - Gazetted	15/10/82

Gosford Local Environmental Plan No. 70 - Gazetted	22/10/82
Gosford Local Environmental Plan No. 71 - Gazetted	26/11/82
Gosford Local Environmental Plan No. 72 - Gazetted	3/12/82
Gosford Local Environmental Plan No. 73 - Gazetted	6/4/84
Gosford Local Environmental Plan No. 75 - Gazetted	18/3/83
Sydney Regional Environmental Plan No. 6 –	
Gosford Coastal Areas - Gazetted	6/5/83
Gosford Local Environmental Plan No. 78 - Gazetted	22/7/83
Gosford Local Environmental Plan No. 79 - Gazetted	29/7/83
Gosford Local Environmental Plan No. 82 - Gazetted	22/7/83
Gosford Local Environmental Plan No. 83 - Gazetted	5/8/83
Gosford Local Environmental Plan No. 84 - Gazetted	30/9/83
Gosford Local Environmental Plan No. 85 - Gazetted	29/7/83
Gosford Local Environmental Plan No. 86 - Gazetted	17/2/84
Gosford Local Environmental Plan No. 87 - Gazetted	16/9/83
Gosford Local Environmental Plan No. 89 - Gazetted	9/9/83
Gosford Local Environmental Plan No. 92 - Gazetted	30/9/83
Gosford Local Environmental Plan No. 97 - Gazetted	13/1/84
Gosford Local Environmental Plan No. 98 - Gazetted	23/12/83
Gosford Local Environmental Plan No. 100 - Gazetted	21/12/84
Gosford Local Environmental Plan No. 101 - Gazetted	22/6/84
Gosford Local Environmental Plan No. 102 - Gazetted	4/1/85
Gosford Local Environmental Plan No. 104 - Gazetted	1/11/85
Gosford Local Environmental Plan No. 105 - Gazetted	13/7/84
Gosford Local Environmental Plan No. 106 - Gazetted	21/12/84
Gosford Local Environmental Plan No. 107 - Gazetted	29/6/84
Gosford Local Environmental Plan No. 110 - Gazetted	26/10/84
Gosford Local Environmental Plan No. 111 - Gazetted	21/6/85
Gosford Local Environmental Plan No. 114 - Gazetted	14/12/84
Gosford Local Environmental Plan No. 115 - Gazetted	15/3/85
Gosford Local Environmental Plan No. 116 - Gazetted	11/1/85
Gosford Local Environmental Plan No. 118 - Gazetted	15/3/85
Gosford Local Environmental Plan No. 119 - Gazetted	18/1/85
Gosford Local Environmental Plan No. 121 - Gazetted	28/2/86
Gosford Local Environmental Plan No. 122 - Gazetted	29/3/85
Gosford Local Environmental Plan No. 125 - Gazetted	16/8/85
Gosford Local Environmental Plan No. 126 - Gazetted	19/7/85
Gosford Local Environmental Plan No. 127 - Gazetted	3/5/85
Gosford Local Environmental Plan No. 128 - Gazetted	21/6/85
Gosford Local Environmental Plan No. 130 - Gazetted	19/7/85
Gosford Local Environmental Plan No. 134 - Gazetted	19/7/85
Gosford Local Environmental Plan No. 136 - Gazetted	30/7/85
Gosford Local Environmental Plan No. 140 - Gazetted	27/9/85
Gosford Local Environmental Plan No. 144 - Gazetted	22/11/85
Gosford Local Environmental Plan No. 145 - Gazetted	29/11/85
Gosford Local Environmental Plan No. 146 - Gazetted	21/1/86
Gosford Local Environmental Plan No. 147 - Gazetted	20/12/85
Gosford Local Environmental Plan No. 150 - Gazetted	28/2/86
Gosford Local Environmental Plan No. 151 - Gazetted	28/2/86
Gosford Local Environmental Plan No. 152 - Gazetted	28/2/86
Gosford Local Environmental Plan No. 153 - Gazetted	23/5/86
Gosford Local Environmental Plan No. 156 - Gazetted	30/5/86
Gosford Local Environmental Plan No. 157 - Gazetted	21/3/86
Gosford Local Environmental Plan No. 158 - Gazetted	26/9/86
Gosford Local Environmental Plan No. 159 - Gazetted	30/5/86
Gosford Local Environmental Plan No. 160 - Gazetted	20/6/86
Gosford Local Environmental Plan No. 162 - Gazetted	20/11/87

Gosford Local Environmental Plan No. 163 - Gazetted	21/8/87
Gosford Local Environmental Plan No. 165 - Gazetted	26/9/86
Gosford Local Environmental Plan No. 166 - Gazetted	17/10/86
Gosford Local Environmental Plan No. 167 - Gazetted	26/9/86
Gosford Local Environmental Plan No. 168 - Gazetted	9/1/87
Gosford Local Environmental Plan No. 171 - Gazetted	17/10/86
Gosford Local Environmental Plan No. 173 - Gazetted	19/12/86
Gosford Local Environmental Plan No. 175 - Gazetted	7/11/86
Gosford Local Environmental Plan No. 176 - Gazetted	28/11/86
Gosford Local Environmental Plan No. 177 - Gazetted	19/12/86
Gosford Local Environmental Plan No. 179 - Gazetted	21/11/86
Gosford Local Environmental Plan No. 182 - Gazetted	10/4/87
Gosford Local Environmental Plan No. 183 - Gazetted	4/11/88
Gosford Local Environmental Plan No. 187 - Gazetted	27/3/87
Gosford Local Environmental Plan No. 188 - Gazetted	1/5/87
Gosford Local Environmental Plan No. 191 - Gazetted	10/7/87
Gosford Local Environmental Plan No. 192 - Gazetted	17/7/87
Gosford Local Environmental Plan No. 193 - Gazetted	14/8/87
Gosford Local Environmental Plan No. 196 - Gazetted	14/8/87
Gosford Local Environmental Plan No. 197 - Gazetted	20/11/87
Gosford Local Environmental Plan No. 199 - Gazetted	2/10/87
Gosford Local Environmental Plan No. 200 - Gazetted	12/2/88
Gosford Local Environmental Plan No. 201 - Gazetted	29/1/88
Gosford Local Environmental Plan No. 204 - Gazetted	6/11/87
Gosford Local Environmental Plan No. 205 - Gazetted	20/11/87
Gosford Local Environmental Plan No. 206 - Gazetted	15/1/88
Gosford Local Environmental Plan No. 207 - Gazetted	22/1/88
Gosford Local Environmental Plan No. 208 - Gazetted	24/6/88
Gosford Local Environmental Plan No. 209 - Gazetted	24/6/88
Gosford Local Environmental Plan No. 210 - Gazetted	11/3/88
Gosford Local Environmental Plan No. 211 - Gazetted	22/4/88
Gosford Local Environmental Plan No. 212 - Gazetted	11/8/89
Gosford Local Environmental Plan No. 213 - Gazetted	24/6/88
Gosford Local Environmental Plan No. 214 - Gazetted	6/5/88
Gosford Local Environmental Plan No. 215 - Gazetted	29/7/88
Gosford Local Environmental Plan No. 216 - Gazetted	1/7/88
Gosford Local Environmental Plan No. 218 - Gazetted	19/8/88
Gosford Local Environmental Plan No. 221 - Gazetted	9/9/88
Gosford Local Environmental Plan No. 222 - Gazetted	30/12/88
Gosford Local Environmental Plan No. 226 - Gazetted	3/5/89
Gosford Local Environmental Plan No. 227 - Gazetted	12/5/89
Gosford Local Environmental Plan No. 231 - Gazetted	21/7/89
Gosford Local Environmental Plan No. 234 - Gazetted	23/6/89
Gosford Local Environmental Plan No. 235 - Gazetted	12/1/90
Gosford Local Environmental Plan No. 236 - Gazetted	23/6/89
Gosford Local Environmental Plan No. 238 - Gazetted	14/7/89
Gosford Local Environmental Plan No. 239 - Gazetted	8/9/89
Gosford Local Environmental Plan No. 240 - Gazetted	25/8/89
Gosford Local Environmental Plan No. 241 - Gazetted	22/9/89
Gosford Local Environmental Plan No. 242 - Gazetted	20/4/90
Gosford Local Environmental Plan No. 244 - Gazetted	20/10/89
Gosford Local Environmental Plan No. 246 - Gazetted	16/3/90
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Gosford Local Environmental Plan No. 247 - Gazetted	16/3/90
Gosford Local Environmental Plan No. 248 - Gazetted	1/12/89
Gosford Local Environmental Plan No. 251 - Gazetted	16/02/90
Gosford Local Environmental Plan No. 252 - Gazetted	3/08/90

Gosford Local Environmental Plan No. 253 - Gazetted	22/06/90
Gosford Local Environmental Plan No. 255 - Gazetted	1/02/91
Gosford Local Environmental Plan No. 257 - Gazetted	3/08/90
Gosford Local Environmental Plan No. 258 - Gazetted	31/08/90
Gosford Local Environmental Plan No. 259 - Gazetted	28/09/90
Gosford Local Environmental Plan No. 260 - Gazetted	21/09/90
Gosford Local Environmental Plan No. 263 - Gazetted	7/12/90
Gosford Local Environmental Plan No. 264 - Gazetted	30/11/90
Gosford Local Environmental Plan No. 266 - Gazetted	8/02/91
Gosford Local Environmental Plan No. 267 - Gazetted	22/02/91
Gosford Local Environmental Plan No. 268 - Gazetted	1/03/91
Gosford Local Environmental Plan No. 269 - Gazetted	8/03/91
Gosford Local Environmental Plan No. 270 - Gazetted	15/02/91
Gosford Local Environmental Plan No. 273 - Gazetted	12/07/91
Gosford Local Environmental Plan No. 274 - Gazetted	19/07/91
Gosford Local Environmental Plan No. 275 - Gazetted	20/09/91
Gosford Local Environmental Plan No. 278 - Gazetted	2/08/91
Gosford Local Environmental Plan No. 279 - Gazetted	17/01/92
Gosford Local Environmental Plan No. 280 - Gazetted	6/09/91
Gosford Local Environmental Plan No. 281 - Gazetted	20/09/91
Gosford Local Environmental Plan No. 284 - Gazetted	23/08/91
Gosford Local Environmental Plan No. 288 - Gazetted	18/10/91
Gosford Local Environmental Plan No. 289 - Gazetted	25/10/91
Gosford Local Environmental Plan No. 290 - Gazetted	22/11/91
Gosford Local Environmental Plan No. 291 - Gazetted	28/08/92
Gosford Local Environmental Plan No. 292 - Gazetted	25/09/92
Gosford Local Environmental Plan No. 293 - Gazetted	14/08/92
Gosford Local Environmental Plan No. 294 - Gazetted	5/02/93
Gosford Local Environmental Plan No. 295 - Gazetted	23/04/93
Gosford Local Environmental Plan No. 296 - Gazetted	12/02/93
Gosford Local Environmental Plan No. 297 - Gazetted	5/02/93
Gosford Local Environmental Plan No. 298 - Gazetted	28/10/94
Sydney Regional Environmental Plan No. 7 (AmendmentNo.5) –	Gazetted 23/04/93
Gosford Local Environmental Plan No. 299 - Gazetted	12/03/93
Gosford Local Environmental Plan No. 302 - Gazetted	9/12/94
Gosford Local Environmental Plan No. 303 - Gazetted	17/12/93
Gosford Local Environmental Plan No. 304 - Gazetted	10/02/95
Gosford Local Environmental Plan No. 306 - Gazetted	31/03/94
Gosford Local Environmental Plan No. 308 - Gazetted	17/02/95
Gosford Local Environmental Plan No. 309 - Gazetted	31/03/95
Gosford Local Environmental Plan No. 311 - Gazetted	16/06/95
Gosford Local Environmental Plan No. 312 - Gazetted	26/05/95
Gosford Local Environmental Plan No. 313 - Gazetted	01/09/95
Gosford Local Environmental Plan No. 314 - Gazetted	20/10/95
Gosford Local Environmental Plan No. 315 - Gazetted	08/09/95
Gosford Local Environmental Plan No. 316 - Gazetted	13/10/95
Gosford Local Environmental Plan No. 317 - Gazetted	22/12/95
Gosford Local Environmental Plan No. 319 - Gazetted	15/12/95
Gosford Local Environmental Plan No. 320 - Gazetted	16/02/96
Gosford Local Environmental Plan No. 322 - Gazetted	04/04/96
Gosford Local Environmental Plan No. 323 - Gazetted	01/03/96
Gosford Local Environmental Plan No. 325 - Gazetted	15/03/96
Gosford Local Environmental Plan No. 326 - Gazetted	16/08/96
Gosford Local Environmental Plan No. 327 - Gazetted	21/06/96
Gosford Local Environmental Plan No. 328 - Gazetted	20/09/96
Gosford Local Environmental Plan No. 329 - Gazetted	06/09/96

Gosford Local Environmental Plan No. 330 - Gazetted	01/11/96
Gosford Local Environmental Plan No. 332 - Gazetted	24/01/97
Gosford Local Environmental Plan No. 333 - Gazetted	20/12/96
Gosford Local Environmental Plan No. 336 - Gazetted	16/05/97
Gosford Local Environmental Plan No. 338 - Gazetted	06/06/97
Gosford Local Environmental Plan No. 341 - Gazetted	20/06/97
Gosford Local Environmental Plan No. 344 - Gazetted	22/08/97
Gosford Local Environmental Plan No. 346 - Gazetted	08/08/97
Gosford Local Environmental Plan No. 347 - Gazetted	09/09/97
Gosford Local Environmental Plan No. 348 - Gazetted	26/09/97
Gosford Local Environmental Plan No. 349 - Gazetted	24/10/97
Gosford Local Environmental Plan No. 350 - Gazetted	17/07/98
Gosford Local Environmental Plan No. 351 - Gazetted	10/07/98
Gosford Local Environmental Plan No. 352 - Gazetted	21/11/97
Gosford Local Environmental Plan No. 353 - Gazetted	28/11/97
Gosford Local Environmental Plan No. 354 - Gazetted	24/12/97
Gosford Local Environmental Plan No. 356 - Gazetted	08/05/98
Gosford Local Environmental Plan No. 358 - Gazetted	05/06/98
Gosford Local Environmental Plan No. 361 - Gazetted	01/05/98
Gosford Local Environmental Plan No. 364 - Gazetted	27/11/98
Gosford Local Environmental Plan No. 365 - Gazetted	18/09/98
Gosford Local Environmental Plan No. 366 - Gazetted	11/09/98
Gosford Local Environmental Plan No. 367 - Gazetted	17/07/98
Gosford Local Environmental Plan No. 370 - Gazetted	04/09/98
Gosford Local Environmental Plan No. 372 - Gazetted	22/01/99
Gosford Local Environmental Plan No. 373 - Gazetted	11/12/98
Gosford Local Environmental Plan No. 374 - Gazetted	13/11/98
Gosford Local Environmental Plan No. 375 - Gazetted	12/02/99
Gosford Local Environmental Plan No. 376 - Gazetted	24/12/98
Gosford Local Environmental Plan No. 377 - Gazetted	07/05/99
Gosford Local Environmental Plan No. 380 – Gazetted	24/12/99
Gosford Local Environmental Plan No. 381 – Gazetted	28/07/00
Gosford Local Environmental Plan No. 382 – Gazetted	05/11/99
Gosford Local Environmental Plan No. 383 – Gazetted	19/11/99
Gosford Local Environmental Plan No. 384 – Gazetted	24/12/99
Gosford Local Environmental Plan No. 387 – Gazetted	31/03/00
Gosford Local Environmental Plan No. 388 – Gazetted	10/03/00
Gosford Local Environmental Plan No. 390 – Gazetted	19/05/00
Gosford Local Environmental Plan No. 392 – Gazetted	19/05/00
Gosford Local Environmental Plan No. 393 – Gazetted	14/04/00
Gosford Local Environmental Plan No. 395 – Gazetted	16/06/00
Gosford Local Environmental Plan No. 396 – Gazetted	13/10/00
Gosford Local Environmental Plan No. 397 – Gazetted	04/08/00
Gosford Local Environmental Plan No. 398 – Gazetted	20/10/00
Gosford Local Environmental Plan No. 399 – Gazetted	23/03/01
Gosford Local Environmental Plan No. 401 – Gazetted	27/10/00
Gosford Local Environmental Plan No. 404 – Gazetted	23/02/01
Gosford Local Environmental Plan No. 405 – Gazetted	25/01/01
Gosford Local Environmental Plan No. 406 – Gazetted	12/04/01
Gosford Local Environmental Plan No. 408 – Gazetted	18/05/01
Gosford Local Environmental Plan No. 409 – Gazetted	22/06/01
Gosford Local Environmental Plan No. 411 – Gazetted	22/06/01
Gosford Local Environmental Plan No. 412 – Gazetted	06/07/01
Gosford Local Environmental Plan No. 414 – Gazetted	16/11/01
Gosford Local Environmental Plan No. 416 – Gazetted	28/09/01
Gosford Local Environmental Plan No. 419 – Gazetted	02/11/01
Gosford Local Environmental Plan No. 420 – Gazetted	14/12/01

Gosford Local Environmental Plan No. 421 – Gazetted	24/05/02
Gosford Local Environmental Plan No. 422 – Gazetted	22/03/02
Gosford Local Environmental Plan No. 423 – Gazetted	10/05/02
Gosford Local Environmental Plan No. 425 – Gazetted	10/05/02
Gosford Local Environmental Plan No. 426 – Gazetted	17/05/02
Gosford Local Environmental Plan No. 429 – Gazetted	26/03/04
Gosford Local Environmental Plan No. 431 – Gazetted	20/12/02
Gosford Local Environmental Plan No. 432 – Gazetted	04/07/03
Gosford Local Environmental Plan No. 433 – Gazetted	24/01/03
Gosford Local Environmental Plan No. 434 – Gazetted	17/01/03
Gosford Local Environmental Plan No. 435 – Gazetted	15/08/03
Gosford Local Environmental Plan No. 436 – Gazetted	15/08/03
Gosford Local Environmental Plan No. 437 – Gazetted	31/10/03
Gosford Local Environmental Plan No. 441 – Gazetted	12/12/03
Gosford Local Environmental Plan No. 442 – Gazetted	04/06/04
Gosford Local Environmental Plan No. 443 – Gazetted	27/02/04
Gosford Local Environmental Plan No. 444 – Gazetted	01/07/05
Gosford Local Environmental Plan No. 446 – Gazetted	25/02/05
Gosford Local Environmental Plan No. 447 – Gazetted	09/09/05
Gosford Local Environmental Plan No. 448 – Gazetted	09/09/05
Gosford Local Environmental Plan No. 449 – Gazetted	09/09/05
Gosford Local Environmental Plan No. 450 – Gazetted	09/09/05
Gosford Local Environmental Plan No. 451 – Gazetted	12/08/05
Gosford Local Environmental Plan No. 452 – Gazetted	17/11/06
Gosford City Centre Local Environmental Plan -- Gazetted	16/12/05
Gosford Local Environmental Plan No. 454 – Gazetted	03/02/06
Gosford Local Environmental Plan No. 455 – Gazetted	04/04/06
Gosford Local Environmental Plan No. 456 – Gazetted	12/10/07
Gosford Local Environmental Plan No. 458 – Gazetted	01/09/06
Gosford Local Environmental Plan No. 460 – Gazetted	22/12/06
Gosford Local Environmental Plan No. 462 – Gazetted	06/10/06
Gosford Local Environmental Plan No. 464 – Gazetted	01/02/08
Gosford Local Environmental Plan No. 467 – Gazetted	29/04/11
Gosford Local Environmental Plan No. 468 – Gazetted	28/10/11
Gosford Local Environmental Plan No. 469 - Gazetted	03/08/12
Gosford Local Environmental Plan No. 470 - Gazetted	23/03/12
Gosford Local Environmental Plan No. 471 - Gazetted	02/03/12
Gosford Local Environmental Plan No. 474 - Gazetted	12/10/12
Gosford Local Environmental Plan No. 475 - Gazetted	09/11/12
Gosford Local Environmental Plan No. 476 - Gazetted	30/11/12
Gosford Local Environmental Plan No. 477 - Gazetted	18/01/13
Gosford Local Environmental Plan No. 478 - Gazetted	21/12/12
Gosford Local Environmental Plan No. 481 - Gazetted	08/02/13
Gosford Local Environmental Plan No. 482 - Gazetted	05/07/13

are incorporated insofar as they amend the Principal Ordinance.

Clauses 14, 15, 15A, 16, 17, 18, 19, 20, 23, 24, 25A and 56 omitted G.G. 26.9.80 pursuant to Clause 2(2) of Schedule 3 to the Miscellaneous Acts (Planning) Repeal and Amendment Act, 1979. Refer to the Environmental Planning and Assessment Act, 1979, Regulations gazetted 29.8.80 in lieu.

Order/s under Clause 2(2) of Schedule 3 to the Miscellaneous Acts (Planning) Repeal and Amendment Act, 1979 gazetted 26.9.80 and 5.3.82.

This copy of Gosford Planning Scheme Ordinance is believed to be a true and accurate representation of the Ordinance as gazetted on 24th May, 1968, and amended from time to time except that the term "Commission" has been replaced by "Department". However, no responsibility can be accepted for any errors or omissions and where necessary reference should be made to the various issues of the Government Gazette containing the original Ordinance and subsequent amendments.

TOWN AND COUNTRY PLANNING GOSFORD PLANNING SCHEME ORDINANCE

Local Government Act, 1919 : Part XIIA

PART I.

Preliminary

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| Citation | 1. | <p>(1) This Ordinance may be cited as the "Gosford Planning Scheme Ordinance".</p> <p>(2) The Planning scheme prepared by the Council of the Shire of Gosford in respect of all land within the Shire of Gosford, in pursuance of -</p> <p style="padding-left: 40px;">(a) a resolution of the Council of the Shire of Woy Woy dated 1st October, 1946, which resolution was approved by the Minister and notice of such approval was published in the Government Gazette No. 134 of 29th November, 1946; and</p> <p style="padding-left: 40px;">(b) a resolution of the Council of the Shire of Gosford dated 24th February, 1954, which resolution was approved by the Minister and notice of such approval was published in the Government Gazette No. 211 of 31st December, 1954; and the Shire of Gosford Planning Scheme (Amendment No. 1) prepared by The State Planning Authority of New South Wales in pursuance of directions of the Minister dated 3rd July, 1968 and 19th July, 1968 respectively and the Shire of Gosford Planning Scheme (Amendment No. 3) prepared by the Authority in pursuance of a direction of the Minister dated 26th March, 1970, and the Shire of Gosford Planning Scheme (Amendment No. 2) prepared by the Council of the Shire of Gosford in pursuance of resolutions of the Council dated 11th March, 1969, and 17th June, 1969, respectively, and the Shire of Gosford Planning Scheme (Amendment No. 5) prepared by The State Planning Authority of New South Wales in pursuance of a direction of the Minister dated 19th August, 1970, and the Gosford Planning Scheme (Amendment No. 6) prepared by the Council of the Shire of Gosford in pursuance of resolutions of the Council dated 16th October, 1973, and 5th November, 1974, and the Gosford Planning Scheme (Amendment No. 4) prepared by the New South Wales Planning and Environment Commission pursuant to a direction by the Minister of 12th August, 1970, are embodied in this Ordinance.</p> |
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Clause 2.
omitted
LEP 200

New clause 3. (1) In this Ordinance, except insofar as the context or subject matter
LEP 381 otherwise indicates or requires:

New
definition
LEP 460

"Aboriginal object" means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

"Advertisement" means a display of symbols, messages or devices for promotional purposes or for conveying information, instructions or directions, whether or not the display involves the erection of a structure or the carrying out of a work.

"Agriculture" means the use of land for:

- (a) the keeping or breeding of animals, including bees and birds for domestic purposes;
 - (b) the horticultural production of fruit, vegetables, flowers or plants, being production that does not involve the erection of any structures; or
 - (c) the grazing of livestock,
- but does not include an animal establishment, intensive agriculture, a horse establishment, plant nursery or veterinary hospital.

"Animal establishment" means a building or place used for the breeding, boarding, training or keeping of animals (exclusive of horses) for commercial purposes, but does not include a building or place elsewhere defined in this Ordinance.

New
definition LEP
460

"Archaeological site" means the site (as listed in Schedule 8) of one or more relics.

"Arterial road" means any existing road indicated on the Scheme Map by a continuous red band on white between firm black lines.

New
definition
LEP 429

"Bed and breakfast accommodation" means a room, or suite of rooms capable of being used as bedrooms that are within or attached to a single dwelling house and that are used for the provision, by the permanent residents of the dwelling house, of short term paid accommodation.

"Boarding house" means a building wholly or partly let in lodgings which provides lodgers with a principal place of residence, but does not include a hotel or a motel.

"Brothel" means premises habitually used for the purposes of prostitution by one or more prostitutes.

"Building line" means the line fixed by the Council under the policies and Development Control Plans of the Council, between which and any public place, public reserve, ocean, river or waterway a building may not be erected.

“Bulky goods salesroom or showroom” means a building or place used for the sale by retail or auction or the hire or display of items (whether goods or materials) which are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display; or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading items into their vehicles after purchase or hire, but does not include a building or place used for the sale of foodstuffs or clothing.

“Bus depot” means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking.

“Camping ground or caravan park” means a site used for the purpose of:

- (a) placing moveable dwellings (as defined in the Local Government Act 1993) for permanent accommodation or for temporary accommodation by tourists; or
- (b) the erection, assembly or placement of cabins for temporary accommodation by tourists.

“Carpark” means a building or place used for parking vehicles (otherwise than as an ancillary use of land) whether or not operated for gain, and includes any associated access and manoeuvring space.

New
definition
LEP 460

“Cemetery” means a building or place for the interment of deceased persons or pets or their ashes, and includes a funeral chapel or crematorium.

“Child care centre” means a building or place used or intended for use for the purpose of educating, minding, or caring (without provision for residential care) for 8 or more children under 6 years of age, not related to the person so using the said building or place, but does not include an educational establishment.

“Club” means a building or place used as a registered club or intended to be registered under the Registered Clubs Act 1976.

New
definition
LEP 429
Amended
definition
LEP 416
GG 28.09.01

“Cluster development” means the erection of 3 or more dwellings on a single allotment of land.

“Coastal hazard protection works” means any works which are undertaken by a public authority for the purpose of managing the impact of coastal tides, flooding, storms, vegetation or erosion on public or private land (or both) in accordance with a Coastal Management Plan adopted by the Council.

“Commercial premises” means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere defined in this Ordinance.

“Communication facility” means a building, structure, work or place used primarily for transmitting or receiving signals for the purposes of communication, and includes (for example but not exhaustively) radio masts, towers and satellite dishes.

“Community facility” means a building or place owned or controlled by a public authority or a community group which provides for the physical, social, cultural or intellectual development, safety or welfare of the community, but does not include a building or place elsewhere defined in this Ordinance.

“Community group” means a body of persons having articles of association or a constitution which provides that the group operates on a “not for profit” basis and where the activities of the group are available to the local community.

“Council” means the Council of the City of Gosford.

New
definition
LEP 460

“Curtilage”, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, which contributes to its heritage significance.

“Dam” means the excavation or other works (or both) associated with the damming or conserving of water for the purposes of (or ancillary to the purposes of) a permissible form of agriculture or intensive agriculture.

New
definition
LEP 460

“Demolish”, in relation to a heritage item, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, relic or tree.

“Demolition”, in relation to a building or work, means the damaging, defacing, destruction, pulling down or removal of that building or work in whole or in part.

“Department” means the Department of Urban Affairs and Planning.

“Dual occupancy-attached” means 2 attached dwellings on a single allotment of land.

“Dual occupancy-detached” means 2 detached dwellings on a single allotment of land.

“Dwelling” means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

“Dwelling-house” means a building containing 1, but not more than 1, dwelling.

“Ecologically sustainable development” means development which uses, conserves and enhances the community’s resources so that ecological processes, on which life depends, are maintained, and the total quality of life now and in the future, can be increased.

“Educational establishment” means a building or place used for teaching and learning comprising;

- (a) a kindergarten, pre-school, primary school or high school; or
- (b) a tertiary institution which is constituted by or under an Act, being a university, teachers’ college, technical college or other tertiary college providing formal education; or
- (c) an art gallery or museum that is not used to sell the items it displays.

“Exhibition home” means a dwelling-house or dwelling used temporarily for display purposes, and includes a sales office for the purpose of promoting the sale of that or other dwellings and interior household fixtures.

“External surfaces” includes external walls and any cladding thereon, doors, door and window frames (but not window panes), columns, roofs, fences and any other surface visible from the exterior of the structure concerned.

“Extractive industry” means:

- (a) the winning of extractive material; or
- (b) an undertaking, not being a mine, which depends for its operations on the winning of extractive materials from the land on which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land.

“Extractive material” means sand, gravel, clay, turf, soil, rock, stone or any similar substance.

“Floor” means the space within a building which is situated between one floor level and the floor level next above, or if there is no floor level above, the ceiling or roof above.

“Floor space” in relation to a building or work, includes all wall thicknesses, ducts, vents, staircases and lift wells, but does not include:

- (a) in the case of a building, any parking space in the building being a space provided to meet the standards required by the consent authority (but not a parking space provided in excess of those standards) or any internal access to that parking space;
- (b) space used for the loading or unloading of goods; or
- (c) lift towers, cooling towers, machinery and plant rooms and any storage space related thereto.

“Floor space ratio” in relation to a building or buildings, means the ratio of the floor space of any building or buildings erected or proposed to be erected to the area of the site on which the buildings are erected or proposed to be erected.

“Forestry” means the cultivation, growing and tending of trees and shrubs, and includes forest protection, the cutting, dressing and preparation of wood and other forest products otherwise than in a sawmill, and any construction or maintenance of roads required for the removal of wood, forest products and forest protection.

“General store” means a shop used for the sale by retail of general merchandise whether or not the shop includes the facilities of a post office.

“Goods terminal” means a building or place used for the principal purpose of the bulk handling of goods for transport by air, rail, road or waterborne vehicles, including facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing, and repair of those vehicles.

“Gross floor area” of a building means the area within the outer face of the external enclosing wall of the building.

“Ground level”, in relation to a site, means the ground level of the site immediately prior to the commencement of any works of excavation and filling and any related works.

“Hardware and building supply outlet” means a place or building used for the display, storage, hire or sale of goods, equipment and materials used in the building industry, but does not include a building or place elsewhere defined in this Ordinance.

“Hazardous industry” means an industry which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property; or
- (b) to the biophysical environment.

“Hazardous storage establishment” means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property; or
- (b) to the biophysical environment.

“Height”, where not specified elsewhere in this Ordinance or in a Development Control Plan, in relation to a building means the vertical distance between the topmost point of the building and the ground level below.

“Heliport” means a place open to the public used for the taking-off and landing of helicopters, whether or not it includes:

- (a) a terminal building; or
- (b) facilities for the parking, storage or repair of helicopters.

New
definition
LEP 460

"Heritage conservation area" means:

- (a) an area of land that is shown as a heritage conservation area on the Heritage Map (including any heritage items situated on or within that conservation area), or
- (b) a place of Aboriginal heritage significance shown on the Heritage Map.

Note. At the commencement of *Gosford Local Environmental Plan No 460* there were no heritage conservation areas of land under the *Gosford Planning Scheme Ordinance*.

New
definition
LEP 460

"Heritage conservation management plan" means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

New
definition
LEP 460

"Heritage impact statement" means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item, archaeological site, place of Aboriginal heritage significance or other heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance.

New
definition
LEP 460

"Heritage item" means a building, work, archaeological site, tree, place or Aboriginal object specified in an inventory of heritage items that is available at the office of the Council and the site and nature of which is described in Schedule 8.

New
definition
LEP 460

"Heritage Map"

Note. There is no Heritage Map for the purposes of this Ordinance.

New
definition
LEP 460

"Heritage significance" means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

"Home business" means a business with not more than 3 Personal Computer based office workplaces carried on within a dwelling, or in a building erected on an allotment containing a dwelling, but only if:

- (a) the combined area used in the capacity of an office does not exceed 30 square metres; and
- (b) the business is conducted and completed totally through electronic means; and
- (c) the business does not interfere unreasonably with the amenity of adjoining properties or involve exposure to view from any place of any unsightly matter, or equipment or machinery; and
- (d) the business does not involve the display of goods, whether in a window or otherwise; and
- (e) the business does not require the provision of any service main of a greater capacity than that available in the locality; and
- (f) the business does not generate significant additional traffic or car parking, or create or increase a condition of ribbon development on any road, adversely affecting the capacity and safety of the road; and
- (g) the advertisements on the site are limited to not more than 2 commercial signs with a combined advertising area not exceeding 1 square metre and which indicate only the name and business carried on the property.

"Home industry" means any industry carried on in a building (other than a dwelling-house or a dwelling in a residential flat building) where :

- (a) the area used does not exceed 30 square metres and is in a building erected within the curtilage of the dwelling-house or residential flat building occupied by the person carrying on the industry; and
- (b) the industry does not interfere unreasonably with the amenity of adjoining properties or involve exposure to view from any place of any unsightly matter, or raw material, equipment, machinery, product or stored finished goods; and
- (c) the industry does not involve the display of goods, whether in a window or otherwise; and
- (d) the industry does not require the provision of any service main of a greater capacity than that available in the locality; and
- (e) the industry does not generate significant additional traffic or car parking, or create or increase a condition of ribbon development on any road, adversely affecting the capacity and safety of the road; and
- (f) there is not more than 1 advertisement on the site, and the advertisement is in the form of a sign which indicates only the name and business carried on the property and which does not exceed 1 metre square.

“Home occupation” means an occupation carried on in a dual occupancy dwelling, dwelling-house or a dwelling in a residential flat building by the permanent residents of the dual occupancy dwelling, dwelling-house or dwelling which does not involve any of the following;

- New
subclause
GG 13.10.00
- (a) the registration of the building under the Factories, Shops and Industries Act, 1962;
 - (b) prostitution;
 - (b1) bed and breakfast accommodation;
 - (c) the employment of persons other than those residents;
 - (d) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise;
 - (e) the display of goods, whether in a window or otherwise;
 - (f) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on or in the curtilage of that dual occupancy dwelling, dwelling-house or dwelling to indicate the name and occupation of the resident which does not exceed 1 metre square);
 - (g) the sale or hire of items (whether goods or materials) or the exposure or display or offer for sale or hire of items, by retail or rental and the like;
 - (h) the generation of significant additional traffic or car parking or the creation of, or increase in, a condition of ribbon development on any road, adversely affecting the capacity and safety of the road.

“Horse establishment” means a building or place used for the breeding, boarding or training of horses for commercial purposes and may include instruction of riders and recreational horse riding.

“Hospital” means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to people admitted as in-patients, whether or not out-patients are also cared for or treated, and includes:

- (a) a nursing home; and
- (b) ancillary facilities for accommodation of staff and visitors; and
- (c) associated educational or research facilities.

“Hotel” means a building or place specified or proposed to be specified in a hotelier's licence granted under the Liquor Act 1982.

“Industry” means:

- (a) any manufacturing process within the meaning of the Factories, Shops and Industries Act 1962; or
 - (b) the breaking up or dismantling of goods or any article for trade or sale or gain or as ancillary to any business,
- but does not include an extractive industry.

“Intensive agriculture” means a building or place used for:

- (a) poultry or pig farming; or
- (b) horticultural production of fruit, vegetables, flowers or plants, being production that necessitates the erection of structure; or
- (c) cattle feed lots.

New
definition
LEP 476
GG 30.11.12

“Kiosk” means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

“Light industry” means an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved and the machinery or materials used do not interfere with the amenity of the neighbourhood.

New
definition
LEP 460
New
definition
LEP 460

“Local heritage significance”, in relation to a place, building, work, historical archaeological site, tree or precinct, means its heritage significance to an area.

“Maintenance”, in relation to a heritage item or a building, work, historical archaeological site, tree or place within a heritage conservation area, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

“Medical centre” means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only.

“Mine” means a place at which there is obtained, or from which there is removed, any material to which the Mining Act 1992, the Coal Mines Regulation Act 1982 or the Petroleum (Onshore) Act 1991 applies, and includes the storage and primary processing of the material obtained.

“Mineral sand mine” means a mine for or in connection with the purpose of obtaining limonite, monazite, rutile, zircon or similar materials.

Amended
definition LEP
429

“Motel” means a building or place used for the temporary or short-term accommodation of travellers or the general public, whether or not a restaurant is included, but does not include a hotel, boarding house, residential flat building or bed and breakfast accommodation.

“Motor showroom” means a building or place used for the display or sale of motor driven or motor drawn vehicles or boats (including accessories for such vehicles or boats).

“Offensive industry” means an industry which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the industry from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

“Offensive storage establishment” means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

New
definition
LEP 460

"Place of Aboriginal heritage significance" means an area of land shown on the Heritage Map that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

"Place of assembly" means a public hall, theatre, cinema, music hall, concert hall, dance hall, drive in theatre, open air theatre, music bowl or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment.

"Place of public worship" means a building or place used predominantly for the purpose of religious worship, whether or not the building or place is also used for counselling, social events or religious training by a congregation or religious group.

"Plant nursery" means a building or place used for the growing and retail sale of plants and ancillary items, whether or not it is also used for storing, handling and subsequent distribution of plants, ancillary items or landscape supplies (including earth products).

New
definition
LEP 429

"Prostitution" includes acts of prostitution between persons of different sexes or of the same sex, and includes:

- (a) sexual intercourse (as defined in section 61H of the Crimes Act 1900) for payment, and
- (b) masturbation committed by one person on another for payment.

"Public utility undertaking" means any of the following undertakings carried on by, or by authority of, any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf, harbour or river undertakings;
 - (b) undertakings for the supply of water, hydraulic power, electricity, telecommunications or gas or the provision of sewerage or drainage services,
- and a reference to a person carrying on a public utility undertaking shall be deemed to include a reference to the Council, County Council, Government Department, Corporation, firm or authority carrying on the undertaking.

"Reception room" means a building or place used principally for the purpose of wedding receptions, birthday parties and the like.

"Recreation and sporting facility" means a building or place used for the purpose of sport and recreation, but does not include anything elsewhere defined in this Ordinance.

"Recreation area" means a children's playground, passive open space area, public garden and the like.

“Recreation establishment” means a health farm, religious retreat house, rest home, youth camp and the like but does not include a building or place elsewhere specifically defined in this clause or a building or place used or intended for use for a purpose elsewhere specifically defined in this clause.

New
definition
LEP 460

“Relic” means any deposit, object or other material evidence of human habitation:

- (a) that relates to the settlement of the area of the City of Gosford, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and
- (c) that is a fixture or is wholly or partly within the ground.

“Renovation” in relation to a building or work means:

- (a) the making of structural changes to the inside or outside of the building or work;
or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair or the painting, plastering or other decoration of the outside of the building or work.

Amended
LEP 429

“Residential flat building” means a building containing 2 or more dwellings.

“Restaurant” means premises, the principal purpose of which is the provision of food and drink to people for consumption on the premises or the provision of take away food and drink, or both.

“Road” means a public thoroughfare used for the passage of persons, vehicles or animals and includes:

- (a) the airspace above the surface of the road;
- (b) the soil beneath the surface of the road; and
- (c) any bridge, tunnel, causeway, road ferry, ford or other works or structure forming part of the road.

“Roadside stall” means a building or place not exceeding 20 square metres in floor space or area as the case may be, where only primary products produced on the property on which the building or place is situated are exposed or offered for sale by retail.

“Rural industry” means the handling, treating processing or packaging primary products and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality, but does not include the extraction of ground water for commercial purposes.

“Scheme” means the Gosford Planning Scheme embodied in this Ordinance.

“Scheme map” means the series of maps, bound in 4 books the title sheets of which are marked “Shire of Gosford Planning Scheme” signed by the Minister for Local Government and deposited in the office of the Department, or a copy of that series, similarly bound and identified, deposited in the office of the Council, as amended by the maps (or the specified sheets of maps) marked as follows, copies of which are deposited in the offices of the Department and of the Council:

Gosford Planning Scheme (Amendment No 4);
 Gosford Planning Scheme (Amendment No 6)
 Gosford Local Environmental Plan No 1;
 Gosford Local Environmental Plan No 14;
 Gosford Local Environmental Plan No 26;
 Gosford Local Environmental Plan No 31;
 Gosford Local Environmental Plan No 37;
 Gosford Local Environmental Plan No 38;
 Gosford Local Environmental Plan No 47;
 Gosford Local Environmental Plan No 48,
 to the extent to which that map relates to land shown as being
 within a zone other than Zone No. 7(c2) within the meaning of
 Interim Development Order No 122 – Gosford;
 Gosford Local Environmental Plan No 49,
 in respect of so much of the land shown on that map as being within
 Zone No 3(a), 4(b), 5(a), 5(d), 6(a), or 6(e);
 Gosford Local Environmental Plan No 56;
 Gosford Local Environmental Plan No 58;
 Gosford Local Environmental Plan No 59,
 to the extent to which that map relates to land shown as being
 within a zone other than Zone No 7(a) or 7(c2) within the meaning
 of Interim Development Order No 122 – Gosford;
 Gosford Local Environmental Plan No 66;
 Gosford Local Environmental Plan No 71;
 Gosford Local Environmental Plan No 72;
 Gosford Local Environmental Plan No 73;
 Sydney Regional Environmental Plan No 6
 - Gosford Coastal Areas, to the extent to which that map relates
 to land shown as being within a zone other than Zone No 1(c),
 1(d), 6(d), 7(a), 7(c2), or 7(c3) within the meaning of Interim
 Development Order No 122 – Gosford;
 Gosford Local Environmental Plan No 78;
 Gosford Local Environmental Plan No 79,
 to the extent to which that map relates to land shown as being
 within a zone other than Zone No 7(a) within the meaning of
 Interim Development Order No 122 – Gosford;
 Gosford Local Environmental Plan No 82;
 Gosford Local Environmental Plan No 83;
 Gosford Local Environmental Plan No 84;
 Gosford Local Environmental Plan No 85;
 Gosford Local Environmental Plan No 86;
 Gosford Local Environmental Plan No 89;
 Gosford Local Environmental Plan No 97;
 Gosford Local Environmental Plan No 98;
 Gosford Local Environmental Plan No 100;
 Gosford Local Environmental Plan No 101;
 Gosford Local Environmental Plan No 102;
 Gosford Local Environmental Plan No 106;
 Gosford Local Environmental Plan No 110;
 Gosford Local Environmental Plan No 114;
 Gosford Local Environmental Plan No 118;
 Gosford Local Environmental Plan No 119,
 to the extent to which that map relates to land shown as being
 within Zone No. 5(a) or 6(b);

Gosford Local Environmental Plan No 125;
 Gosford Local Environmental Plan No 126;
 Gosford Local Environmental Plan No 127;
 Gosford Local Environmental Plan No 134;
 Gosford Local Environmental Plan No 136;
 Gosford Local Environmental Plan No 144;
 Gosford Local Environmental Plan No 147;
 Gosford Local Environmental Plan No 156;
 Gosford Local Environmental Plan No 157;
 Gosford Local Environmental Plan No 158;
 Gosford Local Environmental Plan No 160;
 Gosford Local Environmental Plan No 162;
 Gosford Local Environmental Plan No 163;
 Gosford Local Environmental Plan No 165;
 Gosford Local Environmental Plan No 166;
 Gosford Local Environmental Plan No 167;
 Gosford Local Environmental Plan No 168;
 Gosford Local Environmental Plan No 171,

to the extent to which that map relates to land shown as being
 within a zone other than Zone No 7(a) within the meaning of
 Interim Development Order No 122 – Gosford;

Gosford Local Environmental Plan No 175;
 Gosford Local Environmental Plan No 176;
 Gosford Local Environmental Plan No 177;
 Gosford Local Environmental Plan No 182;
 Gosford Local Environmental Plan No 187;
 Gosford Local Environmental Plan No 188;
 Gosford Local Environmental Plan No 191;
 Gosford Local Environmental Plan No 192,

to the extent to which that map relates to land shown as being
 within a zone other than Zone No 7(c3) within the meaning of
 Interim Development Order No 122 – Gosford;

Gosford Local Environmental Plan No 193;
 Gosford Local Environmental Plan No 197;
 Gosford Local Environmental Plan No 199;
 Gosford Local Environmental Plan No 200,

to the extent to which that map relates to land shown as being
 within a zone other than Zone No 7(a) within the meaning of
 Interim Development Order No 122 – Gosford;

Gosford Local Environmental Plan No 201;
 Gosford Local Environmental Plan No 204;
 Gosford Local Environmental Plan No 205;
 Gosford Local Environmental Plan No 206;
 Gosford Local Environmental Plan No 207;
 Gosford Local Environmental Plan No 208;
 Gosford Local Environmental Plan No 209;
 Gosford Local Environmental Plan No 210;
 Gosford Local Environmental Plan No 211;
 Gosford Local Environmental Plan No 212;
 Gosford Local Environmental Plan No 213;
 Gosford Local Environmental Plan No 216;
 Gosford Local Environmental Plan No 218;
 Gosford Local Environmental Plan No 221;

Gosford Local Environmental Plan No 226;
 Gosford Local Environmental Plan No 227;
 Gosford Local Environmental Plan No 229;
 Gosford Local Environmental Plan No 231,
 to the extent that the land represented thereon is coloured light
 scarlet and lettered "2(a)";
 Gosford Local Environmental Plan No 234;
 Gosford Local Environmental Plan No 235 – Sheets 1 & 2;
 Gosford Local Environmental Plan No 236;
 Gosford Local Environmental Plan No 238;
 Gosford Local Environmental Plan No 239;
 Gosford Local Environmental Plan No 240;
 Gosford Local Environmental Plan No 242;
 Gosford Local Environmental Plan No 246;
 Gosford Local Environmental Plan No 247;
 Gosford Local Environmental Plan No 248;
 Gosford Local Environmental Plan No 251;
 Gosford Local Environmental Plan No 253;
 Gosford Local Environmental Plan No 255
 (other than such of the land as is marked "Deferred" on that map);
 Gosford Local Environmental Plan No 257;
 Gosford Local Environmental Plan No 258;
 Gosford Local Environmental Plan No 260;
 Gosford Local Environmental Plan No 261;
 Gosford Local Environmental Plan No 264;
 Gosford Local Environmental Plan No 266,
 to the extent to which that map relates to land shown as being
 within Zone No. 2(a) and 6(b);
 Gosford Local Environmental Plan No 267;
 Gosford Local Environmental Plan No 268;
 Gosford Local Environmental Plan No 270;
 Gosford Local Environmental Plan No 273;
 Gosford Local Environmental Plan No 275;
 Gosford Local Environmental Plan No 278;
 Gosford Local Environmental Plan No 279
 (Sheets 1 & 2), to the extent to which that map relates to land
 shown as being within Zone No 2(a), 6(a) or 9(a);
 Gosford Local Environmental Plan No 281;
 Gosford Local Environmental Plan No 284;
 Gosford Local Environmental Plan No 288;
 Gosford Local Environmental Plan No 289;
 Gosford Local Environmental Plan No 291;
 Gosford Local Environmental Plan No 293;
 Gosford Local Environmental Plan No 294 (Sheet 2);
 Gosford Local Environmental Plan No 295;
 Gosford Local Environmental Plan No 296,
 to the extent to which that map relates to land
 shown as being within a zone other than
 Zone No 7(a) within the meaning of Interim
 Development Order No 122 - Gosford;

Gosford Local Environmental Plan No 297;
 Sydney Regional Environmental Plan No 7,
 - Multi-Unit Housing: Surplus Government Sites
 (Amendment No 5) - Sheet 2 (being a sheet of a
 map deposited in the office of the Department
 a copy of which is deposited in the office of the Council);
 Gosford Local Environmental Plan No 298;
 Gosford Local Environmental Plan No 299;
 Gosford Local Environmental Plan No 302;
 Gosford Local Environmental Plan No 303;
 Gosford Local Environmental Plan No 304 (Sheets 1 & 2);
 Gosford Local Environmental Plan No 306;
 Gosford Local Environmental Plan No 308;
 Gosford Local Environmental Plan No 309;
 Gosford Local Environmental Plan No 312;
 Gosford Local Environmental Plan No 316;
 Gosford Local Environmental Plan No 317 (Sheet 1);
 Gosford Local Environmental Plan No 319;
 Gosford Local Environmental Plan No 320;
 Gosford Local Environmental Plan No 322;
 Gosford Local Environmental Plan No 323;
 Gosford Local Environmental Plan No 325;
 Gosford Local Environmental Plan No 326;
 Gosford Local Environmental Plan No 328 (Sheet 3, 4 & 6);
 Gosford Local Environmental Plan No 329;
 Gosford Local Environmental Plan No 330;
 Gosford Local Environmental Plan No 332;
 Gosford Local Environmental Plan No 333;
 Gosford Local Environmental Plan No 336;
 Gosford Local Environmental Plan No 341;
 Gosford Local Environmental Plan No 344 - Sheet 1;
 Gosford Local Environmental Plan No 346;
 Gosford Local Environmental Plan No 348;
 Gosford Local Environmental Plan No 349;
 Gosford Local Environmental Plan No 350;
 Gosford Local Environmental Plan No 351 – Sheet 1;
 Gosford Local Environmental Plan No 353;
 Gosford Local Environmental Plan No 354;
 Gosford Local Environmental Plan No 356;
 Gosford Local Environmental Plan No 358;
 Gosford Local Environmental Plan No 361;
 Gosford Local Environmental Plan No 365;
 Gosford Local Environmental Plan No 366 – Sheet 1;
 Gosford Local Environmental Plan No 367;
 Gosford Local Environmental Plan No 370;
 Gosford Local Environmental Plan No 374;
 Gosford Local Environmental Plan No 375;
 Gosford Local Environmental Plan No 377;
 Gosford Local Environmental Plan No 382;
 Gosford Local Environmental Plan No 380;
 Gosford Local Environmental Plan No 383;
 Gosford Local Environmental Plan No 384;
 Gosford Local Environmental Plan No 387 – Sheet 1
 Gosford Local Environmental Plan No 390;
 Gosford Local Environmental Plan No 393;
 Gosford Local Environmental Plan No 395;

Gosford Local Environmental Plan No 397;
 Gosford Local Environmental Plan No 408;
 Gosford Local Environmental Plan No 409;
 Gosford Local Environmental Plan No 411;
 Gosford Local Environmental Plan No 412;
 Gosford Local Environmental Plan No 419;
 Gosford Local Environmental Plan No 414 - Sheet 1
 Gosford Local Environmental Plan No 420
 Gosford Local Environmental Plan No 421
 Gosford Local Environmental Plan No 422
 Gosford Local Environmental Plan No 429
 Gosford Local Environmental Plan No 432 – Sheet 1
 Gosford Local Environmental Plan No 433
 Gosford Local Environmental Plan No 434 – Sheet 1
 Gosford Local Environmental Plan No 435
 Gosford Local Environmental Plan No 437
 Gosford Local Environmental Plan No 442;
 to the extent to which that map relates
 to land shown as being within Zone
 No 3 (a);
 Gosford Local Environmental Plan No 444
 Gosford Local Environmental Plan No 446
 Gosford Local Environmental Plan No 448
 Gosford Local Environmental Plan No 449
 Gosford Local Environmental Plan No 451
 Gosford Local Environmental Plan No 452
 Gosford Local Environmental Plan No 455
 Gosford Local Environmental Plan No 458
 Gosford Local Environmental Plan No 462
 Gosford Local Environmental Plan No 464 - Sheet 1
 Gosford Local Environmental Plan No 467
 Gosford Local Environmental Plan No 469
 Gosford Local Environmental Plan No 474
 to the extent to which that map relates to land shown as being within a zone other
 than Zone No 7(a) within the meaning of Interim Development Order No 122 -
 Gosford
 Gosford Local Environmental Plan No 478

“Service station” means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is also used for one or more of the following:

- (a) the sale by retail of spare parts and accessories and the installation of motor vehicle accessories for motor vehicles;
- (b) the washing and greasing of motor vehicles;
- (c) the repairing or servicing of motor vehicles (other than body building, panel beating or spray painting);
- (d) sale or hire of motor vehicles or trailers;
- (e) sale of small consumer items.

“Shop” means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere defined in this clause.

“Shop top housing” means residential accommodation comprising not more than two dwellings, each of which:

- (a) is located wholly or partially above a shop or commercial premises (or both), and
- (b) may be separately titled, and
- (c) forms an integrated component of the building in which the shop or commercial premises is located.

“Stock and sale yard” means a building or place used for the purpose of offering livestock or poultry for sale.

New
definition
LEP 429

“Tourist Unit” means a room or suite of rooms occupied or used, or so constructed or adapted to be able to be occupied or used, on a temporary basis for the accommodation of tourists only.

“Tree preservation order” means an order under clause 44.

“Utility installation” means a building or work used for a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

“Vehicle body repair workshop” means a building or place used for the repair of motor vehicles, agricultural or other machinery involving body building, panel beating or spray painting.

“Vehicle repair station” means a building or place used for :

- (a) the selling or fitting of accessories to; or
- (b) the repair (other than body building, panel beating or spray painting) of, motor vehicles or agricultural machinery.

“Veterinary hospital” means a building or place used for the purpose of providing veterinary services to animals (including preventative care, diagnosis and medical or surgical treatment), whether or not the animals are kept on the premises for the purpose of treatment.

“Warehouse” means a building or place used for the storing, handling and subsequent distribution of goods, materials or merchandise, but does not include a building or place used for the retail sale of such goods, materials or merchandise or any other building or place elsewhere defined in this Ordinance.

“Zone” means a zone referred to in clause 10 and shown on the scheme map by distinctive colouring or edging or in some other distinctive manner or referred to in that clause for the purpose of indicating the restrictions imposed by this Ordinance on the development or use of land.

Land to which Scheme Applies

Clause
amended
11.7.80

4. (1) This Ordinance applies to all land within the City of Gosford as shown on the scheme map, with boundaries as indicated on that map.

New
Subclause
GG 19.7.85

- (2) This Ordinance does not apply to the following land:

Land shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 130" deposited in the office of the Council.

GG 29.11.85

- Land shown edged heavy black on the map marked "Gosford

Local Environmental Plan No. 145" deposited in the office of the Council.

- GG 22.9.89 Land shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 241" deposited in the office of the Council.
- GG 28.9.90 Land, being lot 3, D.P. 800618 corner Perina Road and Dwyer Street, North Gosford, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 259" deposited in the office of the Council.
- GG 19.7.91 Land, being lot 12, DP 570005, Table Top Road, North Avoca, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 274", deposited in the office of the Council.
- GG 20.9.96 Land shown edged heavy black on Sheets 1 and 2 of the map marked "Gosford Local Environmental Plan No. 328" deposited in the office of the Council.
- GG 22.8.97 Land shown edged heavy black on Sheet 2 of the map marked "Gosford Local Environmental Plan No. 344" deposited in the office of the Council.
- GG 11.9.98 Land at Terrigal, being part of Lot 13, D.P. 874357, Golden Grove Circuit, as shown edged heavy black on Sheet 2 of the map marked "Gosford Local Environmental Plan No. 366" deposited in the office of the Council.
- GG 11.12.98 Land, being part Lot C, D.P. 376008, Beachfront Parade, St Huberts Island, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 373" deposited in the office of the Council.
- GG 18.5.01 Land, being Crown land fronting the Pacific Highway, West Gosford, as shown edged heavy black on Sheet 2 of the map marked "Gosford Local Environmental Plan No 408" deposited in the office of the Council.

SEPP 25 and SREP 12 not to apply to land to which this Ordinance applies

- New Clause 4A. The following do not apply to land to which this Ordinance applies:
GG 20.10.95 State Environmental Planning Policy No. 25 - Residential Allotment Sizes
Sydney Regional Environmental Plan No. 12 - Dual Occupancy

Responsible Authorities

- Clause Substituted 11.7.80 5. (1) The Department shall be the responsible authority and shall be charged with the functions of carrying into effect and enforcing the provisions of the scheme relating to -
- (a) the acquisition and transfer of land within Zone No. 6(d);
 - (b) controlled access roads; and
 - (c) any matters in respect of which the Department is expressly charged with any power, authority, duty or function.
- (2) The Council shall, subject to this Ordinance, be the responsible authority and shall be charged with the functions of carrying into effect and enforcing the provisions of this Ordinance relating to any power, authority, duty or function other than those specified in subclause (1).

PART II.

Reservation of Land

Clause
amended
11.7.80

6. The several parcels of land specified in Column 1 of the Table to this clause are reserved for the purposes set out opposite that land in Column 2 of the Table.

Reserved
land

TABLE

Column 1	Column 2
Indication on Scheme Map of land reserved	Purposes for which land is reserved
All land coloured light green	Open Space – parks and recreation
All land coloured yellow with green edging	Special uses – the particular purpose indicated by scarlet lettering on the scheme map
All land coloured grey between broken black lines	New Roads
All land coloured grey between a broken black line and a firm black line	Widening of existing roads

Buildings etc. not to be erected without consent on reserved land

Clause
substituted
11.7.80

7. (1) Except as provided in subclause (2), a person shall not, on land reserved under this Part, erect a building or carry out or alter a work of a permanent character or make or alter a permanent excavation other than a building or a permanent work or a permanent excavation required for or incidental to the purpose for which the land is so reserved and a person shall not spoil or waste land so as to render it unfit for the purpose for which it is reserved.
- (2) Where it appears to the responsible authority that the purpose for which land is reserved under this Part cannot be carried into effect within a reasonable time after the appointed day, the owner of the land may, with the consent of the responsible authority, erect a building or carry out or alter a work of a permanent character or make or alter a permanent excavation.
- (3) A consent granted under this clause shall be subject to such conditions (including conditions with respect to the removal or alteration of the building, work or excavation, or any such alteration of a work or excavation, or the reinstatement of the land or the removal of any waste material or refuse, with or without payment of compensation) as the responsible authority thinks fit.

- | | |
|--|---|
| Clause amended
GG
12.12.08 | (4) A consent must not be granted under this clause in relation to land reserved for special uses (other than special uses - parking), unless the consent authority has taken the following into consideration: <ul style="list-style-type: none"> (a) the impact of the proposed development on the existing or likely future use of the land, (b) the need for the proposed development on the land, (c) the need to retain the land for its existing and likely future use.
(5) Nothing in this clause shall operate to prohibit the erection of a fence on any land reserved under this Part or the erection or construction, with the consent of the responsible authority, on the land of any utility installation. |
| Use of land | 8. A person shall not, without the consent of the responsible authority, use land reserved under this Part or any building, work or excavation thereon for any purpose other than for the purpose of its existing use. |
| 1. Acquisition of land
Subclause amended
11.7.80 | 9. (1) The owner of any land reserved under this Part upon which the erection of any building or the carrying out or alteration of any work of a permanent character or the making or alteration of any permanent excavation is prohibited except for or incidental to a purpose for which the land is so reserved, or the owner of any land so reserved, in respect of which the responsible authority has refused its consent pursuant to clause 7(2) or 8 may, by notice in writing, require the responsible authority to acquire such land. |
| Subclause amended
11.7.80 | (2) Upon receipt of a notice referred to in subclause (1) the responsible authority shall acquire the land to which the notice relates. |

PART III.

RESTRICTIONS ON BUILDING AND USE OF LAND

Zone objectives and development control table

- | | |
|------------------------------|---|
| New clause
LEP 381 | <p>10. (1) The objectives of a zone are set out in the Table to this clause in relation to the zone concerned.</p> <p>(2) Subject to the other provisions of this Ordinance, in relation to land within a zone, the development (if any) that is:</p> <ul style="list-style-type: none"> (a) development that does not require consent; or (b) development that needs consent; or (c) prohibited development, <p>is specified in relation to the relevant zone in the Table under the heading “development that does not require consent”, “development that needs consent” and “prohibited development”.</p> <p>(3) The Council must not grant consent for development on land within a zone unless it has taken into consideration the objectives of the zone and the consistency of that development within those objectives as well as the objectives of the Local Government Act 1993 relating to ecologically sustainable development.</p> |
| New
sub-clause
LEP 426 | <p>(4) The Council must not grant consent for development unless it has taken into consideration the character of the development site and the surrounding area, where, for the purpose of this provision, character means the qualities that distinguish each area and the individual properties located within that area.</p> |

TABLE
ZONE NO. 1(a) NON URBAN
(Light brown)

Objective of the zone

The objective of Zone No. 1(a) is to provide for non-urban activities in proximity to urban areas covered by this Ordinance.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
agriculture; home occupations; recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
animal establishments; bed and breakfast accommodation; camping grounds or caravan
parks; child care centres; communication facilities; community facilities; **dual
occupancies-attached; dwelling-houses;** educational establishments; general
stores; home industries; places of public worship; plant nurseries; roads; rural
industries; utility installations; veterinary hospitals.
Subdivision.

Note: Development or related activities in this category indicated in **BOLD** may
comprise complying development. An application may be made to Council or an
accredited certifier for a complying development certificate. Details of such development
or related activities are specified in Schedule 11.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 1(b) NON URBAN

(Light brown with dark scarlet edging and lettered 1(b))

Objective of the zone

The objective of Zone No. 1(b) is to provide for non-urban activities in proximity to urban areas covered by this Ordinance.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
agriculture; home occupations; recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
animal establishments; bed and breakfast accommodation; camping grounds or caravan parks; child care centres; communication facilities; community facilities; **dual occupancies-attached; dwelling-houses**; educational establishments; general stores; home industries; places of public worship; plant nurseries; roads; rural industries; utility installations; veterinary hospitals.
Subdivision.

Note: Development or related activities in this category indicated in **BOLD** may comprise complying development. An application may be made to Council or an accredited certifier for a complying development certificate. Details of such development or related activities are specified in Schedule 11.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 1(c) NON URBAN

(Light brown with dark scarlet edging and lettered 1(c))

Objective of the zone

The objective of Zone No. 1(c) is to provide for non-urban activities in proximity to urban areas covered by this Ordinance.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
agriculture; home occupations; recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
animal establishments; bed and breakfast accommodation; camping grounds or caravan parks; child care centres; communication facilities, community facilities; **dual occupancies-attached; dwelling-houses;** educational establishments; general stores; home industries; motels; places of public worship; plant nurseries; roads; rural industries; utility installations; veterinary hospitals.
Subdivision.

Note: Development or related activities in this category indicated in **BOLD** may comprise complying development. An application may be made to Council or an accredited certifier for a complying development certificate. Details of such development or related activities are specified in Schedule 11.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 1(d) NON URBAN (VILLAGE) (Uncoloured with dark scarlet edging and lettered "V")

Objective of the zone

The objective of Zone No. 1(d) is to identify land in existing non-urban areas for the purposes of providing services for the non-urban population.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
agriculture; home occupations; recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
bed and breakfast accommodation; camping grounds or caravan parks; child care centres; clubs; commercial premises; communication facilities; **dual occupancies-attached; dwelling-houses**; educational establishments; home industries; hospitals; hotels; motels; places of assembly; places of public worship; plant nurseries; reception rooms; recreation and sporting facilities; **residential flat buildings**; restaurants; roads; rural industries; service stations; shops; utility installations.
Subdivision.

Note: Development or related activities in this category indicated in **BOLD** may comprise complying development. An application may be made to Council or an accredited certifier for a complying development certificate. Details of such development or related activities are specified in Schedule 11.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 2(a) RESIDENTIAL

(Light scarlet with heavy black edging and lettered 2(a))

Objectives of the zone

The objectives of Zone No. 2(a) are:

- (a) to make provision for the orderly and economic development of suitable land for a variety of low density housing forms which are essentially domestic in scale and which have private gardens; and
- (b) to provide for other uses, but only where they:
 - (i) are compatible with a low density residential environment and afford services to residents at a local level; and
 - (ii) are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for low scale housing.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
agriculture; home occupations; recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Cluster development.

Development (other than exempt development) for the purpose of:
bed and breakfast accommodation; boatsheds; child care centres; communication facilities; community facilities; **dual occupancies-attached; dual occupancies-detached; dwelling-houses**; educational establishments; exhibition homes; general stores; home businesses; home industries; hospitals; places of public worship; roads; utility installations.
Subdivision.

Note: Development or related activities in this category indicated in **BOLD** may comprise complying development. An application may be made to Council or an accredited certifier for a complying development certificate. Details of such development or related activities are specified in Schedule 11.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 2(b) RESIDENTIAL

(Light scarlet with heavy black edging and lettered 2 (b))

Objectives of the zone

The objectives of Zone No. 2(b) are:

- (a) to make provision for the orderly and economic development of suitable land in appropriate locations for a variety of housing forms at medium density; and
- (b) to provide for other uses which:
 - (i) are compatible with a medium density residential environment and afford services to residents at a local level; and
 - (ii) are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for medium density residential uses.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
home occupations; recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
bed and breakfast accommodation; boarding houses; carparks; child care centres;
communication facilities; community facilities; **dual occupancies-attached; dual
occupancies-detached; dwelling-houses;** educational establishments;
exhibition homes; general stores; home industries; hospitals; medical centres; motels;
places of public worship; **residential flat buildings;** roads; utility installations.
Subdivision.

Note: Development or related activities in this category indicated in **BOLD** may comprise complying development. An application may be made to Council or an accredited certifier for a complying development certificate. Details of such development or related activities are specified in Schedule 11.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 2(c) RESIDENTIAL

(Light scarlet with heavy black edging and lettered 2(c))

Objectives of the zone

The objectives of Zone No. 2(c) are:

- (a) to make provision for the orderly and economic development of suitable land in appropriate locations for housing at medium to high density; and
- (b) to provide for other uses which:
 - (i) are compatible with a medium to high density residential environment and afford services to residents at a local level; and
 - (ii) are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for high density residential uses.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
home occupations; recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
bed and breakfast accommodation; boarding houses; carparks; child care centres;
communication facilities; community facilities; **dual occupancies-attached; dual
occupancies-detached; dwelling-houses;** educational establishments;
exhibition homes; general stores; home industries; hospitals; medical centres; motels;
places of public worship; **residential flat buildings;** roads; utility installations.
Subdivision.

Note: Development or related activities in this category indicated in **BOLD** may comprise complying development. An application may be made to Council or an accredited certifier for a complying development certificate. Details of such development or related activities are specified in Schedule 11.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 2(d) RESIDENTIAL

(Light scarlet with heavy black edging and lettered 2 (d))

Objectives of the zone

The objectives of Zone No. 2(d) are:

- (a) to make provision for the orderly and economic development of suitable land in appropriate locations for housing at high density; and
- (b) to provide for other uses which:
 - (i) are compatible with a high density residential environment and afford services at a local level; and
 - (ii) are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for high density residential uses.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
home occupations; recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
bed and breakfast accommodation; boarding houses; carparks; child care centres;
communication facilities; community facilities; **dual occupancies-attached; dual
occupancies-detached; dwelling-houses;** educational establishments;
exhibition homes; general stores; home industries; hospitals; medical centres; motels;
places of public worship; **residential flat buildings;** roads; utility installations.
Subdivision.

Note: Development or related activities in this category indicated in **BOLD** may comprise complying development. An application may be made to Council or an accredited certifier for a complying development certificate. Details of such development or related activities are specified in Schedule 11.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 2(f) RESIDENTIAL (Beach Frontage)

(Light scarlet with dark red edging and lettered 2(f))

Objective of the Zone

The objective of Zone No. 2(f) is to ensure that low scale development on land situated in proximity to public areas or identified as being subject to hazard from coastal erosion and storms (or both) is located and constructed so as to avoid or minimise the potential hazard and minimise visual impact.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
home occupations; recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
bed and breakfast accommodation; dwelling-houses, recreation areas; roads; utility
installations.
Subdivision.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 3(a) BUSINESS (GENERAL)

(Light blue)

Objectives of the Zone

The objectives of Zone No. 3(a) are:

- (a) to provide for the development of retail and commercial centres which make provision for the shopping and service needs of the community at the regional, district or neighbourhood level (or at 2 or more of these levels); and
- (b) to allow residential or other ancillary development but only where it is unlikely to significantly prejudice the supply of retail and commercial floor space within the City of Gosford.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
home occupations; recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
advertisements; bed and breakfast accommodation; boarding houses; bulky goods salesrooms or showrooms; bus depots; carparks; childcare centres; clubs;
commercial premises; communication facilities; community facilities; educational establishments; general stores; goods terminals; hardware and building supply outlets; hotels; medical centres; motels; motor showrooms; places of assembly; places of public worship; plant nurseries; reception rooms; recreation and sporting facilities;
residential flat buildings; restaurants; roads; service stations; **shops**; shop-top housing; utility installations; vehicle repair stations; warehouses.
Subdivision.

Note: Development or related activities in this category indicated in **BOLD** may comprise complying development. An application may be made to Council or an accredited certifier for a complying development certificate. Details of such development or related activities are specified in Schedule 11.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 3(b) BUSINESS (SPECIAL) (Light blue with dark scarlet edging and lettered 3(b))

Objectives of the zone

The objectives of Zone No. 3(b) are:

- (a) to provide for the development of commercial centres which make provision for the service needs of the community; and
- (b) to allow residential or other ancillary development but only where it is unlikely to significantly prejudice the supply of commercial floor space within the City of Gosford.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
home occupations; recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
advertisements; bed and breakfast accommodation; boarding houses; bulky goods salesrooms or showrooms; bus depots; carparks; child care centres; clubs;
commercial premises; community facilities; dwelling-houses; educational establishments; goods terminals; hardware and building supply outlets; hotels; light industries; medical centres; motels; motor showrooms; places of assembly; places of public worship; plant nurseries; recreation and sporting facilities; recreation areas;
residential flat buildings; restaurants; roads; service stations; shop-top housing; tennis courts; utility installations; vehicle repair stations; warehouses.
Subdivision.

Note: Development or related activities in this category indicated in **BOLD** may comprise complying development. An application may be made to Council or an accredited certifier for a complying development certificate. Details of such development or related activities are specified in Schedule 11.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 3(c) BUSINESS (CENTRAL)

(Light blue with heavy black edging with lettered 3(c))

Objectives of the Zone

The objectives of Zone No. 3(c) are:

- (a) to provide for the development of retail and commercial centres which make provision for the shopping and service needs at a regional level for the community within the Gosford Central Business District; and
- (b) to allow residential or other ancillary development but only where it is unlikely to significantly prejudice the supply of retail and commercial floor space within the City of Gosford.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
advertisements; boarding houses; bulky goods salesrooms or showrooms; carparks;
child care centres; clubs; **commercial premises**; communication facilities;
community facilities; educational establishments; general stores; goods terminals;
hardware and building supply outlets; hotels; medical centres; motels; motor
showrooms; places of assembly; places of public worship; plant nurseries; reception
rooms; recreation and sporting facilities; **residential flat buildings**; restaurants;
roads; service stations; **shops**; utility installations; vehicle repair stations; warehouses.
Subdivision.

Note: Development or related activities in this category indicated in **BOLD** may comprise complying development. An application may be made to Council or an accredited certifier for a complying development certificate. Details of such development or related activities are specified in Schedule 11.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 4(a) INDUSTRIAL (GENERAL) (Purple)

Objectives of the Zone

The objectives of Zone No. 4(a) are:

- (a) to enable the development or use of land for industrial or storage purposes (or both) which require, due to the nature of the activity concerned, physical separation from other industrial, commercial, retail and residential uses; and
- (b) to allow other development where it:
 - (i) is of a nature which the community feels is appropriate only in the Industrial (General) areas; and
 - (ii) provides for relatively low intensity uses with extensive floor space requirements which, by nature of the activity concerned, require direct and easy access to motor vehicle parking areas for loading purposes; and
 - (iii) is unlikely to prejudice the viability of established retail and commercial centres when considered both on its own and with other similar land uses which are existing or proposed; and
 - (iv) is primarily intended to provide personal services to persons occupied or employed in carrying out development otherwise permitted in the zone.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
advertisements; animal establishments; boarding houses; bus depots; brothels;
carparks; childcare centres; clubs; communication facilities; community facilities;
educational establishments; goods terminals; hardware and building supply outlets;
heliports; industries; medical centres; motor showrooms; places of public worship; plant
nurseries; reception rooms; recreation and sporting facilities; restaurants; roads; service
stations; utility installations; vehicle body repair workshops; vehicle repair stations;
veterinary hospitals; warehouses.
Subdivision.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 4(b) INDUSTRIAL (LIGHT)

(Purple with dark scarlet edging and lettered 4 (b))

Objectives of the Zone

The objectives of Zone No. 4(b) are:

- (a) to enable the development or use of land for industrial or storage purposes (or both) which, due to the nature of the activity concerned, can be located in reasonable proximity to other industrial, commercial, retail and residential uses; and
- (b) to allow other development where it:
 - (i) provides for relatively low intensity uses with extensive floor space requirements which, by nature of the activity concerned, require direct and easy access to motor vehicle parking areas for loading purposes; and
 - (ii) is unlikely to prejudice the viability of established retail and commercial centres when considered both on its own and with other similar land uses which are existing or proposed; and
 - (iii) is primarily intended to provide personal services to persons occupied or employed in carrying out development otherwise permitted in the zone.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
recreation areas.

Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:

advertisements; animal establishments; boarding houses; bus depots; car parks; childcare centres; clubs; communication facilities; community facilities; educational establishments; hardware and building supply outlets; industries; **light industries**, medical centres; places of public worship; plant nurseries; reception rooms; recreation and sporting facilities; service stations; utility installations; vehicle repair stations; veterinary hospitals; warehouses.

Subdivision.

Note: Development or related activities in this category indicated in **BOLD** may comprise complying development. An application may be made to Council or an accredited certifier for a complying development certificate. Details of such development or related activities are specified in Schedule 11.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 4(c) INDUSTRIAL (EXTRACTIVE)
(Purple with dark scarlet edging and lettered 4(c))

Objective of the Zone

The objective of Zone No. 4(c) is to identify land for extractive industry purposes under this Ordinance.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
communication facilities; extractive industries; roads; utility installations.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 4(d) INDUSTRIAL (OFFENSIVE OR HAZARDOUS) (Purple with dark scarlet edging and lettered 4(d))

Objective of the Zone

The objective of Zone No. 4(d) is to provide for certain land uses which, because of their nature, cannot be permitted in other industrially-zoned localities.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
communication facilities; hazardous industries; hazardous storage establishments;
offensive industries; offensive storage establishments; roads; utility installations.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 5(a) SPECIAL USES

(Yellow)

Objectives of the Zone

The objectives of Zone No. 5(a) are:

- (a) to provide for the development of some miscellaneous public facilities; and
- (b) to provide for other land uses if they do not affect the usefulness of the land for the purpose for which it is zoned.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
the particular land use indicated by scarlet lettering on the scheme map; roads; utility
installations.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 5(b) SPECIAL USES (RAILWAYS)

(Dark Grey)

Objective of the Zone

The objective of Zone No. 5(b) is to provide for the development of railway facilities and services in certain parts of the Gosford area.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Any development not included in Item 1 or 3.

3 PROHIBITED DEVELOPMENT

Nil.

ZONE NO. 5(d) SPECIAL USES – ROADS RESERVATION

(Grey)

Objective of the Zone

The objective of Zone No. 5(d) is to provide for the development of road facilities and services in certain parts of the Gosford area.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
roads; utility installations.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

**ZONE NO. 5(e) SPECIAL USES
(ARTERIAL ROAD - PROPOSED)**
(Broken Red band between firm black lines)

Objective of the Zone

The objective of Zone No. 5(e) is to provide for the development of arterial road facilities and services in certain parts of the Gosford area.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
roads; utility installations.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 6(a) OPEN SPACE (RECREATION)

(Dark Green)

Objective of the Zone

The objective of Zone No. 6(a) is to identify and make provision for land for the purposes of leisure and recreation to promote community benefits and contribute to the amount and distribution of public open space areas at acceptable levels and at standards which meet the needs of the community.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
camping grounds or caravan parks; community facilities; kiosks; restaurants; roads;
utility installations.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 6(b) OPEN SPACE (SPECIAL PURPOSES)

(Uncoloured with dark green edging)

Objective of the Zone

The objective of Zone No. 6(b) is to identify land for open space purposes, being land that is not able to be appropriately included in other open space zones.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
the particular land use indicated by scarlet lettering on the scheme map;
roads; utility installations.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

**ZONE NO. 6(c) OPEN SPACE
(PRIVATE RECREATION)**
(Dark green with yellow edging)

Objective of the Zone

The objective of Zone No. 6(c) is to restrict development for the purposes of private recreation facilities to development that:

- (a) promotes community benefits; and
- (b) does not reduce the amount and distribution of public open space areas below acceptable levels or standards which meet the needs of the community; and
- (c) does not have an unacceptable impact on the amenity of adjacent localities.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
clubs; recreation and sporting facilities; recreation areas; restaurants; roads; utility installations.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 6(d) OPEN SPACE (REGIONAL)

(Light green with scarlet edging)

Objective of the Zone

The objective of Zone No. 6(d) is to identify and protect land for acquisition by the Department of Urban Affairs and Planning for open space purposes.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
roads; utility installations.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 6(e) OPEN SPACE (PROPOSED)
(Light green with scarlet edging and lettered 6(e))

Objective of the Zone

The objective of Zone No. 6(e) is to identify and protect land for acquisition by a public authority for open space purposes.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
dwelling-houses; home occupations; roads; utility installations.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 8 NATIONAL PARKS, NATURE RESERVES and STATE RECREATION AREAS RESERVATION

(Uncoloured with green edging and lettered (8))

Objectives of the Zone

The objectives of Zone No. 8 are:

- (a) to identify land which is reserved or dedicated under the National Parks and Wildlife Act 1974; and
- (b) to allow for the management and appropriate use of that land as provided for in the National Parks and Wildlife Act 1974.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Exempt development.

Development for any purpose authorised by or under the National Parks and Wildlife Act 1974.

2 DEVELOPMENT THAT NEEDS CONSENT

Nil.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

**ZONE NO. 9(a) RESTRICTED DEVELOPMENT
(FLOOD PRONE LAND)**
(Dark Brown)

Objective of the Zone

The objective of Zone No. 9(a) is to ensure that buildings for residential use on land in the zone identified as flood prone are appropriately located and constructed.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
drainage; dwelling-houses; flood mitigation works; utility installations.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

**ZONE NO. 9 (b) RESTRICTED DEVELOPMENT -
SPECIAL RESIDENTIAL
(SITE AND SERVICES CONSTRAINTS)**
(Dark brown with scarlet edging and lettered 9 (b))

Objective of the Zone

The objective of Zone No. 9(b) is to ensure that the particular issues constraining the use of the land in the zone are adequately considered and addressed in determining the location and requirements for buildings for residential use.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
home occupations; recreation areas.
Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
bed and breakfast accommodation; **dwelling-houses**; roads; utility installations.

Note: Development or related activities in this category indicated in **BOLD** may comprise complying development. An application may be made to Council or an accredited certifier for a complying development certificate. Details of such development or related activities are specified in Schedule 11.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 9 (c) RESTRICTED DEVELOPMENT (STEEP LAND)

(Dark brown with heavy black edging and lettered 9(c))

Objective of the Zone

The objective of Zone No. 9(c) is to ensure that buildings for residential use on land in the zone identified as being steep or unstable are suitably located and constructed.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Development (other than exempt development) for the purpose of:
home occupations; recreation areas.

Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purpose of:
bed and breakfast accommodation; communication facilities; dwelling-houses; recreation
areas; roads; utility installations.

Subdivision.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

Clause 11
omitted
LEP 381
Clause 11
omitted
LEP 381
Clause 12
omitted
LEP 381

Proposed Open Space

13. (1) The owner of any land included within Zone No. 5(d), 6(a), 6(d) or 6(e) may, by notice in writing, require the responsible authority to acquire that land.
- (2) Upon receipt of a notice referred to in subclause (1), the responsible authority shall acquire the land to which the notice relates.
- (3) The responsible authority may, with the consent of the Council or of any public body or trustees, as the case may be, place any land included within Zone No. 6(d) and acquired by the responsible authority in pursuance of subclause (2) under the care, control and management of the Council, that public body or those trustees.

Clause
substituted
11.7.80

Amended
4.9.81

PART IV.

Clause 14 relating to continuance of existing buildings, works and land use omitted GG 26.9.80 See Sections 106-109 Environmental Planning & Assessment Act

Clause 15 relating to alterations and extensions of existing buildings and works omitted GG 26.9.80 See Sections 106-109 Environment Planning & Assessment Act

Clause 15A relating to rebuilding of existing buildings omitted GG 26.9.80
See Sections 106-109 Environmental Planning & Assessment Act.

Clause 16 relating to change of existing uses omitted GG 26.9.80
See Sections 106-109 Environmental Planning & Assessment Act.

Clause 17 relating to building or land used for more than one purpose omitted GG 26.9.80
See Sections 106-109 Environmental Planning & Assessment Act.

Clause 18 relating to illegally established development omitted GG 26.9.80
See Sections 106-109 Environmental Planning & Assessment Act.

PART V.

Clause 19 relating to submission of plans for development consent omitted GG 26.9.80.
See Section 77 Environmental Planning & Assessment Act.

Clause 20 relating to consideration of applications generally omitted GG 26.9.80.
See Section 90 Environmental Planning & Assessment Act.

Clause 21
omitted
LEP 381
Clause 22
omitted
LEP 381
Clause 23
omitted
LEP 381

New Clause
GG 13.11.81
LEP 37

Clause deleted
GG 17.12.04
SEPP (Repeal
of
Concurrence
and Referral
Provisions)
2004
Effective from
28.02.05

Clause 25
omitted
GG 5.3.82
Clause 25A
omitted
GG 29.7.83

PART VI.

Special Provisions

Dwelling - houses in the restricted development zones

26. Not more than one dwelling-house may be erected or used on any allotment in Zone No. 9(a), 9(b) or 9(c).

New clause
GG 20.10.95
Subclause (1)
omitted
LEP 381

Dual Occupancy – creation

26A.

Subclause (2)
amended
LEP 381

- (2) Consent must not be granted for the carrying out of development for the purpose of a dual occupancy;

- (a) on land within a non-urban zone, if the dual occupancy consists of 2 unattached dwellings; or
- (b) on land within Zone No. 2(a) which is within the lagoon catchment of Wamberal or Terrigal Lagoons, or Avoca or Cockrone Lakes, or is within the locality of Pearl Beach or Patonga, as defined by the Geographical Names Board; or

Subclause (c)
omitted
LEP 381

- (3) The minimum area for an allotment on which development for the purpose of a dual occupancy may be carried out pursuant to this clause is:
- (a) 550 square metres, if the dual occupancy consists of 2 attached dwellings; or
 - (b) 800 square metres, if the dual occupancy consists of 2 unattached dwellings.

New clause
GG 21.6.96
LEP 327

- (4) Subclauses (2) and (3) do not apply to an application for consent to development for the purpose of a dual occupancy if the application for the consent was received by the Council before 20 October 1995.

New clause
GG 20.10.95

Dual Occupancy – subdivision

26B.

- (1) On and after the day on which Gosford Local Environmental Plan No. 314 commences, consent must not be granted for a subdivision which creates separate allotments for each of the two dwellings comprising a dual occupancy.
- (2) The separate occupation of the proposed lots illustrated by a proposed strata plan relating to the two dwellings comprising a dual occupancy is prohibited.
- (3) This clause does not apply to the two dwellings resulting from development carried out pursuant to a consent:

Clause
amended
GG 21.6.96
LEP 327

- (a) granted on or after the day on which Gosford Local Environmental Plan No. 314 commenced, but only if the application for the consent was made before 20 October 1995; or
- (b) granted before the day on which Gosford Local Environmental Plan No. 314 commenced.

New clause
GG 20.12.02

Demolition

- 26C. (1) Demolition may be carried out on land to which this Ordinance applies, but only with development consent.
- (2) This clause is subject to any other provision of this Ordinance that:
- (a) expressly allows demolition to be carried out without development consent (whether or not subject to conditions or restrictions), or
 - (b) expressly allows demolition to be carried out with development consent subject to conditions or restrictions, or
 - (c) expressly prohibits demolition.
- (3) For the purposes of this clause, demolition in a particular zone is not expressly prohibited just because development generally in that zone is prohibited unless it may be carried out with or without development consent.

Clause 26C(4)
omitted
GG 12.12.03
Clause 27
omitted
GG 20.10.95

Cluster development

New clause
LEP 200

- 27A. (1) This clause applies to land within Zone No. 2(a).
- (2) A person shall not, except with the consent of the Council, carry out development for the purposes of cluster development on land to which this clause applies:-
- (3) The Council shall not grant any such consent unless -
- (a) the area of the land on which the development is proposed to be carried out is not less than 3 500 square metres; and
 - (b) the ratio of the width of the land at the building line to the depth of the land is not less than 1:2 and not more than 2:1.

Clause
amended
LEP 381

Residential Flat Buildings

28. (1) This clause applies to land zoned 2(b), 2(c), 3(a) or 3(b).
- (2) A person shall not carry out development for the purposes of a residential flat building on land within a zone specified in Column 1 of the Table to this clause having a site area specified opposite that zone in Column 2 of that Table unless each dwelling to be erected having a floor area specified opposite that Zone in Column 3 of that Table will have a site area of not less than the area specified opposite that Zone in Column 4 of that Table.

- (3) Notwithstanding the provisions of subclause (2), the minimum area for an allotment on which development for the purpose of a residential flat building may be carried out pursuant to this clause in Zone No. 2(b) is:
- (a) 550 square metres if the residential flat building consists of no more than 2 dwellings; or
 - (b) 750 square metres if the residential flat building consists of 3 or more dwellings.
- (4) A person must not carry out development for the purposes of a residential flat building on land to which this clause applies unless all portions of the residential flat building comply with the following requirements:
- (a) planes must be projected at 45 degrees from a height of 3.5 metres above natural ground level at the side and rear boundaries to a maximum height of 10 metres above natural ground level in Zone No 2 (b) and 12 metres above natural ground level in Zone No 2(c), 3 (a) or 3 (b),
 - (b) the vertical distance measured from the highest point of the floor of the topmost floor above natural ground level must not exceed 4 metres in Zone No 2 (b) and 6 metres in Zone No 2 (c), 3(a) or 3(b).

New clause
LEP No. 436
gazetted
15/8/03

TABLE

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Zone	Area of site in m ²	Floor area of each dwelling in m ²	Minimum site area for each dwelling in m ²
2(b)	less than 2000	Less than 70 70-110 More than 110	150 200 250
	2000 or more	Less than 70 70-110 More than 110	130 165 200
2(c), 3(a), 3(b)	less than 2000	Less than 70 70-110 More than 110	85 120 165
	2000 or more	Less than 70 70-110 More than 110	70 95 130

Clause 29
omitted
LEP 200
Clause 29A
omitted
LEP 381

Floor Space Ratios

New Clause
11.7.80
Amended
GG 29.7.83
LEP 85
Amended
GG 23.3.01
LEP 399
Amended
GG 4.6.04
LEP 442

- 29B. (1) This clause does not apply to buildings used or intended to be used exclusively as dwelling-houses or residential flat buildings or land within height and density precincts A to L, inclusive, referred to in the Table to clause 49F(2) or land within the Terrigal Town Centre shown edged in heavy black on the map marked "Gosford Local Environmental Plan No 442".
- (2) In each of the zones specified in Column 1 of the Table to this clause the ratio of the total floor space of any building or buildings to the area of land on which that building is or is proposed to be, or those buildings are or are proposed to be, erected shall not exceed the ratio set out opposite that zone in Column 2 of that Table.

New table
LEP 200

TABLE

Column 1	Column 2
Zone	Floor Space Ratio
2(a)	0.5:1
2(b)	0.6:1
2(c), 2(d)	0.75:1
3(a), 3(b)	1:1
9(c)	0.25:1

New Clause
GG 3.12. 82
LEP 72

- 29C. (1) This clause applies to so much of the land shown on the map marked "Gosford Local Environmental Plan No. 72" (deposited in the office of the council) as is within Zone No. 3(a).
- (2) Notwithstanding clause 29B, in the case of the land to which this clause applies, the ratio of the total floor space of any building or buildings is the area of land on which that building is or is proposed to be, or those buildings are or are proposed to be, erected shall not exceed 0.5:1.
- (3) In subclause (2) "building" does not include a building used or intended to be used exclusively as a dwelling-house or residential flat building.

Saving relating to certain residential flat buildings

New clause
GG 21.6.96
LEP 327

- 29D. The amendments made by Gosford Local Environmental Plan No. 314 and clause 5(a) and (b) of Gosford Local Environmental Plan No. 327 do not apply to an application for consent for a building containing two or more dwellings made before 20 October 1995 if the building was described in the application as a residential flat building.

Subdivision of Land – Zone No. 1(a), 1(b), 1(c)

Clause
substituted
11.7.80

30. (1) This clause applies to land within Zone No. 1(a), 1(b) or 1(c).
- (2) Land to which this clause applies shall not be subdivided except with the consent under this Ordinance of the responsible authority.
- (3) The responsible authority may consent to the subdivision of land to which this clause applies if each separate allotment of land created by the subdivision has –
- (a) an area of not less than 40 hectares;
 - (b) a ratio of depth to frontage satisfactory to the responsible authority having regard to the purpose for which the allotment is or is intended to be used; and
 - (c) where the land has frontage to a main road, a frontage to that road of not less than 200 metres.
- (4) The responsible authority shall –
- (a) enter all decisions given under this clause in a register; and
 - (b) show all subdivisions approved under this clause on a map.
- (5) The register and map referred to in subclause (4) shall be available for inspection by any duly authorised servant of the Department.

Clause 30A
omitted
LEP 381

Subdivision of Land – Zone No. 2(f)

New Clause
22.8.80

- 30AA. (1) This clause applies to land within Zone No. 2(f).
- (2) Land to which this clause applies shall not be subdivided except with the consent under this Ordinance of the responsible authority.
- (3) The responsible authority may consent to the subdivision of land within Zone No. 2(f) for any one or more of the following purposes:-
- (a) to open a public road or to widen a public road;
 - (b) to make minor adjustments to common property boundaries;
 - (c) to enlarge the area of an existing allotment of land by amalgamating it with one or more other allotments of land, or with a part of one or more other allotments of land where the remainder of that or those allotments of land are amalgamated with another allotment of land;
 - (d) to rectify an encroachment upon an existing allotment of land;
 - (e) to make provision for open space; or
 - (f) to make provision for an easement for access to open space or for public utility purposes.

Subdivision – Zone Nos. 2 (a) and 9(c)

Clause
substituted
LEP 381

- 30AAA. (1) The Council shall not grant consent to the subdivision of land within Zone No 2(a) unless:
- (a) the area of any allotment to be created by the subdivision is

- not less than 450 square metres; and
- (b) not more than 10 per cent of the allotments to be created by the subdivision have an area of less than 550 square metres.

- (2) The Council shall not grant consent to the subdivision of land within Zone No. 9(c) unless the area of any allotment to be created by the subdivision is not less than 1850m².

Height Limitations – Dwelling-houses in Zone No. 2(f)

New Clause
22.8.80

- 30AB. (1) The responsible authority shall not consent to the erection of a dwelling-house on land within Zone No. 2(f) having a height exceeding 7 metres.
- (2) In this clause, “height”, in relation to a building means the distance measured vertically from any point on a wall at the junction of the ceiling of the topmost floor (not being a level containing an attic or other similar room in the roof) and the natural ground level.
- (3) Nothing in subclause (1) prevents the responsible authority from consenting to the erection of a dwelling-house containing a mezzanine floor.

Alteration, etc. of certain Buildings and Works in Zone No. 2(f)

New Clause
22.8.80
Note: Clause
30AC is
contrary to the
provisions of
Clause 52 of
the EP&A
Regulation

- 30AC. (1) Where, as at 1st January, 1980, a building was erected upon or a work was in existence on land within Zone No. 2(f), the use of which at that day was for a purpose for which buildings or works may not be erected, carried out or used under Part III in respect of that Zone, a person may, with the consent of the responsible authority, alter, enlarge or erect a building or carry out a work ancillary thereto in accordance with this clause.
- (2) Any alteration or enlargement or erection of new buildings or works referred to in subclause (1) –
- (a) shall be for the purpose for which the building or work was used immediately before 1st January, 1980, and for no other purpose; and
 - (b) shall be carried out or constructed only on the allotment or allotments on which the building or work was erected or carried out immediately before 1st January, 1980.

New clause
LEP 429

Bed and Breakfast Accommodation

- 30AD. The Council must not grant consent to the carrying out of development for the purposes of bed and breakfast accommodation if the proposed development involves more than 4 bedrooms or accommodation for more than 8 guests.

New clause
11.7.80

Motels

- 30B. (1) A person shall not erect or use a motel –
- (a) on any land within Zone No. 1(c) which has –

Paragraph
amended
LEP 200

- (i) an area of less than 4 hectares; and
- (ii) where the land has frontage to a main road, a frontage to that road of less than 200 metres; or
- (b) on any land within Zone No. 2(b), 2(c) or 2(d), unless that motel comprises not less than 8 guest units.

(2) A person shall not erect or use a motel unless there is provided within the site area of the motel a landscaped area –

- (a) having an area of not less than 35 per cent of that site area; and
- (b) having a width of not less than 5 metres.

Clause 31.
omitted
LEP 381
Clause 31A.
omitted
LEP 381
Clause 32.
omitted
LEP 381
Clause 33.
omitted
LEP 381
Clause 34.
omitted
LEP 381
Clause 35.
omitted
LEP 381

Building Lines along Main Roads and Arterial Roads

Subclause (1) 36.
omitted
LEP 381

Subclause
amended
11.7.80
Subclause 2(a)
omitted
LEP 381

(2) Notwithstanding any other provision of this Ordinance a building shall not be erected –

- (b) on any land having a frontage to the arterial road shown as Manns Road on the scheme map,

unless the building is set back from the road alignment at least 18 metres or, where the allotment of land on which the building is to be erected is of less depth than 45 metres, at least a distance equivalent to 40 per cent of the depth.

Subclause (3)
omitted
LEP 381
New
Subclause
GG 4.12.81

(4) A building shall not be erected on any land having a frontage to that part of main road No. 336 (shown as The Entrance Road on Sheet 1 of the map marked “Gosford Local Environmental Plan No. 47” and deposited in the office of the council) between the road alignment and the building line shown on that sheet.

Subclause (5)
omitted
LEP 381

Foreshore Building Lines

37. (1) The responsible authority may by resolution fix building lines (in this clause called foreshore building lines) in respect of any land fronting any harbour, bay, river, ocean, lake, estuary or lagoon.
- (2) A foreshore building line shall, when fixed by the responsible authority, be marked upon a plan or clearly described in the resolution and that plan or resolution shall be open for inspection by the public during the office hours of the responsible authority.
- (3) A building shall not be erected between a foreshore building line and the harbour, bay, river, ocean, lake estuary or lagoon in respect of which the line is fixed.
- (4) The responsible authority may alter or abolish a foreshore building line where the level or depth of the allotment or other exceptional conditions of the site make it necessary or expedient to do so.

Subclause
amended
11.7.80

Subclause
amended
11.7.80

Subclause
amended
11.7.80

Clause 38.
omitted
LEP 381
Clause 39.
omitted
LEP 381
Clause 40.
omitted
LEP 381
Clause 40A.
omitted
LEP 381

Advertising Structures

41. (1) A person shall not, without the consent of the responsible authority, erect an advertising structure on land within Zone No. 1(a), 1(b) or 1(c).
- (2) A consent given under subclause (1) shall be restricted –
- (a) where the land or any building or work on the land –
- (i) is used with the consent of the responsible authority, for a purpose referred to in Column IV of the Table to clause 10 in respect of the zone in which the land is situated; or
- (ii) is used for an existing use;
- to the erection of an advertising structure on the land or any building (other than a dwelling- house) or work so used; and
- (b) to the erection of an advertising structure displaying only notices related to the purpose for which the land, building or work is used.
- (3) A person shall not erect an advertising structure on land within Zone No. 2(a), 2(b), 2(c), 2(d) or 2(d) or 9(c).
- (4) Subclause (3) does not operate to prohibit the erection with the consent of the responsible authority of an advertising structure where –

Clause
substituted
11.7.80

Subclause
amended
LEP 200

- (a) the building, work or land on which the advertising structure is to be erected is an existing building or an existing work or land the existing use of which is for a purpose for which such building, work or land may not be used in respect of the zone in which the land is situated;
- (b) the advertising structure is not used for the purpose of displaying –
 - (i) a roof sign;
 - (ii) a flashing illuminated sign; or
 - (iii) any other sign which, in the opinion of the responsible authority, is likely to interfere with the amenity of the locality;
- (c) the advertising structure has a length of not more than 2 metres and a height of not more than 1 metre; and
- (d) the only advertisement displayed on the advertising structure is an advertisement indicating the purposes for which the existing building, existing work or land is used.

Subclause
amended
LEP 200

- (5) A person shall not erect or display a commercial sign in Zone No. 2(a), 2(b), 2(c), 2(d) or 9(c), having an area of more than 0.5 square metres.
- (6) A person shall not erect or display more than 1 commercial sign on each separate parcel of land within a zone referred to in sub-clause (5).

Clause 42.
omitted
LEP 381
Clause 43.
omitted
LEP 381

Preservation of Trees

Clause
substituted
28.7.72
11.7.80

- 44. (1) Where it appears to the responsible authority that it is expedient for the purpose of securing amenity or of preserving existing amenity, the responsible authority may, for that purpose and by resolution, make an order (hereinafter referred to as a “tree preservation order”) and may, by like resolution, rescind or vary any such order.
- (2) A tree preservation order may prohibit the ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees specified in the order except with the consent of the responsible authority and any such consent may be given subject to such conditions as the responsible authority thinks fit.
- (3) A tree preservation order may relate to any tree or trees or to any specified class, type or description of trees on land described in the order and that land may be described particularly or generally by reference to the City of Gosford or any divisions thereof.
- (4) The responsible authority shall forthwith upon the making of a tree preservation order cause notice of the making of the order to be published in the Gazette and in a newspaper circulating in the area in which the land described in the order is situated.
- (5) A person who contravenes or causes or permits to be contravened a

tree preservation order shall be guilty of an offence.

- (6) In any proceedings under this clause it shall be sufficient defence to prove that the tree ring-barked, cut down, topped, lopped, removed, injured or wilfully destroyed, was dying or dead or had become dangerous.
- (7) The powers conferred on the responsible authority in pursuance of this clause shall not apply to trees in a State forest or on land reserved as a timber reserve within the meaning of the Forestry Act, 1916, nor to any trees to which the provisions of Section 26D of the Water Act, 1912, or the Rivers and Foreshores Improvement Act, 1948, apply.
- (8) A tree preservation order made by the responsible authority under this Ordinance and in force immediately before the commencement of the Gosford Planning Scheme (Amendment No. 6) Ordinance shall be deemed to be a tree preservation order made by the responsible authority under this clause.

Clause 45.
omitted
LEP 381

Clauses 45A
to 45C omitted
LEP 460

Classification and reclassification of public land as operational land

New clause
GG 10.5.02
LEP 423

- 45CA. (1) The public land described in Schedule 9 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) The amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993* do not apply to land described in Part 1 of Schedule 9.
- (3) Land described in Part 2 of Schedule 9:
- (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification or reclassification as operational land.
- (4) Land described in Columns 1 and 2 of Part 3 of Schedule 9, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those (if any) specified for the land in Column 3 of Part 3 of Schedule 9.
- (5) In this clause, the relevant amending plan, in relation to land described in part 3 of Schedule 9, means this plan or, if the

description of the land is inserted in that Part by another local environmental plan, that plan.

- (6) Before the relevant amending plan inserted a description of land into Part 3 of Schedule 9, the Governor approved of subclause (4) applying to the land.

New clause
LEP 381

Temporary Use of Land

- 45CB. (1) This clause applies to all land within Zone No. 3(a), 3(b), 3(c), 5(a) or 6(a).
- (2) Despite any provision of this Ordinance, a person may, without the consent of the Council, carry out development on land to which this clause applies for the purpose of a market, circus or auction, or for a community purpose, for a maximum of 14 days (whether consecutive or not) in any calendar year.
- (3) A person must not carry out development referred to in subclause (2) unless the person has given the Council a notice of the person's intention to carry out the development and at least 28 days have elapsed since the notice was given. The development must not be carried out later than 12 months after the date on which the notice is given.

New Clause
LEP 381

Exempt development

- 45CD. (1) Development listed in Schedule 10 is exempt development if it meets the limitations (if any) specified in that Schedule in respect of the development, subject to subclause (2).
- (2) Development is exempt development only if:
- (a) it does not cause interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, and
 - (b) it complies with any deemed-to-satisfy provisions of the Building Code of Australia relevant to the development, and
 - (c) it does not contravene any condition of a development consent applying to the land, and
 - (d) if the development involves the erection of a structure, the structure is constructed from new materials (unless otherwise specified in Schedule 10).

Complying development

Amended
LEP 429

- 45CE. (1) Development listed in Schedule 11 is complying development if:
- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it is not an existing use, as defined in section 106 of the Environmental Planning and Assessment Act 1979, subject to subclauses (2) and (3).
- (2) Development is complying development only if:
- (a) it complies with any deemed-to-satisfy provisions of the Building Code of Australia relevant to the development, and
 - (b) it meets the development standards set out in Schedule 11 in relation to the development, and
 - (c) it does not contravene any condition of a development consent applying to the land.
- (3) Development is not complying development if it is carried out:
- (a) on land that is:
 - (i) flood liable, or
 - (ii) subject to a high bushfire hazard, or
 - (iii) subject to acid sulphate soils and the development of which would cause disturbance of those acid sulphate soils.
 as shown on a map held by the Council, or
 - (b) on land that is identified, in records held by the Council, as contaminated, or
 - (c) on land that is within 50 metres of a beach that has been subject to a Coastal Processes study prepared for the Council, or
 - (d) on land to which any of the following applies:
 - (i) State Environmental Planning Policy No 14 – Coastal Wetlands,
 - (ii) State Environmental Planning Policy No 19 – Bushland in Urban Areas,
 - (iii) Sydney Regional Environmental Plan No 9 – Extractive Industry (No 2) – 1995,
 - (iv) Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No. 2 – 1997).
- (3A) Despite subclause (3), development for the purposes of swimming pools or spas is not prevented from being complying development merely by the fact that it is carried out on land that is flood liable or subject to a high bushfire hazard as shown on a map held by the Council.

Clause
amended
LEP 398
GG 20.10.00

- (4) A complying development certificate issued for any such development is to be subject to the conditions for the development specified in Development Control Plan No. 148 adopted by the Council, as in force when the certificate is issued.

Clause 46
omitted
LEP 381

Shop top housing with Zones Nos 3(a) and 3(b)

New clause

LEP 376
GG 24.12.98

- 46A. (1) This clause applies to land within Zone No. 3(a) or 3(b).
- (2) Nothing in this Ordinance prohibits the carrying out of development on land to which this clause applies, with the consent of the Council, for the purpose of shop top housing.
- (3) In this clause, "shop top housing" means residential development comprising not more than two dwellings each of which is located wholly or partially above a shop or commercial premises (or both) and which forms an integrated component of the building in which the shop is or commercial premises are located.
- (4) Nothing in this Ordinance prohibits the creation of a separate title for any such dwelling.

Clause 47
repealed by
SREP 12
GG 19.6.87
Clause 48
omitted
LEP 381

Development on bed of lakes, rivers, etc.

New sub-
clause
LEP 404
23.2.01

49. (1) Despite any other provision of this Ordinance, a person must not, without the consent of the Council:
- (a) carry out development on any land that is within the City of Gosford that was shown uncoloured on the Scheme map on the date this Ordinance commenced, being 24 May 1968, forming part of or adjacent to or adjoining the bed of a harbour, bay, lake, river, lagoon, creek or any other natural watercourse which land, in the case of tidal waters, was shown on the Scheme map at that date as land below high water mark, or
- (b) use the land described in paragraph (a) for any purpose other than for a purpose for which it could lawfully be used immediately before the commencement of *Gosford Local Environmental Plan No 404*.
- (1A) In considering whether to grant consent under subclause (1), the Council must take into account the estuary management principles in the Estuary Management Manual (State Government), available for inspection at the office of the Council.
- (1AA) Subclause (1) extends to the land shown uncoloured on the Scheme map, as at the commencement of *Gosford Local Environmental Plan No 477*, forming drainage reserves on St Huberts Island, whether or not any part of those drainage reserves is below the high water mark.

New
subclause
3.9.71
Clause 49(2)
omitted GG
12.12.08

New
subclause
3.9.71
Clause 49A.
omitted
LEP 381
Clause 49(3)
omitted GG
12.12.08

Development in Zone No. 9(a)

New clause
11.7.82
Amended
12.1.90

- 49B. (1) A person shall not erect a dwelling-house or alter or extend a dwelling-house on land within Zone No. 9(a) if –
- (a) to enable that erection, alteration or extension to be carried out it is necessary to fill that land; and
 - (b) the filling of that land will, in the opinion of the Council, seriously increase the incidence or likelihood of flooding on that or any other land.
- (2) Where land lies within more than one zone and one of those zones is Zone No. 9(a), the Council may grant consent to development on land within Zone No. 9(a) for any purpose permissible on land within the adjoining zone or zones.
- (3) When considering whether to grant consent as referred to in subclause (2) on land within Zone No. 9(a) the Council is to take into account the principles outlined in the Flood Plain Development Manual published by the Public Works Department (December 1986) as in force from time to time.

Development near boundary of certain adjoining zones

New clause
21.6.85

Amended
LEP 200
Amended GG
12.12.08

- 49BA. (1) This clause applies to land within 50 metres of a boundary defining Zone No. 2(a).
- (2) A person may, with the consent of the Council, carry out development on land to which this clause applies within a zone or reservation for a purpose for which consent could be granted in an adjoining zone or reservation where –
- (a) information is submitted with the application for development consent based on a detailed survey of the land relating to topography, water catchment and hydrology, existing structures and improvements, landscape and visual analysis and any other significant environmental factors determined by the Council; and
 - (b) the development will, in the opinion of the Council –
 - (i) be confined to previously cleared and disturbed areas;
 - (ii) not interfere with highly vegetated areas;
 - (iii) not be carried out on land which has a slope of more than 1 in 5;
 - (iv) not be carried out on land which is below the level determined by the council as being the level of a 1 in 100 year flood;
 - (v) not interfere with foreshore or wetland areas;
 - (vi) be appropriate to the land due to the design

requirements relating to the development of the locality;
(vii) not constitute a bushfire hazard.

- (3) The provisions of sections 84, 85, 86, 87(1) and 90 of the Environmental Planning and Assessment Act, 1979, apply to and in respect of development in accordance with this clause in the same way as those provisions apply to and in respect of designated development.
- (4) The matters which shall be taken into consideration by the Director in deciding whether concurrence pursuant to subclause (2) should be granted are –
 - (a) whether issuing development raises any matter of significance for regional environmental planning; and
 - (b) the public benefit of maintaining the planning controls relevant to the zone within which the land concerned is situated.

Development of certain Land

49C. Notwithstanding any other provision of this Ordinance, development may be carried out on land being –

- (a) Lot 1, Deposited Plan 7926, and Lot 12, Deposited Plan 559020, for the purposes specified in Interim Development Order No. 52 – Shire of Gosford, as in force immediately before the date of commencement of the Gosford Planning Scheme (Amendment No. 6) Ordinance;
- (b) Lot 31, Deposited Plan 539554, and part Lot A, Deposited Plan 39240, being that part having a frontage to Albert Street, East Gosford, and a depth of 50.292 metres, for the purposes specified in Interim Development Order No. 95 – Shire of Gosford, as so in force, and for purposes ancillary to the use of the land as open space; and
- (c) Lot 1, Deposited Plan 554505, for the purposes specified in Interim Development Order No. 111 – Shire of Gosford, as so in force.

New clause
5.12.80

- 49D. (1) This clause applies to the land shown edged heavy black on the map marked “Gosford Local Environmental Plan No. 1”.
- (2) Nothing in Part III prevents a person, with the consent of the council, from carrying out development on land to which this clause applies for the purpose of a club, refreshment rooms or shops.
- (3) The council shall not consent to the carrying out of any development on land to which this clause applies if the height of any part of a building proposed to be erected extends above a line drawn at an angle of 5 degrees below the horizontal from the top ridge of that land.

New clause
LEP 280
GG 6.9.91

Development of certain land – corner Showground Road and Glennie Street West, Gosford

- 49DA. (1) This clause applies to Portions 221, 245 and 281, Town and Parish

of Gosford, corner of Showground Road and Glennie Street West, Gosford.

- (2) Notwithstanding any other provision of this Ordinance, development may be carried out on the land to which this clause applies, but only with the consent of the Council, for any purpose considered by the Council to be appropriate to the operation of a showground.

Use of certain land at The Entrance Road, Erina, for a market on weekends

New clause
25.9.92
LEP 292

- 49DB. (1) This clause applies to Lot 184, D.P. 720666 and Lot 12, D.P. 732594, 176 The Entrance Road, Erina, (Harvey Norman complex), as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 292" deposited in the office of the Council.
- (2) Despite any other provision in this Ordinance, a person may, with the consent of the Council, use the land to which this clause applies for the purposes of a market, provided that the use is carried out on weekends and all profit received by the organiser is donated to charity.

Clause 49DC.
omitted
LEP 381

Use of certain land at Ettalong for a club, hotel/motel and ancillary facilities

New clause
LEP 375
GG 12.2.99

- 49DD. (1) This clause applies to land bounded by Broken Bay Road, Ocean View Road, Memorial Avenue and Beach Street, Ettalong, being Lots 2 and 3, D.P. 718575, Lots 2, 3 and 11 Section A, D.P. 9391, land within Strata Plan 11158 and Strata Plan 11560 and the unnamed laneway in the vicinity of Beach Street.
- (2) Any redevelopment of this land for the purposes of a multi-storey resort, comprising a club, hotel/motel and ancillary facilities (including dwellings of which not more than 10% may be occupied by permanent residents at any time) is to be substantially in accordance with drawings referenced DA-01 to DA-19a prepared in accordance with Project Tourism International dated December 1997 deposited in the office of the Council.

Clause 49DD
(3) AND (4)
omitted
LEP 452
GG 17.11.06

- (5) Nothing in this clause prevents the Council from granting consent to the carrying out of alterations or extensions to, or the rebuilding of, a building or place being used for a purpose for which consent has been granted in accordance with this clause.

Clause 49DD
(5) amended
LEP 452
GG 17.11.06

Use of certain land at West Gosford for a bulky goods salesroom or showroom

New clause
GG 31.3.00
LEP 387

- 49DE. (1) This clause applies to land as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 387 – Sheet 2".
- (2) Nothing in this Ordinance prohibits the carrying out of development on land to which this clause applies, with the consent of the Council, for the purpose of a bulky goods salesroom or showroom, with a total building floor space of no more than 12,000 square metres.
- (3) For the purpose of this clause, a "bulky goods salesroom or showroom" means a building or place used for the sale by retail or auction or the hire or display of items (whether goods or materials)

which are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display; or
- (b) direct vehicular access to the building or place by members of the public for the purpose of loading items into their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs, food items or clothing, supermarkets, discount department stores, or premises used to provide personal services (such as hairdressers, barbers, beauty parlours, travel and real estate agencies, banking facilities, newsagents and the like).

- (4) The Council must not grant consent to development referred to in subclause (2) after the expiration of three years from the date of commencement of Gosford Local Environmental Plan No. 387 or such later date as the Minister may, before the expiration of that period, notify by order published in the Gazette.
- (5) Nothing in subclause (4) prevents the Council from granting consent to the carrying out of alterations or extensions to, or the rebuilding of, a building or place being used for a purpose for which consent has been granted in accordance with this clause.

New clause
GG 12/04/01
LEP 406

Use of certain land at Ettalong for a tourist facility (sea kayaking operational base)

- 49DF. (1) This clause applies to Lot 8, Section R, D.P. 9391, Broken Bay Road, Ettalong Beach as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 406" deposited in the office of the Council of the City of Gosford.
- (2) Subject to subclause (3), nothing in the Ordinance prevents a person, with the consent of Council, from carrying out development on land to which this clause applies for the purpose of a tourist facility comprising a sea kayaking operational base.
- (3) The Council must not grant consent to development referred to in subclause (2) after the expiration of two years from the day on which Gosford Local Environmental Plan No. 406 took effect or such later date as the Minister may, before the expiration of that period, notify by order published in the Gazette.
- (4) Nothing in subclause (3) prevents the Council from granting consent to the carrying out of alterations or extensions to, or the rebuilding of, a building or place being used for a purpose for which consent has been granted in accordance with this clause.

New Clause
GG 16/11/01
LEP 414

Use of certain land at Erina

- 49DG (1) This clause applies to land shown edged heavy black on the map marked "Gosford Local Environmental Plan No 414 – Sheet 2".
- (2) Nothing in this Ordinance prohibits the carrying out of development on land to which this clause applies, with the consent of the Council, for the purpose of buildings having a total gross floor area of no

more than 275,000 square metres, provided that all major building works are located on that part of the land to which this clause applies that is within Zone No 3 (a) Business (General).

New clause
LEP 425
GG 10/05/02

Use of certain land at Wyoming

- 49DH
- (1) This clause applies to Lot 11, DP 860192, Pacific Highway, Wyoming, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 425".
 - (2) Nothing in this Ordinance prohibits the carrying out of development on the land to which this clause applies, with the consent of the Council, for the purpose of a supermarket having a total gross floor area of no more than 1,500 square metres.
 - (3) The Council must not grant consent to development referred to in subclause (2) after the expiration of two years from the day on which Gosford Local Environmental Plan No 425 takes effect, or such later date as the Minister may, before the expiration of that two year period, notify by order published in Gazette.
 - (4) Nothing in subclause (3) prevents the Council from granting consent to the carrying out of alterations or extensions to, or the rebuilding of, a building or place being used for a purpose for which consent has been granted in accordance with this clause.

New Clause
LEP 432
04/07/03

Floor space ratio and height controls for land at Terrigal

- 49DI
- (1) This clause applies to land bounded by Painters Lane, Terrigal Esplanade and Campbell Crescent, Terrigal, as shown edged heavy black on Sheet 2 of the map marked "Gosford Local Environmental Plan No 432" deposited in the office of the Council.
 - (2) Despite clause 29B, the maximum floor space ratio for any building erected on the land to which this clause applies is 2.2:1.
 - (3) A building must not be erected on the land if the height of the building exceeds RL 23.6 above Australian Height Datum (AHD).

New Clause
LEP 433
24/01/03

Development of land at Copacabana Drive, Copacabana

- 49DJ
- (1) This clause applies to part of Lot 72, DP 806497 and a section of Copacabana Drive, near Laguna Avenue, Copacabana, as shown coloured light scarlet, edged heavy black and lettered "2(a)" on the map marked "Gosford Local Environmental Plan No 433" deposited in the office of the Council.
 - (2) Despite any other provision of this Ordinance, the maximum number of residential lots permitted on the land to which this clause applies is four, with each lot able to accommodate a dwelling-house.

New Clause
LEP 434
17/01/03

Use of certain land at The Entrance Road, Erina

- 49DK
- (1) This clause applies to Lots 104, 105, 107 and part of Lot 102 DP 2739 and Lots 106A and 106B DP 375026, The Entrance Road,

Erina as shown edged heavy black and lettered "9"(a)" on Sheet 1 of the map marked "Gosford Local Environmental Plan No 434".

- (2) Despite any other provision of this Ordinance, this Ordinance, as in force on 6 August 2001, applies to and in respect of any development application received by Council prior to 7 August 2001 and not finally determined before the commencement of this clause.

New Clause
LEP 443
27/02/04

Caravan parks and camping grounds

Amendment
LEP 454
GG 03.02.06

- 49DL (1) This clause applies to the land described in the following table:

	<u>Lot Description</u>
Tingari Village, Duffys Road, Terrigal	Lot 4 DP 855688
Tingari Village South, Duffys Road, Terrigal	Lot 5 DP 858444
Broadlands, Milpera Road, Green Point	Lot 102 DP 1004383
Erina Gardens, Karalta Road, Erina	Lot 71 DP 565112
Karalta Court, Karalta Road, Erina	Lot 72 DP 565112
Pine Needles Estate, Karalta Road, Erina	Lot 2 DP 1030621
Avoca Beach, The Round Drive, Avoca	part of Lot 6 DP 826812 as shown distinctively coloured on Sheet 1 of the map marked "Gosford Local Environmental Plan No 443"
The Palms, Carolina Park Road, Avoca	part of Lot 1 DP 1007206, as shown distinctively coloured on Sheet 1 of the map marked "Gosford Local Environmental Plan No 443" and Lot 2 DP 235499

- (2) The objectives of this clause are to:
- (a) ensure the social and economic wellbeing of residents of caravan parks and manufactured home estates at risk of displacement due to redevelopment of caravan parks and manufactured home estates, and
 - (b) encourage the retention of caravan parks and other forms of low-cost accommodation on certain land in the Gosford local government area, and
 - (c) prevent development which would result in a loss of low-

cost accommodation on that land unless sufficient comparable accommodation is available elsewhere in the Gosford local government area.

- (3) This clause applies to a development application for the carrying out of development on land to which this clause applies for a purpose other than:
 - (a) a caravan park, or
 - (b) a camping ground, or
 - (c) a manufactured home estate, or
 - (d) a public utility undertaking, or
 - (e) development that is ancillary to a caravan park, camping ground, manufactured home estate or public utility undertaking.
- (4) Notwithstanding any other provision of this Ordinance, the consent authority must not grant consent to a development application to which this clause applies unless it has taken into account the following matters in deciding whether or not to grant consent to the application:
 - (a) whether the proposed development is likely to reduce the availability of low-cost accommodation on the land to which the development application relates,
 - (b) whether there is sufficient available comparable accommodation in the Gosford local government area to satisfy demand for such accommodation in that local government area,
 - (c) whether the development, if carried out, is likely to cause adverse social and economic effects on the people who live on the land the subject of the application (if any), or on the general community,
 - (d) whether adequate arrangements have been made to assist people who live on the land the subject of the application (if any), to find alternative comparable accommodation in the Gosford local government area,
 - (e) whether the cumulative impact of the loss of low-cost accommodation in the Gosford local government area will result in a significant reduction in the stock of that accommodation.
- (5) The consent authority must not grant consent to a development application to which this clause applies unless satisfied that accommodation is available in the Gosford local government area that:
 - (a) is sufficient to accommodate the maximum number of people capable of being accommodated by existing development on that land the subject of the development application at any point in the 12 months preceding the commencement of *Gosford Local Environmental Plan No 443*, and
 - (b) is comparable to the accommodation that was provided on that land in relation to price, facilities, services and type of

tenure.

(7) In this clause:

manufactured home means a self-contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- (a) that comprises 1 or more major sections that are each constructed, and assembled, away from the manufactured home estate and transported to the estate for installation on the estate, and
- (b) that is not capable of being registered under the *Road Transport (Vehicle Registration) Act 1997*,

and includes any associated structures that form part of the dwelling.

manufactured home estate means land on which manufactured homes are, or are to be, erected.

New clause
LEP 452
GG 17.11.06

49DM. Use of certain land at Ettalong Beach

- (1) This clause applies to Lot 22, DP 1065103, Memorial Avenue, Ettalong Beach, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 452" deposited in the office of the Council.
- (2) Clauses 28 and 29B do not apply to the land to which this clause applies.
- (3) Despite any other provision of this Ordinance, the maximum floor space ratio for the land to which this clause applies is 1.5:1, but in calculating that floor space ratio the area of any car park that was constructed in accordance with any consent granted under clause 49DD is to be ignored.
- (4) Despite any other provision of this ordinance, the maximum height for any building on the land to which this clause applies is 22 metres.
- (5) Despite any other provision of this Ordinance, the consent authority must not consent to development on land to which this clause applies unless it has taken into account the following matters:
 - (a) whether the proposed development effectively conceals car parking areas when viewed from public areas outside of the site,
 - (b) whether the proposed development provides active street frontages to Memorial Avenue, Ocean View Road and Picnic Parade in order to provide a continuity and diversity of retail activity and to encourage pedestrian activity,
 - (c) the impact of the proposed development on the solar access and privacy of any dwellings resulting from development for

- which consent was granted under clause 49DD,
- (d) whether the proposed development provides a high standard of urban design and architectural quality,
- (e) whether the proposed development addresses the coordination, access and management arrangements for off-street car parking associated with any development for which consent was granted under clause 49DD,
- (f) the adequacy of any proposed measures to conserve water usage and increase water efficiency.

New Clause
LEP 456
GG 12.10.07

49DN

Avoca Beach Theatre

- (1) This clause applies to Lot 140, DP 9359 and Lot 651, DP 16791, Avoca Drive, Avoca Beach, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 456" deposited in the office of the Council.
- (2) Development may, with development consent, be carried out on land to which this clause applies for the purpose of a residential flat building, a place of assembly, an art gallery or a restaurant.
- (3) The maximum floor space ratio for the land to which this clause applies is 1:1.
- (4) The maximum height for a building erected on the land to which this clause applies is 10 metres, except as provided by subclause (5).
- (5) The consent authority may consent to development that exceeds the maximum height specified in subclause (4) if it is satisfied that any part of a building that is to exceed the maximum height:
 - (a) is to be used for cinema or theatre purposes, and
 - (b) is an integral part of the design of the building.
- (6) Strata subdivision is permissible, with development consent, on the land to which this clause applies.
- (7) The consent authority must not grant development consent to development on land to which this plan applies:
 - (a) unless the development application has been referred for assessment to an Independent Design Review Panel appointed in consultation with the Director-General of the Department of Planning, and
 - (b) except with the concurrence of the Director-General.
- (8) The consent authority must not grant development consent to development on land to which this plan applies unless it has taken into consideration the following:
 - (a) the assessment of the Independent Design Review Panel of the development application,
 - (b) whether the proposed development retains the existing theatre building,
 - (c) whether the design of the proposed development complements the heritage qualities of the existing theatre building,
 - (d) whether the proposed development provides a high standard of

- urban design and architectural quality, including the interface between the development and the adjoining public park,
 - (e) whether the design of the proposed development is appropriate for the location of the land in the coastal zone,
 - (f) whether adequate car parking is provided,
 - (g) whether the proposed development provides measures to conserve water usage and to increase water efficiency.
- (9) Before granting concurrence under this clause, the Director-General must consider the assessment of the Independent Design Review Panel in relation to the following:
- (a) whether the proposed development retains the existing theatre building,
 - (b) whether the design of the proposed development complements the heritage qualities of the existing theatre building,
 - (c) whether the proposed development provides a high standard of urban design and architectural quality, including the interface between the development and the adjoining public park,
 - (d) whether the design of the proposed development is appropriate for the location of the land in the coastal zone.
- (10) The consent authority is not required to comply with subclauses (7) and (8) (a) if the Director-General certifies in writing that the development is of minor significance.
- (11) This clause has effect despite any other provisions of this Ordinance.
- (12) In this clause:
- coastal zone** has the same meaning as in the Coastal Protection Act 1979.

New Clause
LEP 477
GG 18.01.13

49DO Bulky goods premises at Manns Road, West Gosford

- (1) This clause applies to part of Lots 1 and 4 and Lots 5-8, DP270678 and part of SP84324, Manns Road, West Gosford, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 477" deposited in the office of the Council.
- (2) Development may, with development consent, be carried out on land to which this clause applies for the purpose of bulky goods premises with a maximum floor space of 12,500 square metres.
- (3) In this clause, **bulky goods premises** means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:
 - (a) a large area for handling, display or storage, and
 - (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

- 49E.** (1) Despite any other provision of this Ordinance, land specified or described in Column I of the Table to this clause may, with the consent of the Council, be developed for the purpose specified in Column II of the Table opposite that land and for any other purpose permitted in the zone that applies to that land.
- (2) Where under subclause (1) land specified in Column I of the Table to this clause may be developed for the purposes for which land reserved for a purpose or included within a zone specified in Column II may be developed, the provisions of this Ordinance relating to land reserved for a purpose or included within a zone specified in Column I of the Table shall, on and from the date of inclusion of that land in the Table, cease to apply to that land and the provisions of this Ordinance relating to land reserved for a purpose or included within a zone specified in Column II of the Table shall thereupon apply to that land.

Deletions from
Table LEP 200

TABLE

	Column 1	Column 2
LEP 1 GG 5.12.80	Lot 34, D.P. 243187, Marinus Place, Erina	Equipment and machinery hire
LEP 23 GG 22.5.81	Lots 15-17, D.P. 606705, Brooks Avenue, Wyoming	Indoor bowling centre
GG 16.10.81	The land in the vicinity of White Street, East Gosford as shown by heavy black edging on the map marked "Gosford Local Environmental Plan No. 24", deposited in the office of the Council and a copy of which is deposited in the office of the Department.	Eight townhouses and public reserve
LEP 45 GG 4.12.81 Amended LEP 200	Lots 1-10, D.P. 261583, Empire Bay Drive, Daleys Point	Cluster housing development containing 51 dwellings, visitor carparking for 33 vehicles and recreational facilities such as tennis courts, swimming pools and the like, and a shopping centre with a maximum floor space of 1,000 square metres
LEP 52 GG 23.4.82 Amended LEP 200	Lot 1, D.P. 607723, corner of Henry Parry Drive and Etna Street, Gosford	Professional centre for doctors, dentists and health care professionals with – (a) no pedestrian or vehicular access to Henry Parry Drive; and (b) provision on the site for parking not less than 32 cars

LEP 60 GG 9.7.83	Part Lot 1, D.P. 556880 Terrigal Drive, Terrigal, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 60", deposited in the office of the Council.	Additions to the existing motel of up to, but not exceeding, 10 units and 1 manager's residence, with associated car parking.
LEP 68 GG 15.10.82	Copacabana Park, Pueblo Street, Copacabana	A temporary school for a period not exceeding 5 years from the date on which Gosford Local Environmental Plan No. 68 takes effect.
LEP 182 GG 10.4.87	Part allotments 1, 2, 3, 18 and 19, section 2, Gosford, and lots A and B, DP 401157, being the land at the corner of Hely Street and Pacific Highway, West Gosford, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 182", deposited in the office of the Council.	Weekend retail markets
LEP 214 GG 6.5.88	Lot 1 DP 25536 Cnr The Entrance Road and Erina Valley Road, Erina	Sale of Trailers and ancillary equipment and minor repairs including the fitting of tow bars.
LEP 222 GG 30.12.88	Lot 1 DP 25536 Cnr The Entrance Road, Wamberal, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 222", deposited in the office of the Council.	Post Office Agency
LEP 252 GG 3.8.90	Lot 7 and Part Lots 5 and 6, D.P. 7914, Ash Street, Terrigal	Tennis courts in association with the Peppers-on-Sea Hotel
LEP 270 GG 15.12.91	So much of the land within Zone No. 2(a) as comprises the land shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 270", deposited in the office of the Council.	Caravan Parks
LEP 347 GG 19.9.97	Lot 54, D.P. 8854, Ocean View Drive, Wamberal, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 347", deposited in the office of the Council.	Refreshment room and one ancillary dwelling-house
LEP 392 GG 19.5.00	Lot 4, D.P. 16575, Trafalgar Avenue and Lot 62, Section A, D.P. 8872, Bullion Street, Umina, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 392" deposited in the office of the Council.	Retail hardware sales with associated car parking.

LEP 481
GG 8.2.2013

Lot 1, DP1030621, 75-83 Karalta Road,
Erina

Camping ground or caravan park

Clauses 49F
to 49I omitted
GG 23.03.01
LEP 399

New Clause
LEP 399
GG 23.3.01

Woy Woy Town Centre – height and density restrictions

49F. (1) In this clause –

“height and density precinct” means land shown on the Woy Woy Town Centre Height and Density Precinct Map as being in a particular precinct by heavy black edging with a letter superimposed thereon;

“Woy Woy Town Centre Height and Density Precinct Map” means the map marked “Gosford Local Environmental Plan No 399 – Woy Woy Town Centre Height and Density Precinct Map” deposited in the office of the Council.

“Australian Height Datum (A.H.D.)” means the nationwide vertical datum derived from mean sea level.

- (2) (a) A person shall not erect a building on land within a height and density precinct specified in Column 1 of the table to this subclause where the height of the building at any point exceeds the height indicated in Column 2 in respect of that precinct. Where a height is not specified, the height is not subject to any restrictions.
- (b) Except as provided by subclause (3) a person shall not erect a building on land within a height and density precinct specified in Column 1 of the table to this subclause where density (for retail and/or commercial purposes) of the building exceeds the density (for retail and/or commercial purposes) indicated in Column 3 in respect of that precinct. Where a density is not specified, then subject to subclause (3), the density is not subject to any restrictions.

TABLE

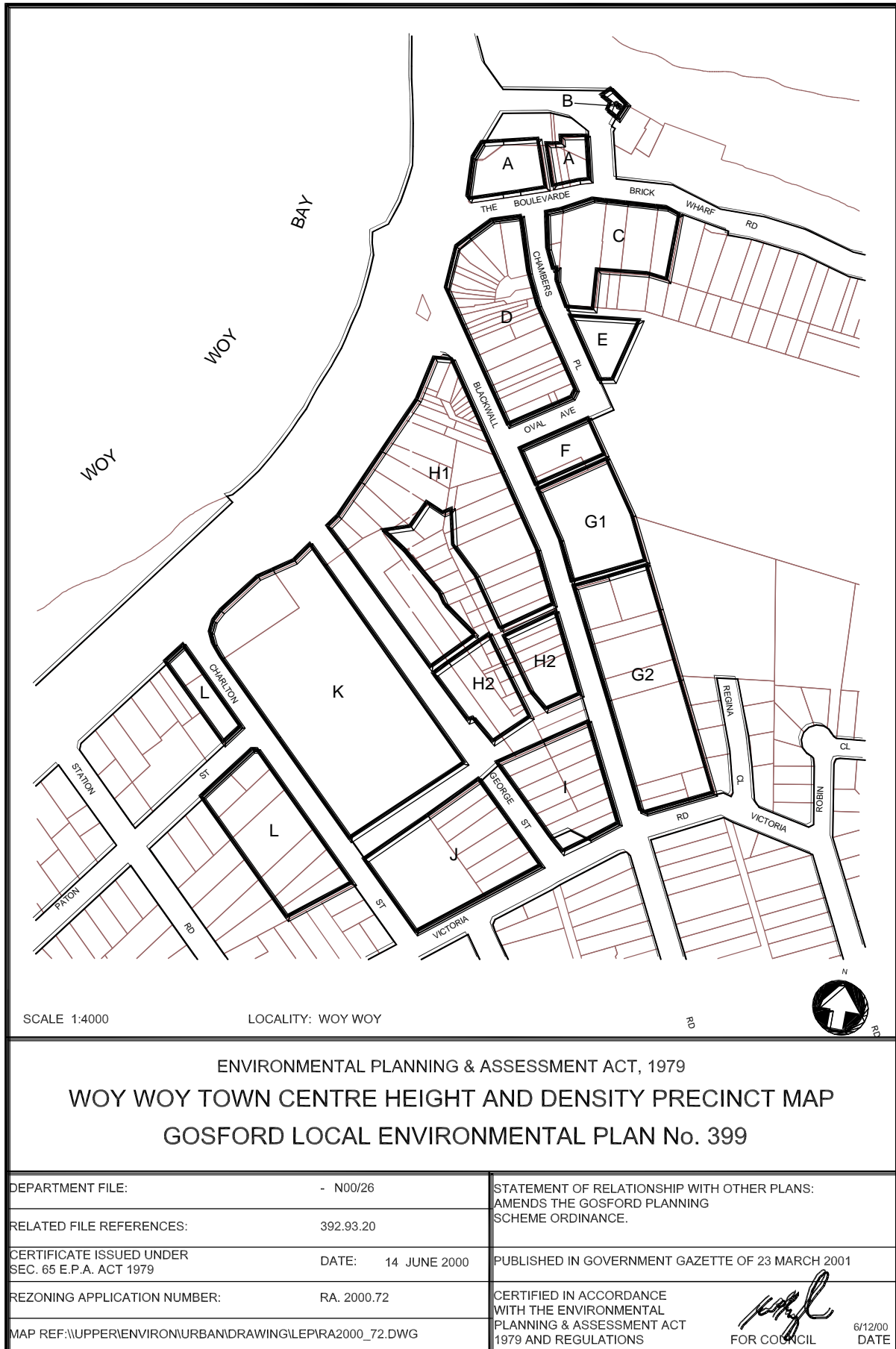
Column 1	Column 2	Column 3
Height and Density Precinct	Maximum Height (A.H.D.)	Density (Floor Space Ratio) retail and/or commercial purposes
F	---	1.5:1
A, B, G2, I, J, K,L,	10.7*	1.5:1

C, E, G1, H2	12**	1.5:1
H1	14**	1.5:1
D	14**	2:1

* Measured to topmost of building

** Measured to topmost ceiling

- (3) Despite the density prescribed in the table referred to in subclause (2) the density for height and density precinct D will be unrestricted for retail and/or commercial floor space for 3 years from the date that Gosford Local Environmental Plan No. 399 comes into effect.
- (4) The achievement of any density, or floor space ratio, specified in subclause (2) and (3) is subject to compliance with the height controls and other provisions of this Ordinance.



- 49J. (1) This clause applies to land within Zone No. 2(a6) shown on the map marked "Gosford Local Environmental Plan No. 48", deposited in the office of the Council.
- (2) Nothing in this Ordinance prevents a person with the consent of the Council, from carrying out development on land to which this clause applies which is owned by the Land Commission of New South Wales or the Minister for Local Government and Lands for the purpose of a neighbourhood centre comprising a school, open space, playing fields, a club, commercial premises or shops having a gross floor area of not more than 2,000 square metres, and professional consulting rooms.
- 49K. (1) This clause applies to the land shown edged heavy black (other than the land shown as being within Zone No. 7(c2) within the meaning of Interim Development Order No. 122 – Gosford, edged heavy black and marked "Excluded") on that map marked "Gosford Local Environmental Plan No. 48", deposited in the office of the council.
- (2) The Council shall not consent to a development application in respect of land to which this clause applies where the proposed development, in the opinion of the council, will or is likely to affect the stability of, or cause the erosion of, soils in the locality or is likely to cause the downstream siltation of watercourses, unless the development application provides for the establishment of temporary or permanent settlement ponds.

Height Limitations – Buildings on certain land in business zones

New clause
GG 9.1.87
LEP 168

- 49M. (1) No building shall be erected on part lot 182 DP 7807, Trafalgar Avenue, Umina, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 127" deposited in the office of the council having a height greater than 7 metres.
- (2) No building shall be erected on lots 62 to 65 (both inclusive) DP 20094, Avoca Drive, Avoca Beach having a height greater than 7 metres.

Gosford City
Centre Local
Environmental
Plan 2005
GG 16/12/05

Clauses 49N, 49O, 49P, 49Q and 49R omitted

Development in Terrigal Town Centre

New clause
LEP 442
GG 04.06.04

- 49S. (1) This clause applies to the following land (the ***Terrigal Town Centre***).

Amended
LEP 468
GG 28.10.11

- (a) land shown edged heavy black on the map marked "Gosford Local Environmental Plan No 442", and
- (b) land shown edged heavy black on the map marked "Gosford Local Environmental Plan No 468".

- (2) The Council must not grant consent to development of land to which this clause applies unless it is satisfied that the proposed development complies with:
 - (a) the urban design principles for development set out in subclause (3), and
 - (b) the objectives and development standards for site frontage set out in subclauses (4) and (5), and
 - (c) the objectives and development standards for height set out in subclauses (6) and (7), and
 - (d) in addition, if applicable, the objectives and development standards for 5 storey buildings set out in subclauses (8) and (9), and
 - (e) in addition, if applicable, the objectives and development standard for setbacks from Hudson Lane set out in subclauses (10) and (11).

- (3) The urban design principles for development in the Terrigal Town Centre are as follows:
 - (a) Promote efficient use of land by encouraging redevelopment of existing properties to achieve a mix of residential business and community uses with that Centre.
 - (b) Encourage the amalgamation of small properties for redevelopment.
 - (c) Ensure that the height, form and design of future buildings neither dominates this coastal setting, nor intrudes unreasonably onto coastal and ocean views that are available from surrounding residential areas on hillsides.
 - (d) Promote high standards of urban and architectural design quality, particularly in order to disguise the scale and bulk of new buildings, to contribute to the overall diversity of building forms and designs, and to reflect a distinctively coastal character for the Terrigal Town Centre.
 - (e) Ensure high levels of amenity along streets and laneways by maintaining existing levels of sunlight and by limiting the height of exterior walls in order to achieve a pedestrian-friendly scale.
 - (f) Encourage intensive pedestrian activity by providing near-continuous shopfronts along all streets and lanes.
 - (g) Address the desired character of residential areas that surround the Terrigal Town Centre.
 - (h) Provide for high levels of residential amenity in the surrounding residential areas as well as within the Terrigal Town Centre.
 - (i) Maximise energy-efficient planning, design and construction for new buildings.

- (j) Prevent the discharge of contaminated stormwater into the ocean.
 - (k) Ensure that new development does not exceed the capacity of existing public infrastructure within the Terrigal Town Centre.
- (4) The objectives for site frontages in the Terrigal Town Centre area as follows:
- (a) To incorporate best-practice urban design by ensuring that frontages are wide enough to conceal carparking plus delivery areas behind street level shopfronts that are nearly continuous along all street and laneway frontages.
 - (b) To ensure that frontages are sufficient to accommodate building services and corridor access for above-ground storeys.
 - (c) To ensure that frontages are sufficient to accommodate residential floorplans which provide a reasonable level of amenity.
 - (d) To encourage consolidation of existing properties that have narrow allotment frontages in order to facilitate effective redevelopment.
 - (e) To ensure that the future redevelopment potential of any existing property is not unreasonably compromised due to narrowness of the frontage.
- (5) The development standards for site frontages in the Terrigal Town Centre are as follows:
- (a) The Council is not to grant consent for the erection of a building where the site frontage would be less than 12m.
 - (b) The Council is not to grant consent for the erection of a building where, immediately adjacent to the development site, properties that have not yet been developed substantially in accordance with this clause have an aggregate frontage of less than 12m.
- (6) The objectives for the height of buildings in the Terrigal Town Centre are as follows:
- (a) To specify a package of inter-related development standards that provide effective control over the scale and bulk of future development.
 - (b) To ensure that the foreshore backdrop will not be dominated by buildings with an excessive scale or bulk.
 - (c) To address community desires that the panoramic headland and ocean views available from the majority of hillsides surrounding the Terrigal Town Centre will not be obstructed

unreasonably.

- (d) To provide height bonuses as incentives for redevelopment in return for amalgamation of existing properties that are small or narrow, and for the provision of specified public benefits.
- (7) The development standard for height in the Terrigal Town Centre is as follows.

The Council is not to grant consent for the erection of any new building or an addition to any existing building where the number of storeys, or the maximum height of external walls, or the maximum height of the building, would be greater than the limits that are specified by the Table below according to the relevant allotment frontage and the area of the development site.

Table

Site frontage	Site area	Maximum number of storeys	Maximum height for external walls	Maximum height for the building
Less than 20m	Less than 2000m ²	3 storeys	10.0m	11.5m
20m or more	Less than 2000m ²	4 storeys	12.75m	14.25m
20m or more	2000m ² or greater	5 storeys	15.5m	17m

- (8) The objectives for five storey buildings in the Terrigal Town Centre are as follows:
 - (a) To establish a range of public and urban design benefits as prerequisites for development of any five storey building.
 - (b) To disguise the impact of any fifth storey development on the overall scale and bulk of building forms.
 - (c) To minimise the impact of any fifth storey development on panoramic coastal and ocean views that are available from surrounding residential hillsides.
- (9) The development standards for five storey buildings in the Terrigal Town Centre are as follows.

The Council is not to grant consent for a building of five storeys unless:

- (a) the development proposal incorporates at least one publicly accessible outdoor space facing a street or lane, being an

outdoor space that reinforces the level of existing on-street retail activity, and contributes to both the amenity and the accessibility of existing pedestrian spaces within the Terrigal Town Centre. The outdoor space must be comprised of:

- (i) alleyways that are open to the sky above and link existing laneways or streets, or
- (ii) courtyards that are open to the sky above and receive satisfactory levels of midwinter sunlight.

- (b) the gross floor area of the fifth storey does not exceed 25% of the development site's area.

(10) The objectives for setbacks from Hudson Lane are as follows:

- (a) To enhance the environmental amenity of Hudson Lane as the prerequisite of enhanced pedestrian and retail activity.
- (b) To encourage shops along at least 50% of all frontages to Hudson Lane.
- (c) To accommodate pedestrian forecourts or terraces facing Hudson Lane in association with all shopfronts that are suitable for outdoor dining.
- (d) To establish a minimum separation between buildings situated on opposing sides of Hudson Lane in order to provide for satisfactory levels of residential amenity.

(11) The development standard for setbacks from Hudson Lane in the Terrigal Town Centre is as follows.

Except in the cases of corner allotments facing either Kurrawyba Avenue or Church Street, the Council is not to grant consent for the erection of any new building, or for an addition to any existing building, fronting onto Hudson Lane unless the exterior walls of the building are setback at least 3 metres from the frontage to Hudson Lane.

(12) In this clause:

external wall means an exterior wall of a building that encloses habitable floorspace, but does not include a gable-end or a high level window that is set beneath a pitched roof.

height means the maximum vertical distance from street level to the top-most point of any building, or of any specified feature of a building.

site frontage means the maximum dimension of any boundary of a development site that faces a public street.

storey means the space between two floors, or the space between a floor and its ceiling or roof above, but does not include any foundation space or non-habitable basement that does not project more than 1 metre above street level at any point.

street level means the average of existing ground levels measured along the principal street boundary of a development site or, where a flood-free level has been set by the Council, that level.

Heritage Conservation

49T. (1) Objectives

The objectives of this clause are:

- (a) to conserve the environmental heritage of the area of the City of Gosford, and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
- (c) to conserve archaeological sites, and
- (d) to conserve places of Aboriginal heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item or a building, work relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearing of its exterior,
- (c) altering a heritage item that is a building, by making structural changes to its interior,
- (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in relic being discovered, exposed, moved, damaged or destroyed.
- (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance.
- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) When consent not required

However, consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
 - (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or

- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) Heritage impact assessment

The consent authority may, before granting consent to any development on land on which a heritage item is situated or that is within a heritage conservation area, require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

Amended GG
12.12.08

Note: The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

(5) heritage conservation management plans

The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

Amended GG
12.12.08

(6) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order applies), be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

Amended GG
12.12.08

(7) Places of Aboriginal heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 21 days after the notice is sent.

Clause 49T(8)

(9) Conservation incentives

omitted GG
12.12.08

The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Ordinance if the consent authority is satisfied that:

- (a) the conservation of the heritage item is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

New clause
LEP 464
GG 01.02.08

49U. Subdivision and regional transport infrastructure - Gosford Horticultural Institute

- (1) This clause applies to the land shown coloured light scarlet with heavy black edging and lettered "2 (a)" on Sheet 1 of the map marked "Gosford Local Environmental Plan No 464" deposited in the office of the Council, but does not apply to such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).
- (2) The object of this clause is to require assistance towards the provision of regional transport infrastructure and services to satisfy needs that arise from development on land to which this clause applies, but only if the land is developed intensively for urban purposes.
- (3) Despite any other provision of this Ordinance, the Council must not grant consent to the subdivision of the land to which this clause applies if the subdivision of land would create additional lots on land that, immediately before the commencement of *Gosford Local Environmental Plan No 464*, was within Zone No 5 (a) (Special Uses), unless the Director-General has certified in writing to the Council that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services in relation to those lots.
- (4) Subclause (3) does not apply to any lot:
 - (a) identified in the certificate as a residue lot, or
 - (b) that is proposed in the development application to be reserved for public open space, public roads, public utilities, educational facilities or any other public purpose.
- (5) Subclause (3) does not apply to a subdivision for the purposes only of rectifying an encroachment on any existing allotment.
- (6) *State Environmental Planning Policy No 1—Development Standards*

does not apply to development for the purposes of subdivision in respect of land to which this clause applies.

New clause
LEP469
GG 03.08.12

49V. Development of land at 85-93 Karalta Road, Erina

(1) Application

This clause applies to Lots 1 and 2, DP 259824, Lot 13, DP 550325, and Lots 6 and 7, DP 1071636 as shown coloured light scarlet with heavy black edging and lettered "2 (c)" on the map marked "Gosford Local Environmental Plan No 469" deposited in the office of the Council.

(2) Floor space ratio and height of buildings

Despite any other provision of this Ordinance, the maximum floor space ratio for any building erected on land to which this clause applies is 0.85:1.

(3) Despite any other provision of this Ordinance, the maximum height for any building erected on land to which this clause applies is 11 metres.

(4) Affordable housing - special provisions

Despite subclauses (2) and (3), the following apply to development for the purposes of a residential flat building on land to which this clause applies if the residential flat building includes at least one dwelling, with at least two bedrooms and a gross floor area of not less than 80 square metres, that is to be used for the purposes of affordable housing:

- (a) the maximum floor space ratio for the building is 1:1,
- (b) the maximum height for the building is 13.75 metres.

(5) Consent must not be granted to development under subclause (4) unless conditions are imposed (in addition to any other conditions which may be imposed by the consent authority) which require that:

- (a) for 10 years from the date of the issue of the occupation certificate:
 - (i) the dwellings proposed to be used for the purposes of affordable housing is to be used for the purposes of affordable house, and
 - (ii) all accommodation that is used for affordable housing is to be managed by a registered community housing provider, and
- (b) a restriction must be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, that will ensure that the requirements of paragraph (a) are met.

(6) Subdivision

Consent must not be granted to the subdivision of land to which this clause applies that would create an allotment smaller than 1000m².

(7) **Reticulated water supply and sewer**

Consent must not be granted to any development on land to which this clause applies unless the consent authority is satisfied that the proposed development is or is to be serviced by a reticulated water supply and sewer.

(8) **Interpretation**

In this clause:

gross floor area has the same meaning as in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

National Rental Affordability Scheme means the scheme of that name prescribed under the *National Rental Affordability Scheme Act 2008 of the Commonwealth*.

registered community housing provider has the same meaning as in the *Housing Act 2001*.

Note. The act defines affordable housing as follows:

affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

(9) For the purposes of the definition of **affordable housing**, a household is taken to be a very low income household, low income household or moderate income household if the household:

- (a) has a gross income that is less than 120 per cent of the median household income for the time being for the Sydney Statistical Division (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or
- (b) is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.

New clause
LEP469
GG 03.08.12

49W. Development of 95-97 Karalta Road, Erina

- (1) This clause applies to Lot 1, DP 255797, and Lot 101, DP 1102271, as shown coloured light scarlet with heavy black edging and lettered "2 (c)" on the map marked "Gosford Local Environmental Plan No 469" deposited in the office of the Council.
- (2) Despite any other provision:
 - (a) the maximum floor space ratio for any building on land to which this clause applies is 0.85:1, and

- (b) the maximum height of any building erected on land to which this clause applies is 11 metres, and
- (c) consent may be granted to the subdivision of land to create an allotment of a size that is smaller than the minimum size of an allotment allowed by any other provision.

New Clause
LEP474
GG 12.10.12

49X Development of land at Kings Avenue, Terrigal

- (1) This clause applies to Lot 2, DP 1111392, Lots 8 and 9, DP876102, part of Lot 202, DP831864, Lot 4, DP37914 and Lot 1, DP 381971, Kings Avenue, Terrigal, as shown coloured dark green and lettered "6(a)", coloured light scarlet with heavy black edging and marked "2(a)" and coloured dark green with heavy yellow edging and lettered "6(c)" on the map marked "Gosford Local Environmental Plan No 474" deposited in the office of the Council.
- (2) Clauses 27A, 29B, 30AAA and 49BA do not apply to the land to which this clause applies.
- (3) Development may, with development consent, be carried out on land to which this clause applies that is also within Zone 2 (a) for the purpose of a home business that involves the use of at least 30 square metres of floor area, but does not involve the use of more than 60 square metres of floor area.
- (4) The consent authority must not consent to the erection of a dwelling house on land to which this clause applies unless the consent authority is satisfied that adequate provision is to be made for a home business to be carried out in the dwelling house.
- (5) Development for the purpose of cluster development is prohibited on land to which this clause applies that is also within Zone 2(a).
- (6) Development may, with development consent, be carried out on land to which this clause applies that is also within Zone 2(a) for the purpose of a home business support hub that involves the use of no more than 600 square metres of floor space.
- (7) The consent authority must not grant development consent for the subdivision of land to which this clause applies that is also within Zone 2(a) unless the area of any lot to be created by the subdivision will be at least 550 square metres.
- (8) In this clause:
 - home business** means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:
 - (a) the employment of more than 2 persons other than those residents, or
 - (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam,

soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or

- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupations (sex services) or sex services premises.

home business support hub means a building or collection of buildings use for one or more of the following purposes:

- (a) business premises,
 - (b) child care centres,
 - (c) community facilities,
 - (d) function centres,
 - (e) neighbourhood shops,
 - (f) office premises,
 - (g) recreation facilities (indoor),
 - (h) restaurants or cafes.
- (9) A word or expression use in this clause has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* unless it is otherwise defined in this clause.

New Clause
LEP475
GG 09.11.12

49Y Temporary use of "Gosford Racecourse", Racecourse Road, West Gosford.

- (1) This clause applies to Lot 4, DP775631.
- (2) The objective of this clause is to provide for the temporary use of Gosford Racecourse if the use does not compromise future development of that land, or have detrimental economic, social, amenity or environmental effects on that land.
- (3) Despite any other provision of this Ordinance, development consent may be granted for development on land to which this clause applies for a temporary use for a maximum period of 14 days (whether or not consecutive days) in any period of 12 months.

- (4) Development consent must not be granted unless the Council is satisfied that:
- (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Ordinance and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

PART VII.

GENERAL

Clause
amended
22.1.99
Clause
amended
11.7.80

50. Nothing in this Ordinance shall be construed as restricting or prohibiting or requiring development consent for -

- (a) the carrying out of development of any description specified in Schedule 5.
- (b) the use of existing buildings of the Crown; or

Subclause (c)
omitted
LEP 381
Clause 51
omitted
LEP 381
Clause 52
omitted
LEP 381
Clause 53
omitted
LEP 381

Clause 54
substituted
LEP 381

Covenants and agreements

54. (1) If any agreement, covenant or other similar instrument prohibits or restricts development permitted under this Ordinance, the agreement, covenant or instrument does not apply to that development to the extent necessary to allow that development to be carried out.
- (2) Nothing in subclause (1) affects the rights or interests of any public authority under any registered instrument.
- (3) In accordance with section 28 of the Environmental Planning and Assessment Act 1979, the Governor approved of subclauses (1) and (2) before the plan inserting those subclauses (Gosford Local

Environmental Plan No. 381) was made.

Clause 55

omitted

LEP 381

Clause 56

omitted

GG 26.9.80

Clause 57

omitted

LEP 381

Clause 58

omitted

GG 5.3.82

Schedule 1

omitted

LEP 381

Schedule 2

omitted

LEP 200

Schedule 3

omitted

LEP 381

Schedule 4

omitted

LEP 381

Relating to keeping of a register of consents, etc.

See Section 104 Environmental Planning & Assessment Act

Clause 50

SCHEDULE 5

1. The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of -
 - (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant;
 - (b) the erection within the confines of a railway station of buildings for railway undertaking purposes within Zone No. 5(b) outside the limits of a railway station;
 - (c) the erection, reconstruction and alteration of buildings for railway undertaking purposes within Zone No. 5(b) outside the limits of a railway station;

but excluding -

 - (i) the construction of new railways, railway stations and bridges over roads;
 - (ii) the erection of any building on land not included in Zone No. 5(b);
 - (iii) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the confines of a railway station and the reconstruction or alteration so as materially to affect the design of railway stations or bridges;
 - (iv) the formation or alteration of any means of access to a road;
 - (v) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.

2. The carrying out by persons who are carrying on water, sewerage, drainage, electricity or gas undertakings of any of the following development, being development required for the purpose of their undertakings, that is to say -
 - (a) development of any description at or below the surface of the ground;
 - (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation;
 - (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housings, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone,

concrete or brickwork;

- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity;
 - (e) the erection of service reservoirs on land acquired or in process of being acquired for the purposes thereof before the appointed day, provided reasonable notice of the proposed erection is given to the responsible authority;
 - (f) any other development except -
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections, and the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings;
 - (ii) the formation or alteration of any means of access to a road.
3. The carrying out by persons carrying on water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except -
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof;
 - (b) the formation or alteration of any means of access to a road.
4. The carrying out by persons carrying on wharf, harbour or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or harbour or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant, except -
- (a) the construction of bridges, the erection of any other buildings and the reconstruction or alteration of bridges or of buildings so as materially to affect the design or external appearance thereof;
 - (b) the formation or alteration of any means of access to a road.
5. The carrying out by persons carrying on air transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except -
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof;
 - (b) the formation or alteration of any means of access to a road.

6. The carrying out by the owner or lessee of a mine existing at the appointed day, on the mine, of any development required for the purposes of the mine, except -
 - (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings so as materially to affect the design or external appearance thereof;
 - (b) the formation or alteration of any means of access to a road.
7. The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any main road or other road, except the widening, realignment or relocation of such road.
8. The carrying out of any forestry work by the Forestry Commission, School Forest Trust or Community Forest Authorities empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber and other forest development and utilisation within areas dedicated for forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the Forestry Act, 1916.

Clause amended
11.7.80
9. The carrying out by a Pastures Protection Board of any development required for the improvement and maintenance of travelling stock and water reserves, except -
 - (a) the erection of buildings and the reconstruction or alteration of buildings, so as materially to affect the design or purpose thereof;
 - (b) any purpose designed to change the use or purpose of any such reserves.
10. The carrying out of any development required in connection with the Gosford Regional Sewerage Scheme or any other sewerage scheme carried out by a person carrying on a sewerage undertaking.

New clause
GG 22.2.91
Clause amended
9/9/05
LEP 450
11. The carrying out of coastal hazard protection works.

New clause
LEP 372
GG 22.1.99

Schedule 6
omitted
LEP 381

Schedule 7
omitted
LEP 381

New Schedule
GG 4.11.88

Schedule 8 Environmental Heritage

(Clauses 3(1) and 49T)

Amended
LEP 460
Gazetted
22/12/06

Amended LEP
464
Gazetted
01/02/08

Heritage items of State significance

- * Hawkesbury River rail bridge, Brooklyn (includes 3 pylons of the former Hawkesbury River Railway Bridge).
- * House, Mulhollands Farm, No 9 Pixie Avenue, Green Point.
- * Foreshore land and structures, No 9 Pixie Avenue, Green Point.
- * House, "Rosemount", No 36 Steyne Road, Saratoga.
- * House, "Wyoming Cottage", Pacific Highway, Wyoming.
- * Hely's Grave, Pacific Highway, Wyoming.
- * House, "The Grange", Renwick Street, Wyoming.

Note. Items marked with an asterisk (*) are items listed on the State Heritage Register and subject to the provisions of the Heritage Act 1977.

Heritage items

Original Erina West Public School, The Entrance Road, Erina.

House of Peter Fagan, later "Red Cow Inn" now Henry Kendall Museum, Henry Kendall Street, West Gosford.

"Kendalls Glen" reserve and rock, off Pacific Highway, West Gosford.

Remains of old Punt Bridge over Erina Creek, The Entrance Road, East Gosford.

St. Pauls church and graveyard, corner Avoca Drive and Empire Bay Drive, Kincumber.

House of Burns family, Kincumber Street, Kincumber.

School of Arts, corner Empire Bay Drive and Tora Avenue, Kincumber.

Holy Cross church and graveyard, Humphreys Road, Kincumber South.

Convent and chapel, Kincumber Orphanage, Humphreys Road, Kincumber South.

7 houses at Dark Corner, Patonga.

Roadworks, old Pearl Beach Road between Mount Ettalong Road and Coral Crescent, Pearl Beach.

Woy Woy public wharf remains, west side of Woy Woy Railway Station.

Former church, "St Lukes" corner Blackwall Road and Billabong Street, Woy Woy.

Church, "St. David's", 120 Blackwall Road, Woy Woy.

Church, "St John the Baptist", 96/98 Blackwall Road, Woy Woy.

Former Council Chambers, corner Blackwall Road and Oval Avenue, Woy Woy.

Former Council garage and storeroom, Oval Avenue, Woy Woy.

Fire station and residence, Blackwall Road, Woy Woy.

Railway workers cottage, railway land adjacent to former level crossing, Pacific Highway, Lisarow.

Site of George Peats Inn, Mooney Mooney Point, Hawkesbury River.

Site of public wharf, Blackwall Point, Woy Woy.

Site of house, "Ettalong Hall" Mulbong Road and Rip Bridge approach, Woy Woy.

Veteran Hall cemetery, Henderson Road, Saratoga.

Gravestone of John Campbell, corner Brooklyn Road and High Street, Saratoga.

Site of public wharf, The Entrance Road and Erina Creek, Erina.

Cemetery, Ulumba Avenue, Wamberal.

Former cemetery, Pioneer Park, Albany Street, Point Frederick.

Former cemetery, "Bradys Gully", Henry Parry Drive, North Gosford.

Site of former public wharf, Lexington Road, Green Point.

Grave of John Menton, Blythe Street, Hardys Bay.

Site of public wharf, Killuna Road and Kincumber Creek, Kincumber.

Site of "Brick Wharf", off Brickwharf Road, Woy Woy.

Cemetery, Pacific Highway and Eagle Close, Lisarow.

Woy Woy Hotel, The Boulevard, Woy Woy.

Bay View Hotel, corner Brisbane Water Drive and The Boulevard, Woy Woy.

House, "Mona Vale", St. Edwards School, Frederick Street, East Gosford.

House, "Boora Boora", Avoca Drive, Kincumber.

Boatshed, off Sorrento Road, Empire Bay.

Gravestone, Corribeg Reserve, Tudibaring Parade, MacMasters Beach.

Old railway dams and environs off Reeves Street, Narara.

Site of public wharf off Victoria Street, East Gosford.

Old Narara Primary School, Pacific Highway, Narara.

Church, corner Pacific Highway and Berrys Head Road, Narara.

Public Hall, Goonak Road, Narara.

House, Lot B, D.P. 347800, 42 The Esplanade, Ettalong Beach. (LEP 352)

Manasseh Frost's House, located on part of Lot 11 D.P. 635510, Avoca Drive, Kincumber.

Hastings Wharf, Kallaroo Road, Bensville.

Former house, now part of Orange Grove Private Hospital, Lot 3, DP 861482, No 380 Orange Grove Road, Blackwall

Booker Bay Store, Lot A, DP 338628, No 72 Booker Bay Road, Booker Bay.

Shop "Kings Store", Lot 119A, DP 416609, No 78 Booker Bay Road, Booker Bay.

Davistown Store, Lot 1, DP 12932, No 1 McCauley Street, Davistown.

Davistown Baths, Pine Avenue, Davistown.

House, "Stonehurst", Lot 6, DP 227878, No 64 George Street, East Gosford.

House, Lot 44, DP 614225, No 100 Lushington Street, East Gosford.

House, former boarding house, "Empire House", Lot B, DP 102620, No 8 Sorrento Road, Empire Bay.

Empire Bay Store and Residence, Lot B, DP 320140, No 12 Sorrento Road, Empire Bay.

Anglican Church, Lot 201, DP 7029, No 47 Rosella Road, Empire Bay.

War Memorial, Road Reserve, intersection of Sorrento and Kendall Roads, Empire Bay.

Merrett's Wharf, off Rickard Road, Empire Bay.

Vietnam Veterans Memorial, Ettalong Foreshore Reserve, The Esplanade, Ettalong Beach.

Dwyer Pavilion, Gosford Showground, Showground Road, Gosford.

Farmhouse, "Kenmare", Lot 9, DP 236432, No 4 Roslyn Gardens, Green Point.

House, "Capri", Lot 49, DP 302278, No 40 Araluen Drive, Hardys Bay.

House, "Bayview", Lot 1, DP 171147, No 42 Araluen Drive, Hardys Bay.

Killcare Store, Lot 43, DP 8830, No 54 Araluen Drive, Hardys Bay.

Killcare marina site, Lot 495, DP 822113, opposite No 46 Araluen Drive, Killcare.

Rickards Wharf, Araluen Drive, Killcare.

Post and rail fence, Lot 1, DP 603464 and Lot 1, DP 781105, No 168-170 Avoca Drive, Kincumber.

House, George Frost House, Lot 1, DP 603464, No 168 Avoca Drive, Kincumber.

Post and rail fence, Lots 11 and 12, DP 635510, Avoca Drive, Kincumber.

House, "The Lavender Patch", Lot 1, DP 870536, Joseph Place, Kincumber.

Wards Wharf, Public Reserve adjacent Sewage Treatment Works, Kincumber.

House, Lot 1, DP 25265, No 15 Brisbane Water Drive, Koolewong.

House and wharf, "Glenrock", Lot 2, DP 387962, No 12 Couche Crescent, Koolewong.

House, "Sunny Haven", Lot 181, DP 204140, No 154 Glenrock Parade, Koolewong.

House, Lot4, DP 332224, No 30 Lara Street, Koolewong.

Two houses, Lot 412, DP 833320, Parks Bay, Koolewong.

Shop and outbuilding, Post Office Store (Pryor Brothers), Lot 1, DP 590606, Lisarow.

Grave of Frances Peat, Public Reserve, Mooney Mooney Point.

House, "White Gates", Lot 1, DP 565029, No 18 Hanlan Street, Narara.

House, "Valley View", Lot 4, DP 612752, No 95 Hanlan Street North, Narara.

Venus Wharf site, Maliway Road, Narara.

House, "Holcombes", Lot 1, 700106, corner of Manns and Showground Road, Narara.

House, Lot A, DP 420450, No 39 Pearsons Street, Narara.

Former Grafting Shed/Administration Block and curtilage, Gosford Horticultural Institute, Research Road, Narara.

Group of *Araucaria cunninghamii* (Hoop Pines) near farm complex, Gosford Horticultural Institute, Research Road, Narara.

Group of *Taxodium distichum* (Bald Cypress) inside front gate, Gosford Horticultural Institute, Research Road, Narara.

Manager's Cottage, Hen House (former Shower Block) and curtilage, Gosford Horticultural Institute, Research Road, Narara.

Main Entrance Gate Posts, Gosford Horticultural Institute, Research Road, Narara.
Plantation of *Carya illinoensis* (Pecan), Gosford Horticultural Institute, Research Road, Narara.

Row of *Pyrus calleryana* (Callery Pear), Gosford Horticultural Institute, Research Road, Narara.

Specimen of *Syncarpia glomulifera* (Turpentine) on eastern boundary, Gosford Horticultural Institute, Research Road, Narara.

Type specimen of *Pyrus calleryana* (Callery Pear) strain D6, Gosford Horticultural

Institute, Research Road, Narara.

Patonga Store, Lot 5, DP 23839, No 8 Patonga Drive, Patonga.

War Memorial, Road Reserve, intersection of Patonga Drive, Bay Street and Jacaranda Avenue, Patonga.

House, "Yamba", Lot 480, DP 14592, No 13 Crystal Avenue, Pearl Beach.

Pearl Beach Hall and Memorial, Lot 324, DP 14592, No 9 Diamond Road, Pearl Beach.

Phegans Walking Track, Lots 40-46, DP 8421, Nos 80-92 Monastir Road, Phegans Bay.

House, "Katie Dawsons", Lot 5, DP 4090, No 15 Alukea Avenue, Point Clare.

House, Lot 1, DP 38240, No 27 Brisbane Water Drive, Point Clare.

House, "Keiraville", Lot 4, DP 613722, No 156 Brisbane Water Drive, Point Clare.

Goodawang Wharf and Langley House footings, Kurrawa Avenue, Point Clare.

House, "Weona", Lot 35, Section 2, DP 6552, No 66 Highview Road, Pretty Beach.

Former Pretty Beach Store, Lot 12, Section 1, DP 6552, No 38 Pretty Beach Road, Pretty Beach.

House, former "Buena Vista" Boarding House, Lot 15, DP 561989, No 76 Steyne Road, Saratoga.

Graves of Scott family, Lot 33, DP 27767, No 15 Melaleuca Crescent, Tascott.

House, "The Gunyah", Lot B, DP 347541, No 168 Terrigal Drive, Terrigal.

House, "Seville", Lot 1, DP 348393, No 374 Terrigal Drive, Terrigal.

War Memorial, Terrigal Foreshore, Terrigal Esplanade, Terrigal.

St Peter's Church, Lot 682, DP 737089, No 12 Wagstaffe Avenue, Wagstaffe.

Wagstaffe Store, Lots 1 and 2, DP 7041, Nos 46-48 Wagstaffe Avenue, Wagstaffe.

Boatshed and Norfolk Island Pines, Lot 222, DP 514964, Wagstaffe Avenue, Wagstaffe.

Wagstaffe Memorial Hall, Lot 17, DP 4961, Wagstaffe Avenue, Wagstaffe.

Former Uniting Church, Lot 5, DP 959078, No 600 The Entrance Road, Wamberal.

Two shops, "Noonans", Lot 2, DP 204415 and Lot 10, DP 235753, Nos 8-10 Blackwall Road, Woy Woy.

Part of former "Alecia" Tea Rooms, Lot C, DP 400718, Blackwall Road, Woy Woy.

Woy Woy Memorial Park and Wall, Brickwharf Road, Woy woy.

Former shop, "Mrs Wilson", Lot 12, DP 1009830, corner of Charlton and Railway Streets, Woy Woy.

Woy Woy Masonic Hall, Lot 331, DP 547025, No 42 Railway Street, Woy Woy.

House, Lot 13, Section 1, DP 5099, No 146 Railway Street, Woy Woy.

House, Lot 26, DP 19469, No 6 Taylor Street, Woy Woy Bay.

House, Lot 5, Section 4, DP 1905, No 10 Akora Road, Wyoming.

Yattalunga Baths, Mundoora Avenue, Yattalunga.

SCHEDULE 9

(Cl. 45CA)

CLASSIFICATION OR RECLASSIFICATION OF PUBLIC LAND

Gosford

New Schedule
LEP 341
GG 20.6.97

Part 1 Land classified, or reclassified, under original section 30 of Local Government Act 1993

Niagara Park - part Lot 2, D.P. 552692, Narara Valley Drive and Washington Street, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 341" deposited in the office of the Council.

Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993 - interests not changed

Amended
LEP 401
27/10/00

Erina - part of Lot 1 DP 707134 (Erina Park), Ilya Avenue and Karalta Road, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 401" deposited in the office of the Council.

St Huberts Island - Lot 91 DP 242253, Lots 53 and 54 DP 241441, Lots 183 and 184 DP 243182 and Lots 366 and 369 DP 245430 (drainage reserves or canals), as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 447" deposited in the office of the Council.

Part 3 Land classified, or reclassified, under amended section 30 of Local Government Act 1993 - interests changed

Amended
LEP 423
10/05/02

Locality**Description****Any trusts etc not discharged****Erina**

Ilya Avenue

Part of Lot 1, DP 707134, being part of Erina Park, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 423" deposited in the office of the Council.

Nil

Amended
LEP 437
GG 31/10/03

Terrigal

Wilson Road

Lots 1011 and 1012, DP 1033671, part of Lot 12, DP 616358, Lot 2, DP 20272 and a pathway, as shown edged heavy black and hatched on Sheet 1 of the map marked "Gosford Local Environmental Plan No 437" deposited in the office of the Council.

Nil

SCHEDULE 10 - EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
1 Erection and use of a Business Identification Sign listed below (a) Business signs in Business Zones Suspended under awning sign	Maximum Size: - not exceeding 1.5m ² in area Siting: - if over a public road, erected at a minimum height of 3m above ground level Structure: - one per premises - securely fixed by metal supports Heritage: - not erected on a heritage item.
Vertical or Horizontal projecting wall signs	Maximum Size: - not exceeding 2.5m ² in area Siting: - if over a public road, erected at a minimum height of 3m above ground level Structure: - one per premises Heritage: - not erected on a heritage item.
Flush Wall Signs	Maximum Size: - not exceeding 2.5m ² in area Siting: - if over a public road, erected at a minimum height of 3m above ground level Structure: - securely fixed Heritage: - not erected on a heritage item.
(b) Business identification signs in Industrial Zones	Maximum Size: - not exceeding 2.5m ² in area Siting: - if over a public road, erected at a minimum height of 3m above ground level Structure: - securely fixed
(c) Business identification signs in Residential Zones	Maximum Size: - not exceeding 0.75m ² in area Siting: - if over a public road, erected at a minimum height of 3m above ground level
2 Ancillary development relating to a dwelling, being the erection and use of a structure listed below on land other than land in Zone	

SCHEDULE 10 - EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
<p>No. 2(f), 4(a), 4(b), 4(c), 4(d), 5(a), 5(d), 5(e), 6(a), 6(b), 6(c), 6(d), 6(e) or 9(a) or on land that is within 50 metres of a beach that has been subject to a Coastal Processes Study by Council</p> <p>(a) Air conditioning units</p>	<p>Siting:</p> <ul style="list-style-type: none"> - attached to external wall or ground mounted involving fully integrated systems - all mechanical components and their enclosures located a minimum of 6.0 metres off any property boundary and behind building line to any street frontage
<p>(b) Awnings, canopies and storm blinds</p>	<p>Maximum area:</p> <ul style="list-style-type: none"> - 10m² per structure - maximum aggregate area of 30m² <p>Siting:</p> <ul style="list-style-type: none"> - located wholly within property boundaries <p>Drainage:</p> <ul style="list-style-type: none"> - incorporates drainage to prevent discharge of stormwater to adjoining properties and provides discharge to appropriate outlets.
<p>(c) Barbecues</p>	<p>Maximum Size:</p> <ul style="list-style-type: none"> - 10m² <p>Maximum Height:</p> <ul style="list-style-type: none"> - 2.1m <p>Siting:</p> <ul style="list-style-type: none"> - located behind the building line not in a prominent location - located in an area not to cause a nuisance to adjoining allotments - minimum 450mm from boundary
<p>(d) Bird aviaries, cabanas, cubby houses, garden sheds, greenhouses and shade houses and workshops and the like</p>	<p>Maximum Size:</p> <ul style="list-style-type: none"> - maximum floor area 12m² - maximum height 2.4m <p>Siting:</p> <ul style="list-style-type: none"> - minimum 450mm from boundary - located in the rear yard - not located in a highly visual or prominent position <p>Structure:</p> <ul style="list-style-type: none"> - one per premises <p>Drainage:</p> <ul style="list-style-type: none"> - adequate disposal of stormwater - stormwater not directed to adjoining properties - not where structure will impede

SCHEDULE 10 - EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
	<p>floodways or overland flow paths</p> <p>Bush Fire Control: - no structure consisting of highly flammable materials on land shown as high bushfire hazard on a map held by the Council</p> <p>Usage: - for domestic purposes only</p>
(e) Children's play equipment (other than cubby houses)	<p>Maximum Size: - maximum height 2.4m (except for basketball backboards and poles – maximum height 3.5m)</p> <p>Siting: - located behind building line to any street frontage - located at least 900mm from any property boundary</p>
(f) Clothes lines	<p>Siting: - located behind building line to any street frontage and not within the front yard</p> <p>Installation - to manufacturer's specifications</p>
(g) Decks	<p>Maximum Size: - maximum area 30m² - maximum width 3m - maximum height 500mm above finished ground level</p> <p>Siting: - located behind building line - minimum side boundary setback 3m - not within a secondary overflow path or natural watercourse - not over an easement or right of carriageway - not within the zone of influence of an existing sewer main or drainage easement</p> <p>Structure: - not roofed or enclosed on sides - structurally sound and of good quality - all timbers a minimum durability class 2 or adequately treated</p> <p>Bush Fire Control: - no structure consisting of highly flammable materials on land shown as high bushfire hazard on a map held by the Council</p> <p>Heritage: - Not on the site of a heritage item or on land affected by the Heritage Act 1977 or Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean</p>

SCHEDULE 10 - EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
	River (No. 2 – 1997)
(h) Driveways within the Property Boundaries	<p>Maximum Size: - maximum width of 3.5m</p> <p>Siting: - located at or near ground level so as not to require retaining or filling to depths greater than 600mm</p> <p>Structure: - complies with the requirements of Australian Standard AS 2890.1 – 1993 – Parking facilities – Off-street car parking</p> <p>Drainage: - incorporates drainage to prevent discharge of surface water to adjoining properties and to provide discharge to appropriate outlets</p> <p>- does not affect the overland flowpath of surface water so as to adversely affect adjoining properties</p> <p>Tree Protection: - driveways located within 3m of existing trees are constructed of loose paver to allow minor ground movement due to root system</p>
(i) Fences – front	<p>Maximum Height: - open style eg Picket, pool fencing: 1.2m</p> <p>- solid eg Decorative brick, timber: 1m</p> <p>Siting: - on or behind the building line</p> <p>- gates do not obstruct pedestrian access along a public roadway</p> <p>Structure: - of materials compatible with streetscape</p> <p>- not made of solid metal materials</p> <p>- no fences with high flammability on land shown as high bushfire hazard on a map held by the Council</p> <p>Tree Protection: - no strip footing construction where a tree is located within 3m on either private or public property.</p>
(j) Fences – side and rear	<p>Maximum Size: - maximum height 1.8 metres</p> <p>Siting: - not where fence will impede floodways or overland flow paths</p> <p>- behind building line</p> <p>- does not interfere with traffic visibility at</p>

SCHEDULE 10 - EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
	<p>intersections</p> <p>Tree Protection: - no strip footing construction where a tree is located within 3m on either private or public property</p> <p>Privacy Screens: - open style privacy screens (eg Lattice) with a maximum length of three (3) metres and a maximum height above the fence of 450mm and not attached to the fence structure</p>
(k) Flagpoles	<p>Maximum Size: - maximum height of 6 metres above existing ground level</p> <p>Siting: - located at least 1m from any boundaries</p> <p>Structure: - one only for any single allotment of land</p> <p>- structurally adequate</p>
(l) Lighting	<p>General: - not for a tennis court or sports field</p>
(m) Paving (not including paths)	<p>Maximum Size: - maximum area 30m²</p> <p>Siting: - at ground level.</p> <p>Drainage: - incorporates drainage to prevent discharge of surface water to adjoining properties and to provide discharge to appropriate outlets</p> <p>- does not affect the overland flowpath of surface water so as to adversely affect adjoining properties</p> <p>Tree Protection: - areas of paving located within 3m of existing trees are constructed of loose paver to allow minor ground movement due to root system</p>

SCHEDULE 10 - EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
(n) Pergolas and sails	<p>Maximum size:</p> <ul style="list-style-type: none"> - maximum area of 30m² - Maximum height of 2.4m above ground or, if the building has a deck, above existing deck level <p>Siting:</p> <ul style="list-style-type: none"> - Minimum side boundary setback of 900mm - behind building line - not within the zone of influence of an existing sewer main or drainage easement - not over an easement or right of carriageway - not within a secondary overflow path or natural watercourse <p>Bushfire control:</p> <ul style="list-style-type: none"> - no pergolas with high flammability on land shown as high bushfire hazard on a map held by the Council <p>Drainage:</p> <ul style="list-style-type: none"> - not where pergolas will impede floodways or overland flowpaths <p>Structure:</p> <ul style="list-style-type: none"> - only one per lot and not exceeding an aggregate area of 30m² - not roofed or enclosed on sides - not attached to fences - structurally sound and of good quality - all timbers to be of a minimum durability class 2 or adequately treated - sails to be made of a pervious material and to comply with the manufacturer's specifications <p>Heritage:</p> <ul style="list-style-type: none"> - Not on the site of a heritage item or on land affected by the <i>Heritage Act 1977</i> or <i>Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997)</i>
(o) Rainwater tanks on land other than on land in Zone No 1 (a), 1 (b), 1 (c) or 1 (d)	<p>Maximum size:</p> <ul style="list-style-type: none"> - maximum volume of 4,500 litres <p>Specifications:</p> <ul style="list-style-type: none"> - complies with AS/NZS 2179.1:1994, <i>Specifications for rainwater goods, accessories and fasteners, Part 1: Metal shape or sheet rainwater goods, and metal accessories and fasteners</i> and AS 2180-1986, <i>Metal rainwater goods – selection and installation</i> - Maximum height of 1.8m above ground

SCHEDULE 10 - EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
	<p>level</p> <p>Siting:</p> <ul style="list-style-type: none"> - located at least 900mm from any property boundaries - located behind building line to any street frontage - not located over stormwater or sewer pipes - not resting on the edge of wall footings <p>Drainage:</p> <ul style="list-style-type: none"> - provision made to prevent overflow running onto adjoining properties <p>Structure:</p> <ul style="list-style-type: none"> - support structure to manufacturer's specifications or requirements of a qualified practising structural engineer - all openings are sealed or protected to prevent ingress of animals and insects <p>Water connection:</p> <ul style="list-style-type: none"> - no connection or cross-connection between the reticulated town water supply and tank water
(p) Rainwater Tanks on land in Zone No. 1(a), 1(b), 1(c) or 1(d)	<p>Specifications:</p> <ul style="list-style-type: none"> - complies with AS/NZS 2179.1:1994, <i>Specifications for rainwater goods, accessories and fasteners, Part 1: Metal shape or sheet rainwater goods, and metal accessories and fasteners</i> and AS 2180 – 1986, <i>Metal rainwater goods – Selection and installation</i> - support structure to manufacturer's specifications or requirements of qualified practising structural engineer <p>Structure:</p> <ul style="list-style-type: none"> - not resting on the edge of wall footings
(q) Retaining Walls	<p>Maximum Area:</p> <ul style="list-style-type: none"> - maximum height of 1m above or below natural ground level <p>Siting:</p> <ul style="list-style-type: none"> - located on slopes not greater than 20% - located no closer than 5 metres apart - not constructed over sewer mains or sewer manholes <p>Structure:</p> <ul style="list-style-type: none"> - structurally sound and of good quality - masonry walls comply with: <ul style="list-style-type: none"> AS 3700-2001 - Masonry structures AS 3600-2001 - Concrete structures AS 1170\geq1-2002, AS 1170\geq2-2002 and AS 1170\geq4-1993 – (Minimum design loads on structures)

SCHEDULE 10 - EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
	<ul style="list-style-type: none"> - timber walls comply with: AS 1720\equiv1-1997, AS 1720\equiv2-1990 and AS 1720\equiv4-1990 – Timber structures AS 1170\equiv1-2002, AS 1170\equiv2-2002 and AS 1170\equiv4-1993 – Minimum design loads on structures <p>Drainage: - do not impede the natural flow of stormwater drainage or run-off</p> <p>Tree Protection: - not constructed within 3m of an existing tree</p>
(r) Satellite Dishes	<p>Maximum Size: - maximum diameter 1.2m</p> <p>Siting: - maximum height 1.5m above lowest point of roof</p> <ul style="list-style-type: none"> - behind the building line and located no closer than 900mm to side boundaries - no detrimental effect on adjoining properties <p>Usage: - for domestic purposes only</p>
(s) Skylights and Roof Windows (including Solar Tubes or similar installations)	<p>Maximum Area: - Maximum area of skylight does not exceed 1m²</p> <p>Siting: - location not less than 900mm from a property boundary and not less than 900mm from a wall separating attached dwellings</p> <p>Structure: - building work will not reduce the structural integrity of the building or involve structural alterations</p> <ul style="list-style-type: none"> - any openings created by the installation are adequately weatherproofed
(t) Solar Water Heaters	<p>Installation: - installed to manufacturer's specifications and requirements</p> <ul style="list-style-type: none"> - installed by a licensed person and in accordance with the provisions of the relevant standards of Standards Australia <p>Structure: - does not reduce the structural integrity of the building</p> <ul style="list-style-type: none"> - any opening is sealed by the use of adequate weatherproofing

SCHEDULE 10 - EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
(u) Solid Fuel Heaters	<p>Structure:</p> <ul style="list-style-type: none"> - complies with Australian Standard AS/NZS 4013:1999 - rain excluders, if used, are of a type which do not impede the vertical flow of exhaust gases <p>Installation:</p> <ul style="list-style-type: none"> - in accordance with Australian Standard AS 2918-2001 and undertaken by licensed installers <p>Siting:</p> <ul style="list-style-type: none"> - chimney or flue a minimum of 300mm above any structure within a 3.6 metre horizontal radius <p>Point of Discharge:- the top of the chimney or flue shall be at least one (1) metre higher than any other building within a fifteen (15) metre radius</p> <p>Height of Chimney/flue:</p> <ul style="list-style-type: none"> - maximum height of 6 metres above roof
(v) Television aerials or antennae	<p>Maximum Size:</p> <ul style="list-style-type: none"> - maximum height 6m above roof - maximum width 1.5m
(w) Temporary Buildings - builders' sheds - portaloos - scaffolds Associated with construction sites where Development Consent/Construction Certificate approval exists	<p>Siting:</p> <ul style="list-style-type: none"> - located within property boundaries <p>Structure:</p> <ul style="list-style-type: none"> - structurally adequate - on site for a period of no more than 5 months within any 12 month period <p>Drainage:</p> <ul style="list-style-type: none"> - stormwater not directed to adjoining properties
(x) Water Heaters (other than solar systems)	<p>Installation:</p> <ul style="list-style-type: none"> - carried out by a licensed person
(y) Access Ramps and Stairs	<p>Maximum size:</p> <ul style="list-style-type: none"> - maximum height 1m - maximum grade 1:14 (ramps) <p>Location:</p> <ul style="list-style-type: none"> - behind building alignment <p>Standard:</p> <ul style="list-style-type: none"> - In accordance with BCA and AS 1428.1-2001
<p>3 Demolition on land other than land in Zone No. 5(d), 5(e) or 6(d)</p> <p>(other than demolition of a heritage item, or demolition of a building or structure on land affected by the Heritage Act,</p>	<p>Demolition is carried out in accordance with Australian Standard AS2601 – 2001 Demolition Code</p>

SCHEDULE 10 - EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
1977 or Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No. 2 - 1977) or demolition requiring a Waste Management Plan under DCP 106 - Controls for Site Waste Management)	
4 Maintenance to an existing dwelling or part of a dwelling or associated structure on land other than land in Zone No. 2(f), 4(a), 4(b), 4(c), 4(d), 5(a), 5(d), 5(e), 6(a), 6(b), 6(c), 6(d), 6(e), 9(a) or on land that is within 50 metres of a beach that has been subject to a Coastal Processes Study prepared by Council	<p>Rotten or white ant affected timbers may only be replaced with new timber or recycled timber of the same or similar dimensions.</p> <p>Damaged, rotten or deteriorated doors and windows may only be replaced with new materials of similar overall dimensions in the same locations.</p> <p>Wall and ceiling sheet cladding materials may only be replaced with new sheet cladding materials</p> <p>Where materials are external, the replacement of masonry is not permitted</p> <p>Roof materials may only be replaced with new roofing of the same type, to the same slope and framework as previously existed, that is, with no change to the roofline.</p> <p>Includes a change from tiles to metal sheeting, but only if stormwater is to be directed to an approved drainage system.</p> <p>Includes replacement of floor and wall tiles and plumbing fittings and prime cost items within the building.</p> <p>Kitchen cabinets may only be replaced with new kitchen cabinets and benchtops in the same kitchen room area as existed.</p> <p>The movement, deletion or inclusion of doorways within the structure may occur only if:</p> <ul style="list-style-type: none"> (a) it does not cause a change in archways, room size or layout of the existing dwelling or part of the existing dwelling, and (b) the work is non-structural, and (c) there is no reduction of light and ventilation to existing rooms, and (d) the work is internal only <p>All exterior materials are to be of low reflectivity. Works to comply with the provisions of the <i>Building Code of Australia</i></p>

SCHEDULE 10 - EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
	<p>and relevant Australian Standards.</p> <p>Does not include any increase in floor area or the movement of walls, replacement of one type of wall with another (such as replacing a timber frame wall with brickwork), building decks, moving kitchens to other areas or changing the roof shape, pitch or height.</p> <p>Does not involve the total rebuilding of a structure by virtue of dilapidation or deterioration.</p> <p>Heritage:</p> <ul style="list-style-type: none"> - not on properties affected by Gosford Local Environmental Plan No 183, Development Control Plan No. 34 – Items of Environmental Heritage, the Heritage Act 1977 or Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997)
<p>5 Minor internal alterations to, or replacement of, a building or work not associated with a dwelling on land other than land in Zone No. 2(f), 5(d), 5(e), 6(d), 6(e), 9(a) or on land that is within 50 metres of a beach that has been subject to a Coastal Processes Study prepared by Council</p>	<p>Structure:</p> <ul style="list-style-type: none"> - alteration involves only the internal fabric or the appearance of the building or work or alterations to the external fabric or appearance of the building or work (being changes that involve the repair or renovation of painting, plastering or other decoration of the building or work) - the development does not involve the enlargement or extension of the work - non-structural work only - no reduced light or ventilation from windows, no reduced doorways for egress purposes and no enclosure of open areas - alterations or renovations to previously completed buildings only - no change to roofline - no changes to configuration of rooms, whether by removal of existing walls or partitions or by other means - building before and after alterations complies with safety provisions of the Building Code of Australia <p>Materials:</p> <ul style="list-style-type: none"> - materials other than masonry - external materials of low reflectivity <p>Heritage:</p> <ul style="list-style-type: none"> - not on properties affected by Gosford Local Environmental Plan 183,

SCHEDULE 10 - EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
	<p>Development Control Plan No. 34 – Items of Environmental Heritage, the Heritage Act 1977 or Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997)</p> <p>Drainage:</p> <ul style="list-style-type: none"> - stormwater directed to an approved drainage system
<p>6 Carrying out of minor works in public areas being the erection and use of a structure listed below on land other than land in Zone No. 2(f), 5(a), 5(d), 5(e), 6(d) or 6(e) or on land that is within 50 metres of a beach that has been subject to a Coastal Processes Study prepared by Council</p> <p>(a) Access Ramps</p>	<p>Maximum Size:</p> <ul style="list-style-type: none"> - Maximum height 1m - Maximum grade 1:14 (for ramps) <p>Standard:</p> <ul style="list-style-type: none"> - In accordance with BCA 96 and AS 1428.1 2001
(b) Bridges and staircases installed in Public Parks and Recreation Areas	<p>Structure:</p> <ul style="list-style-type: none"> - bridges to maximum span of 5m and constructed by or for the Council - design, fabrication and installation to be in accordance with AS 4100-1998 (for steel structures) and AS 1720-1-1997, AS 1720-2-1990 and AS 1720-4-1990 (for timber structures)
(c) Goal posts, sight screens and similar ancillary sporting structures on sporting or playing fields for the use in playing or performance of sporting events (excluding grandstands, dressing sheds and other such structures)	<p>Standards:</p> <ul style="list-style-type: none"> - construction by or for the Council or sporting organisation and installed in accordance with relevant standards of Standards Australia
(d) Parks and street furniture including seats, bins, picnic tables and minor shelters	<p>Standards:</p> <ul style="list-style-type: none"> - construction by or for the Council and installed in accordance with relevant standards of Standards Australia
(e) Playground equipment on Community Land	<p>Standards:</p> <ul style="list-style-type: none"> - constructed by or for the Council and designed, fabricated and installed in accordance with the relevant standards

SCHEDULE 10 - EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
	of Standards Australia
7 Development for the purpose of recreation and sporting facilities of minor environmental significance	General: <ul style="list-style-type: none"> - in accordance with a Plan of Management prepared by the Council
8 Subdivisions of minor environmental significance on land other than land in Zone No. 9(a), 9(b), 9(c), 2(f), 5(d), 5(e) or 6(d)	General: <p>subdivision for one of the following purposes only:</p> <ul style="list-style-type: none"> - widening a public road - making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of any additional allotment - making an adjustment to a boundary between allotments that does not constitute a resubdivision - a minor adjustment that does not significantly change the size or shape of the allotments by not more than 10% - rectifying an encroachment upon an allotment - creating a public reserve - consolidating allotments - excising from an allotment land which is, or is intended to be, used for public purposes, including drainage purposes, the purposes of a rural fire brigade or other rescue service, or for public conveniences. - making an adjustment to a boundary between allotments, being an adjustment that does not involve allotment(s) with a split land use zone classification or flood liable classification or bushfire hazard classification or requiring geotechnical assessment.

SCHEDULE 11 – COMPLYING DEVELOPMENT		(Clause 45CE)
TYPE OF DEVELOPMENT	DEVELOPMENT STANDARDS	
1 Ancillary development (other than exempt development) relating to a dwelling, being the erection and use of: <ul style="list-style-type: none"> • Awnings, canopies or storm blinds • Cabanas, gazebos or green houses • Cubbyhouses • Garden sheds • Workshops and the like • Screen enclosures 	Size: <ul style="list-style-type: none"> - minimum area 10m² and maximum area 20m² - maximum height 2.4m above ground level or existing deck level (awnings only) <p>screen enclosures to remain open for two-thirds of the perimeter of the structure.</p> <p>screen materials only permitted in open areas.</p>	
	Siting: <ul style="list-style-type: none"> - no part of the structure is located in front of the Council's building line - external wall of the structure set back at least 900mm from a side or rear boundary - posts of awnings or pergolas may extend to the allotment boundary provided no part of the structure encroaches beyond that boundary - roof covering set back 500mm from boundary 	
	Materials: <ul style="list-style-type: none"> - non-reflective external walling and roofing materials 	
	Stormwater: <ul style="list-style-type: none"> - stormwater disposal for roofed structures connected to street gutter or disposal area 	
	High bushfire hazard: <ul style="list-style-type: none"> - only structures built of non-combustible materials permitted 	
	Flood liable: <ul style="list-style-type: none"> - structures built of flood compatible materials permitted (see <i>Development Control Plan No 115</i>) 	
2 Erection and use of a garage or carport associated with a dwelling		
(a) Carports and awnings	Maximum size: <ul style="list-style-type: none"> - 40m² in area 	
	Maximum height: <ul style="list-style-type: none"> - 250mm from ground level to ground floor level 	

SCHEDULE 11 – COMPLYING DEVELOPMENT

(Clause 45CE)

TYPE OF DEVELOPMENT	DEVELOPMENT STANDARDS
	<ul style="list-style-type: none"> - 2.7m from floor level to underside of eaves - maximum roof pitch of 25 degrees <p>Siting:</p> <ul style="list-style-type: none"> - no part of the structure is located in front of the Council's building line - external wall of the structure set back at least 900mm from a side or rear boundary <p>Materials:</p> <ul style="list-style-type: none"> - non-reflective external walling and roofing materials <p>Stormwater:</p> <ul style="list-style-type: none"> - stormwater disposal for roofed structures connected to street gutter or disposal area <p>High bushfire hazard:</p> <ul style="list-style-type: none"> - only structures built of non-combustible materials permitted <p>Flood liable:</p> <ul style="list-style-type: none"> - structures built of flood compatible materials permitted (see Development Control Plan No 115) <p>Streetscape:</p> <ul style="list-style-type: none"> - where facing a public road or access way – maximum width of 6m or 50% of the frontage, whichever is less <p>Setback:</p> <ul style="list-style-type: none"> - carport or awning posts may extend to the allotment boundary provided no part of the structure encroaches beyond that boundary - roof covering set back 500mm from boundary <p>Tree Protection:</p> <ul style="list-style-type: none"> - no part of the structure located within 6m of an existing tree
(b) Garages	<p>Maximum Size:</p> <ul style="list-style-type: none"> - maximum area - 50m² - maximum height: <ul style="list-style-type: none"> * 250mm from ground level to ground floor level * 2.7 from floor level to underside of eaves - maximum roof pitch – 25 degrees <p>Siting:</p> <ul style="list-style-type: none"> - no part of the structure located in front of the Council's building line - external wall of the structure set back at least 900mm from a side or rear boundary <p>Tree Protection:</p> <ul style="list-style-type: none"> - no part of the structure located within

SCHEDULE 11 – COMPLYING DEVELOPMENT		(Clause 45CE)
TYPE OF DEVELOPMENT		DEVELOPMENT STANDARDS
		6m of an existing tree Materials: - non-reflective external walling and roofing materials Streetscape: - where facing a public road or access way – maximum width of 6m or 50% of the frontage, whichever is the lesser Stormwater: - stormwater connected to street gutter or disposal area
3	Construction and use of spas and swimming pools associated with a dwelling	Siting: <ul style="list-style-type: none"> - no part of the structure located in front of the Council's building line - located 1.2m minimum from side or rear boundaries (measurement is from boundary to edge of water) Height: <ul style="list-style-type: none"> - pool coping and decking no more than 500mm above ground level Fencing: <ul style="list-style-type: none"> - minimum 1.2m height with self latching gate to comply with provisions of Swimming Pools Act 1992 and AS 1926.1 – 1993, swimming pool safety, Part 1: Fencing for swimming pools Noise: <ul style="list-style-type: none"> - filtration or pumps do not exceed a noise level 5dBA above the ambient background level measured at the property boundary Overflow: <ul style="list-style-type: none"> - backwash disposed of to sewer - overflow pipe provided and connected to sewer Drainage: <ul style="list-style-type: none"> - coping graded and drained so as not to cause a nuisance to adjoining property Tree Protection: <ul style="list-style-type: none"> - no part of the structure located within 6m of an existing tree Flood Liable: <ul style="list-style-type: none"> - permitted subject to electrical fixtures being located above the 1% Annual Exceedance Probability
4	Alterations or additions to a dwelling (not including awnings, enclosures and the like)	
(a)	Minor internal alterations (structural and non - structural) to a dwelling and minor additions or alterations to a detached single storey dwelling-house	Siting: <ul style="list-style-type: none"> - setback of external walls: <ul style="list-style-type: none"> * no part of the structure located in front of the Council's building line * from side and rear boundary – minimum 900mm

SCHEDULE 11 – COMPLYING DEVELOPMENT

(Clause 45CE)

TYPE OF DEVELOPMENT	DEVELOPMENT STANDARDS
	<ul style="list-style-type: none"> - setback of eaves and gutters overhang a minimum of 675mm from side and rear boundaries Maximum area: <ul style="list-style-type: none"> - maximum floor space – 50m² - maximum floor space ratio - 0.5:1 Structure: <ul style="list-style-type: none"> - maximum height: <ul style="list-style-type: none"> * 2.7m from floor level to underside of eaves * 500mm from ground level to ground floor level - roof pitch compatible with the pitch of the existing dwelling Privacy: <ul style="list-style-type: none"> - windows in a habitable room having an outlook to an adjoining dwelling and within 3m of a boundary: <ul style="list-style-type: none"> * are at least 0.5m from the window of the adjoining dwelling; or * have sill heights of 1.5m above floor level; or * have fixed opaque glass in any part of the windows less than 1.5m above floor level Tree Protection: <ul style="list-style-type: none"> - no part of the structure located within 6m of an existing tree
(b) Major additions or alterations to detached single storey dwelling-house	<ul style="list-style-type: none"> Structure: <ul style="list-style-type: none"> - maximum floor space ratio - 0.5:1 - maximum height: <ul style="list-style-type: none"> * 2.7m from floor level to underside of eaves * 500mm from ground level to ground floor level - roof pitch – maximum 25 degrees Siting: <ul style="list-style-type: none"> - setback of external walls: <ul style="list-style-type: none"> * no part of the structure located in front of the Council's building line * from side and rear boundary – minimum 900mm - setback of eaves and gutters overhang a minimum of 675mm from side and rear boundaries Carparking: <ul style="list-style-type: none"> - 1 carparking space provided behind front building line. Each space has minimum dimensions of 2.7m x 5.5m

SCHEDULE 11 – COMPLYING DEVELOPMENT (Clause 45CE)	
TYPE OF DEVELOPMENT	DEVELOPMENT STANDARDS
	<p>Privacy:</p> <ul style="list-style-type: none"> - windows in a habitable room having an outlook to an adjoining dwelling and within 3m of a boundary: <ul style="list-style-type: none"> * are at least 0.5m from the window of the adjoining dwelling; or * have sill heights of 1.5m above floor level; or * have fixed opaque glass in any part of the window less than 1.5m above floor level <p>Energy efficiency:</p> <ul style="list-style-type: none"> - satisfies a 3.5 star rating (SEDA scorecard or NatHERS report) <p>Standards:</p> <ul style="list-style-type: none"> - the next door property's main area of private open space or any habitable rooms are not in shadow between 10am and 3pm on 21 June as a result of the development - a minimum of 20 percent of the site has no hard surfaces - no more than one-third of the front setback area is paved or sealed <p>Tree Protection:</p> <ul style="list-style-type: none"> - no part of the structure located within 6m of an existing tree
<p>5 Erection and use of dwelling-house</p> <p>(a) New detached single storey dwelling-house on land other than land in Zone No. 9(b)</p>	<p>Siting:</p> <ul style="list-style-type: none"> - setback of external walls: <ul style="list-style-type: none"> * at least 6m from front boundary in residential zoned areas * no part of the structure located in front of the Council's building line * Waterfront Reserves – in accordance with Council's Building Line Development Control Plan * from side and rear boundary – minimum 900mm - setback of eaves and gutters overhang a minimum of 675mm from side and rear boundaries <p>Carparking:</p> <ul style="list-style-type: none"> - 1 carparking space provided behind front building line <p>Roof pitch:</p> <ul style="list-style-type: none"> - maximum 25 degrees <p>Structure:</p> <ul style="list-style-type: none"> - maximum floor space ratio - 0.5:1 - maximum height:

SCHEDULE 11 – COMPLYING DEVELOPMENT (Clause 45CE)	
TYPE OF DEVELOPMENT	DEVELOPMENT STANDARDS
	<ul style="list-style-type: none"> * 2.7m from floor level to underside of eaves * 500mm from ground level to ground floor level <p>Privacy:</p> <ul style="list-style-type: none"> - windows in a habitable room having an outlook to an adjoining dwelling and within 3m of a boundary: <ul style="list-style-type: none"> * are at least 0.5m from the window of the adjoining dwelling; or * have sill heights of 1.5m above floor level; or * have fixed opaque glass in any part of the window less than 1.5m above floor level <p>Energy efficiency:</p> <ul style="list-style-type: none"> - satisfies a 3.5 star rating (SEDA scorecard or NatHERS report) <p>Tree Protection:</p> <ul style="list-style-type: none"> - no part of the structure located within 6m of an existing tree <p>Impact</p> <ul style="list-style-type: none"> - the next door property's main area of private open space or any habitable rooms are not in shadow between 10am and 3pm on 21 June as a result of the development <p>Landscaping:</p> <ul style="list-style-type: none"> - a minimum of 20 percent of the site has no hard surfaces - no more than one-third of the front setback area is paved or sealed
(b) New detached two storey dwelling-house in the urban development program	<p>Siting:</p> <ul style="list-style-type: none"> - setback of external walls: <ul style="list-style-type: none"> * 6m from front boundary in residential zoned areas * no part of the structure located in front of the Council's building line * Waterfront Reserves – in accordance with Council's Building Line Development Control Plan * from side and rear boundary – minimum 900mm - setback of eaves and gutters overhang a minimum of 675mm from side and rear boundaries <p>Carparking:</p> <ul style="list-style-type: none"> - 1 carparking space provided behind front building line <p>Roof pitch:</p> <ul style="list-style-type: none"> - maximum 25 degrees

SCHEDULE 11 – COMPLYING DEVELOPMENT

(Clause 45CE)

TYPE OF DEVELOPMENT	DEVELOPMENT STANDARDS
	<p>Structure:</p> <ul style="list-style-type: none"> - maximum floor space ratio – 0.5:1 - maximum height: <ul style="list-style-type: none"> * 5.5m from floor level to underside of eaves * 500mm from ground level to ground floor level <p>Privacy:</p> <ul style="list-style-type: none"> - windows in a habitable room having an outlook to an adjoining dwelling and within 3m of a boundary: <ul style="list-style-type: none"> * are at least 0.5m from the window of the adjoining dwelling; or * have sill heights of 1.5m above floor level; or * have fixed opaque glass in any part of the window less than 1.5m above floor level <p>Energy efficiency:</p> <ul style="list-style-type: none"> - satisfies a 3.5 star rating (SEDA scorecard or NatHERS report) <p>Tree Protection:</p> <ul style="list-style-type: none"> - no part of the structure located within 6m of an existing tree <p>Impact:</p> <ul style="list-style-type: none"> - the next door property's main area of private open space or any habitable rooms are not in shadow between 10am and 3pm on 21 June as a result of the development <p>Landscaping:</p> <ul style="list-style-type: none"> - a minimum of 20 percent of the site has no hard surfaces - no more than one-third of the front setback area is paved or sealed
<p>6 Change of use of a building</p> <p>(a) Light industry to light industry</p>	<ul style="list-style-type: none"> • The total floor space of the building does not exceed 500 square metres. • The building has either rear service access or access to off-street loading facilities. • The building has been lawfully constructed to be used for the purposes of a light industry. • The curtilage of the building is not intended to be used for storage or display purposes. • The hours of operation do not extend outside 6am and 6pm. • Conditions of consent relating to previous use or construction of the building concerning matters of maintenance, of landscaping, the parking of vehicles or

SCHEDULE 11 – COMPLYING DEVELOPMENT (Clause 45CE)	
TYPE OF DEVELOPMENT	DEVELOPMENT STANDARDS
	the provision of space for the loading or unloading of goods or vehicles are complied with.
(b) Shop to shop or commercial premises to commercial premises	<ul style="list-style-type: none"> The building has been lawfully constructed to be used for a shop or commercial premises. The building is not to be used as premises in which: <ul style="list-style-type: none"> (a) a category 1 restricted publication, a category 2 restricted publication or a RC publication (within the meaning of the <i>Classification (Publications, Films and Computer Games) Act 1995</i> of the Commonwealth) is displayed or sold or otherwise rendered accessible or available to the public, or (b) there is conducted a business an object of which is the display or sale of any article, material, compound, preparation, device or other thing (whether of the same or of a different kind or nature) that is primarily concerned with, or is used or intended to be used in connection with, sexual behaviour but is not printed matter. The proposed use is not that of a brothel. The curtilage of the shop or commercial premises is not intended to be used for storage or display purposes. The hours of operation of the shop or commercial premises not extend outside the hours during which the shop or commercial premises was so used immediately before the commencement of the new use. Conditions of consent relating to the previous use or construction of the building concerning matters of maintenance, of landscaping, the parking of vehicles or the provision of space for the loading or unloading of goods or vehicles are complied with. The existing building and any proposed alterations to comply with Fire Safety provisions of the Building Code of Australia.
7 Alterations (non-residential)	<ul style="list-style-type: none"> Certification is obtained from a practising structural engineer. The alteration involves only the internal fabric or appearance of the building. The development does not involve the enlargement or extension of the work. The existing building and any proposed alterations to comply with Fire Safety provisions of the Building Code of Australia.

SCHEDULE 11 – COMPLYING DEVELOPMENT

(Clause 45CE)

TYPE OF DEVELOPMENT	DEVELOPMENT STANDARDS
8 Machinery or hay sheds associated with agricultural activities on the property	<p>Non-rural zones including conservation and scenic protection zones:</p> <ul style="list-style-type: none"> • Maximum total area of 120m² for all sheds • A maximum of 3 sheds totalling 120m² for any one property <p>Properties less than 10 hectares in area:</p> <ul style="list-style-type: none"> • Maximum height of 6m <p>nominated exclusion areas:</p> <ul style="list-style-type: none"> • minimum setback of 5m from side and rear property boundaries • located behind the building line and not in front of the dwelling