



**INTERIM
DEVELOPMENT ORDER
NO. 122**

as at 11 December 2015

This document referred to as Interim Development Order No. 122 is believed to be a correct and accurate representation of the Order as gazetted on 30 March 1979 and amended from time to time including amendments to 24 November 2006. No responsibility can be accepted for any error or omissions. Further amendments may have been made after 24 November 2006. This Order 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 Order and subsequent amendments.

CITY OF GOSFORD

INTERIM DEVELOPMENT ORDER NO. 122



Gazetted 30 March 1979

As amended by notifications published in the Government Gazette on 20.4.79, 25.5.79, 22.6.79, 20.7.79, 27.7.79, 3.8.79, 31.8.79, 26.10.79, 23.11.79, 30.11.79, 14.12.79, 11.1.80, 8.2.80, 28.3.80, 3.4.80, 18.4.80, 2.5.80, 9.5.80, 6.6.80, 18.7.80, 8.8.80, 15.8.80, 22.8.80, 29.8.80, 26.9.80 and

Gosford Local Environmental Plan No. 2	gazetted	12.12.80
Gosford Local Environmental Plan No. 3	gazetted	12.12.80
Gosford Local Environmental Plan No. 4	gazetted	2.1.81
Gosford Local Environmental Plan No. 5	gazetted	13.2.81
Gosford Local Environmental Plan No. 6	gazetted	27.2.81
Gosford Local Environmental Plan No. 7	gazetted	13.3.81
Gosford Local Environmental Plan No. 9	gazetted	27.2.81
Gosford Local Environmental Plan No. 10	gazetted	27.2.81
Gosford Local Environmental Plan No. 11	gazetted	27.2.81
Gosford Local Environmental Plan No. 12	gazetted	27.2.81
Gosford Local Environmental Plan No. 13	gazetted	20.3.81
Gosford Local Environmental Plan No. 19	gazetted	29.5.81
Gosford Local Environmental Plan No. 20	gazetted	29.5.81
Gosford Local Environmental Plan No. 21	gazetted	3.7.81
Gosford Local Environmental Plan No. 25	gazetted	3.7.81
Gosford Local Environmental Plan No. 26	gazetted	4.9.81
Gosford Local Environmental Plan No. 36	gazetted	20.11.81
Gosford Local Environmental Plan No. 38	gazetted	18.9.81
Gosford Local Environmental Plan No. 39	gazetted	23.10.81
Gosford Local Environmental Plan No. 48	gazetted	18.12.81
Gosford Local Environmental Plan No. 49	gazetted	21.1.82
Gosford Local Environmental Plan No. 50	gazetted	12.3.82
Gosford Local Environmental Plan No. 55	gazetted	7.5.82
Gosford Local Environmental Plan No. 56	gazetted	21.5.82
Gosford Local Environmental Plan No. 57	gazetted	21.5.82
Gosford Local Environmental Plan No. 59	gazetted	4.6.82
Gosford Local Environmental Plan No. 63	gazetted	9.7.82
Gosford Local Environmental Plan No. 64	gazetted	6.8.82
Gosford Local Environmental Plan No. 74	gazetted	17.12.82
Gosford Local Environmental Plan No. 75	gazetted	18.3.83
Sydney Regional Environmental Plan No. 6 -Gosford Coastal Areas	gazetted 6.5.83 as corrected G.G. 13.5.83	
Gosford Local Environmental Plan No. 77	gazetted	13.5.83

Gosford Local Environmental Plan No. 79 gazetted	29.7.83
Gosford Local Environmental Plan No. 81 gazetted	22.7.83
Gosford Local Environmental Plan No. 84 gazetted	30.9.83
Gosford Local Environmental Plan No. 88 gazetted	7.12.84
Gosford Local Environmental Plan No. 90 gazetted	18.11.83
Gosford Local Environmental Plan No. 93 gazetted	7.10.83
Gosford Local Environmental Plan No. 94 gazetted	4.11.83
Gosford Local Environmental Plan No. 95 gazetted	14.10.83
Gosford Local Environmental Plan No. 96 gazetted	25.11.83
Gosford Local Environmental Plan No. 97 gazetted	13.1.84
Gosford Local Environmental Plan No. 99 gazetted	13.1.84
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. 103 gazetted	29.6.84
Gosford Local Environmental Plan No. 109 gazetted	14.12.84
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. 113 gazetted	14.12.84
Gosford Local Environmental Plan No. 114 gazetted	14.12.84
Gosford Local Environmental Plan No. 116 gazetted	11.1.85
Gosford Local Environmental Plan No. 117 gazetted	19.4.85
Gosford Local Environmental Plan No. 120 gazetted	14.12.84
Gosford Local Environmental Plan No. 124 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. 129 gazetted	12.4.85
Gosford Local Environmental Plan No. 130 gazetted	19.7.85
Gosford Local Environmental Plan No. 135 gazetted	18.10.85
Gosford Local Environmental Plan No. 136 gazetted	6.7.85
Gosford Local Environmental Plan No. 137 gazetted	5.7.85
Gosford Local Environmental Plan No. 138 gazetted	21.1.86
Gosford Local Environmental Plan No. 142 gazetted	18.11.88
Gosford Local Environmental Plan No. 143 gazetted	27.12.85
Gosford Local Environmental Plan No. 145 gazetted	29.11.85
Gosford Local Environmental Plan No. 148 gazetted	22.11.85
Gosford Local Environmental Plan No. 149 gazetted	8.2.86
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. 154 gazetted	21.3.86
Gosford Local Environmental Plan No. 158 gazetted	26.9.86
Gosford Local Environmental Plan No. 161 gazetted	4.7.86
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. 169 gazetted	19.9.86
Gosford Local Environmental Plan No. 170 gazetted	10.10.86
Gosford Local Environmental Plan No. 171 gazetted	17.10.86
Gosford Local Environmental Plan No. 172 gazetted	17.10.86
Gosford Local Environmental Plan No. 174 gazetted	14.11.86
Gosford Local Environmental Plan No. 175 gazetted	7.11.86
Gosford Local Environmental Plan No. 177 gazetted	19.12.86
Gosford Local Environmental Plan No. 178 gazetted	19.6.87
Gosford Local Environmental Plan No. 179 gazetted	21.11.86
Gosford Local Environmental Plan No. 180 gazetted	10.4.87
Gosford Local Environmental Plan No. 181 gazetted	27.3.87
Gosford Local Environmental Plan No. 183 gazetted	4.11.88
Gosford Local Environmental Plan No. 184 gazetted	27.3.87

Gosford Local Environmental Plan No. 185	gazetted	24.4.87
Gosford Local Environmental Plan No. 186	gazetted	27.3.87
Gosford Local Environmental Plan No. 189	gazetted	15.5.87
Gosford Local Environmental Plan No. 190	gazetted	15.5.87
Gosford Local Environmental Plan No. 192	gazetted	17.7.87
Gosford Local Environmental Plan No. 194	gazetted	19.6.87
Gosford Local Environmental Plan No. 195	gazetted	16.10.87
Gosford Local Environmental Plan No. 196	gazetted	14.8.87
Gosford Local Environmental Plan No. 198	gazetted	18.9.87
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. 202	gazetted	18.9.87
Gosford Local Environmental Plan No. 203	gazetted	2.10.87
Gosford Local Environmental Plan No. 206	gazetted	15.1.88
Gosford Local Environmental Plan No. 217	gazetted	28.6.91
Gosford Local Environmental Plan No. 219	gazetted	14.10.88
Gosford Local Environmental Plan No. 220	gazetted	12.5.89
Gosford Local Environmental Plan No. 221	gazetted	9.9.88
Gosford Local Environmental Plan No. 223	gazetted	18.10.88
Gosford Local Environmental Plan No. 224	gazetted	19.5.89
Gosford Local Environmental Plan No. 225	gazetted	23.12.88
Gosford Local Environmental Plan No. 228	gazetted	24.2.89
Gosford Local Environmental Plan No. 230	gazetted	3.3.89
Gosford Local Environmental Plan No. 231	gazetted	21.7.89
Gosford Local Environmental Plan No. 232	gazetted	2.6.89
Gosford Local Environmental Plan No. 233	gazetted	10.3.89
Gosford Local Environmental Plan No. 235	gazetted	12.1.90
Gosford Local Environmental Plan No. 237	gazetted	11.8.89
Gosford Local Environmental Plan No. 241	gazetted	22.9.89
Gosford Local Environmental Plan No. 243	gazetted	30.3.90
Gosford Local Environmental Plan No. 246	gazetted	16.3.90 & 30.3.90
Gosford Local Environmental Plan No. 248	gazetted	1.12.89
Gosford Local Environmental Plan No. 250	gazetted	15.6.90
Gosford Local Environmental Plan No. 251	gazetted	16.2.90
Gosford Local Environmental Plan No. 259	gazetted	28.9.90
Gosford Local Environmental Plan No. 260	gazetted	21.9.90 & 26.10.90
Gosford Local Environmental Plan No. 263	gazetted	7.12.90
Gosford Local Environmental Plan No. 265	gazetted	1.3.91
Gosford Local Environmental Plan No. 266	gazetted	8.2.91
Gosford Local Environmental Plan No. 267	gazetted	22.2.91
Gosford Local Environmental Plan No. 271	gazetted	26.4.91
Gosford Local Environmental Plan No. 272	gazetted	12.4.91
Gosford Local Environmental Plan No. 274	gazetted	19.7.91
Gosford Local Environmental Plan No. 276	gazetted	26.7.91
Gosford Local Environmental Plan No. 277	gazetted	28.6.91
Gosford Local Environmental Plan No. 278	gazetted	2.8.91
Gosford Local Environmental Plan No. 279	gazetted	17.1.92
Gosford Local Environmental Plan No. 282	gazetted	16.4.92
Gosford Local Environmental Plan No. 283	gazetted	30.8.91
Gosford Local Environmental Plan No. 286	gazetted	13.9.91
Gosford Local Environmental Plan No. 287	gazetted	20.9.91
Gosford Local Environmental Plan No. 296	gazetted	12.2.93
Gosford Local Environmental Plan No. 297	gazetted	5.2.93
Gosford Local Environmental Plan No. 298	gazetted	14.10.94

Gosford Local Environmental Plan No. 300 gazetted 7.5.93
 Gosford Local Environmental Plan No. 301 gazetted 22.10.93
 Gosford Local Environmental Plan No. 304 gazetted 10.2.95
 Gosford Local Environmental Plan No. 305 gazetted 28.1.94
 Gosford Local Environmental Plan No. 307 gazetted 19.5.95
 Gosford Local Environmental Plan No. 308 gazetted 17.2.95
 Gosford Local Environmental Plan No. 309 gazetted 31.3.95
 Gosford Local Environmental Plan No. 310 gazetted 31.3.95
 Gosford Local Environmental Plan No. 312 gazetted 26.5.95
 Gosford Local Environmental Plan No. 313 gazetted 1.9.95
 Gosford Local Environmental Plan No. 314 gazetted 20.10.95
 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. 318 gazetted 6.10.95
 Gosford Local Environmental Plan No. 322 gazetted 4.4.96
 Gosford Local Environmental Plan No. 324 gazetted 1.3.96
 Gosford Local Environmental Plan No. 327 gazetted 21.6.96
 Gosford Local Environmental Plan No. 328 gazetted 20.9.96
 Gosford Local Environmental Plan No. 329 gazetted 6.9.96
 Gosford Local Environmental Plan No. 331 gazetted 28.2.97
 Gosford Local Environmental Plan No. 332 gazetted 24.1.97
 Gosford Local Environmental Plan No. 334 gazetted 7.3.97
 Gosford Local Environmental Plan No. 335 gazetted 14.2.97
 Gosford Local Environmental Plan No. 336 gazetted 16.5.97
 Gosford Local Environmental Plan No. 337 gazetted 21.3.97
 Gosford Local Environmental Plan No. 338 gazetted 6.6.97
 Gosford Local Environmental Plan No. 339 gazetted 18.4.97
 Gosford Local Environmental Plan No. 343 gazetted 26.9.97
 Gosford Local Environmental Plan No. 344 gazetted 22.8.97
 Gosford Local Environmental Plan No. 345 gazetted 11.7.97
 Gosford Local Environmental Plan No. 349 gazetted 24.10.97
 Gosford Local Environmental Plan No. 351 gazetted 10.07.98
 Gosford Local Environmental Plan No. 355 gazetted 13.02.98
 Gosford Local Environmental Plan No. 359 gazetted 22.05.98
 Gosford Local Environmental Plan No. 361 gazetted 01.05.98
 Gosford Local Environmental Plan No. 362 gazetted 22.05.98
 Gosford Local Environmental Plan No. 363 gazetted 17.07.98
 Gosford Local Environmental Plan No. 366 gazetted 11.09.98
 Gosford Local Environmental Plan No. 369 gazetted 21.08.98
 Gosford Local Environmental Plan No. 371 gazetted 21.08.98
 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. 378 gazetted 28.02.03
 Gosford Local Environmental Plan No. 380 gazetted 24.12.99
 Gosford Local Environmental Plan No. 385 gazetted 24.12.99
 Gosford Local Environmental Plan No. 386 gazetted 11.02.00
 Gosford Local Environmental Plan No. 389 gazetted 10.03.00
 Gosford Local Environmental Plan No. 381 gazetted 28.07.00
 Gosford Local Environmental Plan No. 391 gazetted 28.07.00
 Gosford Local Environmental Plan No. 394 gazetted 01.02.02
 Gosford Local Environmental Plan No. 396 gazetted 13.10.00
 Gosford Local Environmental Plan No. 398 gazetted 20.10.00
 Gosford Local Environmental Plan No. 402 gazetted 17.11.00
 Gosford Local Environmental Plan No. 403 gazetted 02.02.01
 Gosford Local Environmental Plan No. 404 gazetted 23.02.01
 Gosford Local Environmental Plan No. 407 gazetted 12.04.01

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. 415 gazetted 07.09.01
Gosford Local Environmental Plan No. 416 gazetted 28.09.01
Gosford Local Environmental Plan No. 418 gazetted 05.10.01
Gosford Local Environmental Plan No. 410 gazetted 26.11.01
Gosford Local Environmental Plan No. 424 gazetted 28.03.02
Gosford/Wyong LEP 2001 - CCPA gazetted 17.05.02
Gosford Local Environmental Plan No. 421 gazetted 24.05.02
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. 430 gazetted 05.07.02
Gosford Local Environmental Plan No. 431 gazetted 20.12.02
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. 441 gazetted 12.12.03
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. 450 gazetted 09.09.05
Gosford Local Environmental Plan No. 453 gazetted 10.02.06
Gosford Local Environmental Plan No. 454 gazetted 03.02.06
Gosford Local Environmental Plan No. 459 gazetted 18.08.06
Gosford Local Environmental Plan No. 460 gazetted 22.12.06
Gosford Local Environmental Plan No. 461 gazetted 24.11.06
Gosford Local Environmental Plan No. 464 gazetted 01.02.08
Gosford Local Environmental Plan No. 463 gazetted 14.11.08
Gosford Local Environmental Plan No 466 gazetted 13.05.11
Gosford Local Environmental Plan No 469 gazetted 03.08.12
Gosford Local Environmental Plan No 473 gazetted 12.10.12
Gosford Local Environmental Plan No 474 gazetted 12.10.12
Gosford Local Environmental Plan No 476 gazetted 30.11.12
Gosford Local Environmental Plan No 479 gazetted 08.03.13
Gosford Local Environmental Plan No 480 gazetted 26.04.13
Gosford Local Environmental Plan No 483 gazetted 13.12.13
Gosford Local Environmental Plan 2014 (Amend 11) gazetted 11.12.15

Clauses 38, 41, 42 and 43 omitted pursuant to clause 2(2) of Schedule 3 to the Miscellaneous Acts (Planning) Repeal and Amendment Act, 1979 G.G. 26.9.80.

This copy of Interim Development Order No. 122 is believed to be a true and accurate representation of the various provisions of the Order as gazetted on the 30th March, 1979, and amended from time to time. The term "Shire" has been replaced by "City" wherever appearing, following the area's change in status from 1st January, 1980. Also, the term "Commission" has been replaced by "Department". No responsibility can be accepted for any error or omissions and, where necessary, reference should be made to the various issues of the Government Gazette containing the original Order and subsequent amendments.

1. This Order may be cited as "Interim Development Order No. 122 – Gosford".
- Amended GG 2.5.80
2. This Order applies to all those pieces or parcels of land situated in the City of Gosford-
 - (a) as shown by grey colouring on plan catalogued No. 245:3316 in the office of the Department; and
 - (b) as shown by red edging on plans catalogued Nos. 245:1495, 245:1693, 245:1761, 245:1796, 245:1815, 245:1909, 245:2014, 245:2053, 245:2439, 245:2509, 245:2575, 245:2664, 245:2966 in the office of the Commission being the land to which the Interim Development Orders (excluding Interim Development Order Nos. 100, 117, 119 and 124 - City of Gosford) listed in Schedule "B" applied; and
 - c as shown by red edging on plans catalogued Nos. 245:3136 and 245:1195 in the office of the Department; and
- Amended GG 27.2.81
- (d) the land shown edged heavy black on Sheet 1 of the map marked "Gosford Local Environmental Plan No. 9"; and
- Amended GG 19.7.85
- (e) the land shown edged heavy black on the map marked "Gosford Local Environmental Plan No 130" deposited in the office of the Council; and
- Amended GG 29.11.85
- (f) the land shown edged heavy black on the map marked "Gosford Local Environmental Plan No 145" deposited in the office of the Council; and
- Amended GG 12.2.88
- (f1) so much of the land as is shown lettered 7(a) on the map marked "Gosford Local Environmental Plan No. 200" deposited in the office of the Council; and
- Amended GG 28.2.86
- (g) the land shown edged heavy black on the map marked "Gosford Local Environmental Plan No 149" deposited in the office of the Council; and
- Amended GG 24.4.86
- (h) so much of the land shown edged heavy black on the map marked "Gosford Local Environmental Plan No 155" as is land to which Interim Development Order No 35 – Shire of Gosford applied immediately before Gosford Local Environmental Plan No 155 took effect; and
 - (j) the land, being lot 3, D.P. 800618, corner of Perina Road and Dwyer Street, North Gosford, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 259".

Amended GG 4.9.81 18.9.81	but not including the land shown by heavy black edging on Internal Plans numbered 11157 and 11161 in the office of the Department or the land shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 26" and the map marked "Gosford Local Environmental Plan No. 38" copies of which are deposited in the offices of the Council and of the Department.
New Clause GG 20.10.95 Clause 2A omitted LEP 381	
New Clause GG 20.11.81	(2A) This Order does not apply to the following land:
Amended GG 3.7.81	Land situated in the City of Gosford, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 22", deposited in the office of the Council.
Amended GG 4.9.81	Land at Kincumber and Springfield, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 26", deposited in the office of the Council.
Amended GG 18.9.81	Land shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 38", deposited in the office of the Council being land having frontage to Newling Street, Pierce Street and Pacific Highway, Niagara Park.
Amended GG 18.12.81	Land at Kariong, other than land within Zone No. 7(c2), shown on the map marked "Gosford Local Environmental Plan No. 48", deposited in the office of the Council.
Amended GG 22.1.82	Land shown on the map marked "Gosford Local Environmental Plan No. 49", deposited in the office of Council, as being within Zone No. 2(a6), 3(a), 4(b), 5(a), 5(d), 6(a) or 6(e).
Amended GG 21.5.82	Land shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 56".
Amended GG 4.6.82	Land at Lisarow shown on the map marked "Gosford Local Environment Plan No. 59", as being within a zone other than Zone No. 7(a) or 7(c2) deposited in the office of the Council.
Amended GG 18.3.83	Land shown as being within a zone other than Zone No. 7(c2) on the map marked "Gosford Local Environmental Plan No. 75" deposited in the office of Council.
Amended GG 6.5.83	Land shown on the map marked "Sydney Regional Environmental Plan No. 6 – Gosford Coastal Areas", deposited in the office of the Council, as being in a zone other than Zone No. 1c, 1(d), 6(d), 7(a), 7(c2) or 7(c3).

Amended GG 29.7.83	Land at Saratoga shown on the map marked "Gosford Local Environmental Plan No. 79", deposited in the office of the Council as being within a zone other than zone No. 7(a).
Amended GG 30.9.83	Land at Empire Bay, having frontages to Gordon Road, Myler Avenue and Yaringa Parade, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 84" deposited in the office of the Council.
Amended GG 13.1.84	Land at Kincumber as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 97", deposited in the office of the Council.
Amended GG 22.6.84	Land at Lisarow shown on the map marked "Gosford Local Environmental Plan No. 101" deposited in the office of the Council.
Amended GG 26.10.84	Land at Erina Heights, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 110", deposited in the office of the Council.
Amended GG 14.12.84	Land at Woy Woy, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 114", deposited in the office of the Council.
Amended GG 16.8.85	Land at Niagara Park as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 125", deposited in the office of the Council.
Amended GG 19.7.85	Land shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 126", not being land so shown as being within Zone No 7(a) or 7(c2);
Amended GG 28.2.86	Land shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 152", deposited in the office of the Council.
Amended GG 26.9.86	Land at Empire Bay, having frontage to Shelly Beach Road, as shown edged heavy black on the map marked "Gosford District Environmental Plan No. 158", deposited in the office of the Council.
Amended GG 26.9.86	Land at West Gosford, being Reserves Nos R.83873 and R.87188, portion 373, Parish of Gosford and part Lot 1 D.P. 209569, Yallambee Avenue, as shown edged heavy black on sheet 1 of the map marked "Gosford Local Environmental Plan No. 165" deposited in the office of the Council.
Amended GG 19.9.86	Land shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 169", deposited in the office of the Council.
Amended GG 7.11.86	Land at Kincumber, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 175", deposited in the office of the Council.

Amended GG 28.11.86	Land shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 176" deposited in the office of the Council.
Amended GG 19.12.86	Land at Forresters Beach, being lot 26 D.P. 572720, Ulmarra Road, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 177", deposited in the office of the Council.
Amended GG 21.8.87	Land at West Gosford being part of Lot 5 D.P. 431633, Nells Road, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 163", deposited in the office of the Council.
Amended GG 15.1.88	Land shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 206" deposited in the office of the Council.
Amended GG 29.1.88	Land at Kincumber, being Part Lot 59 D.P. 631092, Cullens Road and Abundance Street, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 201", deposited in the office of the Council.
Amended GG 9.9.88	Land at Wamberal, being lot 1, D.P. 379747, The Entrance Road, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 221" deposited in the office of the Council.
Amended GG 1.12.89	Land at Erina, Green Point and Terrigal, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 248 sheets 1 and 2" deposited in the office of the Council.
Amended GG 12.1.90	Land at Erina as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 235 - sheet 1" deposited in the office of the Council.
Amended GG 16.3.90 GG 30.3.90	Land at Lisarow having frontage to Fagans Road, as shown edged heavy black and lettered 5(d) on the map marked "Gosford Local Environmental Plan No. 246", deposited in the office of the Council.
Amended GG 16.2.90	Land at Woy Woy, being lot 4012, D.P. 775409, Woy Woy Road, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 251", deposited in the office of the Council.
Amended GG 21.9.90 GG 26.10.90	Land at MacMasters Beach, being part lot 6, D.P. 16279, Bounty Hill Road, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 260", deposited in the office of the Council.
Amended GG 8.2.91	Land at Killcare Heights, being part portion 437, Parish of Kincumber, Wards Hill Road, as shown edged heavy black and lettered 2(a) and 6(b) on the map marked "Gosford Local Environmental Plan No. 266", deposited in the office of the Council.
Amended GG 2.8.91	Land at Kariong, being part of lot 27, D.P. 620674, Woy Woy Road, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 278", deposited in the office of the Council.

- Amended
GG 12.2.93 Land at Avoca, shown on the map marked "Gosford Local Environmental Plan No. 296", deposited in the office of the Council, as being within Zone No 2(a) or 6(b).
- Amended
GG 5.2.93 Land at Erina, being lot 1, D.P. 781958, The Entrance Road, Erina, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 297" deposited in the office of the Council.
- Amended
GG 28.10.94 Land at Terrigal, being lots 1 and 2, D.P. 411506 and parts of lots 4 and 5, D.P. 787240, Terrigal Drive and Mittara Road, Terrigal, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 298", deposited in the office of the Council.
- Amended
GG 17.2.95 Land at Killcare, being lot 5, D.P. 240182 Heath Road, Killcare, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 308", deposited in the office of the Council.
- Amended
GG 31.3.95 Land at Green Point, being lot C D.P. 412493, Koolang Road, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 309", deposited in the office of the Council.
- Amended
GG 26.5.95 Land at Wyoming, being lots 3-5, D.P. 773305 and lot 108, D.P. 713121 Pacific Highway and Jarrett Street, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 312", deposited in the office of the Council.
- Amended
GG 13.10.95 Land at Springfield, being Lot 26, D.P. 501646, Emma James Street, Springfield, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 316", deposited in the office of the Council.
- Amended
GG 22.12.95 Land at Yattalunga shown edged heavy black on Sheet 1 of the map marked "Gosford Local Environmental Plan No. 317" deposited in the office of the Council.
- Amended
GG 4.4.96 Land at Avoca Drive, Kincumber, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 322" deposited in the office of the Council.
- Amended
GG 6.9.96 Land at Terrigal, being part of Lot 21, D.P. 804014, Port Jackson Road, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 329" deposited in the office of the Council.
- Amended
GG 20.9.96 Land at Narara, as shown edged heavy black on Sheet 6 of the map marked "Gosford Local Environmental Plan No. 328" deposited in the office of the Council.
- Amended
GG 24.1.97 Land at Avoca Drive, Kincumber, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 332" deposited in the office of the Council.

- Amended
GG 16.5.97 Land at Terrigal, being Lots 1 and 2, D.P. 808134, part Lot 106 D.P. 755231 and Lot A, D.P. 402290, Mobbs Road and Kings Avenue, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 336" deposited in the office of the Council.
- Amended
GG 24.10.97 Land at Kincumber, being part of Lot 101 DP 856198, Boundary Road, Lot 151 DP 810617 and part of Lots 2 to 12 DP 789685, Scaysbrook Drive, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 349" deposited in the office of the Council.
- Amended
GG 1.05.98 Land at West Gosford being Lots 5, 6, 7 and 8, DP 749025, Pacific Highway, West Gosford, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 361" deposited in the office of the Council.
- Amended
GG 10.7.98 Land at Bensville shown on Sheet 1 of the map marked "Gosford Local Environmental Plan No 351", deposited in the office of the Council.
- Amended GG
11.09.98 Land at Terrigal, being part of Lot 13, D.P. 874357, Golden Grove Circuit, as shown edged heavy black on Sheet 1 of the map marked "Gosford Local Environmental Plan No. 366" deposited in the office of the Council.
- GG 24.12.99 Land at Green Point, being Lot 31, D.P. 375188, Sun Valley Road, Green Point, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 380" deposited in the office of the Council.
- GG 22.06.01 Land at Kariong, being Lot 601, DP 816243, Woy Woy Road, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 409" deposited in the office of the Council.
- GG 22.06.01 Land at Niagara Park, being Lots 10-14, Section G, D.P. 2350, Pacific Highway, Niagara Park, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 411" deposited in the office of the Council.
- GG 24.05.02 Land at Bensville, being Lot 58, DP 10086, Kallaroo Road, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 421" deposited in the office of the Council.
- GG 17.01.03 Land at Erina, being Lots 104, 105, 107 and part of Lot 102 DP 2739, and Lots 106A and 106B DP 375026, The Entrance Road as shown edged heavy black and lettered "9(a)" on Sheet 1 of the map marked "Gosford Local Environmental Plan No 434" deposited in the office of Council.
- GG 24.01.03 Land at Copacabana, being 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.

- GG 15.08.03 Land at Empire Bay, being Lot B, DP 369461, Shelly Beach Road, as shown coloured light scarlet with heavy black edging and lettered 2(a) or with dark green edging on the map marked "Gosford Local Environmental Plan No 435" deposited in the office of the Council.
- GG 01.07.05 Land at Terrigal, being part of Lot 10, DP 825303, Mobbs Road, as shown edged heavy black and lettered "2(a)" on the map marked "Gosford Local Environmental Plan No 444" deposited in the office of the Council.
- GG 01.02.08 Land at Narara, being part of Lot 1, DP 1087535, as shown distinctively coloured and lettered, on the map marked "Gosford Local Environment Plan No 464 - Sheet 1" deposited in the office of the Council.
- GG 03.08.12 Land at Erina, being Lots 1 and 2, DP259824, Lot 1, DP 255797, Lot 13, DP550325, Lots 6 and 7, DP 1071636 and Lot 101, DP1102271, 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.
- GG 12.10.12 Land at Terrigal, being Lot 2, DP 1111392, Lots 8 and 9, DP876102, part of Lot 202, DP831864, Lot 4, DP 37914 and Lot 1, DP 381971, 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.

New Clause (2B) **Relationship to other environmental planning instruments**

LEP 2001

GG 17.05.02

Nothing in this Order affects the provisions of the following:

Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) as it applies to land within the City of Gosford.

Clause amended
LEP 381

- 3 (1) In this Order, unless the context or subject matter otherwise indicates or requires:

New Definition
LEP 391
GG 28.07.00

"Aboriginal cultural centre" means a building or place used by an affiliated Aboriginal group for cultural, interpretative and demonstrative purposes whether or not used for gain or reward;

New Definition
LEP 460
22.12.06

"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 Order.

“Applicable minimum area” in relation to an allotment of land, means the area specified in clause 18 (3), (a), (b), (c), (d) or (e) as the case may require in respect of land within a zone referred to in that subclause.

New definition
LEP 460
GG 22.12.06

“Archaeological site” means the site (as listed in Schedule 2) of one or more relics.

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

Amended 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
22.12.06

“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

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

Amended definition
LEP 416
GG 28.09.01

“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 Order.

“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 Order.

“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
22.12.06

“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
22.12.06

“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.

New definition
LEP 391
GG 28.07.00

“Eco-tourism” means a building (constructed out of material approved by Council) or place used for tourist activities (whether or not accommodation is provided) where the activity is primarily dependant upon conserving and maintaining the natural environment.

“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.

New definition
LEP 473
GG 12.10.12

“Educational training centre” means a dwelling-house, dwelling or place used for the purposes of:

- (a) identifying the causes of learning difficulties in children under the age of

18 years who are attending a kindergarten, pre-school, primary school, high school or a tertiary institution that is constituted by or under an Act, and

- (b) providing counselling and training (but not medical or surgical treatment) to those children, their parents, guardians, family members and carers to improve the learning outcomes of those children, by not more than 4 counsellors or trainers at any one time.

“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.

New Definition
LEP 391
GG 28.07.00

“Festival Development Corporation” means the statutory body constituted as such by the Growth Centres (Development Corporations) Act 1974.

“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 Order.

“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 Order 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
22.12.06

“Heritage conservation area” means:

- (a) an area of land that is shown as a heritage conservation area on Sheet 2 of 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.

New definition
LEP 460
22.12.06

“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
22.12.06

"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, and
- c proposals for measures to minimise that impact.

New definition
LEP 460
22.12.06

"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:

- (a) is described in Schedule 2, or
- (b) in relation to certain land at Mount Penang, Kariong (comprising the Festival Development Site) - described in Schedule 2A and shown edged heavy black and numbered on Sheets 3 (built elements) and 4 (landscape elements) of the map marked "Gosford Local Environmental Plan No 391" deposited in the office of the Council.

"Heritage Map" means Sheets 2–4 of the map marked "Gosford Local Environmental Plan No 391" deposited in the office of the Council.

"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;

- (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 14artilage 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.

New subclause
GG 13.10.00

“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.

“I.D.C. Map” means the series of maps bound in a book, the title sheet of which is marked “Shire of Gosford Interim Development Control Map referred to in Interim Development Order No 122 - Shire of Gosford” signed by the Minister for Planning and Environment and deposited in the office of the

Department, which maps have been amended by the maps (or the specific sheets of maps) marked as follows, deposited in the office of the Department:

Amendment No 1 of map referred to in Interim Development Order No 122-Shire of Gosford

Amendment No 2 of map referred to in Interim Development Order No 122-Shire of Gosford

Amendment No 3 of map referred to in Interim Development Order No 122-Shire of Gosford

Gosford Local Environmental Plan No 75 in respect of so much of the land shown on that map as being within Zone No 7(c2)

Sydney Regional Environmental Plan No. 6 – Gosford Coastal Areas, in respect of so much of the land shown on that map as being within Zone No. 1c, 1(d), 6(d), 7(a), 7(c2) or 7(c3)

Gosford Local Environmental Plan No. 88

Gosford Local Environmental Plan No. 90

Gosford Local Environmental Plan No. 102

Gosford Local Environmental Plan No. 94

Gosford Local Environmental Plan No. 120

Gosford Local Environmental Plan No. 124

Gosford Local Environmental Plan No. 129

Gosford Local Environmental Plan No. 130

Gosford Local Environmental Plan No. 135

Gosford Local Environmental Plan No. 136

Gosford Local Environmental Plan No. 137

Gosford Local Environmental Plan No. 138

Gosford Local Environmental Plan No. 145

Gosford Local Environmental Plan No. 148

Gosford Local Environmental Plan No. 149

Gosford Local Environmental Plan No. 154

Gosford Local Environmental Plan No. 155

Gosford Local Environmental Plan No. 161

Gosford Local Environmental Plan No. 172

Gosford Local Environmental Plan No. 178

Gosford Local Environmental Plan No. 179

Gosford Local Environmental Plan No. 181

Gosford Local Environmental Plan No. 185

Gosford Local Environmental Plan No. 186

Gosford Local Environmental Plan No. 189

Gosford Local Environmental Plan No. 190

Gosford Local Environmental Plan No. 192 in respect of so much of the land shown on that map as being within Zone No 7(c3)

Gosford Local Environmental Plan No. 195

Gosford Local Environmental Plan No. 198

Gosford Local Environmental Plan No. 200 in respect of so much of the land shown on that map as being within Zone No 7(a)

Gosford Local Environmental Plan No. 219

Gosford Local Environmental Plan No. 224

Gosford Local Environmental Plan No. 225 in respect of so much of the land shown on that map as being within Zone No 6(b)

Gosford Local Environmental Plan No. 231 to the extent to which the land represented thereon is uncoloured and

enclosed with dark green edging

Gosford Local Environmental Plan No. 232
 Gosford Local Environmental Plan No. 233
 Gosford Local Environmental Plan No. 237
 Gosford Local Environmental Plan No. 241
 Gosford Local Environmental Plan No. 245
 Gosford Local Environmental Plan No. 250
 Gosford Local Environmental Plan No. 259
 Gosford Local Environmental Plan No. 265
 Gosford Local Environmental Plan No. 274
 Gosford Local Environmental Plan No. 277
 Gosford Local Environmental Plan No. 279 (Sheets 1 and 2), to the extent to which that map relates to land shown as being within Zone No. 7(a) or 7(c2)
 Gosford Local Environmental Plan No. 282
 Gosford Local Environmental Plan No. 283
 Gosford Local Environmental Plan No. 304 (Sheet 3)
 Gosford Local Environmental Plan No. 305
 Gosford Local Environmental Plan No. 307
 Gosford Local Environmental Plan No. 317 (Sheet 2)
 Gosford Local Environmental Plan No. 328 (Sheets 1, 2 and 5)
 Gosford Local Environmental Plan No. 331
 Gosford Local Environmental Plan No. 335
 Gosford Local Environmental Plan No. 337
 Gosford Local Environmental Plan No. 344 – Sheets 2 and 3
 Gosford Local Environmental Plan No. 351 – Sheet 2
 Gosford Local Environmental Plan No. 355
 Gosford Local Environmental Plan No. 366 – Sheet 2
 Gosford Local Environmental Plan No. 371
 Gosford Local Environmental Plan No. 373
 Gosford Local Environmental Plan No. 378
 Gosford Local Environmental Plan No. 391 – Sheet 1
 Gosford Local Environmental Plan No. 415
 Gosford Local Environmental Plan No. 418
 Gosford Local Environmental Plan No. 410
 Gosford Local Environmental Plan No. 394
 Gosford Local Environmental Plan No. 424
 Gosford Local Environmental Plan No. 434 – Sheet 2
 Gosford Local Environmental Plan No. 453
 Gosford Local Environmental Plan No. 461
 Gosford Local Environmental Plan No. 464 - Sheet 2
 Gosford Local Environmental Plan No. 463
 Gosford Local Environmental Plan No. 474

“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
GG 22.12.06

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

New definition
LEP 460
GG 22.12.06

“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.

“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 or residential flat building.

“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 buildings 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.

"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 391
GG 28.07.00

"Potential archaeological site" means a site known to the consent authority even if it is not so identified or shown on a map. It includes a site known to the consent authority to have potential archaeological significance even if it is not so identified and shown.

"Prescribed materials" means:

- (a) dark toned and dark coloured materials of a low reflective quality, or
 - (b) materials which are painted or similarly treated with a dark toned or dark coloured paint or pigment of a low reflective quality,
- which, in the opinion of the Council, blend with the landscape of the site on which they are to be used and its surroundings.

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 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) undertaking 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 Order.

“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
GG 22.12.06

“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.

“Rural tourist facility” means a building or place used to provide tourists with low-key facilities that showcase:

- (a) regional agricultural produce (such a building or place may include a restaurant or a shop selling such produce) or
- (b) other “boutique” rural activities (such a building or place may include an arts and crafts outlet, a specialist country furniture shop, a bric-a-brac shop or the like).

New definition
LEP 2001
GG 17.05.02

“Rural tourist unit” means a building separate from a dwelling house used for the temporary accommodation of tourists, that is incidental and ancillary to existing agricultural production, or intensive agriculture or horse establishments on the same allotment of land, and includes farm stay holiday accommodation, bunk houses and the like, at a rate of not more than one bedspace per two hectares of the allotment on which it is located.

New definition
LEP 2001
GG 17.05.02

“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

“Tourist unit” means a room or suite of rooms occupied or used or so

LEP 429

constructed or adapted as to be occupied or used, on a temporary basis for the accommodation of tourists only.

“Tree preservation order” means an order under clause 35.

“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 Order.

- (2) A reference in this clause to a building or place used for a purpose includes a building or place intended for use for that purpose.

New Subclause
GG 6.5.83

- (3) Except in so far as the content or subject matter otherwise indicates or requires, a reference in this Order to subdivision is a reference to the subdivision of land within the mean of section 4(2)(d) of the Environmental Planning and Assessment Act, 1979.

Clause amended
LEP 381

Zoning of Land

- 4. The land to which this Order applies and represented distinctively coloured or distinctively coloured and edged or distinctively edged without colour (with or without an accompanying symbol) on the I.D.C. Map is:
 - (a) within the zone in the Table to clause 5 designated in relation to land so distinctively coloured or distinctively coloured and edged or distinctively edged without colour (with or without an accompanying symbol) as the case may be on the I.D.C. Map; and
 - (b) referred to in this order by the symbols that appear in relation to the said designation.

Zone objectives and development control table

5. (1) The objectives of a zone are set out in the Table to this clause relating to the zone concerned under the heading “Objectives of the zone”.
- (2) Subject to the other provisions of this Order, in relation to land within a zone, the development (if any) that is;
- (a) development that does not require consent; or
 - (b) development that needs consent; or
 - (c) prohibited development,
- 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”.
- (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.
- (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.

New sub-clause
LEP 426

TABLE

ZONE NO. 1(a) RURAL (AGRICULTURE) (Light Brown)

Objectives of the zone

The objectives of Zone No. 1(a) are:

- (a) to identify and provide suitable land for agricultural use; and
- (b) to protect the agricultural potential of land identified as suitable for agricultural use; and
- (c) to prevent the fragmentation of prime agricultural land; and
- (d) to enable uses which are complementary to, and compatible with, the use of land for agriculture; and
- (e) to protect the rural landscape quality of the area; and
- (f) to protect water catchments, water quality, soil conditions, and important eco-systems such as streams, estuaries, and wetlands, from inappropriate development and land management practices.

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; child care centres;
dams; dual occupancies-attached; **dwelling-houses**; educational
establishments; extractive industries; forestry; home businesses; horse
establishments; intensive agriculture; mines; places of public worship; plant
nurseries; roads; roadside stalls; rural industries; rural tourist facilities; rural tourist
units; stock and sale yards; 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 4.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 1(b) RURAL (HIGHWAY PROTECTION)
(Light Brown with dark red edging and lettered 1(b))

Objective of the zone

The objective of Zone No. 1(b) is to control the use and development of land adjacent to certain roads.

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; dams; child care centres; dual occupancies-attached; **dwelling-houses**; educational establishments; home industries; horse establishments; intensive agriculture; mines; roads; rural industries; rural tourist facilities; rural tourist units; 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 4.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 1(c) RURAL (RURAL PURPOSES) (Light brown with dark red edging and lettered 1(c))

Objectives of the zone

The objectives of Zone No. 1(c) are:

- (a) to control the use and development of rural land, not being prime agricultural land, to allow a range of agricultural and other appropriate uses which do not detract from the rural landscape and character, and
- (b) to provide opportunity for expansive and low intensity land uses which are suitably located in a rural landscape.

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; dams; dual
occupancies-attached; **dwelling-houses**; educational establishments; extractive
industries; home industries; horse establishments; mines; places of public worship;
plant nurseries; roads; 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 4.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 1(d) RURAL (URBAN INVESTIGATION) (Light brown with dark red edging and lettered 1 (d))

Objective of the zone

The objective of Zone No. 1(d) is to identify land currently used for rural purposes that may have the potential for urban purposes and prevent such land from being developed in a manner that may preclude future urban development.

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; childcare centres;
dams; **dwelling-houses**; dual occupancies-attached; educational
establishments; extractive industries; home industries; horse establishments;
mines; places of public worship; plant nurseries; roads; 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 4.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 2 (VILLAGE) (uncoloured with "V" superimposed)

Objective of the zone

The objective of Zone No. 2 is to identify land within existing rural areas for the purposes of providing services for the rural 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:
animal establishments; bed and breakfast accommodation; camping grounds or caravan parks; childcare centres; clubs; commercial premises; dams; **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; veterinary hospitals.

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 4.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

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

Objective of the Zone

The objective of Zone No. 4 is to identify land for extractive industry purposes.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

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

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 5 SPECIAL USES

(Yellow with scarlet lettering superimposed thereon)

Objectives of the Zone

The objectives of Zone No. 5 are:

- (a) to provide for the development of some miscellaneous public facilities on certain land;
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 purpose indicated by scarlet lettering on the I.D.C. map; roads;
utility installations.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

New Zone
LEP 391
GG 28.07.00

ZONE No. 5(b) SPECIAL USES - FESTIVAL DEVELOPMENT SITE

(Yellow and lettered 5(b))

Objectives of the zone

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

- (a) to delineate land administered by the Festival Development Corporation to be actively developed in accordance with this Order; and
- (b) to facilitate the development of a regional festival events centre, focused on a garden theme, and to encourage a wide range of activities which will contribute to the economic, recreational and educational development of the Central Coast; and
- (c) to promote economic development and the creation of employment on the Central Coast by providing for the development of permanent gardens, and for festivals, sporting, entertainment, community and cultural facilities, for information technology and for educational, speciality retail and commercial development; and
- (d) to ensure that development contributes to an ecologically sustainable environment and reflects equal and integrated consideration of social, economic and environmental design issues; and
- (e) to ensure that conventional residential and industrial development that is not integral to the festival development site does not occur.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Any development not included in Item 1 or 3.

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 4A.

3 PROHIBITED DEVELOPMENT

The use of the land for permanent residential or industrial purposes (other than that which constitutes exempt development or ancillary to development carried out pursuant to a development consent granted under clause 103 and is in accordance with the objectives of the zone.

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 and which promotes worthwhile community benefits and contributes to the amount and distribution of public open space areas at acceptable levels and 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 purpose as indicated by scarlet lettering on the I.D.C. map; roads;
utility installations.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

New zone
LEP 391
GG 28.07.00

ZONE No. 6(c) OPEN SPACE (ESCARPMENT PROTECTION)

(Green and lettered 6(c))

Objectives of the zone

The objectives of Zone No. 6(c) are:

- (a) to delineate environmentally sensitive land administered by the Festival Development Corporation that is only suitable for limited development; and
- (b) to recognise and protect the environmental and scenic integrity of the escarpment at Mount Penang, Kariong; and
- (c) to enable development of the land for open space and limited community facilities, recreational and low key-tourist activities and other ancillary or related development that will encourage the enjoyment and preservation of the environmental qualities, provided that those activities do not impact on the environmental or scenic quality of the land.

1 DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

Exempt development.

2 DEVELOPMENT THAT NEEDS CONSENT

Development (other than exempt development) for the purposes of: **aboriginal cultural centres, child care centres, community facilities, eco-tourism, educational establishments, recreation and sporting facilities**, recreation areas, 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 4A.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 6(d) OPEN SPACE (REGIONAL OPEN SPACE)
(Light green with dark red 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. 7 (a) CONSERVATION AND SCENIC PROTECTION (CONSERVATION)

(Orange)

Objectives of the zone

The objectives of Zone No. 7(a) are:

- (a) the conservation and rehabilitation of areas of high environmental value;
- (b) the preservation and rehabilitation of areas of high visual and scenic quality in the natural landscape;
- (c) the provision and retention of suitable habitats for flora and fauna;
- (d) the prohibition of development on or within proximity to significant ecosystems, including rainforests and estuarine wetlands;
- (e) the provision and retention of areas of visual contrast within the City, particularly the “backdrop” created by the retention of the ridgelines in their natural state;
- (f) the provision of opportunities for informal recreational pursuits, such as bushwalking and picnics, in appropriate locations;
- (g) the minimisation or prohibition of development so that the environmental and visual qualities of the natural areas are not eroded by the cumulative impact of incremental, individually minor developments;
- (h) the minimisation or prohibition of development in areas that are unsuitable for development by virtue of soil erosion, land slip, slope instability, coastal erosion or bushfire hazard.

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:
agriculture; bed and breakfast accommodation; dams; dwelling-houses; roads;
Subdivision.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 7(b) CONSERVATION AND SCENIC PROTECTION (SCENIC PROTECTION)

(Orange with dark red edging and lettered 7(b))

Objective of the zone

The objective of Zone No. 7(b) is to enable a limited range of development (including tourist facilities) on land on the Somersby Plateau and Calga Plateau which has been identified as possessing aesthetic or conservation values where:

- (a) it can be demonstrated that the development can be carried out in a manner that minimises risks from natural hazards, functions efficiently, does not prejudice other economic development and does not significantly detract from the aesthetic or conservation quality of the land within the zone; and
- (b) the development will not detract from the scenic quality of the area as viewed from within the zone or from other areas of the City; and
- (c) the development is unlikely to have a significant detrimental effect on the growth of native plant communities, the survival of native wildlife populations or the provision and quality of habitats for both indigenous and migratory species; and
- (d) the development will not place undue demands on existing infrastructure.

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; clubs; dams; **dual occupancies – attached; dwelling-houses**; educational establishments; extractive industries; home industries; hotels; lawn cemeteries; mines; motels; places of public worship; plant nurseries; recreation and sporting facilities; recreation establishments; restaurants; roads; roadside stalls; 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 4.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 7(c2) CONSERVATION AND SCENIC PROTECTION (SCENIC PROTECTION - RURAL SMALL HOLDINGS)

(Orange with dark red edging and lettered 7(c2))

Objectives of the zone

The objectives of Zone No. 7(c2) are:

- (a) to provide a buffer or transition zone between conservation areas and urban areas; and
- (b) to enable development for the purposes of rural-residential holdings to be carried out on land which is suitable for those purposes and which is unlikely:
 - (i) to adversely affect the aesthetic and scenic value of the land and its setting; or
 - (ii) to create a demand for the uneconomic provision of services; and
- (c) to allow for non-residential uses where those uses are:
 - (i) compatible with rural-residential development and unlikely to create an unreasonable demand for public services or substantially reduce existing levels of service;
 - (ii) unlikely to adversely affect the aesthetic and scenic value of the land and its setting; and
 - (iii) unlikely to interfere unreasonably with the amenity of adjoining properties.

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; child care centres;
dams; **dual occupancies-attached; dwelling-houses**; educational
establishments; home industries; horse establishments; places of public worship;
plant nurseries; roads; roadside stalls; 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 4.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 7(c3) CONSERVATION AND SCENIC PROTECTION (SCENIC PROTECTION - TOURIST ACCOMMODATION)

(Orange with dark red edging and lettered 7(c3))

Objective of the zone

The objective of Zone No. 7(c3) is to enable a limited range of development, including tourist accommodation, on land between the Somersby Plateau and the ocean which has been identified as possessing significant aesthetic or conservation value, and where:

- (a) it can be demonstrated that the development can be carried out in a manner which will not significantly prejudice the aesthetic or conservation quality of the land within the zone; and
- (b) the development is unlikely to have a significant detrimental effect on the growth of native plant communities, the survival of native wildlife populations or the provision and quality of habitats for both indigenous and migratory species; and
- (c) the development will not place undue demands on existing infrastructure.

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:
advertisements; animal establishments; bed and breakfast accommodation;
camping grounds or caravan parks; child care centres; clubs; dams; **dual
occupancies-attached; dwelling-houses**; educational establishments;
home industries; hotels; lawn cemeteries; places of public worship; plant nurseries;
recreation and sporting facilities; recreation establishments; restaurants; roads;
roadside stalls; tourist units; 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 4.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

**ZONE NO. 7(c4) CONSERVATION AND SCENIC PROTECTION
(SCENIC PROTECTION - MANGROVE CREEK)**
(Orange with dark red edging and lettered 7(c4))

Objective of the zone

The objective of Zone No. 7(c4) is to allow for the continuation of established uses in the vicinity of Mangrove Creek at a scale and intensity sympathetic to the scenic and environmental qualities of the area.

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 and caravan
parks; clubs; dams; **dual occupancies-attached; dwelling-houses;**
educational establishments; extractive industries; forestry; home industries; hotels;
mines; motels; places of public worship; plant nurseries; recreation establishments;
restaurants; roads; roadside stalls; 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 4.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 7(c5) CONSERVATION AND SCENIC PROTECTION
(SCENIC PROTECTION - TOURIST)
(Orange with dark red edging and lettered 7(c5))

Objective of the Zone

The objective of Zone No. 7(c5) is to allow for the continuation of established uses in the vicinity of the Hawkesbury River at a scale and intensity sympathetic to the scenic and environmental qualities of the area.

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:
advertisements; bed and breakfast accommodation; boat fuelling, hiring, launching
and servicing facilities; camping and caravan parks; child care centres; dams;
dual occupancies-attached; dwelling-houses; home industries;
recreation establishments; restaurants; 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 4.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

**ZONE NO. 7(c6) CONSERVATION AND SCENIC PROTECTION
(SCENIC PROTECTION - RESIDENTIAL)**
(Orange with dark red edging and lettered 7(c6))

Objective of the Zone

The objective of Zone No. 7(c6) is to provide for residential development on suitable areas of previously subdivided land in the vicinity of the Hawkesbury River.

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; **dual occupancies-attached; 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 4.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

ZONE NO. 7(d) CONSERVATION AND SCENIC PROTECTION (COASTAL LAND PROTECTION)

(Orange with dark red edging and lettered 7(d))

Objectives of the zone

The objectives of Zone No. 7(d) are:

- (a) to identify and designate coastal land possessing special aesthetic, ecological or scientific value; and
- (b) to restrict the type and scale of development to that which is compatible with land possessing special aesthetic, ecological or scientific values; and
- (c) to allow such development only where it can be carried out in a manner that does not detract from the aesthetic, ecological or scientific value of the land.

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; **dwelling-houses**; extracting sand; forestry;
golf courses; home businesses; mining; roads.
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 4.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

**ZONE NO. 7(e) CONSERVATION AND SCENIC PROTECTION
(COASTAL LAND ACQUISITION)**
(Orange with dark red edging and lettered 7(e))

Objective of the Zone

The objective of Zone No. 7(e) is to identify and designate coastal land possessing aesthetic, ecological, or scientific value for purchase by the Department of Urban Affairs and Planning.

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:
agriculture; bed and breakfast accommodation; **dwelling-houses**; roads.

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 4.

3 PROHIBITED DEVELOPMENT

Any development not included in Item 1 or 2.

Clause 6
omitted LEP 381
Clause 6A
omitted LEP 381
Clause 6B
omitted LEP 381
Clause 6C
omitted LEP 381
Clause 7
omitted LEP 381
Clause 8
omitted LEP 381
Clause 9
omitted LEP 381

Amended GG
6.5.83
Clause 10
omitted
GG 12.12.08

Clause 11
omitted LEP 381

Acquisition of Land

Amended GG 20.11.81 12. The owner of any land within Zone No. 6(d) or 7(e) which may not be reasonably required by the Council to be dedicated to it as a public reserve as a condition of an approval to the subdivision of any land, may, by notice in writing served on the Department, require the Department to acquire that land and the Department, shall upon receipt of that notice acquire the land to which it relates.

Building Lines

13. (1) The Council may by resolution fix building lines in respect of any land adjoining any river, ocean, lake, lagoon, creek or cliff edge.
- (2) A building line fixed by the Council shall 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 Council.
- (3) A building shall not be erected between a building line and the river, ocean, lake, lagoon, creek or cliff edge in respect of which the line is fixed.
- (4) The Council may alter or abolish any building line where the levels or depths of the allotments or other exceptional conditions of the site make it necessary or expedient to do so.

New clause

Demolition

GG 20.12.02

- 13A. (1) Demolition may be carried out on land to which this Order applies, but only with development consent.
- (2) This clause is subject to any other provision of this plan 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 13A (4)
omitted
LEP 441
GG 12.12.03
Clause 14
omitted LEP 381

Commercial Premises and residential flat buildings in Village Zone

15. (1) The floor space of any building or buildings erected or proposed to be erected for the purposes of commercial premises in Zone No. 2 (Village) shall not exceed 100 square metres.
- (2) A residential flat building shall not be erected nor shall a building be commenced to be used as such in Zone No. 2 (Village) having more than 2 dwellings.
- (3) In this clause -
- "floor space" includes all wall thicknesses, ducts, vents, staircases and lift wells, but does not include -
- (a) any car parking space in the building provided to meet the standards required by the Council (but not spaces provided in excess of those standards) or any internal access thereto;
 - (b) space used for the loading or unloading of goods;
 - (c) lift towers, cooling towers, machinery and plant rooms and any storage space related thereto.

Clause 16
omitted LEP 381
Clause 17
omitted LEP 381

Subdivision

- New Clause GG 20.11.81
Amended
18. (1) This Clause applies to land within Zone No. 1(a), 1(b), 1(c), 1(d), 7(a), 7(b), 7(c2), 7(c3), 7(c4), 7(c5), 7(d) or 7(e).
- (2) A person shall not subdivide land to which this Clause applies except in accordance with this Clause.
- (3) Except as provided in subclauses (4) and (5), a person shall not subdivide land to which this Clause applies so as to create an allotment having an area of less than-
- Amended
GG 6.5.83
- (a) in the case of land within Zone No. 1(c), 1(d), 7(a), 7(c4), 7(d) or 7(e) - 40 hectares;
- (b) in the case of land within Zone No. 1(a) or 7(b) - 20 hectares;
- (c) in the case of land within Zone No. 1(b) - 10 hectares;
- (d) in the case of land within Zone No. 7(c3) or 7(c5) - 4 hectares; or
- (e) in the case of land within Zone No. 7(c2) - 2 hectares.
- (4) A person may, with the consent of the Council -
- (a) subdivide land to which this Clause applies, subject to Clause 19(3) where -
- (i) the land is partly within one zone and partly within another zone;
- (ii) the area of the land within one of the zones is not less than the area specified in subclause (3) in respect of that zone;
- (iii) the area of the land in the other zone is less than the area specified in subclause (3) in respect of that zone; and
- (iv) one of the allotments to be created by the subdivision comprises the whole of the land referred to in subparagraph (iii); or
- (b) subdivide land within Zone No. 7(c2) so as to create one or more allotments having an area of less than 2 hectares but not less than 1 hectare where -
- Amended
GG 6.5.83
- (i) the person agrees with the Council to dedicate to it as a public reserve land within Zone No. 6(d), 6(e), or 7(a) which is in the same ownership as the land within Zone No. 7(c2);
- (ii) the person agrees to contribute to the Council an amount of money to be used by the Council for the purchase for use as a public reserve of land within Zone No. 7(a) or for the improvement or embellishment

of any public reserve owned by the Council which is within Zone No. 7(a) or which was formerly within Zone No. 7(a) under this Order;

- (iii) the plan of subdivision is a strata plan within the meaning of the Strata Titles Act, 1973, which includes as common property land within Zone No. 7(a) which adjoins land within Zone No. 7(c2) and that part of the common property is accessible from each of the lots in the strata plan;
 - (iv) the person agrees to dedicate land within Zone No. 6(d), 6(e) or 7(a) in accordance with subparagraph (i) and to make a contribution in accordance with subparagraph (ii); or
 - (v) the person agrees to make a contribution in accordance with subparagraph (ii) and to include land in common property in accordance with subparagraph (iii).
- (5) The total number of allotments that may be created in accordance with subclause (4)(b), whether by one or more subdivisions made at any time either before or after the appointed day, shall not exceed -
- (a) where a person agrees to dedicate land within Zone No. 6(d), 6(e) or 7(a) in accordance with subclause (4)(b)(i) or includes land within Zone No. 7(a) in common property in accordance with subclause (4)(b)(iii), a number equal to the sum of the number obtained -
 - (i) by dividing the area of the land within Zone No. 7(c2), expressed in hectares, by 2; and
 - (ii) by dividing the area, expressed in hectares, of the land within Zone No. 7(a) to be dedicated or included in common property by 5,

calculated to the nearest whole number.
 - (b) where a person agrees to make a contribution in accordance with subclause (4)(b)(ii), a number equal to the sum of the numbers obtained -
 - (i) by dividing the area of the land within Zone No. 7(c2), expressed in hectares, by 2,
 - (ii) by dividing the amount of the contribution by 5 times the value of 1 hectare of land within Zone No. 7(a), as determined by the Council,

calculated to the nearest whole number; or
 - (c) where a person agrees -
 - (i) to dedicate land within Zone No. 6(d), 6(e) or 7(a) in

- accordance with subclause (4)(b)(i); or
- (ii) to include land within Zone No. 7(a) in common property in accordance with subclause (4)(b)(iii); and
- (iii) to make a contribution in accordance with subclause (4)(b)(ii),

a number equal to the sum of the numbers calculated -

- (iv) by dividing the area of the land within Zone No. 7(c2) (if any) by 2; and
- (v) by adding thereto the numbers obtained by making calculations in accordance with paragraph (a)(ii) in respect of that part of the land agreed to be dedicated and paragraph (b)(ii) in respect of the agreed amount of the contribution,

calculated to the nearest whole number.

Amended
LEP 381

- (6) Land within Zone No. 7(a) included in common property pursuant to subclause (4)(b)(iii) shall not be used for any purpose other than agriculture or recreation areas and shall not be so used without the consent of the Council.
- (7) The Council shall upon the receipt by it of a contribution made pursuant to this Clause place that contribution in a trust account for use for the purpose specified in subclause (4)(b)(ii).
- (8) A reference in this Clause to Zone No. 6(e) shall be taken to be a reference to that zone in the Gosford Planning Scheme Ordinance.

Clause 18A
omitted LEP 381

New Clause
GG 11.12.15

18A Exception to minimum lot size for subdivision of land that includes deferred matter

- (1) Development consent may be granted to a subdivision of land to create a lot (the **residual lot**) of a size that is less than the minimum size that applies in relation to the land under clause 18 if:
 - (a) The subdivision is of land that is being subdivided together with land to which *Gosford Local Environmental Plan 2014* applies, and
 - (b) The residual lot is comprised entirely of land identified as "Deferred Matter" under clause 1.3 (1A) of that Plan.
- (2) Development consent must not be granted for the erection of a dwelling on the residual lot.

New Clause
GG 8.8.80

- 19. (1) Except as provided in subclause (2), a person shall not subdivide land so as to create an allotment partly within one zone and partly within another zone.

- Amended
GG 2.10.87
- (2) Subject to subclause (3), a person may subdivide land so as to create an allotment partly within Zone No. 1(b) and partly within another zone.
- (3) The total area of an allotment referred to in subclause (2) shall be not less than the area specified in Clause 18 (3) applicable to the zone of the land adjoining the land within Zone No 1(b).

Clause 19A
omitted GG
20.11.81

Subdivision for certain purposes

- Amended GG
8.8.80
- New Clause 20
GG 19.5.89
20. (1) Nothing in Clause 18 prevents a subdivision for the purposes of -
- (a) opening or widening a public road;
 - (b) making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of any additional allotment;
 - (c) enlarging the area of any allotment without reducing the area of any other;
 - (d) rectifying an encroachment upon any allotment; or
 - (e) providing land for use by the Crown, a public utility undertaking, a statutory body or the Council.
- (2) A subdivision of land carried out for a purpose specified in subclause (1) does not have the effect of -
- (a) precluding development of the land for any purpose for which it might have been developed immediately prior to the subdivision (except in so far as land has been taken for a road as referred to in paragraph (a) or for use as referred to in paragraph (e)); or
 - (b) enabling development of the land for any purpose for which it could not have been developed immediately prior to the subdivision.

Clause
Amended GG
6.5.83

Amended
GG 20.11.81

New Clause 21
GG 23.5.86
New Clause 21
GG 19.5.89
Subclauses
21(1) & (2)
omitted LEP 381

Restriction on the erection of dwelling-houses in zones other than Zone No 7(a)

- 21.
- (3) A lawfully created allotment meeting the minimum area requirements of Clause 18(3)(a), (b), (c) or (d), as the case may require, may have two dwelling-houses erected on it, with the consent of the Council, if:

- (a) the Council is satisfied that both will be used in conjunction with the use of the allotment concerned for the purpose of agriculture; or
- (b) the Council is satisfied that the second dwelling-house will replace one which is to be demolished, of the use of which (as a dwelling-house) it is proposed to abandon.

Restriction on the erection of dwelling-houses in Zone No 7(a)

Clause 22
Omitted
GG 6.5.83

22. (1) One dwelling-house only may be erected, with the consent of the Council, on an allotment of land within Zone No 7(a) having an area of not less than 40 hectares.
- (2) Notwithstanding subclause (1), the Council may consent to the erection of one dwelling-house only on an allotment of land within Zone No 7(a) having an area of less than 40 hectares if-
- (a) the allotment was in existence before 18 February 1977 and was not in the same ownership as any adjoining allotments at that date; or
 - (b) the allotment was created after 18 February 1977 otherwise than under Clause 18(4)(a) or 20.

New Clause
GG 23.5.86
Amended
GG 27.3.87

- (3) Where land within Zone No 7(a) comprises adjoining allotments held in the same ownership on 18 February 1977, the Council may, notwithstanding subclause (1), consent to the erection of one dwelling-house only on that land if all the land so held within Zone No 7(a) has been consolidated into one allotment.

New Clause
GG 19.5.89

- (4) Notwithstanding subclause (3), the Council may, subject to compliance with subclause (5), consent to the erection of more than one dwelling-house on land comprised of adjoining allotments referred to in subclause (3), and without the requirement that the allotment be consolidated into one allotment, if the total number of dwelling-houses erected on the land does not exceed the number of adjoining allotments held in the same ownership on that date.
- (5) Pursuant to section 29 of the Environmental Planning and Assessment Act, 1979, the erection of a dwelling-house under subclause (4) is declared to be designated development for the purpose of that Act unless the erection of the dwelling-house only comprises the making of alterations or additions to any existing building which, in the opinion of the Council, are of a minor nature and do not, to any significant extent, change the scale, size or degree of that existing building.

Development of certain land at Bensville

New Clause
GG 10.7.98
LEP 351

- 22A. (1) This clause applies to land, as shown edged heavy black on sheets 2 and 3 of the map marked "Gosford Local Environmental Plan No 351" deposited in the office of the Council.

- (2) The provisions of clause 22 do not apply to land to which this clause applies.

Development of certain land - Bambara Road and Rees Street, Kariong

Amendment
GG 28.03.02
LEP 424

- 22B. (1) This clause applies:
- (a) to Lots 229, 251 and 478, DP 755251, Lots 4711 and 4712, DP 801108 and Lot 2502, DP 801107, Bambara Road, Kariong, as shown edged heavy black on Sheet 1 of the map marked "Gosford Local Environmental Plan No 410" deposited in the office of the Council, and
 - (b) to Lot 472, DP 755251, Rees Street, Kariong, as shown edged heavy black on Sheet 2 of that map.
- (2) The provisions of clause 22 do not apply to land to which this clause applies.

New clause
GG 20.10.95
LEP 314
Subclause 23(1)
omitted LEP 381

Dual occupancy – creation

- 23.
- (2) Consent must not be granted for the carrying out of development for the purpose of a dual occupancy:
- (a) on any land, if the dual occupancy consists of 2 unattached dwellings: or
 - (b) on land within Zone No. 7(c2) or 7(c3) which is within the lagoon catchment of Wamberal or Terrigal Lakes, or Avoca or Cockrone Lakes, or is within the locality of Pearl Beach or Patonga, as defined by the Geographical Names Board; or
- (3) Subclause (2) does 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.

Subclause
23.(2)(c) omitted
LEP 381

New clause
GG 21.6.96
LEP 327

New clause
GG 20.10.95
LEP 314

Dual occupancy – subdivision

- 23A. (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.

Subclause
23A.(3) omitted
LEP 381

Clause 23

omitted
GG 6.5.83

Tourist Units

Clause 24(1) (2)
& (3) amended
LEP 381

24. (1) A tourist unit shall not be erected or used if -

(a) the site area is less than 2 hectares;

Amended
GG 8.8.80

(b) the ratio of the total floor space of any buildings erected on the land to the site area of the land exceeds 0.15:1; and

GG 6.5.83

(c) the height of any building erected on the land exceeds 7 metres.

Amended
LEP 429

(2) For the purposes of subclause 1(b), "site area", in respect of land use or proposed to be used for tourist units, does not include the area of so much of the land as is or is to be used for a purpose other than tourist units.

(3) A plan may, with the consent of the Council, be registered as a strata plan of subdivision subject to the Strata Titles Act, 1973, in respect of tourist units.

25. Earth works and other works affecting the level of or flow of water on land liable to flood shall not be carried out without the consent of the Council.

Clause 26
omitted LEP 381

Rural Conservation Zone - General

27. Clauses 28, 29 and 30 apply to land within zone No. 7(a).

Rural Conservation Zone - Building Materials

28. (1) Subject to subclause (2), the external surfaces of any building shall be of prescribed materials.

(2) The Council may relax the requirements prescribed by subclause (1) -

(a) in relation to the external surfaces of any alteration or enlargement of an existing building or building ancillary to an existing building, where the external surfaces of the existing building are not composed of prescribed materials; or

(b) in relation to the external surfaces of any building, to the extent of permitting not more than 10 per centum of the total area of those surfaces to be composed of materials other than prescribed materials.

Rural Conservation Zone - Height

29. (1) Subject to subclause (2), the height of a building shall not exceed 8

metres.

- (2) A building which departs from the minimum requirement prescribed by subclause (1) to a minor extent only may be erected with the consent of the Council.

Rural Conservation Zone – Ridge Lines

Clause 30(1)
amended
LEP 381

30. (1) Subject to this Clause a building or structure shall not be erected within 50 metres of any ridge line or prominent visible brow identified on any plan submitted to the Council.
- (2) Subclause (1) does not apply if -
- (a) the whole of the site area is within 50 metres of one of the points referred to in that subclause;
- (b) the Council is of the opinion that the levels, depths or other exceptional physical characteristics of the site require that the building or structure be erected within 50 metres of such a point; or
- (c) the only part of the site which has direct access to a public road is within 50 metres of such a point.

Bed and Breakfast Accommodation

Inserted LEP
429

- 30A. 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.

Clause 31
omitted LEP 381
Clause 32
omitted LEP 381

Clause 33
omitted LEP 381

Tree Preservation

34. (1) This Clause applies to land in respect of which a tree preservation order is not in force.
- (2) No tree shall be cut down, topped, ring-barked or otherwise wilfully destroyed without the consent of the Council.
- (3) The Council may impose as conditions of any consent given under this Clause such requirements as it thinks fit.

Tree
Preservation
Order gazetted
18.5.79

35. (1) Where it appears to the Council that it is expedient for the purpose of securing amenity or of preserving existing amenities it may for that purpose make an order and may by like resolution rescind or vary any such order.

- (2) A tree preservation order may prohibit the ringbarking, cutting down, topping, lopping, removing, injuring or destruction of any tree or trees specified therein, except with the consent of the Council and any such consent may be given subject to such conditions as the Council may think 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 such order and such land may be described particularly or generally by reference to the land, the subject of this Order, or any part thereof.
- (4) The Council shall forthwith upon the making of a tree preservation order cause notice of the making of such order to be published in the Gazette and in a newspaper circulating in the area in which land described in the order is situated.
- (5) In any proceedings under this Clause it shall be sufficient defence to prove that the tree or trees ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed was or were dying or dead or had become dangerous.

Clause 36(1)
(2) & (3) omitted
GG 20.11.81

Existing Development

36.

- (4) Existing buildings used for the purpose of poultry farming may be altered for that purpose notwithstanding the floor space of the buildings existing at the appointed day is increased by more than 10 per centum provided that-
 - (a) where there is one poultry shed only on the farm, the shed floor area is not increased by more than 100 per centum; or
 - (b) where there is more than one shed on the farm, the shed floor area is not increased by more than 100 per centum of the floor area of the largest existing shed.
- (5) The Council must not consent to the alteration, enlargement or rebuilding of any building or work used for the purpose of an existing use on land within Zone No 7 (e) or to a change of use of that land, unless it has taken into consideration the effect which the proposed alteration, enlargement or rebuilding or the change in the use of that building, work or land will, or is likely to have, on the objectives sought to be achieved by including the land within Zone No 7 (e).

Amended
GG 20.11.81
Amended
GG 12.12.08

New Clause
GG 20.11.81

Clause 36(6)
omitted GG
12.12.08

Clause 37
omitted LEP 381

New Clause 38
LEP 404
23.2.01

Development on bed of lakes, rivers, etc.

- 38.
- (1) Despite any other provision of this Order, 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 I.D.C. Map on the date this Order commenced, being 30 March 1979, 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 I.D.C. 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*.
 - (3) 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.

Clause 38(2)
omitted GG
12.12.08

New definition
LEP 460
GG 22.12.06

38A Heritage conservation

(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 appearance 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 a 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.

(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.

(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):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(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 28 days after the notice is sent.

(8) Demolition of item of State significance

The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 2 as being of State heritage significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received within 28 days after the notice is sent.

(9) Conservation incentives

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 Order 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.

Clause 39
omitted LEP
381

Development Near Boundary of Certain Adjoining Zones

39A. (1) This Clause applies to land within 50 metres of a boundary defining Zone No 7(a).

Clause amended
GG 12.12.08

(2) A person may, with the consent of the Council, carry out development on land to which this Clause applies for any purpose which may be carried out in the zone or reservation adjoining the land where -

New Clause GG
21.6.85
LEP No 111

(a) information is submitted with the application for development consent based on a detailed survey of the land relating to topography, water catchment, vegetation, existing land use, 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) be accessible from an all-weather access road;
- (iii) not interfere with highly vegetated areas;
- (iv) not be carried out on land which has a slope of more than 1 in 5;
- (v) not involve any land within 50 metres of any ridgeline;
- (vi) not require major earthworks;
- (vii) not interfere with foreshore of wetland areas;
- (viii) not have an adverse effect on the surrounding environment; and
- (ix) not constitute a bushfire hazard.

Clause 39A(3)
omitted GG
12.12.08

Development of land with certain characteristics

39B. (1) Where an application is made to the Council for consent to the carrying out of development on land (not being land within Zone No 7(a)) which is within 50 metres of a boundary of Zone No. 7(a) and which, in the opinion of the Council, has any one or more of the following characteristics;

New Clause GG
21.6.85 LEP No
111

- (a) it is substantially vegetated with flora native to the locality;
- (b) it has a slope of more than 1 in 5;
- (c) it is within 50 metres of a ridgeline or prominent visible brow;
and
- (d) it is a foreshore or wetland area;

the Council may determine the application as if the land were land within Zone No 7(a).

(2) Where the Council grants consent to an application referred to in subclause (1), a person may carry out development on the land to which the application relates in accordance with the consent.

Clauses 39C-39E
omitted
LEP 460
GG 22.12.06

40. Where an application is made to the Council for the erection of a dwelling-house on an allotment partly zoned 7(a), the Council shall take into consideration the characteristics of the allotment concerned and shall only consent to the erection of the dwelling-house on the land zoned 7(a) where, in its opinion, it is impractical to erect the dwelling-house upon the other land with the allotment.

Temporary use of land

New clause
LEP 381

- 40A. (1) This clause applies to all land within Zone No 5(a) or 6 (a).
- (2) Despite any provision of this Order, a person may, without the consent of the Council, carry out development of land to which this clause applies for the purposes of a market, circus or auction, or for a community purpose or benefit, for a maximum of 14 days 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
Clause amended

Exempt development

LEP 391
GG 28.07.00

- 40B. (1) Subject to subclause (2), development listed in:
- (a) Schedule 3 (in the case of land other than the land to which Gosford Local Environmental Plan No. 391 applies), or
 - (b) Schedule 3A (in the case of the land to which Gosford Local Environmental Plan No. 391 applies)

is exempt development if it meets the limitations (if any) specified in the Schedule concerned in respect of the development.

- (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 3 or Schedule 3A, whichever is appropriate to the land concerned).

Complying development

New clause
LEP 381
Amended
LEP 429

- 40C (1) Subject to subclauses (2) and (3), development listed in:
- (a) Schedule 4 (in the case of land other than the land to which Gosford Local Environmental Plan No. 391 applies), or
 - (b) Schedule 4A (in the case of the land to which Gosford Local Environmental Plan No. 391 applies),
is complying development if:
 - (c) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (d) it is not an existing use, as defined in section 106 of the *Environmental Planning and Assessment Act 1979*.
- (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 4 or Schedule 4A, whichever is appropriate to the land concerned, 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).

3(A) Despite subclause (3), development for the purposes of swimming pools or spas is not prevented from being complying development despite the fact that it is carried out on land that is flood liable or subject to a high bushfire hazard as shown on the map held by the Council;

with the exception of land affected by Gosford Local Environmental Plan No. 391.

Clause amended
LEP 391
GG 28.07.00
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 41
relating to crown
dev. omitted,
GG 26.9.80

Clause 42
relating to
duration of
consents omitted,
see Section 99,
EP&A Act, 1979.

Clause 43
relating to
consents to be
void in some
circumstances
omitted,
GG 26.9.80.

Clause 44
omitted LEP 381

Clause amended 45. (1) No development shall be carried out on any land forming part of the

GG 12.12.08 bed of a creek, lagoon, river or other natural watercourse shown uncoloured on the I.D.C. map without the consent of the Council.

Clause amended
GG 12.12.08 (2) Where a public road shown uncoloured on the I.D.C. map or part of such road is lawfully closed no development shall be carried out on the road so closed without the consent of the Council.

Clause 46
omitted refer to
Gosford LEP No.
22 gazetted
3.7.81 (Somersby
Industrial Estate).

47. (1) In this Clause -

"Land" means lots 3-8 Deposited Plan 2350, Hanlan Street, Narara.

"plan" means the plan marked "Ref. 2155" prepared by Everitt & Everitt Pty. Ltd., Registered Surveyors, of Pacific Highway, Wyong, dated 4th April, 1977.

(2) Subject to dedication of lot 10 on the plan to the Council free of cost, interim development may, with the consent of the Council, be carried out -

(a) for the purpose of subdivision generally in accordance with the subdivision pattern on the plan;

(b) as respects lots 1-9 inclusive on the plan, for the purpose of erection and use of a single dwelling-house on each vacant lot;

(c) as respects lot 10 on the plan, for any purpose for which land zoned "Open Space" under this Order may be used;

and for no other purposes.

48. (1) This Clause applies -

(a) to portion 465, Parish of Patonga, Special Lease 57-53, off Woy Woy Road, Kariong, City of Gosford;

(b) notwithstanding any other Clause.

(2) Interim development may be carried out only with the consent of the Council for the purposes of the Boy Scouts or the Girl Guides Association of Australia.

49. (1) This Clause applies to lot 21, Deposited Plan 1976, Clyde Road, Erina.

(2) Notwithstanding any other provision of this Order a single storey dwelling-house may be erected and used on land referred to in subclause (1).

GG
20.11.81

50. (1) This Clause applies to the land shown by orange edging on plan catalogued number 10517 in the office of the Department.
- (2) The floor space of the existing chicken abattoir as altered from time to time may exceed by more than 10 per centum the floor space of such abattoir at the appointed day and shall not exceed 25 per centum of the floor space of such abattoir at the appointed day.

Development of certain land at Mount White for road transport facilities

New Clause
GG 30.8.91

- 50.AA (1) This clause applies to lots 11 and 12, D.P. 590280 and Lot 2, D.P. 223600, Pacific Highway, Mount White, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 283" deposited in the office of the Council.
- (2) Despite any other provisions of this Order, the Council shall not consent to the erection of a building or buildings on the land to which this clause applies if the total of the floor space to be used for the purposes of services such as tourist information centres, banks, newsagencies, chemist shops, milk bars and refreshment rooms will be more than 1,500 square metres.

Development of certain land at Somersby for tourist accommodation and conference/training facilities

New sub-clause
LEP 430

- 50AB (1) This clause applies to Lot 3, D.P. 712505, Ghilkes Road, Somersby, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 389" deposited in the office of the Council.
- (2) Nothing in this Order prohibits the use of the land for tourist accommodation and conference and training facilities.
- (2A) The number of tourist units/rooms providing tourist accommodation must not be capable of providing more than a total of 30 separate occupancies.
- (3) 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. 389 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.

Clause 51
omitted GG
19.7.85

52. Lot 1, Deposited Plan 17201 in the vicinity of Allen Street, Niagara Park, may be used for the purposes of a joinery shop in addition to any other purpose for which it may be lawfully developed under clause 5.

Amended GG
15.8.80

53. Part Portion 81, Blood Tree Road, Mangrove Mountain, being the land in Certificate of Title, volume 5069, folio 146, may be developed with the consent of the Council for the purpose of a club, community hall, Council depot or gliding in addition to the purposes for which it may be lawfully developed under Clause 5.

Clause 54
omitted GG 385
24.12.99

55. Interim development may be carried out on part lot 61, Deposited Plan 2730 in D.P. 942807 being the land represented on Plan No. 10265 held in the Department with the consent of the Council for any purpose for which land zoned 2(b) may be developed under the Gosford Planning Scheme but for no other purpose.

Clause 56
deleted by
operation of
Sections 342 U(8)
and 342 U(8A) of
the LGAct, 1919.

57. (1) In this Clause -
- "floor space" has the meaning ascribed to it in Clause 56;
- "Plans" means the Plans catalogued by the Department number 245:1195 and number 10384 and held therein.
- (2) Subject to subClauses (3), (4) and (5) interim development of the lands represented on the Plans may be carried out with the consent of the Council (but not otherwise) for any purpose for which land zoned 4(a) may be developed under the Gosford Planning Scheme.
- (3) The ratio of floor space to site area (including any existing building) shall not exceed 0.5:1.
- (4) Buildings shall be placed 30 metres or more distant from Pacific Highway.
- (5) Crossings shall be 6 metres or more wide and the same distance apart and no allotment shall have more than 1.
- (6) On-site parking shall not fall below the rate of 2 spaces for each 2 persons employed on the site, but otherwise shall be in the discretion of the Council.
58. (1) In this Clause "floor space" has the meaning ascribed to it in Clause 56.
- (2) Subject to this Clause, interim development may be carried out with the consent of the Council (but not otherwise) -
- (a) on lands encircled by a red line represented on the Plan held in the Department and catalogued number 245:3136; and
- (b) on lands encircled by a blue line represented on the Plan

Amended
GG 29.8.80
Amended
LEP 381

held in the Department and catalogued number 9895,

for the purposes specified in Item 2 of the matter relating to Zone No. 4(b) in the Table to clause 10 of the Gosford Planning Scheme Ordinance.

- (3) Where a purpose referred to in subclause (2) is defined in Clause 3 of the Gosford Planning Scheme Ordinance, the purpose shall, for the purposes of that subclause, have the meaning so ascribed to it.
- (4) The height of a building shall not exceed 6 metres.
- (5) The ratio of the total floor space of any building or buildings proposed to be erected to the site area shall not exceed 0.5:1.
- (6) The floor space in any building used for the purposes of offices or showrooms shall not be greater than 5 per cent of the total floor space thereof.
- (7) (a) Development (other than development for the purposes of landscaping) within -
 - (i) 6 metres of the boundary of the land with Pacific Highway; or
 - (ii) 6 metres of the boundary of the land with the westernmost boundary of portion 323; or
 - (iii) within 1.5 metres of that part of the southern boundary of land comprised within D.P. 376310 adjoining land within portion 323; or
 - (iv) 10 metres of the easternmost boundary of land comprised in D.P. 376310,

is prohibited.

- (b) In paragraph (a) (i), (ii) and (d) "the land" means portion 280 and any land comprised in the closed road adjoining.
 - (c) Notwithstanding paragraph (a) a road giving access to Debenham Road may be constructed within 10 metres of the easternmost boundary of the land comprised in D.P. 376310 provided that the same is not more than 3 metres wide at any point other than at a point adjacent to a loading bay.
 - (d) Notwithstanding paragraph (a) an internal road or turning facility may be constructed within 6 metres of the boundary of the land with Pacific Highway in the vicinity of and for the purposes only of servicing buildings proposed to be erected as Stage 2 of Smith's Development Proposal.
- (8) Crossings other than into Debenham Road are prohibited.
 - (9) All external cladding, roofs and window frames of any building or appurtenances thereto erected on any land, the subject of this Clause, shall be of a dark tone colour and shall blend with the landscaping of the land and its surroundings.

- (10) One but not more than one commercial sign (but no other advertising structure or advertisement) may be erected on any land having frontage to Pacific Highway.
- (11) (a) An application for development shall be refused unless -
- (i) it provides for landscaping in accordance with a landscape plan approved by the Council, and unless the applicant undertakes to maintain the landscaping to the Council's satisfaction; and
 - (ii) it provides for the treatment and disposal of sewage to the satisfaction of the Health Commission.
- (b) A landscape plan shall not be approved by the Council for the purposes of this Clause unless it provides for a solid screen of trees or shrubs on the Pacific Highway frontage.
- (12) Notwithstanding anything in this Clause where any minimum requirements are specified in relation to any matter and, in the opinion of the Council, those requirements cannot be satisfied, it shall nevertheless be lawful for development to be carried out if the same departs to a minor extent only from the minimum requirement specified and if, but only if, the Council consents to the same.
- (13) A person shall not, without the consent of the Council, ringbark, cut down, top, lop, injure or wilfully destroy any tree 10 metres in height except one which is dying or dead or has become dangerous.

Exceptions

59. Notwithstanding any other provision of this Order a dwelling-house may, with the consent of the Council, be erected on any land referred to in the Schedule to this Clause.

SCHEDULE

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| <p>Amended GG
20.4.79
8.2.80
3.4.80
4.9.81
2.4.85
14.11.86</p> | <p>Lots 11 and 12 Deposited Plan 250027; each of lots 27-30 inclusive, Deposited Plan 246748; lot 2, Deposited Plan 552925; each of lots 2-7 inclusive, Deposited Plan 250362; lots 15 and 16, Deposited Plan 24221; lots 1 to 6 inclusive, Deposited Plan 252592; lot 100, Deposited Plan 588705; lots 22 to 28 inclusive, Deposited Plan 15651; part of portion 183, Parish of Gosford, having frontage to Fagans Road, Lisarow, shown by heavy black edging on the plan catalogued number 11180 in the office of the Department, Lot 19, D.P. 30830.
Lot 3 D.P. 517246, Karwin Avenue, Erina.
Each of the lots 17, 18, 19, 22, 24 and 25, D.P. 1976, and lot 21 D.P. 525441 Clyde Road and lots 2 and 3 D.P. 1976, Gooriwa Road, Erina.</p> |
| <p>Clause amended
GG 22.01.99</p> | <p>60. Nothing in this Order prohibits or restricts or requires development consent for-</p> <ul style="list-style-type: none"> (1) The carrying out by persons carrying on public utility undertakings, being railway undertakings, on land comprised in their undertaking, of any development required in connection with the movement of |

traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant, except -

- (a) the construction of railways, railway stations and bridges over roads;
 - (b) the erection of any buildings, outside the limits of a railway or railway station
 - (c) the erection within the limits of a railway station, but not wholly within the interior of a station, of residential buildings, offices or buildings (hereinafter referred to as "factory buildings") to be used for manufacturing or repairing work;
 - (d) the construction or alteration of buildings outside the limits of a railway or railway station and the reconstruction or alteration, so as materially to affect the design or external appearance thereof, of railway stations or bridges or of residential buildings, offices or factory buildings, within the limits of a railway or railway station, but not wholly within the interior of a station;
 - (e) the formation or alteration of any means of access to a road.
- (2) The carrying out by persons carrying on public utility undertakings, being road transport undertakings on land comprised in their undertakings of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant, except
- (a) the erection of buildings and the reconstruction or alteration, so as materially to affect the design or external appearance thereof, of buildings;
 - (b) the formation or alteration of any means of access to a road.
- (3) The carrying out by persons carrying on public utility undertakings, being 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, so as materially to affect the design or external appearance thereof, of buildings;
 - (b) the formation or alteration of any means of access to a road.
- (4) The carrying out by persons carrying on public utility undertakings, being wharf, harbour or river undertakings, on land comprised in

their undertakings, of any development required for the purpose 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 so as materially to affect the design or external appearance thereof, of bridges or of buildings;
 - (b) the formation or alteration of any means of access to a road.
- (5) The carrying out by persons who are carrying on public utility undertakings, being 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 the plant required for that purpose, except;
- (a) the erection of buildings and the reconstruction or alteration, so as materially to affect the design or external appearance thereof, of buildings;
 - (b) the formation or alteration of any means of access to a road.
- (6) The carrying out by persons who are carrying on public utility undertakings, being water, hydraulic power, electricity and 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 provisions of the Interim Development Order became applicable to the land on which the building is erected or premises are situated 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, 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;

Clause 60(6)(e)
Omitted
GG 14.12.84
LEP No. 113

(d) the provision of overhead service lines in pursuance of any statutory obligation to provide a supply of electricity;

(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.

(7) The carrying out by the owner or lessee of a mine, in existence 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 so as materially to affect the design or external appearance thereof, of buildings;

(b) the formation or alteration of any means of access to a road.

Amended
GG 6.5.83

(8) The carrying out of any development required in connection with the improvement, maintenance or repair of watercourses or drainage works and the construction by the Gosford City Council of any stormwater channel commenced before the provisions of the Interim Development Order became applicable to the land, provided the Board has given the Council reasonable notice of its intention to construct such stormwater channel.

Amended GG
11.1.85
New
sub-clause
GG 22.2.91
Amended GG
9.9.05

(9) 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.

(10) The carrying out of any development required in connection with the reconstruction, maintenance or repair of roads within the existing limits of such roads: provided that such reconstruction shall not be carried out with a view to altering the classification of any road.

New subclause
GG 22.01.99
New subclause
LEP 381

(11) The carrying out of coastal hazard protection works.

(12) The carrying out of any development required to provide underground telecommunications facilities.

Clause 61
omitted GG
7.10.83
LEP No. 93

- Amended GG
20.4.79
62. Interim development may be carried out with the consent of the Council on-
- (a) lots 126, 127, 128 and 129, Deposited Plan 9408, lot 11, Deposited Plan 28220 and part lots 60 and 61 encircled by an orange line on Internal Plan No.10783 held in the Department, for any purpose for which land zoned 2(c) may be developed under the Gosford Planning Scheme;
 - (b) part lot 5, Deposited Plan 22769 encircled by an orange line on Internal Plan No. 10782 held in the Department for any purpose for which land zoned 2(a) may be developed under the Gosford Planning Scheme; and
 - (c) the lands encircled by a green line on Internal Plan No. 10783 held in the Department, for any purpose for which land zoned 6(a) may be developed under the Gosford Planning Scheme.
- New Clause GG
25.5.79
63. (1) This Clause applies to all that land edged "orange" on Internal Plan No. 10736 in the Office of the Department.
- Clause omitted
GG 19.7.85
- (2) Interim development may be carried out only with the consent of the Council for the purposes of an ambulance station.
- New Clause
GG 20.7.79
65. (1) This Clause applies to portion 44, Parish of Cowan, Walbank Point, Mooney Mooney Creek and notwithstanding Clause 5.
- (2) Interim development may be carried out, only with the consent of the Council, for any purpose for which land zoned 7(a) under this order may be developed and for no other purposes.
- New Clause GG
20.7.79
66. Portions 158, 178 and 200, Parish of Cowan, may be used with the consent of the Council for any purpose for which land zoned 1(b) may be used under this order.
- Clause 67
omitted
GG 19.7.85
- Clause 68
omitted
GG 4.9.81
- New Clause GG
3.8.79
69. (1) This Clause applies to land in the vicinity of Broadwater Drive, Saratoga, as shown by orange edging on Internal Plan No. 10813, deposited in the office of the Department and notwithstanding the provisions of Clause 5.
- (2) Interim development may be carried out, only with the consent of the Council, for the purposes of dwelling-houses or for any purpose other than bulk stores, caravan parks, car repair stations, commercial premises, gas holders, generating works, hotels,

industries other than home industries, institutions, junk yards, liquid fuel depots, mines, motels, motor showrooms, places of assembly, quarries, refreshment rooms, roadside stalls, sawmills, service stations, shops, stock and sale yards, timber yards, transport terminals or warehouses and for no other purposes.

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| <p>New Clause GG
31.8.79
Amended
GG 17.12.82
LEP No 74
GG 10.10.86
LEP No 170
Amended GG
28.2.97 LEP 331</p> | <p>70.</p> | <p>(1) Subject to subclause (2) interim development of the land represented on a plan held in the Department and numbered 10850 (being part portion 6, Parish of Kincumber, parts 4 and part lots 5A and 5B, Deposited Plan 8857) may be carried out with the consent of the Council (but not otherwise) for the purposes of a tourist complex comprised of an aquarium centre; arts and crafts stalls; ten pin bowling alley and roller and ice skating rink; an engine shed and workshop; a child-minding centre; cinema; golf course (nine hole and putt); a drive-in take-away food shop; pet nursery and outdoor aviary; scooter boat pool, mini-car track, giant slippery dip and joy rides; shops ancillary to any of these uses, and for any purpose for which land zoned 7(c3) may be developed.</p> <p>(2) No development under subclause (1) shall be consented to unless and until-</p> <p>(a) arrangements satisfactory to the Environmental Protection Authority and the Department of Health have been made for the treatment and disposal of sewage;</p> <p>(b) arrangements satisfactory to the Council have been made for the planting and maintenance of such landscaped areas as the Council may require.</p> <p>(3) One but not more than one crossing may be created in The Entrance Road and the same shall be constructed to the satisfaction of the Department of Main Roads.</p> |
| <p>Subclause 2(a)
amended
LEP 381</p> | | |
| <p>New Clause GG
26.10.79</p> | <p>71.</p> | <p>(1) Notwithstanding any other provision of this Order, portion 53, Parish of Eglington, Hensons Road, Somersby, may, only with the consent of the Council, be used for the purposes of a recreation establishment.</p> <p>(2) The use referred to in subclause (1) is in addition to, and not in derogation of, any use permissible under Clause 5 of this Order.</p> |
| <p>Clause 72
Deleted
GG 31.3.95</p> | | |
| <p>New Clause
GG 3.4.80
(see SREP
No. 6)</p> | <p>74.</p> | <p>(1) This Clause applies to lot 6, in Deposited Plan 513409, Koolang Road, Green Point.</p> <p>(2) Notwithstanding the provisions of Clause 22, in addition to the dwelling-house erected on the land referred to in subclause (1), at the date on which this Clause takes effect, one, but not more than one, further dwelling-house may be erected on that land, and used by a person employed or engaged by the owner of that land in the use, for the purpose of a caravan park, of that land.</p> |

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| New Clause GG
11.1.80 | 75. | <p>(1) This Clause applies to portion 172, Parish of Narara, corner Nurses Road and George Downes Drive, Central Mangrove.</p> <p>(2) Notwithstanding the provisions of Clause 5, interim development may be carried out only with the consent of the Council for the purposes of a place of public worship and a place of assembly used in conjunction therewith.</p> |
| New Clause
8.2.80 (see
SREP No. 6) | 76. | <p>(1) This Clause applies to the land shown by orange edging on Internal Plan 11046 in the office of the Department.</p> <p>(2) The land to which this Clause applies may, only with the consent of the Council, be subdivided.</p> <p>(3) No subdivision of the land to which this Clause applies shall be consented to unless it is generally in accordance with the provisions of the plan (insofar as such provisions relate to the land to which this Clause applies) prepared by Bannister and Hunter, Registered Surveyors, dated 2nd January, 1979, and bearing reference number 41298, copies of which have been submitted to and retained by the Council and the Department.</p> <p>(4) One, but not more than one, dwelling-house may, with the consent of the Council, be erected on the land shown as lot 1 on the plan referred to in subclause (3).</p> |
| New Clause
GG 28.3.80 | 77. | <p>(1) This Clause applies to lot 62, Deposited Plan 554971, Scenic Highway, Avoca Beach.</p> <p>(2) The land to which this Clause applies may, only with the consent of the Council, be subdivided.</p> <p>(3) No subdivision of the land to which this Clause applies shall be consented to unless it is generally in accordance with the provisions of the plan prepared by Bannister and Hunter, surveyors, dated the 9th October, 1979, and bearing reference 40526-1.</p> <p>(4) A dwelling-house may, with the consent of the Council, be erected on each of lots 1, 2 and 3 shown on the plan referred to in subclause (3).</p> |
| New Clause GG
8.8.80 | 78. | <p>(1) This Clause applies to portions 151 and 152, Parish of Tuggerah.</p> <p>(2) Nothing in Clause 18 prevents the Council from consenting to the subdivision of those pieces of land, being portions 151 and 152, generally in accordance with the plan bearing endorsement "proposed development for Rural Residential Purposes portions 151 and 152, Parish of Tuggerah, The Ridgeway, Holgate. Scale 1:4000 amended 27.9.79", a copy of which has been submitted to and retained by the Council and the Department.</p> <p>(3) A dwelling-house may be erected on each of the allotments created by the subdivision referred to in subclause (2) except on lots 2 and 8 created by such subdivision.</p> |

- (4) Nothing in subclauses (2) and (3) affects the operation of Clauses 38 or 39 of this Order.
- New Clause GG 9.5.80 79. (1) This Clause applies to lots 1 to 6 (inclusive) and lots 10A to 37 (inclusive), Deposited Plan 23614, Marlows Creek, Hawkesbury River.
- (2) The land to which this Clause applies may be developed, only with the consent of the Council for any purpose for which land within Zone No. 7(c6) under this order may be developed and for no other purpose.
- New Clause GG 18.4.80 80. (1) This Clause applies to lot 45, Deposited Plan 25510, Glenworth Valley Road, Wendoree Park.
- (2) Notwithstanding Clause 5, interim development may be carried out, only with the consent of the Council, on the land to which this Clause applies for the purposes of the hiring of not more than 6 yachts, in addition to any other purpose permitted within Zone No. 7(c6) under this Order.
- Clause 81 omitted GG 19.7.85
- New Clause GG 18.7.80 82. (1) This Clause applies to lot 106 of Deposited Plan 1976, Serpentine Road, Erina Heights.
- (2) The land to which this Clause applies may, only with the consent of the Council, be subdivided to create two allotments.
- (3) No subdivision of the land to which this Clause applies shall be consented to unless one of the allotments created includes the whole of lot 107, Deposited Plan 1976, and other land.
- New Clause GG 2.5.80 83. (1) This Clause applies to the land shown by heavy black edging on plan catalogued number 11278 in the office of the Department.
- (2) Notwithstanding Clause 5, interim development may be carried out, only with the consent of the Council, on the land to which this Clause applies, for the purposes of a service station, in addition to any other purpose permitted within Zone No. 1(c) under this Order.
- New subclause GG 28.2.97 LEP 331
Clause 83(3) omitted GG 3.3.89 (3) This clause does not apply to Lots 61 and 62, D.P. 838562, fronting The Entrance and Bakali Roads, Forresters Beach, as shown on the map marked "Gosford Local Environmental Plan No. 331".
- New Clause GG 9.5.80 Amended GG 20.11.81 84. (1) This Clause applies to part Portion 24, Parish of Popran, George Downes Drive, Central Mangrove, being the land shown edged heavy black - on plan catalogued number 11294 in the office of the Department.

- (2) Notwithstanding Clause 5, the Council may consent to the erection, on land to which this Clause applies, of a dry storage timber shed.
- New Clause GG 6.6.80 86. (1) This Clause applies to lots 182 and 183, Deposited Plan 257426, and portion 163, Parish of Narara, Wisemans Ferry Road, Central Mangrove.
- (2) Notwithstanding any other provision of this order, one, but not more than one, dwelling-house may be erected and used -
- (a) on lot 182, Deposited Plan 257426; and
- (b) on the combined area of lot 183, Deposited Plan 257426, and portion 163.
- New Clause GG 8.8.80 87. (1) This Clause applies to part lot 8, Deposited Plan 5728, Matcham Road, Matcham, delineated on the Department's Internal Plan No. 11504.
- (2) Nothing in Clause 5 prevents the Council from consenting to interim development on the land to which this Clause applies for the purposes of a retail plant nursery.
- New Clause GG 8.8.80 88. (1) This Clause applies to lot 92, Deposited Plan 6650, Scenic Highway, Terrigal.
- (2) Notwithstanding any other Clause, the land to which this Clause applies may, with the consent of the Council, be subdivided into 4 allotments
- (3) No subdivision shall be consented to unless it is generally in accordance with the plan marked "PLAN OF SUBDIVISION OF LOT 92, D.P. 6650, AT TERRIGAL", prepared by Bannister & Hunter, Registered Surveyors, and dated 15th August, 1979, as submitted to and retained by the Council and the Department.
- (4) Nothing in subclause (3) affects the operation of Clauses 38 and 39.
- New Clause GG 29.8.80 89. (1) This Clause applies to lot 11, Deposited Plan 545852, Kilkenny Road, Somersby.
- (2) Notwithstanding any other provisions of this order a second dwelling-house may, with the consent of the Council, be erected and used on the land referred to in subclause (1).
- (3) The Council shall not consent to the erection of a second dwelling-house on the land referred to in subclause (1) unless the Council is satisfied that both dwelling-houses will be used in conjunction with the use of the land for the purposes of agriculture.
- New Clause GG 22.8.80 91. (1) This Clause applies to lot 2, D.P. 580105, Cullens Road, Kincumber.

- (2) Nothing in Clause 18 prevents the Council from consenting to the subdivision of the land to which this Clause applies being generally in accordance with the proposed plan of subdivision submitted on the 23rd January, 1980, endorsed "Proposed Amended Development, lot 2, D.P. 580105, Cullens Road, Kincumber", and retained by the Council and the Department.
- New Clause
GG 12.12.80
LEP No. 2
92. (1) This Clause applies to lot 811, Deposited Plan 529990, Wisemans Ferry Road, Mangrove Mountain.
- (2) A person may, with the consent of the Council, erect 6 dwelling-houses on land to which this Clause applies, for use for educational or recreational purposes in association with an existing angora goat-farm;
- (3) The Council shall, as a condition of its consent, impose a requirement that any dwelling-house erected pursuant to this Clause shall not be occupied continuously by any person or family;
- (4) No advertising sign other than a sign indicating the name of the property shall be erected on the land to which this Clause applies.
- New Clause
GG 13.12.13
LEP No 483
- 92A Development of land at 40-60 Niclins Road, Mangrove Mountain
- (1) This clause applies to Lot 981, DP862346, 40-60 Niclins Road, Mangrove Mountain.
- (2) Nothing in this Order prevents the Council from granting consent to the carrying out of development on land to which this clause applies for the purposes of a medical centre.
- (3) In this clause:
medical centre has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.
- New Clause
GG 12.12.80
Clause amended
LEP 381
- 93 (1) Despite any other provision of this Order, 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 order 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 order 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.

TABLE

COLUMN I	COLUMN II
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	COLUMN I	COLUMN II
GG 12.12.80	So much of the land within Zone No. 7(a) in the vicinity of Matcham Road, Matcham, as is shown by heavy black edging on sheet 1 of the map marked "Gosford Local Environmental Plan No. 2".	Any purpose specified in Item 2 of the matter relating to Zone No. 7(c2) in the Table to clause 5.
LEP No 2 GG 12.12.80	Lot 811, D.P. 529990, Wisemans Ferry Road, Mangrove Mountain	The erection of six dwelling-houses for use as temporary accommodation for educational or recreational purposes in association with an existing angora goat farm.
GG 12.12.80	The land in the vicinity of Avoca Drive, Kincumber as shown by heavy black edging on sheet 2 of the map marked "Gosford Local Environmental Plan No. 2".	Subdivision generally into two allotments in accordance with the plan prepared by Bannister and Hunter, Registered Surveyors of 75 Mann Street, Gosford, entitled "plan of resubdivision of lot 141, D.P. 556603 and part portion 88, Parish of Kincumber at Kincumber", and dated 27th March, 1980, and the erection of a dwelling-house on each lot so created.
LEP No 2 GG 12.12.80	Lot 14, D.P. 525805, George Downes Drive, Central Mangrove.	Second dwelling-house for use by a person engaged or employed by the owner of the land in the use of that land for the purpose of agriculture and a stock home.
LEP No. 2 GG 12.12.80	Lot 3, D.P. 20603, Entrance Road, Erina Heights	The Shops at a distance of not less than 10 metres from the road alignment.
LEP No. 3 GG 12.12.80	Lot 4, D.P. 550062, Acacia Road, Somersby	Subdivision into 4 allotments generally in accordance with plan prepared by Bannister & Hunter, Registered Surveyors, of Gosford bearing reference 41070 and dated 12th November, 1979.
LEP No. 3 GG 12.12.80	Lot E, D.P. 101045, Debenham Road, Somersby	Pottery
LEP No. 3 GG 12.12.80	Lot 292, D.P. 1976, Serpentine Road, Erina Heights	Erection of a second dwelling attached or connected to the existing dwelling-house and the use of one of the dwellings by the owner of the land.
LEP No. 4 GG 2.1.81	Lot 1, D.P. 252195 and portions 38, 39 and 56, Parish of Cowan, Popran Road, Lower Mangrove	Youth Rehabilitation Centre
GG 2.1.81	The land in the vicinity of George Downes Drive and Williams Road, Kulnura, as shown by heavy black edging on the map marked "Gosford Local Environmental Plan No. 4".	A second dwelling-house for use by a person employed by the owner of that land in the use of the land for the purpose of agriculture.

	COLUMN I	COLUMN II
LEP No. 5 GG 13.2.81	Portion 334, Wattle Tree Road, Holgate.	Any purpose specified in Item 2 of the matter relating to Zone No. 7(a) in the Table to clause 5 where the minimum size of any allotment created in a subdivision of the land is not less than 2 hectares.
GG 27.2.81	So much of the land within Zone No. 7(a) in the vicinity of Wattle Tree Road, Holgate, as is shown by heavy black edging on sheet 1 of the map marked "Gosford Local Environmental Plan No. 12".	Any purpose specified in Item 2 of the matter relating to Zone No. 7(c2) in the Table to clause 5.
GG 27.2.81	The land in the vicinity of the Entrance Road and Matcham Road, Erina Heights, as shown by heavy black edging on sheet 2 of the map marked "Gosford Local Environmental Plan No. 12".	4 dwelling-houses only, where each house is erected on land having an area of 2 hectares more or less.
LEP No 7 GG 13.2.81	So much of the land within Zone No. 7(a) and Zone No. 7(c2) as comprises lots 1 and 2, D.P. 573979, and lot 5, D.P. 588016, Oak Road, Matcham.	The purposes specified in Item 2 of the matter relating to Zone No. 7(a) in the Table to clause 5, with subdivision generally in accordance with the plan of subdivision of lots 1 and 2, D.P. 573979, and lot 5, D.P. 588016, Oak Road, Matcham, prepared by Robertson and Robertson Pty. Ltd., Consulting Valuers, and dated 10th November, 1980.
LEP No 13 GG 20.3.81	Lots 10 and 11, D.P. 30970 Narara Valley Drive, Niagara Park.	One dwelling-house on each allotment of land specified in Column I.
GG 29.5.81	Part Portion 7 and Part Portion 43, Parish of Cowan, Glenworth Valley Road, Mangrove creek shown bounded by a heavy black line on the map marked "Gosford Local Environmental Plan No. 19" deposited in the office of the Council or a copy of that map deposited in the office of the Department.	4 but not more than 4 residential flat buildings each comprised of not more than 2 dwellings.
GG 29.5.81	Part Portion 68, Parish of Popran, Mangrove Mountain bounded by a heavy black line on the map marked "Gosford Local Environmental Plan No. 20" deposited in the office of the Council and a copy of which is deposited in the office of the Department.	Liquid fuel depots.

	COLUMN I	COLUMN II
LEP No. 39 GG 23.10.81	Portion 46, Parish of Kooree, Wisemans Ferry Road, Mangrove Mountain	The purposes specified in Item 2 of the matter relating to Zone No. 7(b) in the Table to clause 5.
GG 22.1.82 Refer also to LEP No. 96	The land hatched black on the map marked "Gosford Local Environmental Plan No. 49", deposited in the office of the Council.	One dwelling-house on each separate allotment in existence as at the commencement of Gosford Local Environmental Plan No. 49.
GG 12.3.82 LEP No. 50 GG 7.5.82	Lot A, D.P. 10982, Keighley Avenue, Somersby	Subdivision into two allotments in such a manner that one of the allotments so created is comprised of land - (a) which has an area of approximately 4000 square metres; and (b) on which is erected a dwelling-house
LEP No. 55	Lot 1, D.P. 618931, Debenham Road, Somersby	Utility installations
CLAUSE DELETED GG 17.7.98 LEP No 363		
GG 22.7.83 LEP No. 81	Lot 4, D.P. 214861, corner of Marabunga and Wisemans Ferry Roads, Somersby	Television – microwave repeater tower not exceeding 15.5 metres in height.
GG 7.10.83 LEP No 93	Lots 1 & 2, D.P. 241044 Mangrove Creek Road, Mangrove Mountain, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 93" deposited in the office of the Council.	Recreational establishment.
GG 25.11.83 LEP No 96	Lot 1, D.P. 593974, Ourimbah Street, Lisarow	Subdivision into 3 lots having areas generally of 1.59 hectares; 1.45 hectares and 1.005 hectares, and the erection of a dwelling-house on each lot so created
GG 14.10.83 LEP No 95	So much of the land within Zone 7(a) as is shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 95" deposited in the office of the Council.	1 Dwelling-house
CLAUSE DELETED GG 22.5.98 LEP 359		

	COLUMN I	COLUMN II
GG 14.12.84 LEP No 109	So much of the land within Zone No. 7(a) as is shown hatched black on the map marked "Gosford Local Environmental Plan No.109" deposited in the office of the Council	Subdivision into 4 allotments, where land shown lettered 6(a) on the map marked "Gosford Local Environmental Plan No. 109" deposited in the office of the Council is dedicated to the Council for use as public reserve
GG 27.12.85 LEP No 143	Part Lot 5 D.P. 253945, Springfield Road and Newcastle Street, Springfield, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 143" deposited in the office of the Council.	Subdivision into 2 lots.
GG 17.10.86 LEP No 171	Land in the vicinity of Subdivision into 2 allotments Dell Road, West Gosford as shown hatched in black on the map marked Gosford Local Environmental Plan No 171."	
GG 10.4.87 LEP No 180	Lot 1 D.P. 517230, Elwin's Road, Somersby, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 180" deposited in the office of the Council.	Reception establishment
GG 19.6.87 LEP No 194	Land at Pacific Highway and Myoora Road, Kariong, being the land shown edged heavy black on the map marked "Gosford Local Environmental Plan No 194" deposited in the office of the Council.	An amusement park, theme park and heritage village.
GG 18.9.87 LEP No 202	The land shown edged heavy black on the map marked "Gosford Local Environmental Plan No 202" deposited in the office of the Council.	High technology research and development establishments.
GG 18.11.88 LEP No 223	Land shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 223" deposited in the office of the Council.	Subdivision of the land into allotments each having an area of not less than 2 hectares, and the erection of a dwelling-house on each of the vacant allotments so created.

	COLUMN I	COLUMN II
GG 23.12.88 LEP No 225	Part of Lot 12, D.P. 594050 Cape Three Points Road, Avoca Beach, as shown edged heavy black and hatched on the map marked "Gosford Local Environmental Plan No 255" deposited in the office of the Council.	Subdivision into allotments of not less than 1 hectare in area and the erection of a dwelling-house on each vacant allotment so created.
GG 24.2.89 LEP No 228	Part portion 305, Parish of Kincumber, Lea Avenue, Wamberal, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 228" deposited in the office of the Council.	Subdivision into 3 allotments and the erection of a dwelling-house on each vacant allotment so created.
GG 18.11.89 LEP No 142	Lot 1 D.P. 540396 Mangrove Road Narara as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 142" deposited in the office of the Council.	An extractive industry for a period of 3 years commencing on the date that Gosford Local Environmental Plan No 142 takes effect.
GG 12.5.89 LEP No 220	So much of part lot 9, section D, D.P. 5976 Oak Road Matcham as is shown edged heavy black on the map marked "Gosford Local Environmental Plan No 220" deposited in the office of the Council.	Subdivision into 2 allotments and the erection of a dwelling-house on the vacant allotment so created.
GG 2.9.89 LEP No 241	Part of lot 2, D.P. 542000 Maidens Brush Road Wyoming as shown edged heavy black, lettered 7(a) and hatched on the map marked "Gosford Local Environmental Plan No 241" deposited in the office of the Council.	Subdivision into two allotments and the erection of a dwelling-house on each allotment so created.
GG 9.11.90 LEP No 262	Portion 102, Parish of Kooree, Wisemans Ferry Road, Mangrove Mountain, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 262" deposited in the office of the Council.	Youth rehabilitation centre.

	COLUMN I	COLUMN II
GG 8.2.91 LEP 266	Part of Portion 437, Parish of Kincumber, Wards Hill Road, Killcare Heights, as shown edged heavy black and hatched on the map marked "Gosford Local Environmental Plan No 266" deposited in the office of the Council.	1 dwelling-house.
GG 28.6.91 LEP 217	So much of part of lot 2, D.P. 733036, Cullens Road, Kincumber, as is shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 217", deposited in the office of the Council.	Subdivision into 2 allotments and the erection of a dwelling-house on each allotment so created.
GG 26.7.91 LEP No 276	Lot 1, D.P. 611591, Empire Bay Drive, Empire Bay, as the shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 276" deposited in the office of the Council.	Subdivision into 3 allotments and erection of a dwelling-house on each vacant allotment so created.
GG 13.9.91 LEP No 286	Lot 128, D.P. 1976 and Lot 23, D.P. 738306, corner Chetwynd Road and Terrigal a Drive, Erina, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 286" deposited in the office of the Council.	Tourist units and associated refreshment room complex with floor space ratio not exceeding 0.15:1.
GG 20.9.91 LEP No 287	Lot 3, D.P. 715108, Toomeys Road, Mount Elliot as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 287", deposited in the office of the Council.	Communications facility.
GG 12.2.93 LEP No 296	Part Lot 1, D.P. 333211, cnr Ridgeway Road and Cape Three Points Road, Avoca Beach, as shown edged heavy black and lettered "7(a)" on the map marked Gosford Local Environmental Plan No. 296" deposited in the office of the Council.	The erection of a dwelling-house with the consent of Council.

	COLUMN I	COLUMN II
GG 7.5.93 LEP No 300	Lot 1, D.P. 775026, State Highway No. 26, as shown hatched black on the map for marked "Gosford Local Environmental Plan No. 300", deposited in the office of the Council.	Assembly, warehousing, storage and sales of products and services used primary production
GG 22.10.93 LEP No 301	Lot 8, D.P. 755221, Glenworth Valley Road, Mangrove Creek, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 301", deposited in the office of the Council.	Recreation establishment (paintball facility)
GG 31.3.95 LEP 310	Lot 3 D.P. 572619, Berecry Road, Mangrove Mountain, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 310", deposited in the office of the Council.	Recreation establishment (youth camp)
GG 1.3.96 LEP 324	Lot 2 D.P. 613712, Waratah Road, Mangrove Mountain as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 324" deposited in the office of the Council.	Medical Centre
GG 7.3.97 LEP 334 Omitted GG 26.4.13 LEP 480		
GG 18.4.97 LEP 339	Lot A, D.P. 415696, Scenic Highway, Terrigal as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 339" deposited in the office of the Council.	Restoration and sale of antiques and other associated bric-a-brac and items of art and craft.
GG 11.7.97 LEP 345	Lot 1, D.P. 775026, Peats Ridge Road, Peats Ridge, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 345" deposited in the office of the Council.	Retail and commercial purposes.

	COLUMN I	COLUMN II
GG 26.9.97 LEP 343 Omitted GG 24.12.99 LEP 380		
GG 22.5.98 LEP 359	Part of Lot 50, DP 574711 and Lot 1, DP 745229, Avoca Drive, Green Point, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 359" deposited in the office of the Council.	Reception establishment/refreshment room, and ancillary overnight accommodation in the form of not more than 5 units.
GG22.5.98 LEP 362	Lot 11 DP 860715. Scenic Highway Terrigal, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 362" deposited in the office of the Council	Fruit and vegetable produce barn.
GG 17.7.98 LEP No. 363	Lots 1 and 4 DP 715108 and Lots 7, 8, 9 and 10, DP 833975 Toomeys Road, Lisarow, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 363" deposited in the office of the Council.	Erection of a dwelling-house on each of the allotments.
GG 10.7.98 LEP No. 351	Part Lot 482 DP 825164 Empire Bay Drive, Bensville, as shown edged heavy black on Sheet 3 of the map marked "Gosford Local Environmental Plan No 351" deposited in the office of the Council. Part Lot 43 DP 755234 and part Lot 1 DP 796912 Empire Bay Drive (northern side of road), Bensville, as shown edged heavy black on Sheet 3 of the map marked "Gosford Local Environmental Plan No 351" deposited in the office of the Council. Lot 1 DP 837965 Empire Bay Drive, Bensville, as shown edged heavy black on Sheet 3 of the map marked "Gosford Local Environmental Plan No 351" deposited in the office of the Council.	Subdivision of the land into 2 lots and the erection of a dwelling on each lot. Subdivision of the land into 5 lots and the erection of a dwelling on each lot. Church, child care centre and related activities.

	COLUMN I	COLUMN II
	Part Lot 1 DP 796912 Empire Bay Drive (southern side of road), as shown edged heavy black on Sheet 3 of the map marked "Gosford Local Environmental Plan No 351" deposited in the office of the Council.	Service station, tourist units and refreshment rooms.
	Lot 1, D.P. 718165, Poole Close, as shown edged heavy black on Sheet 3 of the map marked "Gosford Local Environmental Plan No. 351" deposited in the office of the Council.	Tavern, tourist units and ancillary activities.
GG 21.8.98 LEP No. 369	Part Lots 4 and 5, Section 13, D.P. 1905, Pacific Highway, Wyoming as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 369" deposited in the office of the Council.	Service centre.
GG 11.2.00 LEP No. 386	Lot 106, D.P. 755235 Waratah Road, Mangrove Mountain, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 386" deposited in the office of the Council.	Video hire store and sale of incidental items from the curtilage of the dwelling-house.
GG 17.11.00 LEP No. 402	Lot 1, D.P. 239201, Mangrove Road, Niagara Park, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 402" deposited in the office of the Council.	Music recording facility and ancillary activities (confined to the curtilage of the existing building).
GG 02.02.01 LEP No. 403		
Omitted GG 03.08.12 LEP No. 469		
GG 12.04.01 LEP No. 407	So much of Lot 1, DP 420411, George Downes Drive, Central Mangrove, as comprises a former church building and its curtilage.	Artist's studio and gallery; sale of art and craft items.

	COLUMN I	COLUMN II
GG 18.08.06	Lot A, DP 387695, The Entrance Road, and a proposed lot which has frontage to The Entrance Road, created by the resubdivision of Lots 1 and 2, DP 1031853, The Entrance Road, Erina Heights, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 459" deposited in the office of the Council.	One retail/wholesale art gallery on each of the 2 lots.
GG 13.05.11	Lot 422, DP 40341, Reeves Street, Somersby	Driver training facility.
GG 12.10.12	Lot 9, DP 594281 Tumbi Road, Wamberal	Educational training centre.
New Clause GG 2.1.81 LEP No 4	94. The Council shall only consent under Clause 93 to the development for the purposes of a Youth Rehabilitation Centre on lot 1, D.P. 252195 and portions 38, 39 and 56, Parish of Cowan, Popran Road, Lower Mangrove, where development for that purpose takes place on so much of the land as is not -	
	(a) liable to flooding; or	
	(b) of a gradient steeper than 1 in 4.	
New Clause GG 27.2.81 LEP No. 10	95. (2) The Council must not grant consent to the erection of dwellings on land situated in the vicinity of Cromarty Hill Road and North Scenic Road, Forresters Beach, as shown by heavy black edging on the map marked "Gosford Local Environmental Plan No. 10" unless it has taken into consideration the following:	
Clause 95(1) omitted and 95(2) amended GG 12.12.08	(a) the extent to which the dwellings would affect the scenic quality of the coastal landscape, headlands, the dune systems and the hinterland, including lagoons and lakes and areas where the original vegetation is still dominant;	
	(b) whether the development would result in degradation of, or restriction of access to, coastal recreation areas; and	
	(c) any plan, code, policy, or design adopted by resolution of the Coastal Council for the purpose of protecting coastal lands.	
	(d) the potential impacts of climate change including sea level.	
Clause 95(1)(d) inserted GG 12.12.08	96. The Council shall refuse consent to development of Part Portion 7 and Part Portion 43, Parish of Cowan, Glenworth Valley Road, Mangrove Creek, shown bounded by a heavy black line on the map marked "Gosford Environmental Plan No. 19" permitted by Clause 93 if it is of the opinion that the dwellings to be erected or any of them will when erected or either or both of the existing dwelling-houses on the land will be occupied continuously by one or more than one person or family otherwise than as in	

conjunction with the existing caravan park on the land.

Development of certain land - Heath Road, Hardy's Bay

New Clause
GG 3.7.81
LEP No. 25

97. (1) As a consequence of the carrying out of development on land, being land within Zone No. 5(a) within the area shown edged heavy black on the map marked 'Gosford Local Environmental Plan No. 25' deposited in the office of the Council or a copy of that map deposited in the office of the Department, this Order identifies a likely increased demand for public amenities and public services which may require a dedication under Section 94(1) of the Environmental Planning and Assessment Act, 1979, to be made as a condition of any consent to that development.
- (2) The Council may, in granting consent to the carrying out of development referred to in sub-Clause (1), being development which it is satisfied will or is likely to increase the demand for public amenities and public services within the area, impose a condition requiring the dedication, free of cost, of land within Zone No. 6(a) within the area shown edged heavy black on the map referred to in sub-Clause (1).

Development of certain land at Peats Ridge

New Clause
GG 30.3.90
LEP 243

- 97A. (1) This Clause applies to portion 165, Parish of Popran, corner State Highway No 26 and George Downes Drive, Peats Ridge, being the land shown edged heavy black on the map marked "Gosford Local Environmental Plan No 243", deposited in the office of the Council
- (2) Subject to subclause (3), nothing in this Order prevents a person, with the consent of the Council, from carrying out development on the land to which this Clause applies for the purposes of a golf course and ancillary uses.
- (3) The Council shall not grant consent to development referred to in subclause (2) after the expiration of 2 years from the day on which Gosford Local Environmental Plan No 243 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) shall prevent 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 08.03.13
LEP 479

- (5) Despite any other provision of this Order, development consent may be granted for development for the purpose of tourist and visitor accommodation on land to which this clause applies.
- (6) In this clause, ***tourist and visitor accommodation*** has the same meaning as in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

New Clause
28.9.90
LEP 259

Development of certain land at North Gosford

- 97B. (1) This Clause applies to lot 3, D.P. 800618, corner of 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.
- (2) Subject to subclause (3), nothing in this Order prevents a person, with the consent of the Council, from carrying out development on the land to which this Clause applies for the purposes of a restaurant, fish market and associated facilities to be operated in conjunction with an aquaculture project.
- (3) The Council is not to grant consent to development referred to in subclause (2) after the expiration of 2 years from the day on which Gosford Local Environmental Plan No. 259 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) is to prevent 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.

Certain land Debenham Road, Somersby

New Clause
GG 26.4.91
LEP 271

- 97BA.(1) This Clause applied to lot 3, D.P. 549507, Debenham Road, Somersby, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 271" deposited in the office of the Council.
- (2) Notwithstanding the provisions of Clause 18, the Council may consent to the subdivision of the land to which this Clause applies for the purpose of excising the site of a proposed radio transmission facility.
- (3) The Council shall not grant consent to a subdivision pursuant to subclause (2) before it has granted an application for development consent to erect a radio transmission facility on part of the land to which this Clause applies pursuant to the provisions of the Environmental Planning and Assessment Act, 1979.

Development of certain land at Kulnura

New Clause
GG 12.4.91
LEP 272

- 97C.(1) This Clause applies to lot 11, D.P. 748659, George Downes Drive, Kulnura, as shown edged black on the map marked "Gosford Local Environmental Plan No. 272" deposited in the office of the Council.
- (2) Subject to subclause (3), nothing in this Order prevents a person, with the consent of the Council, from carrying out development on the land to which this Clause applies for the purpose of the production of compost by the recycling of organic and other products and by-products.
- (3) The Council is not to grant consent to development referred to in

subclause (2) after the expiration of 2 years from the day on which Gosford Local Environmental Plan No. 272 took effect (or such longer period as the Minister may, before the expiration of that period, notify by order published in the Gazette).

- (4) Nothing in subclause (3) is to prevent 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 10.2.06
LEP 453

Development of certain land at Carlton Road, Holgate

- 97E (1) This clause applies to Lot 30, DP 1976 and Lot 11, DP 1000510, Carlton Road, Holgate as shown edged black on the map marked "Gosford Local Environmental Plan No 453" deposited in the office of the Council.
- (2) Subject to subclause (3), nothing in this Order prevents a person, with the consent of Council, from carrying out development on land to which this clause applies for the purposes of a putting golf course (maximum 36 greens) and associated clubhouse facilities (which are limited to a kiosk serving the golf putting course only, storage, staff administration and amenities, and toilet and changing facilities for patrons).
- (3) The Council is not to grant consent to development referred to in subclause (2) after the expiration of 2 years from the day on which *Gosford Local Environmental Plan No 453* 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.
98. (1) This Clause applies to lot 401, D.P. 549859, Woy Woy Road, Horsfield Bay.
- (2) Notwithstanding any other provision of this order, a person may, with the consent of Council-
- (a) subdivide the land to which this Clause applies, into 4 lots of about 5,000 sq. m. to 6,000 sq.m. each, if the residue of the land, comprising 5,200 sq.m. is dedicated free of cost to the Council as public reserve; and
- (b) erect a dwelling-house on each of the lots created pursuant to subclause (2).
99. (1) This Clause applies to lot A, D.P. 414431, Marana Road, Springfield.
- (2) Notwithstanding any other provision of this order, a person may, with the consent of the Council -

New Clause
GG 9.7.82
LEP No. 63

- (a) subdivide the land to which this Clause applies into 3 lots, one having an area of about 2 hectares and two having areas of about 5,000 sq. m. each, if the residue of the land is dedicated free of cost to the Council as a public reserve and the existing dwelling-house is located on one of the 3 lots; and
- (b) erect a dwelling-house on each of the two vacant lots created pursuant to subclause (2).

Clause 99A.
omitted LEP 381

Development for the purposes of water supply reservoirs

New Clause
GG 14.12.84
LEP No. 113

- 99B. (1) Notwithstanding any other provisions of this Order, a person may, with the consent of the Council, carry out development for the purposes of a water supply reservoir.
- (2) The Council shall not grant consent as referred to in subclause (1) unless the external surfaces of the water supply reservoir will comprise prescribed materials.

Development of certain land - The Ridgeway, Matcham

New Clause
GG 6.10.95
LEP No.318

- 99C. (1) This clause applies to land, being Lot 11, D.P.632660, The Ridgeway, Matcham, as shown edged heavy black on the map marked, "Gosford Local Environmental Plan No. 318" deposited in the office of the Council.
- (2) Despite any other provision of this Order, a person may, with the consent of the Council, subdivide into 4 allotments so much of the land to which this clause applies as is within Zone No. 7(a)
- (3) The Council may grant consent only if so much of the land to which this clause applies as is within Zone No. 6(b) is dedicated to the Council for use as a public reserve.

New Clause
GG 6.8.82
LEP No. 64

100. (1) This Clause applies to part portion 74, Parish of Narara, State Highway No. 26, Peats Ridge, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 64", deposited in the office of the Council.
- (2) Notwithstanding any other provision of this order, a person may, with the consent of the Council, subdivide the land to which this Clause applies into 2 lots, one having an area of about 3.05 hectares, and one having an area of about 14.91 hectares, where each lot created by the subdivision contains only one of the dwelling-houses erected, immediately before the date on which this Clause takes effect, on the land.

New Clause
GG 19.5.95
LEP No 307

- 100A.(1) This Clause applies to land being Lot 72, D.P. 573980, Cullens Road Copacabana, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 307" deposited in the office of the Council.

- (2) Despite any other provision of this Order, a person may, with the consent of the Council, subdivide into 6 allotments so much of the land to which this Clause applies as is within Zone No 7(a).
- (3) The Council may grant consent in pursuance of this Clause only if so much of the land to which this Clause applies as is within Zone No 6(a) is dedicated to the Council for use as a public reserve.

Development of certain land - Siletta Road, Niagara Park

- 100B(1) This clause applies to land, being Lot 2, DP 605752, Siletta Road, Niagara Park, part of which is as shown edged heavy black, and part of which is as shown edged with a heavy black broken line, on the map marked "Gosford Local Environmental Plan No 394" deposited in the office of the Council.
- (2) Despite any other provision of this Order, so much of the land to which this clause applies as is shown edged with a heavy black broken line on the map marked "Gosford Local Environmental Plan No 394" may, with the consent of the Council, be subdivided into a total of 4 allotments.
 - (3) The Council may grant consent in pursuance of this clause only if so much of the land to which this clause applies as is within Zone No 6(b) is dedicated as a public reserve.

New Clause
GG 5.10.01
LEP 418

Development of certain land - Crystal Avenue, Pearl Beach

- 100C.(1) This clause applies to land, being Lot 217, DP 755251, Crystal Avenue, Pearl Beach, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 418" deposited in the office of the Council.
- (2) Despite any other provision of this Order, a person may, with the consent of the Council, subdivide into 2 allotments so much of the land to which this clause applies as is shown edged with a broken line on the map marked "Gosford Local Environmental Plan No. 418".
 - (3) The Council may grant consent in pursuance of this clause only if so much of the land to which this clause applies as is within Zone No. 6 (b) is dedicated as a public reserve.

New Clause
GG 14.11.08
LEP No. 463

Development of certain land—Oak Road Matcham

- 100D.(1) This clause applies to Lot 46, DP 755263, Oak Road, Matcham, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 463" deposited in the office of the Council.
- (2) Despite any other provision of this Order, a person may, with the consent of the Council, subdivide the land to which this clause applies into 3 allotments.
 - (3) The land to which this clause applies that is within Zone No 6 (a) is to fully comprise one allotment of land created under subclause(2).
 - (4) A person may, with the consent of the Council, erect one dwelling-house on either or both of the allotments of land to which this clause

applies that are within Zone No 7 (a).

- (5) The total number of dwelling-houses permitted on land to which this clause applies, including any dwelling-house existing on the land as at the commencement of this clause and any new dwelling-houses referred to in subclause (4), is 2.

New Clause
GG 13.5.83
LEP No. 77

101. (1) This Clause applies to the land situated in the City of Gosford, being Portion 55, Parish of Gosford, County of Northumberland, Toomeys Road, Matcham.
- (2) Notwithstanding any other provision of this Order, the land to which this Clause applies may, with development consent, be subdivided so as to create not more than 6 allotments.
- (3) The Council shall refuse its consent to subdivision referred to in subclause (2) unless the land shown lettered 6(a) on the map marked "Gosford Local Environmental Plan No. 77" is shown marked on the plan of that subdivision with the words "public reserve".

New Clause
GG 28.2.97
LEP 331

Development of certain land fronting The Entrance and Bakali Roads, Forresters Beach

- 101A.(1) This clause applies to land fronting The Entrance and Bakali Roads, Forresters Beach, being Lots 61 and 62, D.P. 838562, part of Lot 1, D.P. 511200, Lots 1-14, D.P. 23283, Lot 155 and part of Lot 156, D.P. 531710, Lots 18 and 19, D.P. 23283, Lots 1-8, D.P. 24187, Lots 1-3, D.P. 101649 and Lot 1, D.P. 405510, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 331" deposited in the office of the Council.
- (2) Despite any other provision of this Order, a person must not carry out development for the purpose of child care centres, convalescent homes, educational establishments or plant nurseries on so much of the land to which this clause applies as is within Zone No. 7(c2).

New Clause
GG 07.9.01

Development of certain land - Avoca Drive, Kincumber

- 101B.(1) This clause applies to Lot 2, DP 1009974, Avoca Drive, Kincumber, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 415" deposited in the office of the Council.
- (2) Despite any other provision of this Order, subdivision of the land and development for the purpose of dwelling-houses may only be carried out on the land to which this clause applies, with the consent of the Council.

New Clause
LEP 2001
GG 17.05.02

Extractive industries on land covered by SREP No 8 (Central Coast Plateau Areas)

- 101C. Despite any other provision of this Order, a person may, on land to which *Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)* applies that is within Zone No 1 (a) or 7(b), carry out development for the purpose of an extractive industry but only:

- (a) with development consent, and
- (b) in locations specified for extractive industry on the map marked "Gosford/Wyong Local Environmental Plan 2001 - Central Coast Plateau Areas" deposited in the Newcastle office of the Department, copies of which are held in the offices of the Councils of Gosford City and of Wyong.

New Clause
LEP 2001
GG 17.05.02

Rural tourist facilities on land covered by SREP No 8 (Central Coast Plateau Areas)

101D. Despite any other provision of this Order, a person may, on land to which *Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)* applies that is within Zone No 1 (a) or 1(b), carry out development for the purpose of a rural tourist facility but only:

- (a) with development consent, and
- (b) in locations specified for rural tourist facilities on the map marked "Gosford/Wyong Local Environmental Plan 2001 - Central Coast Plateau Areas" deposited in the Newcastle office of the Department, copies of which are held in the offices of the Councils of Gosford City and of Wyong.

New Clause
LEP 443
27.02.04

Caravan parks and camping grounds

101E. (1) This clause applies to the land described in the following table:

	<u>Lot Description</u>
Wyoming, Pacific Highway, Wyoming	Lot 3 Sec 13 DP 1905 Lot 1 DP 789440
Avoca Beach, The Round Drive, Avoca	part of Lot 6 DP 826812, as shown distinctively coloured on Sheet 2 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 2 of the map marked "Gosford Local Environmental Plan No 443"

(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 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 Order, 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 the 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.

omitted GG 3.2.06

(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
GG 7.12.84
LEP No 88
Amended
GG 24.4.86
LEP No 155

Supply of water, sewerage and drainage services to certain land

102. (1) This Clause applies to the following land:
Land to which Gosford Local Environmental Plan No 88 applies;
Land to which Gosford Local Environmental Plan No 155 applies;
- (2) A person shall not carry out development on land to which this Clause applies unless arrangements satisfactory to the Council have been made for the amplification and reticulation of water sewerage and drainage services to the land.

New Clause
LEP 391
GG 28.07.00

Amended
LEP 460
GG 22.12.06

Planning principles for Mount Penang

103. The Council must not grant consent to a development application relating to land at Mount Penang, to which Gosford Local Environmental Plan No. 391 applies unless it is satisfied that the proposed development is consistent with the planning principles set out in the Table to this clause.

TABLE – PLANNING PRINCIPLES FOR MOUNT PENANG

Regional role

Development at Mount Penang is to promote, coordinate, manage and secure orderly and economic development for the Central Coast region.

The types and intensities of development at Mount Penang are to reflect and maintain the integrity of the natural setting, its proximity to the Pacific Highway and the Freeway and are to support and complement development in the Central Coast.

Development is to provide benefits to the people of the Central Coast

through the generation of economic activities, employment growth and wealth in the Central Coast economy and the creation of regional, cultural and recreational activities.

Land use activities

Development at Mount Penang is to contribute to an integrated mixed-use development pattern containing a wide range of activities and uses which are associated with the development of the Festival Gardens. A variety of activities associated with the Festival Gardens will be encouraged at Mount Penang, including commercial, retail and other compatible employment-generating development, regional sporting facilities, tourism and recreational activities, community and cultural uses, and high-tech facilities.

Heritage

The items and areas of heritage significance in Mount Penang are to be conserved and enhanced. The former Mount Penang Juvenile Justice Centre is to be managed and conserved as a place of cultural significance which is to involve the conservation of significant bushland and other natural features. Development should be planned to minimise adverse impacts on heritage items and areas of potential Aboriginal heritage significance and should enhance the values of these areas.

Social issues

The needs of the existing on-site community organisations, including their need for social facilities and services, are to be accommodated through the use of land.

Environmental issues

Development is to be consistent with principles of ecologically sustainable development. This requires an active approach to anticipating and preventing damage to the environment, ensuring that development is carried out in a way that enhances the environment.

Development is to be planned to achieve maximum energy efficiency through such measures as building location, design and materials use and the selection of energy and water efficient building services, equipment and appliances.

Leisure and recreation

Part of the site is to be developed for open space that will enhance and link the regional open space corridors and provide for the needs of the local community.

Urban design

All new buildings and landscaping are to contribute to a quality built environment that respects and enhances the existing buildings that are heritage items and their curtilage and natural settings.

Transport

Planning for public transport, pedestrian and cyclist access is to occur early in the planning and design process and link with existing transport networks. Walking, cycling and use of public transport are to be encouraged.

New Clause
LEP 391
GG 28.07.00

Environmental heritage – former Juvenile Justice Centre, Mount Penang, Kariong

Amended
LEP 460
GG 22.12.06

104. (1) This clause applies to the heritage conservation area and heritage items identified on Sheets 2 – 4 of the map marked “Gosford Local Environmental Plan No. 391” deposited in the office of the Council and described in Schedule 2A. The heritage conservation area and Historic Precincts are identified Sheet 2 of that map.
- (2) The objectives of this Order in relation to the heritage conservation area and the heritage items to which this clause applies are as follows:
- (a) to conserve the environmental heritage of the former Mount Penang Juvenile Justice site;
 - (b) to retain the cultural significance of the former Mount Penang Juvenile Justice site;
 - (c) to conserve existing significant fabric, settings, relics and views associated with the heritage significance of heritage items and the heritage conservation area;
 - (d) to ensure that any development does not adversely affect the heritage significance of heritage items and the heritage conservation area;
 - (e) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved.

New Clause
LEP 391
GG 28.07.00

Protection of items of environmental heritage, heritage conservation areas and relics at former juvenile justice site, Mount Penang, Kariong

Amended
LEP 460
GG 22.12.06

105. (1) **When is consent required?**
- The following development may be carried out only with development consent:
- (a) demolishing or moving heritage item or a building, work, relic tree or place within a heritage conservation area;
 - (b) altering heritage item or a building, work, relic or place within a heritage conservation area by making structural or non-structural changes to its exterior, such as changes to its external detail, fabric, finish or appearance;
 - (c) altering heritage item by making structural changes to its interior;
 - (d) moving a relic, or disturbing or excavating any land while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed moved, damaged or destroyed,

- (e) demolishing, dismantling, moving or altering a heritage item;
- (f) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area.

(2) **What exemptions are there?**

Development consent is not required by this clause if:

- (a) the Council is of the opinion that the proposed development is of a minor nature or consists of maintenance of a heritage item or a building, work, relic, tree or place within a heritage conservation area; and
- (b) the Council is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item or heritage conservation area concerned; and
- (c) the proponent has notified the Council in writing of the proposed development and the Council has advised the proponent in writing before the development is carried out that it is satisfied that development consent is not required because of the exception allowed by this provision.

- (3) Development consent is not required by this clause if the development is listed in Schedule 3A as exempt development.

(4) **What must be included in assessing a development application?**

When determining a development application required by this clause, the Council must assess 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 and their setting.

(5) **What documentation is needed?**

When determining whether or not to grant a development consent required by this clause, the Council

- (a) must not grant consent such a consent until it has considered a heritage impact statement; and
- (b) may refuse to grant consent unless a heritage conservation management plan has been considered.

- (6) Despite subclause (5)(b), the Council may determine a development application prior to the endorsement of a relevant heritage conservation management plan by the Heritage Council if it has notified the Heritage Council about the application and takes into consideration any comments received in response within 28 days after the notice is sent.

(7) **Notification of demolition to the Heritage Council**

Before granting consent for the demolition of heritage item identified in Schedule 2A as being of State significance, the Council must notify the Heritage Council about the application

and take into consideration any comments received in response within 28 days after the notice is sent.

- (8) In this clause, a reference to a heritage conservation area or to a heritage item is a reference to a heritage conservation area or a heritage item to which clause 104 applies.

New clause
LEP 391
GG 28.07.00

Development of places of Aboriginal heritage significance or of known potential archaeological sites of Aboriginal cultural significance at Mount Penang

Amended
LEP 460
GG 22.12.06

106. Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance, or that will be carried out on an archaeological site that has Aboriginal cultural significance or a potential archaeological site that is reasonably likely to have Aboriginal cultural significance, the Council must:

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any Aboriginal object known or reasonably likely to be located at the place or site; and
- (b) notify the local Aboriginal communities (in such a way as it thinks appropriate) of its intention to do so and take into consideration any comments received in response within 21 days after the relevant notice is sent.

Clause 106(b)
amended GG
12.12.08

New Clause
LEP 391
GG 28.07.00

Development of other known or potential archaeological sites

107. (1) Before granting consent for development that will be carried out on any other archaeological site or potential archaeological site, the Council must:

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site; and

Clause 107(b)
omitted
GG 12.12.08

- (2) Subclause (1) does not apply if the proposed development will not involve disturbance of below ground relics and the Council is of the opinion that the heritage significance of any above ground relics would not be adversely affected by the proposed development.

Schedule 1
omitted LEP 381

Schedule 2 Environmental heritage

(Cl. 3(1) and 38A)

Amended
Schedule
LEP 460
GG 22.12.06

Heritage items of State significance

- * Lower Hawkesbury Wesleyan Chapel and site, Wisemans Ferry Road, Gunderman.
- * HMAS Parramatta shipwreck, Cascade Gully, Hawkesbury River.
- * Mount Penang Parklands, Pacific Highway, Somersby.
- * The Great North Road, between Devine's Hill and Mount Manning, Wisemans Ferry.

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

New Schedule
GG 4.11.88

Roadworks known as Finch's Ascent from Roses' Creek to the Great North Road within Dharug National Park.
Footings of the Inn of Solomon Wiseman, Ten Mile Hollow within Dharug National Park.
Holy Trinity Church, graveyard and wharf, Wisemans Ferry Road, Spencer.
Former public wharf remains, Mangrove Creek, Greengrove.
Original Erina Heights Public School, corner The Entrance Road and Serpentine Road, Erina Heights.
Roadworks known as "Devils Elbow" Debenham Road (previously Old Gosford Road), West Gosford.

Item deleted
LEP 391
GG 28.07.00

House of George Downes, George Downes Drive, Kulnura.
"The Maitland Store", The Scenic Road, Killcare Heights within Bouddi National Park.
"St Peters Cemetery", Mangrove Creek Road, Greengrove.
"St Thomas" Cemetery Ten Mile Hollow Road, south of Dubbo Gully.
Site of Pembertons Wharf, Mangrove Creek Road, Mangrove Creek.
Grave of Owen Maloney, Glenworth Valley Road, Popran Creek.
Timber and steel bridge over Mill Creek, Wisemans Ferry Road, Gunderman.
Fire Station, Waratah Road, Mangrove Mountain.
Public Hall, corner Wisemans Ferry Road and Waratah Road, Mangrove Mountain.
Club rooms, State Highway No 26, Peats Ridge.
House, "Alpha", Lot 4, DP 382701, No 42 Palmers Lane, Bensville.
Palmers Wharf site, Palmers Lane, Bensville.
House, "Laythams", Lot 116, DP 805652, Erina Valley Road, Erina.
Grave of John Donovan, Lot 37, DP 755253 Wisemans Ferry Road, Greengrove.
Ruins of mill, Lot 18, DP 24303, Mill Creek, Wisemans Ferry Road, Gunderman.
House, Lot 1, DP 1032271, 59 Humphreys Road, Kincumber South.
Ruins of house, Lot 17, DP 755253, Mangrove Creek Road, Mangrove Creek.
Site of Inn, Lot 37, DP 755239, Ten Mile Hollow Road, Mangrove Creek.
"Waratah House", Lot 1, DP 245129, Waratah Road, Mangrove Mountain.
House, "Bundeena", Lot 72, DP 755235, Waratah Road, Mangrove Mountain.
Mangrove Mountain Union Church, Lot 78, DP 755235, No 220 Wisemans Ferry Road, Mangrove Mountain.
Mt Elliot House, Lot 7, DP 833975, Toomeys Road, Mount Elliot.

Niagara Park Weir, behind No 130 Siletta Road, Niagara Park.
House and gardens, Lot 79, DP 665343, Peats Ridge Road, Peats Ridge.
Peats Ridge Public School, No 660 Peats Ridge Road, Peats Ridge.
House, "Glenworth Valley", Lot 89, DP 755221, Glenworth Valley Road, Popran Creek.
Remains of stone walling, Lot 37, DP 755221, Glenworth Valley Road, Popran Creek.
Ruins of house, Lot 19, DP 604064, Rileys Bay.
"Ploddy the Dinosaur", Pacific Highway, Somersby.
House, "Belbourie", Lot 162, DP 543099, Vittasalos Road, Somersby.
House, "Woodlands", Lot 1, DP 135540, No 691 Wisemans Ferry Road, Somersby.
House and gardens, "Linton Park", Lot 3, DP 1027884, Wisemans Ferry Road, Somersby.
Somersby Public School, Wisemans Ferry Road, Somersby.
House, Lot 4, DP 377437, Collington Road, Spencer.
Woodbury's House, Lot 113, DP 1082966, Wisemans Ferry Road, Spencer.
Wisemans Ferry Road Well, Wisemans Ferry Road, Spencer.
Wondabyne Quarry, Wondabyne.
Nine huts at Mullet Creek, Brisbane Water National Park, opposite Wondabyne Railway Station, Wondabyne.

New
Schedule
LEP 391 GG
28.07.00

Schedule 2A – Heritage Items –former Mount Penang Juvenile Justice Centre

(Clause 3(1))

Heritage Items– Built Elements (refer to Sheet 3 of the map marked “Gosford Local Environmental Plan No. 391)

Inventory Reference numbers refer to items identified under the Heritage Assessment, Constraints and Policies study prepared by Godden Mackay Logan, dated November 1999.

<u>Inventory Ref No.</u>	<u>Name</u>	<u>Heritage Significance</u>
MPHI-01	Gosford Home Farm Historic Precinct	State
MPHI-02	Dormitories Group Carinya (Item 1) Sobraon (Item 2) Walpole (Item 3) Vernon (Item 4) The Wood Building (Item 5)	State
MPHI-03	Original Administration and Service Buildings' Group Maintenance Store (Item 6) Cultural Centre (Item 7) Admissions, Operations Annexe and Theatre (Item 8) School House (Item 9) Girrakool House (Item 10) Occasional Childcare (Item 11) Flats (Item 12)	State
MPHI-04	Residential Buildings' Group Residential Cottage Type A (Item 13) Residential Cottage Type B (Item 14) Residential Cottage Type A (Item 15) Residential Cottage Type B (Item 16) Residential Cottage Type A (Item 17) Residential Cottage Type A (Item 18) Deputy Superintendent's Cottage Type C (Item 19)	State
MPHI-05	Service and Amenity Buildings' Group Art Room and Ablutions Block (Item 20) Former Officers' Dining Room (Item 21) Dining Room and Main Kitchen (Item 22) Laundry (Item 23)	Local
MPHI-06	McCabe Complex Historic Precinct McCabe Cottages (items 24 and 25) McCabe Conference Centre (Item 26)	State
MPHI-07	Remnant Farm Group Farm Group – The Barn (Item 27) Farm Group – Storage Shed (Item 28) Farm Group – Dairy (Item 29)	Local
MPHI-08	Sports Fields	State

	Sports Oval (Item 30) (see also MPHI-L10)	
	Sports Field 1 (Item 31) (see also MPHI-L7)	
	Sports Field 2 (Item 32)	
	Sports Field 3 (Item 33)	
MPHI-09	Built Landscape Elements	Local
	Gazebo (Item 34)	
	Stone Walls (Item 35)	
	Sculpture Park (Item 36) (see also MPHI-L12)	

Heritage items – Landscape Elements (refer to Sheet 4 of the map marked “Gosford Local Environmental Plan No. 391”)

<u>Inventory Ref</u> <u>No</u>	<u>Name</u>	<u>Heritage</u> <u>Significance</u>
MPHI-L1	Old Pine Tree group (Item L1)	Local
MPHI-L4	Dam (Item L2)	Local
MPHI-L4	White Poplar Avenue (L3)	Local
MPHI-L6	Mature cultural plantings along northern end of riding school (Item L4)	Local
	Mature cultural plantings including coral trees, brush box, camphor laurels, white poplars, hoop pines, an oak and a larch (Item L5)	State
MPHI-L7	Group of scribbly gums (Item L6)	Local
	Sports field including perimeter brush box and eucalypt plantings (Item L7) (see also MPHI-08)	Local
MPHI-L10	Original Sports Oval (Item L8) (see also MPHI-08)	State
MPHI-L12	Sculpture precinct (Item L9) (see also MPHI-09)	Local
MPHI-L14	Scribbly gum group (Item 10)	Local
MPHI-L15	Eastern bushland (Item L11)	Local
MPHI-L17	Entry drive with perimeter brush box and eucalypt plantings (Item L12)	State

SCHEDULE 3- EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
<p>1 Erection and use of a Business Identification Sign listed below</p> <p>(a) Business signs in Business Zones</p> <p> Suspended under awning sign</p>	<p>Maximum Size: - not exceeding 1.5m² in area</p> <p>Siting: - if over a public road, erected at a minimum height of 3m above ground level</p> <p>Structure: - one per premises - securely fixed by metal supports</p> <p>Heritage: - not erected on a heritage item</p>
<p> Vertical or Horizontal projecting wall signs</p>	<p>Maximum Size: - not exceeding 2.5m² in area</p> <p>Siting: - if over a public road, erected at a minimum height of 3m above ground level</p> <p>Structure: - one per premises</p> <p>Heritage: - not erected on a heritage item</p>
<p> Flush Wall Signs</p>	<p>Maximum Size: - not exceeding 2.5m² in area</p> <p>Siting: - if over a public road, erected at a minimum height of 3m above ground level</p> <p>Structure: - securely fixed</p> <p>Heritage: - not erected on a heritage item</p>
<p>(b) Business identification signs in Industrial Zones</p>	<p>Maximum Size: - not exceeding 2.5m² in area</p> <p>Siting: - if over a public road, erected at a minimum height of 3m above ground level</p> <p>Structure: - securely fixed</p>
<p>(c) Business identification signs in Residential Zones</p>	<p>Maximum Size: - not exceeding 0.75m² in area</p> <p>Siting: - if over a public road, erected at a minimum height of 3m above ground level</p>
<p>2 Ancillary development relating to a dwelling, being</p>	

SCHEDULE 3- EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
<p>the erection and use of a structure listed below on land other than land in Zone No. 4, 5, 6(a), 6(b) or 6(d)</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 floodways or overland flow paths <p>Bush Fire Control:</p> <ul style="list-style-type: none"> - no structure consisting of highly

SCHEDULE 3- EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
	<p>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</p> <p>- 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</p> <p>- maximum width 3m</p> <p>- maximum height 500mm above finished ground level</p> <p>Siting: - located behind building line</p> <p>- minimum side boundary setback 3m</p> <p>- not within a secondary overflow path or natural watercourse</p> <p>- not over an easement or right of carriageway</p> <p>- not within the zone of influence of an existing sewer main or drainage easement</p> <p>Structure: - not roofed or enclosed on sides</p> <p>- structurally sound and of good quality</p> <p>- 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 3- 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: - within 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>

SCHEDULE 3- EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
	<ul style="list-style-type: none"> - behind building line - does not interfere with traffic visibility at intersections <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> <ul style="list-style-type: none"> - structurally adequate
(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 as defined</p> <p>Drainage: - incorporates drainage to prevent discharge of surface water to adjoining properties and to provide discharge to appropriate outlets</p> <ul style="list-style-type: none"> - does not affect the overland flowpath of surface water so as to adversely affect adjoining properties <p>Tree Protection: - areas located within 3m of existing trees are constructed of loose paver to allow minor ground movement due to root system</p>
(n) Pergolas and sails	<p>Maximum Size: - maximum area 30m²</p> <ul style="list-style-type: none"> - maximum height 2.4m above ground or, if the building has a deck, existing deck level <p>Siting: - minimum side boundary setback of 900mm</p> <ul style="list-style-type: none"> - behind building line

SCHEDULE 3- EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
	<ul style="list-style-type: none"> - 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>Bush Fire Control: - no pergolas with high flammability on land shown as high bushfire hazard on a map held by the Council</p> <p>Drainage: - not where pergolas will impede floodways or overland flow paths</p> <p>Structure:</p> <ul style="list-style-type: none"> - only one per lot or 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 a minimum durability class 2 or adequately treated - sails to be a pervious material and to comply with the manufacturers specifications <p>Heritage:</p> <ul style="list-style-type: none"> - 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 River (No 2 - 1997)
<p>(o) Rainwater Tanks on land other than on land in Zone No. 1(a), 1(b), 1(c), 1(d), 7(a), 7(b), 7(c2), 7(c3), 7(c4), 7(c5), 7(c6), 7(d) or 7(e)</p>	<p>Maximum Size: - maximum volume of 4500 litres</p> <p>Specifications:</p> <ul style="list-style-type: none"> - complies with AS/NZS 2179≅1:1994 "Specifications for rainwater goods, accessories and fasteners" Part 1; Metal shape or sheet rainwater goods and metal accessories and fasteners and AS 2180-1986 "metal rainwater goods - Selection and installation" - maximum height 1.8m above ground level <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

SCHEDULE 3- EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
	<ul style="list-style-type: none"> - 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: - no connection or cross-connection between the reticulated town water supply and tank water</p>
(p) Rainwater Tanks on land in Zone No. 1(a), 1(b), 1(c), 7(a), 7(b), 7(c2), 7(c3), 7(c4), 7(c5), 7(c6), 7(d) or 7(e)	<p>Specifications:</p> <ul style="list-style-type: none"> - complies with AS/NZS 2179\geq1:1994 "Specifications for rainwater goods, accessories and fasteners" Part 1 Metal shape or sheet rainwater goods and metal accessories and fasteners and AS 2180-1986 "Metal rainwater goods – Selection and installation" - 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 - timber walls comply with: <ul style="list-style-type: none"> AS 1720\geq1-1997, AS 1720\geq2-1990 and AS 1720\geq4-1990 – Timber structures AS 1170\geq1-2002, AS 1170\geq2-2002 and AS 1170\geq4-1993 – Minimum design loads on structures

SCHEDULE 3- EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
	<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> <p>- behind the building line and located no closer than 900mm to side boundaries</p> <p>- no detrimental effect on adjoining properties</p> <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> <p>- any openings created by the installation are adequately weatherproofed</p>
(t) Solar Water Heaters	<p>Installation: - installed to manufacturer's specifications and requirements</p> <p>- installed by a licensed person and in accordance with the provisions of the relevant standards of Standards Australia</p> <p>Structure: - does not reduce the structural integrity of the building</p> <p>- any opening is sealed by the use of adequate weatherproofing</p>

SCHEDULE 3- 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 BCA96 and AS1428.1 - 2001

SCHEDULE 3- EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
<p>3 Demolition on land (other than a heritage item or demolition of a building or structure on land affected by the Heritage Act 1977 or Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No. 2 - 1977) or demolition requiring a Waste Management Plan under Development Control Plan 106 - Controls for Site Waste Management</p>	<p>Demolition is carried out in accordance with Australian Standard AS2601 - 2001 Demolition of Structures</p>
<p>4 Maintenance to an existing dwelling or part of a dwelling or associated structure on land other than land in Zone No 4, 5, 6 (a), 6 (b) or 6 (d) and other than on land that is within 50m of a beach that has been subject to a coastal processes study prepared by the Council</p>	<ul style="list-style-type: none"> • Rotten or white ant affected timbers may only be replaced with new timber or recycled timber of the same of similar dimensions. • Damaged, rotten or deteriorated doors and windows may only be replaced with new materials of similar overall dimensions in the same locations. • Wall and ceiling sheet cladding materials may only be replaced with new sheet cladding materials. • Where materials are external, the replacement of masonry is not permitted • Roofing 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. • Includes a change from tiles to metal sheeting, but only if stormwater is to be directed to an approved drainage system. • Includes the replacement of floor and wall tiles and plumbing fittings and prime cost items within the building. • Kitchen cabinets may only be replaced with new kitchen cabinets and benchtops in the same kitchen room area as existed. • The movement, deletion or inclusion of doorways within the structure may occur only if: <ul style="list-style-type: none"> (a) it does not cause a change in archways, room sizes or layout of the existing dwelling or part of the existing dwelling, and (b) the work is non-structural, and

SCHEDULE 3- EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
	<p>(c) there is no reduction of light and ventilation to existing rooms, and</p> <p>(d) the work is internal only</p> <ul style="list-style-type: none"> • All exterior materials are to be of low reflectivity. Works to comply with the provisions of the <i>Building Code of Australia</i> and relevant Australian Standards. • 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. • Does not involve the total rebuilding of a structure by virtue of dilapidation or deterioration. <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 River (No 2 – 1997)</p>
<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. 6(d) 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

SCHEDULE 3- EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
	<p style="text-align: right;">Building Code of Australia</p> <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 the site of a heritage item or on land affected by the Heritage Act 1977 or Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997) <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. 4 or 6(d) 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 AS1428.1 – 2001.
<p>(b) Bridges and staircases installed in Public Parks and Recreation Areas</p>	<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\cong1-1997, AS 1720\cong2-1990 and AS 1720\cong4-1990 (for timber structures)
<p>(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>	<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
<p>(d) Parks and street furniture including seats, bins, picnic tables and minor shelters</p>	<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

SCHEDULE 3- EXEMPT DEVELOPMENT	
TYPE OF DEVELOPMENT	LIMIT
(e) Playground equipment on Community Land	Standards: <ul style="list-style-type: none"> - constructed by or for the Council and designed, fabricated and installed in accordance with the relevant standards 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. 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 require geotechnical assessment.

**SCHEDULE 3A – EXEMPT DEVELOPMENT – FESTIVAL
DEVELOPMENT SITE**

(Clause 40B)

TYPE OF DEVELOPMENT	LIMIT
<p>1a Erection and use of advertising structures and displays on land within Zone No. 5(b).</p>	<p>Erection and use of an advertising structure and display of an advertisement on it, or the display of an advertisement that is not on an advertising structure in any of the following cases:</p> <ul style="list-style-type: none"> (a) The advertisement and any structure are not visible from outside the site on which they are displayed. (b) The advertisement is behind the glass line of the shop or business frontage window and does not obscure more than 50% of the glass. (c) The advertisement is a temporary advertisement for a social, cultural or recreational event that is displayed no more than 28 days before the event and is removed within 7 days after the event. (d) The advertisement is a public notice displayed by a public authority giving information about a service. (e) The advertisement is a real estate sign advertising that the premises on which it is displayed are for sale or lease, and the advertisement and any structure together has a maximum area of 4.5 square metres. (f) The advertisement replaces one lawfully displayed on the same structure. (g) The advertisement displays a message relating to the premises on which it is situated and the advertisement and any structure together have a maximum area of 20% of the front elevation of a building on which it is displayed on a commercial/ business premises and a maximum height of either 4.6 metres above ground level or the eaves line of the roof of the building and, if suspended from an awning along a public road, the advertisement is not lower than 2.6 metres above ground level.
<p>1b Erection and use of advertising structures and displays on land within Zone No. 6(c).</p>	<ul style="list-style-type: none"> (a) The advertisement is a temporary advertisement for a social, cultural or recreational event that is displayed no more than 28 days before the event and is removed within 7 days after the event. (b) The advertisement is a public notice displayed by a public authority giving information about a service.

TYPE OF DEVELOPMENT	LIMIT
<p>2a Ancillary development on land within Zone No. 5(b), being development for the purposes of: access ramps for the disabled, bus shelters, bridges and staircases installed in parks and recreation areas, flagpoles, tents, park and street furniture, playground equipment, cycle and pedestrian paths, landscaping, gardening, paving, waste collection facilities or the erection of minor structures)</p>	<p>Development ordinarily incidental or ancillary either to a use allowed by a development consent or to a lawful existing use (as defined in section 106 of the Act), but only if:</p> <ul style="list-style-type: none"> (a) any ancillary structure is erected at least 1 metre from each boundary of the site and extends no more than 3 metres above natural ground level; and (b) any ancillary structure, paving or hard surface area covers not more than 25 square metres; and (c) the development does not involve excavation beyond 900 millimetres below natural ground level; and (d) it does not involve handling, storing or using hazardous chemicals or materials otherwise than on a domestic scale and does not release any hazardous chemicals or materials or any pollutants into the environment; and (e) it does not involve a display of an advertisement unless allowed by some other provision of this Order; and (f) any access ramps for the disabled are not provided for buildings which are heritage items; and (g) any bridges have a maximum span of 5.0 metres and design, fabrication and installation is in accordance with AS 4100 – 1998 and AS 1720.1 – 1997, AS 1720.2 – 1990 and AS 1720.4 – 1990 (for timber structures); and (h) the height of any flagpole does not exceed 6.0 metres above the existing ground level, is located at least 1.0 metre from any boundary and is structurally adequate; and (i) the total floor area of any tent is less than 200 square metres; and (j) development is to comply with Development Control Plan No. 144 – Mount Penang Festival Development Site, adopted by Council on 7 March 2000.
<p>2b Ancillary Development on land within Zone No. 6(c), being development for the purpose of: access ramps for the disabled, bridges and staircases installed in recreation areas as part of a nature walk, seating, shelter sheds, playground</p>	<p>Development that ordinarily incidental or ancillary either to a use allowed by a development consent or to a lawful existing use (as defined in section 106 of the Act), but only if:</p> <ul style="list-style-type: none"> (a) any ancillary structure is erected at least 1 metre from each boundary of the site and extends no more than 3 metres above natural ground level; and (b) any ancillary structure, paving or hard surface area

TYPE OF DEVELOPMENT	LIMIT
<p>equipment, informal cycle and pedestrian paths, landscaping, paving, waste collection facilities, minor structures, bush regeneration, interpretative signs and BBQ facilities</p>	<p>covers not more than 25 square metres; and</p> <p>(c) the development does not involve excavation beyond 900 millimetres below natural ground level; and</p> <p>(d) it does not involve handling, storing or using hazardous chemicals or materials otherwise than on a domestic scale and does not release any hazardous chemicals or materials or any pollutants into the environment; and</p> <p>(e) it does not involve a display of an advertisement unless allowed by some other provision of this Order; and</p> <p>(f) it uses materials that are consistent with any existing structure, or in the event of a new structure, is constructed of materials that are complementary to the surrounding natural environment; and</p> <p>(g) any access ramps for the disabled are not provided for buildings existing at the commencement of Gosford Local Environmental Plan No. 391 or for buildings which are heritage items; and</p> <p>(h) any bridges are to be a maximum span of 5.0 metres and design, fabrication and installation to be in accordance with AS 4100 – 1998 (for steel structures) and AS 1720.1 – 1997, AS 1720. – 1990 and AS 1720.4 – 1990 (for timber structures); and</p> <p>(i) development is to comply with Development Control Plan No. 144 – Mount Penang Festival Development Site, adopted by Council on 7 March 2000; and</p> <p>(j) development is located more than 10 metres from a place of Aboriginal heritage significance.</p>
<p>3 Demolition of a structure (other than a building)</p>	<p>Demolition, carried out in accordance with AS 2601–1991, of any structure:</p> <p>(a) the erection of which would be exempt development under this Order, or that is a temporary building the erection of which would be complying development under this Order; and</p> <p>(b) that covers an area of not more than 25 square metres; and</p> <p>(c) that is not a heritage item or retaining walls.</p>

TYPE OF DEVELOPMENT	LIMIT
<p>4 Demolition of a building</p>	<ul style="list-style-type: none"> (a) Demolition is carried out in accordance with AS 2601-1991. (b) All works involving asbestos cement comply with the WorkCover Authority's "Short Guide to Working with Asbestos". (c) All work involving lead paint removal does not cause lead contamination of air or ground. (d) The building is not a heritage item.
<p>5 Erection and use of fencing (other than fencing covered by the Swimming Pools Act 1992).</p>	<ul style="list-style-type: none"> (a) Maximum height 1.0m above natural ground level if it is located within the street setback area and is of open construction. (b) Maximum height 1.8m above natural ground level, if it is located behind the street setback area. (c) Masonry fences are structurally adequate for the intended purpose and comply with AS 3700 – 1998 and AS 1170.1 – 1989, AS 1170.2 – 1989 and AS 1170.4 – 1993. (d) Does not contain barbed wire. (e) Made of non-combustible materials if located in a fire protection zone or an asset protection zone identified in a bushfire risk management plan in force under the Rural Fires Act 1997. (f) Materials are compatible with the streetscape. (g) Does not obstruct pedestrian or vehicular flows or traffic visibility at intersections. (h) Solid metal materials are not used for front fences. (i) Not located where they will impede the flow of flood waters or overland drainage. (j) Materials are of a new condition. (k) Complies with the Dividing Fences Act 1991 (where required). (l) not located within the Gosford Home Farm Historic Precinct or the McCabe Complex Historic Precinct, as shown edged with a broken line on Sheet 2 of the map marked "Gosford Local Environmental Plan No. 391" deposited in the office of the Council.
<p>6 Minor works (public areas), being the erection and use of a structure listed below.</p> <p>(a) Access ramps</p>	<p>Maximum height: less than 1m. Maximum grade: 1:14</p> <p>Comply with the minimum front and side setbacks identified in Development Control Plan No. 144 Mount Penang Festival Development Site, approved by Council</p>

TYPE OF DEVELOPMENT	LIMIT
	<p>on 7 March 2000. Not provided for heritage items.</p>
<p>(b) Goal posts, sight screens and similar ancillary sporting structures (excluding lighting) and recreation and sporting facilities of minor environmental significance in Zone No. 5(b)</p>	<p>(a) Construction by or for the Festival Development Corporation or a sporting organisation and installed in accordance with relevant Australian Standards and the <i>Building Code of Australia</i>. (b) Located in parks or recreation areas. (c) Are not buildings which accommodate people.</p>
<p>7 Erection and use of retaining walls.</p>	<p>(a) Maximum height 1m above or below ground level and located at least 900mm off any property boundary. (b) Retaining walls are structurally adequate for the intended purpose and masonry walls comply with AS 3700 - 1998 (Masonry structures Code), AS 3600 – 1994 (Concrete structures) and AS 1170.1, AS 1170.2 – 1989 and AS 1170.4 – 1993 (Loading Code) and timber walls comply with AS 1720.1 – 1997, AS 1720.2 – 1990 and AS 1720.4 – 1990 (Timber structures) and AS 1170.1, AS 1170.2 – 1989 and AS 1170.4 - 1993 (Loading Code). (c) Located on slopes less than 20%. (d) Structurally sound and of good quality. (e) Do not prevent the natural flow of stormwater drainage or runoff. (f) Not constructed over sewer mains or sewer easements.</p>
<p>8 Minor internal alterations to, or replacement of, a building or work</p>	<p>(a) Structure: (i) 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 or painting, plastering or other decoration of the building or work); and (ii) the development does not involve the enlargement or extension of the work; and (iii) non-structural work only; and (iv) no reduced light or ventilation from windows, no reduced doorways for egress purposes and no enclosure of open areas; and (v) alterations or renovations to previously completed buildings only; and (vi) no change to roofline; and</p>

TYPE OF DEVELOPMENT	LIMIT
	<p>(vii) no changes to configuration of rooms, whether by removal of existing walls or partitions or by other means; and</p> <p>(viii) building before and after alterations complies with safety provisions of the Building Code of Australia.</p> <p>(b) Materials:</p> <p>(i) to be other than masonry; and</p> <p>(ii) external materials of low reflectivity.</p> <p>(c) Not to relate to a heritage item or be located within the Gosford Home Farm Historic Precinct or the McCabe Complex Historic Precinct as shown edged with a broken line on Sheet 2 of the map marked "Gosford Local Environmental Plan No. 391" deposited in the office of the Council.</p> <p>(d) All stormwater drainage is to be directed to an approved drainage system.</p> <p>(e) Development to be consistent with Clause 103 Planning Principles for Mount Penang.</p> <p>(f) Development to be consistent with Development Control Plan No. 144 – Mount Penang Festival Development Site, adopted by Council on 7 March 2000.</p>
<p>9 Subdivisions of minor environmental significance within Zone Nos. 5(b) and 6(c)</p>	<p>Subdivision for only one of the following purposes:</p> <p>(a) widening a public road.</p> <p>(b) making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of an additional allotment.</p> <p>(c) a minor adjustment that does not significantly change the size or shape of the allotments.</p> <p>(d) rectifying an encroachment upon an allotment.</p> <p>(e) creating a public reserve.</p> <p>(f) consolidating allotments.</p> <p>(g) excising from an allotment land which is, or is intended to be, used for public purposes</p>

SCHEDULE 4 – COMPLYING DEVELOPMENT	
TYPE OF DEVELOPMENT	DEVELOPMENT STANDARDS
<p>1 Ancillary development (other than exempt development) relating to a dwelling, being the erection and use of:</p> <ul style="list-style-type: none"> • Awnings, canopies or storm blinds • Cabanas, gazebos or green houses • Cubby houses • Garden sheds • Workshops and the like • Screen enclosures 	<p>Size:</p> <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) - screen enclosures to remain open for two thirds of the perimeter of the structure <p>Note: screen materials only permitted in open areas</p> <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 - 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 - only screen materials permitted in open areas <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"> - structures built of non-combustible materials permitted <p>Flood Liable:</p> <ul style="list-style-type: none"> - structures built of flood compatible materials (see DCP 115) permitted
<p>2 Erection and use of a garage or carport/awning associated with a dwelling</p> <p>(a) Carports and Awnings</p>	<p>Maximum Size:</p> <ul style="list-style-type: none"> - maximum area – 40m²

SCHEDULE 4 – COMPLYING DEVELOPMENT	
TYPE OF DEVELOPMENT	DEVELOPMENT STANDARDS
	<p>Maximum Height: - 250mm from ground level to ground floor level</p> <ul style="list-style-type: none"> - 2.7m from floor level to underside of eaves - maximum roof pitch 25° <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: - non-reflective external walling and roofing materials</p> <p>Stormwater: - stormwater disposal for roofed structures connected to street gutter or disposal area</p> <p>High Bushfire Hazard:</p> <ul style="list-style-type: none"> - structures built of non-combustible materials permitted <p>Flood Liable: - structures built of flood compatible materials (see DCP 115) permitted</p> <p>Streetscape: - where facing a public road or access way – maximum width of 6m or 50% of the frontage, whichever is less</p> <p>Setback:</p> <ul style="list-style-type: none"> - carport/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: - no part of the structure located within 6m of an existing tree</p>

SCHEDULE 4 – COMPLYING DEVELOPMENT	
TYPE OF DEVELOPMENT	DEVELOPMENT STANDARDS
(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 * 2.7m 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 6m of an existing tree <p>Materials:</p> <ul style="list-style-type: none"> - non-reflective external walling and roofing materials <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 the lesser <p>Stormwater:</p> <ul style="list-style-type: none"> - stormwater connected to street gutter or disposal area <p>High Bushfire Hazard:</p> <ul style="list-style-type: none"> - structures built of non-combustible materials permitted <p>Flood Liable:</p> <ul style="list-style-type: none"> - the installation of sewer drainage fixtures not permitted - structures built of flood compatible materials (see DCP 115) permitted
3 Construction and use of spas and swimming pools associated with a dwelling	<p>Siting:</p> <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) <p>Height:</p> <ul style="list-style-type: none"> - pool coping and decking no more than 500mm above ground level <p>Fencing:</p> <ul style="list-style-type: none"> - minimum 1.2m height with self latching gate - to comply with the provisions of the Swimming Pool Act 1992 as amended and AS 1926-1993 <p>Noise:</p> <ul style="list-style-type: none"> - filtration or pumps do not exceed a

SCHEDULE 4 – COMPLYING DEVELOPMENT	
TYPE OF DEVELOPMENT	DEVELOPMENT STANDARDS
	<p style="text-align: right;">noise level 5dBA above the ambient background level measured at the property boundary</p> <p>Overflow:</p> <ul style="list-style-type: none"> - backwash disposed of to sewer - overflow pipe provided and connected to sewer <p>Note: Wherever sewer is not available, backwash and overflow is to be directed to a suitable onsite location that does not affect adjoining properties or pollute any natural watercourse.</p> <p>Drainage:</p> <ul style="list-style-type: none"> - coping graded and drained so as not to cause a nuisance to adjoining property <p>Tree Protection:</p> <ul style="list-style-type: none"> - no part of the structure located within 6m of an existing tree <p>Flood Liable</p> <ul style="list-style-type: none"> - permitted subject to electrical fixtures being located above the 1% AEP.
<p>4 Alterations or additions to a dwelling (not including awnings, enclosures and the like)</p> <p>(a) Minor internal alterations (structural and non-structural) to a dwelling, and minor additions or alterations to detached single storey dwelling-house</p>	<p>Siting:</p> <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 <p>Maximum area:</p> <ul style="list-style-type: none"> - maximum floor space – 50m² - maximum floor space ratio - 0.5:1 <p>Structure:</p> <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 <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

SCHEDULE 4 – COMPLYING DEVELOPMENT	
TYPE OF DEVELOPMENT	DEVELOPMENT STANDARDS
	<p>the adjoining dwelling; or</p> <ul style="list-style-type: none"> * 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 <p>Tree Protection: - no part of the structure located within 6m of an existing tree</p>
(b) Major additions or alterations to detached single storey dwelling-house	<p>Structure:</p> <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 <p>Siting:</p> <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 <p>Carparking:</p> <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 <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: - satisfies a 3.5 star rating (SEDA scorecard or NatHERS report)</p> <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

SCHEDULE 4 – COMPLYING DEVELOPMENT	
TYPE OF DEVELOPMENT	DEVELOPMENT STANDARDS
	<p>of the development</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>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.1(a), 1(b), 1(c), 1(d), 7(b), 7(c2), 7(c3), 7(c4), 7(c5), 7(c6), 7(d) or 7(e)</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: <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

SCHEDULE 4 – COMPLYING DEVELOPMENT	
TYPE OF DEVELOPMENT	DEVELOPMENT STANDARDS
	<p>Energy efficiency: - satisfies a 3.5 star rating (SEDA scorecard or NatHERS report)</p> <p>Tree Protection: - no part of the structure located within 6m of an existing tree</p> <p>Impact - 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> <p>Landscaping: - a minimum of 20 percent of the site has no hard surfaces</p> <p style="padding-left: 150px;">- no more than one-third of the front setback area is paved or sealed</p>
<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 the provision of space for the loading or unloading of goods or vehicles are complied with.
<p>(b) Shop to shop or commercial premises to commercial premises</p>	<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

SCHEDULE 4 – COMPLYING DEVELOPMENT	
TYPE OF DEVELOPMENT	DEVELOPMENT STANDARDS
	<p>or intended to be used in connection with, sexual behaviour but is not printed matter.</p> <ul style="list-style-type: none"> • 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.
8 Machinery/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 120 square metres for all sheds. • A maximum of 3 sheds totalling to 120 square metres for any one property. <p>Properties less than 10 hectares in area:</p> <ul style="list-style-type: none"> • Maximum height of 6 metres <p>Nominated exclusion areas:</p> <ul style="list-style-type: none"> • Minimum setback of 5 metres from side and rear property boundaries. • Located behind the building line and not in front of the dwelling.

**SCHEDULE 4A – COMPLYING DEVELOPMENT -
FESTIVAL DEVELOPMENT SITE**

(Clause 40C)

TYPE OF DEVELOPMENT	LIMIT
<p>1 Building alterations</p> <p>Involving a lawfully erected building or structure</p>	<p>(a) Certification is obtained from a practicing structural engineer.</p> <p>(b) The alteration involves only the internal fabric or appearance of the building.</p> <p>(c) Does not involve enlargement or extension of the building work.</p> <p>(d) The existing building and any proposed alterations to comply with the <i>Building Code of Australia</i> (including fire safety provisions).</p> <p>(e) The building is not a heritage item.</p> <p>(f) Development is to be consistent with Development Control Plan No. 144 - Mount Penang Festival Development Site, adopted by Council on 7 March 2000.</p> <p>(g) The work is to be consistent with Clause 103 Planning Principles for Mount Penang.</p>
<p>2 Different use of a building on land within Zone No. 5(b)</p> <p>A new use of an existing lawfully occupied building.</p>	<p>(a) The new use is consistent with the classification of the building under the <i>Building Code of Australia</i> and replaces a former use being carried out in accordance with a development consent, and:</p> <p>(i) it is not actually or potentially a hazardous or offensive industry; and</p> <p>(ii) it does not involve the preparation of food for sale or consumption; and</p> <p>(iii) it is not prohibited by any provision of this Order.</p> <p>(b) The new use results from a change of building use from a shop to an office or from an office to a shop that is not in the business of preparing food for sale or consumption, where:</p> <p>(i) the new use replaces a former use being carried out in accordance with a development consent; and</p> <p>(ii) the new use is not prohibited by any provision of this Order.</p> <p>(c) The new use does not involve the use of the building for the purposes of a shop or commercial premises where:</p> <p>(i) publications classified Category 1 restricted, Category 2 restricted or RC under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> of</p>

TYPE OF DEVELOPMENT	LIMIT
	<p>the Commonwealth are shown, exhibited, displayed, sold or otherwise rendered accessible or available to the public; and</p> <p>(ii) a business is conducted, 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 behavior, but is not printed matter; and</p> <p>(iii) the proposed use is a brothel; and</p> <p>(iv) the curtilage of the shop or commercial premises is intended to be used for storage or display purposes; and</p> <p>(v) the hours of operation of the shop or commercial premises extend outside the hours during which the shop or commercial premises was used (or was lawfully permitted to be used) immediately before the commencement of the new use; and</p> <p>(vi) conditions of consent relating to the previous use of construction of the building concerning matters of maintenance or landscaping, the parking of vehicles or the provision of space for the loading or unloading of goods or vehicles are not complied with; and</p> <p>(vii) the existing building and any proposed alterations do not comply with the fire safety provisions of the <i>Building Code of Australia</i>.</p> <p>(d) The new use does not involve the use of a heritage item.</p>
<p>3 Temporary buildings and other structures on land within Zone No. 5(b)</p> <p>The erection of a building or other structure and its use for a period not exceeding 1 year specified in the application for a complying development certificate, being a building or other structure that is not used for residential purposes, or for the storage or handling of inflammable materials.</p>	<p>(a) Building does not exceed one storey in height or 10 metres in height, whichever is the greater.</p> <p>(b) Building is set back from every boundary on the lot by a minimum of 3 metres.</p> <p>(c) Building complies with the <i>Building Code of Australia</i>.</p> <p>(d) Does not involve a heritage item.</p> <p>(e) Development is to be consistent with the requirements of Development Control Plan No. 144 Mount Penang Festival Development Site, adopted by Council on 7 March 2000.</p>