



# **Gosford Local Environmental Plan No 429**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N01/00236/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

## **Gosford Local Environmental Plan No 429**

### **1 Name of plan**

This plan is *Gosford Local Environmental Plan No 429*.

### **2 Aims of plan**

- (1) This plan aims to amend the provisions of *Gosford Planning Scheme Ordinance* relating to the following:

- (a) bed and breakfast accommodation,
- (b) cluster development,
- (c) motels,
- (d) brothels,
- (e) tourist units,
- (f) exempt development,
- (g) complying development.

Amendments concerning dual occupancy minimum lot size and minimum lot sizes for residential flat buildings in Zones Nos 2 (b), 2 (c), 3 (a) and 3 (b) are deferred.

- (2) This plan aims to amend the provisions of *Interim Development Order No 122—Gosford* relating to the following:

- (a) bed and breakfast accommodation,
- (b) cluster development,
- (c) motels,
- (d) brothels,
- (e) home industries in Zone No 1 (a),
- (f) attached dual occupancies in Zone No 7 (b),
- (g) motels in Zone No 7 (c3),
- (h) tourist units,
- (i) exempt development,
- (j) complying development,
- (k) the correction of an error.

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**3 Land to which plan applies**

This plan applies to all land to which *Gosford Planning Scheme Ordinance* and *Interim Development Order No 122—Gosford* apply.

**4 Relationship to other environmental planning instruments**

- (1) This plan amends:
  - (a) *Gosford Planning Scheme Ordinance* in the manner set out in Schedule 1, and
  - (b) *Interim Development Order No 122—Gosford* in the manner set out in Schedule 2.
- (2) A development application made, but not finally determined, before the commencement of this plan in relation to land to which this plan applies is to be determined as if this plan had not been made.

## Schedule 1 Amendment of Gosford Planning Scheme Ordinance

(Clause 4 (1) (a))

### [1] Clause 3 Interpretation

Omit the definition of *Bed and breakfast accommodation* from clause 3 (1).

Insert instead:

*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.

### [2] Clause 3 (1), definition of “Cluster development”

Omit the definition. Insert instead:

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

### [3] Clause 3 (1), definition of “Motel”

Omit “or residential flat building”.

Insert instead “, residential flat building or bed and breakfast accommodation”.

### [4] Clause 3 (1)

Insert in alphabetical order:

*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.

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

**[5] Clause 3 (1), definition of “residential flat building”**

Omit “but does not include anything elsewhere defined in this Ordinance”.

**[6] Clause 30AD**

Insert after clause 30AC:

**30AD Bed and breakfast accommodation**

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.

**[7] Clause 45CE Complying development**

Insert “and the development of which would cause disturbance of those acid sulphate soils” after “soils” in clause 45CE (3) (a) (iii).

**[8] Clause 45CE (3A)**

Insert after clause 45CE (3):

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

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### [9] Schedules 10 and 11

Omit the Schedules. Insert instead:

## Schedule 10 Exempt development

(Clause 45CD)

Type of development		Limit
<b>1 Erection and use of a business identification sign listed below</b>		
(a) Business signs in Business Zones		
Suspended under awning sign	<b>Maximum size:</b>	1.5m <sup>2</sup> in area
	<b>Siting:</b>	if over a public road, erected at a minimum height of 3m above ground level
	<b>Structure:</b>	one per premises securely fixed by metal supports
	<b>Heritage:</b>	not erected on an item of environmental heritage
Vertical or horizontal projecting wall signs	<b>Maximum size:</b>	2.5m <sup>2</sup> in area
	<b>Siting:</b>	if over a public road, erected at a minimum height of 3m above ground level
	<b>Structure:</b>	one per premises
	<b>Heritage:</b>	not erected on an item of environmental heritage

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Type of development	Limit	
Flush wall signs	<b>Maximum size:</b>	2.5m <sup>2</sup> in area
	<b>Siting:</b>	if over a public road, erected at a minimum height of 3m above ground level
	<b>Structure:</b>	securely fixed
	<b>Heritage:</b>	not erected on an item of environmental heritage
(b) Business identification signs in Industrial Zones	<b>Maximum size:</b>	2.5m <sup>2</sup> in area
	<b>Siting:</b>	if over a public road, erected at a minimum height of 3m above ground level
	<b>Structure:</b>	securely fixed
(c) Business identification signs in Residential Zones	<b>Maximum size:</b>	0.75m <sup>2</sup> in area
	<b>Siting:</b>	if over a public road, erected at a minimum height of 3m above ground level

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Type of development	Limit
<b>2 Ancillary development relating to a dwelling, being the erection and use of a structure listed below on land other than land in Zone No 2 (f), 4 (a), 4 (b), 4 (c), 4 (d), 5 (a), 5 (d), 5 (e), 6 (a), 6 (b), 6 (c), 6 (d), 6 (e) or 9 (a) and other than on land that is within 50m of a beach that has been subject to a coastal processes study by the Council</b>	
(a) Air conditioning units	<b>Siting:</b> attached to an external wall or ground mounted involving fully integrated systems  all mechanical components and their enclosures located a minimum of 6m from any property boundary and behind building line to any street frontage
(b) Awnings, canopies and storm blinds	<b>Maximum area:</b> 10m <sup>2</sup> per structure  maximum aggregate area of 30m <sup>2</sup>  <b>Siting:</b> located wholly within property boundaries  <b>Drainage:</b> incorporates drainage to prevent discharge of stormwater to adjoining properties and provides discharge to appropriate outlets



Type of development	Limit
(c) Barbecues	<div data-bbox="788 622 1150 654"><b>Maximum size:</b> 10m<sup>2</sup> in area</div> <div data-bbox="788 678 1070 710"><b>Maximum height:</b> 2.1m</div> <div data-bbox="788 734 1251 1077"> <b>Siting:</b> located behind the building line and not located in a prominent location  located in an area not to cause a nuisance to those on adjoining allotments  minimum of 450mm from boundary </div>
(d) Bird aviaries, cabanas, cubby houses, garden sheds, greenhouses and shade houses and workshops and the like	<div data-bbox="788 1102 1257 1245"><b>Maximum size:</b> maximum floor area of 12m<sup>2</sup>  maximum height of 2.4m</div> <div data-bbox="788 1270 1251 1496"> <b>Siting:</b> minimum of 450mm from boundary  located in the rear yard  not located in a highly visible or prominent position </div> <div data-bbox="788 1520 1193 1552"><b>Structure:</b> one per premises</div> <div data-bbox="788 1576 1257 1834"> <b>Drainage:</b> adequate disposal of stormwater  stormwater not directed to adjoining properties  not where structure will impede floodways or overland flowpaths </div>

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(e) Children's play equipment (other than cubbyhouses)	<b>Bushfire control:</b> no structure consisting of highly flammable materials on land shown as high bushfire hazard on a map held by the Council
	<b>Usage:</b> for domestic purposes only
	<b>Maximum size:</b> maximum height of 2.4m (except for basketball backboards and poles—maximum height of 3.5m)
	<b>Siting:</b> located behind building line to any street frontage
(f) Clothes lines	located at least 900mm from any property boundary
	<b>Siting:</b> located behind building line to any street frontage and not within the front yard
(g) Decks	<b>Installation:</b> to manufacturer's specifications
	<b>Maximum size:</b> maximum area of 30m <sup>2</sup>
	maximum width of 3m
	maximum height of 500mm above finished ground level

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Type of development	Limit
	<p><b>Siting:</b></p> <p>located behind building line</p> <p>minimum side boundary setback of 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><b>Structure:</b></p> <p>not roofed or enclosed on sides</p> <p>structurally sound and of good quality</p> <p>all timbers to be of a minimum durability class 2 or adequately treated</p> <p><b>Bushfire control:</b></p> <p>no structure consisting of highly flammable materials on land shown as high bushfire hazard on a map held by the Council</p>

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Type of development	Limit
	<b>Heritage:</b> not on land affected by <i>Gosford Local Environmental Plan No 183, Development Control Plan No 34—Items of Environmental Heritage</i> , the <i>Heritage Act 1977</i> or <i>Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)</i>
(h) Driveways within property boundaries	<b>Maximum size:</b> maximum width of 3.5m
	<b>Siting:</b> located at or near ground level so as not to require retaining or filling to depths greater than 600mm
	<b>Structure:</b> complies with the requirements of AS 2890.1—1993, <i>Parking facilities, Part 1: Off-street car parking</i>
	<b>Drainage:</b> incorporates drainage to prevent discharge of surface water to adjoining properties and to provide discharge to appropriate outlets  does not affect the overland flowpath of surface water so as to adversely affect adjoining properties

Type of development	Limit
(i) Fences—front	<p data-bbox="788 622 1257 824"><b>Tree protection:</b> driveways located within 3m of existing trees are constructed of loose pavers to allow minor ground movement due to root system</p> <p data-bbox="788 846 1257 992"><b>Maximum height:</b> open style (eg picket or pool fencing): 1.2m  solid (eg decorative brick or timber): 1m</p> <p data-bbox="788 1014 1257 1193"><b>Siting:</b> on or behind the building line  gates do not obstruct pedestrian access along a public roadway</p> <p data-bbox="788 1216 1257 1529"><b>Structure:</b> of materials compatible with streetscape  not made of solid metal materials  no fences with high flammability on land shown as high bushfire hazard on a map held by the Council</p> <p data-bbox="788 1552 1257 1697"><b>Tree protection:</b> no strip footing construction where a tree is located within 3m on either private or public property</p>
(j) Fences—side and rear	<p data-bbox="788 1720 1214 1774"><b>Maximum size:</b> maximum height of 1.8m</p>

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	<b>Siting:</b>	not where fence will impede floodways or overland flowpaths  behind building line  does not interfere with traffic visibility at intersections
	<b>Tree protection:</b>	no strip footing construction where a tree is located within 3m on either private or public property
	<b>Privacy screens:</b>	open style privacy screens such as lattice must have a maximum length of 3m and a maximum height above the fence of 450mm and must not be attached to the fence structure
	<b>Maximum size:</b>	maximum height of 6m above existing ground level
(k) Flagpoles	<b>Siting:</b>	located at least 1m from any boundaries
	<b>Structure:</b>	one only for any single allotment of land  structurally adequate
(l) Lighting	<b>General:</b>	not for a tennis court or sportsfield
(m) Paving (not including paths)	<b>Maximum size:</b>	maximum area of 30m <sup>2</sup>
	<b>Siting:</b>	at ground level

Type of development	Limit
(n) Pergolas and sails	<p><b>Drainage:</b> 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><b>Tree protection:</b> areas of paving located within 3m of existing trees are constructed of loose pavers to allow minor ground movement due to root system</p>
	<p><b>Maximum size:</b> maximum area of 30m<sup>2</sup></p> <p>maximum height of 2.4m above ground or, if the building has a deck, above existing deck level</p>
	<p><b>Siting:</b> minimum side boundary setback of 900mm</p> <p>behind building line</p> <p>not within the zone of influence of an existing sewer main or drainage easement</p> <p>not over an easement or right of carriageway</p> <p>not within a secondary overflow path or natural watercourse</p>

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Type of development	Limit
	<b>Bushfire control:</b> no pergolas with high flammability on land shown as high bushfire hazard on a map held by the Council
	<b>Drainage:</b> not where pergolas will impede floodways or overland flowpaths
	<b>Structure:</b> only one per lot and not exceeding an aggregate area of 30m <sup>2</sup>  not roofed or enclosed on sides  not attached to fences  structurally sound and of good quality  all timbers to be of a minimum durability class 2 or adequately treated  sails to be made of a pervious material and to comply with the manufacturer's specifications

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Type of development	Limit	
(o) Rainwater tanks on land other than on land in Zone No 1 (a), 1 (b), 1 (c) or 1 (d)	<b>Heritage:</b>	not on properties affected by <i>Gosford Local Environmental Plan No 183, Development Control Plan No 34—Items of Environmental Heritage</i> , the <i>Heritage Act 1977</i> or <i>Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)</i>
	<b>Maximum size:</b>	maximum volume of 4,500 litres
	<b>Specifications:</b>	complies with AS/NZS 2179.1:1994, <i>Specifications for rainwater goods, accessories and fasteners, Part 1: Metal shape or sheet rainwater goods, and metal accessories and fasteners</i> and AS 2180—1986, <i>Metal rainwater goods—Selection and installation</i>
		maximum height of 1.8m above ground level

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Type of development	Limit
	<b>Siting:</b>
	located at least 900mm from any property boundaries
	located behind building line to any street frontage
	not located over stormwater or sewer pipes
	not resting on the edge of wall footings
	<b>Drainage:</b>
	provision made to prevent overflow running onto adjoining properties
	<b>Structure:</b>
	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
	<b>Water connection:</b>
	no connection or cross-connection between the reticulated town water supply and tank water

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Type of development	Limit
(p) Rainwater tanks on land in Zone No 1 (a), (b), 1 (c) or 1 (d)	<p><b>Specifications:</b> complies with AS/NZS 2179.1:1994, <i>Specifications for rainwater goods, accessories and fasteners, Part 1: Metal shape or sheet rainwater goods, and metal accessories and fasteners</i> and AS 2180—1986, <i>Metal rainwater goods—Selection and installation</i></p> <p>support structure to manufacturer's specifications or requirements of qualified practising structural engineer</p>
(q) Retaining walls	<p><b>Structure:</b> not resting on the edge of wall footings</p> <p><b>Maximum area:</b> maximum height of 1m above or below natural ground level</p> <p><b>Siting:</b> located on slopes not greater than 20%</p> <p>located no closer than 5m apart</p> <p>not constructed over sewer mains or sewer manholes</p>

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Type of development	Limit
	<b>Structure:</b> structurally sound and of good quality
	masonry walls comply with: AS 3700—2001, <i>Masonry structures</i> , AS 3600—2001, <i>Concrete structures</i> , AS/NZS 1170.1:2002, AS/NZS 1170.2:2002 and AS 1170.4—1993, (Minimum design loads on structures)
	timber walls comply with: AS 1720.1—1997, AS 1720.2—1990 and AS 1720.4—1990, (Timber structures) AS/NZS 1170.1:2002, AS/NZS 1170.2:2002 and AS 1170.4—1993, (Minimum design loads on structures)
	<b>Drainage:</b> do not impede the natural flow of stormwater drainage or run-off
	<b>Tree protection:</b> not constructed within 3m of an existing tree

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Type of development	Limit	
(r) Satellite dishes	<b>Maximum size:</b>	maximum diameter of 1.2m
	<b>Siting:</b>	maximum height of 1.5m above lowest point of roof
		behind the building line and located no closer than 900mm to side boundaries
		no detrimental effect on adjoining properties
	<b>Usage:</b>	for domestic purposes only
(s) Skylights and roof windows (including solar tubes or similar installations)	<b>Maximum area:</b>	maximum area of skylight does not exceed 1m <sup>2</sup>
	<b>Siting:</b>	located not less than 900mm from a property boundary and not less than 900mm from a wall separating attached dwellings
	<b>Structure:</b>	building work will not reduce the structural integrity of the building or involve structural alterations
		any openings created by the installation are adequately weatherproofed

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Type of development	Limit	
(t) Solar water heaters	<b>Installation:</b>	installed to manufacturer's specifications
		installed by a licensed person and in accordance with the provisions of the relevant Australian Standards
	<b>Structure:</b>	does not reduce the structural integrity of the building  any opening is sealed by the use of adequate weatherproofing
(u) Solid fuel heaters	<b>Structure:</b>	complies with AS/NZS 4013:1999, <i>Domestic solid fuel burning appliances—Method for determination of flue gas emission</i>  rain excluders, if used, are of a type which do not impede the vertical flow of exhaust gases
	<b>Installation:</b>	in accordance with AS/NZS 2918:2001, <i>Domestic solid fuel burning appliances—Installation</i> and undertaken by licensed installer
	<b>Siting:</b>	chimney or flue a minimum of 300mm above any structure within a 3.6m horizontal radius

Type of development	Limit	
(v) Television aerials or antennae	<b>Point of discharge:</b>	the top of the chimney or flue must be at least 1m higher than any other building within a 15m radius
	<b>Height of chimney or flue:</b>	maximum height of 6m above roof
	<b>Maximum size:</b>	maximum height of 6m above roof  maximum width of 1.5m
(w) Temporary buildings: • builders' sheds • portalos • scaffolds associated with construction sites where development consent or construction certificate approval exists	<b>Siting:</b>	located within property boundaries
	<b>Structure:</b>	structurally adequate  on site for a period of not more than 5 months within any 12-month period
	<b>Drainage:</b>	stormwater not directed to adjoining properties
(x) Water heaters (other than solar systems)	<b>Installation:</b>	carried out by a licensed person
(y) Access ramps and stairs	<b>Maximum size:</b>	maximum height of 1m  maximum grade of 1:14 (ramps)
	<b>Location:</b>	behind building alignment

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Type of development	Limit
<b>3 Demolition on land other than land in Zone No 5 (d), 5 (e) or 6 (d)</b>	<b>Standard:</b> In accordance with the <i>Building Code of Australia</i> and AS 1428.1—2001, <i>Design for access and mobility, Part 1: General requirements for access—New building work</i>
(other than a heritage item affected by <i>Gosford Local Environmental Plan No 183, Development Control Plan No 34—Items of Environmental Heritage</i> , the <i>Heritage Act 1977</i> or <i>Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)</i> or demolition requiring a waste management plan under <i>Development Control Plan No 106—Controls for Site Waste Management</i> )	Demolition is carried out in accordance with AS 2601—2001, <i>Demolition of structures</i>
<b>4 Maintenance to an existing dwelling or part of a dwelling or associated structure on land other than land in Zone No 2 (f), 4 (a), 4 (b), 4 (c), 4 (d), 5 (a), 5 (d), 5 (e), 6 (a), 6 (b), 6 (c), 6 (d), 6 (e) or 9 (a) 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</b>	Rotten or white ant affected timbers may only be replaced with new timber or recycled timber of the same or 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



Type of development	Limit
	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"> <li>(a) it does not cause a change in archways, room size or layout of the existing dwelling or part of the existing dwelling, and</li> <li>(b) the work is non-structural, and</li> <li>(c) there is no reduction of light and ventilation to existing rooms, and</li> <li>(d) the work is internal only</li> </ul>
	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

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		<b>Heritage:</b> not on properties affected by <i>Gosford Local Environmental Plan No 183, Development Control Plan No 34—Items of Environmental Heritage</i> , the <i>Heritage Act 1977</i> or <i>Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)</i>
<b>5</b>	<b>Minor internal alterations to, or replacement of, a building or work not associated with a dwelling on land other than land in Zone No 2 (f), 5 (d), 5 (e), 6 (d), 6 (e) or 9 (a) and other than land that is within 50m of a beach that has been subject to a coastal processes study prepared by the Council</b>	<b>Structure:</b> 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

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Type of development	Limit
	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 <i>Building Code of Australia</i>
<b>Materials:</b>	materials other than masonry
	external materials of low reflectivity
<b>Heritage:</b>	not on properties affected by <i>Gosford Local Environmental Plan 183, Development Control Plan No 34—Items of Environmental Heritage</i> , the <i>Heritage Act 1977</i> or <i>Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)</i>
<b>Drainage:</b>	stormwater directed to an approved drainage system

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Type of development		Limit
<b>6 Carrying out of minor works in public areas being the erection and use of a structure listed below on land other than land in Zone No 2 (f), 5 (a), 5 (d), 5 (e), 6 (d) or 6 (e) and other than land that is within 50m of a beach that has been subject to a coastal processes study prepared by the Council</b>		
(a)	Access ramps	<p><b>Maximum size:</b> Maximum height of 1m</p> <p>Maximum grade of 1:14 (for ramps)</p> <p><b>Standard:</b> In accordance with the <i>Building Code of Australia</i> and AS 1428.1—2001, <i>Design for access and mobility, Part 1: General requirements for access—New building work</i></p>
(b)	Bridges and staircases installed in public parks and recreation areas	<p><b>Structure:</b> bridges to maximum span of 5m and constructed by or for the Council</p> <p>design, fabrication and installation to be in accordance with AS 4100—1998 (for steel structures) and AS 1720.1—1997, AS 1720.2—1990 and AS 1720.4—1990 (for timber structures)</p>

Type of development	Limit	
(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)	<b>Standards:</b>	construction by or for the Council or sporting organisation and installed in accordance with relevant Australian Standards
(d) Parks and street furniture including seats, bins, picnic tables and minor shelters	<b>Standards:</b>	construction by or for the Council and installed in accordance with relevant Australian Standards
(e) Playground equipment on community land	<b>Standards:</b>	constructed by or for the Council and designed, fabricated and installed in accordance with the relevant Australian Standards
<b>7 Development for the purpose of recreation and sporting facilities of minor environmental significance</b>	<b>General:</b>	in accordance with a plan of management prepared by the Council
<b>8 Subdivisions of minor environmental significance on land other than land in Zone No 2 (f), 5 (d), 5 (e), 6 (d), 9 (a), 9 (b) or 9 (c)</b>	<b>General:</b>	subdivision for one of the following purposes only: <ul style="list-style-type: none"> <li>widening a public road</li> </ul>

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Type of development	Limit
	<ul style="list-style-type: none"><li>• making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of any additional allotment</li><li>• making an adjustment to a boundary between allotments that does not constitute a resubdivision</li><li>• a minor adjustment that does not significantly change the size or shape of the allotments by more than 10%</li><li>• rectifying an encroachment on an allotment</li><li>• creating a public reserve</li><li>• consolidating allotments</li></ul>

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Type of development	Limit
	<ul style="list-style-type: none"> <li>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</li> <li>making an adjustment to a boundary between allotments, being an adjustment that does not involve allotments with a split land use zone classification, flood liable classification, bushfire hazard classification or requiring geotechnical assessment</li> </ul>

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## Schedule 11 Complying development

(Clause 45CE)

Type of development	Development standards
<b>1 Ancillary development (other than exempt development) relating to a dwelling, being the erection and use of:</b>	
<ul style="list-style-type: none"> <li>• Awnings, canopies or storm blinds</li> <li>• Cabanas, gazebos or greenhouses</li> <li>• Cubbyhouses</li> <li>• Garden sheds</li> <li>• Workshops and the like</li> <li>• Screen enclosures</li> </ul>	<p><b>Size:</b></p> <p>minimum area of 10m<sup>2</sup> and maximum area of 20m<sup>2</sup></p> <p>maximum height of 2.4m above ground level or existing deck level (awnings only)</p> <p>screen enclosures to remain open for two-thirds of the perimeter of the structure</p> <p>screen materials only permitted in open areas</p> <p><b>Siting:</b></p> <p>no part of the structure is located in front of the Council's building line</p> <p>external wall of the structure set back at least 900mm from a side or rear boundary</p> <p>posts of awnings or pergolas may extend to the allotment boundary provided no part of the structure encroaches beyond that boundary</p> <p>roof covering set back 500mm from boundary</p>



Type of development	Development standards
<b>2 Erection and use of a garage, carport or awning associated with a dwelling</b>  (a) Carports and awnings	<b>Materials:</b> non-reflective external walling and roofing materials
	<b>Stormwater:</b> stormwater disposal for roofed structures connected to street gutter or disposal area
	<b>High bushfire hazard:</b> only structures built of non-combustible materials permitted
	<b>Flood liable:</b> structures built of flood compatible materials permitted (see <i>Development Control Plan No 115</i> )
(a) Carports and awnings	<b>Maximum size:</b> 40m <sup>2</sup> in area  <b>Maximum height:</b> 250cm from ground level to ground floor level  2.7m from floor level to underside of eaves  maximum roof pitch of 25 degrees  <b>Siting:</b> 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

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Type of development	Development standards
	<b>Materials:</b> non-reflective external walling and roofing materials
	<b>Stormwater:</b> stormwater disposal for roofed structures connected to street gutter or disposal area
	<b>High bushfire hazard:</b> only structures built of non-combustible materials permitted
	<b>Flood liable:</b> structures built of flood compatible materials permitted (see <i>Development Control Plan No 115</i> )
	<b>Streetscape:</b> where facing a public road or access way—maximum width of 6m or 50% of the frontage, whichever is less
	<b>Setback:</b> carport or awning posts may extend to the allotment boundary provided no part of the structure encroaches beyond that boundary  roof covering set back 500mm from boundary
	<b>Tree protection:</b> no part of the structure located within 6m of an existing tree

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Type of development	Development standards
(b) Garages	<div data-bbox="788 622 1275 1805"> <p><b>Maximum size:</b> maximum area of 50m<sup>2</sup></p> <p>maximum height of:</p> <ul style="list-style-type: none"> <li>• 250mm from ground level to ground floor level</li> <li>• 2.7m from floor level to underside of eaves</li> </ul> <p>maximum roof pitch of 25 degrees</p> <p><b>Siting:</b> no part of the structure located in front of the Council's building line</p> <p>external wall of the structure set back at least 900mm from a side or rear boundary</p> <p><b>Tree protection:</b> no part of the structure located within 6m of an existing tree</p> <p><b>Materials:</b> non-reflective external walling and roofing materials</p> <p><b>Streetscape:</b> where facing a public road or access way—maximum width of 6m or 50% of the frontage, whichever is the lesser</p> <p><b>Stormwater:</b> stormwater connected to street gutter or disposal area</p> </div>

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Type of development		Development standards
3 Construction and use of spas and swimming pools associated with a dwelling	<b>High bushfire hazard:</b>	structures built of non-combustible materials permitted
	<b>Flood liable:</b>	the installation of sewer drainage fixtures not permitted
		structures built of flood compatible materials permitted (see <i>Development Control Plan No 115</i> )
	<b>Siting:</b>	no part of the structure located in front of the Council's building line
		located a minimum of 1.2m from side or rear boundaries (measurement is from boundary to edge of water)
	<b>Height:</b>	pool coping and decking no more than 500mm above ground level
	<b>Fencing:</b>	minimum of 1.2m in height with self latching gate
		to comply with the provisions of the <i>Swimming Pools Act 1992</i> and AS 1926.1—1993, <i>Swimming pool safety, Part 1: Fencing for swimming pools</i>

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Type of development	Development standards
<b>Noise:</b>	filtration or pumps do not exceed a noise level 5dBA above the ambient background level measured at the property boundary
<b>Overflow:</b>	backwash disposed of to sewer  overflow pipe provided and connected to sewer  wherever sewer is not available, backwash and overflow is to be directed to a suitable on site location that does not affect adjoining properties or pollute any natural watercourse
<b>Drainage:</b>	coping graded and drained so as not to cause a nuisance to adjoining property
<b>Tree protection:</b>	no part of the structure located within 6m of an existing tree
<b>Flood liable:</b>	permitted subject to electrical fixtures being located above the 1% Annual Exceedance Probability

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Type of development	Development standards	
<b>4 Alterations or additions to a dwelling (not including awnings, enclosures and the like)</b>		
(a) Minor internal alterations (structural and non-structural) to a dwelling, and minor additions or alterations to detached single storey dwelling-house	<b>Siting:</b>	setback of external walls: <ul style="list-style-type: none"><li>no part of the structure located in front of the Council's building line</li><li>from side and rear boundary—minimum of 900mm</li></ul> setback of eaves and gutters overhang a minimum of 675mm from side and rear boundaries
	<b>Maximum area:</b>	maximum floor space of 50m <sup>2</sup> maximum floor space ratio of 0.5:1
	<b>Structure:</b>	maximum height of: <ul style="list-style-type: none"><li>2.7m from floor level to underside of eaves</li><li>500mm from ground level to ground floor level</li></ul> roof pitch compatible with the pitch of the existing dwelling

Type of development	Development standards
(b) Major additions or alterations to detached single storey dwelling-house	<p><b>Privacy:</b> windows in a habitable room having an outlook to an adjoining dwelling and within 3m of a boundary:</p> <ul style="list-style-type: none"> <li>are at least 0.5m from the window of the adjoining dwelling, or</li> <li>have sill heights of 1.5m above floor level, or</li> <li>have fixed opaque glass in any part of the windows less than 1.5m above floor level</li> </ul>
	<p><b>Tree protection:</b> no part of the structure located within 6m of an existing tree</p>
	<p><b>Structure:</b> maximum floor space ratio of 0.5:1</p> <p>maximum height of:</p> <ul style="list-style-type: none"> <li>2.7m from floor level to underside of eaves</li> <li>500mm from ground level to ground floor level</li> </ul> <p>roof pitch a maximum of 25 degrees</p>

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Type of development	Development standards	
	Siting:	<p>setback of external walls:</p> <ul style="list-style-type: none"><li>• no part of the structure located in front of the Council's building line</li><li>• from side and rear boundary—minimum of 900mm</li></ul> <p>setback of eaves and gutters overhang a minimum of 675mm from side and rear boundaries</p>
	Carparking:	<p>1 carparking space provided behind front building line. Each space has minimum dimensions of 2.7m x 5.5m</p>
	Privacy:	<p>windows in a habitable room having an outlook to an adjoining dwelling and within 3m of a boundary:</p> <ul style="list-style-type: none"><li>• are at least 0.5m from the window of the adjoining dwelling, or</li><li>• have sill heights of 1.5m above floor level, or</li><li>• have fixed opaque glass in any part of the window less than 1.5m above floor level</li></ul>



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Type of development	Development standards
	<p data-bbox="788 611 1267 880"><b>Energy efficiency:</b> satisfies a 3.5 star rating (Sustainable Energy Development Authority (SEDA) scorecard or Nationwide House Energy Rating Software for Australian Conditions (NatHERS) report)</p> <p data-bbox="788 902 1267 1137"><b>Standards:</b> 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 data-bbox="1018 1160 1267 1249">a minimum of 20% of the site has no hard surfaces</p> <p data-bbox="1018 1272 1267 1361">no more than one-third of the front setback area is paved or sealed</p> <p data-bbox="788 1384 1267 1469"><b>Tree protection:</b> no part of the structure located within 6m of an existing tree</p>

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Type of development		Development standards	
<b>5 Erection and use of dwelling-house</b>			
(a) New detached single storey dwelling-house on land other than land in Zone No 9 (b)	<b>Siting:</b>	setback of external walls:	
			<ul style="list-style-type: none"><li>• at least 6m from front boundary in residential zoned areas</li><li>• no part of the structure located in front of the Council's building line</li><li>• waterfront reserves—in accordance with the Council's <i>Building Line Development Control Plan</i></li><li>• from side and rear boundary—minimum of 900mm</li></ul>
		setback of eaves and gutters overhang a minimum of 675mm from side and rear boundaries	
	<b>Carparking:</b>	1 carparking space provided behind front building line	
	<b>Roof pitch:</b>	maximum of 25 degrees	

Type of development	Development standards
	<p data-bbox="788 622 903 651"><b>Structure:</b></p> <p data-bbox="1018 622 1241 680">maximum floor space ratio of 0.5:1</p> <p data-bbox="1018 712 1225 741">maximum height of:</p> <ul data-bbox="1018 741 1251 965" style="list-style-type: none"> <li data-bbox="1018 741 1251 853">• 2.7m from floor level to underside of eaves</li> <li data-bbox="1018 853 1251 965">• 500mm from ground level to ground floor level</li> </ul> <p data-bbox="788 996 879 1025"><b>Privacy:</b></p> <p data-bbox="1018 996 1267 1133">windows in a habitable room having an outlook to an adjoining dwelling and within 3m of a boundary:</p> <ul data-bbox="1018 1164 1267 1525" style="list-style-type: none"> <li data-bbox="1018 1164 1267 1267">• are at least 0.5m from the window of the adjoining dwelling, or</li> <li data-bbox="1018 1267 1267 1357">• have sill heights of 1.5m above floor level, or</li> <li data-bbox="1018 1357 1267 1525">• have fixed opaque glass in any part of the window less than 1.5m above floor level</li> </ul> <p data-bbox="788 1556 995 1585"><b>Energy efficiency:</b></p> <p data-bbox="1018 1556 1267 1807">satisfies a 3.5 star rating (Sustainable Energy Development Authority (SEDA) scorecard or Nationwide House Energy Rating Software for Australian Conditions (NatHERS) report)</p>

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	<b>Tree protection:</b> no part of the structure located within 6m of an existing tree
	<b>Impact:</b> 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
	<b>Landscaping:</b> a minimum of 20% of the site has no hard surfaces  no more than one-third of the front setback area is paved or sealed
(b) New detached two storey dwelling-house in the urban development program	<b>Siting:</b> setback of external walls: <ul style="list-style-type: none"><li>• 6m from front boundary in residential zones areas</li><li>• no part of the structure located in front of the Council's building line</li><li>• waterfront reserves—in accordance with the Council's <i>Building Line Development Control Plan</i></li><li>• from side and rear boundary—minimum of 900mm</li></ul>

Type of development	Development standards
	<p>setback of eaves and gutters overhang a minimum of 675mm from side and rear boundaries</p>
<b>Carparking:</b>	<p>1 carparking space provided behind front building line</p>
<b>Roof pitch:</b>	<p>maximum of 25 degrees</p>
<b>Structure:</b>	<p>maximum floor space ratio of 0.5:1</p> <p>maximum height of:</p> <ul style="list-style-type: none"> <li>• 5.5m from floor level to underside of eaves</li> <li>• 500mm from ground level to ground floor level</li> </ul>
<b>Privacy:</b>	<p>windows in a habitable room having an outlook to an adjoining dwelling and within 3m of a boundary:</p> <ul style="list-style-type: none"> <li>• are at least 0.5m from the window of the adjoining dwelling, or</li> <li>• have sill heights of 1.5m above floor level, or</li> <li>• have fixed opaque glass in any part of the window less than 1.5m above floor level</li> </ul>

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Type of development	Development standards
	<b>Energy efficiency:</b> satisfies a 3.5 star rating (Sustainable Energy Development Authority (SEDA) scorecard or Nationwide House Energy Rating Software for Australian Conditions (NatHERS) report)
	<b>Tree protection:</b> no part of the structure located within 6m of an existing tree
	<b>Impact:</b> 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
	<b>Landscaping:</b> a minimum of 20% of the site has no hard surfaces  no more than one-third of the front setback area is paved or sealed
<b>6 Change of use of a building</b>	
(a) Light industry to light industry	<ul style="list-style-type: none"><li>the total floor space of the building does not exceed 500m<sup>2</sup></li><li>the building has either rear service access or access to off-street loading facilities</li><li>the building has been lawfully constructed to be used for the purposes of a light industry</li></ul>

Type of development	Development standards
(b) Shop to shop or commercial premises to commercial premises	<ul style="list-style-type: none"> <li>• the curtilage of the building is not intended to be used for storage or display purposes</li> <li>• the hours of operation do not extend outside 6am and 6pm</li> <li>• 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</li> <li>• the building has been lawfully constructed to be used for a shop or commercial premises</li> <li>• the building is not to be used as premises in which:               <ul style="list-style-type: none"> <li>(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</li> <li>(b) there is conducted a business an object of which is the display or sale of any article, material, compound, preparation, device or other thing (whether of the same or of a different kind or nature) that is primarily concerned with, or is used or intended to be used in connection with, sexual behaviour but is not printed matter</li> </ul> </li> <li>• the proposed use is not that of a brothel</li> </ul>

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Type of development	Development standards
	<ul style="list-style-type: none"><li>the curtilage of the shop or commercial premises is not intended to be used for storage or display purposes</li><li>the hours of operation of the shop or commercial premises do not extend outside the hours during which the shop or commercial premises was so used immediately before the commencement of the new use</li><li>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</li><li>the existing building and any proposed alterations to comply with the fire safety provisions of the <i>Building Code of Australia</i></li></ul>
<b>7 Alterations (non-residential)</b>	<ul style="list-style-type: none"><li>certification is obtained from a qualified practising structural engineer</li><li>the alteration involves only the internal fabric or appearance of the building</li><li>the development does not involve the enlargement or extension of the work</li><li>the existing building and any proposed alterations to comply with the fire safety provisions of the <i>Building Code of Australia</i></li></ul>
<b>8 Machinery or hay sheds associated with agricultural activities on the property</b>	<p>non-rural zones including conservation and scenic protection zones:</p> <ul style="list-style-type: none"><li>maximum total area of 120m<sup>2</sup> for all sheds</li><li>a maximum of 3 sheds totalling 120m<sup>2</sup> for any one property</li></ul>



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<b>Type of development</b>	<b>Development standards</b>
	properties less than 10 hectares in area:
	<ul style="list-style-type: none"><li>• maximum height of 6m</li></ul>
	nominated exclusion areas:
	<ul style="list-style-type: none"><li>• minimum setback of 5m from side and rear property boundaries</li><li>• located behind the building line and not in front of the dwelling</li></ul>

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## Schedule 2    Amendment of Interim Development Order No 122—Gosford

(Clause 4 (1) (b))

### [1]    Clause 3

Omit the definition of *Bed and breakfast accommodation* from clause 3 (1).

Insert instead:

*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.

### [2]    Clause 3 (1), definition of “Cluster development”

Omit the definition. Insert instead:

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

### [3]    Clause 3 (1), definition of “Motel”

Omit the words “or residential flat building”.

Insert instead “, residential flat building or bed and breakfast accommodation”.

### [4]    Clause 3 (1)

Insert in alphabetical order:

*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.

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

**[5] Clause 3 (1), definition of “residential flat building”**

Omit “but does not include anything elsewhere defined in this Order”.

**[6] Clause 5 Zone objectives and development control table**

Insert “home industries;” in alphabetical order in item 2 of the matter relating to Zone No 1 (a) in the Table to the clause.

**[7] Clause 5, Table**

Insert “rural tourist facilities; rural tourist units” in alphabetical order in item 2 of the matter relating to Zone Nos 1 (a) and 1 (b).

**[8] Clause 5, Table**

Insert “dual occupancies—attached;” in alphabetical order in item 2 of the matter relating to Zone No 7 (b).

**[9] Clause 5, Table**

Omit “motel;” from item 2 of the matter relating to Zone No 7 (c3).

**[10] Clause 5, Table**

Insert “tourist units;” in alphabetical order in item 2 of the matter relating to Zone No 7 (c3).

**[11] Clause 24 Tourist units**

Omit “A motel”. Insert instead “Tourist units”.

**[12] Clause 24 (2) and (3)**

Omit “a motel” wherever occurring. Insert instead “tourist units”.

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### [13]    **Clause 30A**

Insert after clause 30:

#### **30A    Bed and breakfast accommodation**

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.

### [14]    **Clause 40C Complying development**

Insert “and the development of which would cause disturbance of those acid sulphate soils” after “soils” in clause 40C (3) (a) (iii).

### [15]    **Clause 40C (3A)**

Insert after clause 40C (3):

(3A) 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 a map held by the Council.

### [16]    **Schedules 3 and 4**

Omit the Schedules. Insert instead:

## **Schedule 3    Exempt development**

(Clause 40B)

Type of development		Limit
<b>1    Erection and use of a business identification sign listed below</b>		
(a)    Business signs in Business Zones		
Suspended under awning		<b>Maximum size:</b> 1.5m <sup>2</sup> in area

Type of development	Limit	
sign	<b>Siting:</b>	if over a public road, erected at a minimum height of 3m above ground level
	<b>Structure:</b>	one per premises  securely fixed by metal supports
	<b>Heritage:</b>	not erected on an item of environmental heritage
Vertical or horizontal projecting wall signs	<b>Maximum size:</b>	2.5m <sup>2</sup> in area
	<b>Siting:</b>	if over a public road, erected at a minimum height of 3m above ground level
	<b>Structure:</b>	one per premises
	<b>Heritage:</b>	not erected on an item of environmental heritage
Flush wall signs	<b>Maximum size:</b>	2.5m <sup>2</sup> in area
	<b>Siting:</b>	if over a public road, erected at a minimum height of 3m above ground level
	<b>Structure:</b>	securely fixed
	<b>Heritage:</b>	not erected on an item of environmental heritage

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Type of development		Limit
(b) Business identification signs in Industrial Zones	<b>Maximum size:</b>	2.5m <sup>2</sup> in area
	<b>Siting:</b>	if over a public road, erected at a minimum height of 3m above ground level
	<b>Structure:</b>	securely fixed
(c) Business identification signs in Residential Zones	<b>Maximum size:</b>	0.75m <sup>2</sup> in area
	<b>Siting:</b>	if over a public road, erected at a minimum height of 3m above ground level
<b>2 Ancillary development relating to a dwelling, being 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)</b>		
(a) Air conditioning units	<b>Siting:</b>	attached to an external wall or ground mounted involving fully integrated systems  all mechanical components and their enclosures located a minimum of 6m from any property boundary and behind building line to any street frontage

Type of development	Limit	
(b) Awnings, canopies and storm blinds	<b>Maximum area:</b>	10m <sup>2</sup> per structure  maximum aggregate area of 30m <sup>2</sup>
	<b>Siting:</b>	located wholly within property boundaries
	<b>Drainage:</b>	incorporates drainage to prevent discharge of stormwater to adjoining properties and provides discharge to appropriate outlets
(c) Barbecues	<b>Maximum size:</b>	10m <sup>2</sup> in area
	<b>Maximum height:</b>	2.1m
	<b>Siting:</b>	located behind the building line and not located in a prominent location  located in an area not to cause a nuisance to those on adjoining allotments  minimum of 450mm from boundary
(d) Bird aviaries, cabanas, cubbyhouses, garden sheds, greenhouses and shadehouses and workshops and the like	<b>Maximum size:</b>	maximum floor area of 12m <sup>2</sup>  maximum height of 2.4m
	<b>Siting:</b>	minimum of 450mm from boundary  located in the rear yard  not located in a highly visible or prominent position

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Type of development	Limit
(e) Children's play equipment (other than cubbyhouses)	<b>Structure:</b> one per premises
	<b>Drainage:</b> adequate disposal of stormwater
	stormwater not directed to adjoining properties
	not where structure will impede floodways or overland flowpaths
	<b>Bushfire control:</b> no structure consisting of highly flammable materials on land shown as high bushfire hazard on a map held by the Council
	<b>Usage:</b> for domestic purposes only
(f) Clothes lines	<b>Maximum size:</b> maximum height of 2.4m (except for basketball backboards and poles—maximum height of 3.5m)
	<b>Siting:</b> located behind building line to any street frontage
	located at least 900mm from any property boundary
(f) Clothes lines	<b>Siting:</b> located behind building line to any street frontage and not within the front yard
	<b>Installation:</b> to manufacturer's specifications



Type of development	Limit
(g) Decks	<p><b>Maximum size:</b> maximum area of 30m<sup>2</sup></p> <p>maximum width of 3m</p> <p>maximum height of 500mm above finished ground level</p> <p><b>Siting:</b> located behind building line</p> <p>minimum side boundary setback of 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><b>Structure:</b> not roofed or enclosed on sides</p> <p>structurally sound and of good quality</p> <p>all timbers to be of a minimum durability class 2 or adequately treated</p> <p><b>Bushfire control:</b> no structure consisting of highly flammable materials on land shown as high bushfire hazard on a map held by the Council</p>

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Type of development	Limit	
(h) Driveways within the property boundaries	<b>Heritage:</b>	not on land affected by <i>Gosford Local Environmental Plan No 183, Development Control Plan No 34—Items of Environmental Heritage</i> , the <i>Heritage Act 1977</i> or <i>Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)</i>
	<b>Maximum size:</b>	maximum width of 3.5m
	<b>Siting:</b>	located at or near ground level so as not to require retaining or filling to depths greater than 600mm
	<b>Structure:</b>	complies with the requirements of AS 2890.1—1993, <i>Parking facilities, Part 1: Off-street car parking</i>
	<b>Drainage:</b>	incorporates drainage to prevent discharge of surface water to adjoining properties and to provide discharge to appropriate outlets  does not affect the overland flowpath of surface water so as to adversely affect adjoining properties

Type of development	Limit
(i) Fences—front	<div data-bbox="788 622 1259 824"> <b>Tree protection:</b> driveways located within 3m of existing trees are constructed of loose pavers to allow minor ground movement due to root system </div> <div data-bbox="788 846 1259 992"> <b>Maximum height:</b> open style (eg picket or pool fencing): 1.2m  solid (eg decorative brick or timber): 1m </div> <div data-bbox="788 1014 1259 1193"> <b>Siting:</b> on or behind the building line  gates do not obstruct pedestrian access along a public roadway </div> <div data-bbox="788 1216 1259 1529"> <b>Structure:</b> of materials compatible with streetscape  not made of solid metal materials  no fences with high flammability on land shown as high bushfire hazard on a map held by the Council </div> <div data-bbox="788 1552 1259 1695"> <b>Tree protection:</b> no strip footing construction where a tree is located within 3m on either private or public property </div>

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Type of development	Limit
(j) Fences—side and rear	<p><b>Maximum size:</b> maximum height of 1.8m</p> <p><b>Siting:</b> not where fence will impede floodways or overland flowpaths behind building line does not interfere with traffic visibility at intersections</p> <p><b>Tree protection:</b> no strip footing construction where a tree is located within 3m on either private or public property</p> <p><b>Privacy screens:</b> open style privacy screens such as lattice must have a maximum length of 3m and a maximum height above the fence of 450mm and must not be attached to the fence structure</p>
(k) Flagpoles	<p><b>Maximum size:</b> maximum height of 6m above existing ground level</p> <p><b>Siting:</b> located at least 1m from any boundaries</p> <p><b>Structure:</b> one only for any single allotment of land structurally adequate</p>
(l) Lighting	<p><b>General:</b> not for a tennis court or sportsfield</p>
(m) Paving (not including paths)	<p><b>Maximum size:</b> maximum area of 30m<sup>2</sup></p>

Type of development	Limit	
(n) Pergolas and sails	<b>Siting:</b>	at ground level
	<b>Drainage:</b>	incorporates drainage to prevent discharge of surface water to adjoining properties and to provide discharge to appropriate outlets
		does not affect the overland flowpath of surface water so as to adversely affect adjoining properties
	<b>Tree protection:</b>	areas of paving located within 3m of existing trees are constructed of loose pavers to allow minor ground movement due to root system
	<b>Maximum size:</b>	maximum area of 30m <sup>2</sup>  maximum height of 2.4m above ground or, if the building has a deck, above existing deck level
	<b>Siting:</b>	minimum side boundary setback of 900mm  behind building line  not within the zone of influence of an existing sewer main or drainage easement  not over an easement or right of carriageway

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Type of development	Limit
	not within a secondary overflow path or natural watercourse
<b>Bushfire control:</b>	no pergolas with high flammability on land shown as high bushfire hazard on a map held by the Council
<b>Drainage:</b>	not where pergolas will impede floodways or overland flowpaths
<b>Structure:</b>	only one per lot and not exceeding an aggregate area of 30m <sup>2</sup>
	not roofed or enclosed on sides
	not attached to fences
	structurally sound and of good quality
	all timbers to be of a minimum durability class 2 or adequately treated
	sails to be made of a pervious material and to comply with the manufacturer's specifications

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Type of development	Limit	
(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)	<b>Heritage:</b>	not on properties affected by <i>Gosford Local Environmental Plan No 183, Development Control Plan No 34—Items of Environmental Heritage</i> , the <i>Heritage Act 1977</i> or <i>Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)</i>
	<b>Maximum size:</b>	maximum volume of 4,500 litres
	<b>Specifications:</b>	complies with AS/NZS 2179.1:1994, <i>Specifications for rainwater goods, accessories and fasteners, Part 1: Metal shape or sheet rainwater goods, and metal accessories and fasteners</i> and AS 2180—1986, <i>Metal rainwater goods—Selection and installation</i>
	<b>Siting:</b>	maximum height of 1.8m above ground level  located at least 900mm from any property boundaries  located behind building line to any street frontage

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Type of development	Limit
	not located over stormwater or sewer pipes
	not resting on the edge of wall footings
	<b>Drainage:</b> provision made to prevent overflow running onto adjoining properties
	<b>Structure:</b> 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
	<b>Water connection:</b> no connection or cross-connection between the reticulated town water supply and tank water
(p) Rainwater tanks on land in Zone No 1 (a), (b), 1 (c), 7 (a), 7 (b), 7 (c2), 7 (c3), 7 (c4), 7 (c5), 7 (c6), 7 (d) or 7 (e)	<b>Specifications:</b> complies with AS/NZS 2179.1:1994, <i>Specifications for rainwater goods, accessories and fasteners, Part 1: Metal shape or sheet rainwater goods, and metal accessories and fasteners</i> and AS 2180—1986, <i>Metal rainwater goods—Selection and installation</i>



Type of development	Limit
(q) Retaining walls	support structure to manufacturer's specifications or requirements of qualified practising structural engineer
	<b>Structure:</b>
	not resting on the edge of wall footings
	<b>Maximum area:</b>
	maximum height of 1m above or below natural ground level
	<b>Siting:</b>
	located on slopes not greater than 20%
	located no closer than 5m apart
	not constructed over sewer mains or sewer manholes
	<b>Structure:</b>
	structurally sound and of good quality
	masonry walls comply with: AS 3700.2001, <i>Masonry structures</i> , AS 3600—2001, <i>Concrete structures</i> , AS/NZS 1170.1:2002, AS/NZS 1170.2:2002 and AS 1170.4—1993 (Minimum design loads on structures)

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Type of development	Limit
(r) Satellite dishes	timber walls comply with: AS 1720.1—1997, AS 1720.2—1990 and AS 1720.4—1990 (Timber structures) AS/NZS 1170.1:2002, AS/NZS 1170.2:2002 and AS 1170.4—1993 (Minimum design loads on structures)
	<b>Drainage:</b> do not impede the natural flow of stormwater drainage or run-off
	<b>Tree protection:</b> not constructed within 3m of an existing tree
	<b>Maximum size:</b> maximum diameter of 1.2m
	<b>Siting:</b> maximum height of 1.5m above lowest point of roof
	behind the building line and located no closer than 900mm to side boundaries
	no detrimental effect on adjoining properties
	<b>Usage:</b> for domestic purposes only

Type of development	Limit	
(s) Skylights and roof windows (including solar tubes or similar installations)	<b>Maximum area:</b>	maximum area of skylight does not exceed 1m <sup>2</sup>
	<b>Siting:</b>	located not less than 900mm from a property boundary and not less than 900mm from a wall separating attached dwellings
	<b>Structure:</b>	building work will not reduce the structural integrity of the building or involve structural alterations
		any openings created by the installation are adequately weatherproofed
(t) Solar water heaters	<b>Installation:</b>	installed to manufacturer's specifications
		installed by a licensed person and in accordance with the provisions of the relevant Australian Standards
	<b>Structure:</b>	does not reduce the structural integrity of the building
		any opening is sealed by the use of adequate weatherproofing

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Type of development	Limit	
(u) Solid fuel heaters	<b>Structure:</b>	complies with AS/NZS 4013:1999, <i>Domestic solid fuel burning appliances—Method for determination of flue gas emission</i>  rain excluders, if used, are of a type which do not impede the vertical flow of exhaust gases
	<b>Installation:</b>	in accordance with AS/NZS 2918:2001, <i>Domestic solid fuel burning appliances—Installation</i> and undertaken by licensed installer
	<b>Siting:</b>	chimney or flue a minimum of 300mm above any structure within a 3.6m horizontal radius
	<b>Point of discharge:</b>	the top of the chimney or flue must be at least 1m higher than any other building within a 15m radius
	<b>Height of chimney or flue:</b>	maximum height of 6m above roof
(v) Television aerials or antennae	<b>Maximum size:</b>	maximum height of 6m above roof  maximum width of 1.5m

Type of development	Limit	
(w) Temporary buildings: <ul style="list-style-type: none"> <li>builders' sheds</li> <li>portalos</li> <li>scaffolds</li> </ul> associated with construction sites where development consent or construction certificate approval exists	<b>Siting:</b>	located within property boundaries
	<b>Structure:</b>	structurally adequate  on site for a period of not more than 5 months within any 12-month period
	<b>Drainage:</b>	stormwater not directed to adjoining properties
(x) Water heaters (other than solar systems)	<b>Installation:</b>	carried out by a licensed person
(y) Access ramps and stairs	<b>Maximum size:</b>	maximum height of 1m  maximum grade of 1:14 (ramps)
	<b>Location:</b>	behind building alignment
	<b>Standard:</b>	In accordance with the <i>Building Code of Australia</i> and AS 1428.1—2001, <i>Design for access and mobility, Part 1: General requirements for access—New building work</i>

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Type of development	Limit
<b>3 Demolition on land</b> (other than demolition of a heritage item affected by <i>Gosford Local Environmental Plan No 183, Development Control Plan No 34—Items of Environmental Heritage</i> , the <i>Heritage Act 1977</i> or <i>Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)</i> or demolition requiring a waste management plan under <i>Development Control Plan 106—Controls for Site Waste Management</i> )	Demolition is carried out in accordance with AS 2601—2001, <i>Demolition of structures</i>
<b>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</b>	<p>Rotten or white ant affected timbers may only be replaced with new timber or recycled timber of the same or similar dimensions</p> <p>Damaged, rotten or deteriorated doors and windows may only be replaced with new materials of similar overall dimensions in the same locations</p> <p>Wall and ceiling sheet cladding materials may only be replaced with new sheet cladding materials</p> <p>Where materials are external, the replacement of masonry is not permitted</p> <p>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</p> <p>Includes a change from tiles to metal sheeting, but only if stormwater is to be directed to an approved drainage system</p>

Type of development	Limit
	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
	<p>The movement, deletion or inclusion of doorways within the structure may occur only if:</p> <ul style="list-style-type: none"> <li>(a) it does not cause a change in archways, room sizes or layout of the existing dwelling or part of the existing dwelling, and</li> <li>(b) the work is non-structural, and</li> <li>(c) there is no reduction of light and ventilation to existing rooms, and</li> <li>(d) the work is internal only</li> </ul>
	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

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Type of development	Limit
<b>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) 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</b>	<b>Heritage:</b> not on properties affected by <i>Gosford Local Environmental Plan No 183, Development Control Plan No 34—Items of Environmental Heritage</i> , the <i>Heritage Act 1977</i> or <i>Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)</i>
	<b>Structure:</b> 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



Type of development	Limit
	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 <i>Building Code of Australia</i>
<b>Materials:</b>	materials other than masonry
	external materials of low reflectivity
<b>Heritage:</b>	not on properties affected by <i>Gosford Local Environmental Plan 183, Development Control Plan No 34—Items of Environmental Heritage</i> , the <i>Heritage Act 1977</i> or <i>Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)</i>
<b>Drainage:</b>	stormwater directed to an approved drainage system

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Type of development		Limit
<b>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) 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</b>		
(a) Access ramps	<b>Maximum size:</b>	maximum height of 1m  maximum grade of 1:14 (for ramps)
	<b>Standard:</b>	in accordance with the <i>Building Code of Australia</i> and AS 1428.1—2001, <i>Design for access and mobility, Part 1: General requirements for access—New building work</i>
(b) Bridges and staircases installed in public parks and recreation areas	<b>Structure:</b>	bridges to maximum span of 5m and constructed by or for the Council  design, fabrication and installation to be in accordance with AS 4100—1998 (for steel structures) and AS 1720.1—1997, AS 1720.2—1990 and AS 1720.4—1990 (for timber structures)

Type of development	Limit	
(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)	<b>Standards:</b>	construction by or for the Council or sporting organisation and installed in accordance with relevant Australian Standards
(d) Parks and street furniture including seats, bins, picnic tables and minor shelters	<b>Standards:</b>	construction by or for the Council and installed in accordance with relevant Australian Standards
(e) Playground equipment on community land	<b>Standards:</b>	constructed by or for the Council and designed, fabricated and installed in accordance with the relevant Australian Standards
<b>7 Development for the purpose of recreation and sporting facilities of minor environmental significance</b>	<b>General:</b>	in accordance with a plan of management prepared by the Council
<b>8 Subdivisions of minor environmental significance on land other than land in Zone No 6 (d)</b>	<b>General:</b>	subdivision for one of the following purposes only: <ul style="list-style-type: none"> <li>widening a public road</li> </ul>

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Type of development	Limit
	<ul style="list-style-type: none"><li>• making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of any additional allotment</li><li>• making an adjustment to a boundary between allotments that does not constitute a resubdivision</li><li>• a minor adjustment that does not significantly change the size or shape of the allotments by more than 10%</li><li>• rectifying an encroachment on an allotment</li><li>• creating a public reserve</li><li>• consolidating allotments</li></ul>

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Type of development	Limit
	<ul style="list-style-type: none"> <li>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</li> <li>making an adjustment to a boundary between allotments, being an adjustment that does not involve allotments with a split land use zone classification, flood liable classification, bushfire hazard classification or requiring geotechnical assessment</li> </ul>

## Schedule 4 Complying development

(Clause 40C)

Type of development	Development standards	
<b>1 Ancillary development (other than exempt development) relating to a dwelling, being the erection and use of:</b> <ul style="list-style-type: none"> <li>• Awnings, canopies or storm blinds</li> <li>• Cabanas, gazebos or greenhouses</li> <li>• Cubbyhouses</li> <li>• Garden sheds</li> <li>• Workshops and the like</li> <li>• Screen enclosures</li> </ul>	<b>Size:</b>	minimum area of 10m <sup>2</sup> and maximum area of 20m <sup>2</sup>  maximum height of 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
	<b>Siting:</b>	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

Type of development	Development standards
<b>2 Erection and use of a garage, carport or awning associated with a dwelling</b>  (a) Carports and awnings	<b>Materials:</b> non-reflective external walling and roofing materials
	<b>Stormwater:</b> stormwater disposal for roofed structures connected to street gutter or disposal area
	<b>High bushfire hazard:</b> only structures built of non-combustible materials permitted
	<b>Flood liable:</b> structures built of flood compatible materials permitted (see <i>Development Control Plan No 115</i> )
	<b>Maximum size:</b> 40m <sup>2</sup> in area
	<b>Maximum height:</b> 250cm from ground level to ground floor level  2.7m from floor level to underside of eaves  maximum roof pitch of 25 degrees
	<b>Siting:</b> 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

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Type of development	Development standards
	<b>Materials:</b> non-reflective external walling and roofing materials
	<b>Stormwater:</b> stormwater disposal for roofed structures connected to street gutter or disposal area
	<b>High bushfire hazard:</b> only structures built of non-combustible materials permitted
	<b>Flood liable:</b> structures built of flood compatible materials permitted (see <i>Development Control Plan No 115</i> )
	<b>Streetscape:</b> where facing a public road or access way—maximum width of 6m or 50% of the frontage, whichever is less
	<b>Setback:</b> carport or awning posts may extend to the allotment boundary provided no part of the structure encroaches beyond that boundary  roof covering set back 500mm from boundary
	<b>Tree protection:</b> no part of the structure located within 6m of an existing tree

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Type of development	Development standards
(b) Garages	<p><b>Maximum size:</b> maximum area of 50m<sup>2</sup></p> <p>maximum height of:</p> <ul style="list-style-type: none"> <li>• 250mm from ground level to ground floor level</li> <li>• 2.7m from floor level to underside of eaves</li> </ul> <p>maximum roof pitch of 25 degrees</p> <p><b>Siting:</b> no part of the structure located in front of the Council's building line</p> <p>external wall of the structure set back at least 900mm from a side or rear boundary</p> <p><b>Tree protection:</b> no part of the structure located within 6m of an existing tree</p> <p><b>Materials:</b> non-reflective external walling and roofing materials</p> <p><b>Streetscape:</b> where facing a public road or access way—maximum width of 6m or 50% of the frontage, whichever is the lesser</p> <p><b>Stormwater:</b> stormwater connected to street gutter or disposal area</p>

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Type of development		Development standards
3 Construction and use of spas and swimming pools associated with a dwelling	<b>High bushfire hazard:</b>	structures built of non-combustible materials permitted
	<b>Flood liable:</b>	the installation of sewer drainage fixtures not permitted
		structures built of flood compatible materials permitted (see <i>Development Control Plan No 115</i> )
	<b>Siting:</b>	no part of the structure located in front of the Council's building line
		located a minimum of 1.2m from side or rear boundaries (measurement is from boundary to edge of water)
	<b>Height:</b>	pool coping and decking no more than 500mm above ground level
	<b>Fencing:</b>	minimum of 1.2m in height with self latching gate
		to comply with the provisions of the <i>Swimming Pools Act 1992</i> and AS 1926.1—1993, <i>Swimming pool safety, Part 1: Fencing for swimming pools</i>

Type of development	Development standards
<b>Noise:</b>	filtration or pumps do not exceed a noise level 5dBA above the ambient background level measured at the property boundary
<b>Overflow:</b>	backwash disposed of to sewer  overflow pipe provided and connected to sewer  wherever sewer is not available, backwash and overflow is to be directed to a suitable on site location that does not affect adjoining properties or pollute any natural watercourse
<b>Drainage:</b>	coping graded and drained so as not to cause a nuisance to adjoining property
<b>Tree protection:</b>	no part of the structure located within 6m of an existing tree
<b>Flood liable:</b>	permitted subject to electrical fixtures being located above the 1% Annual Exceedance Probability

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Type of development	Development standards	
<b>4 Alterations or additions to a dwelling (not including awnings, enclosures and the like)</b>		
(a) Minor internal alterations (structural and non-structural) to a dwelling, and minor additions or alterations to detached single storey dwelling-house	<b>Siting:</b>	setback of external walls: <ul style="list-style-type: none"><li>no part of the structure located in front of the Council's building line</li><li>from side and rear boundary—minimum of 900mm</li></ul> setback of eaves and gutters overhang a minimum of 675mm from side and rear boundaries
	<b>Maximum area:</b>	maximum floor space of 50m <sup>2</sup> maximum floor space ratio of 0.5:1
	<b>Structure:</b>	maximum height of: <ul style="list-style-type: none"><li>2.7m from floor level to underside of eaves</li><li>500mm from ground level to ground floor level</li></ul> roof pitch compatible with the pitch of the existing dwelling

Type of development	Development standards
(b) Major additions or alterations to detached single storey dwelling-house	<p><b>Privacy:</b> windows in a habitable room having an outlook to an adjoining dwelling and within 3m of a boundary:</p> <ul style="list-style-type: none"> <li>are at least 0.5m from the window of the adjoining dwelling, or</li> <li>have sill heights of 1.5m above floor level, or</li> <li>have fixed opaque glass in any part of the windows less than 1.5m above floor level</li> </ul>
	<p><b>Tree protection:</b> no part of the structure located within 6m of an existing tree</p>
	<p><b>Structure:</b> maximum floor space ratio of 0.5:1</p> <p>maximum height of:</p> <ul style="list-style-type: none"> <li>2.7m from floor level to underside of eaves</li> <li>500mm from ground level to ground floor level</li> </ul> <p>roof pitch a maximum of 25 degrees</p>

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Type of development	Development standards
	<p><b>Siting:</b></p> <p>setback of external walls:</p> <ul style="list-style-type: none"><li>• no part of the structure located in front of the Council's building line</li><li>• from side and rear boundary—minimum of 900mm</li></ul> <p>setback of eaves and gutters overhang a minimum of 675mm from side and rear boundaries</p>
	<p><b>Carparking:</b></p> <p>1 carparking space provided behind front building line. Each space has minimum dimensions of 2.7m x 5.5m</p>
	<p><b>Privacy:</b></p> <p>windows in a habitable room having an outlook to an adjoining dwelling and within 3m of a boundary:</p> <ul style="list-style-type: none"><li>• are at least 0.5m from the window of the adjoining dwelling, or</li><li>• have sill heights of 1.5m above floor level, or</li><li>• have fixed opaque glass in any part of the window less than 1.5m above floor level</li></ul>

Type of development	Development standards
	<p><b>Energy efficiency:</b> satisfies a 3.5 star rating (Sustainable Energy Development Authority (SEDA) scorecard or Nationwide House Energy Rating Software for Australian Conditions (NatHERS) report)</p> <p><b>Standards:</b> 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>a minimum of 20% of the site has no hard surfaces</p> <p>no more than one-third of the front setback area is paved or sealed</p> <p><b>Tree protection:</b> no part of the structure located within 6m of an existing tree</p>

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Type of development	Development standards	
<b>5 Erection and use of dwelling-house</b>		
(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)	<b>Siting:</b>	setback of external walls: <ul style="list-style-type: none"><li>• at least 6m from front boundary in residential zoned areas</li><li>• no part of the structure located in front of the Council's building line</li><li>• waterfront reserves—in accordance with the Council's <i>Building Line Development Control Plan</i></li><li>• from side and rear boundary—minimum of 900mm</li></ul> setback of eaves and gutters overhang a minimum of 675mm from side and rear boundaries
	<b>Carparking:</b>	1 carparking space provided behind front building line
	<b>Roof pitch:</b>	maximum of 25 degrees



Type of development	Development standards
	<p data-bbox="788 622 903 656"><b>Structure:</b></p> <p data-bbox="1018 622 1241 685">maximum floor space ratio of 0.5:1</p> <p data-bbox="1018 712 1225 745">maximum height of:</p> <ul data-bbox="1018 745 1251 965" style="list-style-type: none"> <li data-bbox="1018 745 1251 853">• 2.7m from floor level to underside of eaves</li> <li data-bbox="1018 853 1251 965">• 500mm from ground level to ground floor level</li> </ul> <p data-bbox="788 992 879 1025"><b>Privacy:</b></p> <p data-bbox="1018 992 1267 1133">windows in a habitable room having an outlook to an adjoining dwelling and within 3m of a boundary:</p> <ul data-bbox="1018 1160 1267 1525" style="list-style-type: none"> <li data-bbox="1018 1160 1267 1267">• are at least 0.5m from the window of the adjoining dwelling, or</li> <li data-bbox="1018 1267 1267 1352">• have sill heights of 1.5m above floor level, or</li> <li data-bbox="1018 1352 1267 1525">• have fixed opaque glass in any part of the window less than 1.5m above floor level</li> </ul> <p data-bbox="788 1552 995 1585"><b>Energy efficiency:</b></p> <p data-bbox="1018 1552 1267 1807">satisfies a 3.5 star rating (Sustainable Energy Development Authority (SEDA) scorecard or Nationwide House Energy Rating Software for Australian Conditions (NatHERS) report)</p>

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Gosford Local Environmental Plan No 429

Schedule 2

Amendment of Interim Development Order No 122—Gosford

Type of development	Development standards
	<b>Tree protection:</b> no part of the structure located within 6m of an existing tree
	<b>Impact:</b> 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
	<b>Landscaping:</b> a minimum of 20% of the site has no hard surfaces  no more than one-third of the front setback area is paved or sealed
(b) New detached two storey dwelling-house in the urban development program	<b>Siting:</b> setback of external walls: <ul style="list-style-type: none"><li>• 6m from front boundary in residential zones areas</li><li>• no part of the structure located in front of the Council's building line</li><li>• waterfront reserves—in accordance with the Council's <i>Building Line Development Control Plan</i></li><li>• from side and rear boundary—minimum of 900mm</li></ul>

Type of development	Development standards
	<p>setback of eaves and gutters overhang a minimum of 675mm from side and rear boundaries</p>
<b>Carparking:</b>	<p>1 carparking space provided behind front building line</p>
<b>Roof pitch:</b>	<p>maximum of 25 degrees</p>
<b>Structure:</b>	<p>maximum floor space ratio of 0.5:1</p> <p>maximum height of:</p> <ul style="list-style-type: none"> <li>• 5.5m from floor level to underside of eaves</li> <li>• 500mm from ground level to ground floor level</li> </ul>
<b>Privacy:</b>	<p>windows in a habitable room having an outlook to an adjoining dwelling and within 3m of a boundary:</p> <ul style="list-style-type: none"> <li>• are at least 0.5m from the window of the adjoining dwelling, or</li> <li>• have sill heights of 1.5m above floor level, or</li> <li>• have fixed opaque glass in any part of the window less than 1.5m above floor level</li> </ul>

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Schedule 2

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Type of development	Development standards
	<b>Energy efficiency:</b> satisfies a 3.5 star rating (Sustainable Energy Development Authority (SEDA) scorecard or Nationwide House Energy Rating Software for Australian Conditions (NatHERS) report)
	<b>Tree protection:</b> no part of the structure located within 6m of an existing tree
	<b>Impact:</b> 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
	<b>Landscaping:</b> a minimum of 20% of the site has no hard surfaces  no more than one-third of the front setback area is paved or sealed
<b>6 Change of use of a building</b>	
(a) Light industry to light industry	<ul style="list-style-type: none"><li>the total floor space of the building does not exceed 500m<sup>2</sup></li><li>the building has either rear service access or access to off-street loading facilities</li><li>the building has been lawfully constructed to be used for the purposes of a light industry</li></ul>

Type of development	Development standards
(b) Shop to shop or commercial premises to commercial premises	<ul style="list-style-type: none"> <li>• the curtilage of the building is not intended to be used for storage or display purposes</li> <li>• the hours of operation do not extend outside 6am and 6pm</li> <li>• 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</li> <li>• the building has been lawfully constructed to be used for a shop or commercial premises</li> <li>• the building is not to be used as premises in which: <ul style="list-style-type: none"> <li>(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</li> <li>(b) there is conducted a business an object of which is the display or sale of any article, material, compound, preparation, device or other thing (whether of the same or of a different kind or nature) that is primarily concerned with, or is used or intended to be used in connection with, sexual behaviour but is not printed matter</li> </ul> </li> </ul>

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Type of development	Development standards
7 Alterations (non-residential)	<ul style="list-style-type: none"><li>the proposed use is not that of a brothel</li><li>the curtilage of the shop or commercial premises is not intended to be used for storage or display purposes</li><li>the hours of operation of the shop or commercial premises do not extend outside the hours during which the shop or commercial premises was so used immediately before the commencement of the new use</li><li>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</li><li>the existing building and any proposed alterations to comply with fire safety provisions of the <i>Building Code of Australia</i></li></ul>
	<ul style="list-style-type: none"><li>certification is obtained from a qualified practising structural engineer</li><li>the alteration involves only the internal fabric or appearance of the building</li><li>the development does not involve the enlargement or extension of the work</li><li>the existing building and any proposed alterations to comply with fire safety provisions of the <i>Building Code of Australia</i></li></ul>

Type of development	Development standards
<b>8 Machinery or hay sheds associated with agricultural activities on the property</b>	<p>non-rural zones including conservation and scenic protection zones:</p> <ul style="list-style-type: none"> <li>• maximum total area of 120m<sup>2</sup> for all sheds</li> <li>• a maximum of 3 sheds totalling 120m<sup>2</sup> for any one property</li> </ul> <p>properties less than 10 hectares in area:</p> <ul style="list-style-type: none"> <li>• maximum height of 6m</li> </ul> <p>nominated exclusion areas:</p> <ul style="list-style-type: none"> <li>• minimum setback of 5m from side and rear property boundaries</li> <li>• located behind the building line and not in front of the dwelling</li> </ul>