



New South Wales

# Gosford Local Environmental Plan No 474

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

RICHARD PEARSON

As delegate for the Minister for Planning and Infrastructure

## **2012 No 521**

Clause 1            Gosford Local Environmental Plan No 474

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## **Gosford Local Environmental Plan No 474**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Gosford Local Environmental Plan No 474*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to land at Kings Avenue, Terrigal, being Lot 2, DP 1111392, Lots 8 and 9, DP 876102, part of Lot 202, DP 831864, Lot 4, DP 37914 and Lot 1, DP 381971, as shown distinctively coloured and lettered “2 (a)”, “6 (a)”, “6 (c)” and “7 (a)” on the map marked “Gosford Local Environmental Plan No 474” deposited in the office of the Council.

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## Schedule 1      Amendment of Gosford Planning Scheme Ordinance

### [1]    Clause 3

Insert in appropriate order in the definition of *Scheme map* in clause 3 (1):

Gosford Local Environmental Plan No 474 to the extent to which that map relates to land shown as being within a zone other than Zone No 7 (a) within the meaning of Interim Development Order No 122—Gosford

### [2]    Clause 49X

Insert after clause 49W:

#### **49X    Development of land at Kings Avenue, Terrigal**

- (1) This clause applies to Lot 2, DP 1111392, Lots 8 and 9, DP 876102, part of Lot 202, DP 831864, Lot 4, DP 37914 and Lot 1, DP 381971, Kings Avenue, Terrigal, as shown coloured dark green and lettered “6 (a)”, coloured light scarlet with heavy black edging and marked “2 (a)” and coloured dark green with heavy yellow edging and lettered “6 (c)” on the map marked “Gosford Local Environmental Plan No 474” deposited in the office of the Council.
- (2) Clauses 27A, 29B, 30AAA and 49BA do not apply to the land to which this clause applies.
- (3) Development may, with development consent, be carried out on land to which this clause applies that is also within Zone 2 (a) for the purpose of a home business that involves the use of at least 30 square metres of floor area, but does not involve the use of more than 60 square metres of floor area.
- (4) The consent authority must not consent to the erection of a dwelling house on land to which this clause applies unless the consent authority is satisfied that adequate provision is to be made for a home business to be carried out in the dwelling house.
- (5) Development for the purpose of cluster development is prohibited on land to which this clause applies that is also within Zone 2 (a).
- (6) Development may, with development consent, be carried out on land to which this clause applies that is also within Zone 2 (a) for the purpose of a home business support hub that involves the use of no more than 600 square metres of floor space.

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(7) The consent authority must not grant development consent for the subdivision of land to which this clause applies that is also within Zone 2 (a) unless the area of any lot to be created by the subdivision will be at least 550 square metres.

(8) In this clause:

**home business** means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

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

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

- (a) business premises,
- (b) child care centres,
- (c) community facilities,
- (d) function centres,
- (e) neighbourhood shops,
- (f) office premises,
- (g) recreation facilities (indoor),
- (h) restaurants or cafes.

(9) A word or expression used in this clause has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* unless it is otherwise defined in this clause.

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

**[1]    Clause 2**

Insert at the end of clause 2 (2A):

Land at Terrigal, being Lot 2, DP 1111392, Lots 8 and 9, DP 876102, part of Lot 202, DP 831864, Lot 4, DP 37914 and Lot 1, DP 381971, as shown coloured dark green and lettered “6(a)”, coloured light scarlet with heavy black edging and marked “2(a)” and coloured dark green with heavy yellow edging and lettered “6(c)” on the map marked “Gosford Local Environmental Plan No. 474” deposited in the office of the Council.

**[2]    Clause 3**

Insert in appropriate order in the definition of *I.D.C. Map* in clause 3 (1):  
Gosford Local Environmental Plan No. 474