



New South Wales

Gosford Local Environmental Plan 2014

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows.

SAM HADDAD

As delegate for the Minister for Planning and Infrastructure

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Gosford Local Environmental Plan 2014

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1.1 Name of Plan

This Plan is *Gosford Local Environmental Plan 2014*.

1.1AA Commencement

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

1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Gosford in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
 - (a) to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Gosford,
 - (b) to foster economic, environmental and social well being so that Gosford continues to develop as a sustainable and prosperous place to live, work and visit,
 - (c) to provide community and recreation facilities, maintain suitable amenities and offer a variety of quality lifestyle opportunities to a diverse population,
 - (d) to strengthen the regional position of Gosford City Centre as the service and employment centre for the Central Coast,
 - (e) to concentrate intensive land uses and trip-generating activities in locations that are most accessible to transport and centres,
 - (f) to promote the efficient and equitable provision of public services, infrastructure and amenities,
 - (g) to conserve, protect and enhance the environmental and cultural heritage of Gosford,

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- (h) to protect and enhance the natural environment in Gosford, incorporating ecologically sustainable development,
- (i) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires,
- (j) to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas,
- (k) to promote design principles in all development to improve the safety, accessibility, health and well being of residents and visitors,
- (l) to encourage the development of sustainable tourism that is compatible with the surrounding environment.

1.3 Land to which Plan applies

- (1) This Plan applies to the land identified on the Land Application Map.
- (1A) Despite subclause (1), this Plan does not apply to the land identified as “Deferred Matter” on the Land Application Map.

1.4 Definitions

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

1.5 Notes

Notes in this Plan are provided for guidance and do not form part of this Plan.

1.6 Consent authority

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

1.7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.

(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

(4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

Note. The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Infrastructure.

1.8 Repeal of planning instruments applying to land

(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

Note. The following local environmental plans are repealed under this provision:

Gosford City Centre Local Environmental Plan 2005

Gosford City Centre Local Environmental Plan 2007

Gosford Local Environmental Plan No 22

Hornsby Planning Scheme Ordinance

(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

Note. While *Gosford Planning Scheme Ordinance* and *Interim Development Order No 122—Gosford* no longer apply to the land to which this Plan applies, they will continue to apply to the land identified as “Deferred Matter” under clause 1.3 (1A).

1.8A Savings provision relating to development applications

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

Note. However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

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1.9 Application of SEPPs

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:
 - State Environmental Planning Policy No 1—Development Standards*
 - State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* (clause 6 and Parts 3 and 4)
 - State Environmental Planning Policy No 60—Exempt and Complying Development*
- (2A) *State Environmental Planning Policy No 71—Coastal Protection* does not apply to Gosford City Centre.

1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
 - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
 - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
 - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
 - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.

- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

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Clause 2.1 Gosford Local Environmental Plan 2014

Part 2 Permitted or prohibited development

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Plan are as follows:

Rural Zones

RU1 Primary Production

RU2 Rural Landscape

RU3 Forestry

RU5 Village

Residential Zones

R1 General Residential

R2 Low Density Residential

Business Zones

B1 Neighbourhood Centre

B2 Local Centre

B3 Commercial Core

B4 Mixed Use

B5 Business Development

B6 Enterprise Corridor

Industrial Zones

IN1 General Industrial

IN4 Working Waterfront

Special Purpose Zones

SP1 Special Activities

SP2 Infrastructure

Recreation Zones

RE1 Public Recreation

RE2 Private Recreation

Environment Protection Zones

E1 National Parks and Nature Reserves

E2 Environmental Conservation

E3 Environmental Management

E4 Environmental Living

Waterway Zones

W1 Natural Waterways

W2 Recreational Waterways

2.2 Zoning of land to which Plan applies

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and Land Use Table

- (1) The Land Use Table at the end of this Part specifies for each zone:
 - (a) the objectives for development, and
 - (b) development that may be carried out without development consent, and
 - (c) development that may be carried out only with development consent, and
 - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part:
 - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

Notes.

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

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Clause 2.4 Gosford Local Environmental Plan 2014

Part 2 Permitted or prohibited development

2.4 Unzoned land

- (1) Development may be carried out on unzoned land only with development consent.
- (2) Before granting development consent, the consent authority:
 - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
 - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
 - (a) with development consent, or
 - (b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

Notes.

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
 - 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.
- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Note. The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 14 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Land Use Table

Note. A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental

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Clause 2.8 Gosford Local Environmental Plan 2014

Part 2 Land Use Table

planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:

State Environmental Planning Policy (Affordable Rental Housing) 2009 (including provision for secondary dwellings)

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Infrastructure) 2007—relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 64—Advertising and Signage

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that development is compatible with the desired future character within the zone.
- To protect biodiversity, water catchments, water quality, soil conditions and important ecosystems, such as streams (and associated riparian areas), sedgeland, estuaries and wetlands, from inappropriate development and land management practices.
- To ensure that the plateau remains free from land uses that may sterilise sustainable primary production and natural resource use and to minimise potential incompatible land uses.

2 Permitted without consent

Extensive agriculture; Home occupations; Horticulture; Viticulture

3 Permitted with consent

Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Dwelling houses; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Garden centres; Home-based child care; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Roads; Roadside stalls; Rural industries; Rural workers' dwellings; Secondary dwellings; Veterinary hospitals; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone RU2 Rural Landscape**1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To promote development that can be carried out in a manner that minimises risk from natural hazards, functions efficiently, does not prejudice other economic development and does not significantly detract from the aesthetic or conservation quality of land.
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.
- To ensure that development is compatible with the desired future character of the zone.
- To permit development that will not place undue demands on existing infrastructure.

2 Permitted without consent

Extensive agriculture; Home occupations; Recreation areas

3 Permitted with consent

Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Dwelling houses; Environmental protection works; Extractive industries; Farm buildings; Farm stay

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Clause 2.8 Gosford Local Environmental Plan 2014

Part 2 Land Use Table

accommodation; Garden centres; Home-based child care; Home industries; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation facilities (outdoor); Roads; Roadside stalls; Secondary dwellings; Veterinary hospitals; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone RU3 Forestry

1 Objectives of zone

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.
- To recognise the environmental values of State forests in Gosford.

2 Permitted without consent

Environmental protection works; Uses authorised under the *Forestry Act 2012*

3 Permitted with consent

Roads

4 Prohibited

Any development not specified in item 2 or 3

Zone RU5 Village

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To permit development that will not place undue demands on existing infrastructure.
- To promote ecologically, socially and economically sustainable development.
- To ensure that development is compatible with the desired future character within the zone.

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

Business premises; Child care centres; Community facilities; Dwelling houses; Extensive agriculture; Horticulture; Information and education facilities; Light industries; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Retail premises; Rural industries; Schools; Service stations; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development is compatible with the desired future character of the zone.
- To promote best practice in the design of multi dwelling housing and other similar types of development.
- To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.

2 Permitted without consent

Home occupations; Recreation areas

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Car parks; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Group homes; Home-based child care; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing

4 Prohibited

Any development not specified in item 2 or 3

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Part 2 Land Use Table

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development is compatible with the desired future character of the zone.
- To encourage best practice in the design of low-density residential development.
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.
- To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.

2 Permitted without consent

Home occupations; Recreation areas

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Child care centres; Community facilities; Dwelling houses; Group homes; Home-based child care; Home industries; Hospitals; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Secondary dwellings; Seniors housing

4 Prohibited

Any development not specified in item 2 or 3

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To allow for an increased residential population in neighbourhood centres where land is not required to serve local needs.
- To ensure that development is compatible with the desired future character of the zone.

- To promote ecologically, socially and economically sustainable development.
- To ensure that local nodes and neighbourhood centres are recognised as small-scale centres that provide a range of services and facilities commensurate with their local population catchments and that development is of a scale that is appropriate to meet local needs.
- To encourage residential development as either stand alone development or as part of mixed use development in local nodes and neighbourhood centres, while retaining opportunities for retail and service activities to serve the population in the immediate locality.

2 Permitted without consent

Recreation areas; Roads

3 Permitted with consent

Boarding houses; Business premises; Child care centres; Community facilities; Dwelling houses; Medical centres; Neighbourhood shops; Residential flat buildings; Respite day care centres; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Bulky goods premises; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Freight transport facilities; Function centres; Garden centres; Hardware and building supplies; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Hospitals; Industrial retail outlets; Industries; Information and education facilities; Landscaping material supplies; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Places of public worship; Plant nurseries; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Rural supplies; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Timber yards; Tourist

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Part 2 Land Use Table

and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wholesale supplies

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for residential uses, but only as part of a mixed use development.
- To ensure that development is compatible with the desired future character of the zone.
- To promote ecologically, socially and economically sustainable development.
- To ensure that the town centres of Erina and Woy Woy are recognised as providing a higher level, and greater diversity, of services and facilities to serve a wide population catchment from numerous localities and as key public transport nodes, secondary to Gosford City Centre.
- To ensure that village centres such as Avoca, East Gosford, Ettalong Beach, Kincumber, Lisarow, Niagara Park, Terrigal, Umina Beach, West Gosford and Wyoming are recognised as providing a broad range of services and facilities to serve the population of the locality.
- To ensure that villages are recognised as providing local level services and facilities and are developed at a scale that reflects their population catchment and as a focus for public transport routes.
- To ensure that the different roles of villages are recognised with some villages being key tourist destinations with boutique activities in addition to serving the needs of local residents, while other villages are purpose-built centres to serve the needs of the local population.
- To encourage the residential population of villages and town centres to contribute to the vitality of those locations.

2 Permitted without consent

Recreation areas

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Industrial retail outlets; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wholesale supplies

Zone B3 Commercial Core**1 Objectives of zone**

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

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Part 2 Land Use Table

- To strengthen the role of Gosford City Centre as the regional business, retail and cultural centre of the Central Coast.
- To encourage a diverse and compatible range of activities, including commercial and retail development, cultural and entertainment facilities, tourism, leisure and recreation facilities and social, education and health services.
- To provide for residential uses if compatible with neighbouring uses and employment opportunities.
- To create opportunities to improve the public domain and pedestrian links throughout Gosford City Centre.
- To provide for the retention and creation of view corridors.
- To protect and enhance the scenic quality and character of Gosford City Centre.

2 Permitted without consent

Nil

3 Permitted with consent

Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Service stations; Sewage treatment plants; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle

repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wholesale supplies

Zone B4 Mixed Use**1 Objectives of zone**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage a diverse and compatible range of activities, including commercial and retail development, cultural and entertainment facilities, tourism, leisure and recreation facilities, social, education and health services and higher density residential development.
- To allow development in Point Frederick to take advantage of and retain view corridors while avoiding a continuous built edge along the waterfront.
- To create opportunities to improve the public domain and pedestrian links of Gosford City Centre.
- To enliven the Gosford waterfront by allowing a wide range of commercial, retail and residential activities immediately adjacent to it and increase opportunities for more interaction between public and private domains.
- To protect and enhance the scenic qualities and character of Gosford City Centre.

2 Permitted without consent

Nil

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

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Clause 2.8 Gosford Local Environmental Plan 2014

Part 2 Land Use Table

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Freight transport facilities; Group homes (transitional); Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Hospitals; Hostels; Industrial retail outlets; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Resource recovery facilities; Rural industries; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wholesale supplies

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To ensure that development is compatible with the desired future character of the zone.
- To provide and protect land for employment-generating activities.
- To encourage the location of business and other premises requiring large floor plates in appropriate locations to ensure they do not sterilise commercial or residential areas.
- To recognise the importance of business lands at Erina and locations supporting Gosford City Centre at West Gosford and Wyoming.
- To recognise small isolated business and commercial areas located throughout Gosford.
- To recognise the range of service activities located in business areas that support business development.

- To ensure that business areas are not sterilised by residential development.

2 Permitted without consent

Nil

3 Permitted with consent

Bulky goods premises; Child care centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Passenger transport facilities; Respite day care centres; Roads; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Electricity generating works; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Hospitals; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Rural supplies; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems

Zone B6 Enterprise Corridor

1 Objectives of zone

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.

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Clause 2.8 Gosford Local Environmental Plan 2014

Part 2 Land Use Table

- To provide for residential uses, but only as part of a mixed use development.

2 Permitted without consent

Nil

3 Permitted with consent

Business premises; Community facilities; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Multi dwelling housing; Passenger transport facilities; Plant nurseries; Roads; Shop top housing; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Rural supplies; Service stations; Sewage treatment plants; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.

-
- To support and protect industrial land for industrial uses.
 - To promote ecologically, socially and economically sustainable development.
 - To ensure that retail, commercial or service land uses in industrial areas are of an ancillary nature.
 - To ensure that development is compatible with the desired future character of the zone.

2 Permitted without consent

Recreation areas

3 Permitted with consent

Depots; Freight transport facilities; General industries; Hardware and building supplies; Industrial training facilities; Landscaping material supplies; Light industries; Neighbourhood shops; Restaurants or cafes; Roads; Rural supplies; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Amusement centres; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Public administration buildings; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Storage premises; Tourist and visitor accommodation; Water recreation structures; Water supply systems

Zone IN4 Working Waterfront

1 Objectives of zone

- To retain and encourage waterfront industrial and maritime activities.
- To identify sites for maritime purposes and for activities that require direct waterfront access.

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Clause 2.8 Gosford Local Environmental Plan 2014

Part 2 Land Use Table

- To ensure that development does not have an adverse impact on the environmental and visual qualities of the foreshore.
- To encourage employment opportunities.
- To minimise any adverse effect of development on land uses in other zones.

2 Permitted without consent

Nil

3 Permitted with consent

Boat building and repair facilities; Boat launching ramps; Jetties; Light industries; Roads; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste disposal facilities; Water recycling facilities; Water supply systems; Wholesale supplies

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.

-
- To provide for sites with special natural characteristics that are not provided for in other zones.
 - To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Environmental facilities; Environmental protection works; Recreation areas

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To ensure that development is compatible with the desired future character of the zone.

2 Permitted without consent

Nil

3 Permitted with consent

Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

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Clause 2.8 Gosford Local Environmental Plan 2014

Part 2 Land Use Table

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To identify areas suitable for development for recreation, leisure and cultural purposes.
- To ensure that development is compatible with the desired future character of the zone.

2 Permitted without consent

Environmental facilities; Environmental protection works

3 Permitted with consent

Camping grounds; Car parks; Caravan parks; Child care centres; Community facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To ensure that development does not have an unacceptable impact on the amenity of nearby properties.
- To ensure that development is compatible with the desired future character of the zone.

2 Permitted without consent

Nil

3 Permitted with consent

Community facilities; Environmental facilities; Environmental protection works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Roads

4 Prohibited

Any development not specified in item 2 or 3

Zone E1 National Parks and Nature Reserves

1 Objectives of zone

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

2 Permitted without consent

Uses authorised under the *National Parks and Wildlife Act 1974*

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

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Clause 2.8 Gosford Local Environmental Plan 2014

Part 2 Land Use Table

- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.
- To ensure that development is compatible with the desired future character of the zone.
- To limit development in areas subject to steep slopes and flooding.

2 Permitted without consent

Nil

3 Permitted with consent

Bed and breakfast accommodation; Dwelling houses; Environmental facilities; Environmental protection works; Home occupations; Recreation areas; Roads; Water storage facilities

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.
- To ensure that development is compatible with the desired future character of the zone.
- To highlight the importance of providing an environmental buffer to areas of high ecological, scientific, cultural or aesthetic value.

2 Permitted without consent

Home occupations

3 Permitted with consent

Animal boarding or training establishments; Bed and breakfast accommodation; Dwelling houses; Environmental protection works; Extensive agriculture; Home-based child care; Home industries; Roads; Roadside stalls; Secondary dwellings; Veterinary hospitals; Water storage facilities

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.
- To provide land for low-impact tourist-related development that is of a scale that is compatible with the special ecological, scientific or aesthetic values of the area.
- To ensure that development is compatible with the desired future character of the zone.

2 Permitted without consent

Home occupations; Recreation areas

3 Permitted with consent

Animal boarding or training establishments; Camping grounds; Caravan parks; Dwelling houses; Eco-tourist facilities; Environmental protection works; Extensive agriculture; Home-based child care; Home industries; Pubs; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Roads; Secondary dwellings; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water storage facilities

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Clause 2.8 Gosford Local Environmental Plan 2014

Part 2 Land Use Table

4 Prohibited

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

Zone W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.
- To provide for aquaculture.

2 Permitted without consent

Environmental facilities; Environmental protection works; Moorings

3 Permitted with consent

Aquaculture; Boat sheds; Water recreation structures

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W2 Recreational Waterways

1 Objectives of zone

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.

2 Permitted without consent

Environmental facilities; Environmental protection works; Moorings

3 Permitted with consent

Boat sheds; Car parks; Food and drink premises; Function centres;
Kiosks; Marinas; Markets; Mooring pens; Water recreation structures

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Seniors
housing; Warehouse or distribution centres; Any other development not
specified in item 2 or 3

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Clause 3.1 Gosford Local Environmental Plan 2014

Part 3 Exempt and complying development

Part 3 Exempt and complying development

3.1 Exempt development

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
 - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
 - (3) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
 - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
 - (5) To be exempt development, the development must:
 - (a) be installed in accordance with the manufacturer's specifications, if applicable, and

- (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

Note. A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. A development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.

- (6) A heading to an item in Schedule 2 is part of that Schedule.

3.2 Complying development

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
 - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
 - (c) the development is designated development, or
 - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
 - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)), or
 - (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
 - (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
 - (a) the development standards specified in relation to that development, and
 - (b) the requirements of this Part,
 is complying development.

Note. See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.

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Clause 3.3 Gosford Local Environmental Plan 2014

Part 3 Exempt and complying development

- (3) To be complying development, the development must:
 - (a) be permissible, with development consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:
environmentally sensitive area for exempt or complying development means any of the following:
 - (a) the coastal waters of the State,
 - (b) a coastal lake,
 - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
 - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
 - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
 - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
 - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
 - (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,

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- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
 - (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

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Clause 4.1 Gosford Local Environmental Plan 2014

Part 4 Principal development standards

Part 4 Principal development standards

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
 - (a) to reflect State, regional and local planning strategies relating to the provision of various sizes of land,
 - (b) to ensure that the subdivision of land is compatible with the desired future character of the area,
 - (c) to promote the ecologically, socially and economically sustainable subdivision of land,
 - (d) to ensure that the creation of parcels of land for development occurs in a manner that protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will, through its potential cumulative effects, not create capacity problems for existing infrastructure.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows:
 - (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU5 Rural Village,
 - (d) Zone R2 Low Density Residential,
 - (e) Zone RE1 Public Recreation,
 - (f) Zone E2 Environmental Conservation,

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- (g) Zone E3 Environmental Management,
 - (h) Zone E4 Environmental Living.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential, recreation and environment protection zones

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation:
- (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU5 Rural Village,
 - (d) Zone R2 Low Density Residential,
 - (e) Zone RE1 Public Recreation,
 - (f) Zone E2 Environmental Conservation,
 - (g) Zone E3 Environmental Management,
 - (h) Zone E4 Environmental Living.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or *Strata Schemes (Leasehold Development) Act 1986*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

Note. Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that strata subdivision of a building in certain circumstances is specified complying development.

4.1B Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing and residential flat buildings

- (1) The objective of this clause is to achieve planned residential density in certain zones.
- (2) Development consent may be granted to development on a lot in Zone R1 General Residential for a purpose shown in Column 1 of the

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Clause 4.2 Gosford Local Environmental Plan 2014

Part 4 Principal development standards

Table to this clause if the area of the lot is equal to or greater than the area shown opposite that purpose in Column 2 of the Table.

Column 1	Column 2
Dual occupancy (attached)	550 square metres
Dual occupancy (detached)	800 square metres
Multi dwelling housing	750 square metres
Residential flat building	750 square metres
Attached dwelling	750 square metres

4.2 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone RU6 Transition.

Note. When this Plan was made it did not include all of these zones.

- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

Note. A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

4.3 Height of buildings

- (1) The objectives of this clause are as follows:
 - (a) to establish maximum height limits for buildings,
 - (b) to permit building heights that encourage high quality urban form,
 - (c) to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,

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- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity,
 - (e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,
 - (f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- Note.** Clauses 4.3A, 4.6, 5.6, 7.7 and 8.9 provide exceptions to the maximum height shown for the relevant land on the Height of Buildings Map in certain circumstances.
- (2A) Despite subclause (2), the maximum height of a building on land identified as “Woy Woy Town Centre”, “Umina Village Centre” or “Ettalong Village Centre” on the Development Incentives Application Map is 11.5 metres if:
- (a) the building is located on a site area of less than 1,000 square metres, or
 - (b) the building has a street frontage of less than 20 metres.
- (2B) Despite subclause (2), the maximum height of a building on land identified as “Erina Town Centre” on the Development Incentives Application Map is 11.5 metres if:
- (a) the building is located on a site area of less than 3,000 square metres, or
 - (b) the building has a street frontage of less than 40 metres.

4.3A Exceptions to maximum building height in Terrigal Village Centre

- (1) The objectives of this clause are as follows:
 - (a) to establish a range of public and urban design benefits,
 - (b) to disguise the impact of any additional height on the overall scale and bulk of building forms,
 - (c) to minimise the impact of any additional height on panoramic coastal and ocean views that are available from the surrounding residential hillsides,
 - (d) to establish the maximum height limit for certain buildings in the Terrigal Village Centre.
- (2) This clause applies to the land identified as “Terrigal Village Centre” on the Development Incentives Application Map.

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- (3) Despite clause 4.3 (2), the maximum height of a building on land to which this clause applies is 2.75 metres less than the height shown for that land on the Height of Buildings Map if:
 - (a) the building is on a site area of less than 2,000 square metres, or
 - (b) the building has a street frontage of less than 20 metres.
- (4) Despite clause 4.3 (2), the maximum height of a building on land to which this clause applies is 2.75 metres more than the height shown for that land on the Height of Buildings Map if:
 - (a) the building is on a site area of at least 2,000 square metres, and
 - (b) the building has a street frontage of at least 20 metres, and
 - (c) the consent authority is satisfied that the development incorporates at least one publicly accessible outdoor space facing a street or lane that reinforces the level of retail activity and contributes to the accessibility of existing pedestrian spaces and includes:
 - (i) open alleyways that link existing laneways or streets, or
 - (ii) open courtyards that receive satisfactory levels of mid-winter sunlight.
- (5) Despite clause 4.4 (2), if subclause (4) applies to a building, the gross floor area of any part of the building that exceeds the maximum height of the building shown for the land on the Height of Buildings Map may increase the gross floor area of the building by a maximum of 25% of the site area.

4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
 - (a) to establish standards for the maximum development density and intensity of land use,
 - (b) to control building density and bulk in relation to site area in order to achieve the desired future character for different locations,
 - (c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,
 - (d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,
 - (e) to provide an appropriate correlation between the size of a site and the extent of any development on that site,

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- (f) to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design,
 - (g) to ensure that the floor space ratio of buildings on land in Zone R1 General Residential reflects Council's desired building envelope,
 - (h) to encourage lot amalgamation and new development forms in Zone R1 General Residential with car parking below ground level.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- Note.** See Part 8 for exceptions to the maximum floor space ratio for buildings in Gosford City Centre.
- (2A) Despite subclause (2), the maximum floor space ratio for a building on land in Zone R1 General Residential for which the maximum floor space ratio on the Floor Space Ratio Map is 0.7:1 or 0.85:1 is to be:
- (a) if the building is used for the purpose of an attached dwelling, semi-detached dwelling or dual occupancy—0.5:1 or 0.6:1, respectively, or
 - (b) if the building is on a site area of less than 1,000 square metres and is used for the purpose of a residential flat building or multi dwelling housing with all on-site car parking located in the basement—0.6:1 or 0.7:1, respectively, or
 - (c) if the building is used for the purpose of a residential flat building or multi dwelling housing and includes on-site car parking that is not located in the basement—0.5:1 or 0.6:1, respectively, or
 - (e) if the building is used for any other purpose (excluding a dwelling house)—0.6:1 or 0.75:1, respectively.
- (2B) Despite subclause (2), the maximum floor space ratio for a building is as follows:
- (a) if the building is used for the purpose of a dwelling house—0.5:1, or
 - (b) if the building is used for any other purpose and is located on land in Zone RU5 Village, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living—0.15:1.

4.4A Town centres and village centres—floor space ratios

- (1) Despite clause 4.4 (2), the maximum floor space ratio for a building that is on land identified as “Woy Woy Town Centre”, “Umina Village

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Centre” or “Ettalong Village Centre” on the Development Incentives Application Map is 1:1 if:

- (a) the building is located on a site area of less than 1,000 square metres, or
 - (b) the building has a street frontage of less than 20 metres.
- (2) Despite clause 4.4 (2), the maximum floor space ratio for a building that is on land identified as “Woy Woy Town Centre” on the Development Incentives Application Map is 2.1:1 if:
- (a) the building is located on a site area of at least 1,000 square metres, but less than 1,500 square metres, and
 - (b) the building has a street frontage of at least 20 metres.
- (3) Despite clause 4.4 (2), the maximum floor space ratio for a building that is on land identified as “Erina Town Centre” on the Development Incentives Application Map is 1:1 if:
- (a) the building is located on a site area of less than 3,000 square metres, or
 - (b) the building has a street frontage of less than 40 metres.
- (4) Despite clause 4.4 (2), the maximum floor space ratio for a building that is on land identified as “Terrigal Village Centre” on the Development Incentives Application Map is 1:1 if:
- (a) the building is located on a site area of less than 2,000 square metres, or
 - (b) the building has a street frontage of less than 20 metres.
- (5) Despite clause 4.4 (2), the maximum floor space ratio for a building that is on land identified as “Terrigal Village Centre” on the Development Incentives Application Map is 1.8:1 if:
- (a) the building is located on a site area of less than 2,000 square metres, and
 - (b) the building has a street frontage of at least 20 metres.

4.5 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,

-
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
- (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
 - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
 - (iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”**

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area**

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area**

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions**

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the

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proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”**

When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and

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- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
 - (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- Note.** When this Plan was made it did not include all of these zones.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
 - (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (ca) clauses 6.1–6.3.

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5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Maritime Services
Zone SP2 Infrastructure and marked "Local road widening"	Council
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note. If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this clause. Pending the designation of the acquiring authority for the land, the acquiring authority is to be the authority

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determined by order of the Minister for Planning and Infrastructure (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).

5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

Note. Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
- (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

Note. In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 10 metres.
- (3) This clause does not apply to:
 - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
 - (a1) land in Zone B3 Commercial Core, Zone RE2 Private Recreation, Zone E4 Environmental Living or Zone W2 Recreational Waterways, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

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5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation**

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 4 bedrooms.

Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

(2) **Home businesses**

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

(3) **Home industries**

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.

(4) **Industrial retail outlets**

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) 10% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
 - (b) 400 square metres,
- whichever is the lesser.

(5) **Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 4 bedrooms.

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 50 square metres.

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.

(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 30 square metres.

(9) **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 20% of the total floor area of the principal dwelling.

5.5 Development within the coastal zone

(1) The objectives of this clause are as follows:

- (a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,
- (b) to implement the principles in the NSW Coastal Policy, and in particular to:
 - (i) protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and
 - (ii) protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and
 - (iii) provide opportunities for pedestrian public access to and along the coastal foreshore, and
 - (iv) recognise and accommodate coastal processes and climate change, and
 - (v) protect amenity and scenic quality, and
 - (vi) protect and preserve rock platforms, beach environments and beach amenity, and
 - (vii) protect and preserve native coastal vegetation, and
 - (viii) protect and preserve the marine environment, and
 - (ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
 - (x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and
 - (xi) protect Aboriginal cultural places, values and customs, and
 - (xii) protect and preserve items of heritage, archaeological or historical significance.

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- (2) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:
- (a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:
 - (i) maintaining existing public access and, where possible, improving that access, and
 - (ii) identifying opportunities for new public access, and
 - (b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:
 - (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and
 - (ii) the location, and
 - (iii) the bulk, scale, size and overall built form design of any building or work involved, and
 - (c) the impact of the proposed development on the amenity of the coastal foreshore including:
 - (i) any significant overshadowing of the coastal foreshore, and
 - (ii) any loss of views from a public place to the coastal foreshore, and
 - (d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and
 - (e) how biodiversity and ecosystems, including:
 - (i) native coastal vegetation and existing wildlife corridors, and
 - (ii) rock platforms, and
 - (iii) water quality of coastal waterbodies, and
 - (iv) native fauna and native flora, and their habitats, can be conserved, and
 - (f) the cumulative impacts of the proposed development and other development on the coastal catchment.
- (3) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:
- (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and

- (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
- (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
- (d) the proposed development will not:
 - (i) be significantly affected by coastal hazards, or
 - (ii) have a significant impact on coastal hazards, or
 - (iii) increase the risk of coastal hazards in relation to any other land.

5.6 Architectural roof features

- (1) The objectives of this clause are as follows:
 - (a) to permit variations to maximum building height standards for roof features of visual interest,
 - (b) to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
 - (a) the architectural roof feature:
 - (i) comprises a decorative element on the uppermost portion of a building, and
 - (ii) is not an advertising structure, and
 - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
 - (iv) will cause minimal overshadowing, and
 - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

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5.7 Development below mean high water mark

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

5.8 Conversion of fire alarms

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent:
 - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
 - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
 - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
 - (a) internal alterations to a building, or
 - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:

private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.
Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
 - (a) development consent, or
 - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
 - (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
 - (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,unless the Council is satisfied that the proposed activity:
 - (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and

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- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:
 - (a) the clearing of native vegetation:
 - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
 - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
 - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
 - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
 - (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
 - (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

Note. Permissibility may be a matter that is determined by or under any of these Acts.

- (9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

Note. When this Plan was made it did not include all of these zones.

5.9AA Trees or vegetation not prescribed by development control plan

- (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.
- (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives

The objectives of this clause are as follows:

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

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

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- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required**

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) **Effect of proposed development on heritage significance**

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage assessment**

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans**

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

(7) **Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

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

(8) **Aboriginal places of heritage significance**

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

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

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(9) **Demolition of nominated State heritage items**

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

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

(10) **Conservation incentives**

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

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

5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

Note. The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.

- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

5.13 Eco-tourist facilities

- (1) The objectives of this clause are as follows:
- (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
 - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
- (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
 - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
 - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
 - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and indigenous flora and fauna will be minimal, and
 - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
 - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
 - (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours materials and landscaping with local indigenous flora, and
 - (h) any infrastructure services to the site will be provided without significant modification to the environment, and

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- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
 - (i) measures to remove any threat of serious or irreversible environmental damage,
 - (ii) the maintenance (or regeneration where necessary) of habitats,
 - (iii) efficient and minimal energy and water use and waste output,
 - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
 - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

Part 6 Urban release areas

6.1 Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (3) Subclause (2) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
 - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
 - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

6.2 Public utility infrastructure

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

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Clause 6.3 Gosford Local Environmental Plan 2014

Part 6 Urban release areas

6.3 Development control plan

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following:
 - (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,
 - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
 - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
 - (d) a network of active and passive recreation areas,
 - (e) stormwater and water quality management controls,
 - (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
 - (g) detailed urban design controls for significant development sites,
 - (h) measures to encourage higher density living around transport, open space and service nodes,
 - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
 - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subclause (2) does not apply to any of the following developments:
 - (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
 - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,

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- (c) a subdivision of land in a zone in which the erection of structures is prohibited,
 - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

6.4 Relationship between Part and remainder of Plan

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

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Clause 7.1 Gosford Local Environmental Plan 2014

Part 7 Additional local provisions—generally

Part 7 Additional local provisions—generally

7.1 Acid sulfate soils

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:
 - (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and
 - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

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- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
 - (a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
 - (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
 - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
 - (6) Despite subclause (2), development consent is not required under this clause to carry out any works if:
 - (a) the works involve the disturbance of less than 1 tonne of soil, and
 - (b) the works are not likely to lower the watertable.

7.2 Flood planning

- (1) The objectives of this clause are as follows:
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
 - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to land at or below the flood planning level.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
 - (a) is compatible with the flood hazard of the land, and
 - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) incorporates appropriate measures to manage risk to life from flood, and
 - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian

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Clause 7.3 Gosford Local Environmental Plan 2014

Part 7 Additional local provisions—generally

vegetation or a reduction in the stability of river banks or watercourses, and

- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

7.3 Floodplain risk management

- (1) The objectives of this clause are as follows:
 - (a) in relation to development with particular evacuation or emergency response issues, to enable evacuation of land subject to flooding in events exceeding the flood planning level,
 - (b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.
- (2) This clause applies to land between the flood planning level and the level of a probable maximum flood, but does not apply to land subject to the discharge of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.
- (3) Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land:
 - (a) caravan parks,
 - (b) correctional facilities,
 - (c) emergency services facilities,
 - (d) group homes,
 - (e) hospitals,
 - (f) residential care facilities,
 - (g) tourist and visitor accommodation.

7.4 Development in Somersby Business Park

- (1) The objectives of this clause are as follows:
 - (a) to maximise the opportunity for industrial development in Somersby Business Park to provide employment opportunities in Gosford,

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- (b) to protect ecologically significant land and land with Aboriginal heritage characteristics in Somersby Business Park,
 - (c) to ensure that the function and appearance of future subdivision of, or other development in, Somersby Business Park protects ecologically significant land and land with Aboriginal heritage characteristics within Somersby Business Park,
 - (d) to provide that subdivision occurs in a flexible manner to take account of ecologically significant land and land with Aboriginal heritage characteristics within Somersby Business Park.
- (2) This clause applies to land identified as “Somersby Business Park” on the Key Sites Map.
 - (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority considers that the development is consistent with:
 - (a) any applicable plan of management adopted by the consent authority, and
 - (b) the objectives of this clause.
 - (4) In deciding whether to grant development consent to the subdivision of land to which this clause applies, the consent authority must consider the following:
 - (a) whether the proposed subdivision relates to land identified as “Ecologically Significant and Aboriginal Heritage Lands” on the Key Sites Map,
 - (b) the potential for the lots to be created from the proposed subdivision to accommodate future development (in terms of their size, configuration and the topography of the land) that will not have an adverse impact on the protection of the ecological and Aboriginal heritage characteristics of the locality.

7.5 Caravan parks and manufactured home estates

- (1) The objectives of this clause are as follows:
 - (a) to ensure the social and economic well being of residents of caravan parks and manufactured home estates at risk of displacement due to the redevelopment of caravan parks and manufactured home estates,
 - (b) to encourage the retention of caravan parks and other forms of low-cost accommodation on certain land in Gosford,
 - (c) to prevent development that would result in a loss of low-cost accommodation on land unless sufficient comparable accommodation is available elsewhere in Gosford.

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Clause 7.6 Gosford Local Environmental Plan 2014

Part 7 Additional local provisions—generally

- (2) This clause applies to development on land identified as “Caravan Parks and Manufactured Home Estates” on the Manufactured Home Estate Map, other than development for the following purposes:
 - (a) a caravan park,
 - (b) a camping ground,
 - (c) a manufactured home estate,
 - (d) a public utility undertaking.
- (3) Development consent must not be granted for development to which this clause applies unless the consent authority has considered the following:
 - (a) whether the proposed development is likely to reduce the availability of low-cost accommodation on the land,
 - (b) whether sufficient comparable accommodation is available to meet the demand for low-cost accommodation in Gosford,
 - (c) whether the proposed development is likely to cause adverse social and economic impacts on existing residents or the general community of Gosford,
 - (d) whether adequate arrangements have been made to assist existing residents to find alternative and comparable accommodation in Gosford,
 - (e) whether the cumulative impact of the loss of low-cost accommodation is likely to significantly decrease the availability of low-cost accommodation in Gosford.
- (4) Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied that:
 - (a) sufficient accommodation will be available to accommodate the maximum number of people that could be accommodated by any existing development on the land from time to time in the 12 months before 27 February 2004, and
 - (b) the accommodation referred to in paragraph (a) will be comparable to that provided on the land in relation to price, facilities, services and type of tenure.
- (5) In this clause, *manufactured home estate* has the same meaning as in *State Environmental Planning Policy No 36—Manufactured Home Estates*.

7.6 Short-term rental accommodation

- (1) The objective of this clause is to require development consent for the temporary use of dwellings containing 5 or 6 bedrooms as short-term rental accommodation.

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- (2) Despite any other provision of this Plan, development consent may be granted for the use of a dwelling containing 5 or 6 bedrooms as short-term rental accommodation.

7.7 Affordable housing at 85–93 Karalta Road, Erina

- (1) The objective of this clause is to increase the supply of affordable rental housing for very low, low and moderate income earning households by providing incentives for the development of new affordable rental housing.
- (2) This clause applies to development for the purpose of a residential flat building on land identified as “Area 1, Karalta Road” on the Development Incentives Application Map if:
- (a) the development will include at least 1 dwelling that contains 2 bedrooms, and
 - (b) the gross floor area of the development that is to be used for the purpose of affordable housing is at least 80 square metres.
- (3) Despite clause 4.3 (2), the maximum building height for development to which this clause applies is 13.75 metres.
- (4) Despite clause 4.4 (2), the maximum floor space ratio for development to which this clause applies is 1:1.
- (5) Development consent must not be granted to development to which this clause applies unless conditions are imposed by the consent authority to the effect that:
- (a) for 10 years from the date of the issue of the occupation certificate:
 - (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and
 - (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and
 - (b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, that will ensure that the requirements of paragraph (a) are met.
- (6) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that the development is, or will be, serviced by a reticulated water supply system and sewerage system.

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Clause 7.8 Gosford Local Environmental Plan 2014

Part 7 Additional local provisions—generally

- (7) A word or expression used in this clause has the same meaning as in *State Environmental Planning Policy (Affordable Rental Housing) 2009* unless it is otherwise defined in this Plan.

7.8 Development at Kings Avenue, Terrigal

- (1) This clause applies to land at Kings Avenue, Terrigal, being part of Lots 8 and 9, DP 876102, part of Lot 2, DP 1111392, part of Lot 4, DP 37914, part of Lot 1, DP 381971 and part of Lot 202, DP 831864, identified as “Parkside” on the Additional Permitted Uses Map.
- (2) Development consent must not be granted to development for the purpose of a dwelling house on land to which this clause applies unless the consent authority is satisfied that adequate provision will be made for a home business to be carried out in the dwelling house.
- (3) Development consent may be granted to the following development on land to which this clause applies:
 - (a) development for the purpose of a home business if the gross floor area used for that purpose will be at least 30 square metres, but will not exceed 60 square metres,
 - (b) development for the purpose of a home business support hub if no more than 600 square metres of floor space will be used for that purpose.
- (4) In this clause, **home business support hub** means a building used for any 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.
- (5) This clause prevails over any other provision in this Plan to the extent of any inconsistency.

7.9 Location of sex services premises

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

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- (2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:
- (a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land:
 - (i) in Zone R1 General Residential, Zone R2 Low Density Residential or Zone RE1 Public Recreation, or
 - (ii) used for the purposes of a child care centre, a community facility, a school or a place of public worship,
 - (b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children:
 - (i) that adjoins the proposed development, or
 - (ii) that can be viewed from the proposed development, or
 - (iii) from which a person can view the proposed development.
- (3) Despite subclause (2), if the sex services premises are proposed to be located in a building that contains one or more dwellings, development consent must not be granted to development for the purpose of sex services premises unless the sex services premises can only be accessed by a separate street entrance that does not provide access to the rest of the building.

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Clause 8.1 Gosford Local Environmental Plan 2014

Part 8 Additional local provisions—Gosford City Centre

Part 8 Additional local provisions—Gosford City Centre

8.1 Objectives of Part

The objectives of this Part are as follows:

- (a) to promote the economic and social revitalisation of Gosford City Centre,
- (b) to strengthen the regional position of Gosford City Centre as a multi-functional and innovative centre for commerce, education, health care, culture and the arts, while creating a highly liveable urban space with design excellence in all elements of its built and natural environments,
- (c) to protect and enhance the vitality, identity and diversity of Gosford City Centre,
- (d) to promote employment, residential, recreational and tourism opportunities in Gosford City Centre,
- (e) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Gosford City Centre achieves sustainable social, economic and environmental outcomes,
- (f) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Gosford City Centre for the benefit of present and future generations,
- (g) to help create a mixed use place, with activity during the day and throughout the evening, so that Gosford City Centre is safe, attractive and efficient for, and inclusive of, its local population and visitors alike,
- (h) to enhance the Gosford waterfront,
- (i) to provide direct, convenient and safe pedestrian links between Gosford City Centre and the Gosford waterfront.

8.2 Land to which this Part applies

- (1) This Part applies to Gosford City Centre.
- (2) A provision in this Part prevails over any other provision of this Plan to the extent of any inconsistency.

8.3 Floor space ratio

- (1) The maximum floor space ratio for a building is:
- (a) if the building is on a site area of at least 1,000 square metres, but less than 1,500 square metres and has a street frontage of at least 24 metres—3:1, or
 - (b) if the building is on a site area of at least 1,500 square metres, but less than 2,000 square metres and has a street frontage of at least 24 metres—3.5:1, or
 - (c) if the building is on a site area of at least 2,000 square metres, but less than 2,500 square metres and has a street frontage of at least 24 metres—4:1.
- (2) If a building on land in a zone specified in the Table to this subclause and for which the maximum floor space ratio on the Floor Space Ratio Map is as specified in Column 1 of that Table for that zone is:
- (a) on a site area of less than 1,000 square metres, or
 - (b) has no street frontage greater than 24 metres,
- the maximum floor space ratio for the building is the ratio specified opposite that ratio in Column 2 of that Table.

Column 1	Column 2
Zone B3 Commercial Core	
> 4:1	4:1
Zone B4 Mixed Use, Zone B6 Enterprise Corridor, Zone SP1 Special Activities	
2:1 or less	1:1
> 2:1 and < 3:1	1.5:1
3:1 or more	2:1
Zone R1 General Residential	
2:1 or less	0.75:1
> 2:1	1:1

- (3) Despite subclauses (1) and (2), the maximum floor space ratio for a building on land in Zone R1 General Residential for which the maximum floor space ratio shown for the land on the Floor Space Ratio Map is at least 2:1, but less than 2.25:1, is 1.5:1 if:
- (a) the building is on a site area of at least 1,000 square metres, but less than 2,000 square metres, and

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- (b) the building has a street frontage of at least 24 metres.
- (4) Despite subclause (1), the maximum floor space ratio for a building on land in Zone R1 General Residential for which the maximum floor space ratio shown for the land on the Floor Space Ratio Map is at least 2.25:1 is 2:1 if:
 - (a) the building is on a site area of at least 1,000 square metres, but less than 2,500 square metres, and
 - (b) the building has a street frontage of at least 24 metres.

8.4 Minimum building street frontage

- (1) The objective of this clause is to encourage the amalgamation of smaller lots to achieve the efficient development of land and design of buildings.
- (2) This clause applies to land in the following zones:
 - (a) Zone B4 Mixed Use,
 - (b) Zone B6 Enterprise Corridor.
- (3) Development consent must not be granted to the erection of a building on land to which this clause applies unless the building will have a street frontage of at least 24 metres.
- (4) Despite subclause (3), development consent may be granted for the erection of a building on land to which this clause applies if the consent authority is satisfied that:
 - (a) due to the physical constraints of the land or adjoining land, it is not possible for the building to have a street frontage of at least 24 metres, and
 - (b) the development is consistent with the objectives of this Part.

8.5 Design excellence

- (1) The objective of this clause is to deliver the highest standard of architectural and urban design.
- (2) Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building in Gosford City Centre unless the consent authority considers that the development exhibits design excellence.
- (3) In considering whether development exhibits design excellence, the consent authority must have regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,

-
- (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
 - (c) whether the proposed development detrimentally impacts on view corridors,
 - (d) whether the proposed development detrimentally overshadows Kibble Park, William Street Plaza, Burns Park and the waterfront open space adjoining The Broadwater,
 - (e) any relevant requirements of applicable development control plans,
 - (f) how the proposed development addresses the following matters:
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,
 - (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (viii) the achievement of the principles of ecologically sustainable development, with particular emphasis on water saving and recycling,
 - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (x) the impact on, and any proposed improvements to, the public domain.

8.6 Car parking

- (1) Development consent must not be granted for development on land in Zone B3 Commercial Core or Zone B4 Mixed Use that involves the erection of a new building or an alteration or addition to an existing building that increases the gross floor area of the building unless:
 - (a) at least one car parking space is provided for every 75 square metres of the gross floor area of the building that is to be used for commercial activities, and

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Part 8 Additional local provisions—Gosford City Centre

- (b) at least one car parking space is provided for every 40 square metres of the gross floor area of the building that is to be used for the purpose of retail premises.
- (2) Car parking required to be provided by this Plan must be provided on site unless the consent authority is satisfied that the provision of car parking is adequately provided elsewhere.
- (3) For the purposes of this clause, the following are to be included as part of a building's gross floor area:
 - (a) any area of the building that is used for car parking and is at or above existing ground level,
 - (b) any area of the building that is used for car parking below ground level, except where the car parking is provided as required by this clause.
- (4) Council-owned public car parking is not to be included as part of a building's gross floor area.
- (5) In this clause:
commercial activities, in relation to the use of a building, means the use of the building for the purposes of office premises, business premises, hotel or motel accommodation (but not hotel or motel accommodation that is subdivided under a strata scheme), food and drink premises or other like uses or a combination of such uses.

8.7 Active street frontages

- (1) The objectives of this clause are:
 - (a) to ensure that buildings in Zone B3 Commercial Core have a suitable amount of non-residential floor space to achieve the objectives of the zone, and
 - (b) to ensure active uses are provided at street level to encourage the presence and movement of people.
- (2) Development consent must not be granted to the erection of a building on land in Zone B3 Commercial Core unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (3) Despite subclause (2), an active street frontage is not required for any part of a building that is used for any of the following:
 - (a) entrances and lobbies (including as part of mixed use development),
 - (b) access for fire services,
 - (c) access for a back street or service lane,

-
- (d) vehicular access.
 - (4) In this clause, a building has an *active street frontage* if:
 - (a) all premises on the ground floor, first floor and second floor of the building will not be used for the purposes of residential accommodation, and
 - (b) all premises on the ground floor of the building facing the street or a pedestrian link will provide public access to the premises.

8.8 Converting serviced apartments to a residential flat building

- (1) The objective of this clause is to prevent substandard residential accommodation occurring through the conversion of serviced apartments to residential flat buildings.
- (2) Development consent must not be granted for the strata subdivision, under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*, of a building or part of a building that is being, or has been, used for serviced apartments for use as a residential flat building unless the consent authority has considered the following in relation to the residential flat building:
 - (a) the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*,
 - (b) the design principles of the *Residential Flat Design Code* (published by the Department of Infrastructure, Planning and Natural Resources, September 2002).

8.9 Development incentives

- (1) The objective of this clause is to provide incentives for development on land in Gosford City Centre.
- (2) This clause applies to land identified as “Gosford City Centre” on the Development Incentives Application Map.
- (3) Development consent may be granted for the erection of a building on land to which this clause applies if the building:
 - (a) will not exceed the maximum height shown for the land on the Height of Buildings Map by more than 30%, and
 - (b) will not exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map by more than 30%.
- (4) Subclause (3) does not apply to development applications made after 31 August 2014.

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Part 8 Additional local provisions—Gosford City Centre

8.10 Development requiring the preparation of a development control plan— South Mann Street

- (1) The objective of this clause is to ensure that development within the South Mann Street Precinct occurs in accordance with a site-specific development control plan.
- (2) This clause applies to land identified as “South Mann Street” on the Additional Permitted Uses Map.
- (3) Development consent must not be granted for development on land to which this clause applies unless:
 - (a) a development control plan that provides for the matters specified in subclause (4) has been prepared for the land, or
 - (b) guidelines and controls similar to those mentioned in subclause (4) already apply to the land, or
 - (c) the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.
- (4) The development control plan must provide for all of the following:
 - (a) design principles drawn from an analysis of the site and its context,
 - (b) distribution of land uses and proposed urban structure,
 - (c) built form controls, including controls for special areas and uses,
 - (d) heritage conservation,
 - (e) pedestrian amenity,
 - (f) access, parking and servicing,
 - (g) landscaping.

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at Avoca Drive, Avoca Beach

- (1) This clause applies to land at Avoca Drive, Avoca Beach, being Lot 140, DP 9359, and Lot 651, DP 16791, identified as “Avoca Beach Theatre” on the Additional Permitted Uses Map.
- (2) Development for the purposes of a residential flat building, an entertainment facility, an information and education facility and a restaurant or cafe is permitted with development consent.
- (3) Development for the purposes of an entertainment facility may exceed the maximum height shown for the land on the Height of Buildings Map if the consent authority is satisfied that any part of the building that exceeds that height is an integral part of the design of the building in its context.
- (4) Development consent must not be granted to development on land to which this clause applies unless:
 - (a) the design of the building or alteration has been reviewed by a design review panel, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) Before granting development consent to development on land to which this clause applies, the consent authority must take the following into consideration:
 - (a) whether the development retains the existing theatre building,
 - (b) whether the design of the development complements the heritage character of the existing theatre building,
 - (c) whether the development provides a high standard of urban design and architectural quality, including the interface between the development and the adjoining public park,
 - (d) whether the design of the development is appropriate for the location of the land on the coast,
 - (e) whether adequate car parking is provided,
 - (f) whether the development provides measures to conserve water usage and increase water efficiency,
 - (g) the outcome of the review by the design review panel.

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Schedule 1 Additional permitted uses

- (6) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether the development retains the existing theatre building, and
 - (b) whether the design of the development complements the heritage qualities of the existing theatre building, and
 - (c) whether the development provides a high standard of urban design and architectural quality, including the interface between the development and the adjoining public park, and
 - (d) whether the design of the development is appropriate for the location of the land on the coast.
- (7) Subclauses (4) and (5) (g) do not apply to any development that the Director-General certifies in writing is of minor significance.
- (8) In this clause, *design review panel* means a panel of 2 or more persons established by the consent authority for the purposes of this clause.

2 Use of certain land at Karalta Road, Erina

- (1) This clause applies to land at Karalta Road, Erina, being Lot 1, DP 1030621 identified as “Pine Needles” on the Additional Permitted Uses Map.
- (2) Development for the purpose of moveable dwellings is permitted with development consent.

3 Use of certain land at “Breakwater”, Gosford

- (1) This clause applies to land identified as “Breakwater” on the Additional Permitted Uses Map that is in Zone W2 Recreational Waterways.
- (2) Development for the purposes of business premises, charter and tourism boating facilities, child care centres, hotel or motel accommodation, jetties, office premises, roads, shops and wharf or boating facilities is permitted with development consent.

4 Use of certain land at South Mann Street, Gosford

- (1) This clause applies to land identified as “South Mann St” on the Additional Permitted Uses Map that is in Zone RE1 Public Recreation, being Reserve Numbers R2103, R2104 and R2105.
- (2) Development for the purposes of an entertainment facility and function centre is permitted with development consent.

5 Use of certain land at Wisemans Ferry Road, Gunderman

- (1) This clause applies to land at Wisemans Ferry Road, Gunderman, being Lot 3, DP 607726, identified as “Rosevale” on the Additional Permitted Uses Map.
- (2) Development for the purposes of a caravan park with a maximum of 118 short-term caravan sites and 12 camping sites is permitted with development consent.

6 Use of certain land at 40–60 Niclins Road, Mangrove Mountain

- (1) This clause applies to land at 40–60 Niclins Road, Mangrove Mountain, being Lot 981, DP 862346, identified as “Medical Centre” on the Additional Permitted Uses Map.
- (2) Development for the purpose of a medical centre is permitted with development consent.

7 Use of certain land at Peats Ridge Road, Peats Ridge

- (1) This clause applies to land at Peats Ridge Road, Peats Ridge, being Lot 165, DP 755253, identified as “The Springs” on the Additional Permitted Uses Map.
- (2) Development for the purpose of tourist and visitor accommodation is permitted with development consent.

8 Use of land at Reeves Street, Somersby

- (1) This clause applies to land at Reeves Street, Somersby, being Lot 422, DP 40341, identified as “Driver Training Facility” on the Additional Permitted Uses Map.
- (2) Development for the purpose of business premises being a driver training facility is permitted with development consent.

9 Use of certain land at Wisemans Ferry Road, Spencer

- (1) This clause applies to land at Wisemans Ferry Road, Spencer, being Lot 26, DP 1021911, identified as “Malaluka” on the Additional Permitted Uses Map.
- (2) Development for the purposes of a caravan park with a maximum of 18 short-term caravan sites and 6 long-term caravan sites is permitted with development consent.

10 Use of certain land at Manns Road, West Gosford

- (1) This clause applies to land at Manns Road, West Gosford, being Lot 30, DP 1172968, identified as “Hometown” on the Additional Permitted Uses Map.

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Gosford Local Environmental Plan 2014

Schedule 1 Additional permitted uses

- (2) Development for the purpose of bulky goods premises with a maximum floor area of 12,000 square metres is permitted with development consent.

11 Use of certain land at Manns Road, West Gosford

- (1) This clause applies to land at Manns Road, West Gosford, being part of Lots 1 and 4 and Lots 5–8, DP 270678, and part of SP 84324, identified as “Riverside” on the Additional Permitted Uses Map.
- (2) Development for the purpose of bulky goods premises with a maximum floor area of 12,500 square metres is permitted with development consent.

Schedule 2 Exempt development

(Clause 3.1)

Note 1. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

Note 2. Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

Advertisements—general requirements

- (1) Must be non-moving.
- (2) Must not be flashing or vary the intensity of the illumination from light to dark or colour to colour (this includes LED, digital-emitting displays or the like).
- (3) Must be at least 600mm clear of kerb or road.
- (4) Must be at least 2.7m above any public footpath.
- (5) Must relate to the lawful use of the building.
- (6) Must not depict or contain offensive material.
- (7) Must be located within the boundary of the property to which it applies.
- (8) Must reflect the character and style of any building to which it is attached.
- (9) Must not be detrimental to the character and functioning of the building.
- (10) Must be securely affixed and properly maintained.
- (11) Must not be on walls facing or adjoining residential premises.
- (12) Must not be an "A" frame sign, unless on private property.
- (13) Must have the consent of the owner of the property on which the sign is located.
- (14) Must not be located on a heritage item or on land in a heritage conservation area.

Advertisements—business identification signs in business and industrial zones (other than on sex services premises)

- (1) **Business identification sign**
 - (a) Must meet the general requirements for advertisements.
 - (b) 1 sign per premises.

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Gosford Local Environmental Plan 2014

Schedule 2 Exempt development

- (c) Must be attached flush to the building.
- (d) Must not exceed 2.5m² in advertising area.

(2) **Fascia sign**

Signs attached to the fascia or return of the awning:

- (a) must meet the general requirements for advertisements,
- (b) 1 sign per premises,
- (c) must not project above or below the fascia or return end of the awning to which it is attached,
- (d) must not have a maximum height exceeding 0.5m.

(3) **Flush wall sign**

Sign attached to the wall of a building (other than the transom of a doorway or display window) and not projecting more than 300mm:

- (a) must meet the general requirements for advertisements,
- (b) maximum area—6m²,
- (c) 1 sign per premises.

(4) **Projecting wall sign—vertical or horizontal**

Sign attached to the wall of a building (other than the transom of a doorway or display window) and projecting more than 300mm:

- (a) must meet the general requirements for advertisements,
- (b) 1 sign per premises or 1 sign per street frontage, whichever is greater,
- (c) must not be closer than 3m to any other projecting wall sign,
- (d) maximum projection—1.5m,
- (e) maximum area—2.5m²,
- (f) the means of support and affixing must be designed by a structural engineer.

(5) **Top hamper sign**

Sign attached to the transom of a doorway or display window of a building:

- (a) must meet the general requirements for advertisements,
- (b) maximum area—6m²,
- (c) must not project below the level of the head of doorway or window.

(6) Underawning sign

Sign attached to the underside of an awning other than a fascia or return end:

- (a) must meet the general requirements for advertisements,
- (b) 1 sign per ground floor premises with street frontage,
- (c) must not be closer than 3m to any other underawning sign,
- (d) maximum length—2.5m,
- (e) maximum height—0.5m,
- (f) must not exceed 1.5m² in advertising area,
- (g) the means of support and affixing must be designed by a structural engineer.

(7) Window sign

Sign attached to, or displayed on, shop window must meet the general requirements for advertisements.

Advertisements—business identification signs in residential or rural zones

- (8) Must meet the general requirements for advertisements.
- (9) 1 sign per premises.
- (10) Must be attached flush to the external wall or surface of the premises.
- (11) Must not be illuminated.
- (12) Must not exceed 1m² in area.
- (13) Must contain the name of the person or business, the nature of the business and may include the address of the premises as well as the business logo.

Change of use—general requirements

- (1) Must not involve the carrying out of any alterations other than alterations that are exempt development.
- (2) New use must be permissible in the zone.
- (3) Must not use curtilage of the premises for storage or display purposes.
- (4) Must not extend the existing hours of operation.

Change of use—industries to industries (other than light industries to light industries)

- (1) Must meet the general requirements for change of use.
- (2) Must have a previous approval for the relevant industry.

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Schedule 2 Exempt development

Change of use—shops to shops in business zones

- (1) Must meet the general requirements for change of use.
- (2) Must use the premises for the purposes of a shop.
- (3) The premises must have a previous approval for use as a shop.
- (4) Maximum gross floor area—1,000m².
- (5) Must not result in premises being used for the purposes of food and drink premises, beauty salons, hairdressing salons or skin penetration procedures (within the meaning of the *Public Health Act 2010*).

Recreation facilities (indoor, major or outdoor)

Must be consistent with any applicable plan of management prepared under the *Local Government Act 1993* for the land.

Outdoor lighting

- (1) Must not be for tennis courts or a sports field.
- (2) Must be located or shielded so as not to cause a nuisance to adjoining premises.

Short-term rental accommodation

Must not contain more than 4 bedrooms.

Solid fuel heaters

- (1) Must comply with AS/NZS 4013:1999, *Domestic solid fuel burning appliances—Method for determination of flue gas emission*.
- (2) Rain excluders must not impede the vertical flow of exhaust gases.
- (3) Must be installed in accordance with AS/NZS 2918:2001 *Domestic solid fuel burning appliances—Installation*.
- (4) Chimney or flue must be a minimum of 300mm above any structure within a 3.6m horizontal radius.
- (5) Top of chimney or flue must be at least 1m higher than any other building within a 15m radius.
- (6) Maximum height of chimney or flue—6m above roof.

Schedule 3 Complying development

(Clause 3.2)

Note. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

Part 1 Types of development

(When this Plan was made this Part was blank)

Part 2 Complying development certificate conditions

Note. Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

General conditions

Any development specified in Part 1 is subject to the same conditions set out in Division 3 of Part 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

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Schedule 4 Classification and reclassification of public land

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
Nil	

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Goonak Parade, Narara	Lot 109, Section H, DP 2350	Nil
Monastir Road, Phegans Bay	Lots 25 and 26, DP 8421	Nil

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Bensville	Hastings Wharf	Kallaroo Road		Local	1
Blackwall	Former house, now part of Orange Grove Private Hospital	21 Cedar Crescent	Lot 3, DP 861482	Local	2
Booker Bay	Booker Bay Store	72 Booker Bay Road	Lot A, DP 338628	Local	3
Booker Bay	Shop, "Kings Store"	78 Booker Bay Road	Lot 119A, DP 416609	Local	4
Davistown	Davistown Store	1 McCauley Street	Lot 1, DP 12932	Local	5
Davistown	Davistown Baths	Off Pine Avenue (foreshore reserve)	Adjacent to Lot 7034, DP 1125784	Local	6
East Gosford	House, "Mona Vale"	13 Frederick Street	Lot 16, DP 570400	Local	8
East Gosford	House, "Stonehurst"	64 George Street	Lot 6, DP 227878	Local	9
East Gosford	House	100 Lushington Street	Lot 44, DP 614225	Local	10
East Gosford	Remains of old Punt Bridge	The Entrance Road (north-western corner of Punt Bridge)	Adjacent to Lot 26, DP 227878	Local	7
Empire Bay	Merritt's Wharf	Off Merritt's Road		Local	11
Empire Bay	Anglican church	47 Rosella Road	Lot 201, DP 7029	Local	12
Empire Bay	War memorial	Corner of Sorrento and Kendall Roads		Local	16

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Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Empire Bay	House, former boarding house, "Empire House"	8 Sorrento Road	Lot B, DP 102620	Local	13
Empire Bay	Empire Bay Store and residence	12A Sorrento Road	Lot 12, DP 1130259	Local	14
Empire Bay	Boat shed	16B Sorrento Road	Lot 486, DP 727270	Local	15
Erina	Original Erina West Public School buildings	148 The Entrance Road	Lot 1, DP 123747	Local	18
Erina Heights	Original Erina Heights Public School	2 Serpentine Road	Lot 21, DP 1027214	Local	19
Ettalong Beach	House	42 The Esplanade	Lot B, DP 347800	Local	20
Ettalong Beach	Vietnam veterans' memorial	Ettalong Foreshore Reserve, The Esplanade	Part Lot 7308, DP 1159098	Local	21
Glenworth Valley	Grave of Owen Maloney	Glenworth Valley Road	Lot 19, DP 755221	Local	23
Glenworth Valley	House, "Glenworth Valley"	Glenworth Valley Road	Lot 89, DP 755221	Local	24
Glenworth Valley	Remains of stone walling	Glenworth Valley Road	Lot 37, DP 755221	Local	22
Gosford	Avenue and feature trees—Grahame Park	Alfred Higgs Place and Dane Drive	Road reserve; Part Lot 1, DP 1011876	Local	25
Gosford	Stone street wall	2 Broadview Avenue	SP 16709	Local	26
Gosford	Large-faced clock with wooden frame	Burns Crescent (Gosford Railway Station)	Part Lot 100, DP 1006006	Local	49
Gosford	Burns Place Park, feature eucalypt and stands of mature trees	Between Burns Crescent and Mann Street		Local	27
Gosford	Union Hotel	108 Donnison Street	Lot 5, DP 1015908	Local	28

Suburb	Item name	Address	Property description	Significance	Item no
Gosford	Gosford Hotel	102 Erina Street	Lot 1, DP 76776	Local	29
Gosford	Former Gosford Public School and residence, now TAFE Building E	121 Henry Parry Drive	Part of Lot 1, DP 861564	Local	30
Gosford	Gosford City Council Memorial Park, including avenue and feature trees	Mann Street and Vaughan Avenue	Lot 7038, DP 1020204; Lot 7021, DP 1020205	Local	31
Gosford	Former School of Arts	Corner of Mann Street and Georgiana Terrace	Lot 1, DP 123370	Local	36
Gosford	Stone street and driveway wall	1 Mann Street	SP 6683	Local	32
Gosford	Old Christ Church Anglican Church	3 Mann Street	Lot 13, Section 9, DP 758466; Lot 14, DP 1115314	Local	33
Gosford	Anglican rectory	5 Mann Street	Lot 12, Section 9, DP 758466	Local	34
Gosford	Part of Gosford South Post Office	23 Mann Street	Lot A, DP 88695	Local	35
Gosford	Creighton's Funeral Parlour	37 Mann Street	Lot A, DP 355117	Local	37
Gosford	Conservatorium of Music (former courthouse and police station)	45 Mann Street	Lot 453, DP 727721	Local	38
Gosford	Gosford City Council administration building	49 Mann Street	Lot 1, DP 564021	Local	39
Gosford	Former Brisbane Water County Council building	50 Mann Street	Lot 1, DP 433839	Local	40

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Gosford Local Environmental Plan 2014

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Gosford	Feature tree—fig	Boundary of 81, 83 and 85 Mann Street and 123B Donnison Street	Lots 11, 14 and 15, DP 746819; Lot 3, DP 1023985	Local	41
Gosford	Building facade, First National Real Estate	150 Mann Street	Lot 1, DP 134233	Local	42
Gosford	Mitre 10 store	299–309 Mann Street	Lots 1 and 2, Section 1, DP 1591; Lot 1, DP 911164; Lot 1, DP 911163	Local	43
Gosford	War memorial site, Gosford Olympic Swimming Pool	Masons Parade	Lot 7018, DP 1116947	Local	44
Gosford	Railway bridge and viaduct	Racecourse Road and Etna Street		Local	45
Gosford	Dwyer Pavilion	Showground Road (Gosford Showground)	Lot 245, DP 755227	Local	46
Gosford	Railway turntable	Railway land off Showground Road	Part Lot 100, DP 1006006	Local	47
Gosford	Signal box, water column and tank	Railway land off Showground Road	Part Lot 100, DP 1006006	Local	48
Gosford	Railway bridge and pylons	Between Fagans Bay and Brisbane Water	Railway land; part Lot 1, DP 997118	Local	50
Green Point	House, “Mulhollands”	9 Pixie Avenue	Lot 2, DP 571548	State	53
Green Point	Foreshore land and structures	Reserve adjacent to 9 Pixie Avenue	Lot 1, DP 571548	State	54
Green Point	Farmhouse, “Kenmare”	4 Roslyn Gardens	Lot 9, DP 236432	Local	55

Suburb	Item name	Address	Property description	Significance	Item no
Greengrove	St Peter's cemetery	Mangrove Creek, off Mangrove Creek Road	Lot 51, DP 755253	Local	51
Greengrove	Grave of John Donovan	3653 Wisemans Ferry Road	Lot 371, DP 129586	Local	52
Gunderman	Roadworks known as Finch's Ascent	From Roses Creek to The Great North Road	Dharug National Park	Local	57
Gunderman	Cable ferry	Wisemans Ferry Road	Hawkesbury River adjacent to Lot 2, DP 511946	Local	59
Gunderman	Timber and steel bridge over Mill Creek and ruins of Bailey's Mill	Wisemans Ferry Road	Road reserve adjacent to Lot 1, DP 24303	Local	58
Gunderman	Lower Hawkesbury Wesleyan Chapel and site	6455 Wisemans Ferry Road	Lot 4, DP 599807; Lot 118, DP 755257	State	56
Gunderman, Ten Mile Hollow, Kulnura	Roadworks	The Great North Road (between Hawkesbury River, Devine's Hill, Mount Manning and Kulnura)	Dharug National Park	State	60
Kariong	Administration and service buildings— maintenance store, cultural centre, admissions/operations annexe and theatre, school house, Girrakool House, occasional child care, flats	Central Coast Highway	Lot 10, DP 1149050	State	63

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Suburb	Item name	Address	Property description	Significance	Item no
Kariong	Built landscape elements—gazebo, stone walls, sculpture park	Central Coast Highway	Lot 10, DP 1149050	Local	68
Kariong	Dam	Central Coast Highway	Lot 10, DP 1149050	Local	70
Kariong	Dormitories—“Carinya”, “Sobraon”, “Walpole”, “Vernon” and “The Wood Building”	Central Coast Highway	Lot 10, DP 1149050	State	62
Kariong	Eastern bushland	Central Coast Highway	Lot 10, DP 1149050	Local	76
Kariong	Entry drive with perimeter brush box and eucalypt plantings	Central Coast Highway	Lot 10, DP 1149050	State	77
Kariong	Mature cultural plantings	Central Coast Highway (along northern end of riding school)	Lot 10, DP 1149050; Lot 702, DP 1128417	Local	72
Kariong	Mature cultural plantings, including coral trees, brush box, camphor laurels, white poplars, hoop pines, an oak and a larch	Central Coast Highway	Lot 10, DP 1149050; Lot 702, DP 1128417	Local	73
Kariong	McCabe Complex—two cottages, McCabe Conference Centre	Central Coast Highway	Lot 10, DP 1149050	State	66
Kariong	Old pine tree group	Central Coast Highway	Lot 10, DP 1149050	Local	69
Kariong	Remnant farm buildings—the barn, storage shed and dairy	Central Coast Highway	Lot 521, DP 1017539	Local	61
Kariong	Residential buildings—six residential cottages, deputy superintendent’s cottage	Central Coast Highway	Lot 10, DP 1149050	State	64

Suburb	Item name	Address	Property description	Significance	Item no
Kariong	Service and amenity buildings—art room and ablutions block, former officers’ dining room, dining room, main kitchen and laundry	Central Coast Highway	Lot 10, DP 1149050	Local	65
Kariong	Sports field perimeter brush box and eucalypt plantings	Central Coast Highway	Lot 10, DP 1149050	Local	75
Kariong	Sports fields—three sports fields, sports oval	Central Coast Highway	Lot 10, DP 1149050	State	67
Kariong	Two groups of scribbly gums	Central Coast Highway	Lot 10, DP 1149050	Local	74
Kariong	White poplar avenue	Central Coast Highway	Lot 10, DP 1149050	Local	71
Killcare	House, “Capri”	40 Araluen Drive	Lot 49, DP 302278	Local	78
Killcare	House, “Bayview”	42 Araluen Drive	Lot 1, DP 171147	Local	79
Killcare	Killcare Marina site	Opposite 46 Araluen Drive	Lot 495, DP 822113	Local	80
Killcare	Killcare Store	54 Araluen Drive	Lot 43, DP 8830	Local	81
Killcare	Grave of John Menton	15–17 Blythe Street	Lots 81 and 82, DP 8830	Local	82
Killcare Heights	“The Maitland Store”	The Scenic Road (opposite Maitland Bay Drive)	Lot A, DP 102544	Local	83
Kincumber	St Paul’s church and graveyard	Corner Avoca and Empire Bay Drives	Lot 1, DP 666699; Lot 11, DP 1045816	Local	84
Kincumber	Post and rail fence	152–154 Avoca Drive	Lots 111 and 112, DP 1124060	Local	85
Kincumber	Manasseh Frost’s House	154 Avoca Drive	Lot 112, DP 1124060	Local	86

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Suburb	Item name	Address	Property description	Significance	Item no
Kincumber	George Frost's House	Unit 10, 168 Avoca Drive	Lot 10, DP 270585	Local	87
Kincumber	Post and rail fence	170 Avoca Drive	Lot 1, DP 781105	Local	88
Kincumber	School of Arts	172A Avoca Drive	Lot 2, Section 6, DP 758569	Local	89
Kincumber	House, "Boora Boora"	465 Avoca Drive	Lot 1, DP 1088224	Local	90
Kincumber	House, "The Lavender Patch"	7 Joseph Place	Lot 1, DP 870536	Local	91
Kincumber	House of Burns family	20 Kincumber Street	Lot 11, DP 719717	Local	92
Kincumber South	Convent and chapel, Kincumber Orphanage	8 Humphreys Road	Lot 1, DP 252634	Local	94
Kincumber South	Holy Cross Church and graveyard	10 Humphreys Road	Lot 1, DP 587129	Local	93
Koolewong	House	15 Brisbane Water Drive	Lot 2, DP 1133997	Local	96
Koolewong	House and wharf, "Glenrock"	12 Couche Crescent and Brisbane Water	Lot 2, DP 387962; wharf at end of pathway off Couche Crescent to Brisbane Water	Local	97
Koolewong	House, "Sunny Haven"	154 Glenrock Parade	Lot 181, DP 204140	Local	98
Koolewong	House	30 Lara Street	Lot 4, DP 332224	Local	99
Koolewong	Two houses	80 Lara Street	Lot 412, DP 833320	Local	100
Kulnura	House of George Downes	1223 George Downes Drive	Lot 1, DP 525350	Local	101
Lisarow	Cemetery	Pacific Highway	Lot 1, DP 1122707	Local	102

Suburb	Item name	Address	Property description	Significance	Item no
Lisarow	Post office, shop and outbuilding (Pryor Brothers)	12A Railway Crescent	Lot 1, DP 590606	Local	103
MacMasters Beach	Grave of Allan MacMasters	Corribeg Reserve, Tudibaring Parade	Lots 7–10, DP 12921	Local	104
Mangrove Mountain	Public hall	2–4 Waratah Road	Lots 21 and 22, DP 856351	Local	105
Mangrove Mountain	Fire station	6 Waratah Road	Lot 1, DP 600207	Local	106
Mangrove Mountain	“Waratah House”	223 Waratah Road	Lot 1, DP 245129	Local	107
Mangrove Mountain	House, “Bundeena”	435 Waratah Road	Lot 72, DP 755235	Local	108
Mangrove Mountain	Union Church	2154 Wisemans Ferry Road	Lot 78, DP 755235	Local	109
Marlow	House and wharf, previously Greenmans Inn	Colmer Road	Lot 36, DP 755221	Local	110
Mooney Mooney	Grave of Frances Peat	Mooney Mooney Point	Lot 9, DP 863305	Local	112
Narara	House, “White Gates”	18 Hanlan Street	Lot 2, DP 1128998	Local	113
Narara	House, “Valley View”	95 Hanlan Street	Lot 4, DP 612752	Local	114
Narara	House, “Holcombes”	Corner Manns Road and Bellbowrie Avenue	Lot 1, DP 700106	Local	115
Narara	Former Narara Primary School building	651 Pacific Highway	Lot 36, SP 67013	Local	116
Narara	House	39 Pearson Street	Lot A, DP 420450	Local	117

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Suburb	Item name	Address	Property description	Significance	Item no
Narara	Old railway dams and environs	Off Reeves Street	Lots 1–3, DP 104216; Lot 1, DP 104190; Lot 30, DP 1169069	Local	118
Narara	Former grafting shed/administration block and curtilage	Research Road	Lot 13, DP 1126998	Local	120
Narara	Group of <i>Araucaria cunninghamii</i> (hoop pines)	Research Road	Lot 13, DP 1126998	Local	123
Narara	Group of <i>Taxodium distichum</i> (bald cypress)	Research Road	Lot 13, DP 1126998	Local	121
Narara	Main entrance gate posts	Research Road	Lot 13, DP 1126998	Local	127
Narara	Manager's cottage, hen house (former shower block) and curtilage	Research Road	Lot 13, DP 1126998	Local	119
Narara	Plantation of <i>Carya illinoensis</i> (pecan)	Research Road	Lot 13, DP 1126998	Local	124
Narara	Row of <i>Pyrus calleryana</i> (Callery pear)	Research Road	Lot 13, DP 1126998	Local	125
Narara	Specimen of <i>Syncarpia glomulifera</i> (turpentine)	Research Road	Lot 13, DP 1126998	Local	122
Narara	Specimen of <i>Pyrus calleryana</i> (Callery pear), strain D6	Research Road	Lot 13, DP 1126998	Local	126
North Gosford	Former cemetery, "Bradys Gully"	Henry Parry Drive	Lots 1–3, DP 755227; Lot 7042, DP 1020641	Local	129
Patonga	Seven houses	Dark Corner	Lot 7307, DP 1159203	Local	130

Suburb	Item name	Address	Property description	Significance	Item no
Patonga	War memorial	Intersection of Patonga Drive, Bay Street and Jacaranda Avenue	Road reserve	Local	132
Patonga	Remains of Patonga Store	8 Patonga Drive	Lot 5, DP 23839	Local	131
Pearl Beach	Roadworks, old Pearl Beach Road	Base of Mount Ettalong, off Coral Crescent	Adjacent to Lot 7039, DP 1066789	Local	133
Pearl Beach	House, "Yamba"	13 Crystal Avenue	Lot 480, DP 14592	Local	134
Pearl Beach	Pearl Beach Hall and memorial	9 Diamond Road	Lot 324, DP 14592	Local	135
Peats Ridge	Club rooms/church	1184 Peats Ridge Road	Lot 1, DP 1146636	Local	136
Peats Ridge	Peats Ridge Public School	1231 Peats Ridge Road	Lot 1, DP 122497	Local	137
Peats Ridge	House and gardens	1540 Peats Ridge Road	Lot 79, DP 665343	Local	138
Phegans Bay	Phegans Walking Track	80–92 Monastir Road	Lots 40–46, DP 8421	Local	139
Point Clare	House, "Katie Dawson's"	15 Alukea Avenue	Lot 5, DP 4090	Local	140
Point Clare	House, "Martha Scott's"	27 Brisbane Water Drive	Lot 1, DP 38240	Local	141
Point Clare	House, "Keiraville"	156 Brisbane Water Drive	Lot 4, DP 613722	Local	142
Point Frederick	Former cemetery	Pioneer Park, Albany Street	Lot 7041, DP 1019814	Local	143
Point Frederick	House, "Corra-Lynn"	3 Lynn Avenue	Lot 9, DP 38586	Local	144
Point Frederick	House, "Nettville"	2 York Street	Lot 52, DP 715094	Local	145
Pretty Beach	House, "Weona"	66 High View Road	Lot 35, Section 2, DP 6552	Local	146

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Suburb	Item name	Address	Property description	Significance	Item no
Pretty Beach	Former Pretty Beach Store	38 Pretty Beach Road	Lot 12, Section 1, DP 6552	Local	147
Saratoga	Gravestone of John Campbell	Brooklyn Road	Road reserve adjacent to Lot 13, DP 216113	Local	149
Saratoga	Former Buena Vista Boarding House	76 Steyne Road	Lot 15, DP 561989	Local	150
Saratoga	House, "Rosemount"	36 Village Road	Lot 52, DP 236445	State	151
Somersby	House, "Belbourie"	92 Howes Road	Lot 162, DP 543099	Local	152
Somersby	"Ploddy the Dinosaur"	945 Pacific Highway	Lot 205, DP 747845	Local	153
Somersby	House and gardens, "Linton Park"	611 Wisemans Ferry Road	Lot 3, DP 1027884	Local	154
Somersby	House, "Woodlands"	691 Wisemans Ferry Road	Lot 1, DP 135540	Local	155
Somersby	Somersby Public School	840 Wisemans Ferry Road	Lot 1, DP 505745	Local	156
Spencer	House	3 Collington Road	Lot 4, DP 377437	Local	157
Spencer	Holy Trinity Church, graveyard and wharf	Wisemans Ferry Road	Lot 1, DP 782346	Local	158
Spencer	Well	Wisemans Ferry Road	Reserve west of Lot 135, DP 755257	Local	160
Spencer	Woodbury's House	4352 Wisemans Ferry Road	Part Lot 113, DP 1082966	Local	159
Tascott	Graves of Scott family	15 Melaleuca Crescent	Lot 33, DP 27767	Local	161
Terrigal	Old post office	4 Ash Street	Lot 28, DP 7914	Local	162
Terrigal	House, "The Gunyah"	168 Terrigal Drive	Lot B, DP 347541	Local	163
Terrigal	House, "Seville"	394 Terrigal Drive	Lot 1, DP 348393	Local	164

Suburb	Item name	Address	Property description	Significance	Item no
Terrigal	War memorial	Terrigal Beach Foreshore, Terrigal Esplanade		Local	165
Upper Mangrove	St Thomas' Cemetery	Ten Mile Hollow Road, south of Dubbo Gully Road	Lot 7001, DP 1073448; Lot 7003, DP 1073461; Lot 79, DP 755239	Local	166
Wagstaffe	Former St Peter's Church	12 Wagstaffe Avenue	Lot 682, DP 737089	Local	167
Wagstaffe	Boat shed and Norfolk Island pines	43 Wagstaffe Avenue	Lot 222, DP 514964	Local	168
Wagstaffe	Wagstaffe Store	46–48 Wagstaffe Avenue	Lots 1 and 2, DP 7041	Local	169
Wagstaffe	Wagstaffe Memorial Hall	55 Wagstaffe Avenue	Lot 17, DP 4961	Local	170
Wamberal	Former Uniting Church	600 The Entrance Road	Lot 5, DP 959078	Local	171
Wamberal	Cemetery	Ulumba Avenue	Part Lot 170, DP 755234; Lots 171–173, 199, 303 and 304, DP 755234	Local	172
West Gosford	"Kendalls Glen" memorial	Central Coast Highway	Road reserve	Local	173
West Gosford	Henry Kendall Museum (former house of Peter Fagan and Red Cow Inn)	25–27 Henry Kendall Street	Lot A, DP 398172; Lot 12, DP 24491	Local	175
Wondabyne	Nine huts at Mullet Creek	Brisbane Water National Park	Lots 257, 259–262, 266, 268, 273 and 344, DP 755251	Local	177

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Suburb	Item name	Address	Property description	Significance	Item no
Wondabyne	Hawkesbury River railway bridge (includes pylons of former Hawkesbury River railway bridge)	Hawkesbury River	Adjacent to Lot A, DP 191003	State	176
Wondabyne	Wondabyne Quarry	Adjacent to Wondabyne Railway Station	Part of Lot 177, DP 755251	Local	178
Woy Woy	Public wharf remains	Western side of Woy Woy Railway Station	Adjacent to Lot 1, DP 1057640	Local	179
Woy Woy	Two shops, "Noonans"	8-10 Blackwall Road	Lot 2, DP 204415; Lot 10, DP 235753	Local	180
Woy Woy	Part of former Alecia Tea Rooms	18 Blackwall Road	Lot C, DP 400718	Local	181
Woy Woy	Former council chambers	42 Blackwall Road	Lot 1, DP 1038859	Local	182
Woy Woy	Former council garage and storeroom	42 Blackwall Road	Lot 1, DP 1038859	Local	183
Woy Woy	Fire station and residence	42 Blackwall Road	Lot 1, DP 1038859	Local	184
Woy Woy	St John the Baptist Church	96-98 Blackwall Road	Lot 50, DP 1124529	Local	185
Woy Woy	St David's Church	120 Blackwall Road	Lot 1, DP 1078856	Local	186
Woy Woy	Former St Luke's Church	267 Blackwall Road	Lot 316, DP 10172	Local	187
Woy Woy	Woy Woy Memorial Park and wall	Brickwharf Road	Part Lot 7302, DP 1162176	Local	188
Woy Woy	Woy Woy Masonic Hall	42 Railway Street	Lot 331, DP 547025	Local	189
Woy Woy	Former shop, "Mrs Wilson's"	68 Railway Street	Lot 12, DP 1009830	Local	190
Woy Woy	House	146 Railway Street	Lot 1, SP 39309	Local	191

Suburb	Item name	Address	Property description	Significance	Item no
Woy Woy	Bay View Hotel	2 The Boulevarde	Lot 1, DP 877881	Local	192
Woy Woy	Woy Woy Hotel	33 The Boulevarde	Lot 1, DP 657247	Local	193
Woy Woy Bay	House	6 Taylor Street	Lot 26, DP 19469	Local	194
Wyoming	House	10 Akora Road	Lot 5, Section 4, DP 1905	Local	195
Wyoming	Grave of F A Hely	Adjacent to 559 Pacific Highway	Lot D, DP 346298; Lot 1, DP 546958	State	196
Wyoming	House, "Wyoming Cottage"	567 Pacific Highway	Lot 1, DP 20870	State	197
Wyoming	Church	647 Pacific Highway	Lot 5, Section A, DP 2350	Local	198
Wyoming	House, "The Grange"	47 Renwick Street	Lot 10, DP 882347	State	199
Yattalunga	Yattalunga Baths	Yattalunga Public Wharf, Mundoora Avenue	Adjacent to Lot 7047, DP 93727	Local	200

Part 2 Heritage conservation areas

Name of heritage conservation area	Identification on Heritage Map	Significance
Mount Penang Parklands Heritage Conservation Area	Shown by a heavy red line and hatching and labelled "C1"	State

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Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item no
Bar Point	Shipwreck, HMAS Parramatta	Cascade Gully, Hawkesbury River	Adjacent to Lot 47, DP 755221	State	A1
Bensville	Palmers Wharf site	Palmers Lane		Local	A2
Blackwall	Site of former public wharf	Blackwall Point, Blackwall Road		Local	A3
Booker Bay	Site of house, "Ettalong Hall"	Between Orange Grove Road and Maitland Bay Drive		Local	A4
Daleys Point	Ruins of house	Rileys Bay	Lot 4, DP 863379	Local	A5
East Gosford	Site of former public wharf	Adjacent to 11–13 Wharf Street	Adjacent to Lots 9 and 10, DP 17434	Local	A6
Erina	Site of former public wharf	205A The Entrance Road and Erina Creek	Lot 1, DP 1062620	Local	A7
Gosford	Site of original Gosford Wharf	Dane Drive	Part Lot 22, DP 1040230	Local	A8
Gosford	Rotary Club, fountain, garden and original site of Gosford Wharf	Vaughan Avenue	Part Lot 7023, DP 1076182	Local	A9
Green Point	Site of former public wharf	Lexington Parade	Adjacent to Lot 7032, DP 1019817	Local	A11
Greengrove	Former public wharf remains	Mangrove Creek at mouth of Bedlam Creek	Adjacent to Lot 207, DP 755253	Local	A10
Gunderman	Ruins of Singleton's Mill	6746 Wisemans Ferry Road	Lot 18, DP 24303	Local	A12
Killcare	Rickards Wharf	Stanley Street		Local	A13

Suburb	Item name	Address	Property description	Significance	Item no
Kincumber	Wards Wharf	Kincumber Broadwater	Adjacent to Lot 503, DP 722244	Local	A15
Kincumber	Site of former public wharf	Kincumber Creek	Adjacent to Lot 7040, DP 1030914	Local	A14
Mangrove Creek	Site of Pembertons Wharf	Mangrove Creek Road	Adjacent to Lot 121, DP 755253	Local	A16
Mangrove Creek	Ruins of house	Mangrove Creek Road	Part Lot 1700, DP 1127833	Local	A17
Mooney Mooney	Site of George Peat's Inn	Mooney Mooney Point	Part Lot 2, DP 431999	Local	A18
Narara	Venus Wharf site	Narara Creek	Adjacent to Lot 3, DP 527553	Local	A19
Point Clare	Goodawang Wharf and Langley House footings	Kurrawa Avenue	Part Reserve 36775	Local	A20
Somersby	Remains of house, "Belltrees"	278 Wisemans Ferry Road	Lot 5, DP 207951	Local	A21
Ten Mile Hollow	Footings of the Inn of Solomon Wiseman	Dharug National Park	Lot 49, DP 755239	Local	A22
Upper Mangrove	Site of John Ferguson's Inn	Ten Mile Hollow Road	Lot 37, DP 755239	Local	A23
Woy Woy	Site of brick wharf	Adjacent to reserve, eastern end of Brickwharf Road	Adjacent to Lot 7303, DP 1162281	Local	A24

Dictionary

(Clause 1.4)

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

Aboriginal place of heritage significance means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

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

Note. The term may include (but is not limited to) places that are declared under section 84 of the *National Parks and Wildlife Act 1974* to be Aboriginal places for the purposes of that Act.

acid sulfate soils means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

Acid Sulfate Soils Manual means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

Acid Sulfate Soils Map means the Gosford Local Environmental Plan 2014 Acid Sulfate Soils Map.

Additional Permitted Uses Map means the Gosford Local Environmental Plan 2014 Additional Permitted Uses Map.

advertisement has the same meaning as in the Act.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement.

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

affordable housing has the same meaning as in the Act.

Note. The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

agricultural produce industry means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

Note. Agricultural produce industries are a type of **rural industry**—see the definition of that term in this Dictionary.

agriculture means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

Note. Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

air transport facility means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

airport means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

Note. Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

airstrip means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

aquaculture has the same meaning as in the *Fisheries Management Act 1994*.

Note. Aquaculture is a type of **agriculture**—see the definition of that term in this Dictionary.

archaeological site means a place that contains one or more relics.

attached dwelling means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and

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(c) none of the dwellings is located above any part of another dwelling.

Note. Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

backpackers' accommodation means a building or place that:

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

Note. Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

bed and breakfast accommodation means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

Note. See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

bee keeping means a building or place used for the keeping and breeding of bees for commercial purposes.

Note. Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

biodiversity means biological diversity.

biological diversity has the same meaning as in the *Threatened Species Conservation Act 1995*.

Note. The term is defined as follows:

biological diversity means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

biosolids treatment facility means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

Note. Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

boarding house means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Note. Boarding houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

boat building and repair facility means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

boat launching ramp means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

brothel has the same meaning as in the Act.

Note. This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

building has the same meaning as in the Act.

Note. The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

building height (or ***height of building***) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

Note. Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

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building line or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

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

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

Note. Bulky goods premises are a type of **retail premises**—see the definition of that term in this Dictionary.

bush fire hazard reduction work has the same meaning as in the *Rural Fires Act 1997*.

Note. The term is defined as follows:

bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

bush fire prone land has the same meaning as in the Act.

Note. The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

bush fire risk management plan means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Note. Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or

- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note. Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
- (i) dwellings that are permitted on rural land, and
 - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

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catchment action plan has the same meaning as in the *Catchment Management Authorities Act 2003*.

Note. The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

cellar door premises means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

Note. Cellar door premises are a type of **retail premises**—see the definition of that term in this Dictionary.

cemetery means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
- (i) a school, or

-
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

classified road has the same meaning as in the *Roads Act 1993*.

Note. The term is defined as follows:

classified road means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See *Roads Act 1993* for meanings of these terms.)

clearing native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

clearing native vegetation means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

coastal foreshore means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

coastal hazard has the same meaning as in the *Coastal Protection Act 1979*.

coastal lake means a body of water specified in Schedule 1 to *State Environmental Planning Policy No 71—Coastal Protection*.

coastal protection works has the same meaning as in the *Coastal Protection Act 1979*.

coastal waters of the State—see section 58 of the *Interpretation Act 1987*.

coastal zone has the same meaning as in the *Coastal Protection Act 1979*.

Note. The term is defined as follows:

coastal zone means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and

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- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

commercial premises means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

community facility means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

community land has the same meaning as in the *Local Government Act 1993*.

correctional centre means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

Council means the Gosford City Council.

crematorium means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

Crown reserve means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage

conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

dairy (pasture-based) means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

Note. Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

dairy (restricted) means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

Note. Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

demolish, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

Development Incentives Application Map means the Gosford Local Environmental Plan 2014 Development Incentives Application Map.

drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

Note. Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note. Dual occupancies (attached) are a type of ***dual occupancy***—see the definition of that term in this Dictionary.

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note. Dual occupancies (detached) are a type of ***dual occupancy***—see the definition of that term in this Dictionary.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

Note. Dwelling houses are a type of ***residential accommodation***—see the definition of that term in this Dictionary.

earthworks means excavation or filling.

ecologically sustainable development has the same meaning as in the Act.

eco-tourist facility means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

Note. See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of ***tourist and visitor accommodation***—see the definition of that term in this Dictionary.

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

electricity generating works means a building or place used for the purpose of making or generating electricity.

emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

emergency services organisation means any of the following:

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,

-
- (c) NSW Rural Fire Service,
 - (d) NSW Police Force,
 - (e) State Emergency Service,
 - (f) New South Wales Volunteer Rescue Association Incorporated,
 - (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
 - (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

estuary has the same meaning as in the *Water Management Act 2000*.

Note. The term is defined as follows:

estuary means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

exhibition village means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

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extensive agriculture means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

Note. Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note. Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Note. See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

feedlot means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.

Note. Feedlots are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

fish has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

Definition of “fish”

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes:
 - (a) oysters and other aquatic molluscs, and
 - (b) crustaceans, and
 - (c) echinoderms, and
 - (d) beachworms and other aquatic polychaetes.
- (3) **Fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the Gosford Local Environmental Plan 2014 Floor Space Ratio Map.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,

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(d) a small bar.

Note. Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

forestry has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

funeral home means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

Note. Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

Note. Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Note. General industries are a type of **industry**—see the definition of that term in this Dictionary.

Gosford City Centre means the land identified as “Gosford City Centre” on the Key Sites Map.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
 - (b) habitable rooms in a basement or an attic, and
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 - (h) any space used for the loading or unloading of goods (including access to it), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.

ground level (existing) means the existing level of a site at any point.

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

group home means a permanent group home or a transitional group home.

Note. Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

group home (permanent) or permanent group home means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

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but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note. Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

group home (transitional) or transitional group home means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note. Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note. Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

hazardous industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:

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

Note. Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

hazardous storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality:

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

Note. Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

headland includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

health care professional means any person registered under an Act for the purpose of providing health care.

health consulting rooms means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Note. Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

heavy industrial storage establishment means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following:

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

heavy industry means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

Note. Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

Height of Buildings Map means the Gosford Local Environmental Plan 2014 Height of Buildings Map.

helipad means a place not open to the public used for the taking off and landing of helicopters.

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heliport means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes:

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

Note. Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

heritage conservation area means an area of land of heritage significance:

- (a) shown on the Heritage Map as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Division of the Government Service responsible to the Minister administering the *Heritage Act 1977* that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note. An inventory of heritage items is also available at the office of the Council.

heritage management document means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Heritage Map means the Gosford Local Environmental Plan 2014 Heritage Map.

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

high technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),

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- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
 - (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
 - (e) film, television or multi-media technologies, including any post production systems, goods or components,
 - (f) telecommunications systems, goods or components,
 - (g) sustainable energy technologies,
 - (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

Note. High technology industries are a type of *light industry*—see the definition of that term in this Dictionary.

highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

home-based child care means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

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

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- (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 occupation (sex services) or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used for a home business.

home industry means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (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,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (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 or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

home occupation means an occupation 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 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 display of goods, whether in a window or otherwise, 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,

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

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

Note. Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

Note. Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and

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- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

Note. Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

hotel or motel accommodation means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note. Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
(b) is situated on the land on which the industry or rural industry is located, and
(c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

Note. See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

industrial training facility means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

industry means any of the following:

- (a) general industry,
(b) heavy industry,
(c) light industry,

but does not include:

- (d) rural industry, or
(e) extractive industry, or

(f) mining.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Note. Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

intensive plant agriculture means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

Note. Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

Key Sites Map means the Gosford Local Environmental Plan 2014 Key Sites Map.

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

Note. See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

Land Application Map means the Gosford Local Environmental Plan 2014 Land Application Map.

Land Reservation Acquisition Map means the Gosford Local Environmental Plan 2014 Land Reservation Acquisition Map.

Land Zoning Map means the Gosford Local Environmental Plan 2014 Land Zoning Map.

landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

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landscaping material supplies means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

Note. Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

Note. Light industries are a type of **industry**—see the definition of that term in this Dictionary.

liquid fuel depot means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

Note. Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

livestock processing industry means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

Note. Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

Lot Size Map means the Gosford Local Environmental Plan 2014 Lot Size Map.

maintenance, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

Manufactured Home Estate Map means the Gosford Local Environmental Plan 2014 Manufactured Home Estate Map.

marina means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,

(e) any berthing or mooring facilities.

market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Note. Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

mean high water mark means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note. Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

mezzanine means an intermediate floor within a room.

mine means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

mine subsidence district means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

mining means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

Note. Mining is not a type of **industry**—see the definition of that term in this Dictionary.

mixed use development means a building or place comprising 2 or more different land uses.

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

mooring pen means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

mortuary means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

moveable dwelling has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or

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- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note. Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

Meaning of “native vegetation”

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
 - (a) trees (including any sapling or shrub, or any scrub),
 - (b) understorey plants,
 - (c) groundcover (being any type of herbaceous vegetation),
 - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

navigable waterway means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Note. See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

nominated State heritage item means a heritage item that:

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and

- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

non-potable water means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

NSW Coastal Policy means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

offensive industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note. Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

offensive storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note. Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note. Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

open cut mining means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

operational land has the same meaning as in the *Local Government Act 1993*.

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

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people who are socially disadvantaged means:

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

people with a disability means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

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

plant nursery means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note. Plant nurseries are a type of ***retail premises***—see the definition of that term in this Dictionary.

port facilities means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

potable water means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

property vegetation plan has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

pub means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note. Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

public authority has the same meaning as in the Act.

public land has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

public reserve has the same meaning as in the *Local Government Act 1993*.

public utility infrastructure, in relation to an urban release area, includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

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recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

registered club means a club that holds a club licence under the *Liquor Act 2007*.

relic has the same meaning as in the *Heritage Act 1977*.

Note. The term is defined as follows:

relic means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

research station means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,

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- (b) boarding houses,
 - (c) dual occupancies,
 - (d) dwelling houses,
 - (e) group homes,
 - (f) hostels,
 - (g) multi dwelling housing,
 - (h) residential flat buildings,
 - (i) rural workers' dwellings,
 - (j) secondary dwellings,
 - (k) semi-detached dwellings,
 - (l) seniors housing,
 - (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

residential care facility means accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note. Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note. Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

Note. Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

respite day care centre means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for

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consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

Note. Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

restricted premises means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note. Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

road means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

roadside stall means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note. See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

Note. Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

Note. Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

rural worker's dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

Note. Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

Note. Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

Note. Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and

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- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Note. Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note. Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Note. Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly

serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note. Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

Note. Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

Note. Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewerage system means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

Note. Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Note. Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

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short-term rental accommodation means a dwelling that is commercially available for rent as short-term accommodation on a temporary basis, but does not include bed and breakfast accommodation.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note. The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

small bar means a small bar within the meaning of the *Liquor Act 2007*.

Note. Small bars are a type of **food and drink premises**—see the definition of that term in this Dictionary.

spa pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

stock and sale yard means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

Note. Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note. Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the Act.

Note. The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

the Act means the *Environmental Planning and Assessment Act 1979*.

timber yard means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

Note. Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

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tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

Note. Turf farming is a type of ***intensive plant agriculture***—see the definition of that term in this Dictionary.

underground mining means:

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

urban release area means the area of land identified as "Urban Release Area" on the Urban Release Area Map.

Urban Release Area Map means the Gosford Local Environmental Plan 2014 Urban Release Area Map.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note. Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

viticulture means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

Note. Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

Note. Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

waste or resource management facility means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Note. Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

water recycling facility means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether

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the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

Note. Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

Note. Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

Note. Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

water supply system means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

Note. Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

wharf or boating facilities means a wharf (or any of the following facilities associated with a wharf or boating) that are not port facilities:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

wholesale supplies means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.