



New South Wales

# Gosford City Centre Local Environmental Plan 2005

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the  
*Environmental Planning and Assessment Act 1979*. (C03/00090/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2005 No 853

Gosford City Centre Local Environmental Plan 2005

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## **2005 No 853**

Clause 1 Gosford City Centre Local Environmental Plan 2005

Part 1 Preliminary

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# **Gosford City Centre Local Environmental Plan 2005**

under the

Environmental Planning and Assessment Act 1979

## **Part 1 Preliminary**

### **1 Name of plan**

This plan is *Gosford City Centre Local Environmental Plan 2005*.

### **2 Aims of plan**

The aims of this plan are as follows:

- (a) to introduce contemporary design-based planning provisions for Gosford City Centre that promote a variety of land use opportunities, taking into account the waterfront and natural setting of Gosford, including views from key public places and to ridgelines,
- (b) to facilitate the revitalisation of Gosford City Centre by promoting redevelopment and urban sustainability,
- (c) to recognise and reinforce the regional significance of Gosford City Centre by providing a range of housing, employment and recreational opportunities that are consistent with the Centre's primary role as the commercial centre of the local government area,
- (d) to ensure that the development of Gosford City Centre occurs in a balanced manner having regard to environmental, social and economic factors,
- (e) to promote design excellence and environmental sustainability of the built form,
- (f) to identify items of environmental heritage and introduce a range of heritage provisions for Gosford City Centre,
- (g) to provide a secure planning framework for business investment and certainty of development outcomes,
- (h) to ensure the integration of transport and land use through improved accessibility and choice, moderating demand and distances travelled and supporting public transport.

**3 Land to which plan applies**

- (1) This plan applies to land shown edged black on the zoning map.
- (2) Land shown as “Deferred Matter” on the zoning map by a distinctive hatching is not subject to this plan (being land that is excluded from the operation of this plan under section 68 (5) or 70 (4) of the Act).

**4 Relationship with other environmental planning instruments**

- (1) *Gosford Planning Scheme Ordinance* does not apply to the land to which this plan applies.
- (2) The provisions of *State Environmental Planning Policy No 1—Development Standards* do not apply to building height limitations set by this plan for land to which this plan applies.

**5 Amendment of Gosford Planning Scheme Ordinance**

*Gosford Planning Scheme Ordinance* is amended by omitting clauses 49N, 49O, 49P, 49Q and 49R.

**6 Consent authority**

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

**7 Definitions**

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

**8 Adoption of Model Provisions**

This plan adopts clauses 30, 31 and 35 of, and Schedule 1 to, the *Environmental Planning and Assessment Model Provisions 1980*.

**9 Maps**

In this plan, a reference to a map is a reference to a map deposited in the office of the Council.

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Clause 10 Gosford City Centre Local Environmental Plan 2005

Part 2 Development objectives

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## Part 2 Development objectives

### 10 General development objectives

Development is to be consistent with the following development objectives:

- (a) to reinforce Gosford as the “capital” cultural/civic/service centre of the Central Coast,
- (b) to reinforce a sense of place and Gosford’s image within the landscape, ensuring that development complements Gosford City Centre’s natural setting of the waterfront and vegetated hillsides,
- (c) to ensure a vibrant, economically sustainable Gosford City Centre,
- (d) to connect Gosford City Centre with the waterfront and develop the waterfront as a safe and active people’s place,
- (e) to concentrate higher density development within easy walking distance of the railway station,
- (f) to ensure a coordinated and coherent built city form with high quality urban design and architectural merit,
- (g) to encourage the development of a “civic” precinct, containing major cultural and community facilities,
- (h) to promote view sharing within the city by keeping building heights lower at the waterfront and higher further up the valley,
- (i) to improve the quality, attractiveness and usefulness of open spaces within the city, including Kibble Park and the waterfront,
- (j) to promote ecologically sustainable development and best practice environmental principles in all development within the city,
- (k) to improve accessibility and mobility for all groups to and within Gosford City Centre,
- (l) to improve the physical connection between the hospital and Gosford City Centre,
- (m) to foster the development of social capital and to ensure a range of housing choice and affordability,
- (n) to integrate water management in the public domain with high quality urban design and improve the quality of stormwater discharge into Brisbane Water by implementing natural water filtration systems in the landscape.

## Part 3 Zoning

### 11 General

- (1) The zoning of land within Gosford City Centre is shown on the zoning map.
- (2) The objectives of each zone are set out in the clauses below. These clauses also specify development that does not require consent, development that requires consent, and prohibited development.
- (3) The consent authority must not grant consent for development of land within a zone unless it has taken into consideration the provisions of this plan, the objectives of the zone and the consistency of the development with those objectives.
- (4) The consent authority must not grant consent for development unless it has taken into consideration the character of the development site and of the surrounding locality (*character*, in this context, meaning the qualities that distinguish each locality and the individual properties within each locality).

### 12 City Centre Zone

- (1) The objectives of the City Centre Zone are:
  - (a) to encourage the development of business and administrative activities that contribute to economic growth and employment opportunities within Gosford City Centre and the wider region, and
  - (b) to encourage a wide range of retail, commercial, entertainment and community uses to facilitate the revitalisation of Gosford City Centre and its use by a wide range of residents, and
  - (c) to permit a diversity of uses which reinforce the multi-use character of Gosford City Centre, and
  - (d) to allow for increased residential and other ancillary development where it is unlikely to significantly prejudice the supply of retail and commercial floor space within Gosford City Centre.
- (2) The following development may be carried out within the City Centre Zone without development consent:  
Exempt development
- (3) The following development may be carried out within the City Centre Zone only with development consent:  
Demolition

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Clause 12          Gosford City Centre Local Environmental Plan 2005

Part 3              Zoning

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Development for the purposes of the following:

advertisements  
boarding houses  
bulky goods salesrooms or showrooms  
carparks  
child care centres  
clubs  
commercial premises  
communication facilities  
community facilities  
educational establishments  
goods terminals  
hardware and building supply outlets  
home businesses  
hospitals  
hotels  
medical centres  
mixed use development  
motels  
motor showrooms  
places of assembly  
places of public worship  
plant nurseries  
reception rooms  
recreation and sporting facilities  
restaurants  
roads  
service stations  
shop top housing  
shops  
utility installations  
vehicle repair stations  
warehouses  
Subdivision (other than subdivision that is exempt development)

(4) All other development is prohibited within the City Centre Zone.



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**13 City Centre Support Zone**

- (1) The objectives of the City Centre Support Zone are:
  - (a) to allow a range of uses that support the primary retail and commercial core functions of the City Centre Zone, and
  - (b) to allow residential development in close proximity to Gosford City Centre and transport interchanges, and
  - (c) to allow for a range of services and community facilities to serve the needs of residents of, and workers and visitors to, Gosford City Centre.
- (2) The following development may be carried out within the City Centre Support Zone without development consent:

Exempt development
- (3) The following development may be carried out within the City Centre Support Zone only with development consent:

Demolition

Development for the purposes of the following:

  - advertisements
  - boarding houses
  - carparks
  - child care centres
  - clubs
  - commercial premises
  - communication facilities
  - community facilities
  - educational establishments
  - hardware and building supply outlets
  - home businesses
  - hospitals
  - hotels
  - medical centres
  - mixed use development
  - motels
  - places of assembly
  - places of public worship
  - residential flat buildings
  - restaurants

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Clause 14 Gosford City Centre Local Environmental Plan 2005

Part 3 Zoning

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roads  
utility installations  
veterinary hospitals  
Subdivision (other than subdivision that is exempt development)

- (4) All other development is prohibited within the City Centre Support Zone.

### 14 Health Precinct Residential Zone—deferred matter

### 15 City Centre Parks Zone

- (1) The objectives of the City Centre Parks Zone are:
- (a) to identify land for purposes of public open space to provide for the leisure and recreation of residents and visitors, and
  - (b) to facilitate the use of public land for a range of activities that promote community benefits and social capital, and
  - (c) to retain open space areas that are of regional or historic significance or both.
- (2) The following development may be carried out within the City Centre Parks Zone without development consent:  
Exempt development
- (3) The following development may be carried out within the City Centre Parks Zone only with development consent:  
Demolition  
Development for the purposes of the following:  
community facilities  
places of assembly  
reception rooms  
recreation and sporting facilities  
restaurants  
roads  
utility installations  
Subdivision (other than subdivision that is exempt development)
- (4) All other development is prohibited within the City Centre Parks Zone.

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**16 City Centre Special Use Zone**

- (1) The objectives of the City Centre Special Use Zone are:
  - (a) to identify a range of public uses that are integral to the function of Gosford City Centre as the commercial and administrative centre of the region, and
  - (b) to protect public assets, and
  - (c) to facilitate the use of public areas and waterways.
- (2) The following development may be carried out within the City Centre Special Use Zone without development consent:  
Exempt development
- (3) The following development may be carried out within the City Centre Special Use Zone only with development consent:  
Demolition  
Development for the purposes of the following:  
community facilities  
mooring pens  
mooring piles  
roads  
the particular land uses indicated in writing on the zoning map in relation to the City Centre Special Use Zone  
utility installations
- (4) All other development is prohibited within the City Centre Special Use Zone.

## **2005 No 853**

Clause 17            Gosford City Centre Local Environmental Plan 2005

Part 4                Development provisions

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## **Part 4    Development provisions**

### **Division 1      General**

#### **17    General requirements**

- (1) The consent authority must not consent to development unless the consent authority has considered the extent to which the proposed development:
  - (a) provides for a high quality urban form, incorporating the need to preserve vistas to ridgelines and sharing of views, and adoption of best practice urban design principles for buildings and places, and
  - (b) incorporates the principles of ecological sustainability and minimises negative impacts on the natural, social, physical and cultural environment, and
  - (c) provides for buildings, structures and spaces that are compatible with the character, form, setting and scale of Gosford City Centre, whilst providing a high quality built environment that complements its natural setting, and
  - (d) provides for the integration of transport and land use, to reduce the need for car travel, maximise use of existing public transport, concentrate higher density development around transport interchanges and improve safety for cyclists and pedestrians, and
  - (e) provides for the protection, preservation and enhancement of all heritage resources to enhance the character and identity of Gosford City Centre, and
  - (f) shows that noise and vibration issues associated with the railway have been addressed.
- (2) The consent authority must not consent to development unless the consent authority is satisfied that the proposed development will not have any adverse effect on marine habitats, including seagrasses.

#### **18    Building height limitations and requirements**

- (1) The objectives of the building height limitations and requirements are:
  - (a) to ensure that development relates to the scale and character of the existing streets and local area, and
  - (b) to maintain views from Kibble Park to the ridges of the surrounding hills, and
  - (c) to enable view sharing to and from Gosford City Centre, and
  - (d) to protect views of the surrounding ridgelines from the foreshore, and

- (e) to facilitate mixed use developments, and
- (f) to provide quality internal environments that optimise solar access and facilitate future adaptability of uses, and
- (g) to minimise wind tunnelling effects.

(2) **General height limitations**

The consent authority must not grant consent for a building that exceeds the height shown on the Building Heights Map in relation to the relevant land.

(3) Despite subclause (2), consent may be granted for a building that exceeds the specified height by what the consent authority considers to be a minor amount, but only if the consent authority is satisfied that the additional height is required to facilitate an architectural roof feature that:

- (a) comprises a decorative element on the uppermost portion of the building, and
- (b) is an integral part of the design of the building in its context, and
- (c) is not a structure for signage or advertising, and
- (d) does not include floor space area and is not reasonably capable of modification to include floor space area, and
- (e) does not provide access for recreational purposes, and
- (f) does not contain equipment or structures for servicing the building, such as plant, lift motor rooms, fire stairs and the like, and
- (g) will have minimal overshadowing impact.

(4) **Setback requirements for parts of buildings above 10.5 metres high**

Any part of a building that is above 10.5 metres in height is to be set back at least 5 metres from any boundary that has frontage to a public right of way (such as a street or lane).

(5) Any part of a non-residential building that is above 10.5 metres in height is to be set back at least 3 metres from any side boundary that does not have frontage to a public right of way.

(6) Any part of a building located on the western side of Mann Street, between Donnison and Erina Streets, that is above 10.5 metres in height is to be set back at least 20 metres from the eastern boundary so as to ensure the maintenance of views to President's Hill and to ensure that there will be no overshadowing of William Street Mall greater than could occur on the commencement of this plan.

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Clause 19 Gosford City Centre Local Environmental Plan 2005

Part 4 Development provisions

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- (7) Any part of a building located on the south-western corner of the intersection of Donnison Street and Dane Drive that is above 10.5 metres in height is to be set back at least 10 metres from the southern property boundary so as not to cause overshadowing to the adjoining bowling greens.
- (8) Any part of a building fronting Mortimer Lane that is above 10.5 metres in height is to be set back at least 17 metres from the eastern boundary so as to ensure the maintenance of solar access to Kibble Park.

### 19 Floor space ratios

- (1) The objectives of floor space ratios are:
  - (a) to define allowable densities for permissible buildings within Gosford City Centre, and
  - (b) to limit the bulk and scale of buildings to ensure a good urban design outcome, and
  - (c) to ensure that development is in keeping with the site and locality.

#### (2) City Centre Zone

A building within the City Centre Zone with a height not exceeding that shown in Column 1 of the Table to this subclause is not to have a floor space ratio exceeding that shown in the corresponding row in Column 2 of that Table.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Height (m)</b>	<b>FSR</b>
7.5	2.0:1
10.5	2.5:1
14	2.75:1
17.5	3.0:1
21	3.5:1
24	4.0:1
30	4.75:1

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(3) **City Centre Support Zone**

A building within the City Centre Support Zone with a height not exceeding that shown in Column 1 of the Table to this subclause is not to have a floor space ratio exceeding that shown in the corresponding row in Column 2 of that Table.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Height (m)</b>	<b>FSR</b>
14	2.0:1
17.5	2.5:1
21	3.0:1
24	3.5:1

- (4) Despite subclauses (2) and (3), a site having an area of less than 900 square metres is not to have a floor space ratio greater than 3.0:1.
- (5) Basement levels, including carparking, that are not located wholly underground are to be counted as floor space for the purposes of calculating floor space ratios.

**20 Building setback requirements**

- (1) This clause is subject to clause 18 (4)–(8).
- (2) The objectives of the building setback requirements are:
- to create desirable street proportions and to define the street edge, and
  - to achieve well-scaled city form, and
  - to provide consistent streetscapes in Gosford City Centre, and
  - to maintain high environmental amenity for residential and commercial functions, and
  - to allow for street tree planting, and
  - to provide for activity along the street frontage.
- (3) **General building setbacks**
- All buildings are to comply with the building setbacks shown on the Building Setbacks Map in relation to the relevant land.
- (4) Active street frontages at ground level are to be maintained in respect of land shown on the Building Setbacks Map as having nil setback.

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Clause 21 Gosford City Centre Local Environmental Plan 2005

Part 4 Development provisions

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- (5) A 5 metre minimum landscaping setback at ground level is required in respect of land shown on the Building Setbacks Map as having a landscape setback requirement.
- (6) **Specific building setbacks**  
The building setbacks of Brisbane Water County Council building and Gosford City Council Administration Building existing on the commencement of this plan are to be maintained so as to reinforce a civic precinct.
- (7) A 2 metre building setback to the street is required on the eastern side of Baker Street from the Baker Street Car Park to Georgiana Terrace as shown on the Building Setbacks Map. Underground basements may be allowed to the boundary.
- (8) **Buildings on sites without building setbacks**  
Development of any land not shown as having a building setback on the Building Setbacks Map must be consistent, in terms of setbacks, with the existing predominant street building alignment and set any buildings back appropriately on a site-by-site basis.
- (9) In particular, buildings are not to be set at angles to the predominant street.

### 21 Site width at the front of building requirements

- (1) The objectives of the site width at the front of building requirements are:
  - (a) to ensure that there is sufficient flexibility for building design, and
  - (b) to ensure that adequate separation can be achieved between residential buildings.
- (2) The minimum site width at the front of any building exceeding 10.5 metres in height is 20 metres.
- (3) The maximum horizontal dimension of a building facade that is parallel to the street front is, at any point above 10.5 metres in height, 40 metres.

### 22 Other building design matters

Consent must not be granted to the carrying out of any development unless the consent authority has had regard to whether the proposed development:

- (a) is scaled to support the character of the locality, with appropriate massing and spaces between buildings, and, in particular, whether the bulk of the proposed development is at a scale that is compatible with its existing topographical setting, and



- 
- (b) will provide visual and acoustic privacy in residential developments, and
  - (c) will provide for dual aspect apartments, and
  - (d) will provide adequate amenity for residents in terms of sun access and natural ventilation, and
  - (e) will limit overshadowing of adjacent properties and private or shared open space, and
  - (f) will allow for the provision of open space with appropriate size and proportion for recreational activities for the occupants of the buildings, and
  - (g) will provide deep soil zones for stormwater management and tree planting, where contextual and site conditions allow, and
  - (h) will provide opportunities for a high standard of amenity in non-residential buildings, and opportunities for energy-efficient buildings, and
  - (i) will generally improve the internal amenity of buildings and contribute to flexibility of use.

### **23 Building use requirements**

- (1) The objectives of the building use requirements are:
  - (a) to encourage a variety of mixed use developments in the core centre, and
  - (b) to promote urbanity, lively streets and public spaces, and
  - (c) to increase the diversity and range of shopping and recreational activities for workers, residents and visitors, and
  - (d) to enhance public safety by increasing activity in the public domain on weeknights and at weekends, and
  - (e) to ensure that design of mixed use developments maintains residential amenity, and
  - (f) to reinforce Gosford City Centre by locating active commercial and retail activities within the core area, and
  - (g) to ensure that buildings in the Primary and Secondary Retail Cores are designed and built to facilitate a range of uses.
- (2) The ground floor fronts of buildings that have frontages to the areas identified as Primary Retail Core on the Building Uses Map are to be used for retail or for shops or other active commercial uses.

## **2005 No 853**

Clause 24            Gosford City Centre Local Environmental Plan 2005

Part 4                Development provisions

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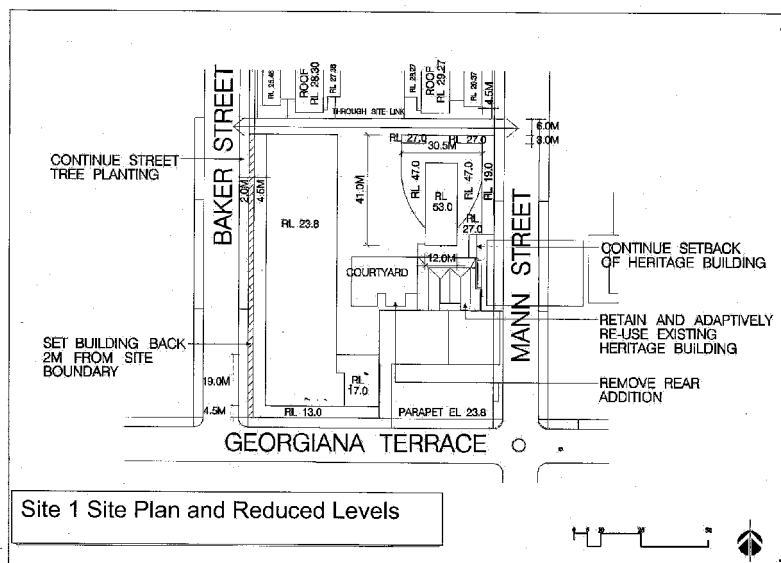
- (3) The first floor fronts of buildings that have frontages to the areas identified as Primary Retail Core on the Building Uses Map are to be used for retail or active commercial uses (or both).
- (4) The ground floor fronts of buildings that have frontages to the areas identified as Secondary Retail Core on the Building Uses Map are to be used for retail or active commercial uses (or both).

### **Division 2        Special development areas**

#### **24 Provisions relating to Site 1 (Spurbest) and Site 2 (Leagues Club Hotel)**

- (1) This clause applies to the lands identified as Site 1 and Site 2 on the Special Development Areas Map.
- (2) Development on Site 1 and Site 2 is required:
  - (a) to allow the two hills either side of Gosford to remain dominant features of the landscape, and
  - (b) to have low visual impact from the waterfront, and
  - (c) to improve pedestrian amenity along Baker Street by allowing a green landscape to flow from the waterfront, and
  - (d) to increase pedestrian accessibility through streets, and
  - (e) to re-adapt and re-use the Brisbane Water County Council Building, and
  - (f) to ensure an active street.
- (3) In particular:
  - (a) the tower buildings to be erected on Site 1 and Site 2 must be located a minimum of 100 metres apart, and
  - (b) each of those tower buildings:
    - (i) must have its narrowest edge facing the waterfront, and
    - (ii) must not exceed RL 53, and
    - (iii) must have a maximum 12 metre frontage to the south, and
    - (iv) must have an eco-top.

- (4) Development on Site 1 must be in accordance with the Site Plan and Reduced Level Diagram relating to Site 1 shown immediately after this subclause.



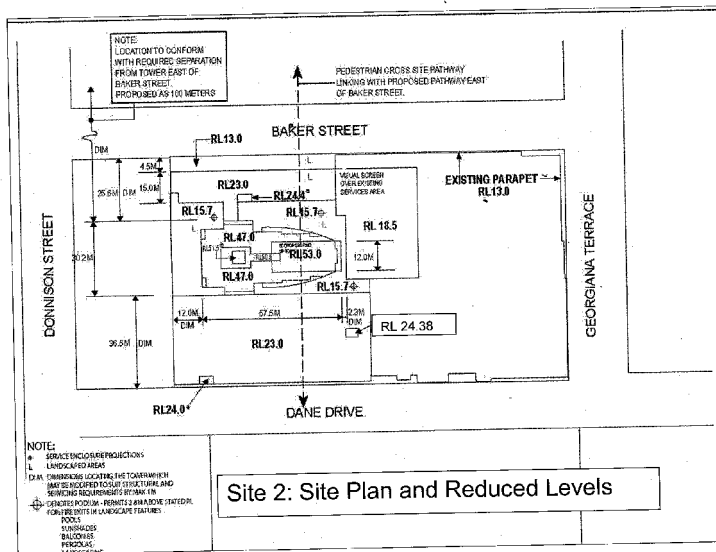
- (5) A building setback, consistent with building setback proposed for Baker Street, Georgiana Terrace and Mann Street frontages of buildings, is required in respect of each part of a building that is above 10.5 metres in height along the proposed pedestrian lane between Mann Street and Baker Street.

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Clause 24 Gosford City Centre Local Environmental Plan 2005

Part 4 Development provisions

- (6) Development on Site 2 must be in accordance with the Site Plan and Reduced Level Diagram relating to Site 2 shown immediately after this subclause.



## Part 5 Heritage provisions

### 25 Aims

The aims of this plan in relation to heritage as follows:

- (a) to conserve the heritage of Gosford City Centre,
- (b) to integrate heritage conservation into the planning and development control processes,
- (c) to provide for public involvement in heritage conservation,
- (d) to ensure that any development does not adversely affect the heritage significance of heritage items,
- (e) to provide greater certainty in the management of the heritage of Gosford City Centre,
- (f) to encourage high quality design and the continued use or adaptive re-use of heritage items,
- (g) to ensure that archaeological sites and places of aboriginal heritage significance are conserved.

### 26 Consent required for certain development

- (1) The following development may be carried out only with development consent:
  - (a) demolishing a heritage item,
  - (b) moving a heritage item or part of a heritage item,
  - (c) altering a heritage item by making structural or non-structural changes to the exterior or interior, such as to its detail, fabric, finish or appearance,
  - (d) erecting a sign or advertising structure on a heritage item,
  - (e) erecting a building on the site of a heritage item,
  - (f) subdividing the site of a heritage item,
  - (g) disturbing or excavating a place of Aboriginal heritage significance or 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.
- (2) However, consent under this clause is not required if the person proposing to carry out the development has notified the consent authority of the proposed development and the consent authority has advised the person in writing before any work is carried out that it is satisfied that:
  - (a) the proposed development:

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Clause 27 Gosford City Centre Local Environmental Plan 2005

Part 5 Heritage provisions

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- (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
- (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
- (b) the proposed development is required as a matter of urgency to ensure public safety, or
- (c) if the proposed development involves a heritage item listed in Category 2 in Schedule 1—the proposed development is consistent with a plan of management.

### **27 Consent authority must have regard to heritage conservation**

- (1) Before granting a consent required by this Part, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.
- (2) The assessment must include consideration of a heritage impact statement that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant such a consent until it has considered a conservation management plan if it considers the development proposed should be assessed with regard to such a plan.
- (3) The essential issues that must be addressed by the heritage impact statement are:
  - (a) the heritage significance of the item as part of the environmental heritage of Gosford, and
  - (b) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
  - (c) the measures proposed to conserve the heritage significance of the item and its setting, and
  - (d) the compatibility of any proposed development with buildings in the streetscape, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development, and
  - (e) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and
  - (f) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision, and

- (g) the issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.

## **28 Floor space ratio for sites of Category 1 heritage items**

- (1) Despite clause 19, the maximum floor space ratio for a building on the site of a heritage item listed in Category 1 in Schedule 1 is the floor space ratio of the buildings on the site on the commencement of this plan, except as otherwise provided by this clause.
- (2) The consent authority (after considering the matters specified in clause 27) may consent to development that will not materially affect a heritage item listed in Category 1 in Schedule 1, but that will result in the maximum floor space ratio set by this clause for the site being exceeded, but only if:
  - (a) the proposed development involves mainly internal building work or minor additions, or
  - (b) the proposed development is on part of the site not occupied by any building of heritage significance.
- (3) The consent authority (after considering the matters specified in clause 27) may consent to development that will materially affect a heritage item listed in Category 1 in Schedule 1 and that will result in the maximum floor space ratio set by this clause for the site being exceeded.
- (4) However, subclauses (2) and (3) do not apply so as to allow consent to be granted for development of land that consists of or includes the site of a heritage item listed in Category 1 in Schedule 1 that will result in the maximum floor space ratio specified for the land in clause 19 being exceeded.
- (5) For the purposes of this clause, development on land that comprises or includes the site of a heritage item listed in Category 1 in Schedule 1 *materially affects* the item only if:
  - (a) it will reduce or increase the building envelope occupied by the item, or
  - (b) it will be carried out within the airspace above the building envelope occupied by the item, or
  - (c) it will involve the demolition of any heritage item listed in Category 1 in Schedule 1.
- (6) However, development does not materially affect a heritage item if, in the opinion of the consent authority, the proposed development will not adversely affect the heritage significance of the heritage item concerned.

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Clause 29            Gosford City Centre Local Environmental Plan 2005

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### **29    Height and setback in relation to Category 1 heritage buildings**

Any development of a building that is a heritage item listed in Category 1 in Schedule 1:

- (a)    must retain the existing height of the building as the building height to the street frontage, and
- (b)    must retain the existing building setback from the street frontage.

### **30    Development within the vicinity of a heritage item**

- (1)    Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage item.
- (2)    This clause extends to development:
  - (a)    that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or
  - (b)    that may undermine or otherwise cause physical damage to a heritage item, or
  - (c)    that will otherwise have any adverse impact on the heritage significance of a heritage item.
- (3)    The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual appearance and setting of the heritage item.
- (4)    The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

### **31    Development of known or potential archaeological sites**

- (1)    Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site or the site of a relic that has non-Aboriginal heritage significance (whether or not it is also the site of a relic of Aboriginal heritage significance), the consent authority must:
  - (a)    consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
  - (b)    notify the Heritage Council of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.



- (2) This clause does not apply if the proposed development:
- (a) does not involve disturbance of below ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
  - (b) involves anything that is listed in the State Heritage Register under the *Heritage Act 1977* or is the subject of an interim heritage order under that Act.

**32 Development affecting places or sites of known Aboriginal heritage significance**

Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such a way as it thinks appropriate) and the Director-General of Department of Environment and Conservation of its intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.

**33 Notice to the Heritage Council**

Before granting consent for the demolition of a heritage item identified in Schedule 1 as being of State significance, the consent authority must notify the Heritage Council about the application and take into consideration any comments received in response within 28 days after the notice is sent.

**34 Conservation incentives**

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

- (a) it is satisfied that the retention of the heritage item depends on the granting of consent, and
- (b) the proposed use is in accordance with a conservation management plan that has been endorsed by the consent authority, and

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Clause 34          Gosford City Centre Local Environmental Plan 2005

Part 5              Heritage provisions

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- (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
- (d) the proposed use would not adversely affect the heritage significance of the heritage item or its setting, and
- (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.

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## Part 6 Miscellaneous

### 35 Temporary use of public land

- (1) Despite any other provision of this plan, a person may, without the consent of the consent authority, carry out development on public land to which this plan applies for the purpose of a market, show, circus or auction, or for a community purpose (such as an event organised by Scouts Australia, a Lions Club, a Rotary Club or a similar body), for a maximum of 24 days (whether consecutive or not) in any calendar year.
- (2) A person must not carry out development referred to in subclause (1) unless the person has given the consent authority a notice of the person's intention to carry out the development and at least 28 days have elapsed since the notice was given. The development must not be carried out later than 12 months after the date on which the notice is given.
- (3) Any temporary use of public land must be consistent with a plan of management.
- (4) In this clause, *public land* means land vested in (or held by trustees on behalf of) the Crown, a Minister of the Crown, a statutory body, or the Council.

### 36 Classification and reclassification of public land

- (1) The objective of this clause is to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 to the *Local Government Act 1993*.
- (2) The public land described in Part 1 or Part 2 of Schedule 2 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 2 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) Public land described in Part 1 of Schedule 2:
  - (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.

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Clause 37 Gosford City Centre Local Environmental Plan 2005

Part 6 Miscellaneous

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- (5) Public land described in Part 2 of Schedule 2, to the extent (if any) that it is a public reserve ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 2, 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*).
- (6) In this clause, the **relevant amending plan**, in relation to land described in Part 2 of Schedule 2, means this plan or, if the description of the land is inserted into that Part by another environmental planning instrument, that instrument.
- (7) Before the relevant amending plan inserted a description of land into Part 2 of Schedule 2, the Governor approved of subclause (5) applying to the land.

### 37 Exempt development

Development that is of minimal impact and is specified in Column 1 of Schedule 3 is **exempt development** if:

- (a) it is carried out in the circumstances set out in Column 2 of that Schedule opposite the development, and
- (b) it does not cause interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, and
- (c) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
- (d) it does not contravene any condition of a development consent applying to the land, and
- (e) if the development involves the erection of a structure, the structure is constructed from new materials (unless otherwise specified in Schedule 3), and
- (f) it is carried out on land identified as bushfire-prone on the *Bushfire Prone Land Map*.

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**38 Complying development**

- (1) Development listed in Column 1 of Schedule 4 is *complying development* if:
  - (a) it is development (other than State significant development) of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it meets the standards specified in Column 2 of that Schedule opposite the development, and
  - (c) it is not an existing use, as defined in section 106 of the Act, and
  - (d) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
  - (e) it does not contravene any condition of a development consent applying to the land.
- (2) Development is not complying development if it is carried out:
  - (a) on land that is identified as:
    - (i) flood liable, or
    - (ii) subject to high bushfire hazard,on a map, or
  - (b) on land that is identified on a map as having acid sulphate soils if the development would disturb those soils, or
  - (c) on land that is identified in records held by the Council as being contaminated, or
  - (d) on land to which *State Environmental Planning Policy No 19—Bushland in Urban Areas* applies.
- (3) A complying development certificate issued for any such development is to be subject to the conditions for the development specified in the *Gosford City Centre Development Control Plan* as in force at the date the certificate is issued.

**39 Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land within 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) Nothing in subclause (1) affects the rights or interests of any public authority under any registered instrument.
- (3) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1) and (2).

## 2005 No 853

Clause 40            Gosford City Centre Local Environmental Plan 2005

Part 6                Miscellaneous

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### 40    Preservation of trees

- (1)    The objective of this clause is to preserve the amenity of the area through the preservation of trees.
- (2)    This clause applies to all the land to which this plan applies (other than land to which the *Native Vegetation Act 2003* applies).
- (3)    This clause applies to trees of the species, kind or size prescribed for the purposes of this clause by a development control plan applying to the land to which this clause applies.
- (4)    A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree to which this clause applies without the authority conferred by:
  - (a)    development consent, or
  - (b)    a permit granted by the Council.
- (5)    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.
- (6)    This clause does not apply to a tree that the Council is satisfied is dying or dead or has become dangerous.
- (7)    A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree:
  - (a)    that is or forms part of a heritage item, or
  - (b)    that is situated on land in the vicinity of a heritage item.
- (8)    The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree is advertised development if:
  - (a)    the tree is or forms part of a heritage item or is within a heritage conservation area, and
  - (b)    in the opinion of the consent authority, the ringbarking, cutting down, topping, lopping, removal, injuring or destruction of the tree will adversely affect that heritage significance of the heritage item or heritage conservation area.
- (9)    This clause does not apply to or in respect of:
  - (a)    action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Electricity Safety Act 1945*, the *Roads Act 1993* or the *Surveying Act 2002*, or
  - (b)    plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**41 Public infrastructure works**

Nothing in the plan prohibits, restricts or requires development consent for works undertaken by a public authority or its agent:

- (a) required in connection with the Gosford Regional Sewerage Scheme, or
- (b) required for drainage improvement works, water sensitive urban design improvements or water quality works, or
- (c) required for the carrying out of coastal hazard protection works.

**42 Savings**

- (1) Deemed environmental planning instruments as in force immediately before the commencement of this plan continue to apply to a development application that was made before the public exhibition of the draft for this plan but had not been finally determined before the commencement of this plan.
- (2) This clause does not apply to development applications associated with Site 1 (Spurbest) or Site 2 (Leagues Club Hotel) referred to in clause 24 and shown as Site 1 and Site 2 on the Special Development Areas Map.

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Gosford City Centre Local Environmental Plan 2005

Schedule 1 Heritage items

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### Schedule 1 Heritage items

(Clauses 26, 28, 29, 33 and Dictionary)

#### Part 1 Preliminary

In this Schedule:

**R1** means the *Gosford Heritage Review Study Stage 1*—Graham Brooks and Associates, February 1998

**R2** means the *Gosford Heritage Review Stage 2*—Suters Architects, September 2001

**R3** means the *Heritage Survey—Draft LEP Gosford City Centre*—Suters Architects, January 2004

#### Part 2 Heritage items

**Category 1 Buildings, Building Elements and Sites (shown on the Buildings, Building Elements and Sites Map)**

No on Map	Heritage Inventory Study Sheet No	Address	Name	Level of Significance
1	R1/59	3 Mann Street, Gosford	The Rectory	Local
2	R1/171	3 Mann Street, Gosford	Old Christ Church Anglican Church	State
3	R1/53	23 Mann Street, Gosford	Part of Gosford South Post Office	Local
4	R1/56	Cnr Georgiana Terrace and Mann Street (37 Mann Street), Gosford	Former School of Arts	Local
5	R2/57	37 Mann Street, Gosford	Creighton's Funeral Parlour	Local
6	R1/51	121 Henry Parry Drive, Gosford	Former Gosford Public School and Residence—TAFE Building E	Local
7	R1/49	Cnr Mann Street and Georgiana Terrace, Gosford	Conservatorium of Music (former Courthouse and Police Station)	Local
8	R2/56	50 Mann Street, Gosford	Former Brisbane Water County Council	Local
9	R1/55	108 Donnison Street, Gosford	Union Hotel	Local
10	R1/60	102 Erina Street East, Cnr Mann Street, Gosford	The Hotel Gosford	Local



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**Category 2 Archaeological/Townscape/Landscape Items (shown on the Archaeological/Townscape/Landscape Items Map)**

<b>No on Map</b>	<b>Heritage Inventory Study Sheet No</b>	<b>Address</b>	<b>Name</b>	<b>Level of Significance</b>
1	R3/14	Along Alfred Higgs Place & Dane Drive, Gosford	Avenue & Feature Trees—Grahame Park	Local
2	R3/15	Gertrude Place, Cnr of Broadview Avenue, Gosford	Stone Street Wall	Local
3	R2/77	Park & Memorials	Gosford City Council Memorial Park	Local
4	R3/17	South end Mann Street & Vaughan Avenue, Gosford	Avenue & Feature Trees—Memorial Park	Local
5	R3/18	Gertrude Place to Mann Street, Cnr of Mann Street, Gosford	Stone Street and Driveway Wall	Local
6	R3/34	Carpark behind Mann Street, access off Henry Parry Drive, south of Donnison Street, Gosford	Feature Tree—Fig	Local
7	R2/66	Mann Street, adjacent to the railway station, Burns Crescent, Gosford	Burns Place	Local
8	R3/41	Mann Street, adjacent to the railway station, Burns Crescent, Gosford	Feature eucalypt and stands of mature trees—Burns Place	Local
9	SRA Register s170	Gosford Railway Station/Showground Road, Gosford	Signal Box and Water column and tank, Large faced clock with wooden frame	State
10	SRA Register s170	Gosford Railway Station	Railway Bridge/Viaduct	State
11	R3/	Gosford Railway Station/Showground Road, Gosford	Railway Turntable	Local
12	R3/10	Gosford City Park, opposite York Street, Gosford	War Memorial Site—Gosford Olympic Swimming pool	Local

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Gosford City Centre Local Environmental Plan 2005

Schedule 1 Heritage items

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No on Map	Heritage Inventory Study Sheet No	Address	Name	Level of Significance
13	R3/11	Off Vaughan Ave, below Memorial Park, Gosford	The Rotary Clubs Fountain & Garden—original wharf location	Local
14	R1/52	Off Dane Drive, Gosford	Site of Gosford Wharf	Local
15	R3/13	Between Fagans Bay and Broadwater, Brisbane Water, Gosford	Railway Bridge	Local

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### Category 3 Items/Buildings of Heritage Interest (shown on the Items/Buildings of Heritage Interest Map)

No on Map	Heritage Inventory Study Sheet No	Address	Name	Level of Significance
1	R3/26	49 Mann Street, Gosford	Gosford City Council Administration Building	Local
2	R3/38	150 Mann Street, Gosford	Gosford First National Real Estate—Building Facade	Local
3	R3/50	307 Mann Street, Cnr Beane Street	Mitre 10	Local

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**Schedule 2 Classification and reclassification of public land**

(Clause 36)

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

Column 1	Column 2
Locality	Description

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

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged

**Part 3 Land classified, or reclassified, as community land**

Column 1	Column 2
Locality	Description

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Gosford City Centre Local Environmental Plan 2005

Schedule 3 Exempt development

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### Schedule 3 Exempt development

(Clause 37)

Column 1	Column 2
Type of development	Circumstances for exemption
<b>1</b> Erection and use of a business identification sign listed below	
<b>Business signs</b>	
(a) Suspended under awning sign	<b>Maximum size</b> <ul style="list-style-type: none"><li>not exceeding 1.5 m<sup>2</sup> in area</li></ul> <b>Siting</b> <ul style="list-style-type: none"><li>if over a public road, erected at a minimum height of 3 m above ground level</li></ul> <b>Structure</b> <ul style="list-style-type: none"><li>one per premises</li><li>securely fixed by metal supports</li></ul> <b>Heritage</b> <ul style="list-style-type: none"><li>not erected on an item of environmental heritage</li></ul>
(b) Vertical or horizontal projecting wall signs	<b>Maximum size</b> <ul style="list-style-type: none"><li>not exceeding 2.5 m<sup>2</sup> in area</li></ul> <b>Siting</b> <ul style="list-style-type: none"><li>if over a public road, erected at a minimum height of 3 m above ground level</li></ul> <b>Structure</b> <ul style="list-style-type: none"><li>securely fixed</li></ul> <b>Heritage</b> <ul style="list-style-type: none"><li>not erected on an item of environmental heritage</li></ul>
(c) Flush wall signs	<b>Maximum size</b> <ul style="list-style-type: none"><li>not exceeding 2.5 m<sup>2</sup> in area</li></ul> <b>Siting</b> <ul style="list-style-type: none"><li>if over a public road, erected at a minimum height of 3 m above ground level</li></ul> <b>Structure</b> <ul style="list-style-type: none"><li>one per premises</li></ul> <b>Heritage</b> <ul style="list-style-type: none"><li>not erected on an item of environmental heritage</li></ul>

<b>Column 1</b>	<b>Column 2</b>
<b>Type of development</b>	<b>Circumstances for exemption</b>
<b>2 Ancillary development</b>	
(a) Air conditioning units	<p><b>Siting</b></p> <ul style="list-style-type: none"> <li>attached to external walls or ground mounted involving fully integrated systems</li> <li>all mechanical components and their enclosures located a minimum of 6.0 m from any property boundary and behind building line to any street frontage</li> </ul>
(b) Barbecues	<p><b>Maximum size</b></p> <ul style="list-style-type: none"> <li>2 m<sup>2</sup></li> </ul> <p><b>Maximum height</b></p> <ul style="list-style-type: none"> <li>1.8 m</li> </ul> <p><b>Siting</b></p> <ul style="list-style-type: none"> <li>not located within 3 m of a window or other ventilation opening on adjoining premises</li> <li>located behind the building line and not in a prominent location</li> </ul> <p><b>Structure</b></p> <ul style="list-style-type: none"> <li>one per dwelling</li> <li>for domestic use only</li> <li>located at ground level only</li> </ul>
(c) Children's play equipment (other than cubby houses)	<p><b>Maximum height</b></p> <ul style="list-style-type: none"> <li>2.4 m (3.5 m for basketball backboard and poles)</li> </ul> <p><b>Siting</b></p> <ul style="list-style-type: none"> <li>located behind building line to any street frontage</li> <li>located at least 900 mm from any property boundary</li> </ul>
(d) Domestic apparatus (including TV aerials, retractable clothes lines and flues)	<p><b>General</b></p> <ul style="list-style-type: none"> <li>must be structurally stable, with adequate footings</li> <li>all apparatus to be installed in accordance with the manufacturer's instructions</li> </ul>

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Schedule 3 Exempt development

Column 1	Column 2
Type of development	Circumstances for exemption
(e) Driveways within property boundary (single dwelling)	<p><b>Standards</b></p> <ul style="list-style-type: none"><li>• 1 aerial per building</li><li>• maximum height of aerial 6 m above roof</li><li>• width of aerial 1.5 m maximum</li><li>• retractable clothes lines to be located to the rear of Class 1 dwelling (within the meaning of the <i>Building Code of Australia</i>), and at ground level</li><li>• retractable clothes lines to be screened from view from public places</li></ul> <p><b>Maximum size</b></p> <ul style="list-style-type: none"><li>• maximum width of 3.5 m</li></ul> <p><b>Siting</b></p> <ul style="list-style-type: none"><li>• located at or near ground level so as not to require retaining or filling to depths greater than 600 mm</li></ul> <p><b>Structure</b></p> <ul style="list-style-type: none"><li>• complies with the requirements of Australian Standard AS 2890.1—1993, <i>Parking facilities—Off-street car parking</i></li><li>• complies with BASIX</li></ul> <p><b>Drainage</b></p> <ul style="list-style-type: none"><li>• incorporates drainage to prevent discharge of surface water to adjoining properties and to provide discharge to appropriate outlets</li><li>• does not affect the overland flowpath of surface water so as to adversely affect adjoining properties</li></ul> <p><b>Tree protection</b></p> <ul style="list-style-type: none"><li>• driveways located within 3 m of existing trees are constructed of loose paver to allow minor ground movement due to root system</li></ul>
(f) Fences—front (for single dwellings)	<p><b>Maximum height</b></p> <ul style="list-style-type: none"><li>• open style (eg picket, pool fencing): 1.2 m</li><li>• solid (eg decorative brick, timber): 1 m</li></ul> <p><b>Siting</b></p> <ul style="list-style-type: none"><li>• in front of the building line</li><li>• gates do not obstruct pedestrian access along a public roadway</li></ul>

Column 1 Type of development	Column 2 Circumstances for exemption
(g) Fences—side and rear	<p><b>Structure</b></p> <ul style="list-style-type: none"> <li>• of materials compatible with streetscape</li> <li>• not made of solid metal materials</li> <li>• no fences with high flammability on land shown as high bushfire hazard on a map held by the Council</li> </ul> <p><b>Tree protection</b></p> <ul style="list-style-type: none"> <li>• no strip footing construction where a tree is located within 3 m on either private or public property</li> </ul> <p><b>Maximum size</b></p> <ul style="list-style-type: none"> <li>• maximum height 1.8 m</li> </ul> <p><b>Siting</b></p> <ul style="list-style-type: none"> <li>• not where fence will impede floodways or overland flow paths</li> <li>• behind front boundary line</li> <li>• does not interfere with traffic visibility at intersections</li> </ul> <p><b>Tree protection</b></p> <ul style="list-style-type: none"> <li>• no strip footing construction where a tree is located within 3 m on either private or public property</li> </ul> <p><b>Privacy screens</b></p> <ul style="list-style-type: none"> <li>• open style privacy screens (eg lattice) with a maximum length of 3 m and a maximum height above the fence of 450 mm and not attached to the fence structure</li> </ul>
(h) Flagpoles	<p><b>Maximum size</b></p> <ul style="list-style-type: none"> <li>• maximum height of 6 m above existing ground level</li> </ul> <p><b>Siting</b></p> <ul style="list-style-type: none"> <li>• located at least 1 m from any boundary</li> </ul>
(i) Lighting	<p><b>Structure</b></p> <ul style="list-style-type: none"> <li>• one only for any single allotment of land</li> <li>• structurally adequate</li> </ul> <p><b>General</b></p> <ul style="list-style-type: none"> <li>• not for a tennis court or playing field</li> <li>• directed so as to not cause a nuisance to adjoining properties</li> </ul>

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Gosford City Centre Local Environmental Plan 2005

Schedule 3 Exempt development

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<b>Column 1</b>	<b>Column 2</b>
<b>Type of development</b>	<b>Circumstances for exemption</b>
(j) Rainwater tanks	<p><b>Maximum size</b></p> <ul style="list-style-type: none"><li>• maximum volume of 4,500 L</li></ul> <p><b>Specifications</b></p> <ul style="list-style-type: none"><li>• complies with AS/NZS 2179.1—1994, <i>Specifications for rainwater goods, accessories and fasteners, Part 1: Metal shape or sheet rainwater goods, and metal accessories and fasteners</i> and AS 2180—1986, <i>Metal rainwater goods—selection and installation</i></li><li>• maximum height of 1.8 m above ground level</li></ul> <p><b>Siting</b></p> <ul style="list-style-type: none"><li>• located at least 900 mm from any property boundary</li><li>• located behind building line to any street frontage</li><li>• not located over stormwater or sewer pipes</li><li>• not resting on the edge of wall footings</li><li>• integrated with existing building design</li><li>• suitably screened</li></ul> <p><b>Drainage</b></p> <ul style="list-style-type: none"><li>• provision made to prevent overflow running onto adjoining properties</li></ul> <p><b>Structure</b></p> <ul style="list-style-type: none"><li>• support structure to manufacturer's specifications or requirements of a qualified practising structural engineer</li><li>• all openings are sealed or protected to prevent ingress of animals and insects</li></ul> <p><b>Water connection</b></p> <ul style="list-style-type: none"><li>• no connection or cross-connection between the reticulated town water supply and tank water</li></ul>



Column 1 Type of development	Column 2 Circumstances for exemption
(k) Satellite dishes	<p><b>Maximum size</b></p> <ul style="list-style-type: none"> <li>• 1.2 m in diameter</li> </ul> <p><b>Siting</b></p> <ul style="list-style-type: none"> <li>• maximum height 1.5 m above lowest point of roof</li> <li>• behind building line and located no closer than 900 mm to side boundaries</li> <li>• no detrimental effect on adjoining properties</li> <li>• for domestic purposes only</li> </ul>
(l) Skylights (including solar tubes or similar installations)	<p><b>Maximum area</b></p> <ul style="list-style-type: none"> <li>• maximum area of skylight does not exceed 1 m<sup>2</sup></li> </ul> <p><b>Siting</b></p> <ul style="list-style-type: none"> <li>• location not less than 900 mm from a property boundary and not less than 900 mm from a wall separating attached dwellings</li> </ul> <p><b>Structure</b></p> <ul style="list-style-type: none"> <li>• building work will not reduce the structural integrity of the building or involve structural alterations</li> <li>• any openings created by the installation are adequately weatherproofed</li> </ul>
(m) Solar water heaters	<p><b>Installation</b></p> <ul style="list-style-type: none"> <li>• installed to manufacturer's specifications and requirements</li> <li>• installed by the holder of a relevant licence and in accordance with the provisions of the relevant standards of Standards Australia</li> <li>• solar panels must be flush with roof</li> </ul> <p><b>Structure</b></p> <ul style="list-style-type: none"> <li>• does not reduce the structural integrity of the building</li> <li>• any opening is sealed by the use of adequate weatherproofing</li> </ul>

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Schedule 3 Exempt development

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<b>Column 1</b>	<b>Column 2</b>
<b>Type of development</b>	<b>Circumstances for exemption</b>
(n) Temporary buildings (builders shed, portaloos, scaffold)	<b>Siting</b> <ul style="list-style-type: none"><li>located within property boundaries</li></ul> <b>Structure</b> <ul style="list-style-type: none"><li>structurally adequate</li><li>on site for a period of no more than 5 months within any 12 month period</li></ul> <b>Drainage</b> <ul style="list-style-type: none"><li>stormwater not directed to adjoining properties</li></ul>
(o) Water heaters	<b>Installation</b> <ul style="list-style-type: none"><li>carried out by the holder of a relevant licence</li></ul>
<b>3 Minor internal alterations to, or replacement of, a part of a dwelling or residential unit or associated structure</b>	
(a) Replacement, recladding or repair of existing roof to the dwelling, residential unit, car port or garage	<b>Structure</b> <ul style="list-style-type: none"><li>no change to roof line</li><li>same type of materials as materials prior to the replacement, recladding or repair</li><li>external materials of low reflectivity</li></ul> <b>Drainage</b> <ul style="list-style-type: none"><li>stormwater directed to an approved drainage system</li></ul> <b>Heritage</b> <ul style="list-style-type: none"><li>not on properties identified as an item of environmental heritage</li></ul>
(b) Replacement of, or repair to, existing walls to dwelling, residential units or garage	<b>Structure</b> <ul style="list-style-type: none"><li>no alteration to existing window or door openings</li></ul> <b>Materials</b> <ul style="list-style-type: none"><li>materials other than masonry</li><li>external materials of low reflectivity</li></ul> <b>Heritage</b> <ul style="list-style-type: none"><li>not on properties identified as an item of environmental heritage</li></ul>

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Column 1	Column 2
Type of development	Circumstances for exemption
(c) Other minor internal alterations to a dwelling, residential unit or associated structure	<p><b>Structure</b></p> <ul style="list-style-type: none"> <li>• non-structural work only</li> <li>• alterations or renovations to previously completed buildings only</li> <li>• no reduced light or ventilation from windows</li> <li>• no reduced doorways for egress purposes</li> <li>• no enclosure of open areas</li> </ul>
<b>4 Minor internal alterations to a building or work not associated with a dwelling or residential unit</b>	<p><b>Structure</b></p> <ul style="list-style-type: none"> <li>• alteration involves only the internal fabric or the appearance of the building or work or alterations to the external fabric or appearance of the building or work (being changes that involve the repair or renovation of painting, plastering or other decoration of the building or work)</li> <li>• the alteration does not involve the enlargement or extension of the building</li> <li>• non-structural work only</li> <li>• no reduced light or ventilation from windows, no reduced doorways for egress purposes and no enclosure of open areas</li> <li>• alterations or renovations to previously completed buildings only</li> <li>• no change to roofline</li> <li>• no changes to configuration of rooms, whether by removal of existing walls or partitions or by other means</li> <li>• building before and after alterations complies with safety provisions of the <i>Building Code of Australia</i></li> </ul> <p><b>Materials</b></p> <ul style="list-style-type: none"> <li>• materials other than masonry</li> <li>• external materials of low reflectivity</li> </ul> <p><b>Heritage</b></p> <ul style="list-style-type: none"> <li>• not on properties identified as items of environmental heritage</li> </ul> <p><b>Drainage</b></p> <ul style="list-style-type: none"> <li>• stormwater directed to an approved drainage system</li> </ul>

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<b>Column 1</b>	<b>Column 2</b>
<b>Type of development</b>	<b>Circumstances for exemption</b>
<b>5 Home occupations</b>	
<b>6 Christmas and other decorations located outdoors</b>	<ul style="list-style-type: none"><li>• for the Christmas period, limited to an 8 week period which may commence from 15 November in the relevant year (or first Monday after that date)</li><li>• for any other festival or event, period is not to exceed 4 weeks</li><li>• does not involve decorations that have an adverse effect on the structural adequacy of a building or fire safety</li><li>• intensity and intervals of flashing, and hours of illumination, must not adversely affect the amenity of the area</li></ul>
<b>7 Facade repairs (such as painting, repairs, plastering, cement rendering, cladding, attached fittings and decorative work)</b>	<ul style="list-style-type: none"><li>• repairs are non-structural</li><li>• no change to the external appearance of the building, including colours, material, finishes or glazing (except for Class 1 dwellings (within the meaning of the <i>Building Code of Australia</i>))</li><li>• there are no new fittings or attachments to the building</li></ul>
<b>8 Demolition (other than a heritage item or demolition requiring a Waste Management Plan under Gosford City Centre Development Control Plan)</b>	<ul style="list-style-type: none"><li>• demolition is carried out in accordance with Australian Standard AS 2601—2001, <i>Demolition of Structures</i></li></ul>
<b>9 Navigational aids</b>	<ul style="list-style-type: none"><li>• only with the approval of the Waterways Authority</li></ul>
<b>10 Subdivision of minor environmental significance</b>	Subdivision for one of the following purposes only: <ul style="list-style-type: none"><li>• widening a public road</li><li>• making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of any additional allotment</li><li>• making an adjustment to a boundary between allotments, being an adjustment that does not involve allotments with a split land use zone classification or flood liable classification or bushfire hazard classification or requiring geotechnical assessment.</li><li>• making an adjustment to a boundary between allotments that does not constitute a resubdivision</li></ul>

Column 1	Column 2
Type of development	Circumstances for exemption
<p><b>11 Development for the purpose of recreation sporting facility of minor environmental significance</b></p>	<ul style="list-style-type: none"> <li>• a minor adjustment that does not significantly change the size or shape of the allotments by more than 10%</li> <li>• rectifying an encroachment upon an allotment</li> <li>• creating a public reserve</li> <li>• consolidating allotments</li> <li>• excising from an allotment land which is, or is intended to be, used for public purposes, including drainage purposes, the purposes of a rural fire brigade or other rescue service, or for public conveniences</li> <li>• in accordance with a plan of management prepared by the Council</li> </ul>
<p><b>12 Carrying out of minor public works in public areas being the erection and use of a structure listed below</b></p>	<p><b>Standard</b></p> <ul style="list-style-type: none"> <li>• constructed by or for the Council and designed, fabricated and installed in accordance with the relevant standards of Standards Australia</li> <li>• in accordance with a plan of management prepared by Council</li> </ul> <p><b>Maximum size</b></p> <ul style="list-style-type: none"> <li>• maximum height 1 m</li> <li>• maximum grade of ramp 1:14</li> </ul> <p><b>Standard</b></p> <ul style="list-style-type: none"> <li>• in accordance with the <i>Building Code of Australia</i> and AS 1428.1 2001</li> </ul> <p><b>Structure</b></p> <ul style="list-style-type: none"> <li>• bridges to maximum span of 5 m and constructed by or for the Council</li> <li>• design, fabrication and installation to be in accordance with AS 4100–1998 (for steel structures) and AS 1720 1–1997, AS 1720 2–1990 and AS 1720 4–1990 (for timber structures)</li> </ul>
(a) Equipment in a recreation area (including children's play equipment)	
(b) Access ramps	
(c) Bridges and staircases installed in public parks and recreation areas	

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<b>Column 1</b>	<b>Column 2</b>
<b>Type of development</b>	<b>Circumstances for exemption</b>
(d) Goal posts, sight screens and similar ancillary sporting structures on sporting or playing fields for the use in playing or performance of sporting events (excluding grandstands, dressing sheds and other such structures)	<b>Standard</b> <ul style="list-style-type: none"><li>• construction by or for the Council or sporting organisation and installed in accordance with relevant standards of Standards Australia</li></ul>
(e) Parks and street furniture including seats, bins, picnic tables and small shelters	<b>Standard</b> <ul style="list-style-type: none"><li>• construction by or for the Council and installed in accordance with relevant standards of Standards Australia</li></ul>
<b>13 Moorings</b>	<b>Standard</b> <ul style="list-style-type: none"><li>• will not lead to instability of the bed or banks of the waterway</li><li>• will not alter the existing tidal regime of the waterway</li><li>• will not be placed in contravention of <i>Fisheries Habitat Protection Plan No 2</i> based on seagrass mapping provided by the former NSW Fisheries and available for inspection at the office of the Council</li><li>• will not compromise plans made under the <i>Threatened Species Conservation Act 1995</i></li><li>• will not contravene <i>State Environmental Planning Policy No 14—Coastal Wetlands</i></li><li>• will not threaten items of environmental heritage, either indigenous or non-indigenous</li><li>• will not create the need to construct a new road or dinghy storage facility specifically to provide access between the shore and the mooring</li></ul>

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## Schedule 4 Complying development

(Clause 38)

Type of Development	Standards
<b>1 Advertising signs</b>	
(a) Illuminated and non-illuminated under-awning signs	<ul style="list-style-type: none"> <li>• must not be more than one sign per shop/premises with street frontage, and a minimum 3 m separation between each sign</li> <li>• must not be larger than 0.3 m high by 2.5 m long</li> <li>• there must be a minimum vertical clearance height of 2.7 m above the footpath level</li> <li>• must not be closer than 1 m to the kerb alignment</li> <li>• must not extend beyond the awning</li> <li>• must be supported by the awning and not from the elevation of the building</li> <li>• must relate to the approved use of the shop/premises</li> <li>• must not display offensive material</li> <li>• must not contain additional advertising promoting products or services other than the approved use of the premises (such as logos or brands of soft drinks, brewers, photographic film or other products or services) irrespective of whether that product or service is sold on the premises</li> <li>• must display the English translation of any wording of another language</li> <li>• must be self-illuminated so that all conduit or cabling supplying power to the sign is completely concealed from view within the awning or sign</li> </ul>
(b) Real estate signs	<ul style="list-style-type: none"> <li>• must not be more than one sign per street frontage</li> <li>• must be displayed only on the premises which are for sale or lease</li> <li>• must not exceed 2.5 m<sup>2</sup> for residential premises and 4.5 m<sup>2</sup> for commercial premises</li> <li>• must not cover openings or architectural features of the building</li> <li>• must be flush to the wall (no “A” frame structures)</li> <li>• must not be located on an awning</li> </ul>

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Schedule 4 Complying development

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Type of Development	Standards
(c) Awning fascia signs	<ul style="list-style-type: none"><li>• must not be in place for longer than 4 months</li><li>• prior to the installation of the sign, the Council must have been advised in writing of the dates on which the sign will be installed and removed</li><li>• must not be more than one sign per shop/premises with a street frontage and an approved awning, and a minimum 3 m separation between each sign</li><li>• must not extend above or below the awning fascia</li><li>• must not project more than 25 mm from the face of the awning</li><li>• must not be illuminated</li><li>• must not be longer than 3 m or 25% of the length of the awning fascia, whichever is greater</li><li>• must relate to the approved use of the shop/premises</li><li>• must not display offensive material</li><li>• must not contain additional advertising promoting products or services other than the approved use of the premises (such as logos or brands of soft drinks, brewers, photographic film or other products or services) irrespective of whether that product or service is sold on the premises</li><li>• must display the English translation of any wording of another language</li></ul>
(d) Projecting ground level wall signs	<ul style="list-style-type: none"><li>• not permitted on street frontages where there is an awning</li><li>• must not be more than one sign per shop premises with a street frontage and a minimum 3 m separation between signs</li><li>• must relate to the approved use of the shop/premises</li><li>• must be not less than 0.3 m thick with each face no more than 0.75 m<sup>2</sup> in size</li><li>• must not project more than one metre from the building when orientated vertically of 2.5 m when orientated horizontally</li><li>• must allow a minimum clearance of 2.7 m above footpath level</li><li>• must allow a minimum clearance of 4.1 m above footpath level if projecting within 0.75 m of the kerb</li></ul>



Type of Development	Standards
(e) Temporary signs	<ul style="list-style-type: none"> <li>• must not be illuminated</li> <li>• must not display offensive materials</li> <li>• must not contain additional advertising promoting products or services other than the approved use of the premises (such as logos or brands of soft drinks, brewers, photographic film or other products or services) irrespective of whether that product or service is sold on the premises</li> <li>• must display the English translation of any wording of another language</li> <li>• any supporting structure must be constructed from durable materials that will not stain or damage the supporting wall and be identical to the supporting structure of any other approved projecting ground level sign on the building</li> <li>• advertisement must promote only non-commercial, non-profit social, cultural or recreational events only</li> <li>• must not be more than one temporary sign in a calendar year and must not be displayed for more than 40 days</li> <li>• banners must not be more than 3 m by 6 m in size</li> <li>• prior to the installation of the sign, the Council must have been advised in writing of the dates on which the sign will be installed and removed</li> <li>• must comply with the <i>Gosford City Centre Development Control Plan</i> in relation to the design and location of the sign</li> <li>• must not display offensive material</li> <li>• must display the English translation of any wording of another language</li> <li>• must be flush to the wall (no “A” frame structures)</li> <li>• must not be located on an awning</li> </ul>

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Schedule 4 Complying development

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Type of Development	Standards
<b>2 Change of use of a shop to a shop or commercial premises to commercial premises</b>	<ul style="list-style-type: none"><li>• the building has been lawfully constructed to be used for a shop or commercial premises</li><li>• the building is not to be used as premises in which:<ul style="list-style-type: none"><li>(a) a category 1 restricted publication, category 2 restricted publication or a RC publication (within the meaning of the <i>Classification (Publications, Films and Computer Games) Act 1995</i> of the Commonwealth is displayed or sold or otherwise rendered accessible or available to the public, or</li><li>(b) there is conducted a business an object of which is the display or sale of any article, material, compound, preparation, device or other thing (whether of the same or of a different kind or nature) that is primarily concerned with, or is used or intended to be used in connection with sexual behaviour but is not printed material</li></ul></li><li>• the new use is not that of a brothel</li><li>• the curtilage of the shop or commercial premises is not intended to be used for storage or display purposes</li><li>• the hours of operation of the shop or commercial premise must not extend outside the hours during which the shop or commercial premises was so used immediately before the commencement of the new use</li><li>• conditions of consent relating to the previous use or construction of the building concerning matters of maintenance, of landscaping, the parking of vehicles or the provision of space for the loading or unloading of goods or vehicles are complied with</li><li>• the existing building and any proposed alterations must comply with fire safety provisions of the <i>Building Code of Australia</i></li></ul>

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Type of Development	Standards
<b>3 Internal alterations (such as fit out works, partitions etc)</b>	<ul style="list-style-type: none"> <li>• must not involve change of use (unless that change of use is permissible as complying development)</li> <li>• must be to previously completed buildings</li> <li>• must not result in windows or other openings being obscured or abutted</li> <li>• must not result in additional floor area</li> <li>• works must be non-structural</li> <li>• work must not adversely impact on fire safety or existing fire safety measures installed in the building, including alternative solutions and fire engineered designs previously accepted for the building</li> <li>• must not involve alterations to the building services for the base of the building</li> <li>• access for persons with disabilities must be provided in accordance with the <i>Building Code of Australia</i> and Council's Access Policy adopted on 10 December 1992</li> <li>• must not involve external changes (including alterations to balconies or terrace areas)</li> <li>• adequate facilities must be provided for waste storage and recycling either on site or within the building</li> <li>• any fit out work must not relate to premises used for the sale or preparation of food, licensed premises, premises used for medical or other health purposes, premises used for skin penetration procedures (within the meaning of section 51 of the <i>Public Health Act 1991</i>) or premises used as a place of public entertainment</li> <li>• must not involve changes to the shopfront or office front of the premises</li> </ul>

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## Dictionary

(Clause 7)

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

**active commercial use** means the use of premises for the purposes of commerce in a way that activates the streetscape by the coming and going of customers, such as use by a shop, restaurant, hairdresser, beautician, bank, drycleaner, real estate agent, travel agent or the like.

**active street frontage** means a street frontage involving an active commercial use of the premises along the street.

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

**Archaeological/Townscape/Landscape Items Map** means the map marked “Gosford City Centre Local Environmental Plan 2005—Heritage Items (Category 2 Archaeological/Townscape/Landscape Items) Map”.

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

**Building Heights Map** means the map marked “Gosford City Centre Local Environmental Plan 2005—Building Heights Map”.

**building limitation line** means a line fixed by the Council and shown on the zoning map between which and any specified public place, public reserve, waterway or other feature a building must not be erected.

**Building Setbacks Map** means the map marked “Gosford City Centre Local Environmental Plan 2005—Building Setbacks Map”.

**Building Uses Map** means the map marked “Gosford City Centre Local Environmental Plan 2005—Building Uses Map”.

**Buildings, Building Elements and Sites Map** means the map marked “Gosford City Centre Local Environmental Plan 2005—Heritage Items (Category 1 Buildings, Building Elements and Sites) Map”.

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

- (a) a large area for handling, storage or display, or

- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading items into their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing.

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

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

**club** means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or a different kind and whether or not the whole or part of such building is the premises of a club registered under the *Registered Clubs Act 1976*.

**coastal hazard protection works** means any works which are undertaken by a public authority for the purpose of managing the impact of coastal tides, flooding, storms, vegetation or erosion on public or private land (or both).

**commercial premises** means a building or place used as an office or for other business or commercial purposes, but does not include any other building or place elsewhere defined in this Dictionary.

**communication facility** means a building, structure, work or place used primarily for transmitting or receiving signals for the purposes of communication, and includes (but is not limited to) radio masts, towers and satellite dishes.

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

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

**community land** means land that is classified as community land under Division 1 of Part 2 of Chapter 6 of the *Local Government Act 1993*.

**conservation management plan** means a document prepared in accordance with the requirements of the NSW Heritage Office to establish the heritage significance of a heritage item and to identify conservation policies and management mechanisms that are appropriate to enable the significance to be retained.

**Council** means the Council of the City of Gosford.

**demolish a heritage item** means wholly or partly pull down or dismantle the item.

**demolition**, in relation to a building or work other than a heritage item, means the damaging, defacing, destruction, pulling down or removal of that building or work in whole or in part.

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**dual occupancy** means 2 dwellings (whether attached or detached) on a single allotment of land.

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

**dwelling house** means a building containing 1, but not more than 1, dwelling.

**eco-top**, in relation to a building, means that part of a building projecting between RL 47 and RL 53 with a frontage of not more than 12 metres wide, that contains water storage or water reuse areas, solar panels and the like that contribute positively to the environmental sustainability of the building.

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

**educational establishment** means a building or place used for teaching and learning comprising:

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

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

**floor space**, in relation to a building, means the sum of gross horizontal areas of each floor of the building contained within the inner faces of the outer walls measured at a height of 1.5 metres above the floor, including the space occupied by internal walls, staircases, lobbies, corridors, above ground storage space, above ground car parking and toilets, but excluding:

- (a) the horizontal cross-section area of lift shafts and vertical service ducts measured between the wall faces internal to the lift shaft or duct,
- (b) any underground space permanently set aside within the building for:
  - (i) parking, and
  - (ii) the unloading or loading of vehicles, including ramps or other means of access, and
  - (iii) storage space that is linked to a residential dwelling by an appropriate strata plan,
- (c) any space for the accommodation of mechanical or electrical plant or equipment servicing the building.

**floor space ratio** in relation to a building, means the ratio of the floor space of all buildings (including car parking above ground level) erected or proposed to be erected to the site area on which the buildings are erected or proposed to be erected.

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

**ground level**, in relation to a site, means the ground level of the site at the date of the lodgment of a development application in relation to the site, disregarding the effect on the site of any works carried out or undertaken without the approval of the consent authority.

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

**height**, in relation to a building means the vertical distance between the topmost point of the building and the ground level below.

**heritage impact statement** means a document which contains an assessment of the heritage significance of a heritage item and of the extent to which a development proposal may affect the heritage significance of the heritage item.

**heritage inventory assessment report** means the relevant heritage assessment report in relation to a heritage item prepared as part of the *Gosford City Centre Heritage Study* in 2004.

**heritage item** means:

- (a) a single building, building element, part of a building or groups of buildings described in Category 1 of Schedule 1, and the site on which it is or they are located, being buildings and sites shown on the Buildings, Building Elements and Sites Map, together with any structure or landscape item located on or within site concerned, or
- (b) an archaeological, townscape or landscape item described in Category 2 in Schedule 1 and shown on the Archaeological/Townscape/Landscape Items Map, or
- (c) an item or building described in Category 3 of Schedule 1 and shown on the Items/Buildings of Heritage Interest Map.

**heritage significance** means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance in relation to Gosford City Centre.

**home business** means a business with not more than 3 personal-computer-based office workplaces carried on within a dwelling (that may be in a residential flat building), or in a building erected on an allotment containing a dwelling, but only if:

- (a) the combined area used in the capacity of an office does not exceed 30 square metres, and
- (b) the business is conducted and completed totally through electronic means, and
- (c) the business does not interfere unreasonably with the amenity of adjoining properties or involve exposure to view from any place of any unsightly matter, or equipment or machinery, and

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- (d) the business does not involve the display of goods, whether in a window or otherwise, and
- (e) the business does not require the provision of any service main of a greater capacity than that available in the locality, and
- (f) the business does not generate significant additional traffic or car parking, or create or increase a condition of ribbon development on any road, adversely affecting the capacity and safety of the road, and
- (g) any advertisements on the site are limited to not more than 2 commercial signs with a combined advertising area not exceeding 1 square metre and which indicate only the name and business carried on the property.

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

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

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

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

**hotel** means a building or place to which a hoteliers licence granted under the *Liquor Act 1982* relates.



**Items/Buildings of Heritage Interest Map** means the map marked “Gosford City Centre Local Environmental Plan 2005—Heritage Items (Category 3 Items/Buildings of Heritage Interest) Map”.

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

**mixed use development** means a building or building used for a mixture of residential purposes and any one or more of the following:

- (a) commercial purposes,
- (b) retail purposes,
- (c) any other purpose permissible within the relevant zone.

**mooring** means any place at which any mooring pile is used if the use of that place for that purpose requires a licence from the Waterways Authority.

**mooring pen** means an arrangement of freestanding mooring piles, or similar restraining devices, within which a vessel is permanently berthed.

**mooring pile** means any apparatus that is used to secure a vessel.

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

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

**navigation aid** means any device or system, external to a vessel, that is approved by the Waterways Authority and is designed or operated so as to enhance the safe and efficient navigation of vessels.

**operational land** means land that is classified as operational land under Division 1 of Part 2 of Chapter 6 of the *Local Government Act 1993*.

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

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

**plan of management** means a plan of management adopted under either the *Local Government Act 1993* or the *Crown Lands Act 1989*, or a draft plan of management which has been exhibited under either of those Acts.

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

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***potential archaeological site*** means a site known to the Council to have archaeological potential even if it is not so identified or shown on a map.

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

- (a) railway, road transport, water transport, air transport, wharf, harbour or river undertakings,
  - (b) undertakings for the supply of water, hydraulic power, electricity, telecommunications or gas or the provision of sewerage or drainage services,
- and a reference to a person carrying on a public utility undertaking is taken to include a reference to the council, county council, Government department, corporation, firm or authority carrying on the undertaking.

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

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

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

***Reduced Level (RL)*** means height above Australian Height Datum.

***relic*** means:

- (a) any deposit, object or material evidence (which may consist of human remains) relating to the use or settlement of the area of Gosford City Centre, not being Aboriginal habitation, which is more than 50 years old, or
- (b) any deposit, object or material evidence (which may consist of human remains) relating to Aboriginal habitation of the area of Gosford City Centre whether before or after its occupation by persons of non-Aboriginal extraction.

***renovation***, in relation to a building or work, means:

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

***residential flat building*** means a building containing 2 or more dwellings but does not include anything elsewhere defined in this Dictionary.

***restaurant*** means premises, the principal purpose of which is the provision of food and drink to people for consumption on the premises, or the provision of take-away food and drink, or both.

**road** means a public thoroughfare used for the passage of persons, vehicles or animals and includes:

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

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

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

**shop** means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not including a building or place elsewhere specifically defined in this Dictionary or a building or place used for a purpose elsewhere defined in this Dictionary.

**shop top housing** means residential accommodation comprising not more than two dwellings (whether or not separately titled), each of which:

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

**site area**, for the purpose of calculating a floor space ratio, means the area of all contiguous land to which a development application relates.

**Special Development Areas Map** means the map marked “Gosford City Centre Local Environmental Plan 2005—Special Development Areas Map”.

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

**vehicle repair station** means a building or placed used for:

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

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

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

***zoning map*** means the map marked “Gosford City Centre Local Environmental Plan 2005—Zoning Map”.

BY AUTHORITY

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