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# Appendix D1

## Existing general planning controls

In accordance with Section 3.43 (3) of the *Environmental Planning and Assessment Act 1979*, this Plan adopts by reference, the provisions of the following controls from the *Gosford Development Control Plan 2013* (as amended):

- Part 3 Specific Controls and development type,
- Part 6 Environmental controls, and
- Part 7 General Controls.

This Appendix contains the aforementioned controls in the following parts:

- D1 - Part 3 Specific Controls and development type,
- D2 - Part 6 Environmental controls, and
- D3 - Part 7 General Controls.

Where changes to the existing controls have been made, these are either minor changes, obsolete provisions, or because they are inconsistent with the recommendations of the NSW GA in the UDIF, or the intent of the GCC SEPP or the Chapters of this DCP.

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

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### PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

# Residential

## Chapter 3.1: Dwelling Houses, Secondary Dwellings and Ancillary Structures

### 3.1.1 Introduction

The purpose of this Chapter is to provide specific requirements for design and construction for dwelling houses, rural worker's dwellings, secondary dwellings and development that is ancillary to these dwelling types. Dwellings may also include relocated dwellings or manufactured homes.

#### 3.1.1.1 Objectives

The Chapter aims to protect and enhance the amenity, scenic quality, character and environmental sensitivity of new and existing residential, rural and environmental land areas by:

- Encouraging development which is compatible with the existing or desired future character of the area
- Promoting standards of design which are functional and achieve a high level of amenity and aesthetic quality
- Encouraging residential development appropriate to the context of the local area
- Promoting sustainable development

#### 3.1.1.2 Using this Chapter

This Development Control Plan Chapter has been written to generally align with the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP). As the Codes SEPP does not address all land zones, site and environmental constraints or alternative development design through the use of objectives and merit assessment, Council recognised the need to provide scope for this through additional provisions and supportive information.

In general, all interpretation/definitions contained within the Codes SEPP are used in this chapter for consistency of application for both design and assessment; however additional interpretations are contained in *Gosford Local Environmental Plan 2014* (LEP).

In any instance where a variation to the Requirements of this chapter is sought the application must address the related Objective(s).

### 3.1.2 Building Scale

#### 3.1.2.1 Building Height

The construction of a dwelling house, secondary dwelling or ancillary structure is restricted to a maximum building height. This height is measured from the existing ground level, which is the ground level of a site at any point, before any earthworks (excavation or fill) has taken place.

#### Objectives

- To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality
- To ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views

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- To ensure that building height is compatible with the scenic qualities of hillside and ridgetop locations and respects the sites natural topography

### Requirements

1. Maximum building height is as shown on the “Height of Buildings Map” contained in Gosford Local Environmental Plan 2014.  
or  
~~8m in the 7(a) zone under the Gosford Interim Development Order No 122~~
2. Building Height shall generally not exceed two storeys. Three storey dwellings will generally only be supported on steeply sloping sites, where the three-storey component extends for only a small section of the dwelling or where the lowest storey is contained predominantly within a basement level below natural ground and the maximum building heights are not exceeded.
3. The maximum building height for outbuildings and detached ancillary development is:
  - 3.1 4.8m on land zoned R1, R2 or RU5.
  - 3.2 7m on land zoned RU1, RU2, E2, E3, E4, 7(a) or 7(c2).

*Note: Proposals for development within land use zones not listed above where a dwelling house is considered a lawful existing use are to be considered with regard to their setting i.e.- rural or residential and the appropriate standards applied. Contact Council for further information with regard to the particular property.*

*Definition: **storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:*

- (a) a space that contains only a lift shaft, stairway or meter room, or*
- (b) a mezzanine, or*
- (c) an attic.*

*Note: For the purposes of calculating the number of storeys in a dwelling under this chapter, any basement (including a garage) is to be counted as a storey.*

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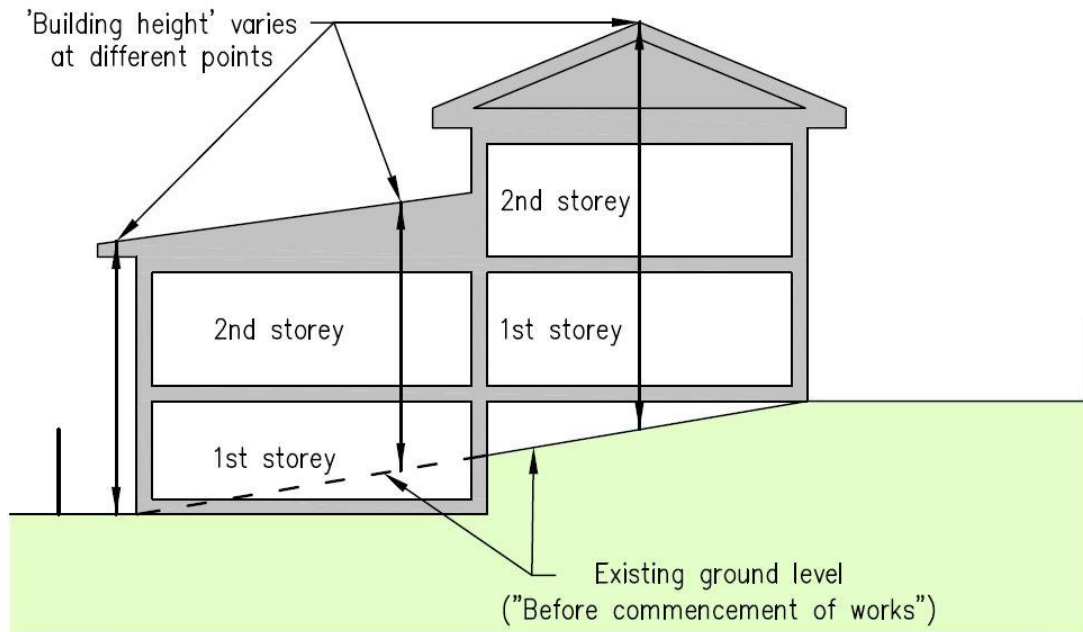


Figure 1- Building Height

### 3.1.2.2 Site Coverage

Site coverage is the proportion of a site that is covered by buildings and ensures that there is an appropriate area of the site that is not built upon. The amount of the site that can be built upon varies depending on the size of a lot.

*The following definitions are relevant for the calculation of site coverage:*

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

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

*Note: For the purpose of this Chapter, swimming pools are excluded from any site coverage calculation.*

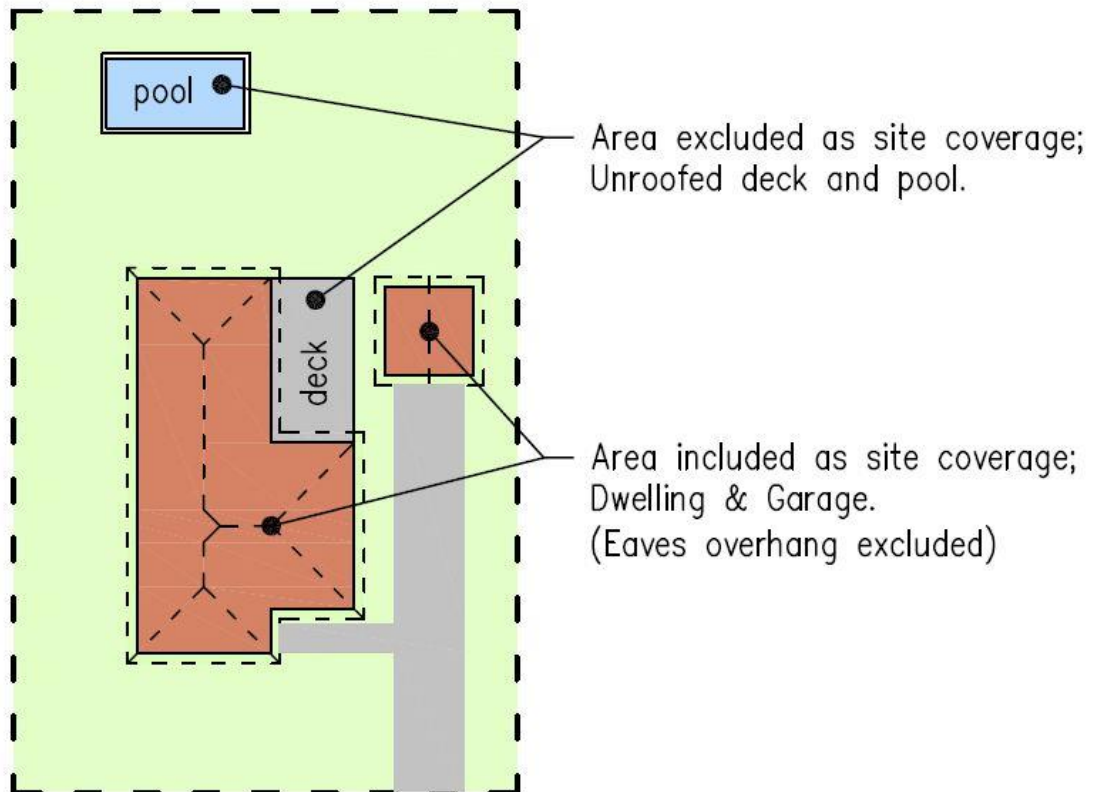
**site area** is defined under Gosford LEP 2014. Generally, if the proposed development is to be carried out on only one lot, then the site area is the area of that lot.

**basement** means the space of a building where the floor level of that space is predominantly below

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*the existing ground level and where the floor level of the storey immediately above is less than 1 metre (at any point) above existing ground level.*



*Figure 2 - Site Coverage*

### Objectives

- To ensure that the density, bulk and scale of development is appropriate for a site
- To ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located
- To provide an appropriate area on site for landscaping, outdoor activities and stormwater infiltration

### Requirements

1. The site coverage shall be is a maximum of:
  1. if the lot has an area of less than 450m<sup>2</sup>—60% of the site area.
  2. if the lot has an area of at least 450m<sup>2</sup> but less than 900m<sup>2</sup>—50% of the site area.
  3. if the lot has an area of at least 900m<sup>2</sup> but less than 1,500m<sup>2</sup>—40% of the site area.
  4. if the lot has an area of 1,500m<sup>2</sup> or more —30% of the site area.

*Note: site cover on lots having an area of greater than 1500m<sup>2</sup> in a rural, environmental or conservation zone must ensure that buildings and structure do not visually dominate the landscape. This may mean that a site cover of less than 30% is appropriate in certain instances.*

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### 3.1.2.3 Floor Space Ratio

*Gosford Local Environmental Plan 2014* contains a Floor Space Ratio (FSR) Map that applies to certain areas within the LGA. In accordance with Clause 4.4 (2) of Gosford LEP 2014, the FSR of a development in these areas is not to exceed the FSR indicated on this map.

In accordance with Gosford LEP 2014, the *floor space ratio* of buildings on a site is the ratio of the *gross floor area* of all buildings within the site to the *site area*.

*The following definitions are relevant for the calculation of floor space ratio for dwellings:*

*site area* is defined under Gosford LEP 2014. Generally, if the proposed development is to be carried out on only one lot, then the site area is the areas of that lot.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes: the area of a mezzanine, and habitable rooms in a basement or an attic,

but excludes:

- any area for common vertical circulation, such as lifts and stairs, and
- any basement: storage, and vehicular access, loading areas, garbage and services, and
- plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- car parking to meet any requirements of the consent authority (including access to that car parking),
- any space used for the loading or unloading of goods (including access to it), and
- terraces and balconies with outer walls less than 1.4 metres high, and
- voids above a floor at the level of a storey or storey above.

Further guidance with regard to calculating FSR can be found in *Gosford LEP 2014*.

### Objectives

- To ensure that the density, bulk and scale of development is appropriate for a site
- To ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located

### Requirements

1. In accordance with Clause 4.4(2) of *Gosford LEP 2014*, the maximum floor space ratio for building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

*Note: any proposed variation to the requirements of Gosford LEP Clause 4.4 must be justified with a written request for variation addressing the requirements of Gosford LEP Clause 4.6 - Exception to Development Standards and the Objectives stated above.*

### 3.1.3 Setbacks

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

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- a building wall, or
- the outside face of any balcony, deck or the like, or
- the supporting posts of an open roofed structure such as a carport, verandah or the like.

*The following definitions are relevant for the calculation of setbacks:*

**primary road** means the road to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face.

**secondary road** means, in the case of a corner lot that has boundaries with adjacent roads, the road that is not the primary road.

**parallel road** means, in the case of a lot that has boundaries with parallel roads, the road that is not the primary road (the rear boundary) and must be 7m or more in width.

**lane** (laneway) for the purposes of this Chapter means a public road, with a width greater than 3m but less than 7m, that is used primarily for access to the rear of premises.

**foreshore area** means the land between a foreshore building line and the mean high water mark of an adjacent waterbody (natural).

**foreshore building line** A line fixed by Council on the water side of which a building may not be erected except as may be provided by this plan.

The following diagram provides the most common examples of typical residential sites and identifies the location and requirements for type of road frontage, setbacks and articulation and how they are applied to those sites.



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Figure 3 – Site Layout explanation for types of Road Frontages, Setbacks & Articulation Zones

Source - Department of Planning and Environment

### Objectives

- To ensure that setbacks are compatible with adjacent development and complements the character, streetscape, public reserve, or coastal foreshore
- To ensure the visual focus of a development is the dwelling, not the garage
- To protect the views, privacy and solar access of adjacent properties
- To maintain view corridors to coastal foreshores and other desirable outlooks
- To maintain the scenic and environmental qualities of natural waterbodies and their foreshores and respond to site attributes such as topography
- To provide deep soil areas sufficient to conserve existing trees or accommodate new landscaping
- To provide appropriate articulation of facades and horizontal elements reduce the appearance of bulk and provides visual interest to the building and subsequent streetscape where they face a street frontage(s)

#### 3.1.3.1 Setbacks - Residential Lots

The following setback requirements apply to dwellings and all ancillary development on a lot zoned R1, R2, or RU5:

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### Requirements

#### 3.1.3.1a Front Setback

<p>Front boundary (from the primary frontage) for primary and secondary dwellings and ancillary development</p> <p><i>Note: front setback provisions above exclude permissible articulation – refer to Section 3.2 below.</i></p>	(i) To a local roadway on lots with a site area greater than 300m <sup>2</sup>	<p>The average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected, or</p> <p>If 2 dwelling houses are not located within 40m of the lot - 4.5m</p> <p><i>Note: For the purpose of calculating the setbacks of the nearest 2 dwelling houses</i></p> <p>any ancillary development is to be disregarded, and building elements that are permitted in the articulation zone are not included</p>
	(ii) To a Classified Road.	7.5m
	(iii) To a local roadway on lots with a site area up to 300m <sup>2</sup>	3.0m
	(iv) The minimum required setback for garage and carport structures and the like	A minimum of 1m behind the front boundary setback.

#### 3.1.3.1b Rear Setback

<p>Rear boundary setbacks for primary and secondary dwellings and ancillary development</p>	(i) To a private allotment	<p>For any part of the building with a height of up to 4.5m- 0.9 m for 50% of the length of the rear boundary otherwise 3m</p> <p>For any part of the building with a height greater than 4.5m – 6m</p>
	(ii) To a parallel road or public reserve	3.0m

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	<i>Note: Setbacks to Public Reserves adjoining a Natural Waterbody are specified below</i>	
	(iii) Where a property is within the Coastal Hazard Area in GDCP 2013 or any other relevant Council study	As per DCP 2013 Chapter 6.2 – Coastal Frontage or as identified in any other relevant Council study.

### 3.1.3.1c Side Setback

Side Boundary setback for primary and secondary dwellings and ancillary development	(i) all lots greater than 12.5m wide at the building line	for any part of the building with a height of up to 4.5m—0.9m, and for any part of the building with a height of more than 4.5m—0.9m plus one-quarter of the height of the building above 4.5m  <i>(Refer to figure 4)</i>
	(ii) for lots up to 12.5m wide at the building line	0 (Zero) to one side only for a maximum length of 10m and as per point c(i) above for the remainder
	(iii) for lots less than 8m wide at the building line	0 (Zero) for 20m or 50% of the depth of the lot whichever is the lesser and as per point c(i) above for the remainder
	(iv) carports that comply with the BCA exemption provisions	for any part of the building with a height of up to 3.3m— 0 (zero) and for any part of the building with a height of more than 3.3m—one-quarter of the height of the building above 3.3m

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### 3.1.3.1d Secondary Setback

Secondary boundary setback (on corner lots)	<i>Note: a corner lot must have an interior angle at the corner less than 135°, otherwise it's a continuation of an irregular front boundary (see figure 3)</i>	2m
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### 3.1.3.1e Natural Waterbody

Natural Waterbody (As defined in Gosford LEP 2014)		<p>In accordance with the distance specified in any Environmental Planning Instrument or any other relevant council endorsed study or management plan.</p> <p>Where a setback is not specified as outlined above, development is to be setback from the waterbody or from land that is unzoned land or zoned public recreation or open space which adjoins the waterway as follows:</p> <ol style="list-style-type: none"><li>1. 6m for the ground storey</li><li>2. 10m for any storey above the ground storey</li><li>3. 30m from the Hawkesbury River or any of its tributaries</li></ol>
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### 3.1.3.1f Boatsheds

Boatsheds		<p>2m from mean high watermark</p> <p>A deck, whether roofed or unroofed, is not permitted on any boatshed constructed within 6m of any creek, bay, lake, lagoon, river or any other waterway or unzoned land, or land zoned open space, land zoned recreation or reserved</p>
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		for waterfront public reserve
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### 3.1.3.1g Outbuildings Setback

Outbuildings rear and side boundary setbacks	(i) on lots with an area up to 300m <sup>2</sup>	for any part of the building with a height of up to 3.3m— 0 (Zero) and for any part of the building with a height of more than 3.3m—one-quarter of the height of the building above 3.3m
	(ii) lots with an area greater than 300m <sup>2</sup>	for any part of the building with a height of up to 3.8m— 0.5m and for any part of the building with a height of more than 3.8m—0.5m plus one-quarter of the height of the building above 3.8m
	(iii) to a laneway	0 (Zero) for 50% of the length of that boundary and as and as per point g(i) and g(ii) above for the remainder

*Note: reference to any point of a building with regard to side and rear setbacks excludes an eave up to 450mm wide and other permissible associated structures in accordance with the BCA.*

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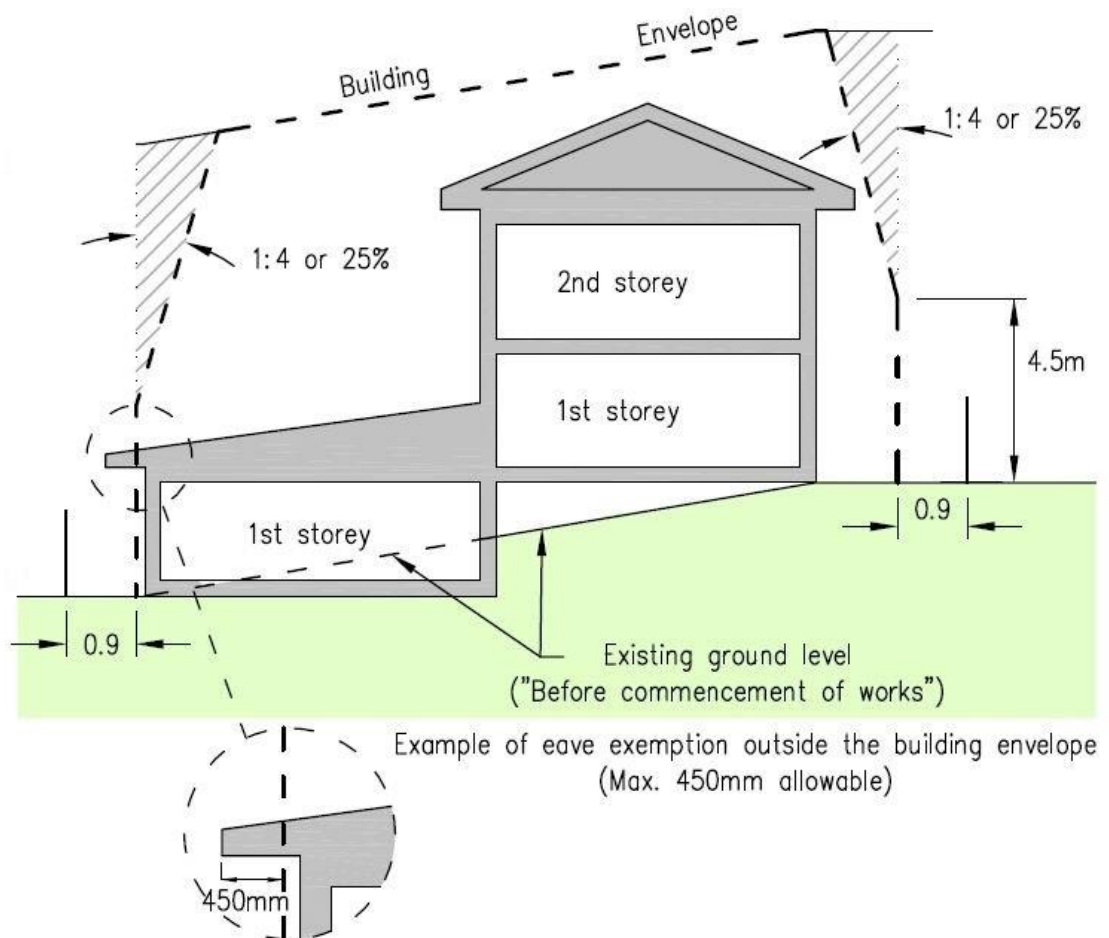


Figure 4 – Side Setback Building Envelope Explanation (residential sized allotments)

### 3.1.3.2 Setbacks - Large Lots

The following setback requirements apply to dwellings and all ancillary development on a lot zoned RU1, RU2, E2, E3, or E4, **7(a), 7(c2):**

#### Requirements

##### 3.1.3.2a Front Setbacks

Front boundary (primary frontage) for dwellings and all ancillary development	(i) lots with a site area up to 4000m <sup>2</sup>	10m
	(ii) lots with a site area greater than 4000m <sup>2</sup>	20m

##### 3.1.3.2b Rear Setbacks

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Rear boundary setbacks  <i>Note: for irregular shaped lots with 3 or less boundaries they do not have a rear boundary</i>	(i) for dwellings and ancillary development (excluding outbuildings)	10m
	(ii) outbuildings – exclusively used for agricultural purposes	10m
	(iii) outbuildings – other	5m

### 3.1.3.2c Side Setbacks

Side Boundary setback	(i) for dwellings and ancillary development (excluding outbuildings) on lots with a site area up to 4000m <sup>2</sup>	2.5m
	(ii) for dwellings and ancillary development (excluding outbuildings) on lots with a site area greater than 4000m <sup>2</sup>	10m
	(iii) outbuildings – exclusively used for agricultural purposes	10m
	(iv) outbuildings – other	5m

### 3.1.3.2d Secondary Setback

Secondary boundary setback (on corner lots)  <i>Note: a corner lot must have an interior angle at the corner less than 135o, otherwise it's a continuation of an irregular front boundary (see figure 3)</i>	(i) lots with a site area up to 4000m <sup>2</sup>	5m
	(ii) lots with a site area greater than 4000m <sup>2</sup>	10m

### 3.1.3.2e Waterfront Setback

Waterfront setback (absolute water frontage)	<i>Note. Generally, new dwellings are prohibited from this area whilst alterations, additions or other structures such as boat sheds can be considered under the LEP provision above.</i>	20m or as identified in any relevant Council study
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### 3.1.3.2f Watercourse Setback

Rivers, Creek lines, Estuary or Lake	from the bank of any perennial watercourse  <i>Note. where site constraints such as slope stability or bushfire risk make compliance within this acceptable solution impractical, in accordance with a straight line extended from the most shoreward projection of any substantial building on adjoining properties, or the closest nearby property if the adjoining site is vacant</i>	40m or 30m from the Hawkesbury River
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### 3.1.3.2g Ridgelines Setback

Ridgelines	from crest, highest point or prominent brow	50m
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*Note: Proposals for development within land use zones not listed under Sections 3.1 or 3.3 above, where a dwelling house is considered a lawful existing use are to be considered with regard to their setting i.e.- rural or residential and the appropriate standards applied. Contact Council for further information with regard to the particular property.*

### 3.1.3.3 Articulation Zones

#### 3.1.3.3.1 Primary Road Articulation for dwelling houses

Articulation zones can be provided to the front of a dwelling house which provides an allowance (bonus) for an entry and other design features to be positioned within the designated minimum setback area.



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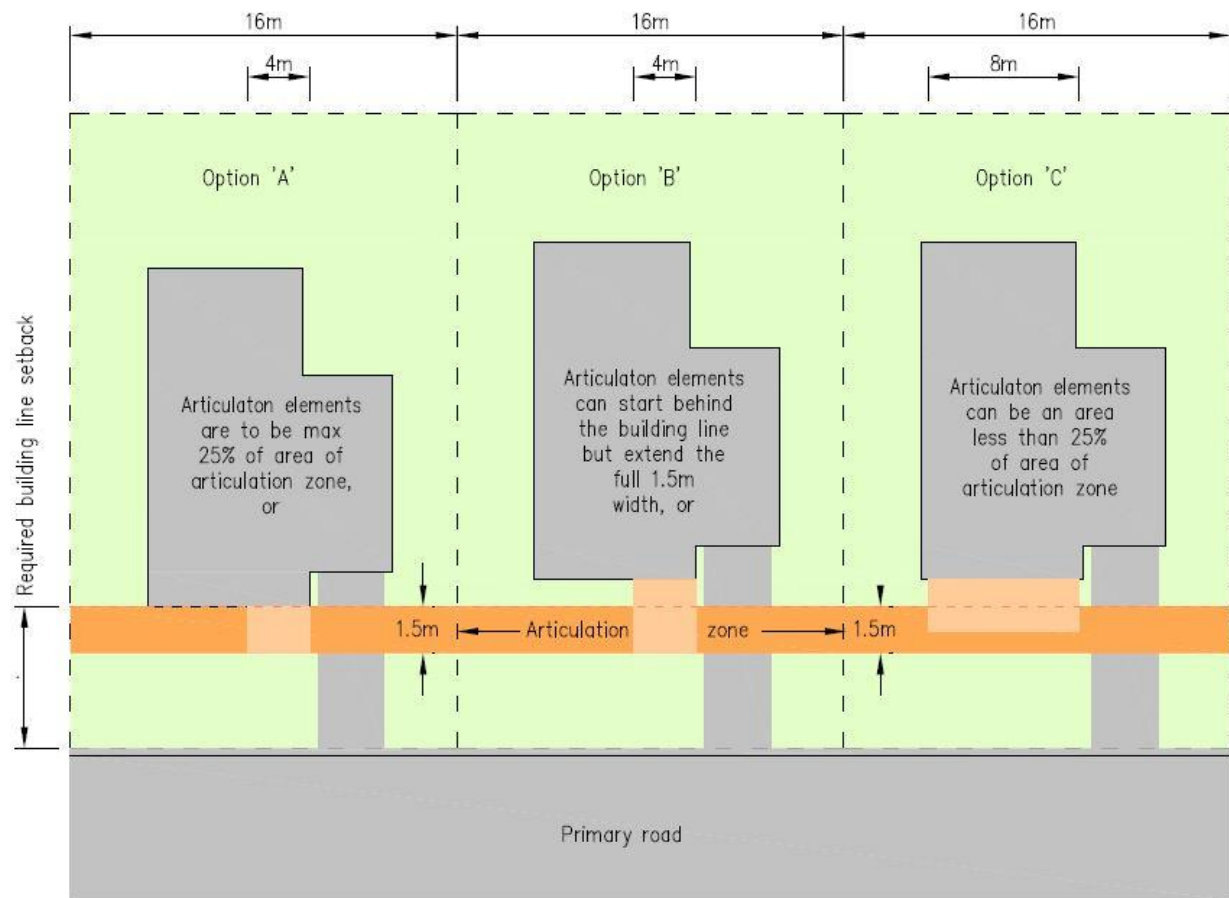


Figure 5 - Articulation Zones (site view)

*Note: articulation zone means an area of a lot forward of the building line within which building elements are permitted to be located, being an area measured from one side boundary of the lot to the opposite side boundary of the lot.*

Architectural elements which address the street frontage and permitted in the articulation zone include the following:

- entry feature or portico,
- a balcony, deck, patio, pergola, terrace or verandah,
- a window box treatment such as a bay window or similar feature,
- an awning or other sun shading feature over a window.

### Requirements

1. An articulation zone within the designated setback area is only available to the primary road frontage and is measured 1.5m from the building to the minimum required setback from the subject road.
2. The maximum total area of all building elements within the articulation zone must not be more than 25% of the area of the articulation zone in accordance with Figure 5 above.
3. Dwellings and all ancillary development on a lot zoned R1, R2, or RU5 must have elevations facing road frontages articulated as follows:

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1. elevations when within 7.5m and facing a primary road frontage with unbroken lengths of walls that exceed 10m in length.
2. elevations facing and less than 4.5m from a secondary or parallel road frontage with unbroken lengths of walls that exceed 10m in length.

*Note: unbroken lengths of walls that exceed 10m in length can either be articulated with architectural elements as permitted in primary road articulation zones or wall projections and/or indentations (min. 0.45m x 1.5m in length) to ensure that a wall is not blank and has design elements that improve the streetscape.*

*Note: secondary and parallel road articulation is to occur behind the required minimum setback not within the designated setback as permitted with primary road articulation.*

### 3.1.3.3.2 Garage Door Articulation

To ensure the visual focus of a development is the dwelling, not the garage doors facing and dominating the streetscape, the need to limit garage door openings when within close proximity of a road frontage is required.

1. The total width of all garage doors openings when within 7.5m and facing a primary road or parallel road on a lot zoned R1, R2, or RU5 must not exceed:
  1. 6m if the lot has a width measured at the building line of 12m or less, or
  2. 6m, or 60% of the width of the building (whichever is the greater) if the lot has a width measured at the building line of more than 12m.

### 3.1.4 Residential Amenity

#### 3.1.4.1 Views

##### Objectives

- To encourage view sharing as a means of ensuring equitable access to views from private property
- To facilitate reasonable view sharing whilst not restricting the reasonable development of the site

##### Requirements

1. Where relevant, applications must address the NSW Land and Environment Court Planning Principles relating to view sharing.
2. Development is sited and designed to enable a sharing of views with surrounding private properties, particularly from habitable rooms.
3. Development steps down the hillside on a sloping site.
4. The design of the roof form provides for view sharing. This may be achieved by consideration of the roof pitch and type (including flat roofs), increasing the setback on an upper level or by lowering the proposal in whole or in part.

#### 3.1.4.2 Visual Privacy

##### Objectives

- To minimise direct overlooking between main living areas and areas of principal private open space within the site and adjoining sites

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### Requirements

1. All development must minimise visual impact on adjoining development through one or more of the following design solutions:
  1. Windows, in particular to main living areas and balconies, must not face directly onto windows, balconies or the principal private open space of adjoining dwellings.
  2. Staggering or splaying windows in relation to the windows of opposite adjoining dwellings.
  3. Designing elevated terraces or decks to minimise overlooking of adjoining properties.
  4. Use of landscaping and other screening devices of a height and design sufficient to screen direct views into main living areas and areas of principal private open space of adjoining dwellings.
  5. Increasing sill heights from finished floor level to windows, including highlight or clerestory style windows to restrict overlooking.

#### 3.1.4.3 Private Open Space Areas

Open space areas are provided within the site to provide for outdoor living and landscaping areas.

### Objectives

- To provide dwellings with individual private open space areas promoting a practical outdoor living area for residents
- To assist in the reduction of stormwater runoff from a site
- To enable landscaping of the site and where possible retain existing significant vegetation

### Requirements

1. For all dwellings the principal private open space areas shall be directly accessible from and adjacent to a habitable room other than a bedroom and shall be provided in accordance with the following:
  1. Lots with a width less than 10m wide at the building line 16m<sup>2</sup>.
  2. Lots with a width greater than 10m wide at the building line 24m<sup>2</sup>.
  3. Minimum dimension of 3m.
  4. Is not steeper than a 1:50 gradient.

*Note: the principal private open space area should be sited behind the front building line and should be generally level and may be in the form of a deck, terrace or paved area. This area should be determined having regard to dwelling design, allotment orientation, and adjoining development and to minimise disturbance from any significant noise sources.*

#### 3.1.4.4 Sunlight Access

### Objectives

- To facilitate solar access to the living areas and private open space areas of the dwelling and neighbouring dwellings

### Requirements

1. On June 21, 50% of the required principal private open space area for all dwellings should receive at least 3 hours of unobstructed sunlight access between 9am and 3pm.
2. On June 21, 50% of the required principal private open space on adjoining land should receive at least 3 hours of unobstructed sunlight access between 9am and 3pm. Council may consider adopting a lesser standard than provided under this provision in circumstances where:

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1. the proposed development complies with the building height and building envelope setbacks with this chapter.
2. the proposal adequately considers site constraints including slope and site orientation.
3. it can be identified that the adjoining development has not sufficiently considered likely future development and site constraints such as lot orientation in the location of private open space.

### 3.1.5 Car Parking and Access

A car parking space may be an open hard stand space, a carport or garage, whether attached to or detached from the dwelling house and is to provide safe entry and exit from a roadway.

#### Objectives

- Car parking is to be designed in sympathy with the development without becoming the dominant feature on the streetscape
- To provide adequate on-site parking relative to the occupancy of the dwelling
- To have car parking access that minimises the potential for pedestrian and vehicle conflict

#### Requirements

Minimum off-street car parking provisions is required to be provided or retained for all dwelling houses as follows:

1. 1 space if dwelling has 3 or less bedrooms.
2. 2 spaces if dwelling has 4 or more bedrooms.
3. Car parking should be located behind the primary road setback and/or secondary road setback.
4. Car parking provision for a battle-axe lot, classified roadway or busy street should be designed to enable vehicles to enter and exit the site in forward direction for safer vehicle entry and exit and pedestrian access.
5. An open hard stand car parking space must measure at least 2.6m wide and 5.4m long.
6. Maximum driveway width is 4m at the street crossover.
7. Have driveway access to a public road.

*Note: Driveway width should be minimised, however may splay greater than 4m close to the dwelling where providing access to a garage designed to house more than 2 cars.*

*Note: Parking on site within a street setback may be used to satisfy the second (not primary) car parking provision.*

8. Driveways are to be designed in accordance with the relevant Australian Standard and provisions of Council's [Civil Works - Design Guideline and Construction Specification](#).

### 3.1.6 Earthworks, Structural Support and Drainage

Sloping sites, as opposed to relatively flat sites, present design consideration for development to manage fall in land which may take the form of benching or stepping the site and/or development depending on the severity in the fall/slope of land.

#### Objectives

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Extract from *Gosford Development Control Plan 2013*

- To accommodate development on a site without the need for excessive excavation and fill or construction of high retaining walls adjacent to site boundaries
- To ensure that building designs conform to natural land forms and site constraints
- To manage stormwater discharge in a manner that minimises impacts on adjoining properties or public land
- To ensure that the amenity of adjoining residents and the streetscape is not adversely affected
- To restrict the siltation of waterways and erosion of land disturbed by the development

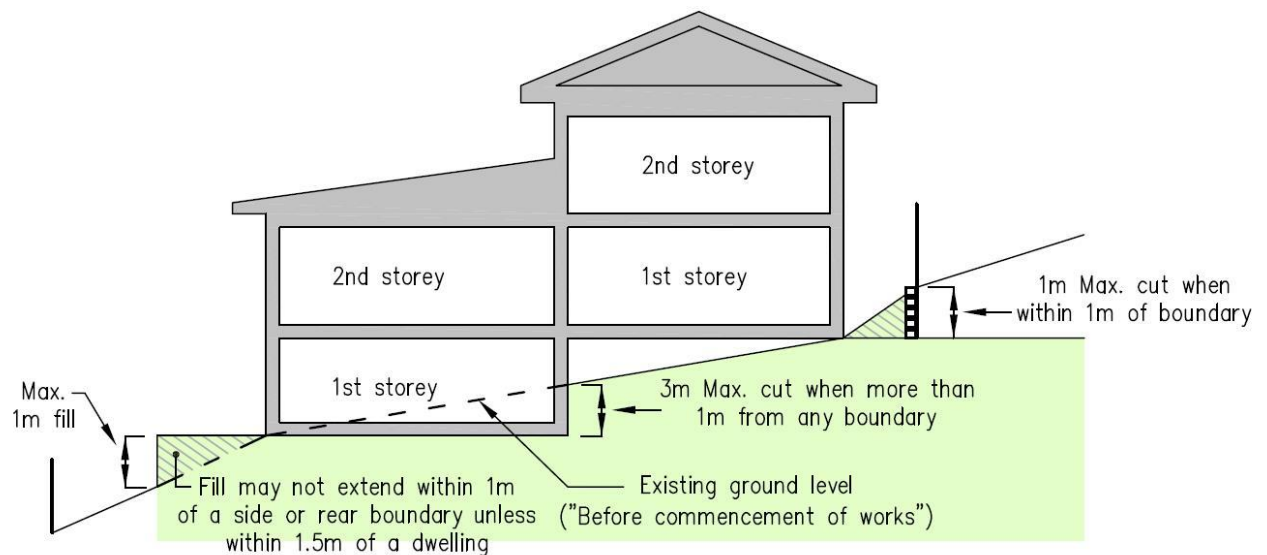


Figure 6 - Cut and Fill

### 3.1.6.1 Earthworks

#### Requirements

1. Adequate erosion control measures are designed and installed in accordance with the Erosion and Sedimentation Control chapter of this DCP.
2. Excavation for the purposes of development must not exceed a maximum depth measured from existing ground level of 1m if less than 1m from any boundary, or 3m if located more than 1m from any boundary.
3. Fill for the purpose of erecting a dwelling must not exceed 1m above existing ground level. No retaining wall for fill is to be within 1m of a side or rear boundary unless within 1.5m of any external wall of a dwelling.
4. Where a property is burdened by stormwater or water and sewerage mains then Council will generally preclude any excavation or filling within that easement.

*Note: A development application is to be supported by a detailed siltation control plan indicating the method for the temporary and permanent retention of cut and filled areas.*

*Note: Fill for development other than for a dwelling is to generally comply with the exempt provisions SEPP (Exempt & Complying Development Codes) 2008.*

*Note: Fill to flood lots generally is not supported and would be subject to meeting the objectives and requirements of GDCP 2013 Chapter 6.7 Water Cycle Management.*

### 3.1.6.2 Retaining Walls and Structural Support

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

1. Retaining walls that are more than 600mm above or below existing ground level and within 1m of any boundary, or more than 1m above or below existing ground level in any other location, must be designed by a professional engineer.

*Note: The height of a retaining wall is measured from the base of the retaining wall to its uppermost portion and may include a combination of height above and below ground level (existing).*

2. Earthworks not structurally supported by a retaining wall having an unprotected sloping embankment or batter must:
  1. not have an embankment slope greater than that required by the BCA for its soil type.
  2. generally not extend by more than 3m from the dwelling or have the toe of the embankment or batter within 1m from a side or rear boundary.

*Note: Retaining walls or earthworks not structurally supported shall be designed so as not to redirect the flow of any surface water onto adjoining land.*

### 3.1.6.3 Drainage

All stormwater drainage collecting as a result of the erection of, or alterations or additions to, a dwelling, outbuilding or ancillary development must be conveyed by a gravity fed or charged system to a public drainage system, or an inter-allotment drainage system, or an on-site disposal system.

### 3.1.7 Outbuilding and Other Ancillary Development

#### Objectives

- To ensure that ancillary development is appropriately sited, sized and compatible with the local context
- To minimise the impact of ancillary development on scenic quality natural environment, in particular environmental, conservation and rural zoned land associated with additional clearing bushfire protection and site effluent disposal
- To ensure development does not compromise the privacy, views and solar access of adjoining properties
- To ensure fencing and other ancillary development meets the requirements of residents in terms of privacy and security, as well as contributing positively to the character and visual quality of the streetscape

#### 3.1.7.1 Ancillary Development

*ancillary development means any of the following that are not exempt development under the exempt provisions of the Codes SEPP:*

- (a) access ramp, driveway, hard stand space, pathway or paving,
- (b) awning, blind or canopy,
- (c) balcony, deck, patio, pergola, terrace, verandah or carport or garage that is attached to a dwelling house,
- (d) basement,
- (e) detached studio or outbuilding,
- (f) fence, screen or retaining wall,

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

*(g) rainwater tank that is attached to a dwelling house,*

*(h) swimming pool or spa pool and child-resistant barrier.*

**detached**, in relation to a building or structure that is complying development, means more than 900mm from another building or structure.

**attached**, in relation to a building or structure that is complying development, means not more than 900mm from another building or structure.

### Requirements

1. Ancillary development shall not exceed the relevant provisions detailed within this chapter.

#### 3.1.7.2 Outbuildings

**Definition: outbuilding** (as defined by the NSW Housing Code) means any of the following:

*(a) balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house,*

*(b) cabana, cubby house, fernery, garden shed, gazebo, greenhouse or farm building,*

*(c) carport, garage, shed, shade structure or rainwater tank (above ground) that is detached from a dwelling house,*

### Requirements

1. Outbuildings shall not exceed the relevant provisions detailed within this chapter.

*Note: there are specific height and setback requirements for outbuildings listed under Sections 2 and 3 above*

2. An outbuilding is not to be used as a habitable building.
3. Maximum Floor Area of Outbuildings on a lot zoned R1, R2, or RU5:
  1. 45m<sup>2</sup> for lots with a site area up to 600m<sup>2</sup>.
  2. 60m<sup>2</sup> for lots with a site area from 600m<sup>2</sup> to 700m<sup>2</sup>.
  3. 75m<sup>2</sup> for lots with an area from 700 - 800m<sup>2</sup>.
  4. 85m<sup>2</sup> for lots with an area from 800 - 900m<sup>2</sup>
  5. 100m<sup>2</sup> for lots with an area greater than 900m<sup>2</sup>

#### 3.1.7.3 Detached Studios

A detached studio can be used for a range of purposes associated and used in conjunction with a dwelling house. It may be constructed as a habitable building but cannot be modified or used as a separate dwelling. This means that whilst a detached studio may include a bedroom, it cannot include other building elements that would enable use as a separate dwelling such as the inclusion of kitchen facilities for the preparation and cooking of food or laundry provisions.

### Requirements

1. Ancillary development comprising a detached studio is to comply with the following:
  1. one detached studio per lot.
  2. scale and setbacks requirements as detailed in this chapter.
  3. maximum floor area of 50m<sup>2</sup>.

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*Definition: detached studio means ancillary development that is habitable and is established in conjunction with a dwelling house, and on the same lot of land as the dwelling house, and separate from the dwelling house.*

### 3.1.7.4 Swimming Pools

#### Requirements

1. Ancillary development comprising a swimming pool for private use should:
  1. be located on a lot behind the setback area from a primary road or in the rear yard unless it can be justified that site constraints exist.
  2. comply with side and rear setbacks as detailed within this chapter for both the swimming pool water line and any associated deck.
  3. have any pump associated with the swimming pool or spa located to minimise noise impact to surrounding properties and/or be housed in an enclosure that is soundproofed.

### 3.1.7.5 Fencing

Variations to the standards for fencing specified in the SEPP (Exempt and Complying Development Codes) 2008 or additional exempt development provisions provided for in Gosford LEP 2014 require a development application.

*Note: Fencing should integrate with the colour scheme and design of the dwelling and where possible with the colours and materials of fencing on adjoining lands.*

#### Requirements

1. The construction or installation of a dividing fence within the setbacks of a road frontage is to comply with the following:
  1. any fence located along the boundary to a primary road must be a maximum height of 1.2m above natural or approved ground level where the frontage is to a local road or 1.8m where the frontage is to a collector road.
  2. side and rear fencing to a maximum height of 1.8m above natural or approved ground level.
  3. any fence opening for provision of vehicle access to be in accordance with AS/NZS 2890.1, Parking facilities, Part 1: Off-street car parking to ensure pedestrian and vehicle sight distance safety is maintained.
  4. any fence to be constructed or installed within the front setback of a lot from the intersection of the two road boundary lines (corner allotment) is to comply with the Safe Intersection & Sight distance requirements of the Austroads Guides.
  5. Any fence along a primary road frontage is to be constructed from high quality durable materials such as rendered concrete, stone or treated and painted timber. Unrelieved materials such as metal panelling and unpainted timber palings are not permitted.
  6. any fence located along the boundary of, or within 1.5m to a primary road must be open for at least 25% of the area of the fence that is more than 0.9m above ground level (existing), excluding any post or piers to a maximum width of 350mm, or be setback 1.5m from the boundary to provide for a streetscape landscaping provision.
  7. if it is constructed or installed on a flood control lot, not redirect or interrupt the flow of surface water on that lot (a minimum opening under the fence bottom rail of 100mm is required).



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8. any masonry fencing requires an application/approval under the Water Management Act (S305) to ensure services are not impacted upon (if water and sewer is provided to that lot).
  
2. Front fences should not be constructed in areas where front fencing is not part of the overall streetscape.

*Note. If the fence is a dividing fence, the Dividing Fences Act 1991 also applies.*

### 3.1.8 Secondary Dwellings

Secondary dwellings are permitted subject to approval on certain land under Gosford LEP 2014 and State Environmental Planning Policy (Affordable Rental Housing) 2009. The Gosford LEP 2014 defines and associated provisions.

*Note: These provisions form part of the LEP definition and cannot be varied.*

#### Objectives

- To promote housing choice and affordability
- To ensure that the secondary dwelling compliments the design of the main dwelling house and provides a high quality living environment for residents
- To ensure that the siting and design of secondary dwellings does not cause significant adverse amenity impacts on the main dwelling house or adjoining properties
- To ensure that car parking does not adversely impact the dwelling house
- To ensure that separate pedestrian and service access is provided to a secondary dwelling without compromising the amenity of the main dwelling house or adjoining properties
- To ensure private open space is provided on site for the secondary dwelling and is useable, functional and has a high level of amenity

#### 3.1.8.1 Setbacks - Secondary Dwellings

##### Requirements

1. Setbacks for secondary dwellings are in accordance with the requirements for the dwelling house section of this chapter.
2. The secondary dwelling is to be located behind the main building line of the dwelling unless it is consistent with the design of the dwelling.

*Note: Setbacks from other boundaries are in accordance with those required for dwelling houses.*

#### 3.1.8.2 Access - Secondary Dwellings

##### Requirements

1. Separate pedestrian access must be provided to a primary or secondary road frontage and be located to minimise the potential for adverse amenity impacts on the main house.
2. Pedestrian accessibility must be provided to the secondary dwelling from the road for the purpose of garbage and mail collection.

*Note: No reliance can be given to a laneway for the purposes of garbage and mail collection.*

#### 3.1.8.3 Private Open Spaces - Secondary Dwellings

##### Requirements

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1. Secondary dwellings be provided with an area of principal open space in accordance with the following:
  1. Minimum area of 16m<sup>2</sup> which is separate to the required open space for the primary dwelling.
  2. Minimum dimension of 3m.
  3. Is directly accessible to a main living area (living or dining room).
  4. Has adequate solar access and privacy as per the requirements for dwelling houses.
  5. Is not steeper than a 1:50 gradient.
  
2. Development of the secondary dwelling must not result in the principal private open space of the dwelling house being located within the front setback.

### 3.2 Dual Occupancy Developments

#### 3.2.1 Land to which this Chapter Applies

##### 3.2.1.1 Introduction

This chapter applies to:

1. Attached and detached dual occupancy development which is not covered by SEPP (Affordable Rental Housing 2009);
2. Minimum allotment areas are specified by the relevant environmental planning instrument for attached and detached dual occupancy developments.

##### 3.2.1.2 Aims

The aims of this chapter are:

1. To achieve high standards of urban design quality for dual occupancy developments,
2. To implement Gosford City Council's adopted strategies for residential development and desired character,
3. To promote aims, objectives and provisions of the relevant environmental planning instrument

##### 3.2.1.3 Objectives

This chapter has the following objectives which are in addition to objectives of the Gosford DCP 2013:

1. To achieve improved standards of environmental planning, urban design, architectural and landscape quality.
2. To provide detailed controls that reinforce desired character statements in Chapter 2.1 - Character of this development control plan in order to:
  1. Protect the natural scenic qualities that define Gosford City's environmental identity,
  2. Complement and enhance traditional development patterns that are features of established residential neighbourhoods across Gosford City,
  3. Maintain and enhance current levels of residential amenity that are features of Gosford City's established neighbourhoods.
3. To promote positive social interaction between new and existing residents through the effective design of new dwellings and surrounding open spaces within each development.

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4. To recommend design solutions that achieve an appropriate balance between urban design quality and technical requirements that are specified by other chapters of this development control plan.
5. To deliver a variety of dwelling types across Gosford City in order to accommodate a population that is socially- and demographically-diverse.

### 3.2.1.4 Definitions

Certain definitions apply to this chapter only:

1. Definitions are located at the end of each Section in this chapter.
2. Terms that have specific definitions are highlighted by ***bold italic*** text on the first occasion when they appear in this chapter.

### 3.2.2 Desired Character

#### 3.2.2.1 New Developments

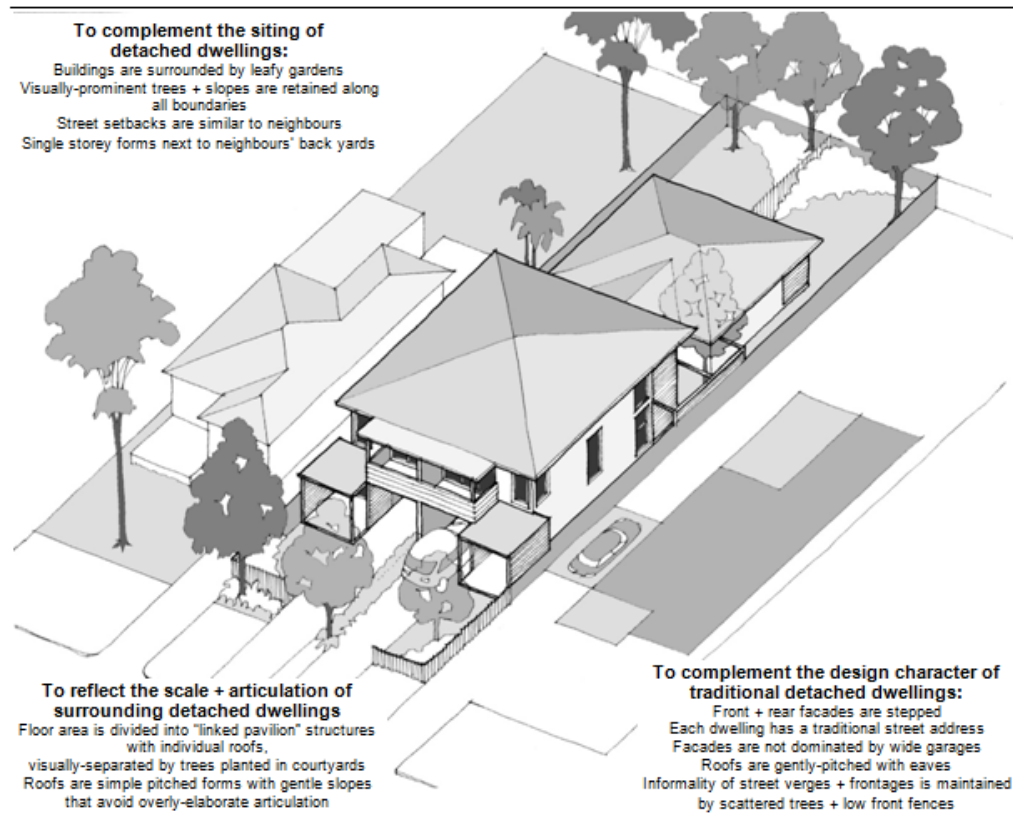
New developments shall be consistent with the statement of desired character that is specified for their surrounding area by Chapter 2.1 - Character in this development control plan:

1. Scenic settings shall be protected and enhanced.
2. Existing natural features shall be conserved and enhanced.
3. Siting of buildings and surrounding garden areas shall be **consistent** with predominant patterns across the surrounding neighbourhood.
4. Height, size and scale of new buildings shall be **compatible** with the predominant pattern across the surrounding neighbourhood.
5. Architectural form and design details shall be appropriate to existing scenic quality and streetscape character.
6. Garden design and details shall be compatible with scenic quality and streetscape character.
7. Street verges shall conserve visually-prominent landscape features.

*Figure 1 - Desired Character for Typical Urban Lots*

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

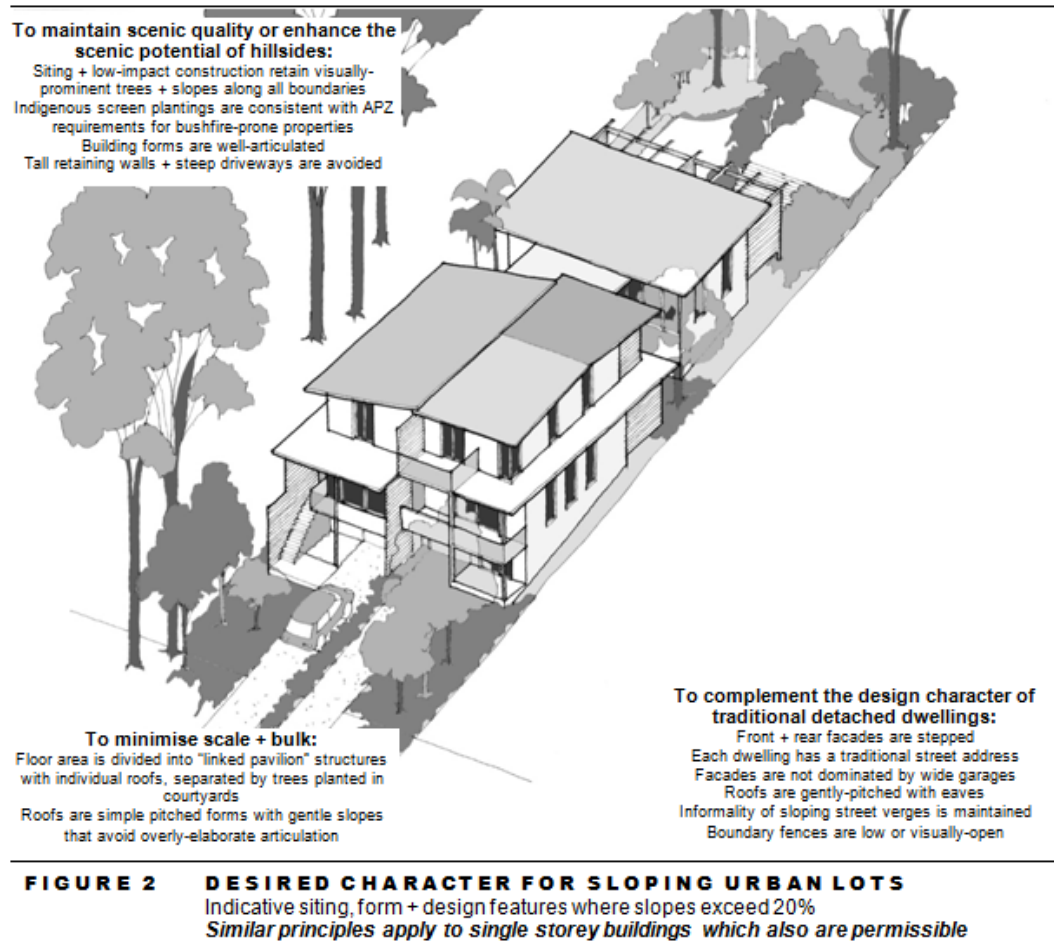


**FIGURE 1 DESIRED CHARACTER FOR TYPICAL URBAN LOTS**  
Indicative siting, form + design features for level allotments narrower than 15m  
*Compared to the form + siting of traditional detached dwellings*  
**Similar principles apply to single storey buildings which also are permissible**

Figure 2 - Desired Character for Sloping Urban Lots

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*



### 3.2.2.2 Development proposals

Development proposals that satisfy all objectives and controls in this chapter will be considered consistent with the requirements of Chapter 2.1 - Character:

1. Objectives are summarised by captions in Figures 1 to 3 (according to the illustration that is most-relevant to the setting of the proposed development).

### 3.2.2.3 Definitions

In this chapter, the following definitions apply:

#### **compatible**

means a development that contains or responds to elements which define the surrounding neighbourhood's character, such as setbacks, building forms, landscaping and architectural features.

*Note that compatibility does not require features of a development to be the same as a neighbourhood's defining elements.*

#### **consistent**

means a development with features that are materially or substantially the same as elements which define the surrounding neighbourhood's character.

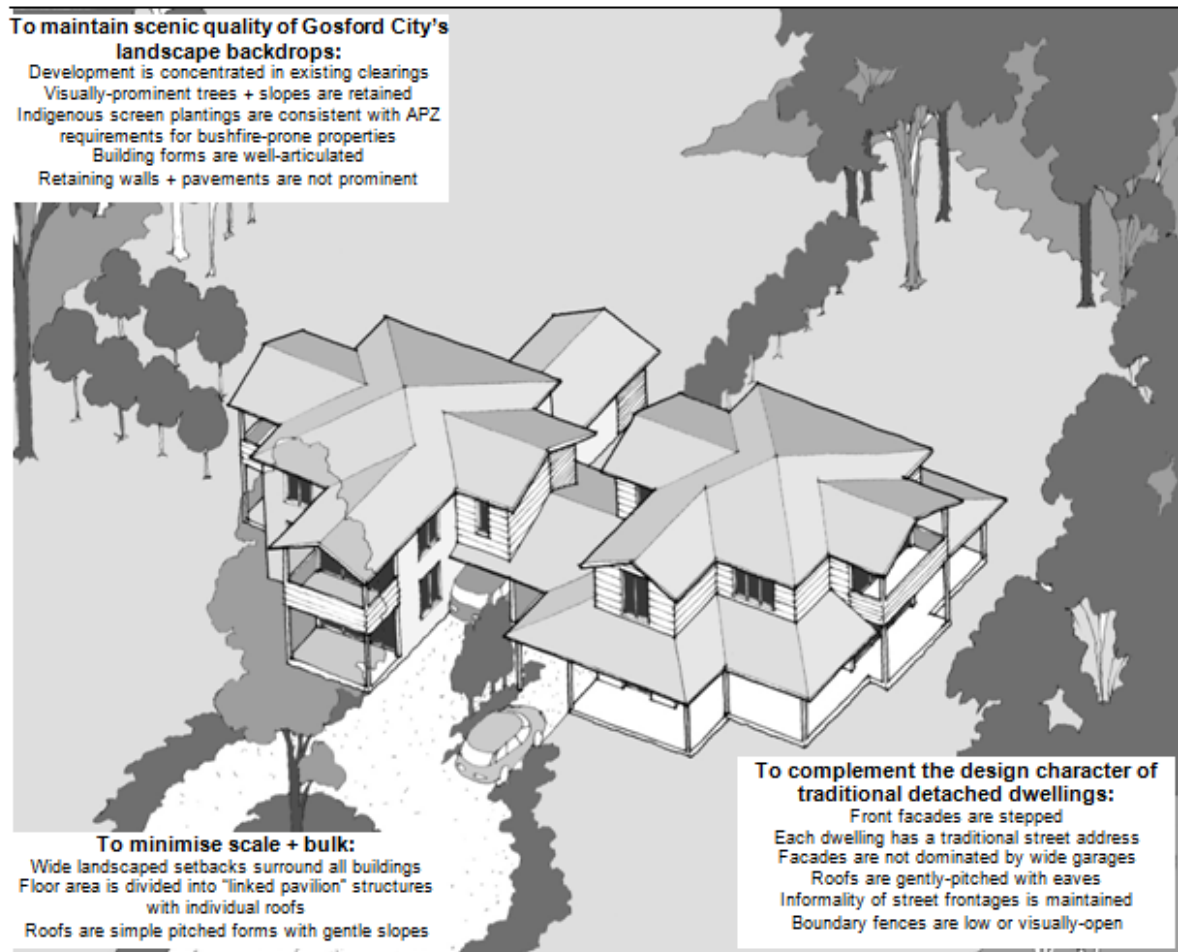
#### **reflect**

means features of a development that are similar to elements which define the surrounding neighbourhood's character.

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

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Figure 3 - Desired Character for Wide Allotments



**FIGURE 3 DESIRED CHARACTER FOR WIDE ALLOTMENTS**  
Indicative siting, form + design features for both urban  
*Similar principles apply to single storey buildings which also are permissible*

### 3.2.3 Primary Controls

#### 3.2.3.1 Height and Building Envelope

##### 3.2.3.1.1 Purpose of Height Controls

The purposes of building height controls are:

1. To complement development standards in the the relevant environmental planning instrument,
2. To ensure that the scale of new buildings would be compatible with scenic qualities of hillside, ridgetop or non-urban locations, and / or with existing and desired streetscape characters,
3. To limit the scale and intensity of redevelopment in established neighbourhoods.

##### 3.2.3.1.2 Maximum Height Controls

New buildings and alterations to existing buildings shall not exceed:

1. The maximum **building height** as specified by the the relevant environmental planning instrument
2. The maximum number of **storeys** above **ground level**:

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

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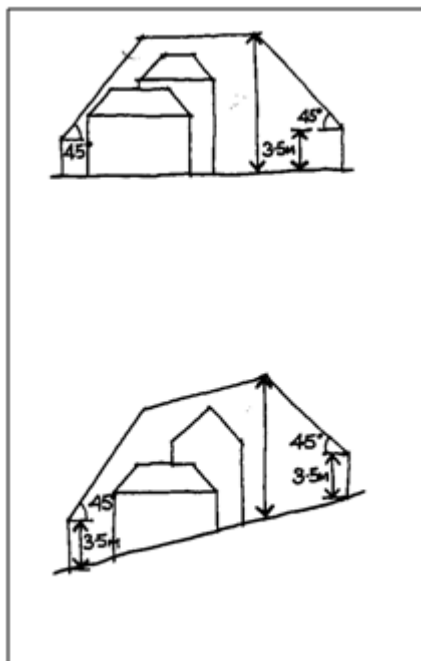
1. Where the maximum building height is 8.5m: 2 **occupied storeys**; *or*
2. Where the maximum building height is 11m: 3 **occupied storeys**; *and*
3. The maximum floor height of the **lowest occupied storey**:
  1. Generally: 1m for all rooms and areas that are enclosed by exterior walls; *or*
  2. On sites that are defined as flood-prone: the minimum flood-free level that is specified by the Water Cycle Management chapter of this development control plan, *provided that* existing ground levels are not raised by fill that would extend beyond the building's exterior walls.

### 3.2.3.1.3 Building Envelope

New buildings and alterations to existing buildings shall be sited within a building envelope determined as follows:

1. Planes are to be projected at 45 degrees from a height of 3.5m above natural ground level at the side and rear boundaries, to a maximum height as specified in Gosford LEP 2014.
2. Side and rear setbacks as specified in section 3.2.3.2 of this chapter.

Figure 4 - Building Envelope



### 3.2.3.1.4 Development Controls

In addition, new developments shall comply with the following:

1. The maximum height of cut or fill:
  1. For habitable rooms, outdoor terraces and driveways: 1m (measured to floor or pavement levels);
  2. For basements that do not extend beyond the building's exterior walls, contain a maximum of two parking spaces per dwelling, and / or entrances and storage for a dwelling: 3m (measured to floor or pavement level).
2. The minimum ceiling height for all habitable rooms:
  1. For living, dining and family rooms in two or three storey buildings: 2.7m;

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2. For all other habitable rooms in two or three storey buildings: 2.4m;
3. For all rooms in single storey buildings: 2.4m,
4. For attics and mezzanines: an average of 2.4m, but not less than 1.5m.
3. The minimum ceiling height for non-habitable rooms:
  1. For bathrooms, laundries and storage areas: 2.2m.
4. Ensure that the proposed building height does not prevent reasonable sharing of panoramic views that are available to dwellings nearby:
  1. Maintain a substantial proportion of “valuable” views towards iconic landscape backdrops such as interfaces between the land and the ocean or waterways;
  2. Protect the majority of “valuable” views available across front or rear boundaries;
  3. Maintain the majority of “valuable” views from standing positions in living, dining and family rooms, balconies adjacent to those living areas, and kitchens;
  4. Minimise view loss by skilful design that complies with applicable numeric controls.
5. Ensure that proposed building height does not compromise amenity requirements in Section 3.2.3.4 of this chapter:
  1. Note that circumstances of some sites might require building heights that are less than the permitted maxima.

### 3.2.3.1.5 Definitions

In this Chapter, the following definitions apply:

#### **attic**

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

#### **building height**

as defined by the relevant environmental planning instrument

#### **exterior wall**

means walls that enclose a building, other than end walls above the pitching point of any inclined roof (such as a gable-end) or the sides to any attic’s dormer window.

#### **ground level**

means existing ground level at any point on a site immediately prior to the development proposal, and described by a certified surveyor according to the Australian Height Datum.

#### **height**

means the maximum vertical distance at any point between existing ground level and an exterior wall or the floor of the lowest occupied storey.

#### **occupied storey**

means a floor level that accommodates habitable rooms such as living areas, kitchens and bedrooms, but not a garage or an entrance hallway.

#### **mezzanine**

means an intermediate floor within a room.

#### **storey**

means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

1. a space that contains only a lift shaft, stairway or meter room, or



## **PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE**

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2. a mezzanine, or
3. an attic.

### **3.2.3.2 Setbacks**

#### **3.2.3.2.1 Purpose of Setbacks**

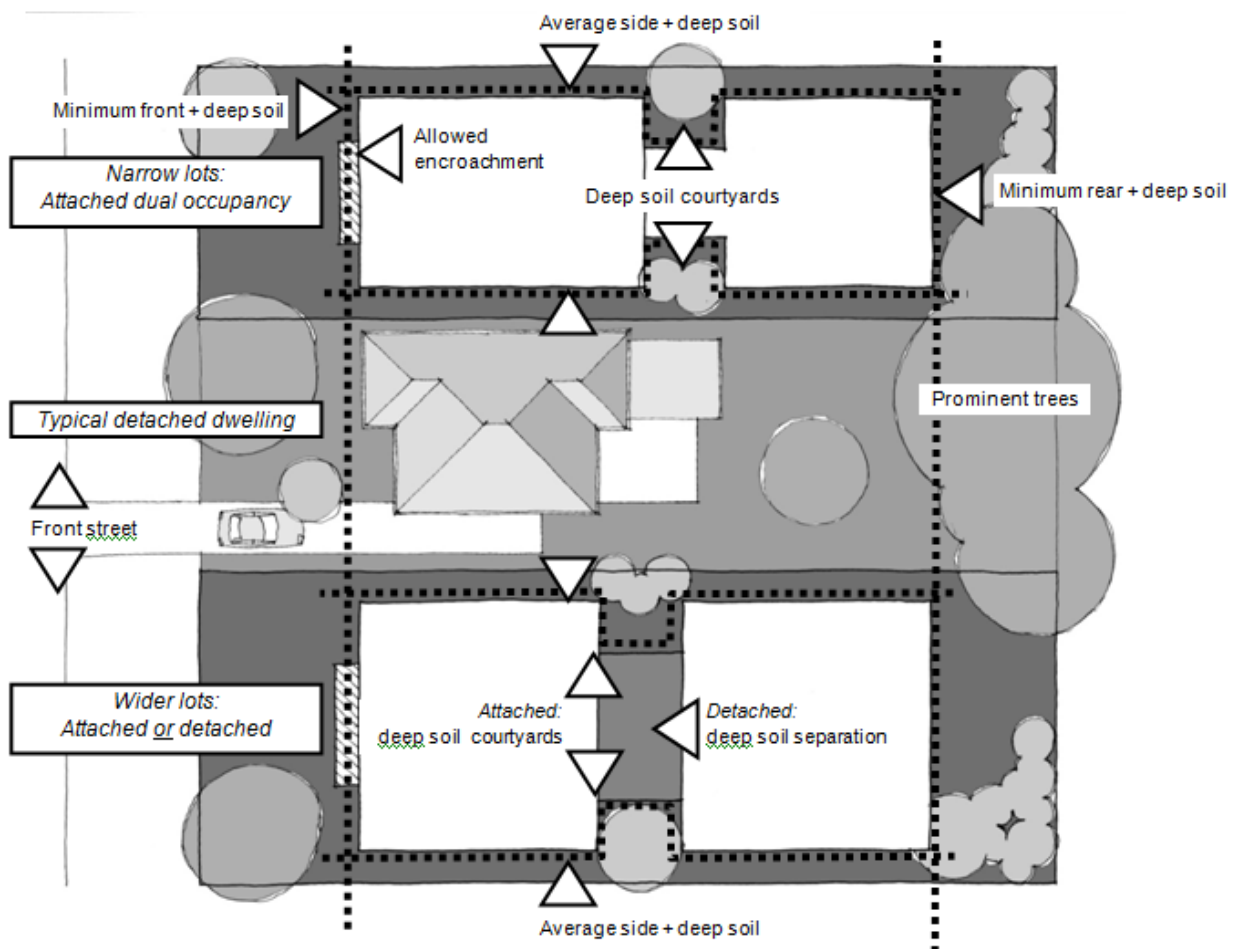
The purposes of setbacks are:

1. In conjunction with other numeric controls, to limit the intensity of new developments, and provide controls which complement the FSR controls in the Gosford LEP 2014.
2. To ensure that new developments are compatible with predominant patterns of buildings, gardens and landscaped areas that define the existing and desired characters of each neighbourhood,
3. To conserve important elements of existing scenic quality, in particular any prominent trees that might be located near ridgelines or a site's boundaries,
4. To surround new buildings with deep soil areas that are sufficient to conserve existing trees or to accommodate intensive new landscaping,
5. To provide reasonable amenity for both existing and proposed dwellings.

*Figure 5 - Required Setbacks + Deep Soil*

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**FIGURE 5 REQUIRED SETBACKS + DEEP SOIL**  
Attached dual occupancies on urban lots narrower than 15m (top)  
Attached or detached dual occupancies on allotments wider than 15m (bottom)  
Compared to the traditional detached dwelling (centre)

### 3.2.3.2.2 Setback Controls

1. Minimum setbacks as follows:
  1. From each side boundary: a minimum of 1m;
  2. From the front boundary: a minimum deep soil width of 6m;
  3. From the rear boundary: a minimum deep soil width of 3m;
  4. From any secondary street or laneway: a minimum of 3m;
  5. From any foreshore or waterway boundary: a minimum deep soil width of 10m.
2. Where three storey development is permitted:
  1. For the exterior walls of any third storey: an additional setback of 1.5m measured from the exterior faces of lower storey walls immediately below.
3. Between the buildings in a **detached dual occupancy** development:
  1. Minimum deep soil width of 4m.
4. Specified encroachments are permitted and encouraged.

### 3.2.3.2.3 Additional Setback Controls

In addition, setbacks for new developments shall comply with the following:

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1. There should be minimal change to existing ground levels within required deep soil setbacks and along all boundaries:
  1. On flood-prone sites, substantial filling to create flood-free floor levels is not an acceptable urban design practice;
  2. Filling of sites to allow gravity drainage of roof stormwater to street drains is not an acceptable urban design practice.
2. Existing trees that are visually-prominent should be conserved:
  1. Where they are clearly-visible from a public place such as a road or reserve; and
  2. Where they make a positive contribution to existing scenic quality of a locality, or to desired streetscape character and identity of the surrounding neighbourhood;
  3. Unless a report by a qualified arborist demonstrates structural defects that would compromise “safe useful life expectancy”.
3. In order to conserve existing trees:
  1. Maintain existing ground levels across the “critical root zone” (CRZ as defined in a report by a qualified arborist); and
  2. Increase required setbacks so that buildings and excavations avoid CRZ’s and any portions of canopy that are essential to long-term survival or stability (according to a report by a qualified arborist); or
  3. Across a CRZ, use low-impact construction techniques that avoid extensive excavation and strip footings or slabs-on-ground which would compromise long-term survival or stability the tree (according to a report by a qualified arborist);
  4. Where minimum setbacks are increased to preserve existing trees, other setbacks may be reduced to compensate for the floor-area foregone provided that existing amenity of neighbouring properties and desired neighbourhood character would not be compromised.
4. Ensure that proposed setbacks do not prevent reasonable sharing of panoramic views that are available to dwellings nearby:
  1. Maintain a substantial proportion of “valuable” views towards iconic landscape backdrops such as interfaces between the land and the ocean or waterways;
  2. Protect the majority of “valuable” views available across front or rear boundaries;
  3. Maintain the majority of “valuable” views from standing positions in living, dining and family rooms, balconies adjacent to those living areas, and kitchens;
  4. Minimise view loss by skilful design that complies with applicable numeric controls.
5. Ensure that proposed building setbacks do not compromise amenity requirements in Section 3.2.3.4 of this chapter:
  1. Note that circumstances of some sites might require setbacks that are greater than the permitted minimum.

### 3.2.3.2.4 Allowable Encroachments

The following encroachments are allowed:

1. Minor features and building elements:
  1. Roof eaves, awnings, and pergolas that meet BCA fire-separation requirements: up to 1m beyond minimum front and rear setbacks;
  2. Stair or ramp access to individual dwellings: up to 1m beyond minimum front and rear setbacks;
  3. Down-pipes and flues.
2. Consideration may be given to a rear setback of less than three metres where:
  1. a property has rear lane access, and

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2. only if the reduced setback is for the purpose of a single storey garage, and
3. the proposed structure is at least 1m from the rear boundary, and
4. the proposed structure has a maximum width of 6m, and
5. the amenity of the adjoining allotment is not compromised.

### 3.2.3.2.5 Definitions

In this Chapter, the following definitions apply:

#### corner sites

a front boundary setback applies to the shorter street frontage;

a side boundary setback applies to the longer street frontage;

a rear boundary setback applies to the boundary that is parallel to the shorter street frontage.

#### deep soil

means natural ground with a depth that is not limited by any basement structure and which is suitable for deep-rooted trees.

### 3.2.3.3 Car Parking

#### 3.2.3.3.1 Purpose of Car Parking

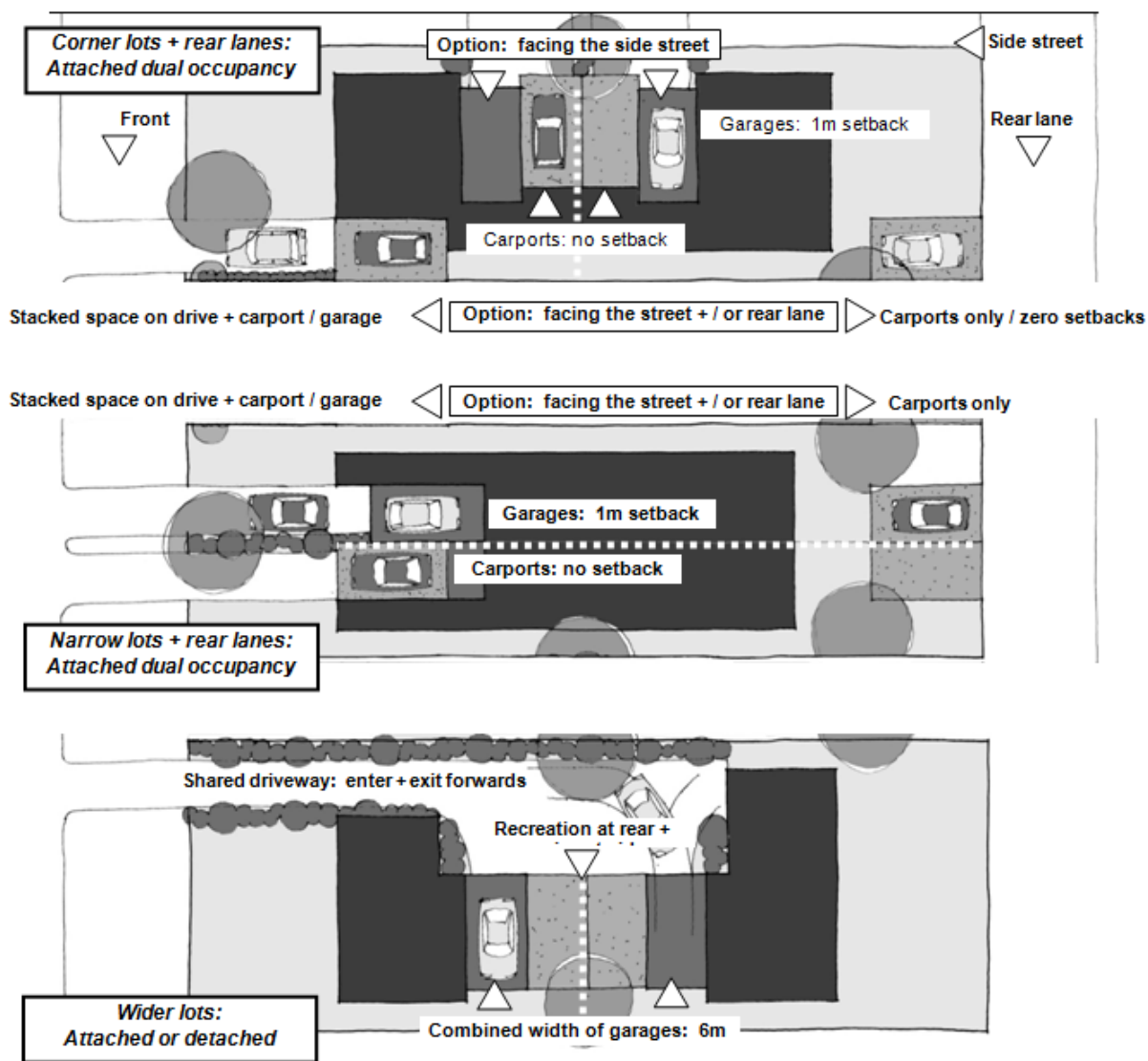
Purposes of guidelines for car parking are:

1. To minimise visual impacts in relation to existing scenic quality or desired streetscape character,
2. To ensure that on-site parking does not obscure the desired street address for all new dwellings,
3. To recommend urban design solutions that ensure effective integration of the on-site parking required by the Car Parking chapter of this development control plan.

*Figure 6 - Options for Driveways + Parking Areas*

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**FIGURE 6 OPTIONS FOR DRIVEWAYS + PARKING AREAS**  
 Attached dual occupancies on corner urban lots (top - with rear lane options)  
 Attached dual occupancies on narrow urban lots (centre - with rear lane options)  
 Attached or detached dual occupancies on wider urban allotments (bottom)

### 3.2.3.3.2 Technical Requirements

Technical requirements for on-site parking are:

1. The number of required spaces: specified by the Car Parking chapter of this development control plan.
2. Gradients for driveways: specified by the Dwelling Houses and Ancillary Structures chapter of this development control plan.
3. Dimensions of driveways and parking spaces: specified by AS 2890.1.

### 3.2.3.3.3 Development Controls

Provide on-site parking for every dwelling in a dual occupancy development:

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1. In garages, carports and / or basements:
  1. That are located and designed to minimise scale and bulk of building forms; *and*
  2. Which also achieve a street address for each dwelling according to Section 3.2.3.5 of this Chapter.
2. Upon driveways and other open areas within the development site:
  1. Provided that parked vehicles would not compromise pedestrian safety;
  2. Also, provided that the area of any private open space required by Section 3.2.3.4 of this Chapter would not be reduced.
3. If two parking spaces are provided for a dwelling:
  1. One space may be located within a fully-enclosed garage or a carport;
  2. The second space may be located in an open area, or as a stacked space upon the dwelling's driveway.

### 3.2.3.3.4 Fully Enclosed Garages

Fully-enclosed garages must not visually-dominate any building elevation:

1. Garages shall comply with design guidelines in Sections 3.2.3.5 and 3.2.3.6 of this Chapter.
2. Within any elevation, the maximum *combined* width of garages is 6m.
3. Garages may be located:
  1. Within any front or rear facade *provided that* they are setback 1m behind outer-most walls of the building, and do not encroach upon required side setbacks;
  2. Upon corner sites within the facade facing the side street *provided that* they are setback 1m behind outer-most walls of the building;
  3. Upon sites with rear lane access: garages are not acceptable facing the laneway where they would enclose laneways and block the sight-lines from rear courtyards which are essential to maintain public safety.

### 3.2.3.3.5 Carports

Carports are the preferred urban design solution for above ground parking:

1. Carports should display a modest scale and a light-weight-appearance:
  1. The maximum height should be 3m, with eaves not higher than 2.5m above existing ground;
  2. Roofs should be gently-pitched and supported by slender steel or timber posts;
  3. Carports may be partly-enclosed by visually-transparent screens or shutters such as panels of slats or lattice;
  4. Carports may incorporate a lockable storage cupboard which is located at their rear or along half of one side.
2. Carports may be located:
  1. Within a front facade without any additional setback from exterior walls;
  2. Facing a rear lane next to the rear boundary without any setback from the lane *provided that* width of the laneway is sufficient for turning vehicles;
  3. Next to a side boundary without any setback *provided that* design of the carport achieves a light-weight appearance that complements the main building, and that construction meets BCA fire separation requirements.

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### 3.2.3.3.6 Basement Parking

Basement parking requires consideration of desired neighbourhood character and safety:

1. Basements must not encroach upon **deep soil** setbacks that are required by Section 3.2.3.2 of this Chapter.
2. Basements may extend up to 1m above existing ground level, *provided that* they are integrated with architectural and landscape design of the development.
3. Access ramps:
  1. Must have gradients that comply with AS 2890.1, and for safety reasons should not be steeper than 1:20 within 6m of the site boundary,
  2. Require drive-over flood bars in flood-prone areas, with crown levels that meet the Council's requirements;
  3. Must not create inappropriate streetscape impacts due to tall retaining walls with sheer vertical faces, or entrances that create the appearance of a third storey in areas where development is limited to only two storeys;
  4. Shall be flanked by landscaped verges that are at least 1m wide and planted with a continuous "avenue" of shrubs or small trees.

### 3.2.3.3.7 Driveway Design

Driveway design should balance safety with the desired scenic and streetscape qualities:

1. In general:
  1. Width of driveways and ramps should be minimised so that deep soil and landscaped areas may be maximised upon every site;
  2. A proportion of above-ground pavements should be water-permeable;
  3. A proportion of driveway surfaces should be graded to direct stormwater flows toward landscaped verges (rather than confined between tall upstand kerbs).
2. Where street frontages are narrower than 18m:
  1. An individual driveway should be provided for each dual occupancy dwelling;
  2. Vehicles may enter and exit these sites by reversing;
  3. Each driveway shall be single width;
  4. Each driveway shall be flanked by landscaped verges at least 0.5m wide that are planted with a continuous line of shrubs or small trees.
3. Where street frontages are wider than 18m:
  1. Shared driveways may be provided;
  2. Vehicles must enter and exit these sites in a forward direction;
  3. At the street frontage, driveways shall be single width;
  4. Width of driveways must allow three-point turns to and from each parking space;
  5. Driveways shall be flanked by landscaped blisters and verges at least 1m wide that are planted with a continuous "avenue" of trees and shrubs.

### 3.2.3.4 Residential Amenity

#### 3.2.3.4.1 Purpose of Residential Amenity

The purposes of controls for residential amenity are:

1. To maintain a reasonable "quality of life" for existing residential neighbours,

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2. To ensure that new developments provide high quality living environments.

### 3.2.3.4.2 Private Open Space

Provide well-designed private open spaces for every dual occupancy dwelling:

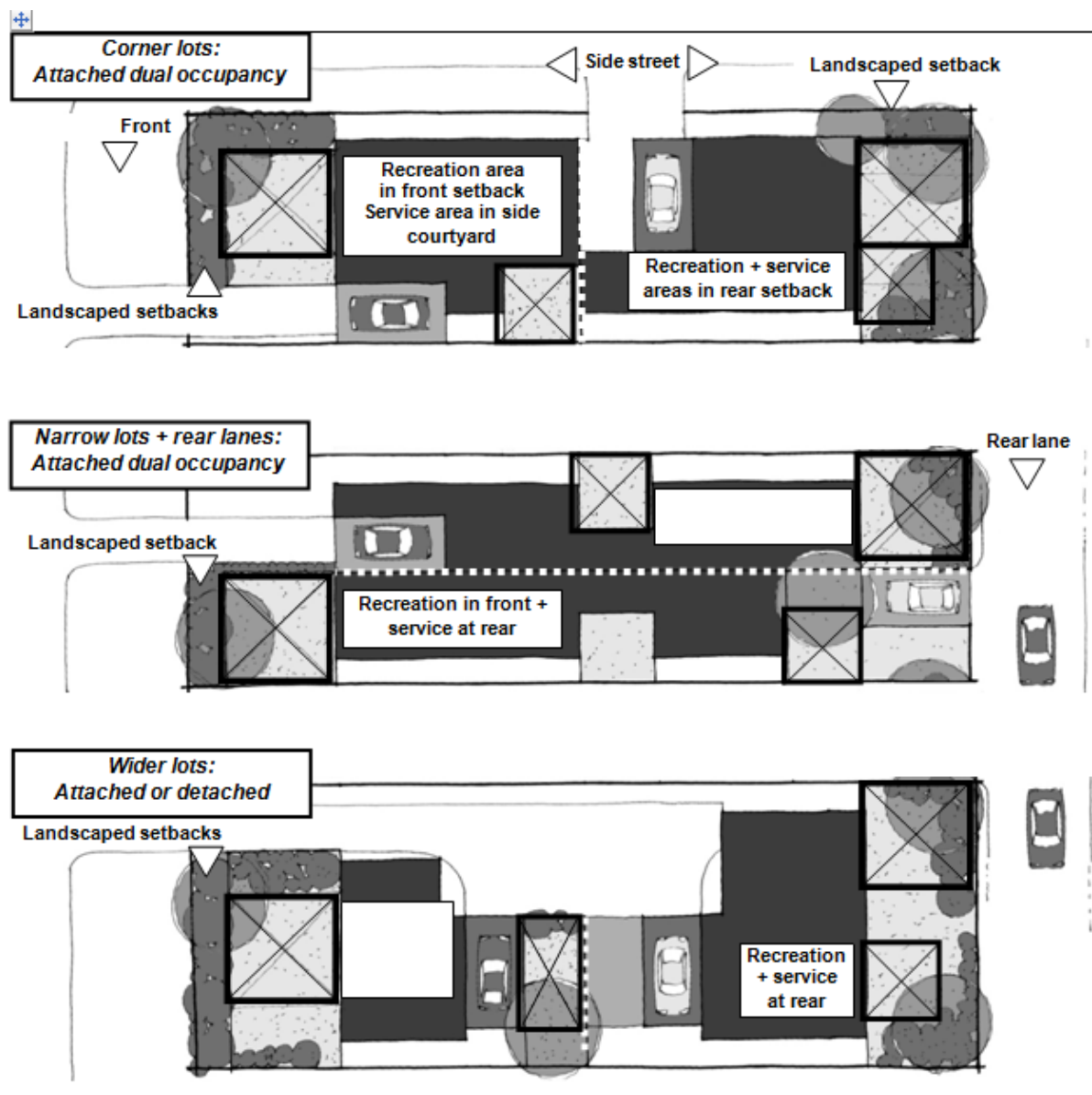
1. Private open space at ground level should have a minimum area of 75m<sup>2</sup> comprising:
  1. One recreation area that measures at least 6m by 6m, which accommodates a variety of activities plus landscaping with shrubs and at least one canopy tree;
  2. One service area that measures at least 4m by 4m for outdoor clothes drying.
2. For duplex dwellings located above-ground, private open space may be balconies:
  1. One or more balconies per dwelling, with a combined area of at least 16m<sup>2</sup>;
  2. With minimum widths of 2m.
3. Useable private open spaces have the following features:
  1. Recreation areas should have a sunny location that is immediately next to indoor living areas, and should have an absolute minimum dimension of 4m;
  2. Recreation areas may be located within street setbacks *provided that* they have a landscaped setback from the street that is at least 2m wide;
  3. Courtyards and balconies should be designed as “outdoor rooms”, incorporating effective screening for privacy and protection from summer sun, together with a semi-regular shape which can accommodate a variety of outdoor activities (note that “L-shaped” areas are particularly effective);
  4. Service areas should be fully-screened to conceal outdoor clothes-drying and storage, and should have an absolute minimum dimension of 2m.

*Figure 7 - Options for Private Open Spaces*



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**FIGURE 7** **OPTIONS FOR PRIVATE OPEN SPACES**  
Attached dual occupancies on corner urban lots (*top*)  
Attached dual occupancies on narrow urban lots (*centre*)  
Attached or detached dual occupancies on wider urban allotments (*bottom*)

### 3.2.3.4.3 Minimum Amount of Sunlight

Building forms and the design of new dwellings shall provide a minimum amount of sunlight for new and existing dwellings:

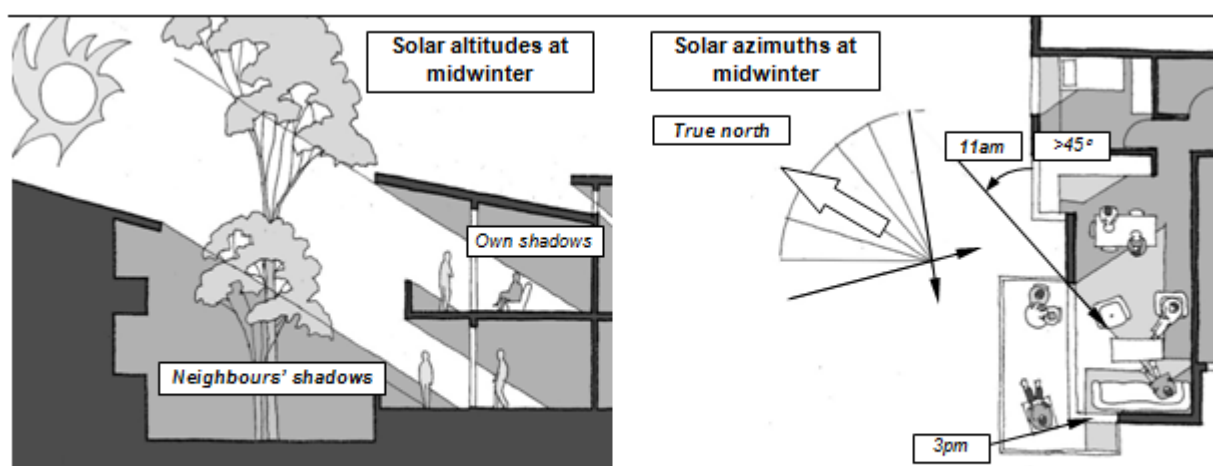
1. At least three hours daily shall be received by:
  1. Day-time living or dining or family rooms in all dwellings, where sunlight must fall upon at least half the surface area to the principal windows of those rooms;
  2. Outdoor recreation areas of all dwellings, where sunlight must fall upon at least half of those areas.
2. For existing neighbours, the minimum amount of sunlight shall be retained:
  1. For living rooms and the principal area of private open space;

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2. If current sunlight is less than the minimum amount, siting and form of the proposed development should ensure that the existing amount of sunlight is not reduced.
3. Demonstrate the amount of sunlight that will be achieved or maintained:
  1. Provide shadow diagrams that are projected from true north, for at least 9am, noon and 3pm on June 21 (midwinter),
  2. Illustrate sunlight and shadows as overlays upon floor plans of the typical dwellings proposed, and where necessary, across neighbours' affected elevations,
  3. Shadows should be adjusted for slope, and should show obstructions upon the development site and neighbouring properties: fences and trees such as conifers with dense canopies (both existing and proposed), and existing structures.

Figure 8 - Sunlight + Overshadowing



**FIGURE 8 SUNLIGHT + OVERSHADOWING**  
Section through adjoining properties + an indicative plan showing solar azimuths

### 3.2.3.4.4 Privacy

Site planning and design shall provide reasonable privacy for both existing and proposed dwellings:

1. The primary orientation for new dwellings should be towards front or rear setbacks:
  1. Primary orientation relates to the windows of living, family or dining rooms, and to the recreation areas that adjoin those rooms.
2. Provide reasonable privacy separation between adjacent dwellings:
  1. Privacy separation is measured as the minimum line-of-sight between adjoining balconies and / or windows to a living, dining, family or bed room;
  2. For two storey buildings: provide at least 9m between adjacent dwellings,
  3. For three storey buildings: provide at least 9m for the lower two storeys between adjacent vantage points, and for the third storey, at least 12m.
3. Reduced separation is acceptable where screening would block lines of sight between adjacent dwellings, for example by:
  1. Fixed or moveable louvres, exterior shutters or blinds;
  2. Pergolas and awnings above intensively-occupied private open spaces;
  3. Windows with frosted or opaque glass;
  4. Windows less than 600mm wide, or with tall sills at least 1.5m above floor level;
  5. Planters at least 1m wide, with hedges that are at least 1.5m above floor level;

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6. Boundary fences up to 1.8m high;
7. Existing evergreen shrubs or trees.
4. Ensure that dwellings are protected from intrusive of noise and overlooking:
  1. Locate bedroom windows away from common areas such as driveways;
  2. Limit potential impacts from roof terraces by allowing only one terrace per dwelling with maximum dimensions of 3.5m by 3.5m;
  3. Demonstrate that habitable rooms located within 60m of the railway or facing a classified major road would satisfy the acoustic criteria published by Standards Australia and State Government authorities.

### **3.2.3.5 Residential Address**

#### **3.2.3.5.1 Purpose of Residential Address**

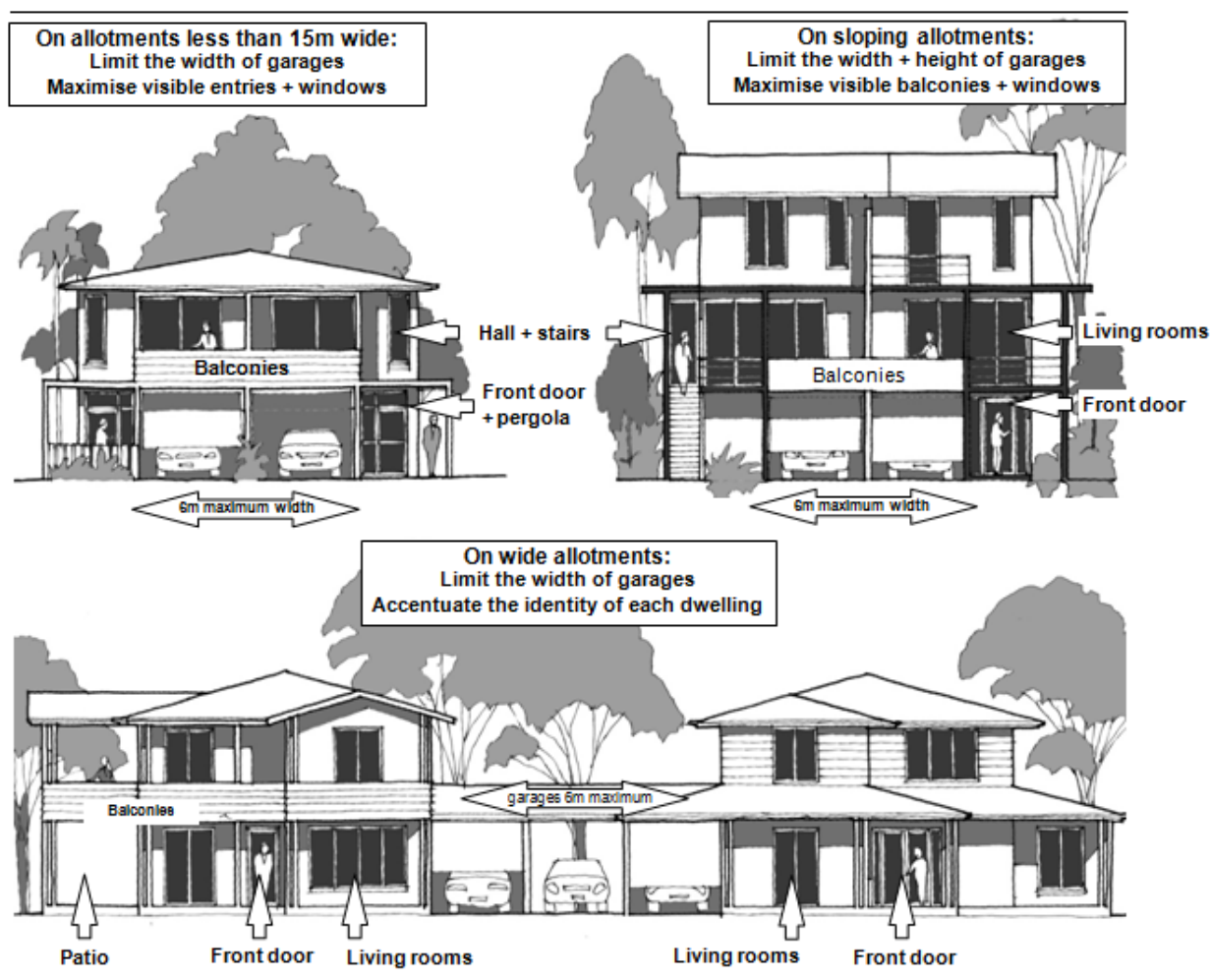
Purposes of guidelines for residential address are:

1. To encourage positive social interaction between new residents and Gosford City's established communities,
2. To promote a safe residential environment by providing for surveillance and by distinguishing private, semi-private and semi-public areas within new developments.

*Figure 9 - Elements of a Residential Address*

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**FIGURE 9 ELEMENTS OF A RESIDENTIAL ADDRESS**  
Desirable design solutions for typical types of dual occupancy development:  
*Allotments narrower than 15m (top left)*  
*Allotments in that are steeper than 20% (top right)*  
*Allotments that are wider than 18m (bottom)*

### 3.2.3.5.2 Requirements for a Traditional Address

A “traditional address” is required for all new dwellings that face any street or shared driveway:

1. A “traditional address” is achieved where sight-lines are available from regularly-occupied rooms and open spaces within each dwelling towards:
  1. Public streets and parks; and
  2. Semi-public places such as driveways within a development.
2. Public and semi-public places should be visible from regularly-occupied areas within each dwelling that include:
  1. Front doors, verandahs and patios,
  2. Windows to rooms that are regularly-occupied throughout the course of any day, such as living, dining and family rooms, kitchens, and stairs or hallways,
  3. Balconies, terraces and private courtyards.
3. A “traditional address” has two important benefits:

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1. Encourages positive social interaction between new residents and established communities,
2. Discourages anti-social behaviour that could compromise safety and security of both public and semi-public places.

### 3.2.3.5.3 Features of a Traditional Address

Features of a “traditional address” are achieved when:

1. The street can be seen from windows of regularly-occupied rooms, as well as from upper-storey balconies and private terraces or courtyards at ground level, and
2. Garages do not visually-dominate any street or driveway elevation:
  1. The combined width of fully-enclosed garages within any elevation is not greater than 6m, and
  2. Garages are setback at least 1m behind the face of exterior walls or a balcony that is located immediately above, and
  3. Facing any shared driveway: at least half the visible width of any facade incorporates balconies or verandahs, front doors, and / or the windows of regularly-occupied living rooms or hallways,
3. Fences facing streets or driveways have a semi-transparent design that allows “filtered” views to and from windows and / or private open spaces:
  1. Solid fences may be up to 1.2m high,
  2. For fences that are taller than 1.2m: at least one third of the surface area should be “open” materials such as spaced pickets or palings or battens, or lattice;
  3. Visually-opaque fences that are taller than 1.2m are only acceptable as noise barriers for properties facing major roads provided that they have a 2m setback that is landscaped with shrubs and trees,
4. For allotments that are wider than 18m: the identity of each dwelling is accentuated by individual building forms and by varied facade elements,
5. If parking is provided within carports, they are designed as visually-transparent structures that do not block desired sight lines from regularly-occupied areas.

### 3.2.3.6 Façades and Articulation

#### 3.2.3.6.1 Purpose of Façade Design

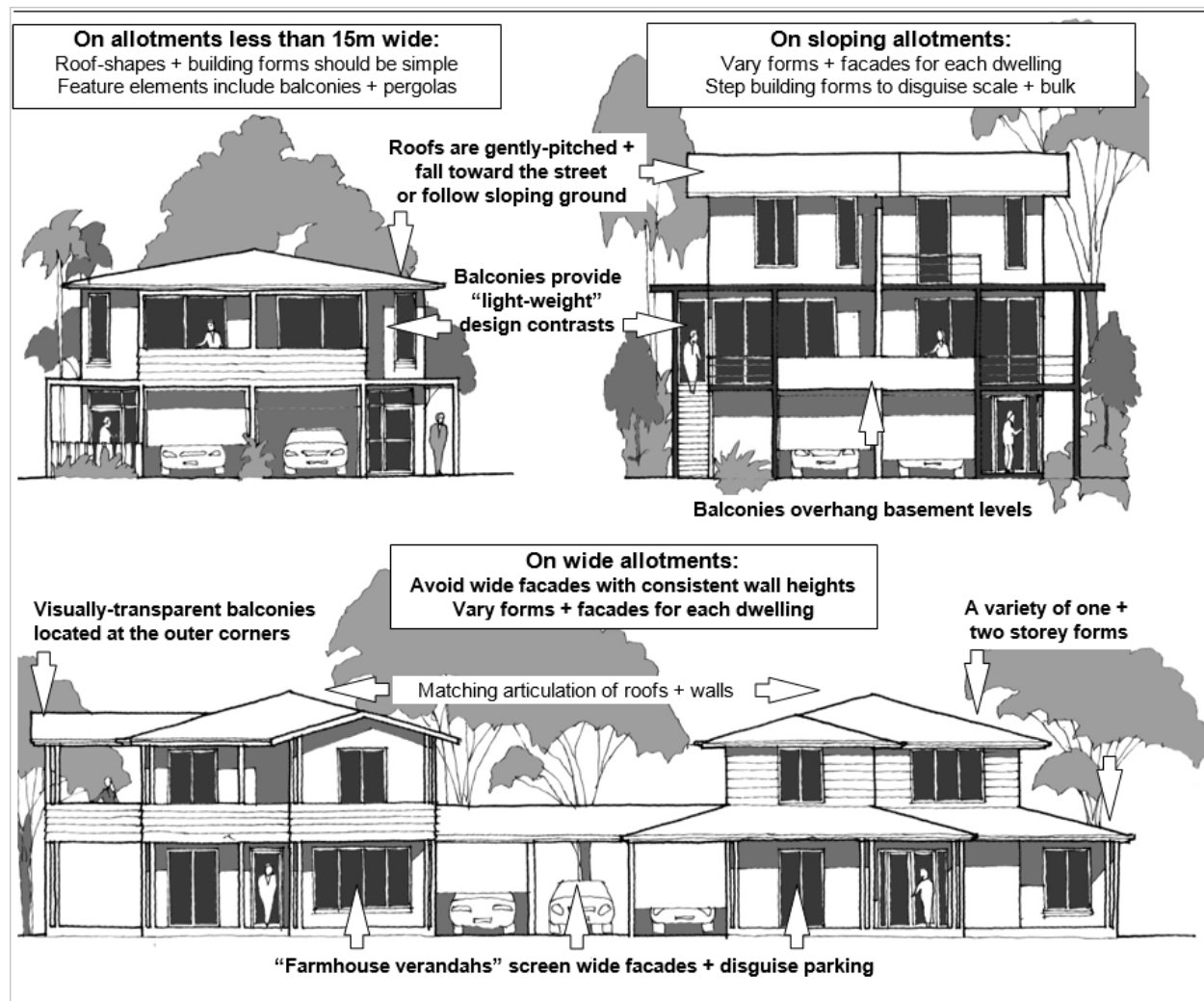
Purposes of guidelines for façade design are:

1. To prevent monotonous exterior walls that accentuate the scale and bulk of buildings,
2. To achieve reasonable compatibility between new developments and traditional bungalow neighbourhoods that are elements of Gosford City’s architectural identity,
3. To capitalise upon the City’s distinctive coastal settings and outdoor lifestyle,
4. To promote satisfactory indoor climates and energy-efficiency for all dwellings,
5. To achieve high standards of urban design quality.

*Figure 10 - Elements of Well-designed Facades*

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### FIGURE 10 ELEMENTS OF WELL-DESIGNED FACADES

Desirable design solutions for typical types of dual occupancy development:

*Allotments narrower than 15m (top left)*

*Allotments that are steeper than 20% (top right)*

*Allotments that are wider than 18m (bottom)*

#### 3.2.3.6.2 Facade Articulation Controls

Articulate all facades in order to disguise the scale and bulk of new buildings:

1. Form and design of each dwelling in dual occupancy developments should be varied.
2. The "unarticulated length" of any exterior wall should not exceed 8m.
3. Satisfactory articulation and design variations are achieved by:
  1. Stepping or indenting the alignment of an exterior wall by at least 1m,
  2. Balconies or terraces that project at least 1m forward of an exterior wall,
  3. Distinct contrasts in the design or the finish of an exterior wall;
  4. Roofs comprising a number of separate elements that respond to steps, projections and / or design contrasts in the building's exterior walls.

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### **3.2.3.6.3 Roof Elements**

Use a variety of gently-pitched roof elements to emphasise the shape or articulation of exterior walls:

1. Avoid large single spans, steep pitches or overly-complex roof forms that visually-increase the height of buildings, and consequently, that accentuate scale and bulk.
2. Roofs should be predominantly skillions, hips, gables, or rolled forms with exposed eaves, rather than parapet structures which typically accentuate scale and bulk.
3. The angle and direction of pitched roofs should minimise the overall height of dual occupancy buildings as well as the height of prominent facades:
  1. Particularly for sites that are located on scenically-prominent hillsides or ridgetops,
  2. Also, facing streets and neighbours' principal areas of private open space.

### **3.2.3.6.4 Materials and Exterior Finishes**

Apply a variety of materials and exterior finishes in order to accentuate a "light-weight" appearance for all facades:

1. Facades that display a "light-weight" appearance are desirable features for all dual occupancy developments:
  1. A "light-weight" appearance tends to complement the character of coastal settings across Gosford City,
  2. A "light-weight" appearance also tends to minimise the scale and bulk of buildings that are larger than existing neighbours.
2. Elements that accentuate a "light-weight" appearance include:
  1. A proportion of panel or board cladding plus painted finishes,
  2. Plain masonry walls that are confined to the lowest storey and / or basement terraces,
  3. Balconies, verandahs, pergolas and window awnings that are supported by slender posts of steel or timber,
  4. Louvred screens or blinds surrounding open spaces and across major windows.
3. Design and proportion of windows contribute to a "light-weight" appearance:
  1. Major windows should be tall, with a vertical proportion accentuated by low sills,
  2. In two storey buildings, spandrels between successive rows of windows should not be taller than 1m,
  3. Shapes and proportions of windows should be varied across each facade, rather than repeating a regular pattern of near-identical windows.

### **3.2.3.6.5 Visually Prominent Facades**

Scale and bulk of visually-prominent facades should be disguised by shade-casting elements that display a "light-weight" appearance:

1. Facades that are wide or tall should be screened by balconies or verandahs:
  1. In general, balconies or verandahs should be concentrated at the outermost corners of each building,
  2. On allotments that are narrower than 15m, balconies or verandahs may be concentrated at the centre of front or rear elevations,
  3. Balconies and verandahs should be supported by slender posts of steel or timber.
2. Wide facades may be screened by carports and pergolas with gently-sloping roofs that are supported by slender posts.

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3. Provide distinct contrasts to the character and design of opaque walls by screens or blinds around private open spaces and across major windows:
  1. Exterior louvres or blinds which are adjustable in order to admit winter sunlight while excluding summer sun and glare.

### 3.2.3.7 Landscaped Areas

#### 3.2.3.7.1 Purpose of Landscaped Areas

Scale and bulk of visually-prominent facades should be disguised by shade-casting elements that display a “light-weight” appearance:

1. To protect the quality of scenically-prominent areas, as well as enhancing the existing landscape character of all neighbourhoods,
2. To disguise visual impacts of new buildings and site infrastructure,
3. To promote satisfactory levels of amenity and safety for new dwellings, as well as encouraging positive social interaction between residents,
4. To provide attractive backdrops to streets as well as to new dwellings.

Figure 11 - Required Landscaping



**FIGURE 11 REQUIRED LANDSCAPING**  
Attached dual occupancies on corner urban lots (top)  
Attached dual occupancies on narrow urban lots (centre)  
Attached or detached dual occupancies on wider urban allotments (bottom)



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### 3.2.3.7.2 Landscaping of New Developments

New developments should be landscaped to complement and enhance their surroundings:

1. In scenically-prominent locations such as ridges or hillsides which are highly-visible, conserve existing trees that are prominent landscape features as required by *Section 3.2.3.2* of this chapter.
2. All new buildings should be surrounded by canopy trees (either existing or new):
  1. In localities where indigenous trees are the predominant landscape feature, new canopy plantings should be predominantly locally-native trees that are listed in Council's document *The Natural Vegetation of the Gosford Local Government Area*,
  2. In localities where existing character is not defined by indigenous trees, new plantings should be species that provide habitat for native birds and do not require heavy watering.
3. Landscaping must not include any noxious or environmental weeds that are specified by the *Preservation of Trees and Vegetation* chapter of this development control plan:
  1. Existing infestations of specified weeds upon a development site must be removed according to recognised landscape management techniques.

### 3.2.3.7.3 Landscape Plan Requirements

Provide a landscape concept plan that satisfies the following minimum standards:

1. New trees should achieve mature heights of at least 5m to 8m which would be similar to, or taller than, proposed buildings.
2. Major canopy trees should be located to screen the appearance of new buildings from neighbouring properties and surrounding streets, as well as providing shade for driveways and open spaces:
  1. In general, trees should be retained or planted near the outermost corners of buildings, and in deep soil courtyards that are required to articulate the form of large buildings,
  2. On scenically-prominent sites such as hillsides and ridgetops, trees should be located to provide green backdrops for new buildings when viewed from downslope locations.
3. Front setbacks should accommodate a variety of trees plus hedges and densely-planted beds of ground cover:
  1. Provide at least one major canopy tree for the first 12m of site frontage, plus one more tree for every additional 12m or part thereof,
  2. In front of any fence surrounding a private open space that faces a street, or next to any tall acoustic screen-wall, garden beds should be at least 2m wide and should be planted with shrubs and groundcovers.
4. Side and rear boundaries of all development sites should provide continuous "screen plantings" to enhance the privacy and amenity of adjoining dwellings:
  1. Side boundaries should provide at least one major canopy tree,
  2. Rear boundaries should provide at least two major canopy trees for the first 12m, plus one more tree for every additional 12m or part thereof,
  3. On sloping sites and facing side streets, boundaries should be marked by a screen of hedges and shrubs rather than by visually-opaque fences.
5. Driveways and parking areas should be flanked by landscaped verges:
  1. Driveways should be flanked by a near-continuous hedge of small trees or shrubs, and by single trees that are planted in blisters next to garages,

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2. Ramps to basement car parks should be overhung by canopy trees or pergolas, and should be flanked by hedges or shrubs planted into terraces along the ramp's sides in order to avoid sheer vertical retaining walls.

### 3.2.3.7.4 Structures Within Defined Setbacks

All structures and site-facilities that are located within the defined setbacks should complement the design quality of proposed plantings and buildings:

1. Basement walls that extend above ground level, including ventilation grilles, should be screened by garden beds and small shrubs.
2. Driveways should be designed to maximise on-site infiltration of stormwater:
  1. A proportion of all pavements should be water-permeable, and
  2. Pavements should be graded so that stormwater is directed primarily toward garden beds.
3. New fences that would be visible from any street should match the design quality of proposed buildings and landscaping, as well as providing a "traditional street address" for each dwelling:
  1. Avoid fences of metal panelling or standard timber palings along street frontages and side boundaries next to shared driveways, or within front and rear setbacks,
  2. In these locations, also avoid fences that would block sight lines from dwellings private open spaces toward streets, laneways and shared driveways.
4. On-site detention facilities should not be visually-intrusive, and should be integrated with the design character of gardens or paved areas.

### 3.2.3.8 Building Services

#### 3.2.3.8.1 Purpose of Building Services

Purposes of guidelines for building services are:

1. To ensure that required services do not detract from the desired streetscape character of garden areas and street facades,
2. To recommend design solutions that provide for effective integration of site services that are required by this development control plan.

#### 3.2.3.8.2 Design and Location of Stormwater Systems

Design and location of stormwater systems must promote the desired standard of urban design quality, as well as considering technical requirements:

1. Technical requirements for stormwater systems are provided by the *Water Cycle Management* chapter and the associated *Water Cycle Management Guidelines*, which nominate the following important provisions:
  1. At least 25% of every development site shall be deep soil in order to promote on-site infiltration and reduce discharges to public drains,
  2. On "sand plain sites" across the Woy Woy Peninsula, the full amount of stormwater collected by any development may be discharged via direct infiltration into the site's soils,
  3. The volume required for on-site detention is reduced where developments provide rainwater tanks.
2. Filling of sites to allow gravity discharges of stormwater to street drains is not an appropriate urban design practice, according to *Section 3.2.3.2.3* of this Chapter which requires minimal change to existing ground levels:

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1. Within specified deep soil setbacks,
  2. Along all boundaries that are shared with neighbouring properties,
  3. Ground levels may be altered within the building footprint, and for any driveway that does not encroach upon specified deep soil setbacks.
3. Design of on-site detention systems should not compromise desired quality of streetscapes, or the desired landscape character of any setback area:
1. Structures should not require significant alteration of existing ground levels within specified deep soil setbacks,
  2. For any containment structure proposed within a setback, visual impacts should be disguised by screen plantings,
  3. Where containment is proposed within a driveway, avoid elevated pavements or tall kerbs that would visibly-detract from the desired streetscape quality and landscape character.

### 3.2.3.8.3 Storage of Garbage Bins

Storage of garbage bins must promote the desired standard of urban design quality, as well as considering technical requirements:

1. The *Waste Management* chapter of this development control plan specifies the number and size of bins that are required for each development, plus technical requirements for collection:
  1. For properties with rear lane access, bins may be collected only from the primary street frontage (for such properties, dedicated pedestrian access to the street will be required from both dwellings).
2. Bins should be stored within garages, behind screens in carports, or in private service courtyards.

### 3.2.3.8.4 Location and Design of Service Meters

Location and design of service meters plus related enclosures or appliances must promote the desired standard of urban design quality, as well as considering the requirements of service authorities:

1. They must not be attached to any visually-prominent building facade that faces a street, laneway or a shared driveway within the development site.
2. They should be integrated with the design of proposed buildings and their surrounding landscaped areas.

### 3.2.3.8.5 Secure Private Storage Requirements

All new dwellings must provide secure private storage:

1. Designated storage should be provided for each dwelling:
  1. One bedroom apartments: 6m<sup>3</sup>,
  2. Two bedroom apartments: 8m<sup>3</sup>,
  3. Three bedrooms or more: 10m<sup>3</sup>,
  4. This storage is in addition to kitchen or linen cupboards and wardrobes.
2. At least half of the designated storage should be provided inside each dwelling:
  1. The balance of required storage may be provided within garages, or in outdoor cupboards that are integrated with the design of proposed buildings and their surrounding landscaped areas (such as lockable cupboards within carports).

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### 3.2.3.9 Civil Works off the Development Site

1. The construction of kerb and guttering, longitudinal street drainage and sealing the adjacent road will be required across the frontage of the site if these do not currently exist unless the development is determined to be within the following categories of exception:
  1. It is technically impractical to construct kerb and gutter due to uncertainty as to the appropriate levels to be adopted or an isolated section will present a hazard to road traffic safety.
  2. The street drainage necessary to provide kerb and gutter is an unreasonable impost upon the development.
  3. Kerb and gutter is not the most suitable streetscape treatment for the particular area on the basis of existing and anticipated development.
  4. In the event that the development is determined to be within the above categories of exception, an alternative treatment to kerb and gutter such as mountable kerb, concrete dish drain, cemented paving stones or other treatment will be required with the exact type based upon the characteristics of the site. The approval of an alternative treatment to kerb and gutter does not alter the requirement for longitudinal street drainage and for sealing of the adjacent road shoulder.

1. ~~3.3 Multi Dwelling Housing & Residential Flat Buildings~~

2.

3. ~~3.3.1 Introduction~~

4. ~~3.3.1.1 Types of Multi-unit Residential Development~~

5. ~~This chapter applies to the following types of multi-unit residential development:~~

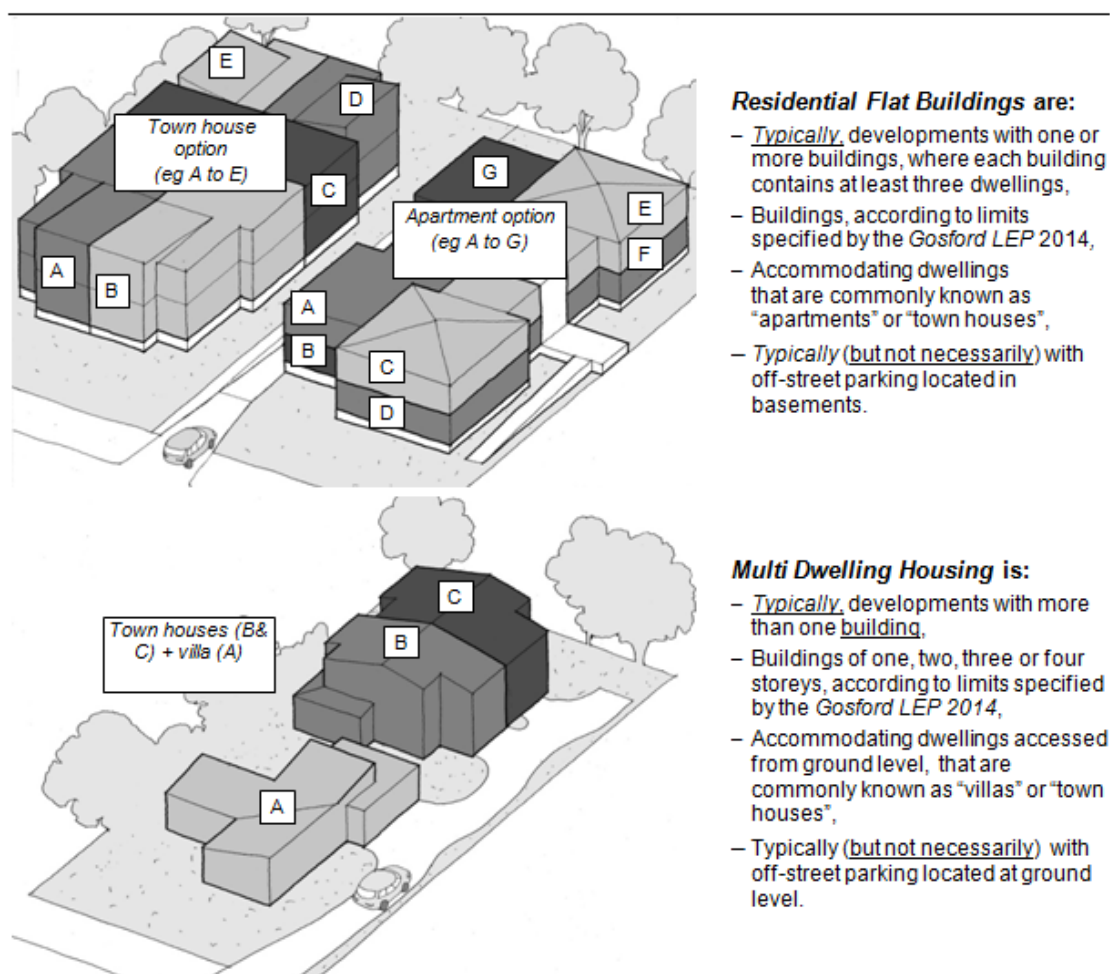
6. ~~Residential Flat Buildings,~~

7. ~~1. Multi Dwelling Housing.~~

*Figure 1 - Development Types covered by this Chapter*

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*



**FIGURE 1 DEVELOPMENT TYPES COVERED BY THIS CHAPTER**  
Indicative building envelopes highlighting permissible dwelling types

### 3.3.1.2 Gosford City Centre

This chapter does not apply to any development within the Gosford City Centre as shown on the Key Sites Map in *Gosford LEP 2014*.

### 3.3.1.3 Aims

The aims of this chapter are:

2. To achieve high standards urban design quality for multi-unit developments that comprise **residential flat buildings** or **multi dwelling housing**,
3. To implement Gosford City Council's adopted strategies for residential development and desired character,
4. To promote aims, objectives and provisions of the *Gosford LEP 2014*.

### 3.3.1.4 Specific Objectives

In addition to overall objectives of this development control plan, this chapter has the following specific objectives:

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

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8. ~~To achieve improved standards of environmental planning, urban design, architectural and landscape quality.~~
9. ~~To provide detailed controls that reinforce desired character statements in Chapter 2.1 - Character of this development control plan in order to:~~
  1. ~~Protect the natural scenic qualities that define Gosford City's environmental identity,~~
  2. ~~Complement and enhance traditional development patterns that are features of established residential neighbourhoods across Gosford City,~~
  3. ~~Maintain and enhance current levels of residential amenity that are features of Gosford City's established neighbourhoods.~~
10. ~~To promote positive social interaction between new and existing residents through the effective design of new dwellings and surrounding open spaces within each development.~~
11. ~~To recommend design solutions that achieve an appropriate balance between urban design quality and technical requirements that are specified by other chapters of this development control plan.~~
12. ~~To deliver a variety of dwelling types across Gosford City in order to accommodate the varied needs of a population that is socially- and demographically-diverse.~~

### 3.3.2 Desired Character

#### 3.3.2.1 New Developments

New developments shall be consistent with the statement of desired character that is specified for their surrounding area by Chapter 2.1 - Character in this development control plan:

1. Scenic settings shall be protected and enhanced.
2. Existing natural features shall be conserved and enhanced.
3. Siting of buildings and surrounding garden areas shall be *consistent* with predominant patterns across the surrounding neighbourhood.
4. Height, size and scale of new buildings shall be *compatible* with the predominant pattern across the surrounding neighbourhood.
5. Architectural form and design details shall be appropriate to existing scenic quality and streetscape character.
6. Garden design and details shall be *compatible* with scenic quality and streetscape character.
7. Street verges shall conserve visually-prominent landscape features.

#### Figure 2 - Desired Character: Residential Flat Buildings

*Figure 3 - Desired Character: Multi Dwelling Housing*

#### 3.3.2.2 Development Proposals

Development proposals that satisfy all objectives and controls in this chapter will be considered consistent with the requirements of Chapter 2.1 - Character.

#### 3.3.2.3 Definitions

In this Chapter, the following definitions apply:

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

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### compatible

means a development that contains or responds to elements which define the surrounding neighbourhood's character, such as setbacks, building forms, landscaping and architectural features.

*Note that compatibility does not require features of a development to be the same as a neighbourhood's defining elements.*

### consistent

means a development with features that are materially or substantially the same as elements which define the surrounding neighbourhood's character.

### reflect

means features of a development that are similar to elements which define the surrounding neighbourhood's character.

### 3.3.3 Primary Controls

#### 3.3.3.1 Height

##### 3.3.3.1.1 Purpose of Height Controls

The purposes of building height controls are:

1. To complement development standards in the Gosford LEP 2014,
2. To ensure that the scale of new buildings would be compatible with scenic qualities of hillside or ridgetop locations, and / or with existing and desired streetscape characters,
3. To limit the scale and intensity of redevelopment in established neighbourhoods.

##### 3.3.3.1.2 Maximum Height Controls

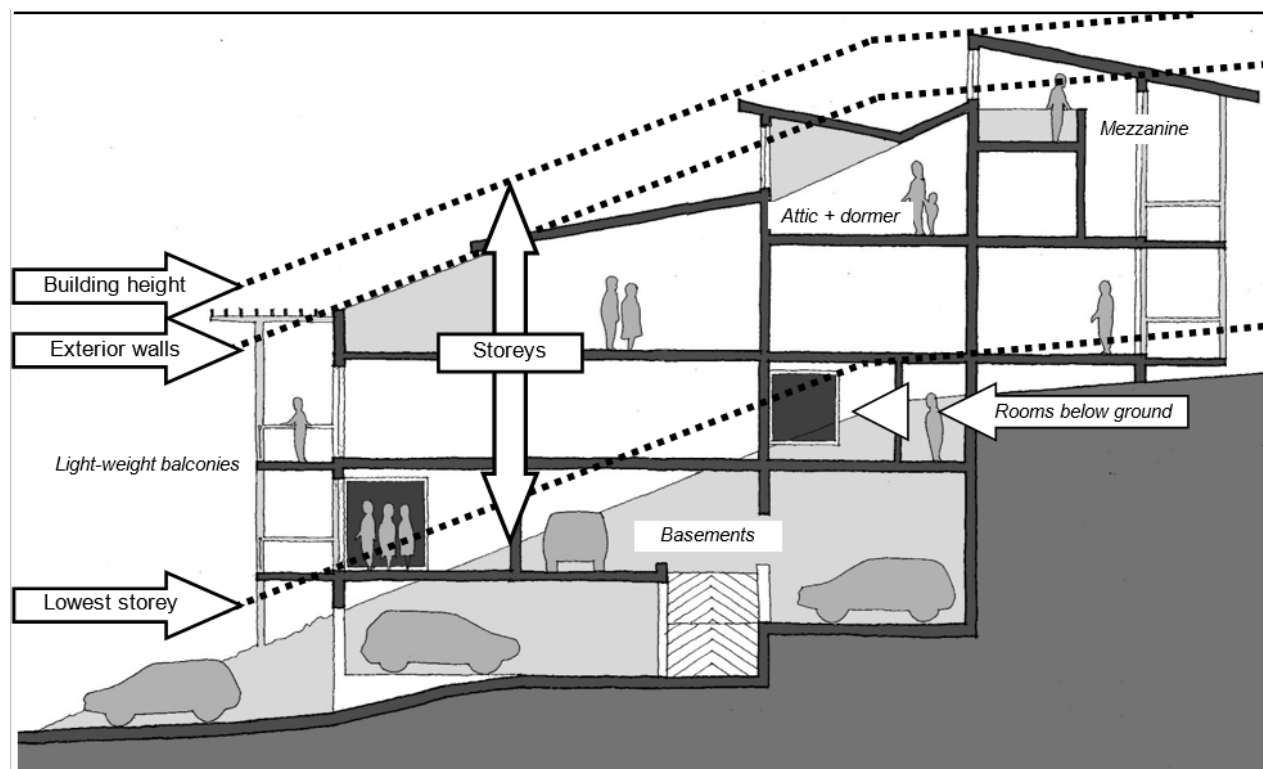
New buildings and alterations to existing buildings shall not exceed:

1. The maximum **building height** that is specified by the Gosford LEP 2014, *and*
2. The maximum number of **storeys**:
  1. Where the maximum building height is 8.5m: 2 storeys; or
  2. Where the maximum building height is 11m: 3 storeys; or
  3. Where the maximum building height is 13.75m: 4 storeys; and
3. The maximum height of an exterior wall:
  1. Where the maximum building height is 8.5m: 7.5m; or
  2. Where the maximum building height is 11m: 10m;
  3. Where the maximum building height is 13.75m: 12.75m
4. The maximum floor height of the lowest occupied storey:
  1. For all rooms and areas that are enclosed by exterior walls: 1m; or
  2. On sites that are defined as flood-prone: the minimum flood-free level that is specified by the Water Cycle Management chapter of this development control plan *provided that* existing ground levels are not raised by filling.

*Figure 4: Maximum Heights*

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

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**FIGURE 4 MAXIMUM HEIGHTS**  
Indicative cross-section through a sloping site

### 3.3.3.1.3 Development Controls

In addition, new developments shall comply with the following:

1. The minimum ceiling height for all habitable rooms:
  1. For buildings with two, three or four storeys: 2.7m;
  2. For single storey buildings: 2.4m;
  3. For attics and mezzanines: an average of 2.4m, but not less than 1.5m.
2. The minimum ceiling height for non-habitable rooms:
  1. For bathrooms, laundries and storage areas: 2.2m.
3. The maximum excavated depth for any habitable room on a sloping site:
  1. Where daylight would be provided via a lightwell: 1.5m to the floor level where the lightwell is at least 1m wide and surrounded by translucent balustrades;
  2. For rooms with a window that is at least 1.5m high and that would sit entirely above existing ground level: no limit;
  3. For non-habitable rooms or areas that would be mechanically-ventilated: no limit.
4. Amenity requirements in Clause 3.3.3.5 of this chapter:
  1. Circumstances of some sites might require heights that are lower than the maxima provided by this section.

### 3.3.3.1.4 Definitions

In this Chapter, the following definitions apply:

**attic**

is defined by the Gosford LEP 2014



## **PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE**

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### **building height**

is defined by the Gosford LEP 2014.

### **exterior wall**

means walls that enclose a building, other than end walls above the pitching point of any inclined roof (such as a gable-end) or the sides to any attic's dormer window.

### **ground level**

means existing ground level at any point on a site immediately prior to the development proposal, and described by a certified surveyor according to the Australian Height Datum.

### **height means**

the maximum vertical distance between existing ground level at any point to a specified element on a building.

### **lowest occupied storey**

means the lowest floor level in a building that accommodates habitable rooms of any dwelling.

### **mezzanine**

is defined by the Gosford LEP 2014.

### **storey**

is defined by the Gosford LEP 2014.

## **3.3.3.2 Setbacks**

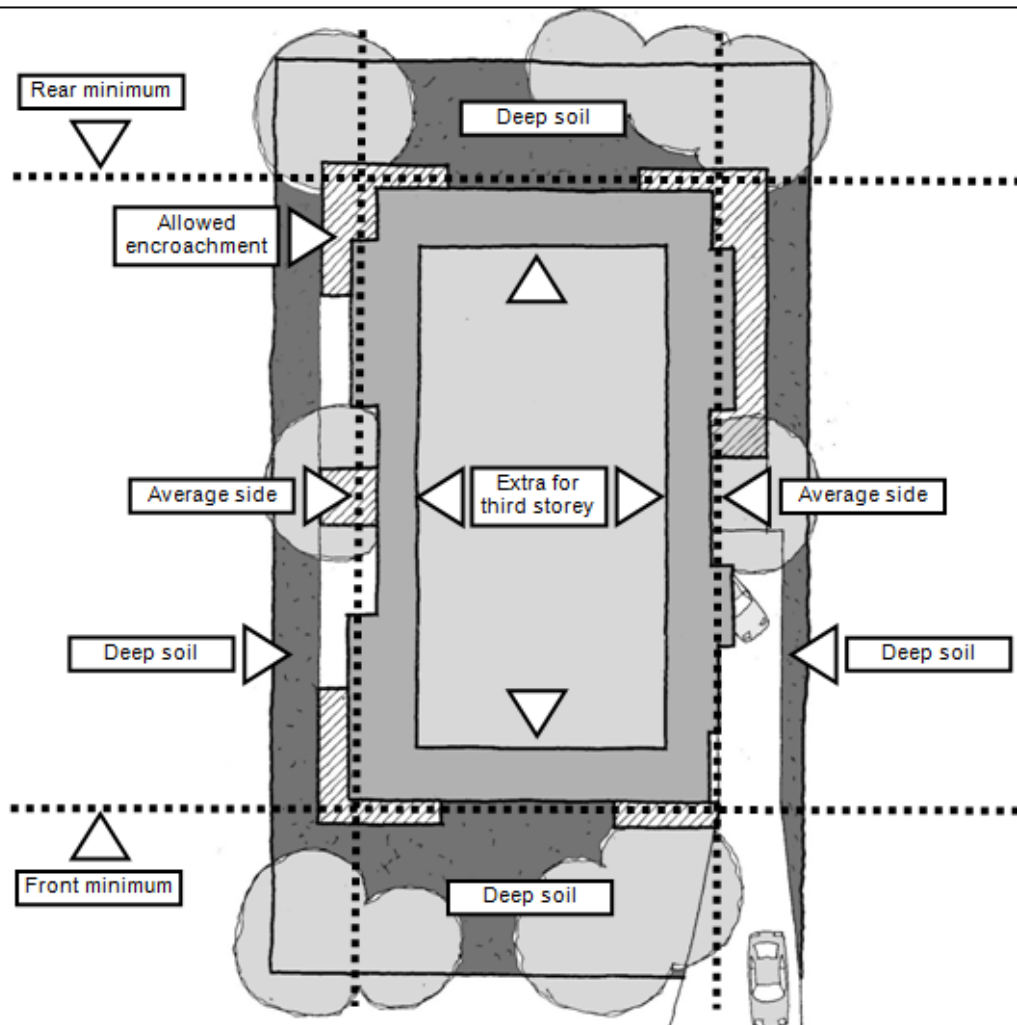
### **3.3.3.2.1 Purpose of Setbacks**

The purposes of setbacks are:

1. In conjunction with other numeric controls, to limit the intensity of new developments, and provide controls which complement the FSR controls in the Gosford LEP 2014
2. To ensure that new developments are compatible with predominant patterns of buildings and gardens that define the existing and desired characters of each neighbourhood,
3. To conserve important elements of existing scenic quality, in particular any prominent trees that might be located near a site's boundaries,
4. To surround new buildings with deep soil areas that are sufficient to conserve existing trees or to accommodate intensive new landscaping,
5. To provide reasonable amenity for both existing and proposed dwellings,
6. To encourage amalgamation of narrow sites in order to achieve the most efficient use of lands that permit multi-unit residential developments.

### PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

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**FIGURE 5 SETBACKS + DEEP SOIL: RESIDENTIAL FLAT BUILDINGS**  
Indicative site plan for developments with below-ground parking

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

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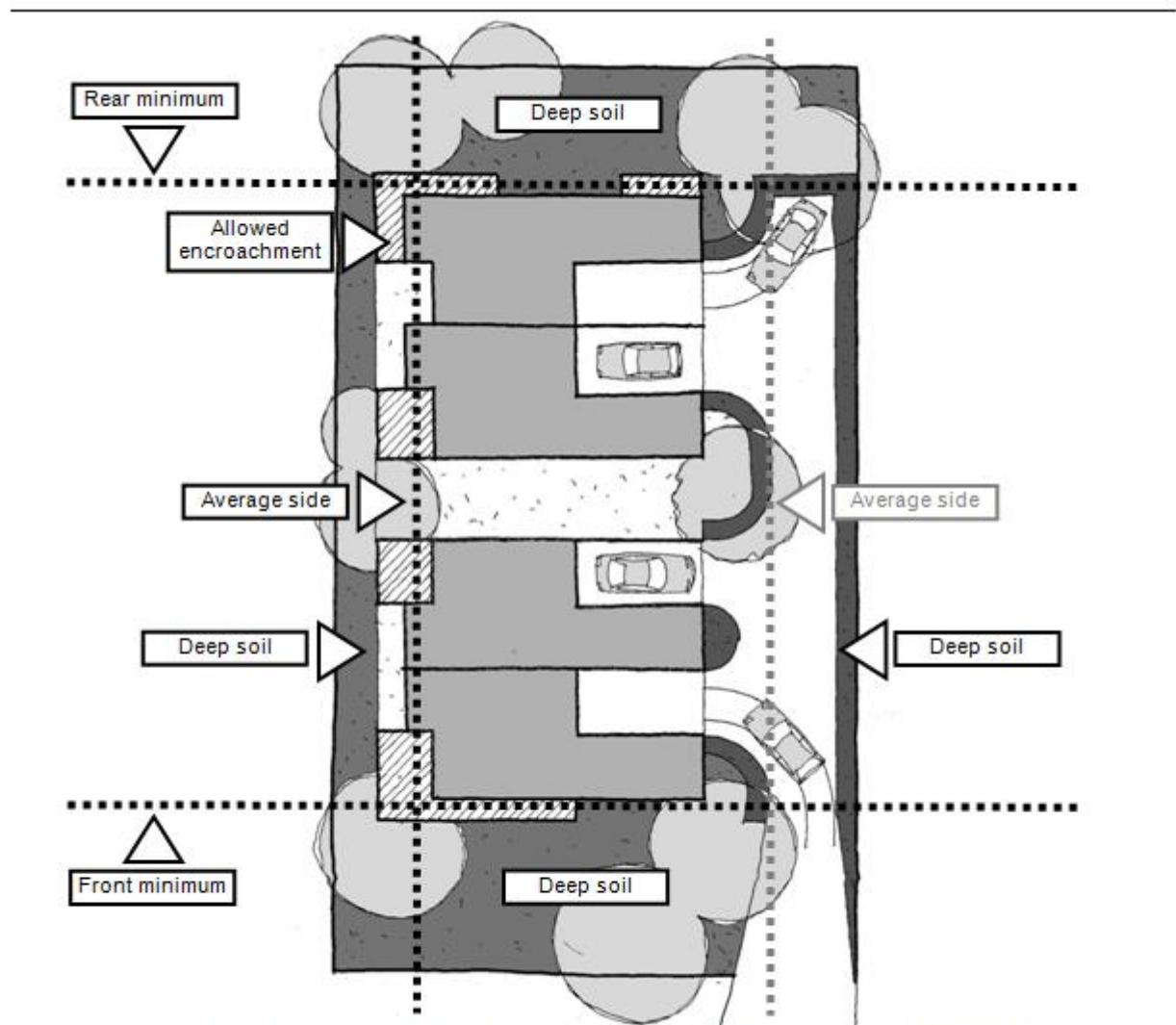


FIGURE 6 SETBACKS + DEEP SOIL: MULTI DWELLING HOUSING  
Indicative site plan for developments with above-ground parking

### 3.3.3.2.2 All Buildings Shall Provide:

All buildings shall provide:

1. **Deep soil** along all boundaries:
  1. Next to side boundaries: a minimum width of 2m;
  2. Next to front and rear boundaries: a minimum width of 6m.
2. **Setbacks to exterior walls** that are up to two **storeys** high:
  1. From side boundaries: an average of 4m with a minimum of 3.5m;
  2. From the front boundary: a minimum of 6m;
  3. From the rear boundary: a minimum of 6m.
3. For the **exterior walls** of any third storey (including a mezzanine):
  1. An additional setback of at least 2.5m measured from the face of the lower storey walls immediately below.
4. Encroachments that are specified are permitted and encouraged.

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

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### 3.3.3.2.3 Development Controls

In addition, setbacks for new developments shall comply with the following:

1. There should be minimal change to existing ground levels within the required **deep soil** areas and along all boundaries:
  1. On flood-prone sites, substantial filling to create flood-free floor levels is not an acceptable urban design practice;
  2. Filling of sites to allow gravity drainage of roof stormwater to street drains is not an acceptable urban design practice.
2. Amenity requirements in *Clause 3.3.3.5* of this chapter:
  1. Circumstances of some sites might require setbacks that are greater than the minima provided by this section.
3. Existing trees that are visually-prominent should be conserved:
  1. Where they are clearly-visible from a public place such as a road or reserve; and
  2. Where they make a positive contribution to existing scenic quality of a locality, or to desired streetscape character and identity of the surrounding neighbourhood;
  3. Unless a report by a qualified arborist demonstrates structural defects that would compromise “safe useful life expectancy”.
4. In order to conserve existing trees:
  1. Maintain existing ground levels across the “critical root zone” (CRZ as defined in a report by a qualified arborist); and
  2. Increase required setbacks so that buildings and excavations avoid CRZs and any portions of canopy that are essential to long-term survival or stability (according to a report by a qualified arborist); or
  3. Across a CRZ, use low-impact construction techniques that avoid extensive excavation and strip footings or slabs-on-ground which would compromise long-term survival or stability the tree (according to a report by a qualified arborist);
  4. Where minimum setbacks are increased to preserve existing trees, other setbacks may be reduced to compensate for the floor-area foregone provided that existing amenity of neighbouring properties and desired neighbourhood character would not be compromised.

### 3.3.3.2.4 Allowable Encroachments

The following encroachments are allowed:

1. Minor features and building elements:
  1. Roof eaves, awnings, and pergolas supported by slender steel or timber posts: up to 1m beyond minimum setbacks;
  2. Stair or ramp access to building lobbies and individual dwellings: up to 1m beyond minimum setbacks;
  3. Light wells that provide daylight and ventilation to habitable rooms located partly-below ground level: up to 1m beyond minimum setbacks;
  4. Down-pipes and flues.
2. Terraces above basements that are generally not more than 1m above ground level:
  1. Across up to 50% of any elevation: up to 1m beyond the minimum setback.
3. Balconies which display a “light-weight” appearance:
  1. Across up to 50% of any building elevation: up to 1m beyond the minimum setback but only for structures that are cantilevered or that are supported by slender steel or timber posts.

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4. Large paved areas *provided that* they are flanked by a deep soil verge at least one metre wide which is planted with an avenue of trees and shrubs:
  1. Driveways and basement ramps;
  2. Above-ground parking areas and vehicle turning areas.

### 3.3.3.2.5 Definitions

In this Chapter, the following definitions apply:

#### corner sites

a front boundary setback applies to the shorter street frontage;  
a side boundary setback applies to the longer street frontage;  
a rear boundary setback applies to the boundary that is parallel to the shorter street frontage.

#### deep soil

means natural ground or imported material with a depth that is not limited by any basement structure and which is suitable for deep-rooted trees.

### 3.3.3.3 Car Parking

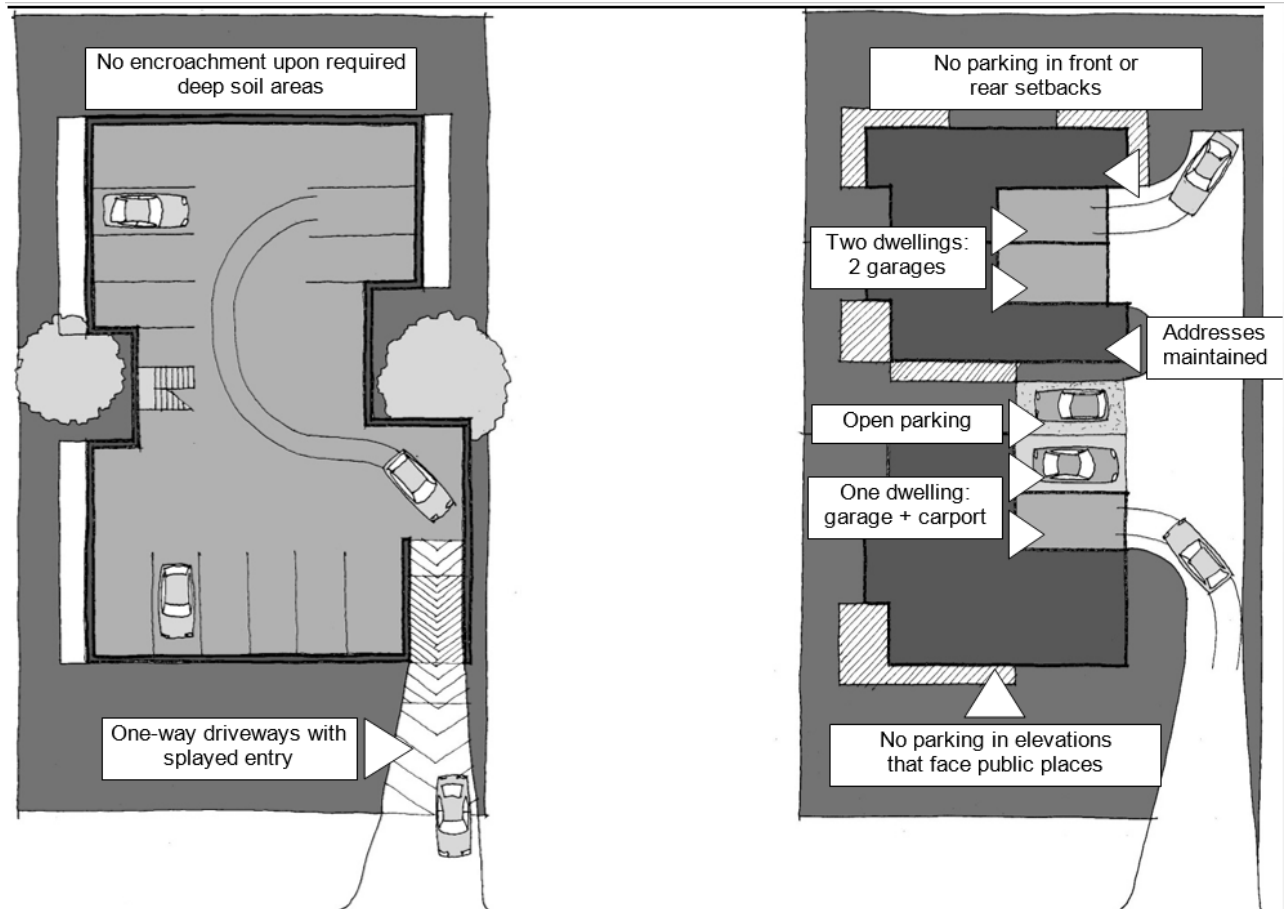
#### 3.3.3.3.1 Purpose of Car Parking

Purposes of guidelines for car parking are:

1. To encourage basement parking that promotes the most-efficient use of land,
2. To minimise visual impacts in relation to existing scenic quality or desired streetscape character,
3. To recommend urban design solutions that ensure effective integration of the on-site parking required by the Car Parking chapter of this development control plan.

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**FIGURE 7 DRIVEWAYS + PARKING AREAS**

Indicative development plans: basement parking (left) + above-ground parking

### 3.3.3.3.2 Technical Requirements

Technical requirements for parking are provided by the Car Parking chapter of this development control plan.

### 3.3.3.3.3 Preferred Location of Off-Street Parking

In terms of scenic quality and desired neighbourhood character, basements are the preferred location for off-street parking:

1. Basements must not extend across the required **deep soil** setbacks.
2. Basements may extend up to 1m above existing ground level, *provided that* they are integrated with architectural and landscape design of the development.
3. Although basement parking is not mandatory, above-ground garages and driveways may reduce dwelling yields which otherwise could be achieved within the building envelope that is defined by this chapter.

### 3.3.3.3.4 Scenic Quality and Neighbourhood Character of Off-Street Parking

The location and design of off-street parking areas must not compromise existing scenic quality or desired neighbourhood character:

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1. Above-ground parking spaces must not be located within any building elevation that would face a street, a laneway or a public reserve.
2. On sloping sites, garages and enclosed driveways that would sit more than 1m above existing ground level must be concealed behind habitable rooms.
3. Above-ground parking spaces must not be located within any front or rear setback.
4. Above-ground parking spaces must not create a continuous or nearly continuous row of enclosed garages which would obstruct the “traditional address” that is required by *Clause 3.3.4.2* of this Chapter.
5. For dwellings that require two above-ground parking spaces, the preferred urban design solution is one fully-enclosed garage space with the second space located in a carport secured by a visually-transparent shutter, or upon an open landscaped area.

### 3.3.3.3.5 Driveway Design

Driveway design should balance safety with the desired streetscape quality:

1. For developments that would generate less than 30 movements per peak hour (typically, those with less than 25 parking spaces):
  1. AS 2890.1 allows single lane driveways that are 3m wide *provided that* passing bays at least 5.5m wide are located at 30m intervals,
  2. Single lane driveways should splay from the building line to a width of 5.5m at the street kerblines, allowing two vehicles to pass in the setback area without interrupting street traffic or compromising the safety of pedestrian footpaths.
2. For developments that would generate more than 30 movements per hour:
  1. AS 2890.1 requires two-way driveways that are 5.5m wide,
  2. Alternatively, provide a pair of single lane driveways that are each 3m wide.
3. For basement ramps:
  1. Gradients must comply with AS 2890.1, and for safety reasons should not be steeper than 1:20 within 6m of the site boundary,
  2. Single lane ramps should include warning lights to prevent two way traffic,
  3. In flood-prone areas, drive-over flood-bars should be installed at the head of all ramps with crown levels that meet the Council’s requirements.
4. Driveways and ramps must be integrated with landscaping as required by *Clause 3.3.4.4* of this Chapter:
  1. Width of driveways and ramps should be minimised so that the area of deep soil upon every site may be maximised;
  2. A proportion of above-ground pavements should be water-permeable;
  3. A proportion of surfaces should be graded to direct stormwater flows toward landscaped verges (as opposed to being confined between tall upstand kerbs).

### 3.3.3.4 Articulation

#### 3.3.3.4.1 Purpose of Articulation

The purposes of controls for articulation are:

1. To prevent monotonous exterior walls that accentuate the scale and bulk of buildings,
2. To limit the apparent height and length of new facades,
3. To ensure that the size and bulk of new developments would not compromise existing scenic qualities that might be displayed by the surrounding locality,

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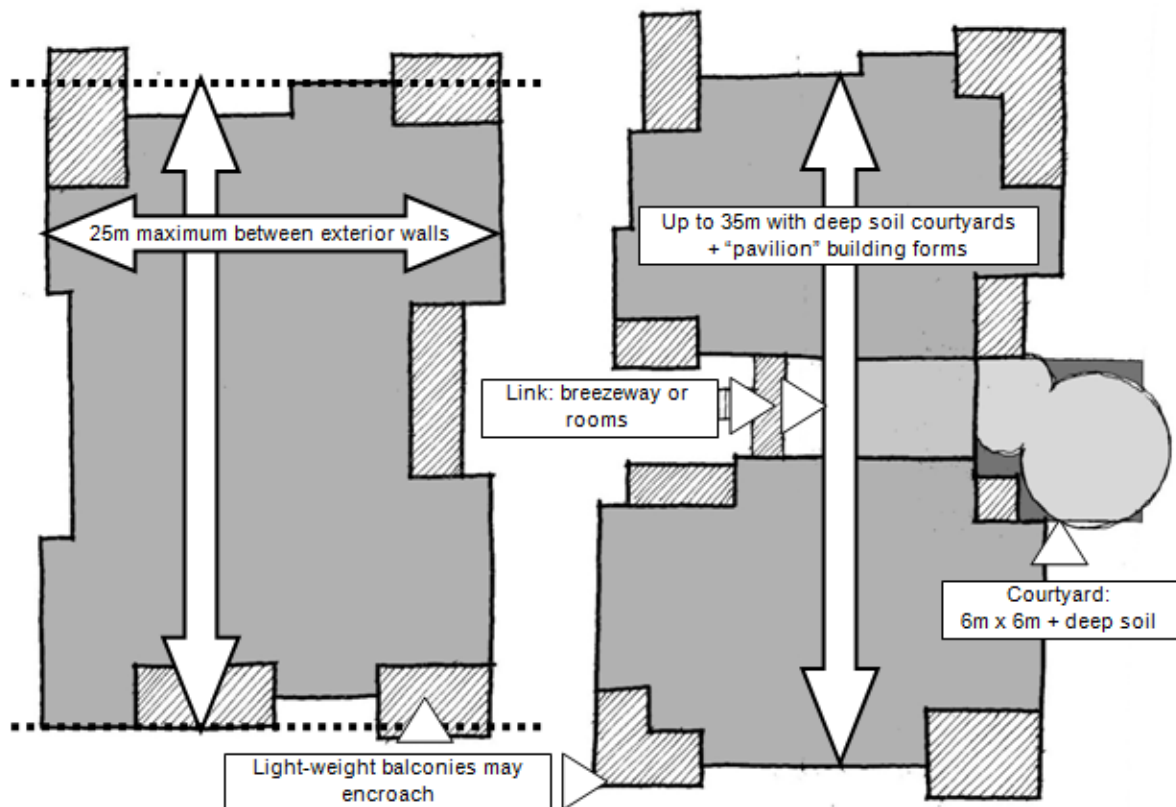
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4. To achieve compatibility with the predominant patterns of buildings and gardens that define the existing and desired characters of each neighbourhood.

### 3.3.3.4.2 Maximum Dimensions of Buildings

The maximum width and depth of any building is 25m:

1. Maximum dimensions are measured between outside faces of **exterior walls**.
2. Maximum dimensions do not include:
  1. Balconies that display a “light-weight” appearance such as structures which are supported upon slender steel or timber posts or cantilevered,
  2. Carports that are not fully-enclosed by walls, with a “light-weight” appearance presented by gently-pitched roofs which are supported by steel or timber posts,
  3. Terraces or basements that are not higher than 1m above existing ground.
3. A building may exceed the maximum dimensions by up to 10m *provided that* the following features are incorporated:
  1. Elevations longer than 25m must be indented to incorporate one **deep soil** courtyard that measures at least 6m by 6m, *and*
  2. Each courtyard must be planted with at least one large canopy tree, *and*
  3. Surrounding each courtyard, height of the building’s exterior walls must be reduced, *and*
  4. Roof forms must be varied to accentuate this additional articulation, for example by presenting each building as two visually-separated “pavilion-elements”.



**FIGURE 8** MAXIMUM DIMENSIONS FOR BUILDINGS  
Alternative “footprints”: limited depth (*left*) or deeper with indented courtyards (*right*)



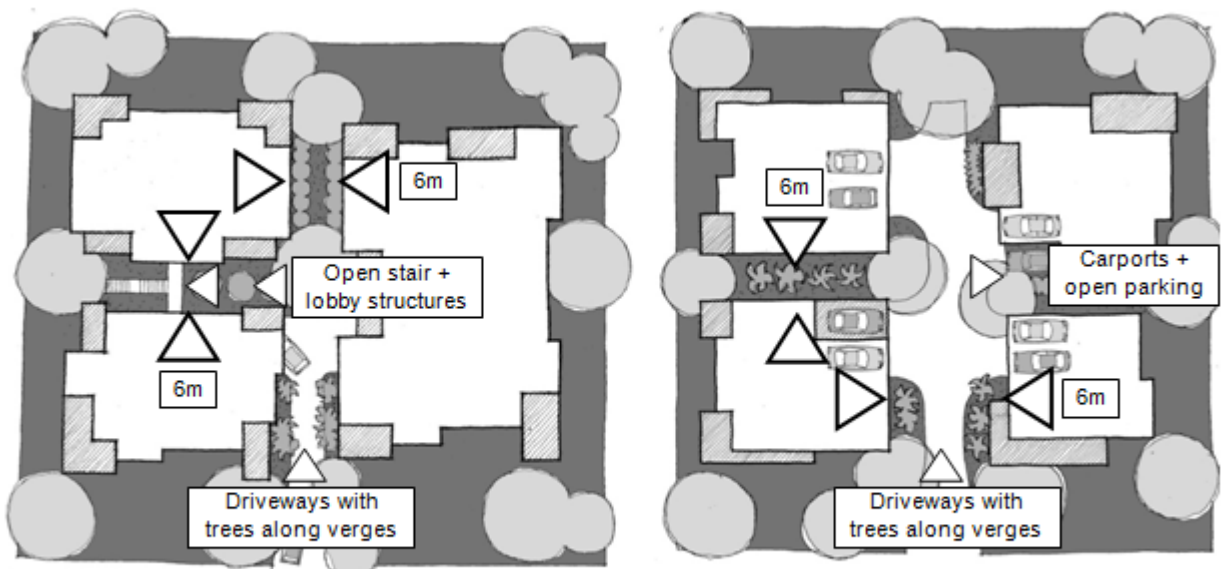
## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

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### 3.3.3.4.3 Separation Between Buildings on the Same Site

Adjoining buildings located upon the same development site shall be separated:

1. The minimum distance between buildings shall be 6m:
  1. Predominantly deep soil areas to conserve existing trees or accommodate new trees according to Clause 3.3.4.4 of this chapter, or
  2. Driveways that are flanked by landscaped verges which accommodate new trees according to Clause 3.3.4.4 of this chapter.
2. Separation between buildings also shall provide satisfactory sunlight and privacy for adjacent dwellings, according to Clause 3.3.3.5 of this chapter.
3. Allowable encroachments within required building separations include:
  1. Free-standing stairs and building lobbies that are not wider than 2.5m and which display a “light-weight” appearance: for example structures with gently-pitched roofs supported by slender steel or timber posts, either open or enclosed by windows or screens,
  2. Carports not wider than 3m and which display a “light-weight” appearance: with gently-pitched roofs that are supported by slender steel or timber posts,
  3. Any uncovered outdoor parking space with porous paving that is overhung by canopy trees.



**FIGURE 9 MINIMUM SEPARATION BETWEEN BUILDINGS**  
Indicative plans: Residential Flat Buildings (*left*) + Multi Dwelling Housing (*right*)

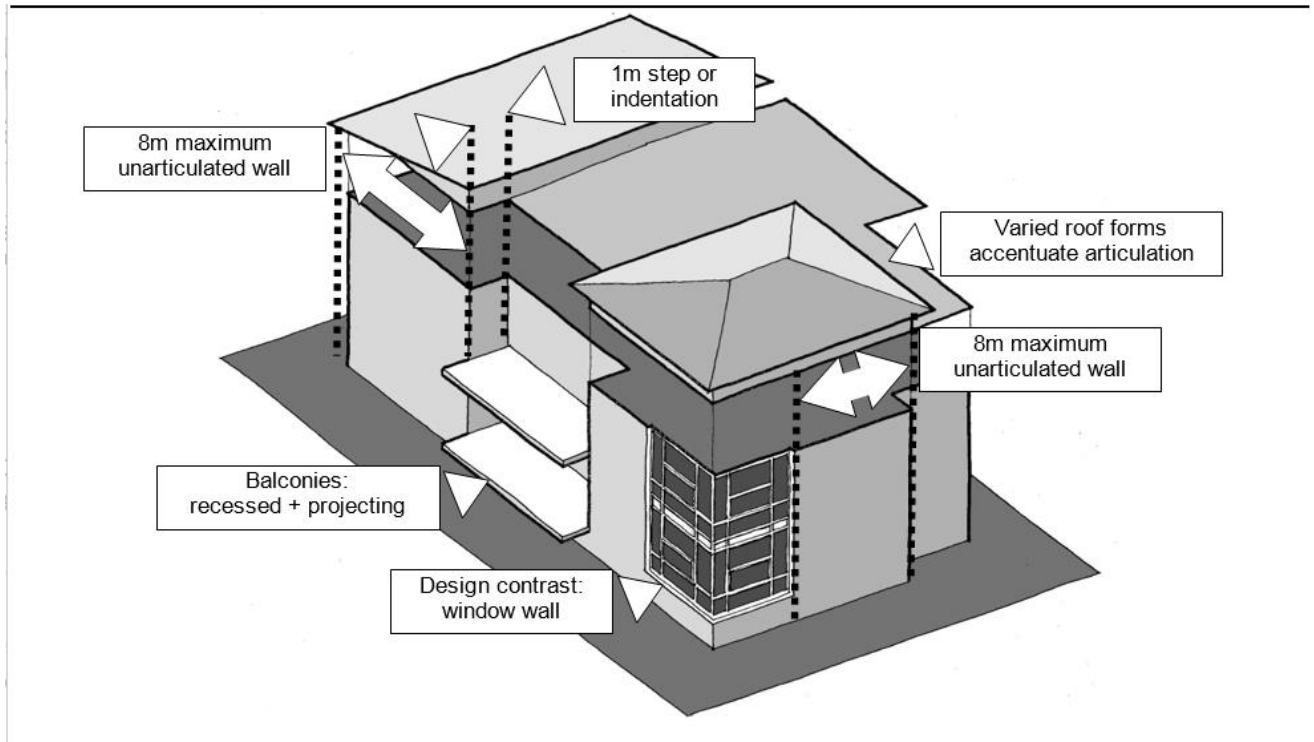
### 3.3.3.4.4 Articulation of Building Forms and Facades

The “unarticulated length” of any exterior wall should not exceed 8m:

1. Satisfactory articulation is achieved by:
  1. Stepping or indenting the alignment of an exterior wall by at least 1m,
  2. Balconies or terraces that project at least 1m forward of an exterior wall,
  3. Distinct contrasts in the design or the finish of an exterior wall, such as panels of “curtain wall” windows next to masonry walls,
  4. Roof forms that comprise a number of separate elements which respond to steps, projections and / or design contrasts that appear in exterior walls immediately below.
2. A variety of articulation measures should be applied to all facades.

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**FIGURE 10 ARTICULATION OF BUILDING FORMS + FACADES**  
"Exploded" axonometric view showing roof-forms separated from walls

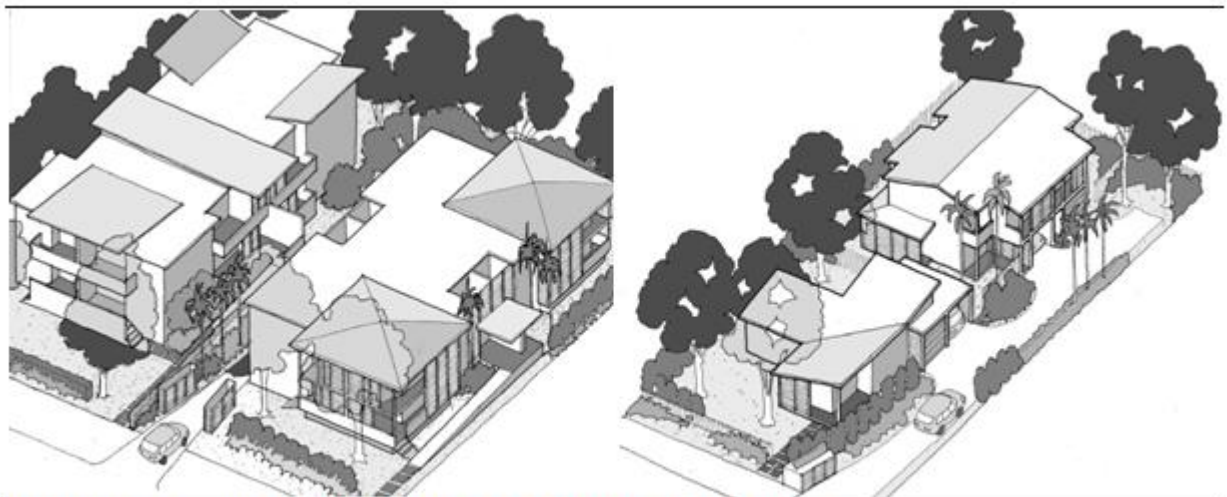
### 3.3.3.4.5 Appearance of Adjoining Buildings

The appearance of adjoining buildings should be varied:

1. Within any development that proposes more than one building.
2. Also along any street where a development proposes to repeat an existing building type that is located upon a neighbouring property or within visible proximity.
3. Satisfactory variation is achieved by visible differences in relation to:
  1. Front and side setbacks that are adopted for each building,
  2. The size, shape and / or orientation of floor plans in each building,
  3. Shape or form of each building defined by exterior walls and roofs,
  4. Landscaping, specifically the type and placement of canopy trees, and the provision of screen plantings along a property's boundaries.

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**FIGURE 11 VARIATION OF ADJACENT BUILDINGS**  
Indicative views: Neighbouring properties (*left*) + one development site (*right*)

### 3.3.3.5 Residential Amenity

#### 3.3.3.5.1 Purpose of Controls

##### 3.3.3.5.1 Purpose of Residential Amenity

The purposes of controls for residential amenity are:

1. To maintain a reasonable “quality of life” for existing residential neighbours,
2. To ensure that new developments provide high quality living environments.

#### 3.3.3.5.2 Sunlight and Overshadowing

##### 3.3.3.5.2 Sunlight and Overshadowing

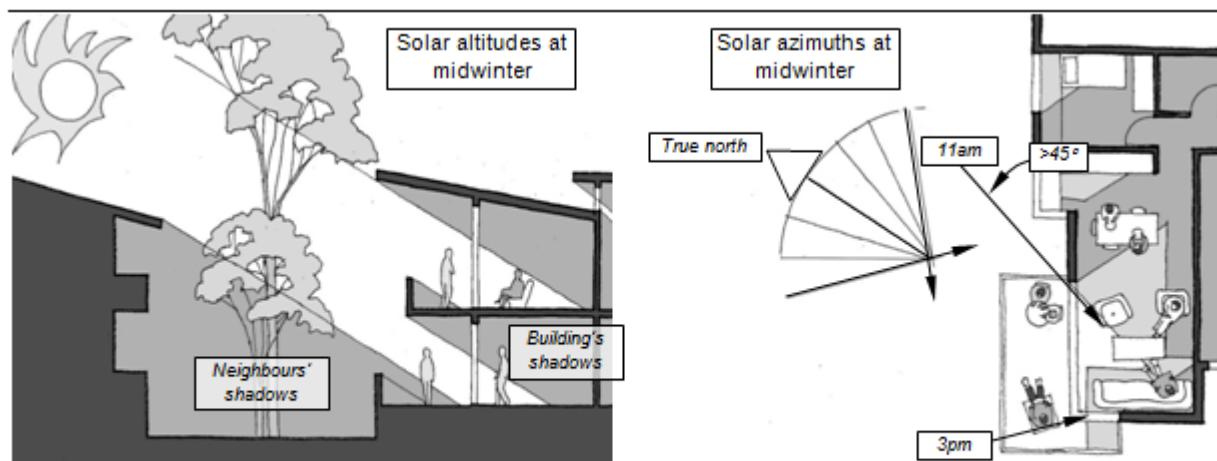
Building forms and the design of new dwellings shall provide a minimum amount of sunlight for both new and existing dwellings:

1. At least three hours daily shall be received by:
  1. Day-time living or dining or family rooms in all dwellings, where sunlight falls upon at least half of the surface area to principal windows of those rooms;
  2. The principal area of private open space for all dwellings, and any communal open space that is designed for residents’ outdoor recreation, where sunlight falls upon at least half of those areas.
2. For every new development, this minimum amount of sunlight shall be received by:
  1. At least 70% of the proposed dwellings; and
  2. Any communal open space that is designed for residents’ outdoor recreation.
3. For existing neighbours, the minimum amount of sunlight shall be retained:
  1. For living rooms and the principal area of private open space;
  2. If current sunlight is less than the minimum amount, siting and form of the proposed development should ensure that the existing amount of sunlight is not reduced.
4. Demonstrate the amount of sunlight that will be achieved or maintained:
  1. Provide shadow diagrams that are projected from true north, for at least 9am, noon and 3pm on June 21 (midwinter),

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2. Illustrate sunlight and shadows as overlays upon floorplans of the typical dwellings proposed, and where necessary, across neighbours' affected elevations,
3. Shadows should be adjusted for slope, and should show obstructions upon the development site and neighbouring properties: fences and trees such as conifers with dense canopies (both existing and proposed), and existing structures,
4. Provide a table that lists the amount of sunlight which would be received by the proposed dwellings.



**FIGURE 12 SUNLIGHT + OVERSHADOWING**  
Section through adjoining properties + indicative plan showing solar azimuths

### 3.3.3.5.3 Site Planning

### 3.3.3.5.3 Site Planning

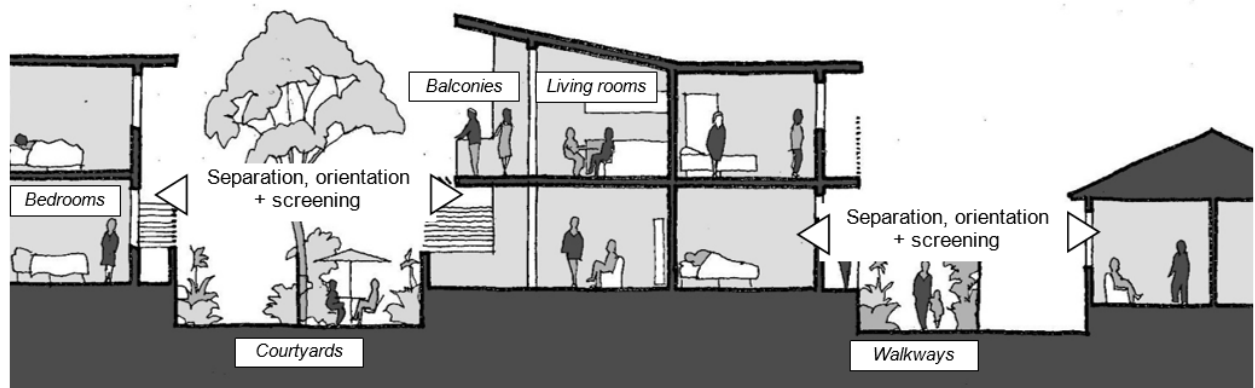
Site planning and design shall provide reasonable privacy for both existing and proposed dwellings:

1. The primary orientation for new dwellings should be towards front or rear setbacks, or major open spaces upon the development site:
  1. Primary orientation relates to the windows of living, family or dining rooms, and to the principal private open spaces that adjoin those rooms.
2. Provide reasonable privacy separation between adjacent dwellings:
  1. Privacy separation is measured as the minimum line-of-sight between the windows of any living, dining or family room and / or the outer edge of a principal private open space;
  2. For two storey buildings: provide at least 9m between adjacent dwellings,
  3. For three or four storey buildings: provide at least 9m for the lower two storeys between adjacent vantage points, and for the third and fourth storey, at least 12m;
3. Reduced separation is acceptable where screening would block lines of sight between adjacent dwellings, for example by:
  1. Boundary fences up to 1.8m high;
  2. Existing evergreen shrubs or trees;
  3. Fixed or moveable louvres, exterior shutters or blinds;
  4. Pergolas and awnings above intensively-occupied private open spaces;
  5. Windows with frosted or opaque glass;
  6. Windows less than 600mm wide, or with tall sills at least 1.5m above floor level;
  7. Planters at least 1m wide, with hedges that are at least 1.5m above floor level.
4. Also ensure that dwellings are protected from intrusive of noise and overlooking:

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

1. Locate bedroom windows away from common areas such as driveways, lobbies, access-hallways and access-balconies;
2. Limit potential impacts from roof terraces by allowing only one terrace per dwelling with maximum dimensions of 3.5m by 3.5m,
3. Demonstrate that habitable rooms located within 60m of the railway or facing a classified major road would satisfy the acoustic criteria published by Standards Australia and State Government authorities.



**FIGURE 13 PROTECTION OF MUTUAL PRIVACY**  
Indicative cross section through adjacent buildings + dwellings

### 3.3.3.5.4 Natural Cross-ventilation

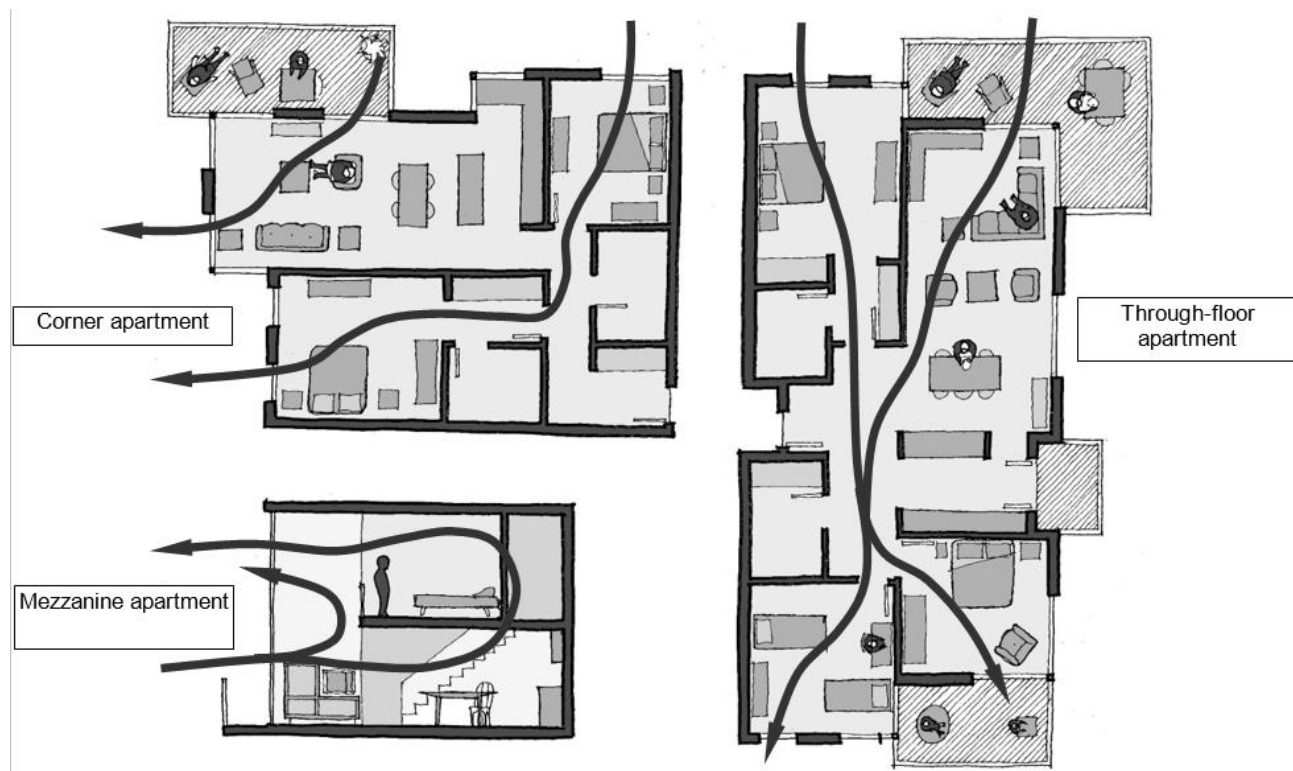
### 3.3.3.5.4 Natural Cross-Ventilation

The majority of dwellings in any development shall be naturally cross-ventilated:

1. At least 60% of the proposed dwellings must have suitable floorplans:
  1. "Corner" or "through-floor" configurations with windows located in two exterior walls, allowing breezes to pass directly through all of the major habitable rooms;
  2. Two storey units with a "mezzanine" upper level that is setback at least 2m from two storey windows, allowing convection currents to circulate via a broad floor-void;
  3. Where some windows have an easterly aspect that allows prevailing summer breezes to enter directly.
2. "Single aspect" dwellings with windows in only one exterior wall should have floorplans that are not excessively deep:
  1. The most-frequently occupied portions of each kitchen, living, dining, family and bedroom should not be further than 8m from a window;
  2. Service rooms that are mechanically-ventilated and storage areas may be further than 8m from a window.
3. Demonstrate that effective natural cross-ventilation will be achieved:
  1. Provide a table that confirms the number of proposed dwellings with suitable floorplans, such as "corner", "through-floor" or "mezzanine" types;
  2. For "single aspect" dwellings, plans should note the distance from windows to most-frequently-occupied portions of their kitchen, living, dining, family and bedrooms.

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*



**FIGURE 14 NATURALLY CROSS-VENTILATED DWELLINGS**

Floor plans + section (*at bottom left*) showing well-ventilated dwelling types

### 3.3.3.5.5 Private Open Space

### 3.3.3.5.5 Private Open Space

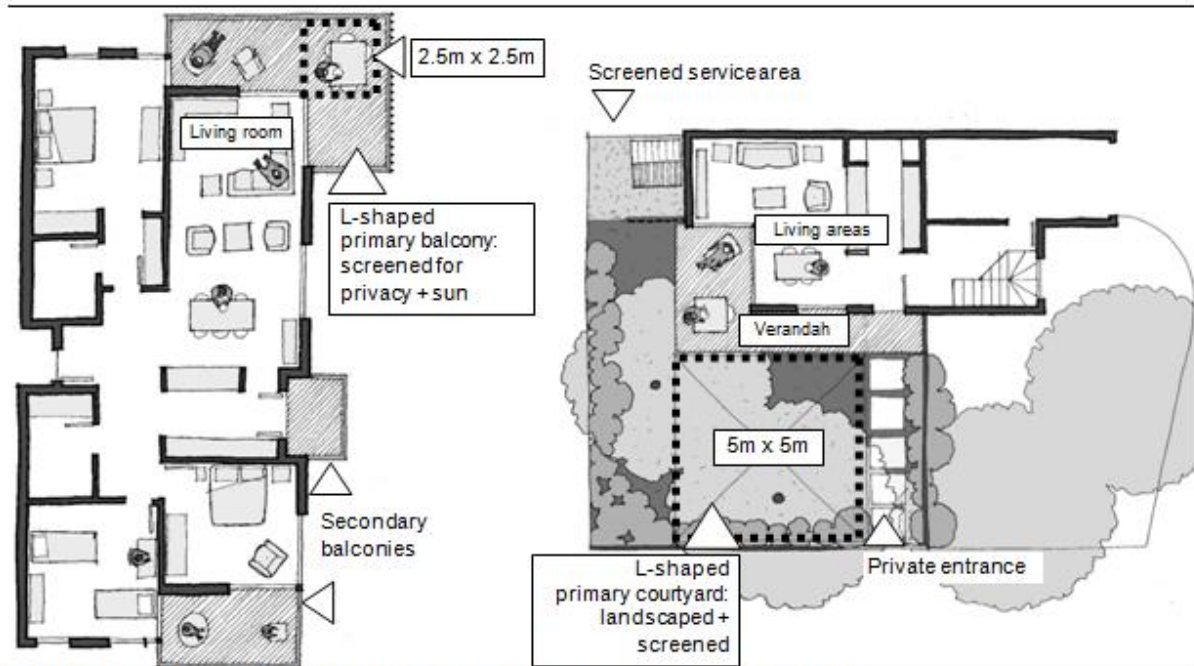
Provide well-designed private open spaces for every new dwelling:

1. For each above-ground dwelling, provide open space as terraces or balconies:
  1. For one bedroom dwellings: at least 8m<sup>2</sup> for a single space;
  2. For two bedroom dwellings: at least 12m<sup>2</sup> in total for one or more spaces;
  3. For three or more bedrooms: at least 16m<sup>2</sup> in total for one or more spaces;
  4. Including one area measuring at least 2.5m by 2.5m which can comfortably-accommodate an outdoor table-setting or seating.
2. For each dwelling with a private entrance at ground level, provide open space as landscaped garden courtyards or terraces:
  1. For all dwellings: at least 50m<sup>2</sup> which may include a verandah or terrace that sits above a basement carpark;
  2. Including one area measuring at least 5m by 5m to accommodate a variety of activities as well as landscaping that includes shrubs and at least one tree;
  3. The absolute minimum dimension for any private courtyard is 3.5m.
3. Private open spaces should have the following features:
  1. Courtyards may extend across a proportion of the deep soil setbacks within each development, including the front setback;
  2. The principal areas of private open space should have a sunny location immediately next to their dwelling's major indoor living areas;

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

3. Balconies and courtyards should be designed as “outdoor rooms”, incorporating effective screening for privacy and protection from summer sun, together with a semi-regular shape which can accommodate a variety of outdoor activities (note that “L-shaped” areas are particularly effective);
4. All open spaces should include service areas that are fully-screened to allow outdoor clothes-drying and storage.



**FIGURE 15 FEATURES OF PRIVATE OPEN SPACE**  
Indicative dwelling plans: Residential Flat Buildings (*left*) + Multi Dwelling Housing

### 3.3.3.5.6 Communal Open Space

### 3.3.3.5.6 Communal Open Space

Provide communal open spaces for developments with more than ten dwellings:

1. Communal open spaces should have the following minimum areas and dimensions:
  1. Communal open spaces in such developments should cover at least 10% of the proposed setbacks and building separations;
  2. Communal open space may provided in one or more parcels, provided that spaces which are designed specifically for recreation cover at least 50m<sup>2</sup> and have minimum dimensions of 5m;
  3. Communal areas that are landscaped with shrubs and trees should have a minimum width of 1m.
2. Communal open spaces should be provided in locations that enhance the design character and amenity of each development:
  1. Where they would conserve existing trees;
  2. Where they could provide landscaped focal points for the development and its dwellings, for example at the head of any driveway or midway along any driveway that would be more than 40m long.
3. Communal open spaces that are designed for residents' recreation should have the following features:

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

1. A sunny location that is accessible by all dwellings;
2. Designed to accommodate a variety of activities within a landscaped setting, such as sitting, barbeques, picnics and childrens' play (noting that "L-shaped" areas are particularly effective);
3. Orientation or design features that protect the privacy of adjoining dwellings, such as screen plantings, trellises and pergolas.

### 3.3.4 Design Guidelines

#### 3.3.4.1 Housing Choice

##### 3.3.4.1.1 Purpose of Housing Choice

The purposes of guidelines for housing choice are:

1. To promote the Council's adopted strategies with regard to population and residential development by encouraging a range of dwelling types across Gosford City,
2. To ensure that dwellings satisfy, or can be adapted to satisfy, the needs of all residents in Gosford City including the elderly and people with disabilities,
3. To comply with national guidelines for accessibility and adaptability that are published by Standards Australia.

##### 3.3.4.1.2 Dwelling Types

New developments should incorporate a range of dwelling types that reflect Gosford City's diverse demographic structure:

1. No more than one third of the dwellings in any development should be the same type.
2. Dwelling types are defined by the following factors:
  1. The number of bedrooms in each dwelling,
  2. Location of dwellings at ground-level or above-ground,
  3. Whether lift access is provided for above-ground dwellings,
  4. The number of levels or storeys within each dwelling,
  5. In two storey dwellings, whether living rooms and entrances plus some bedrooms and bathrooms are located at the same level or on different levels,
  6. The size and design of private open spaces that are provided for each dwelling:

Ground level garden terraces or above-ground balconies,

Single or multiple open spaces for each dwelling,

Size and landscaping of open spaces: predominantly planted or paved.

##### 3.3.4.1.3 Accessible Dwellings

Ensure that a proportion of new dwellings are "accessible", or may be "adapted" to meet residents' future needs:

1. In developments with more than ten dwellings: at least 10% should be "accessible":
  1. Accessible dwellings must be designed to accommodate residents with impaired mobility according to AS 1428.
2. In developments with more than three dwellings: one third should be "adaptable":
  1. Adaptable dwellings may be adjusted to accommodate the aging of residents "in-situ" or the needs of residents who experience impaired mobility,



## **PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE**

Extract from *Gosford Development Control Plan 2013*

2. Adaptable dwellings must satisfy Class C specifications in AS 4299, including minimum dimensions for habitable rooms, hallways and doorways.
3. Both accessible and adaptable dwellings require “barrier free” access as defined by AS 1428 and AS 4299:
  1. New developments should provide at least one “barrier-free” access path between the street and entrances to a proportion of ground floor dwellings,
  2. “Barrier-free” access should be provided throughout all of the common areas in a development, including major pedestrian pathways, building lobbies, internal hallways or balconies that provide access to individual dwellings, plus garbage stores and parking areas,
4. Requirements for accessible or adaptable dwellings may be waived on steep sites:
  1. Where it can be demonstrated that slopes cannot accommodate ramps, or
  2. Where it can be demonstrated that ramp structures would substantially compromise existing scenic qualities to an extent which would be contrary to desired character of the surrounding neighbourhood.

### **3.3.4.2 Residential Address**

#### **3.3.4.2.1 Purpose of Residential Address**

The purposes of guidelines for residential address are:

1. To encourage positive social interaction between new residents and Gosford City’s established communities,
2. To promote a safe residential environment by providing for surveillance and by distinguishing private, semi-private and semi-public areas within new developments.

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

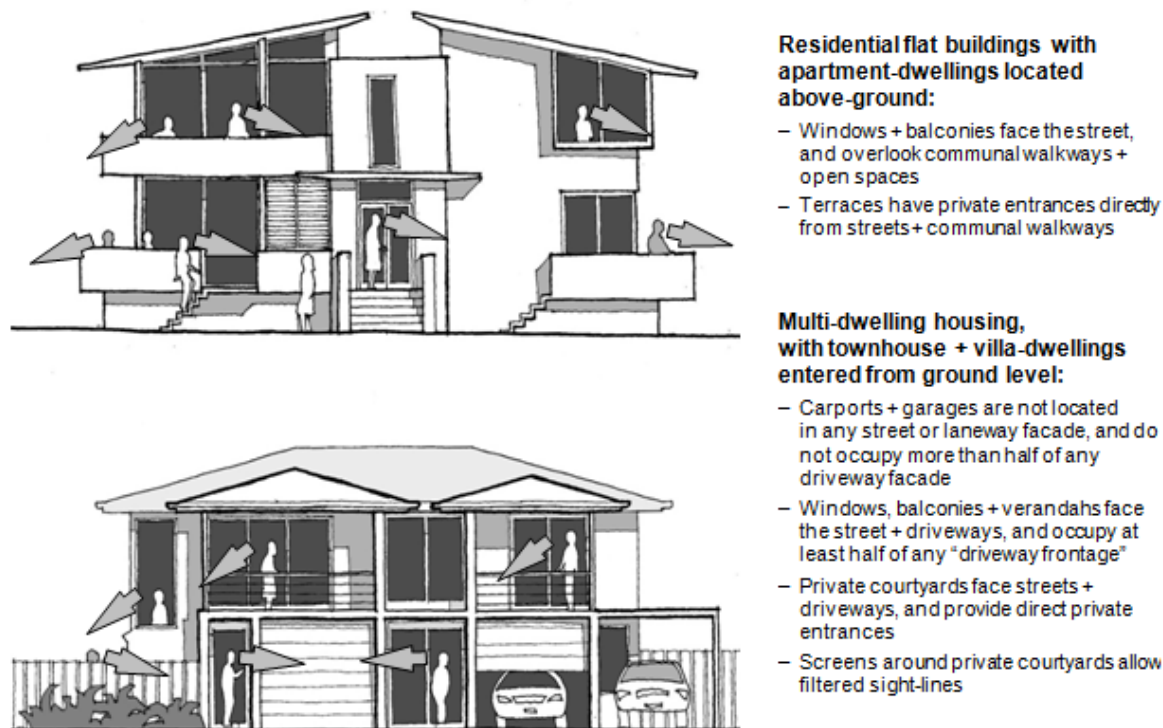


FIGURE 16 ELEMENTS OF AN ADDRESS  
Indicative elevations: Residential Flat Buildings (top) + Multi Dwelling Housing

### 3.3.4.2.2 Requirements for a Traditional Address

A "traditional address" is required for all new dwellings that face any street or public place, or communal areas within a development:

1. A "traditional address" is achieved where sight-lines are available from regularly-occupied rooms and open spaces within each dwelling towards streets and parks, and to semi-public places within the development such as driveways and walkways.
2. Regularly-occupied areas within each dwelling that should be able to overlook public and semi-public places include:
  1. Front doors, verandahs and patios,
  2. Windows to rooms that are regularly-occupied throughout the course of any day, such as living, dining and family rooms, kitchens, and stairs or hallways,
  3. Balconies, terraces and private courtyards.
3. A "traditional address" has two important benefits:
  1. Encourages positive social interaction between new residents and established communities,
  2. Discourages anti-social behaviour that could compromise safety and security of both public and semi-public places.

### 3.3.4.2.3 Features of a Traditional Address

For all developments, features of a "traditional address" include:

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

1. For all dwellings located at the front of each development: the street can be seen from windows of regularly-occupied rooms, as well as from upper-storey balconies and private terraces or courtyards at ground level.
2. For developments that provide above-ground parking: carports and fully-enclosed garages must not be located within any facade facing a street, a park or major communal open space, where they would block desired sight lines.
3. For developments with basement parking: communal areas such as walkways or open spaces that are designed for residents' recreation can be seen from windows of regularly-occupied rooms and from private terraces or balconies.
4. Where dwellings have private open spaces at ground level: each terrace or courtyard has a private entrance that opens directly onto the street or communal area such as a driveway, walkway or open space that is designed for recreation.

### 3.3.4.2.4 Features of a Residential Flat Building Traditional Address

For residential flat buildings with above-ground parking, a traditional address requires the following additional features:

1. At least half the width of any driveway facade should include balconies or verandahs, front doors, and windows of regularly-occupied living areas or hallways.
2. Fully-enclosed garages must not be wider than half of any building's driveway facade.

### 3.3.4.2.5 Features of a Multi-Dwelling Housing Traditional Address

For multi dwelling housing, which typically includes town-houses and villas, a traditional address requires the following additional features:

1. Where parking is provided at ground level: at least half of the width of any dwelling stratum (comprising a dwelling and its private open space) should include balconies or verandahs, front doors, windows of regularly-occupied living areas, and private courtyards.

### 3.3.4.2.6 Desired Sight-Lines

Fences next to any street, driveway to above-ground parking or communal recreation areas must not restrict the desired sight-lines:

1. Fences should have a semi-transparent design that allows "filtered" views:
  1. Solid fences may be up to 1.2m high,
  2. For fences that are taller than 1.2m: at least one third of the surface area should be "open" materials such as spaced pickets or palings or battens, or lattice.
2. Visually-opaque fences that are taller than 1.2m are only acceptable as noise barriers for properties facing major roads provided that they are screened by shrubs.

### 3.3.4.2.7 Common Areas

Design common areas in all developments to promote safety:

1. Building lobbies should have direct lines-of-sight from the street, as well as providing unobstructed sight-lines from their entrances towards indoor stairs, lifts or hallways.
2. Entrances to lobbies, basements and fire stairs should be secured.
3. Basement parking areas should provide unobstructed sight-lines between their entrances and the furthestmost parking spaces, avoiding recessed areas and incorporating effective lighting.

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

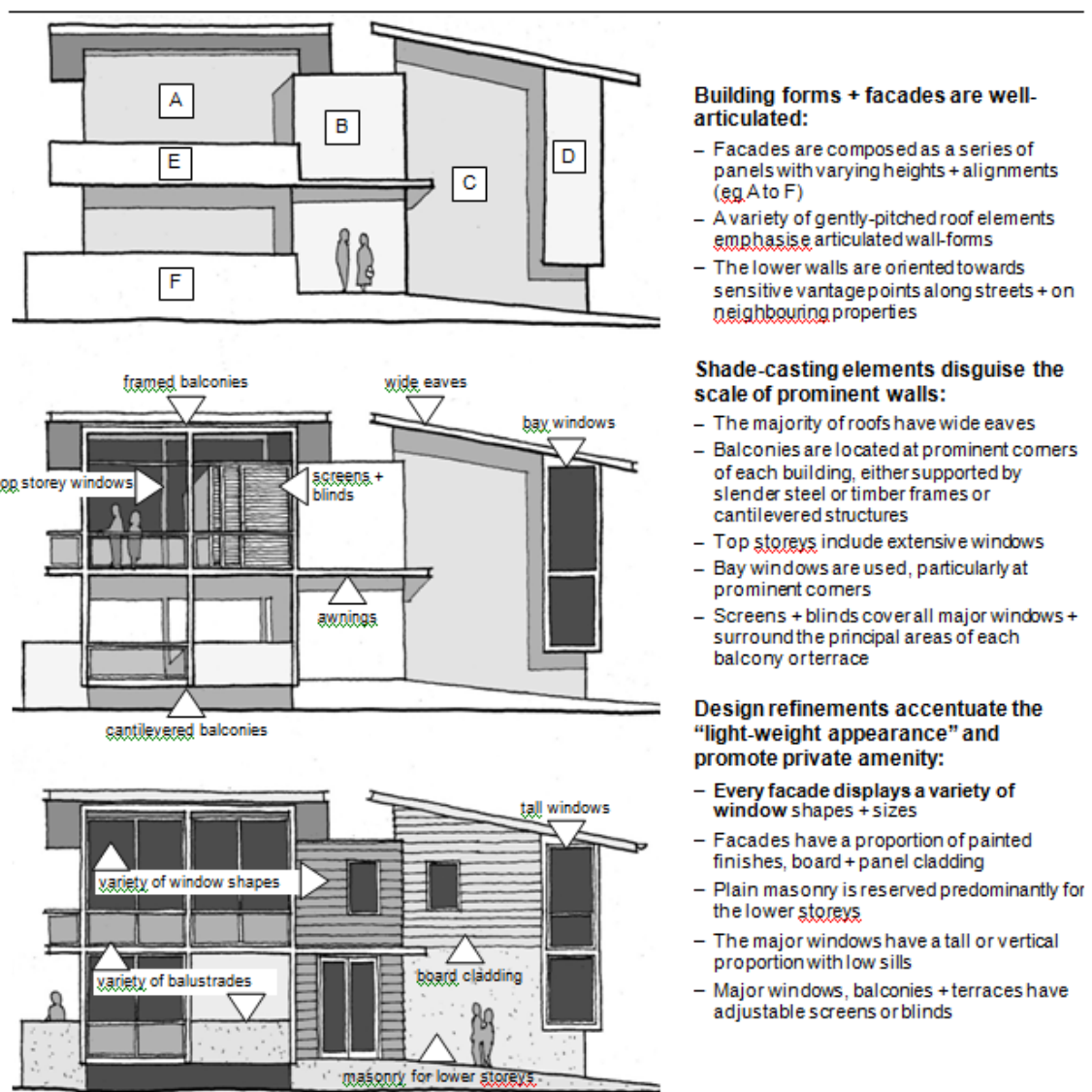
Extract from *Gosford Development Control Plan 2013*

### 3.3.4.3 Facades

#### 3.3.4.3.1 Purpose of Facade Design

The purposes of guidelines for facade design are:

1. To prevent monotonous exterior walls that accentuate the scale and bulk of buildings,
2. To achieve reasonable compatibility between new developments and traditional bungalow neighbourhoods that are elements of Gosford City's architectural identity,
3. To capitalise upon the City's distinctive coastal settings and outdoor lifestyle,
4. To promote satisfactory indoor climates and energy-efficiency for all dwellings,
5. To achieve high standards of urban design quality.



**FIGURE 17** THREE STEPS FOR WELL-DESIGNED FACADES  
Indicative elevations demonstrating desirable design elements for all developments

#### 3.3.4.3.2 Articulation of Facades

Articulate all facades in order to disguise the scale and bulk of new buildings:

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

- 1) Divide every facade into a series of “panels” that display clear variations in terms of height, width, alignment, materials and finishes:
  - a) Avoid broad facades that present a consistent height.
- 2) Use a variety of gently-pitched roof elements to emphasise the shape or articulation of exterior walls:
  - a) Avoid large single spans or steep pitches that increase the height of buildings, and consequently accentuate their scale and bulk,
  - b) Roofs should be predominantly skillions, hips, gables, or rolled forms with exposed eaves, rather than parapet structures which typically accentuate scale and bulk.
- 3) The angle and direction of pitched roofs should minimise the visible height of prominent facades:
  - a) Particularly for sites that are located on scenically-prominent hillsides or ridgetops,
  - b) Also, facing streets and neighbours’ principal areas of private open space.

### 3.3.4.3.3 "Light-Weight" Appearance of Facades

Use shade-casting elements that display a “light-weight” appearance in order to disguise the scale and bulk of prominent facades:

- 1) The majority of roofs should be surrounded by wide eaves rather than presenting flush wall-to-roof junctions which tend to accentuate scale and bulk.
- 2) Balconies should be used to disguise substantial expanses of flat exterior walls:
  - a) Balconies should not extend across the full width of any facade, *and*
  - b) They should be concentrated at the outermost corners of each building, *and*
  - c) Balconies should be supported by slender posts of steel or timber or cantilevered.
- 3) The top storey of residential flat buildings should be surrounded by extensive windows, rather than by expanses of opaque wall that are punctured by small windows.
- 4) Projecting bay windows should interrupt any expanse of flat exterior wall, particularly near a building’s outermost corners.
- 5) Screens or blinds around private open spaces and across windows should provide distinct contrasts to the character and design of opaque walls.

### 3.3.4.3.4 Materials and Finishes that Accentuate a "Light-Weight" Appearance

A variety of materials and exterior finishes should be applied in order to accentuate the desired “light-weight” appearance:

1. Facades that display a “light-weight” appearance tend to complement the character of coastal settings across Gosford City.
2. Elements that accentuate a “light-weight” appearance include:
  1. A proportion of panel or board cladding plus painted finishes,
  2. Plain masonry walls confined to the lowest storey and / or basement terraces,
  3. Balconies, pergolas and window awnings that are supported by slender posts of steel or timber,
  4. Louvred screens or blinds surrounding open spaces and across major windows.
3. Design and proportion of windows are significant to a “light-weight” appearance:
  1. Extensive windows around the top floor of residential flat buildings,
  2. Shapes and proportions of windows that vary across each facade, rather repeating a regular pattern of near-identical windows,
  3. Major windows that are tall, with vertical proportions accentuated by low sills.
  4. Spandrels between successive rows of windows that are not taller than 1m.

## **PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE**

Extract from *Gosford Development Control Plan 2013*

### **3.3.4.3.5 Design of Facades for Privacy**

Design of facades should maximise privacy and provide a comfortable indoor climate for all new dwellings which contributes to high levels of energy-efficiency:

1. Windows to major rooms plus balconies and terraces should be screened:
  1. Exterior louvres or blinds should be adjustable to admit winter sunlight while excluding summer sun and glare,
  2. Alternatives to adjustable window screens include solar-tinted glazing, pergolas and wide eaves.
2. Balconies and terraces are important design elements for all facades and dwellings:
  1. They should be designed as “outdoor rooms” that accommodate a variety of semi-private outdoor activities,
  2. Irregular “L-shaped” floorplans that vary in depth are most likely to accommodate a number of different activities on each terrace or balcony,
  3. Any areas designated for outdoor clothes drying should be fully-screened by louvres or solid walls to a height of at least 1.8m above their floor level.

### **3.3.4.4 Landscaped Areas**

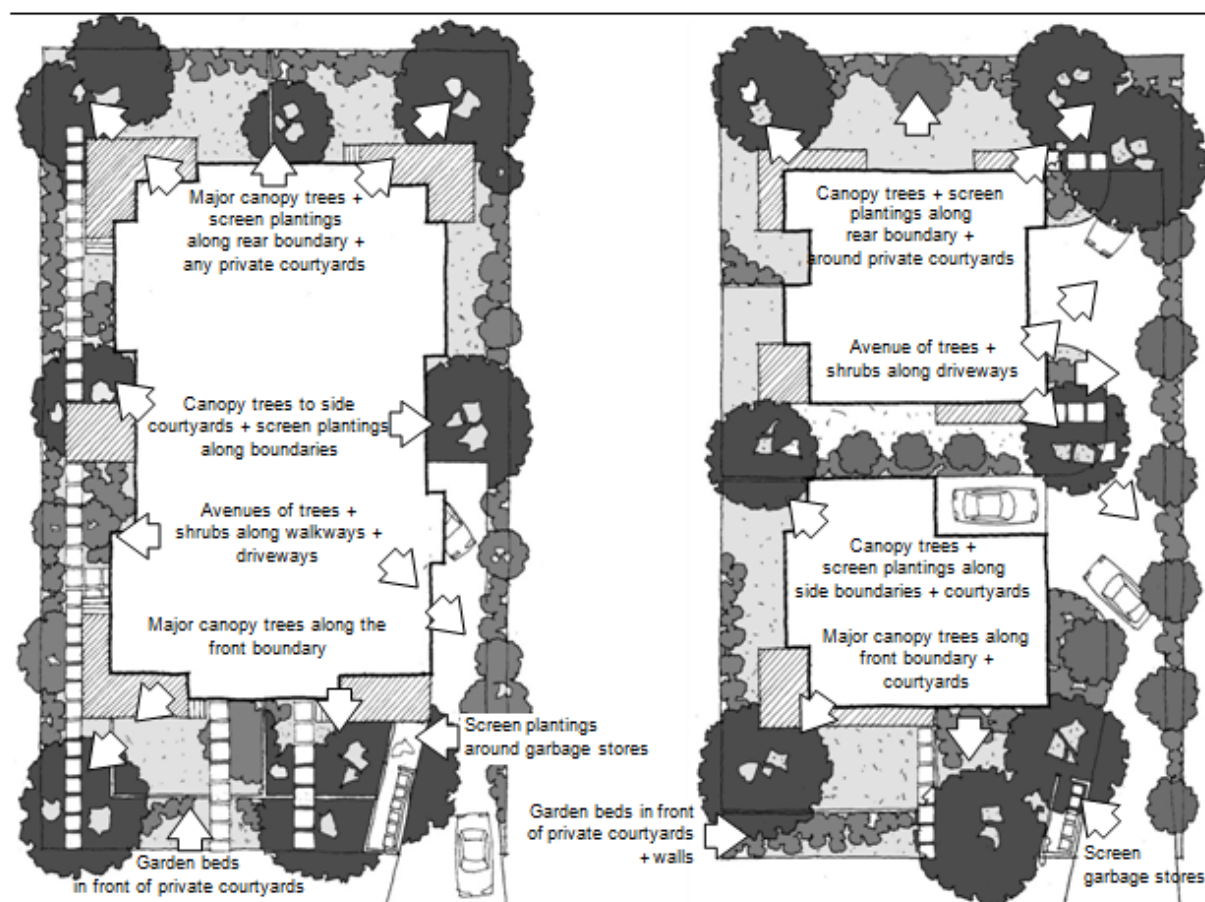
#### **3.3.4.4.1 Purpose of Landscaped Areas**

The purposes of guidelines for landscaped areas are:

1. To protect the quality of scenically-prominent areas, as well as enhancing the existing landscape character of all neighbourhoods,
2. To disguise visual impacts of new buildings and site infrastructure,
3. To promote satisfactory levels of amenity and safety for new dwellings, as well as encouraging positive social interaction between residents,
4. To provide attractive backdrops to streets as well as to new dwellings,

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*



**FIGURE 18 DESIRABLE CANOPY + SCREEN PLANTINGS**  
Indicative landscape plans: Basement parking (left) + parking at ground level (right)

### 3.3.4.4.2 Landscaping Should Complement the Character of the Surroundings

New developments should be landscaped to complement and enhance existing and desired characters of their surroundings:

1. In scenically-prominent locations such as ridges or hillsides which are highly-visible, conserve existing trees that are prominent landscape features as required by *Clause 3.3.2* of this chapter.
2. All new buildings should be surrounded by canopy trees, either existing or new:
  1. In localities where indigenous trees are the predominant landscape feature, new canopy plantings should be predominantly locally-native trees that are listed in Council's document *The Natural Vegetation of the Gosford Local Government Area*,
  2. In localities where existing character is not defined by indigenous trees, new plantings should be species that provide habitat for native birds and do not require heavy watering.
3. Landscaping must not include any noxious or environmental weeds that are specified in the Preservation of Trees or Vegetation chapter of this development control plan.
  1. Existing infestations of specified weeds upon a development site must be removed according to recognised landscape management techniques.

### 3.3.4.4.3 Requirements of a Landscape Concept Plan

Provide a landscape concept plan that satisfies the following minimum standards:

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

1. New trees should achieve mature heights of at least 8m to 10m which would be similar to, or taller than, proposed buildings.
2. Major canopy trees should be located to screen the appearance of new buildings from neighbouring properties and surrounding streets, as well as providing shade for driveways and open spaces:
  1. In general, trees should be retained or planted near the outermost corners of buildings, and in deep soil courtyards that are required to articulate the form of large buildings,
  2. On scenically-prominent sites such as hillsides and ridgetops, trees should be located to provide green backdrops for new buildings when viewed from downslope locations.
3. Front setbacks should accommodate a variety of trees plus hedges and densely-planted beds of ground cover:
  1. Provide at least two major canopy trees for the first 12m of site frontage, plus one more tree for every additional 12m or part thereof,
  2. In front of any tall fence that provides acoustic screening for dwellings, garden beds should be at least 2m wide.
4. Side and rear boundaries of all development sites should provide continuous “screen plantings” to enhance the privacy and amenity of adjoining dwellings:
  1. Side boundaries should provide at least one major canopy tree for the first 45m of boundary length, plus one more tree for every additional 20m or part thereof,
  2. Rear boundaries should provide at least two major canopy trees for the first 12m, plus one more tree for every additional 12m or part thereof.
5. Driveways and parking areas should be flanked by “avenues” of trees, shrubs and hedges:
  1. Ramps to basement carparks should be overhung by canopy trees or pergolas, and should be flanked by hedges or shrubs in terraced planters along the ramp’s sides in order to avoid sheer vertical retaining walls,
  2. Driveways to above-ground parking should be flanked by “avenues” of canopy trees, including at least one medium sized-tree for each dwelling that faces the driveway, plus a near-continuous hedge of small trees or shrubs along any driveway verge that is located next to a side boundary,
  3. A proportion of all pavements should be water-permeable (for example spaced or slotted pavers), and hard surfaces should be graded so that stormwater is directed primarily toward landscaped areas.

### 3.3.4.4 Structures and Site-Facilities within Defined Setbacks

All structures and site-facilities that are located within the defined setbacks should complement the design quality of proposed plantings and buildings:

1. Basement walls that extend above ground level, including ventilation grilles, should be screened by garden beds and small shrubs.
2. New fences that would be visible from any street, park or major communal area should match the design quality of proposed buildings as well as providing low-key backdrops to the proposed landscaping:
  1. In these locations, fences of a basic standard are not desirable (for example fences of metal panels or palings).
3. Garbage stores and other enclosures should match the design quality of proposed buildings, and these structures should be screened by proposed landscaping to ensure that they would not be visually-prominent.



## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

4. On-site detention facilities should not be visually-intrusive, and should be integrated with the design character of gardens or paved areas (according to their proposed location).

### 3.3.4.5 Building Services

#### 3.3.4.5.1 Purpose of Building Services

Purposes of guidelines for building services are:

1. To ensure that required services do not detract from the desired streetscape character of garden areas and street facades,
2. To recommend design solutions that provide for effective integration of site services that are required by this development control plan.

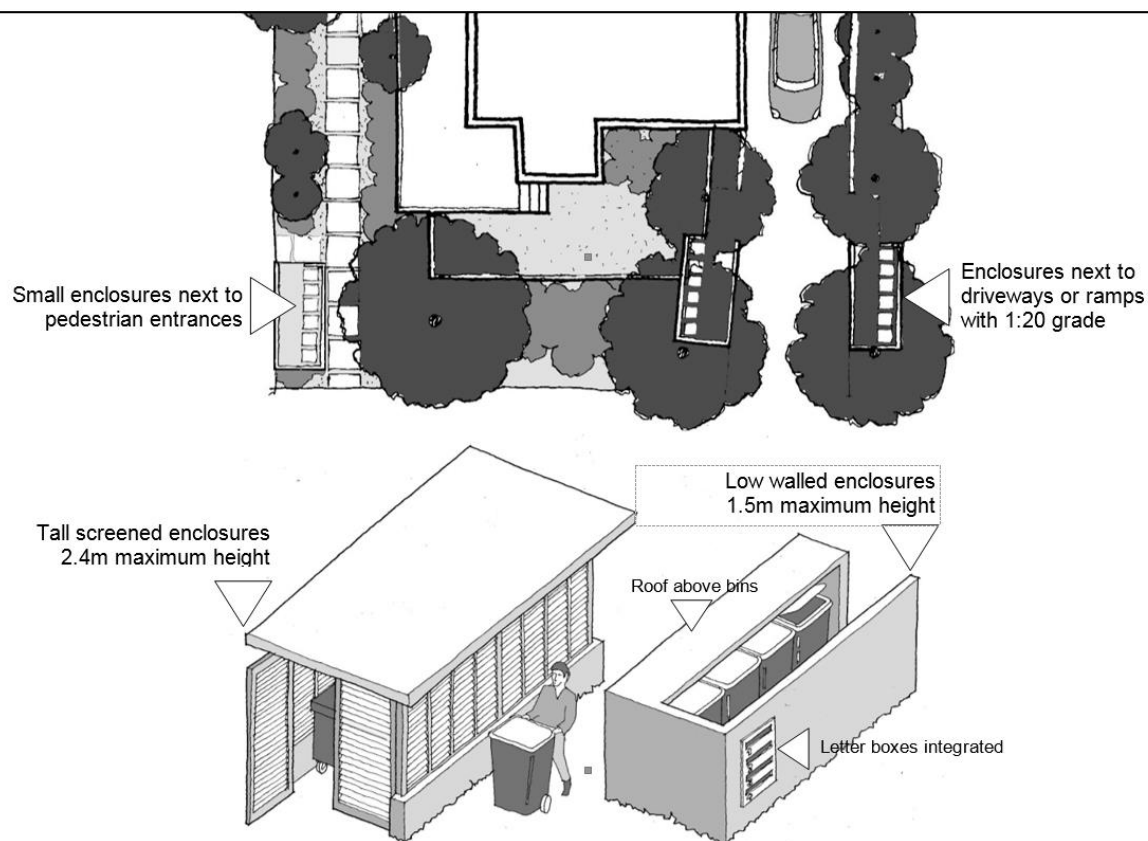
#### 3.3.4.5.2 Design and Location of Stormwater Systems

Design and location of stormwater systems must promote the desired standard of urban design quality, as well as considering technical requirements:

1. Technical requirements for stormwater systems are provided by *Water Cycle Management* chapter of this DCP and the associated *Water Cycle Management Guidelines*, which nominate the following important provisions for medium density residential developments:
  1. At least 25% of every development site shall be deep soil in order to promote on-site infiltration and reduce discharges to public drains,
  2. On “sand plain sites” across the Woy Woy Peninsula, the full amount of stormwater collected by any development may be discharged via direct infiltration into the site’s soils,
  3. The volume required for on-site detention is reduced where developments provide rainwater tanks.
2. Filling of sites to allow gravity discharges of stormwater to street drains is not an appropriate urban design practice, according to *Clause 3.3.3.2* of this Chapter which requires minimal change to existing ground levels:
  1. Within specified deep soil setbacks,
  2. Along all boundaries that are shared with neighbouring properties,
  3. Ground levels may be altered within the building footprint, and for any driveway that does not encroach upon specified deep soil setbacks.
3. Design of on-site detention systems should not compromise desired quality of streetscapes, or the desired landscape character of any setback area:
  1. Structures should not require significant alteration of existing ground levels within specified deep soil setbacks,
  2. For any containment structure proposed within a setback, visual impacts should be disguised by screen plantings,
  3. Where containment is proposed within a driveway, avoid elevated pavements or tall kerbs that would visibly-detract from the desired streetscape quality and landscape character.

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*



**FIGURE 19 DESIGN SOLUTIONS FOR GARBAGE STORES**

Recommended locations + designs for storage structures

### 3.3.4.5.3 Design and Location of Garbage Bin Enclosures

Design and location of garbage bin enclosures must promote the desired standard of urban design quality, as well as considering technical requirements:

1. The *Waste Management* chapter of this development control plan specifies the number and size of bins that are required for each development, plus technical requirements for collection, which include the following important provisions for medium density residential developments:
  1. Mobile bins are acceptable for smaller developments and single buildings,
  2. Bulk bins are most-likely required for larger developments.
2. Location and design of new developments must satisfy the Council's collection requirements
  1. For properties with rear lane access, bins may be collected only from the primary street frontage,
  2. Technical and contractual requirements that influence the location and design of collection areas are specified by in the *Waste Management* chapter of this DCP.
3. Location and design of bin enclosures must not compromise the desired standard of urban design quality for any street or driveway frontage :
  1. Enclosures should be located next to pedestrian entrances or driveways where gradients satisfy technical requirements in the *Waste Management* chapter of this DCP, *provided that* motorists' sight lines are satisfactory to protect pedestrian safety and that this location is convenient for kerb-side collection,

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

2. Enclosures must be fully screened to conceal bins from the street and any nearby dwelling, for example by low masonry structures or by screened structures with a “light-weight appearance”,
3. Dimensions of enclosures should be limited to minimise their visual impact: plan dimensions for any single structure should not exceed 4m by 2m, and height should not exceed 1.5m for solid walls or 2.4m for visually-transparent screens,
4. Enclosures that are taller than 1.5m should present a “light-weight” appearance with gently-pitched roofs that are supported by slender steel or timber posts, and screens of spaced pickets, palings, battens or lattice,
5. Generally, the design and construction of bin enclosures should match the standard of urban design achieved by proposed buildings and their surrounding landscaped setbacks, as well as incorporating robust construction that would withstand rough-treatment,
6. In order to minimise visual impacts, enclosures should be integrated with other site facilities such as letter boxes and service meters, and they should be surrounded by screen-plantings.

### 3.3.4.5.4 Design and Location of Service Meters

Location and design of service meters plus related enclosures or appliances must promote the desired standard of urban design quality, as well as considering the requirements of service authorities:

1. They must not be attached to any visually-prominent building facade that adjoins a street or laneway, a major walkway or a driveway within the development site.
2. They should be integrated with the design of proposed buildings and their surrounding landscaped areas.
3. They should be combined with other outdoor structures, for example enclosures for garbage bins

### 3.3.4.5.5 Secure Private Storage Requirements

All new dwellings must provide secure private storage:

1. Designated storage should be provided for each dwelling:
  1. One bedroom apartments: 6m<sup>3</sup>,
  2. Two bedroom apartments: 8m<sup>3</sup>,
  3. Three bedrooms or more: 10m<sup>3</sup>,
  4. This storage is in addition to kitchen or linen cupboards and wardrobes.
2. At least half of the designated storage should be provided inside each dwelling:
  1. The balance of required storage may be provided within garages or basement areas provided that parking spaces would not be not obstructed, or in outdoor cupboards that are integrated with the design of proposed buildings and their surrounding landscaped areas.

## Subdivision

### 3.5 Residential Subdivision

#### 3.5.1 Introduction

##### 3.5.1.1 Land to which this Chapter Applies

This chapter applies to development in the form of subdivision of residential land or buildings within the City of Gosford.

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### **3.5.1.2 Purpose of this Chapter**

The purpose of this chapter is to provide a basis for the subdivision of residential property within the City of Gosford so that residential areas provide and maintain an acceptable level of amenity for the existing and future residents.

### **3.5.1.3 Objectives of the Chapter**

The objectives of this chapter are as follows:

1. To ensure that residential land developed for subdivision is done so in an efficient and orderly manner.
2. To ensure that all lots created are satisfactorily serviced by infrastructure.
3. To maximise development potential of residential land whilst retaining any significant environmental characteristics that may occur on the land.
4. To encourage a variety of allotments to cater for differing housing needs.

### **3.5.2 Location**

#### **3.5.2.1 Objective**

To ensure that lots created for residential use avoid or make provision to minimise the likely affect of natural hazards, relevant to the locality, which could be detrimental to the proper use and enjoyment of the land.

#### **3.5.2.2 Natural Hazards**

Particular areas of the City may be subject to natural hazards including:

- bushfire
- soil, sub-soil and slope instability
- mainstream flooding
- nuisance flooding
- coastal erosion and storm damage
- unhealthy building land

Some information may be held in the Council's records, however, the subdivider should not rely on that information alone but should make independent enquiries to determine the level of risk to the property.

Subdivision applications in Bushfire prone areas will be required to obtain a Bushfire Safety Authority from the NSW Rural Fire Service, pursuant to Section 100B of the Rural Fires Act 1997. Accordingly, a Bushfire Hazard Assessment Report prepared by a suitably qualified practising professional experienced in this field, shall accompany any Development Application which proposes to subdivide land within Bushfire Prone Areas, together with the appropriate referral fee.

In respect to any proposal to subdivide land for residential use, where there is a risk of natural hazard, the subdivider must demonstrate that adequate provision has been made to eliminate or reduce any such risk to acceptable levels of probability.

### **3.5.3 Arrangement of Lots**

#### **3.5.3.1 Objectives**

1. To provide sufficient area and dimensions to enable the construction of dwellings, ancillary outbuildings, private open space, vehicle access and parking.

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2. To ensure that allotments and the resulting residential development is in character with the locality and specific landform features of the site such as slope, aspect, vegetation, and position in relation to adjacent building.
3. To ensure that elements of the site including size, slope, orientation, etc. provide maximum opportunities for future building design, privacy, orientation, solar access and useable outdoor living space on site.
4. To encourage a variety of allotments to cater for the different housing needs within the community.

### 3.5.3.2 Allotment Size

1. The minimum allotment area (specified in Gosford LEP 2014) and width at the building line are (refer to clause 3.5.3.2biv for minimum lot sizes for certain land at Mooney Mooney mapped under Gosford LEP 2014 as minimum lot size 1850m<sup>2</sup>.)
  1. Zone R2 Low Density Residential (unless otherwise mapped under Gosford LEP 2014):
    - 550m<sup>2</sup> minimum area
    - 15m minimum width at building line
  1. Zone R1 - General Residential
    - 550m<sup>2</sup> minimum area
    - 18m minimum width at building line
1. The minimum allotment sizes as indicated are increased in respect to sites having the following characteristics or locations, to provide sufficient area to accommodate the additional requirement for batters, retaining walls, cut/fill, setbacks etc.
  1. Slope

Zone	Slope	Minimum Area	Minimum Width
R2	less than 15%	550m <sup>2</sup>	15m
	15% or greater, but less than 20%	650m <sup>2</sup>	18m
	20% or greater	800m <sup>2</sup>	20m
R1	Less than 8%	600m <sup>2</sup>	18m
	8% or greater	750m <sup>2</sup>	25m

1. Corner Lots  
The minimum area and width requirements as specified in the table above, are increased for corner lots by adding 50m<sup>2</sup> to the minimum area.
2. Lots adjoining a Public Reserve  
The minimum area and width requirements as specified in the table above, are increased for lots where a side or rear boundary abuts an existing or proposed public open space reserve, foreshore, lagoon or waterway, by adding 100m<sup>2</sup> to the minimum area.

- Note:*
1. The slope of the land is measured as the steepest slope perpendicular to the contours.
  2. Levels are to be to Australian Height Datum with the highest and lowest points determined to an accuracy not less than 50mm and horizontal distance of similar accuracy.
  3. Any development application for subdivision of land with a slope of greater than 20% will not be approved unless it can be satisfactorily shown that any

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future dwelling complies with all Sections of this DCP and all Council policies and results in no cut or fill in excess of 1.5m in height.

1. Battle Axe or Hatchet shaped allotments are those which are located at the rear of street frontage lots and which obtain or share street access via an access corridor or right of carriageway
  1. For the purpose of calculating the minimum lot area in accordance with clause 3.5.3.2, the area of any access corridor shall be excluded.
  2. Minimum access width shall be as specified in the table below.

### Access Requirements for Battle-Axe Lots

No. of Dwellings Served	Minimum <sup>1</sup> Constructed Width (m)	Minimum Corridor Width Including Services (m)	Width Reducing With No. of Dwellings Served	Turning Area at End <sup>2</sup>
1	3.0	3.5	N/A	No
2	3.0	4.0	Yes	No
3	4.0	5.5	Yes	No
4	4.0	6.0	Yes	No
5	4.0	6.5	Yes	No
6 to 8	6.0	8.5	No	Yes
9 to 15	6.0	10.5	No	Yes

Notes: <sup>1</sup> provision of passing bays at regular intervals may be required.  
<sup>2</sup> where no end turning area is provided, then each lot shall accommodate its own turning area; and  
subject to satisfactory arrangements being made with service authorities, e.g. Garbage Service.

1. Access by right-of-carriageway (i.e. common access way to land-locked allotments and in other instances) may be accepted provided that:
  - special circumstances of the site restricting road development, e.g. physical terrain, land ownership pattern and existing settlement pattern;
  - no adjoining land owner would be adversely prejudiced in their potential of development.
  - the proposal includes some means to maintain the constructed driveway.
1. The maximum longitudinal grade for an access driveway shall be 20% to allow for the servicing of the lot by a small rigid trucks and emergency vehicles. Steeper grades may be considered where traffic safety has been addressed.
2. Service conduits shall be provided by the developer for the length of the access corridor or carriageway easement.

### 3.5.4 Orientation

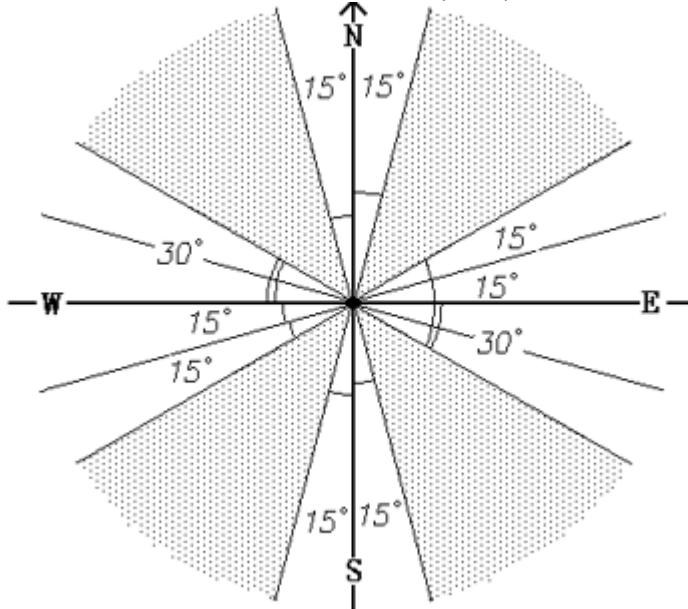
The orientation of allotments will relate to the direction of the streets. An important consideration must be arrangements which maximise the opportunities for energy efficient dwellings to be designed and constructed on the individual allotments.

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### 3.5.4.1 Street/Allotment Orientation

1. Streets should, wherever possible, be within  $15^{\circ}$  of the east-west axis or the north-south axis, with side boundary lines perpendicular to the street frontage.
2. Where streets are between  $15^{\circ}$  and  $30^{\circ}$  away from the east-west axis the side boundary lines should be angled so as to be as close to the north-south direction as practical.
3. The directions not indicated in a) or b) above should be avoided wherever practical.



Where possible avoid street directions in the shaded area of the compass.

### 3.5.4.2 Effect on Allotment Width

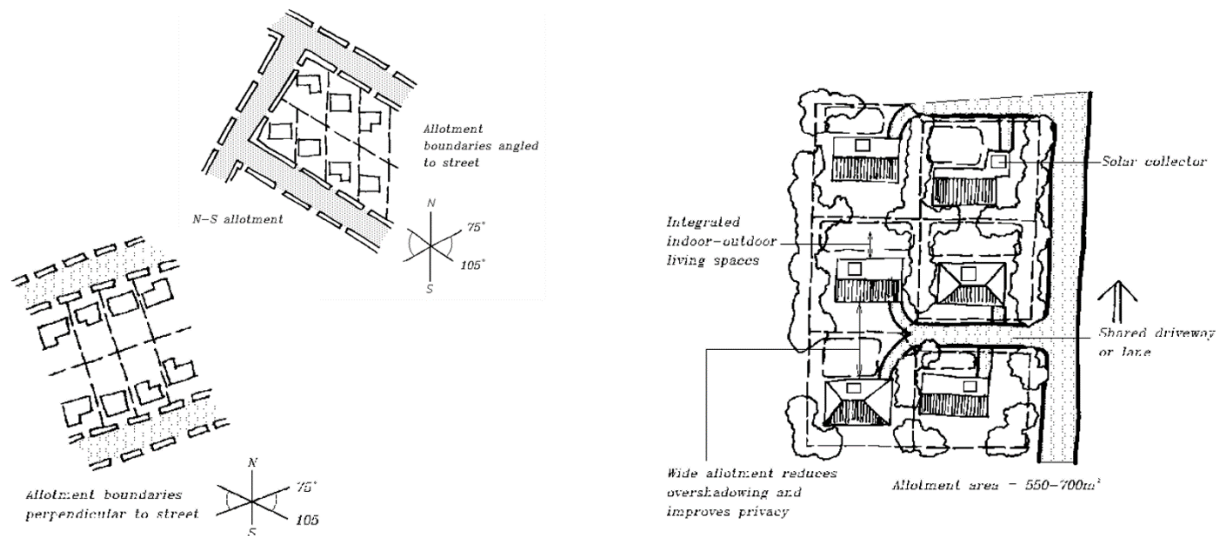
The width of allotments is also affected by the orientation to achieve maximum solar energy efficiency.

Where lots are fronting onto or facing streets running in a general east-west direction, the minimum widths of allotments specified in Clause 3.5.3.2 are considered appropriate.

Where lots are fronting onto or facing streets running in a general north-south direction, the width of the allotments should be increased by not less than two (2) metres to minimise overshadowing and enable the creation of north facing private outdoor living area.

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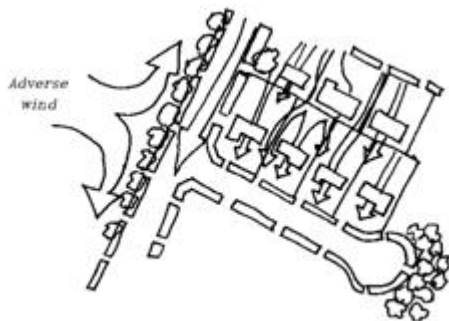
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### 3.5.4.3 Wind Effect

A further climatic factor to consider is the direction of prevailing winds. Streets should be orientated to avoid creating unfavourable winter wind "tunnels", but should provide exposure to cooling summer breezes.

In general terms, the cold winter winds come from the south to west quadrant, and cooling summer breezes come over the sea from the north-east. However, the topography and vegetation of a locality can modify these patterns, and therefore the local situation must be investigated to determine the appropriate arrangements.



### 3.5.4.4 Unusable Corners

Subdivision layouts can create unusable corners, and where this is likely to occur, allotment boundaries may be varied from the regular directions to eliminate or modify this situation.





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### **3.5.4.5 Site Constraints**

#### **1. Items of Environmental Heritage**

1. Any sites containing Aboriginal carvings, relics or other items of significance shall be identified and provision made in the application. The National Parks and Wildlife Service should be contacted for details and verification, and for advice as to the appropriate measures to be taken.
2. Other recognised heritage items, including natural features of the site, buildings, works or historical sites are to be identified and retained.
3. Adequate area is to be retained around any heritage item to protect its setting. Where an application involves an item is heritage listed in the Gosford LEP 2014 the application will be referred to the Council's Heritage Advisory Committee or the relevant Heritage Officer for advice and recommendation.

#### **2. Tree Preservation**

1. The proposed plan of subdivision shall identify vegetation that is significant to the overall landscape of the area. Trees that are proposed to be removed shall also be identified on the plan of subdivision. The Preservation of Trees or Vegetation chapters of this DCP provide guidelines for the retention of natural vegetation.
2. The Council has a register of significant trees. Any tree or area of vegetation included on the list shall not be damaged or removed.
3. Trees are not to be lopped, damaged or removed without the prior consent of Council in accordance with CI 5.9 of Gosford LEP 2014 and the Preservation of Trees or Vegetation chapter of this DCP. Council's Tree Assessment Officer is to be contacted prior to any clearing or under scrubbing being carried out.
4. Any trees or vegetation on the site may be identified in the assessment of the application as requiring preservation. Trees which are identified and marked for retention shall be protected at all times during excavation and/or construction. A bond may be required as a condition of development consent, to be forfeited in the event that the trees are either damaged or removed. Any such bond is to remain in force for a period of six (6) months after the issue of the Certificate of Compliance or registration of the linen plan.

#### **3. Soil Erosion and Sedimentation Controls**

The soils of the region are generally fragile and susceptible to erosion. This situation therefore dictates that disturbances of vegetation and soil surface should be minimised in subdivision works. In the design phase it is important to understand this situation and ensure that the need for subsequent disturbance is minimised.

The Erosion and Sedimentation Control chapter of this DCP will apply to all works associated with the subdivision and requires the submission of a soil erosion and sedimentation control plan with the Development Application.

In the design of the individual allotments, an objective should be that each has a suitable building area where the need for cut or fill for building works or access, is minimised.

Also applicable to residential subdivision is the Water Cycle Management of this DCP.

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### 4. Provision for Noise Control

Where a street or road has projected traffic volumes in excess of 3000 vehicles/day, an acoustic study is required to demonstrate that traffic noise will not exceed 58dB(A) L10 measured at the building setback line. This study may require allotments to have greater depth than normally to accommodate a greater building setback distance. Where this situation applies the appropriate setback is to be incorporated as a restriction to user on the title.

If the development is to rely on the construction of acoustic barriers to reduce noise levels, these works must be completed as part of the subdivision works and detailed with the application.

### 5. Setbacks from Watercourses and Drains

A minimum setback of 6 metres is required from the top bank of a creek or watercourse to the boundary of residential lots.

The boundary of watercourses and drains are to be fenced to separate them from residential development to preserve the safety and amenity of residents. The minimum standard of fencing is to be 1.5m high paling fence or equivalent.

## 3.5.5 Environmental Design

### 3.5.5.1 Objectives

1. To maintain, enhance, or create a streetscape which indicates the function of the street and enhance the amenity of dwellings.
2. To provide for public and private landscaped areas which are sensitive to the character of the locality in respect to land capability, micro climate, views and vistas.
3. To provide for acoustic and visual privacy.
4. To preserve mature trees and significant landscape elements.
5. To ensure adequate provision and distribution of public open space in convenient locations and of a quality to meet the recreation needs of the community.
6. To encourage opportunities to link open space networks, community facilities and public services with dwellings.
7. To encourage the retention of significant existing vegetation within open space areas, and integration with private landscaping and natural bushland.
8. To encourage dual use of open space for recreation and major drainage networks, provided the land is suitable for both purposes.

### 3.5.5.2 Streetscape

1. To encourage dual use of open space for recreation and major drainage networks, provided the land is suitable for both purposes.
2. Streetscape is determined primarily by the location of the road reserve accommodating and integrating significant features of the site. Preliminary road designs should be marked out on the site, and adjustments made as necessary to ensure suitable accommodation of trees or other features consistent with safe road design.
3. The building line or setback distance provides important transition between the public and private spaces, and allows for a continuity of landscaping. It also provides acoustic and visual privacy to residents.

In general, a building line setback of six (6) metres applies to most roads and streets, however, greater setbacks are specified for certain roads in accordance with clause 3.5.1.5(d) of this plan.

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These values must be incorporated in the design of allotments fronting such roads to ensure that each allotment has adequate building and outdoor living areas etc.

1. Tree planting is to be undertaken in or adjacent to all residential streets, in consultation with Council's Recreation Program.
2. In developments involving the creation of new streets or other situations appropriate (e.g. community title proposals) a comprehensive landscape plan is required to be submitted with the development application. This plan should establish an identifiable landscape theme for the development, and ensure that landscaping provided with the subdivision works is appropriately located in respect to roads, services and buildings (existing and future).

### 3.5.5.3 Public Open Space

1. Public Open Space shall be provided at the rate of 2.83 hectares per 1000 persons. Each residential allotment shall be assumed to create the opportunity for a single dwelling house having an occupancy rate at the time when the need for public open space is greatest (i.e. average maximum family size) of 3.7 persons.
2. Public Open Space is required to meet needs for :
  1. active recreation, e.g. playing fields, children's playgrounds, etc; and
  2. passive recreation, e.g. maintain areas of high landscape quality.

The Recreation Needs Study carried out for Council in 1988 indicates that the proportion should be approximately 70% for active purposes, 30% for passive.

The minimum area requirement for active open space is 2000m<sup>2</sup>, sufficient to accommodate a children's playground.

The dedication of land is subject to the provisions of any development control plan applicable to the land, or the suitability of the land for the needs described above as assessed by the Council.

3. Where the Council determines that the public open space component generated by a subdivision should be located elsewhere, a contribution will be required for the acquisition and improvement of other land for this purpose.
  1. The rate of contribution to be paid in these circumstances is set out in the Section 94 Contributions Plan which applies to the land.
4. Where more open space is dedicated in a subdivision than required above, Council may consider allowing a credit for other subdivisions to be allowed in the future within the locality, provided that the open space is part of a development control plan.
5. Dual use for open space and drainage is encouraged, provided that the areas are accessible, attractive, safe and useable for open space purposes, and have been identified in any relevant section of the DCP applying to the land.
6. Prior to dedication of land to Council as Public Reserve, any rubbish, debris, weeds etc. are to be removed to Council's satisfaction.

### 3.5.5.4 State Environmental Planning Policy No 19 - Bushland in Urban Areas

1. Where it is proposed to subdivide land adjoining areas zoned or reserved for Public Open Space, the Council must consider:
  1. the need to retain any bushland on the land;

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2. the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland;
  3. any other matters relevant to the protection and preservation of bushland. (refer clause 9 of SEPP No 19 for complete details); and
  4. access for bushfire fighting.
2. In any situation where land proposed to be subdivided adjoins an area subject to the provisions of SEPP No 19, the Council requires that the application provide information to show how the following objectives for urban bushland would be likely to be affected by the proposed subdivision of land and the subsequent use for residential purposes:
1. the protecting of remnant plant communities which were once characteristic of land now within the urban area,
  2. the retention of bushland in parcels of a size and configuration which will enable the existing plant and native animal communities to survive in the long term,
  3. the protection of rare and endangered species,
  4. the protection of habitats for native flora and fauna,
  5. the protection of wildlife corridors and vegetation links with other nearby bushland,
  6. the protection of bushland as a natural stabiliser of the soil surface,
  7. the protection of bushland for its scenic values, and to retain the visual identity of the landscape,
  8. the protection of significant geological features,
  9. the protection of existing landforms, such as natural drainage lines, watercourses and foreshores,
  10. the protection of archaeological relics,
  11. the recreational and educational potential.

### **3.5.6 Transport Networks**

#### **3.5.6.1 Objectives**

1. To provide a safe, convenient and well marked network of all-weather paths for pedestrian and cyclist movement within residential areas.
2. To provide a safe environment for all road users, pedestrians, cyclists and motorists.
3. To ensure that vehicle speeds on residential roads and streets are kept as low as possible consistent with their function within the road network.
4. To provide access for emergency and service vehicles to all dwellings.
5. To allow all users of the road - motorists, cyclists and pedestrians, to proceed safely, conveniently and without undue delay.
6. To accommodate public utility services and drainage systems.
7. To ensure that the design of roads contributes to the urban design qualities of the locality and is compatible with the streetscape of adjoining areas.

#### **3.5.6.2 Pedestrian and Bicycle Facilities**

1. Reinforced concrete footpaths are generally to be provided on one side of streets having residential frontages and/or serving residential areas, provided that :
  1. shareways shall be paved with material suitable for vehicle traffic, pedestrian and recreational use such as cycling, skateboarding, etc.;
  2. an access place or street shall be provided with a minimum of one 1.2m wide footpath with provision for a future second footpath;

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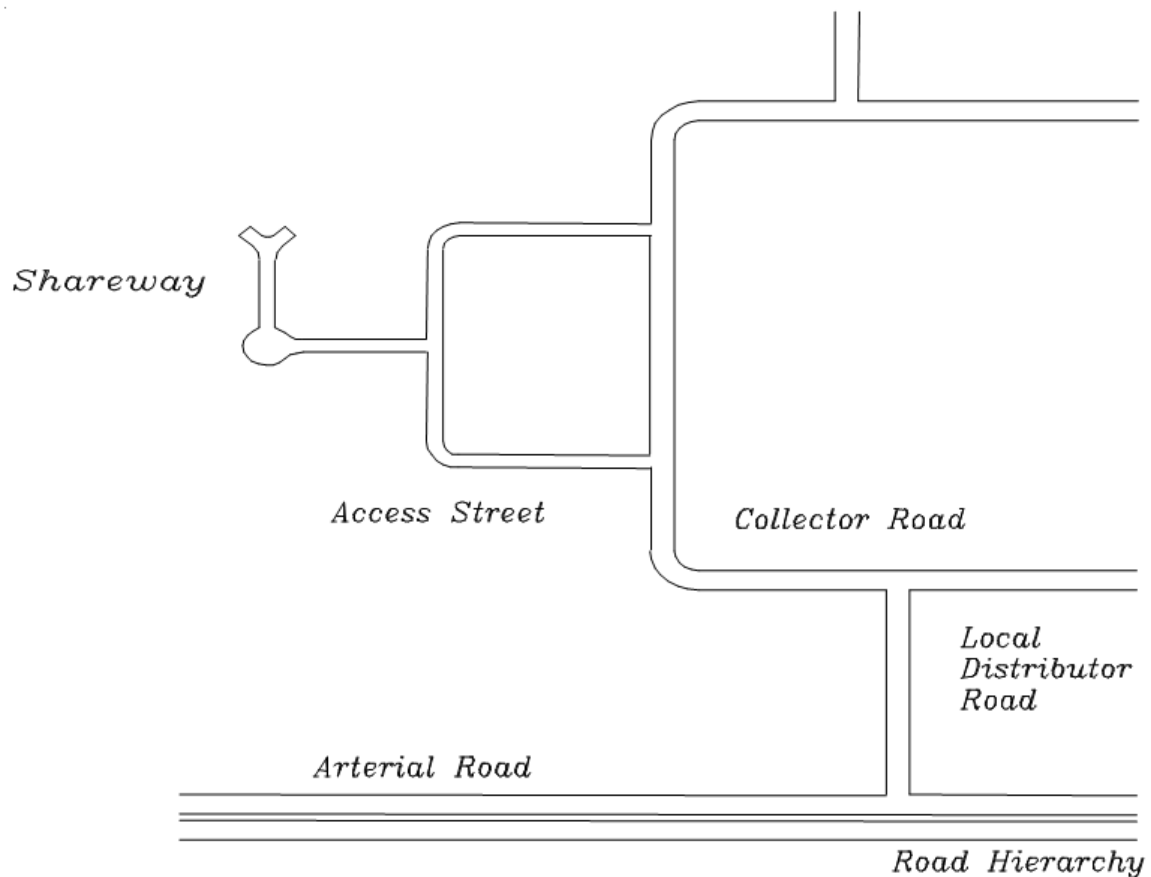
3. for road class of Collector Road and above, reinforced concrete footpaths shall generally be provided on both sides of the street.
2. Sealed cycle paths may be required in certain locations where the terrain, proximity to schools, shopping/community centres, sports ovals, or transport modes warrant their provision. Any construction shall be in accordance with an overall plan prepared by Council.
  1. Cycle path widths are generally classed as follows:
    - single width - 1 metre
    - double width - 2 metres and are dependent upon the likely volume of traffic
    - shared usage with footpaths - 2 metres wide and signposted.
  1. Each proposed development shall be considered on its individual merits as to provision of a cycleway and in accordance with the Australian Model Code for Residential Development - November 1990.

### 3.5.6.3 Roads and Streets

1. Within the internal road network of a residential estate up to five distinct levels of roads may be provided. They are:
  1. **Access Corridor R.O.W.):** a private road which carries lowest volume of traffic, providing direct access to a small number of allotments. Vehicle, pedestrian and recreation use is shared, with pedestrians having priority.
  2. **Shareway:** a minor road which carries a low volume of traffic, providing direct access to a limited number of allotments. Vehicle, pedestrian and recreation use is shared, with pedestrians having priority.
  3. **Access Street:** a minor road which carries a low volume of traffic, providing direct access to a limited number of allotments.
  4. **Collector Road:** a minor road linking access streets to major roads, possibly providing bus routes and giving road access to allotments.
  5. **Local Distributor:** a road linking access streets to major roads, providing bus routes and giving restricted access to allotments.
  6. This Plan deals only with subdivision where direct access is available from a collector road, and where the only roads to be provided to serve the subdivision are private accessways, shareways or access streets. Larger subdivisions or those which require direct access to local distributor or arterial roads are subject to negotiation with Council.

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1. The road network shall conform to a strategic plan for the area showing an existing and proposed major road network above the level of collector which satisfies projected district and regional travel.

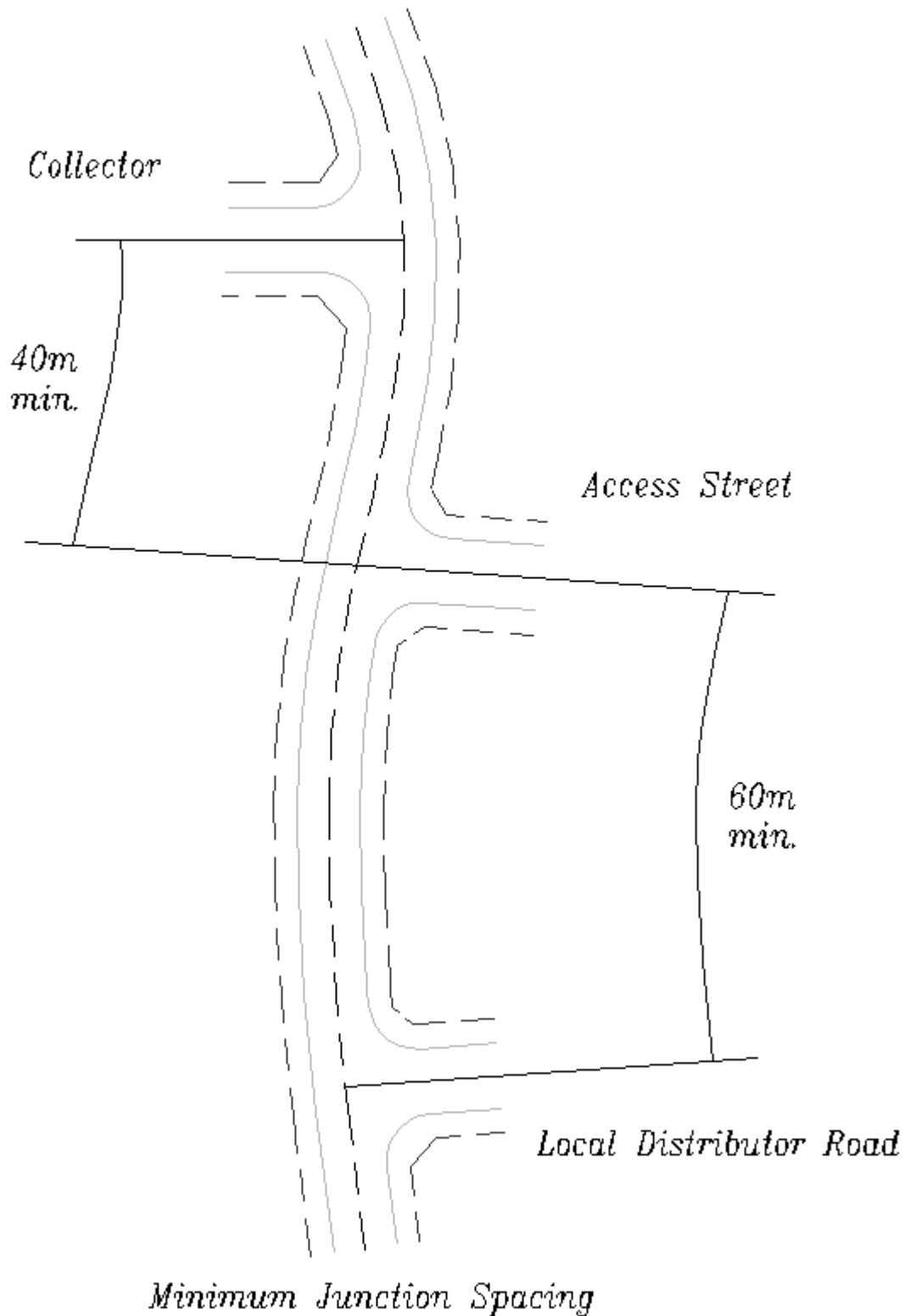
The road network shall provide for access to bus routes within acceptable walking distance from all dwellings. Unless prescribed otherwise, no more than 5% of residences shall be more than 400m walking distance from a proposed bus route.

2. The minimum distance from access road/cul-de-sac or local road to a residential distributor shall be 60m if the junction is on the same side of the road or 40m if the junction is staggered on opposite sides of the road.

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Intersections shall be either T-junctions or roundabouts.



1. A combination of measures may be required to limit design speeds by:
  - limiting street length;

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- introducing bends;
- introducing slow points, bends and other traffic management measures such as constriction of carriageway width, speed humps etc. These may not be appropriate in all situations.

Design shall conform to Council's guidelines.

Road Class	Maximum Design Speed	Maximum No of Dwellings <sup>1</sup>	Minimum Width metres) <sup>2</sup>			Max. length metres)	Maximum Desirable Gradient	Kerb Type	Design ESAs
			Road Reserve	Carriageway	Verge				
Shareway	25 k/h	15	13	6	3.5	120	20%	Rolled <sup>3</sup>	6 x 10 <sup>4</sup>
Access Street	40 k/h	40	15	8	3.5	250	16%	Barrier	3 x 10 <sup>5</sup>
Collector Road	50 k/h	200	18	11	3.5	see note <sup>4</sup>	16%	Barrier	2 x 10 <sup>6</sup>
Local Distributer Road	60 k/h	400+	20	13	3.5	-	10%	Barrier	subject to traffic study

### Notes:

- <sup>1</sup> The number of dwellings which need to use the road for vehicular access.
- <sup>2</sup> Carriageway width may be required to be increased when off-street car parking cannot be provided for all dwellings or is severely restricted.
- <sup>3</sup> Vertical kerb or other devices may be required for stormwater drainage control.
- <sup>4</sup> The maximum distance of travel from any allotment to the nearest distributor or higher order road to be one 1) minute travel time at the design speed.

1. The configuration of roads shall accord with approved standards such as the Guide to Traffic Engineering Practice published by NAASRA or the Roads and Traffic Authority of NSW publication "Guide to Traffic Generating Development". Copies of this publication can be obtained from:

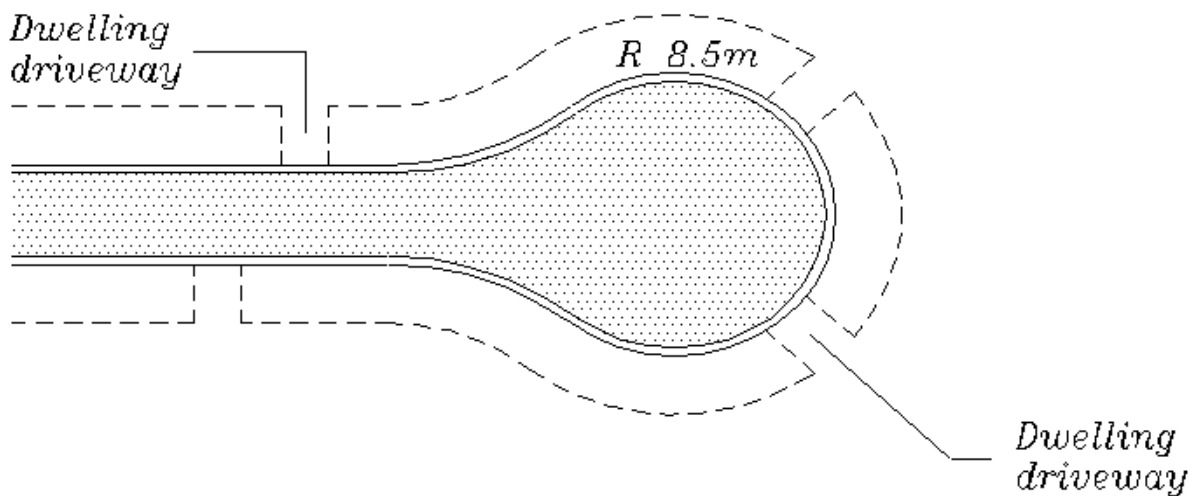
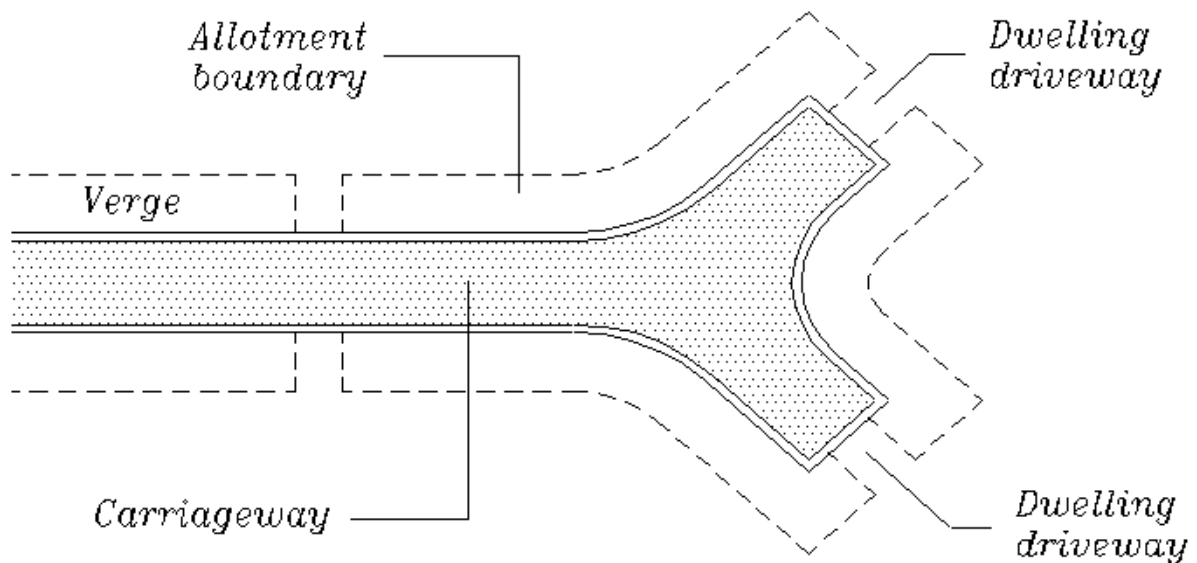
NSW Roads and Maritime Services  
PO Box 110  
Rosebery NSW 2018

1. Vehicle turning areas in public roads shall be able to accommodate a large rigid truck with design turning circle of 25m. Turning circles to be a minimum 17 metre diameter face of kerb).



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1. Where access to proposed new lots is via an existing unconstructed and/or unsealed road, the Council will require the road to be upgraded and sealed to a standard that will safely accommodate traffic volumes.
2. The construction of kerb and guttering, longitudinal street drainage and sealing the adjacent road will be required across all street frontages, (if these do not currently exist) unless the development is determined to be within the following categories of exception:
  1. It is technically impractical to construct kerb and gutter due to uncertainty as to the appropriate levels to be adopted or an isolates section will present a hazard to road traffic safety;
  2. The street drainage necessary to provide kerb and gutter is an unreasonable impost upon the development; or
  3. Kerb and gutter is not the most suitable streetscape treatment for particular area on the basis of existing and anticipated development

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In the event that the development is determined to be within the above categories of exception, an alternative treatment to kerb and gutter will be required.

This type of treatment includes options such as mountable kerb concrete dish drain, cemented paving stones or similar treatment, with the exact type being determined based on the characteristics of the site.

The approval of an alternative treatment to kerb and gutter does not alter the requirement for longitudinal street drainage and for sealing of the adjacent road shoulder.

### 3.5.7 Utility Services

#### 3.5.7.1 Objectives

1. To ensure the safety of residents during severe or extended storm events.
2. To ensure that property is not damaged by stormwater.
3. To ensure that stormwater flow from new developments is within the capability of the downstream system, or that appropriate measures are undertaken to accommodate such flows.
4. To provide a stormwater system which can be economically maintained.
5. To ensure that all lots are satisfactorily serviced by the various utility infrastructure.

#### 3.5.7.2 Stormwater

1. If a proposed subdivision slopes away from a street frontage, then an inter-allotment drainage (IAD) easement will be required to be created over the downstream property to the nearest street, natural watercourse or drainage easement. The securing of the easement is the applicant's responsibility and should be addressed in the following manner:
  1. Written agreement being lodged with the Development Application from the downstream owners agreeing to the creation of a IAD.
  2. Submission of a deed of agreement for the creation of the downstream IAD easement prior to engineering plan approval.
  3. Creation of the IAD easement prior to or in conjunction with the release of the final plan of subdivision.
2.
  1. The detailed design of stormwater drainage shall be in accordance with "Australian Rainfall and Run-off" Institution of Engineers Australia 1987 and Council's Urban Stormwater Drainage Manual or such other standard acceptable to the Director - Environment and Planning.
  2. Full calculations and plans for all drainage design prepared in accordance with Council's Design and Construction Specifications shall be submitted with the detailed engineering plans, together with a catchment plan showing the total catchment and the sub areas used in the calculation.
  3. The design of the system is to include provision for secondary flow paths appropriately located to prevent nuisance or serious flooding in a major storm event. The location of drainage lines, secondary flow paths, and grading of the land, is to be designed so that the floor levels of habitable rooms of buildings constructed on lots are to be at least 500mm above 1% AEP event.
  4. A restriction on the use of the land is to be placed over the secondary flow path area to prevent any altering of the land form.
  5. Pipelines in residential areas are to be designed to carry the following flows:

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- Major systems traversing developed areas 2% AEP

(with no escape route) 1% AEP

- Drainage lines at low points 5% AEP

(with no escape route) 1% AEP

- Residential streets 10% AEP

1. Pipelines in industrial, commercial, retail and service areas and major trunk systems, are to be designed to carry the 2% AEP event storm flow.
2. Easements to drain water are to be created over all pipelines. The width of easement depends upon the diameter of the pipeline, and is given in the table below.

Pipe Diameter (mm)	Easement Width (m)
less than 600	2.5
600 to 900	3.0
1050 to 1200	3.5
1350 to 1500	4.0
1650 to 1800	4.5
greater than 1800	to be determined

1. The design of the system is to provide for no increase in flood levels upstream or downstream of the development.
2. Stormwater drainage channels, basins and reserves may be required to be fenced to separate them from residential development for safety purposes.
3. Prior to dedication of land to Council as Drainage Reserve, the land is to be cleared of any rubbish, debris, weeds etc.
4. A flood study shall be required to be submitted with an application where a watercourse traverses the land being subdivided.

### 3.5.7.3 Water and Sewer

1. The subdivision of land for residential use shall not be approved unless satisfactory arrangements are made for the provision of water and sewerage services. The requirements of the Water Supply Authority should be obtained at an early date, and integrated into the design process
2. Water Supply and Sewerage services within the City of Gosford are provided the relevant Water Supply Authority subject to the provisions of the *Water Supply Authorities Act 1987*.

### 3.5.7.4 Electricity, Gas and Telephone

1. All subdivision of land for residential use shall make provision for the supply of electricity and telephone services to each lot, and where available, the provision for reticulated gas supply.
2. Electricity supply should be provided as an underground service except where the Council accepts that overhead provision is more appropriate.

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3. The provision of each of these services underground is to be incorporated in the engineering design plans submitted for the Council's approval, and is to be integrated with construction program and works.
4. The Council will require certification from each authority that its requirements have been met before it will attach the Subdivision Certificate to the final subdivision plan.

### 3.5.8 Form of Title

#### 3.5.8.1 Land Subdivision

#### 3.5.8.1 Land Subdivision

1. Most subdivisions of residential land will create new lots under the "Torrens" system of registration. This provides an estate in fee simple.
2. Prior to the final Plan of Subdivision being registered by Land Titles Office, it is necessary to have the Subdivision Certificate affixed. The Subdivision Certificate is affixed only when all requirements e.g. construction of works, payment of contributions, etc) of the approval have been satisfied.
3. Where Council is carrying out a subdivision as the vendor, Council will not be required to contribute to the cost of boundary fencing.

#### 3.5.8.2 Strata Subdivision

#### 3.5.8.2 Strata Subdivision

The application of the *Strata Titles Act 1973* applies principally to the subdivision of buildings into separate parts/units. It is in essence a subdivision of space in three dimensions defined by, or with reference to walls, floors, ceilings. In recent years units created under this form of subdivision have also included open areas such as private courtyards etc.

A plan of subdivision may identify "development lots" which will be the subject of future building/development works.

1. Strata Plan not involving a development lot or lots
  1. Relating to buildings completed not more than 12 months prior to such an application being lodged with Council. Council is required to ensure:
    - That any building containing proposed lots in a strata scheme has been constructed in accordance with Section 626 & 627 of the Local Government Act, 1993 as amended, ie, Council is satisfied that a building is built in accordance with Council's Approval.
    - That proposed lots correspond with parts of the building referred to and are designated for separate occupation as shown in the approved building plans.
    - That such building was completed not more than 12 months prior to such an application being lodged.
  1. Relating to buildings completed more than 12 months prior to such an application being lodged with Council. Council is required to ensure:
    - Separate occupation of the proposed lots will not contravene the provisions of the Environmental Planning and Assessment Act or any relevant environmental planning instrument.
    - Any consent required under the Environmental Planning and Assessment Act or environmental planning instrument has been given in relation to separate occupation of the proposed lots.
    - The subdivision will not interfere with the existing or likely future amenity of the neighbourhood.
    - The subject land is not the subject of any outstanding orders under Section 37aB of the Strata Titles Act.

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- Compliance with any order under Section 124 of the Local Government Act, 1993 as amended.
- 1. Strata Plan involving a development lot or lots

The content of the development contract is critical to a successful staged development under the statutory schemes legislation. The importance of this content increases in proportion to the size of the development and/or the period of time over which it is to be constructed. The drafting of the development contract is therefore an important undertaking and should only be attempted when the development plans have been finalised and are unlikely to change.

1. The Development contract parts 1 and 2 are to be consistent with the Council's requirements of the conditions of any Development Consents. These documents are to be approved by Council prior to the issue of the Subdivision Certificates.
2. The Subdivision Certificate will be affixed on the final plan following:
  1. completion of the building or buildings, and
  2. compliance with all the requirements of any development approval which authorises the development.

### 3.5.8.3 Community Title Subdivision

### 3.5.8.3 Community Title Subdivision

Property may also be subdivided under the Community Land Development Act, 1989 which then comes under the requirements of the Community Land Management Act, 1989.

The Community Titles Legislation sits between conventional real property subdivision and strata subdivision. It provides for common or shared property to be created within otherwise conventional subdivision. The shared property, as in strata titles common property, is administered by the collective owners and not the wider community, ie local or state government. It differs from strata subdivision in that it is not the subdivision of building space, but the creation of defined land areas for different ownership including shared areas for common or community) facilities.

The legislation allows for plans to be approved and registered incorporating up to three levels or types of schemes

- community
- precinct
- neighbourhood

and allows a further level as a strata scheme integrated into the overall scheme.

Community Title Schemes (like Strata schemes) should logically follow and not precede the actual development proposal. It is the means by which the ultimate ownership arrangements will be distributed. It is not the development proposal itself.

In assessing any application under the Community Titles legislation, the applicant is required to demonstrate to the satisfaction of the Council that the proposed scheme relates to:

1. an existing land use situation ie the subdivision of an existing tourist resort), or

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

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2. an approved development proposal, or
3. is capable in the case of land zoned for residential purposes) of being developed in accordance with the provisions of this plan, and is supported by the level of documentation required under this plan.

Community Title legislation does not override zoning provisions or development standards within Environmental Planning Instruments and Development Control Plans. Therefore allotments in Community Title Schemes must accord with minimum lot areas, whether under the Gosford LEP or chapter of this DCP appropriate to the location.

The Development Contract and Management Statement are to be consistent with the Council's requirements and the conditions of the consent. These documents are to be submitted with the linen plan of subdivisions for the Subdivision Certificate.

### 3.6 Subdivision of Rural and Non-urban Land

#### 3.6.1 Land to which this Chapter Applies

This chapter applies to development in the form of subdivision of land within rural, conservation, environmental and any other non-urban zoned land within the City of Gosford.

#### 3.6.2 Purpose this Chapter

The purpose of this chapter is to provide more detailed guidelines for the subdivision of rural, conservation, environmental and any other non-urban zoned land and to maintain a level of amenity appropriate to the zoning for existing and future residents.

#### 3.6.3 Objectives

The objectives of this chapter are as follows:

- To ensure that lots created avoid, or make provision to minimise, the likely affect of natural hazards relevant to the locality, which could be detrimental to the proper use and enjoyment of the land.
- To ensure that the size, shape, and characteristics of new lots are appropriate to the zoning and the possible range of uses.
- To protect the scenic value and natural habitats of rural, conservation, environmental and any other non-urban land
- To ensure that new lots are in character with the locality and the specific landform, vegetation, soils and geology of the site.
- To ensure the economic utilisation of land resources in the area.
- To ensure the provision of an adequate building area, vehicular access and services on the site.

#### 3.6.4 Specific Requirements

##### 3.6.4.1 Location

###### a- Environmental Planning Instruments

The provisions of any environmental planning instrument applicable to the site are to be followed in the preparation of plans and supporting documentation for the proposed subdivision of land for rural, conservation, environmentally or any other non-urban zoned use.

###### b- Natural Hazards

Particular areas of the City may be subject to a natural hazard including:

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

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4. ~~bushfire;~~
5. ~~soil, subsoil, and slope instability;~~
6. ~~mainstream flooding;~~
7. ~~nuisance flooding;~~
8. ~~coastal erosion and storm damage.~~

~~Some information may be held in Council records, however the subdivider should not rely on that information alone but should make independent enquiries to determine the level of risk (if any) to the property.~~

~~Subdivision applications in Bushfire prone areas will be required to obtain a Bushfire Safety Authority from the NSW Rural Fire Service, pursuant to Section 100B of the Rural Fires Act 1997. Accordingly, Bushfire Hazard Assessment Report prepared by a suitably qualified practising professional, experienced in this field, shall accompany any Development Application which proposes to subdivide land within Bushfire Prone Areas, together with the appropriate referral fee.~~

~~In respect to any proposal to subdivide land for rural, conservation, environmental or any other non-urban zoned uses, and where there is the likelihood of additional dwelling(s) being erected, the subdivider must demonstrate that adequate provision has been made to eliminate or reduce any such risk to acceptable levels of probability.~~

### 3.6.4.2 Arrangement of Lots

#### a— Allotment Size

1. ~~The minimum allotment size for new lots in the various zones are set out in the relevant environmental planning instrument. Some land to the west of the F3 freeway will be affected by the provisions of Sydney Regional Environmental Plan No. 8 (Central Coast Plateau Areas). Development of land may also be affected by its proximity to sites identified in Sydney Regional Environmental Plan No. 9 (Extractive Industry).~~
2. ~~A reduction in minimum lot size may be possible where the land (or part thereof) is identified as being within the Coastal Open Space System. This is not automatic, and each application will be assessed having regard to the provisions of any relevant environmental planning instrument.~~
3. ~~Access corridors for 'battle axe' shaped allotments and rights-of-carriageway shall be not less than six (6) metres in width.~~

~~Notwithstanding the minimum area requirements set out in the Instruments, it is essential in the subdivision of rural/conservation/environmental/non urban lands, that the pattern of subdivision reflect and follow the natural features of the site rather than impose an artificial geometric pattern simply to satisfy the minimum area or dimensions.~~

#### b— Environmental Heritage

- ~~Any sites containing Aboriginal carvings, relics or other items of significance shall be identified and provision made in the application. The National Parks and Wildlife Service should be contacted for details and verification, and for advice as to the appropriate measures to be taken.~~
- ~~Other recognised heritage items, including natural features of the site and man-made buildings, works and sites are to be identified and retained, wherever possible.~~
- ~~Adequate area is to be retained around any heritage item to protect its setting. Where an application involves an item listed in an Environmental Planning Instrument, the application will be referred to the Heritage Officer for advice and recommendation.~~

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### e- Tree Preservation

1. The proposed plan of subdivision shall identify the vegetation on the site. Trees which are proposed to be removed shall also be identified on the plan of subdivision, with an explanation as to why approval is sought for their removal.
2. Trees are not to be lopped, damaged or removed without the prior consent of Council in accordance with the relevant environmental planning instrument and the Preservation of Trees or Vegetation Chapter of this DCP. Council's Tree Preservation Officer is to be contacted prior to any clearing or underscrubbing being carried out.
3. Any significant trees identified by Council in its assessment of the application shall be protected at all times during excavation and/or construction, and Council may require the applicant to lodge a bond to be forfeited in the event that the trees are either damaged or removed. Any such bond is to remain in force for a period of six (6) months after the registration of the linen plan.

### d- Soil Erosion and Sedimentation Controls

The soils of the region are generally fragile and susceptible to erosion. This situation therefore dictates that disturbances of vegetation and soil surface should be minimised in subdivision works. In the design phase it is important to understand this situation and ensure that the need for subsequent disturbance is minimised.

The Water Cycle Management chapter of this DCP, will apply to all works associated with the subdivision, and includes the submission of a soil erosion and sedimentation control plan, and the carrying out of the measures required by the chapter.

#### 3.6.4.3 Roads

1. New roads providing traffic access in rural/conservation/environmental/non-urban zones or which serve rural/non-urban areas shall satisfy the following minimum requirements:

Reservation width 20.0 metres

Carriageway width 6.5 metres

Shoulder width 1.5 metres

Road pavement is to be constructed in accordance with the recommendations of a pavement report.

1. Access corridors for 'battle axe' shaped lots and rights of carriageway shall satisfy the following minimum requirements:

Corridor width 6.0 metres

Seal width 3.0 metres

Shoulder width 0.5 metres

Accessway table drain shall be provided on the uphill side of the accessway.

Accessway pavement is to be constructed in accordance with the recommendations of a pavement report.

1. Turning circles to be a minimum 17 metres diameter to the edge of seal.
2. Where access to proposed new lots is via an existing unconstructed and/or unsealed road, the Council will require the road to be upgraded and sealed to (two coat hot bitumen flush seal) a standard that will safely accommodate intended traffic volumes.



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### 3.6.4.4 Utility Services

#### a – Water Supply Services

The provision of a reticulated water supply may be required where the site is within the proximity to a supply area. Enquiries should be made at an early date to the relevant Water Supply Authority to determine the requirement.

#### b – Domestic Waste Water

The NSW Department of Health requires that proposals which would create lots of less than one (1) hectare having a reticulated water supply (ie. a continuously available supply from a public or private mains system or from an on-site bore, well, dam or spear point) or within two (2) kilometres of a reticulated sewerage system, or likely to contaminate an aquifer or watercourse, should be connected to a reticulated sewer. Where an alternative system is requested, the application must be referred to the Department of Health for approval.

#### c – Electricity, Gas and Telephone

The provision of electricity and telephone services will be required to provide for the amenity of any future dwelling(s) on the land.

#### d – Effluent Disposal

Subdivisions will require the submission of an Effluent Disposal Report prepared by a suitably qualified practising Geotechnical Engineer or other suitably qualified practising professional, experienced in the field of on-site wastewater management.

The report accompanying the Development Application is to be prepared in accordance with the requirements of AS 1547-2000: On-Site Domestic Wastewater Management and the Environment and Health Protection Guidelines – On-Site Sewage Management for Single Households. The report is to also consider and provide comments in relation to the existing on-site sewage management system servicing the existing dwelling and all proposed allotments. Further detailed guidelines are provided in the On-Site Effluent Disposal chapter of this DCP.

### 3.6.4.5 Form of Title

#### a – Land Subdivision

Most subdivisions of rural land will create new lots under the "Torrens" system of registration. This provides an estate in fee simple.

"Linen" plans, the surveyors plan required for the registration of the Plan of Subdivision by the Land Titles Office are required to have the Subdivision Certificate affixed. The Subdivision Certificate is affixed only when any requirements (eg construction of works, payment of contributions, etc) of the approval have been satisfied.

#### b – Strata Subdivision

Subdivision under the provisions of the Strata Titles Act 1973 can apply to a rural/non urban situation, however its application is considered unsuitable. Strata Subdivision is, in essence, the subdivision of space in three dimensions and defined by or with reference to, building works.

The introduction in 1989 of Community Titles has obviated the need to apply strata subdivision to rural properties. Reference should be made to the relevant environmental planning instruments.

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### e – Community Title Subdivision

Property may also be subdivided under the Community Land Development Act, 1989 which then comes under the requirements of the Community Land Management Act, 1989.

The Community Titles Legislation sits between conventional (real property) subdivision and strata subdivision. It provides for common or shared property to be created within otherwise conventional subdivision. The shared property, as in strata titles common property, is administered by the collective owners and not the wider community, ie local or state government. It differs from strata subdivision in that it is not the subdivision of building space, but the creation of defined land areas for different ownership including shared areas for common (or community) facilities.

The legislation allows for plans to be approved and registered incorporating up to three levels or types of schemes:-

1. community
2. precinct
3. neighbourhood

and allows a further level as a strata scheme integrated into the overall scheme.

Community Title Schemes (like Strata schemes) should logically follow and not precede the actual development proposal. It is the means by which the ultimate ownership arrangements will be distributed. It is not the development proposal itself.

In assessing any application under the Community Titles legislation, the applicant is required to demonstrate to the satisfaction of the Council that the proposed scheme relates to:

1. an existing land use situation (ie the subdivision of an existing tourist resort);
2. an approved development proposal; or
3. is capable (in the case of land zoned for rural purposes) of being developed in accordance with the provisions of the relevant environmental planning instruments.

Community Title legislation does not override zoning provisions or development standards within Environmental Planning Instruments and Development Control Plans. Therefore allotments in Community Title Schemes must accord with minimum lot areas under relevant environmental planning instruments and this chapter of the DCP.

The Development Contract and Management Statement are to be consistent with the Council's requirements and the conditions of consent. These documents are to be endorsed by Council prior to the Subdivision Certificate being granted.

### Non Residential Development

#### 3.7 Advertising Signage

##### 3.7.1 Land to which Chapter Applies

This chapter applies to all land within the [City of Gosford Central Coast LGA](#)

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### 3.7.2 Purpose of Chapter

The purpose of this chapter is to set directions for future development of advertising signs within Gosford City Council area so that all new development, including redevelopment, promotes and enhances the business enterprise and image of Gosford City.

### 3.7.3 Objectives

The objectives of this chapter are as follows:

1. Establish appropriate procedures in respect of the control and regulation of advertisements and advertising structures, consistent with sound planning and urban design principles.
2. Maintain uniformity and orderly standards for advertisements and advertising structures, as well as controlling the number and types of advertisements.
3. Ensure that the placement and design of advertisements and advertising structures are consistent with the architectural theme and design of a building and that such advertisements are not placed on prominent architectural features of a building including gables or the like.
4. Ensure that advertisements and advertising structures do not detract from the streetscape and waterscape of the locality, nor lead to visual clutter through the proliferation of such advertisements.
5. Ensure that advertisements and advertising structures do not constitute a traffic hazard to motorists and pedestrians.
6. Ensure that advertisements and advertising structures do not interfere with the operation of traffic control signs and signals, nor with harbour navigation devices.
7. Ensure equal viewing rights where practical, for all advertisements and advertising structures, and to ensure that such advertisements are affixed and maintained in good structural condition at all times.
8. Reduce the proliferation of advertisements and advertising structures by requiring rationalisation of existing and proposed advertisements and the use of common directory boards in proposed and existing multi-occupancy developments.
9. Ensure that advertisements and advertising structures conveys advertisers' messages and images while complementing and conforming to both the building and land use on which it is displayed and the character of the locality.
10. Ensure that proper consideration has been given in the assessment procedure of advertisements and advertising structures, consistent with the relevant "Heads of Consideration" specified under the *Environmental Planning and Assessment Act 1979* and the *Local Government Act 1993*.

### 3.7.4 Glossary of Terms

Refer to the Definitions section at the end of the DCP for definitions.

### 3.7.5 Classification of Advertising Structures

The relevant definitions are set out below:

Category of Advertising Structure	Definition
Awning Sign - Above	A projecting sign on top of an awning.
Awning Sign - Below	A sign attached to the underside of an awning.

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Category of Advertising Structure	Definition
Building Wrap Advertisement	An advertisement used in association with the covering or wrapping of: <ol style="list-style-type: none"><li>1. a building or land or</li><li>2. a building that is under construction, renovation, restoration or demolition, but does not include a wall advertisement</li></ol>
Fascia Sign	A sign on the fascia of an existing awning or verandah.
Flush Wall Sign	Attached to the wall of a building (other than the transom of a doorway or display window) and not projecting more than 300mm from the wall.
Painted Wall sign	Painted onto a wall of a building.
Pole or Pylon Sign	Erected on a pole or pylon independent of any building or other structure.
Projecting Wall Sign	A sign projecting in either horizontal or vertical direction from the wall of a building.
Real Estate Sign	An advertisement that only contains a notice that the land, place or premises to which it is affixed to is for sale, letting or auction, together with the particulars of the sale, letting, auction, or Agent details.
Roof Sign	A sign above parapet level of a building on the uppermost structural elements and attached to lift motor and plant rooms.
Temporary Sign	An advertisement of a temporary nature which: <ol style="list-style-type: none"><li>1. announces any local event of a religious, educational, cultural, social or recreational character or relates to any temporary matter in connection with such an event; and</li><li>2. does not include advertising of a commercial nature except for the name(s) of an event's sponsor(s).</li></ol>

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Category of Advertising Structure	Definition
	<p>Must not be displayed earlier than 21 days before the day on which the event is to take place and must be removed within 7 days after the event.</p> <p><i>The display Temporary Sign(s) in the form of banners or the like across public roads and public places are prohibited, in accordance with Council's resolution of 12 April 1994, (Min No 299/94) except as permitted under Council Policy T4.03 - Erection of Street Banners adopted by Council on 26 August 1997 (Min No 251/97).</i></p>
Top hamper sign	Attached to the transom of a doorway or display window of a building.
Window Sign	Attached to, or displayed on, the shop window.

### 3.7.6 Complying and Exempt Development

The New South Wales government has undertaken a review of the planning system and planning reforms have been implemented to improve the effectiveness of the system, as well as simplifying the assessment process through Exempt and Complying Development provisions.

**Exempt Development** is a form of self-assessed development which can take place without the need for an accredited certifier or Council approval, should the Advertising Structure(s) meet the exempt development criteria specified in Schedule 2 of Gosford Local Environmental Plan 2014.

**Complying Development** refers to development that requires approval from an accredited certifier or the Council acting as a certifying authority, should the Advertising Structure(s) meet the complying development criteria specified in Schedule 3 of Gosford Local Environmental Plan 2014.

Advertising structures not meeting the complying and exempt development criteria specified in Schedule 2 and 3 of Gosford Local Environmental Plan 2014, will require development consent to be obtained from the Council, prior to the display of any advertisement.

### 3.7.7 Advertisements Permissible With Consent

The following classes of advertising structures may be displayed with the consent of Council, subject to strict compliance with the objectives of the plan.

#### 3.7.7.1 Flush Wall Sign

#### 3.7.7.1 Flush Wall Sign

**Flush Wall Sign** being a sign attached to the wall of a building [other than the transom of a doorway or display window] and not projecting more than 300mm from the wall and:

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1. shall not have an advertising area greater than 6m<sup>2</sup> or alternatively be no greater than the area calculated as three times the distance between the lowest part of the sign and the ground;
2. where it is illuminated, shall be of less than 2.6m above the ground;
3. if the sign comprises individual skeleton letters the area of the total sign may be increased 50%;
4. the total area of individual flush wall signs on the same wall shall not be greater than the area calculated as three times the distance between the lowest part of the sign and the ground;
5. shall not project above or beyond the wall to which it is attached; and
6. shall not cover or be erected upon any window or prominent architectural feature of a building.



### 3.7.7.2 Pole or Pylon Sign

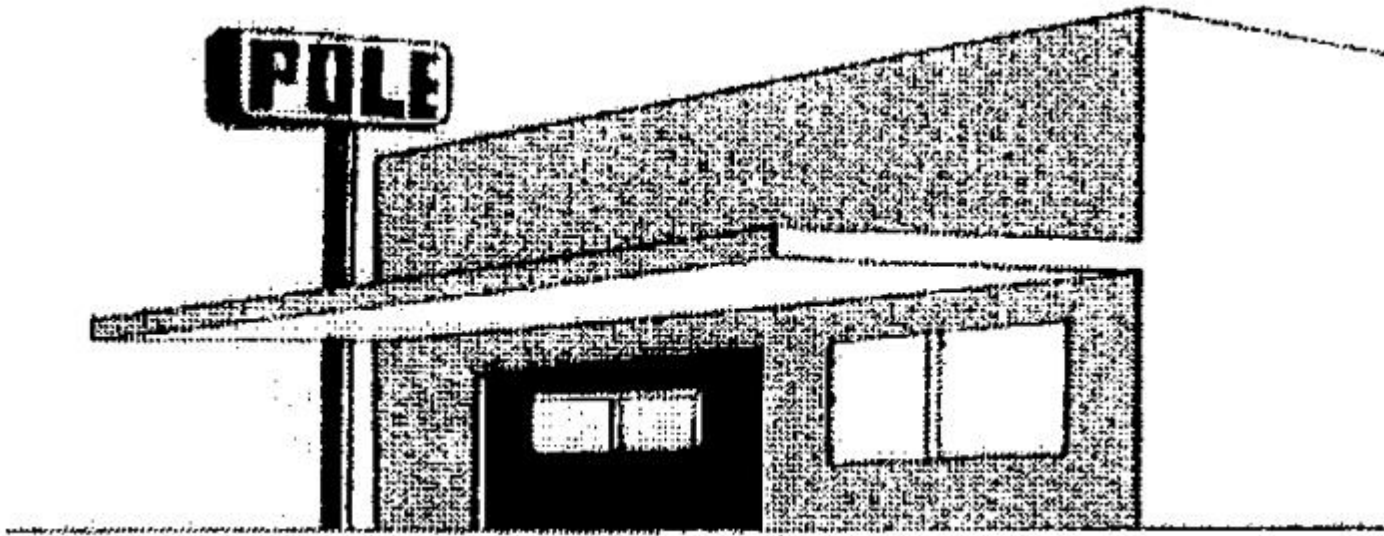
### 3.7.7.2 Pole and Pylon Sign

**Pole or Pylon Sign** being a sign erected on a pole or pylon independent of any building or other structures and:

1. not projecting more than 1.0m over any road alignment;
2. not extending more than 6m in height above the ground;
3. not having an advertising area greater than 12 m<sup>2</sup> where more than one advertising area is involved and a maximum of 6 m<sup>2</sup> on any single advertising surface; and
4. minimum height above ground level shall be 2.6m above the ground where it projects.

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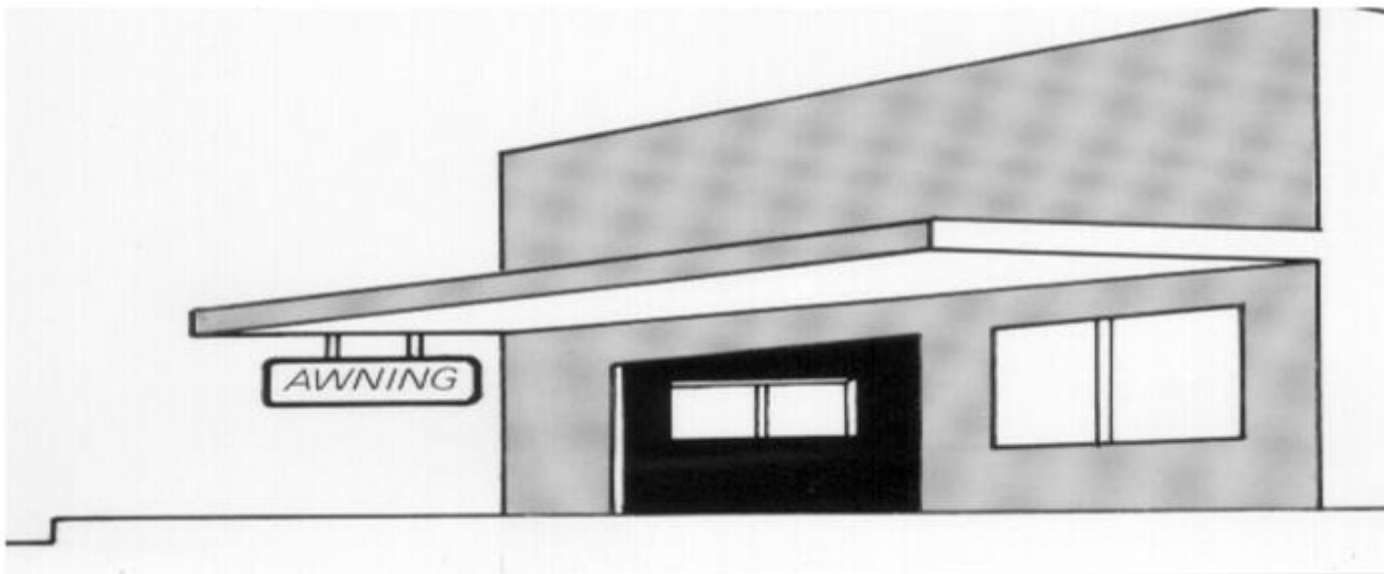


### 3.7.7.3 Under Awning Sign

### 3.7.7.3 Under Awning Sign

**Under Awning Sign** being a sign attached to the underside of an awning (other than the fascia or return end) and shall:

1. not extend more than 2.5 m in length;
2. not extend more than 0.4 m in width;
3. not extend more than 0.5 m in height;
4. not project beyond the edge of the awning;
5. be erected horizontal to the ground and at no point be less than 2.6 m from the ground and or footpath; and
6. not be closer than 3m to any other under awning sign.



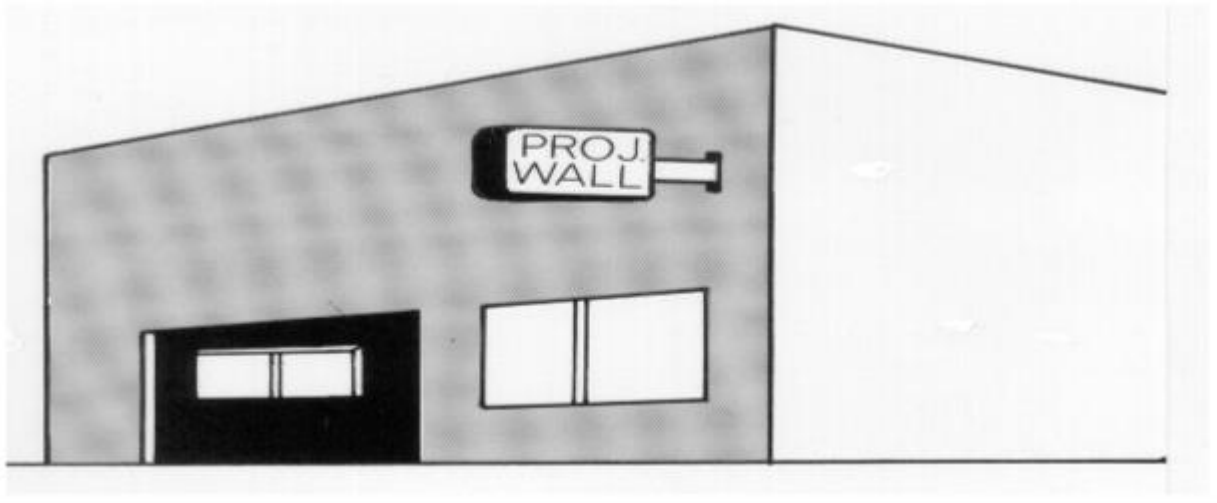
## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

### 3.7.7.4 Projecting Wall Sign

**Projecting Wall Sign** being a sign attached to the wall of a building [other than the transom of a doorway or display] and projecting horizontally more than 300mm and:

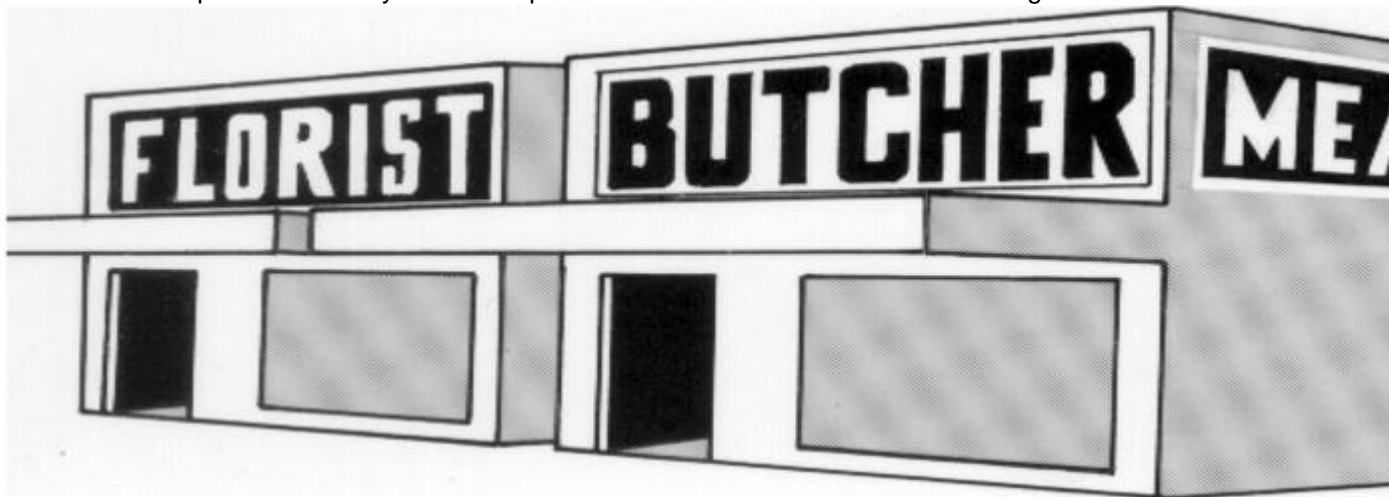
1. must be erected at right angles to the wall of the building to which it is attached;
2. have maximum dimensions no greater than 1.5m x 2m; and
3. shall be at least 2.6m above the ground.



### 3.7.7.5 Painted Wall Sign

**Painted wall sign** being a sign painted onto a wall of a building and:

1. shall not have an advertising area greater than 6m<sup>2</sup>; and
2. shall not be painted over any window or prominent architectural feature of a building.



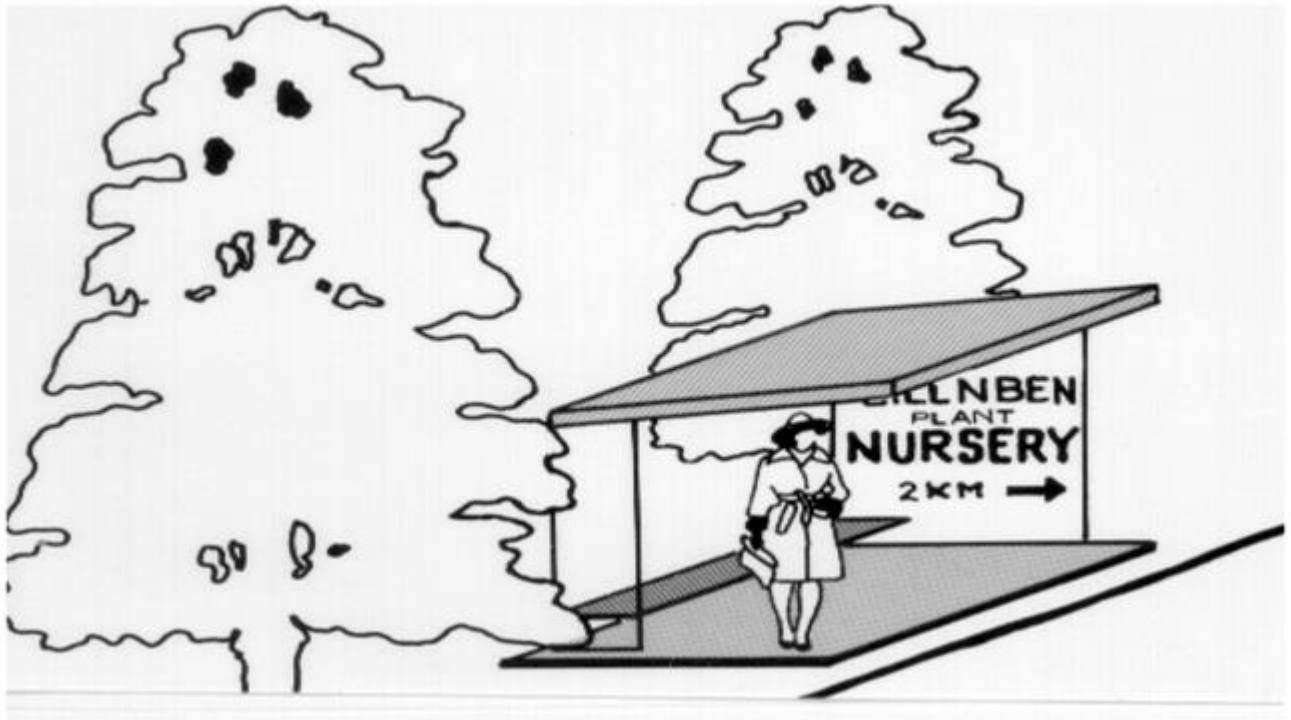
### 3.7.7.6 Roadside Furniture Sign

**Roadside Furniture Sign** means an advertising panel attached to any roadside or park furniture such as bus shelters, benches or the like. The Council reserves the right to prohibit undesirable, unsightly or objectionable advertising and restrict the location of such signs.



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### 3.7.7.7 Cold Air Balloons and the like

**Cold Air Balloons and the like** may be considered by Council on their merits subject to:

1. Council being provided with a certified copy of a public risk and property damage insurance, minimum cover of which is to be determined by Council's Risk Assessment Officer;
2. Advertising shall be restricted to the balloon and no other structures and shall relate to the premises upon which the balloon is displayed;
3. The balloon shall be sited in a manner where, if uncontrolled deflation occurs, it shall not fall onto adjoining properties or onto the adjacent roadway;
4. The balloon is to be securely installed by a licensed installer;
5. Certificate of clearance being obtained from Energy Australia; and
6. Concurrence being obtained from the Roads and Maritime Service.

### 3.7.7.8 Building Wrap Advertisement

#### **Building Wrap Advertisement**

Building Wrap Advertising may be considered by Council on its merits and means a signage advertisement used in association with the branding or wrapping of a building or land to create a corporate image. This may include colours, logos, symbols or images used to identify the business incorporated into the entire façade of a building or site. Words and letters associated with Building Wrap Advertising must comply with the requirements of Painted Wall Signage,

### 3.7.8 Prohibited Advertisements and Advertising Structures

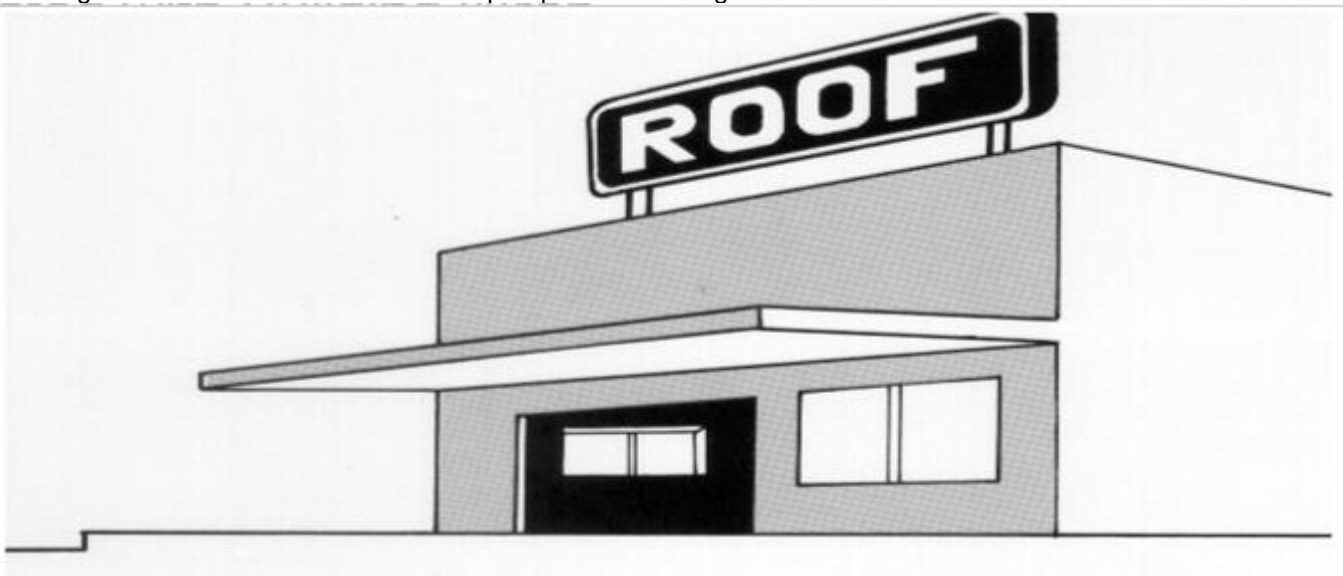
The following classes of advertising structures are considered contrary to the objectives of this plan and are accordingly prohibited.

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

### 3.7.8.1 Roof Sign

Roof sign erected on or above the roof or parapet of a building.



### 3.7.8.2 Fin Sign

Fin sign erected on or above the canopy of a building.

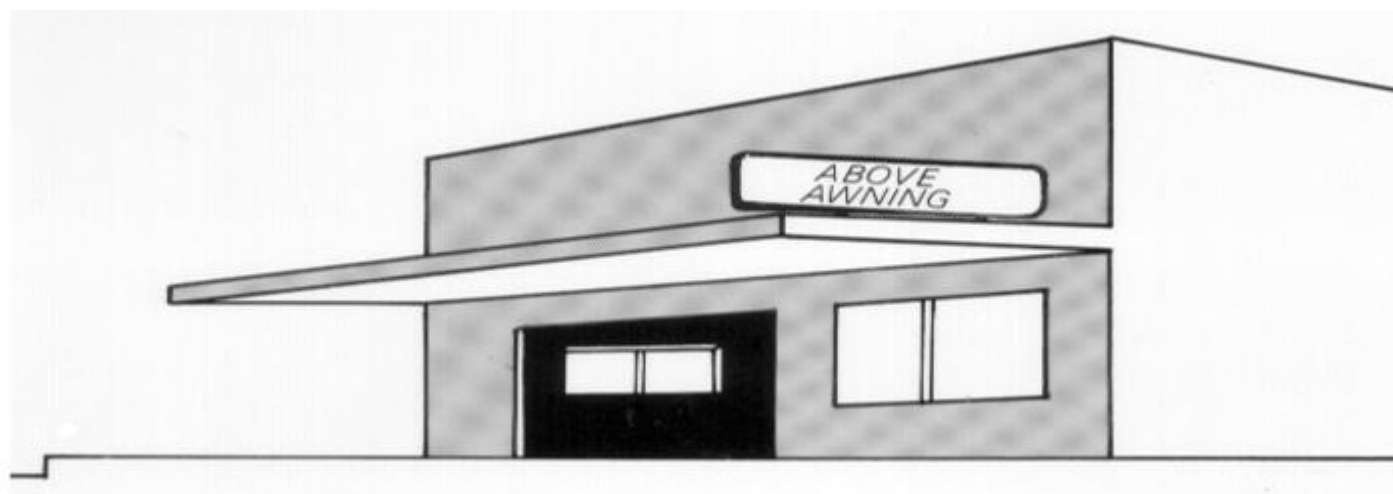


### PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

#### 3.7.8.3 Above awning sign

Above awning sign attached to the upper side of an awning.



## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

### 3.7.8.4<sup>[LF1]</sup>

Signs which would in the opinion of Council affect traffic safety or movements.



### 3.7.8.5 Third Party Advertisements and Advertising Structures

Third party advertisements and advertising structures erected on any parcel of land or premises which do not relate to the business or undertaking or product so advertised, other than advertisements on community buildings, tourist information signs, directional signs and third-party advertisements associated with illuminated street signs.



### 3.7.8.6<sup>[LF2]</sup>

Any advertisement and advertising structure that would in the opinion of Council be objectionable, unsightly or injurious to the amenity of the locality, any natural landscape, foreshore, public reserve or

### PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

public place.



#### 3.7.8.7<sup>[LF3]</sup>

Any wall sign extending laterally beyond or projecting above the wall to which it is affixed.



## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

### 3.7.8.8<sup>[LF4]</sup>

Any advertisement or advertising structure affixed to whole or part to a tree, electricity pole or the like.



### 3.7.8<sup>[LF5]</sup>.9

Any advertisement and advertising structure proposed to be erected or located close to overhead power lines. If Advertising Structures are to be located close to overhead power lines, then the consent/approval of Energy Australia must be obtained during the assessment of the application.



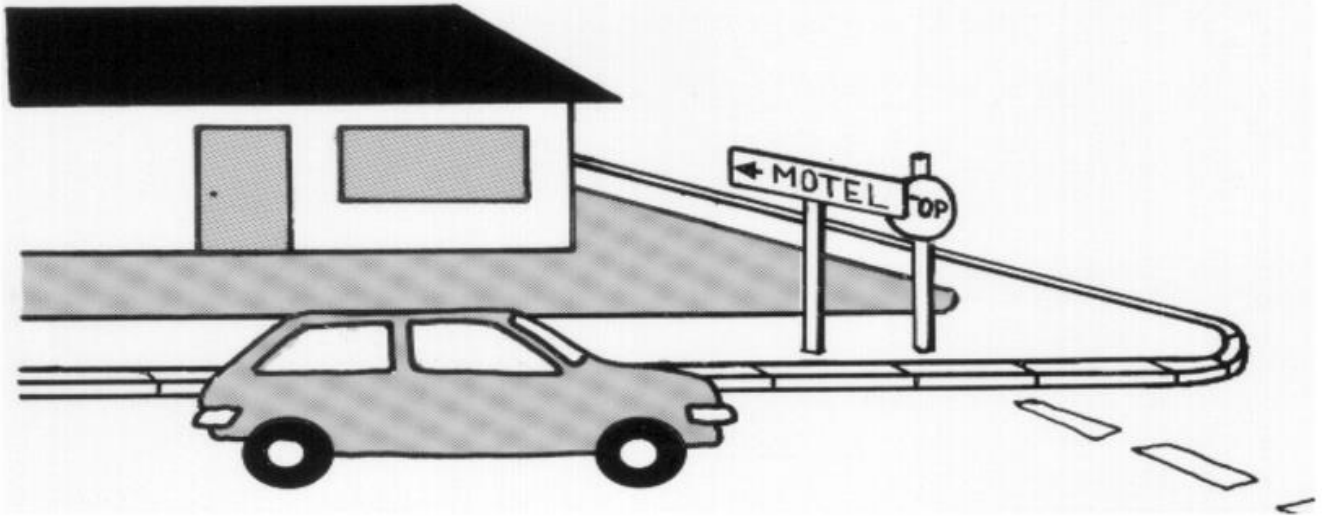
### 3.7.8.10<sup>[LF6]</sup>

Any advertisement and advertising structure which obscures or interferes with road traffic signs and displayed contrary to the requirements of the NSW Roads and Maritime Services, in respect of

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

advertisements adjacent to the boundaries of classified main roads.



### 3.7.8.11<sup>[LF7]</sup>

Any advertisement and advertising structure which interferes with the view of a road hazard or oncoming vehicle or any other vehicle or person or other obstruction which should be visible to drivers and other road users.



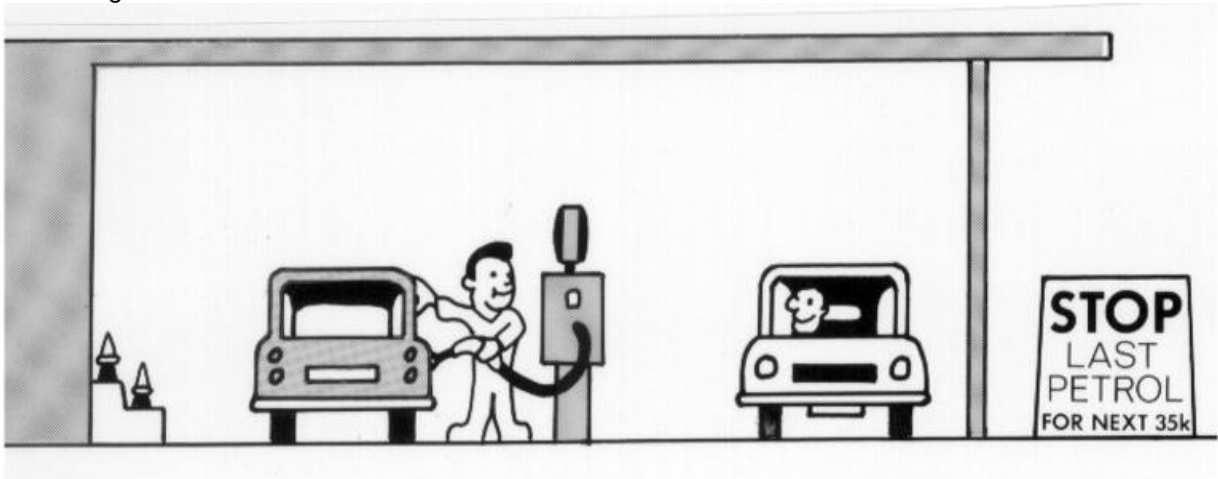
### 3.7.8.12

Any advertisement and advertising structure giving instructions to traffic by the use of the words "halt", "stop" or other directions, or imitate traffic signs, painted on windows, walls or displayed on any

### PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

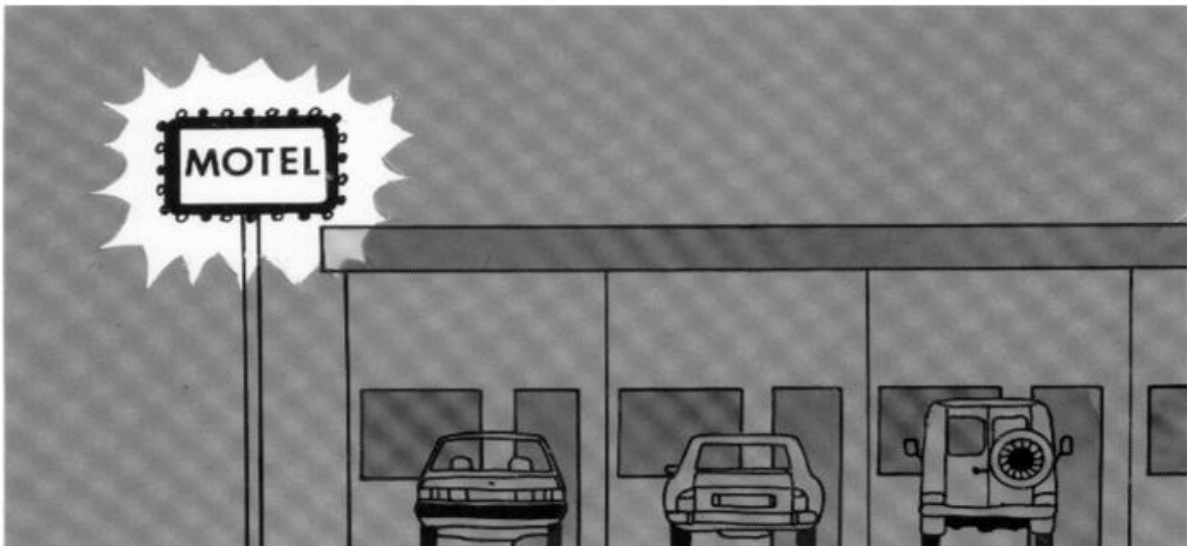
Extract from *Gosford Development Control Plan 2013*

advertising structure.



#### 3.7.8.13<sub>[LF8]</sub>

Any advertisement and advertising structure arranged to move or to vary the intensity of the illumination from light to dark or colour-to-colour, or to be intense enough to impair a driver's vision or distract their attention.



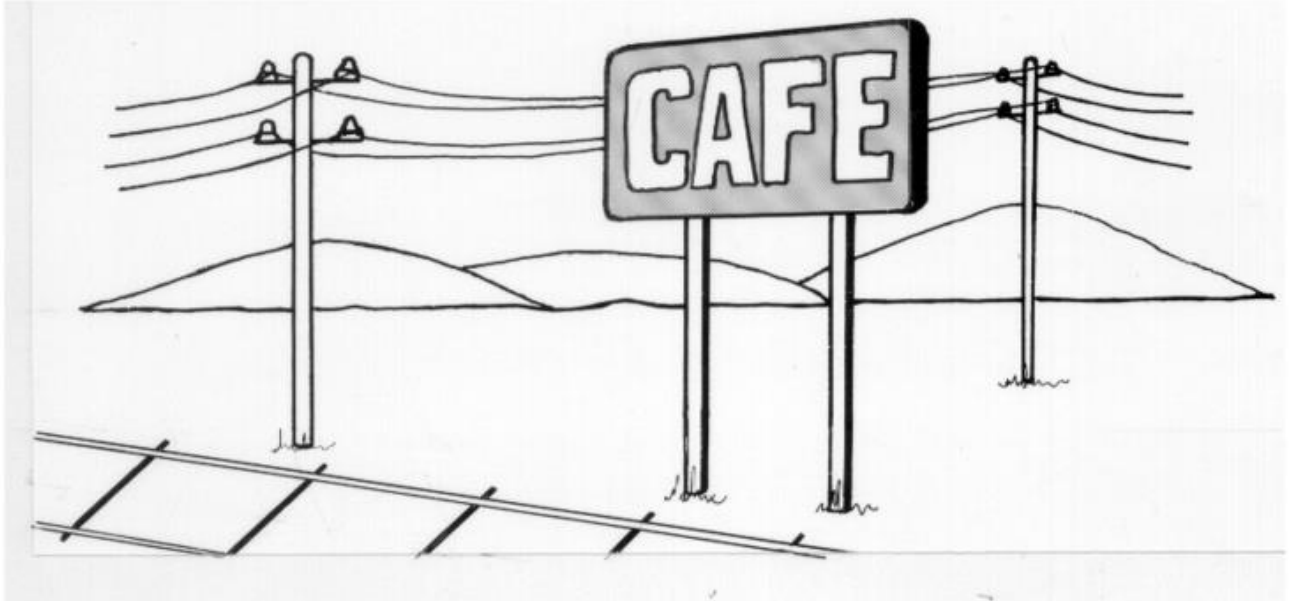


## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

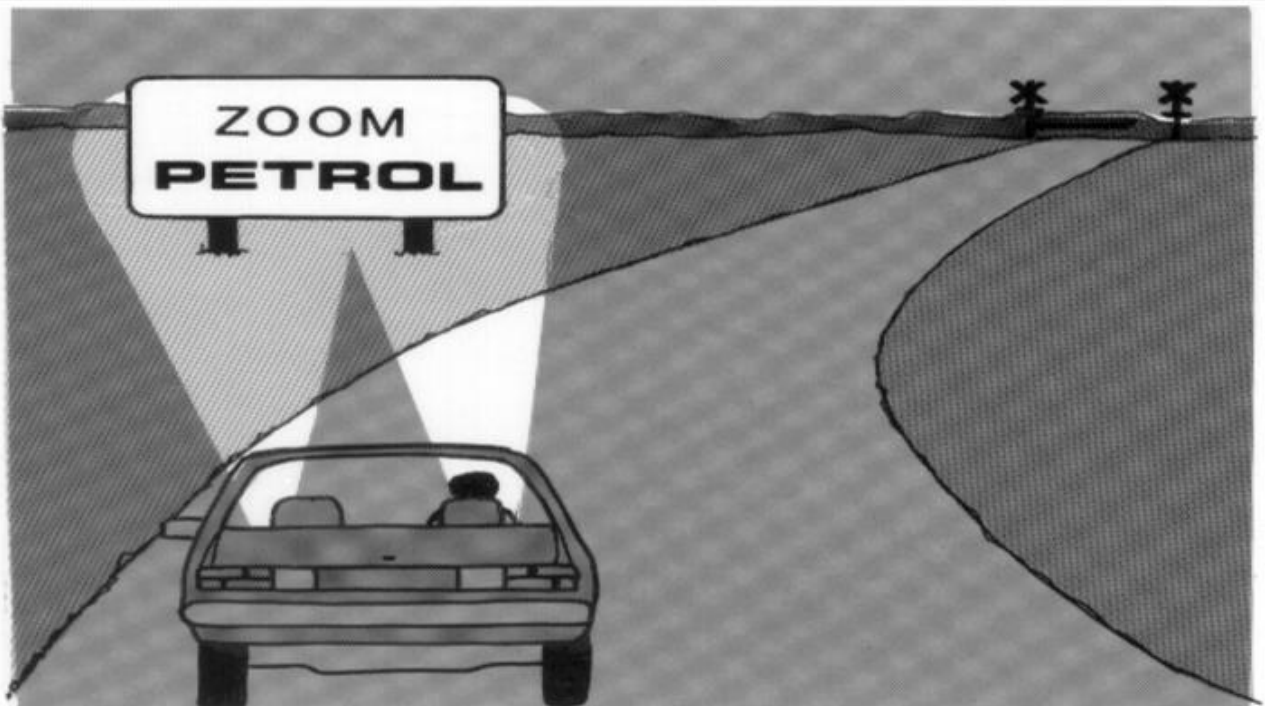
### 3.7.8.14<sup>[LF9]</sup>

Any third-party advertisements erected on State Rail Authority land, as specified by Council's Resolution of 25 August 1987 [Min No 840/87].



### 3.7.8.15

Any advertisement and advertising structure, which is highly reflective and is situated where it is especially desirable that drivers should not be distracted, eg: at important intersections, at level crossings and at bends.

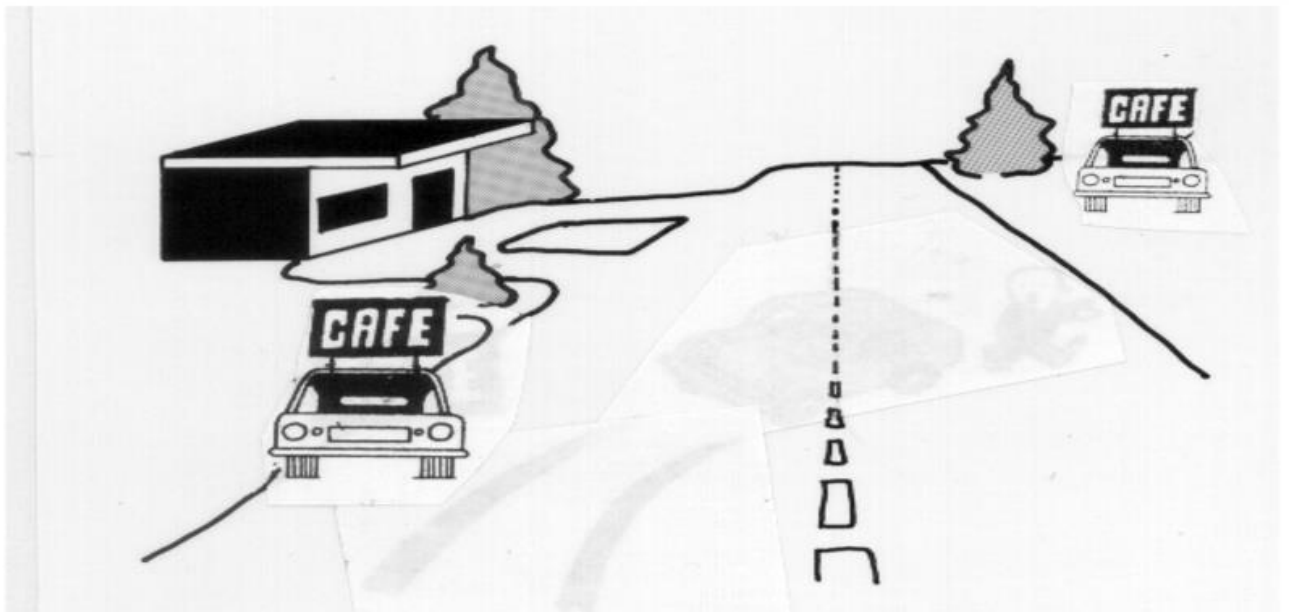


## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

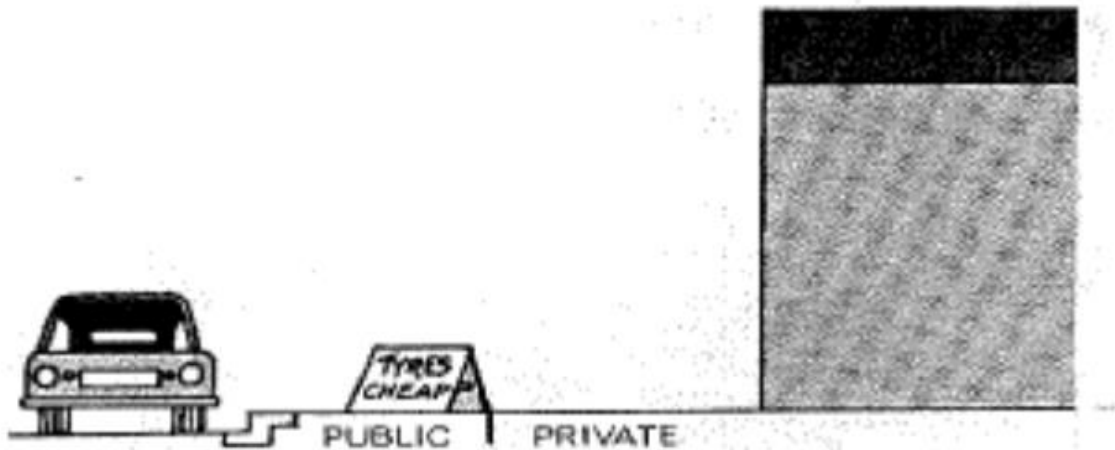
### 3.7.8.16<sup>[LF10]</sup>

Any advertisements displayed on parked motor vehicles, trailers and the like on road reserves, including road(s) and footpaths.



### 3.7.8.17<sup>[LF11]</sup>

Sandwich/'A' Frame boards, moving signs or objects which in Council's opinion obstruct the footpath/public area, or create a hazard to pedestrian movement.



## 3.7.9 Specific Provisions

### 3.7.9.1 State Environmental Planning Policy No. 64 - Advertising and Signage

The statutory provisions of State Environmental Planning Policy No 64 - Advertising and Signage are applicable to the City of Gosford. Applicants should accordingly familiarise themselves with the provisions of the abovementioned State Environmental Planning Policy.

### 3.7.9.2 Gosford Local Environmental Plan 2014

The display of advertisements and advertising structures within zones shall be in accordance with the statutory requirements of the relevant environmental planning instruments.

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

### 3.7.9.3 Business and Industrial Zones

In situations where multiple occupancies exist, Council will require the consolidation and rationalisation of existing and proposed advertisements and the provision of a common directory board to reduce the proliferation of advertisements on the parcel of land.

Council, in certain circumstances, may consider a variation to the maximum permissible height and advertising area criteria of 6m and 6m<sup>2</sup> respectively. Such variation will only be considered where, in the Council's opinion, such variation is in keeping with the purpose and objectives of this plan and providing that such a variation is proportional to the height and scale of the building, whilst at the same time complimenting the streetscape of the immediate locality. Request for variation must be in writing and address the issues above in detail.

Advertisements contained within the common directory board associated with multiple occupancy developments, are to be restricted to business name and type of business conducted and products sold and are to be limited in number to avoid unnecessary multiplicity.

### 3.7.9.4 Regional and Town Shopping Centres (Where Gross Floor Areas Exceed 5,000m<sup>2</sup>)

Any advertisements and advertising structures proposed to be erected or displayed at such centres being visible from a public place will be considered on their merits, proportionally to the size of the building.

### 3.7.9.5 Temporary Sign

being an advertisement of a temporary nature which:

1. announces any local event of a religious, educational, cultural, social or recreational character or relates to any temporary matter in connection with such an event; and
2. does not include advertising of a commercial nature, except for the names(s) of and event's sponsor(s).

Must not be displayed earlier than 21 days before the day on which the event is to take place and must be removed within 7 days after the event.

Council reserves the right to prohibit the display of temporary signs, which in Council's opinion are prohibited by Section 3.7.8 of this chapter.

**The display of Temporary Signs in the form of banners or the like across public roads and public places are prohibited, in accordance with Council's resolution of 12 April 1974, (Min No299/94) except as permitted under Council Policy T4.03 "Erection of Street Banners" adopted by Council on 26 August 1997 (Min No 251/97).**

### 3.7.9.6 Special Activities and Recreation Zones

The display of advertisements in Special Activities or Recreation zones shall be in accordance with the statutory provisions of the relevant environmental planning instruments. Such advertisements shall be ancillary to a lawfully established development on the parcel of land it relates to.

In all instances, the display of advertisements in such zones shall be considered on its merit, consistent with the purpose and objectives of the particular zone and the provisions of this plan and shall have regard to Council's 6m height limit and 6m<sup>2</sup> advertising area requirements.

## **PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE**

Extract from *Gosford Development Control Plan 2013*

### **3.7.9.7 Directional Signs**

Council may consider erecting a directional sign (similar to Council's existing street sign) of an approved type of construction and in a location where Council considers the circumstances are warranted, having regard to the nature and location of the development and on application by the owner and payment of an application fee.

The colour, wording and dimensions of such a sign is to be determined by Council and will generally indicate only the particular type of establishment without mentioning the proprietor, e.g. Motel, Post Office, Caravan Park.

### **3.7.9.8 Vehicle Showroom, Hotel and Businesses of Similar Character**

1. Where a vehicle showroom (proposed and existing) stocks and displays a variety of motor vehicles, caravans or boats and associated spare parts and servicing, Council will require the use of a common directory board to reduce the proliferation of free standing advertising structures on site.
2. Where a hotel (proposed and existing) stocks a variety of beverages products and associated ancillary services, Council will require the use of a common directory board to reduce the proliferation of free standing advertising structures on site.

In all instances, consolidation and rationalisation of existing advertisements shall be required on existing motor showroom and hotel sites.

Advertisements contained within the common directory board shall be of a uniform size shape and presentation.

### **3.7.9.9 Newsagents, Liquor Shops and Businesses of Similar Character**

All placards, poster or weekly specials etc, must be in frames fixed to the facade of the premises (not proposed) and not to project more than 40 mm thereon.

### **3.7.9.10 Community Buildings**

Council may consider the display of advertisements on community buildings, where such advertisements are displayed to fulfill sponsorship obligations.

Notwithstanding the provisions of Section 3.7.8.5 of this chapter the display of advertisements may be permitted on community buildings, subject to such advertisements being:

1. consistent with the objectives of this plan;
2. no greater than 6m<sup>2</sup> in advertising area per sponsor;
3. a flush wall sign attached flush to the wall of the building and not being placed on a prominent architectural feature of the building;
4. restricted to one (1) advertisement per sponsor; and
5. not internally or externally illuminated.

In all instances, the display of such advertisements on community buildings shall be restricted to two (2) common external walls and Council reserves the right to prohibit advertisements and advertising structures that are unsightly, objectionable and injurious to the amenity of any natural landscape, foreshore, public reserve or community building.

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

### 3.7.10 Erina Business Centre Signage

#### 3.7.10.1 Land to which this Chapter Applies

#### 3.7.10.1 Land to which this Chapter Applies

This clause applies only to land within the Erina Business Centre indicated on the map below. The purpose of this clause is to set directions for future development of advertising signs within the Erina Business Centre so that all new development, including redevelopment, promotes the business enterprise and image of the Erina Business Centre.



**Erina Business Centre Area**

#### 3.7.10.2 Objectives of this Clause

#### 3.7.10.2 Objectives of this Clause

The objectives of this clause are as follows:-

3. To encourage the development of advertising signage which is of high architectural quality;
4. To establish a business identity for the Erina Business Centre;
5. To improve the scenic quality of Erina Heights;
6. To control advertisements so that a co-ordinated pattern for the Erina Business Centre is recognised and general amenities improved;
7. To provide a co-ordinated relationship between development of private property and the adjoining streetscape of the Erina Business Centre.

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

### ~~3.7.10.3 Maximum Signage Permitted per Business or Property~~

#### ~~a – Flush Wall Signs/Fascia Signs – Principal Façade~~

### ~~3.7.10.3 Maximum Signage Permitted per Business or Property~~

#### ~~a – Flush Wall Signs/Fascia Signs – Principal Façade~~

- ~~6. Flush wall signs and/or fascia signs with a maximum width of 1.2m along the principle facade of the building to which it is being attached;~~
- ~~7. Only one fascia or flush wall sign permitted per business;~~
- ~~8. Multiple occupancy premises may have a flush wall sign and a fascia sign providing the total width of the signage on the premises does not exceed 1.2m;~~
- ~~9. Signage must be for business identification, i.e. name and function, and not for product or service promotion~~

#### ~~b – Flush Wall Signs/Fascia Signs – Secondary Facades~~

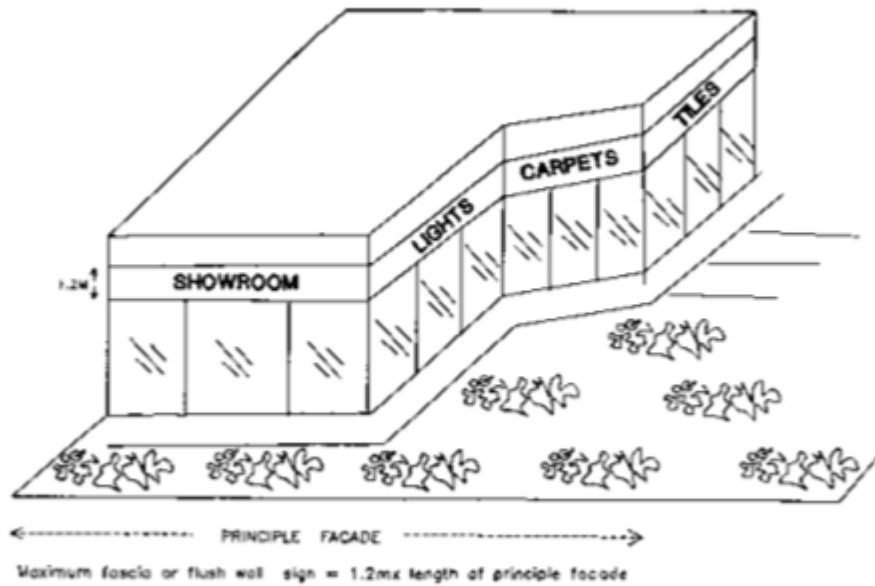
#### ~~b – Flush Wall Signs/Fascia Signs – Secondary Facades~~

- ~~1. Flush wall signs and fascia signs with a maximum width of 1.2m and a maximum advertising area of 6m<sup>2</sup>;~~
- ~~2. Signage must be for business identification and not for product or service promotion.~~

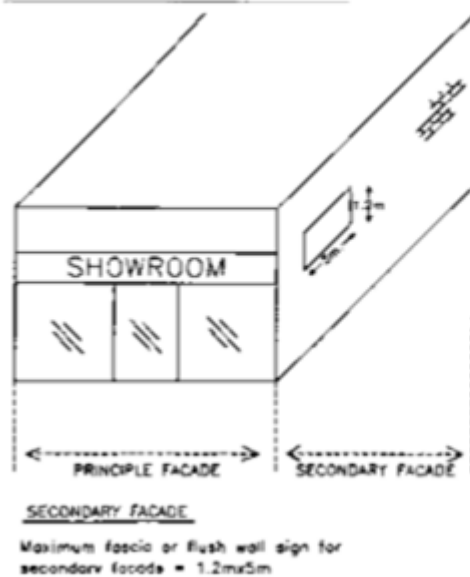
## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from Gosford Development Control Plan 2013

### PRINCIPAL FACADE



### SECONDARY FACADE



c- Pole or Pylon Sign - One Business to a Property

c- Pole or Pylon Sign - One Business to a Property

1. -Not extending more than 7 metres in height above the ground. (Not including street number and chamber logo);  
-Minimum height of 5 metres;
1. Maximum advertising area of 6m<sup>2</sup> on any single advertising surface;
2. Signage must be for business identification and not for product or service promotion;
3. No closer than 20m to any other pole or pylon sign or proposed multiple occupancy sign location nominated under this plan.

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

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### ~~d – Pole or Pylon Sign – Multiple Occupancy Properties~~

#### ~~d – Pole or Pylon Sign – Multiple Occupancy~~

- ~~1. Not extending more than 8.5 metres in height above the ground. (Not including street number and chamber logo);~~  
~~Minimum height of 5 metres.~~
- ~~2. Maximum advertising area of 12m<sup>2</sup> on any single advertising surface;~~
- ~~3. Signage must be for business identification and not for product or service promotion;~~
- ~~4. No closer than 20m to any other pole or pylon sign or proposed multiple occupancy sign location nominated under this plan.~~

### ~~e – Pole or Pylon Sign – Large Multiple Occupancy Properties~~

#### ~~e – Pole or Pylon Sign – Large Multiple Occupancy properties~~

~~Where there is one major occupier in a multiple occupancy property and the property has a street frontage in excess of 50 metres, Council may permit one free standing pole or pylon sign as well as a multiple occupancy pole or pylon sign, providing both signs comply with the criteria in c and d above.~~

### ~~f – Top Hamper and Under Awning Signs~~

#### ~~f – Top Hamper and Under Awning Signs~~

~~Top hamper and under awning signs will be considered providing they complement the architectural style of the building and are in keeping with the signage in the locality of any proposed sign.~~

### 3.7.10.4 Prohibited Signage

#### 3.7.10.4 Prohibited Signage

- ~~2. Fin signs~~
- ~~3. Flashing signs~~
- ~~4. Projecting wall signs~~
- ~~5. Roof signs~~
- ~~6. A-frame signs and sandwich board signs on footpaths and public places~~
- ~~7. Flush wall signs, fascia signs and pole or pylon signs not permitted by this plan~~
- ~~8. Third party advertisements.~~

### 3.7.11 General Matters

#### 3.7.11.1 Application Preparation and Lodgement

Application lodgement forms and appropriate supporting documentation must be completed and appropriate fee paid in accordance with Council's requirements. Further information can be obtained from Council's Customer Services Section.

In addition, application for consent relating to advertisements and advertising structures must be made on Council's prescribed form, incorporating:

1. The classification of the proposed advertising structure seeking consent, consistent with Section 3.7.5 of this chapter.
2. The written consent of the owner of the parcel of land to which the application relates.
3. Payment of the Development Application fee, as determined by the Council.



## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

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4. Clear and detailed representation of the proposed advertisement, advertising structure or building drawn to a nominated metric scale, indicating all text/logos, height of letterings, colours, dimensions and construction materials.
5. In the case of advertisements or advertising structures attached to buildings; elevations of the building and advertising structure are required to be drawn to a nominated metric scale. The plans are to clearly incorporate the distance of underside of the advertisement to the ground level immediately below.
6. In the case of illuminated advertisements or advertising structures; details of illumination.
7. In the case of advertisements or advertising structures close to overhead power lines; the distance of the advertisement to the power lines.

### 3.7.11.2 Refacing of Existing Advertisements

The refacing of existing advertisements (other than Exempt development or when Council has been nominated as the Private Certifying Agent (PCA)), require the consent of the Council in order that the environmental impacts of the advertisement and its support structures can be accurately assessed, having regard to the streetscape, building design and locality.

### 3.7.11.3 Penalties and Removal of Advertisements

Any breach of this plan shall constitute an offence under the Environmental Planning and Assessment Act 1979 and a person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed.

### 3.7.11.4 Maintenance

All advertisements and advertising structures shall be maintained in good structural condition at all times, with a professional standard and finish, to the satisfaction of Council.

### 3.7.11.5 Existing Advertisements

The rights associated with lawfully approved advertisements are defined as "*Existing Advertisements*" under this plan are preserved.

However, in the event of such advertisements being refaced (due to change in business name or business), then strict compliance with the objectives and standards of this plan, will have to be observed.

## 3.8 Bed and Breakfast and Farm Stay Accommodation

### 3.8.1 Land to which Chapter Applies

This chapter applies to all land within Gosford City where bed and breakfast **and farm stay** accommodation is permitted.

### 3.8.2 Purpose of Chapter

The purpose of this chapter is to provide detailed requirements for development of bed and breakfast and farm stay accommodation on properties where dwelling-houses are permitted. The requirements aim to ensure that the standard of accommodation is attractive to visitors and maintains a satisfactory standard of service.

### 3.8.3 Objectives

The objectives of this chapter are as follows:

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

1. To develop low-key, domestic-scale accommodation which does not change the character of the immediate locality.
2. To ensure compatibility between bed and breakfast and farm stay accommodation and adjoining properties.
3. To ensure that car parking is accessible for guests and will not inconvenience neighbours or cause safety problems.
4. To ensure that the premises meet acceptable fire safety and health standards.
5. To maintain a satisfactory standard of management and service.
6. To ensure that adequate utility services are available to enable the use of bed and breakfast or farm stay accommodation.
7. ~~To ensure that farm stay accommodation is at a scale compatible with a rural environment and does not compromise agricultural activities.~~
8. To ensure that the standard of development will promote tourism in Gosford City.

### 3.8.4 General Requirements

1. Bed and breakfast accommodation is not permitted to operate in dual occupancies, multi-dwelling housing, residential flat buildings or the like; nor on properties where there exists commercial, retail or industrial buildings.
2. Bed and breakfast accommodation is to be contained wholly within the building comprising the dwelling-house.
3. There is a limit of one (1) bed and breakfast establishment per allotment.
4. Any meals prepared for guests are to be provided by the residents of the dwelling-house ~~or farm~~.
5. Bed and breakfast ~~and farm stay~~ accommodation are not to contain stove or oven facilities for the preparation of meals by guests.
6. Food and drink premises are not permitted as part of a bed and breakfast ~~and farm stay~~ accommodation.
7. Bed and breakfast ~~and farm stay~~ accommodation must be operated by the permanent resident(s) of the dwelling-house or farm.
8. The bed and breakfast ~~and farm stay~~ accommodation must be for short-term, temporary visitors only and not for long-term, permanent accommodation. Maximum period of stay is restricted to 14 days in any 28 day period.
9. Bed and breakfast accommodation is limited to a maximum of four (4) bedrooms catering for a maximum of eight (8) guests.
10. ~~Farm stay accommodation is to be separate from the main dwelling house and limited to a total of four (4) bedrooms in any configuration (eg, four one bedroom cottages, two cottages with two bedrooms or one four bedroom cottage) per allotment of land upon which it is located and catering for a maximum number of eight (8) guests.~~
11. Bed and breakfast accommodation ~~and farm stay accommodation are~~ is not permitted on the same allotment of land.
12. ~~Farm stay accommodation is to be designed so as to be complementary and supplementary to the predominant use of the land for primary production and is to be designed at low-key scale that is complementary to a rural landscape. Note: Council considers the provision of substantial additional common facilities (eg day spa facilities, billiards room, large recreational lounges, entertainment rooms, etc) to be beyond the scale of appropriate development for farm stay accommodation.~~
13. ~~Farm stay accommodation is to be sited so as to not compromise any existing or future primary production activities on the both the allotment on which it is located and any adjoining land.~~
14. Toilet and bathroom facilities are required for guests separate from those used by the permanent residents of the house, and without the need to enter another separate bedroom. ~~For farm stay~~

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

~~accommodation, any cottage capable of individual occupation will be provided with its own toilet and bathroom facilities.~~

15. The dwelling house within which a bed and breakfast is accommodated ~~or farm stay accommodation~~-located should preferably have some element of building design, location or other feature of particular appeal to tourists and visitors.
16. For farm stay accommodation, conventional residential dwelling-house design is not considered an appropriate design form. Farm stay accommodation is to be contained within small scale separate "cottage style" buildings.
17. An accommodation register shall be maintained with details of guest names, receipt number for daily and/or weekly accommodation, and be made available for inspection when required by the Council.

### 3.8.5 Car Parking

1. Car parking will be required on-site for guests and permanent residents.
2. The rate of car parking is one (1) space per guest bedroom and one (1) space for the permanent residents.
3. The car parking shall be designed and constructed in accordance with Council's construction and development standards.
4. Car parking is to be sited so as to maintain the amenity and character of the locality.
5. Off-street car parking shall be sited so as to reduce as far as possible the noise of vehicles entering and leaving the property.

### 3.8.6 Effluent Disposal

1. Where sewer is not available an effluent disposal report will need to be submitted with the development application for bed and breakfast ~~and farm stay~~ accommodation. This report is to be prepared by a suitably qualified person with experience in onsite effluent disposal in accordance with the requirements of the "On site Effluent Disposal chapter of this DCP, AS 15:47 Onsite Domestic Wastewater Management and the Environment and Health Protection Guidelines On Site Sewerage Management for Single Households.
2. For both bed and breakfast and farm stay accommodation where permitted, in rural and environmental zones, on a lot of the appropriate size, effluent disposal may be approved subject to the suitability of the site. An effluent disposal report will need to be submitted with the development application for all proposals on rural properties demonstrating adequate area is available.
3. In unsewered areas effluent disposal systems require an Approval to Operate to be issued by Council in accordance with the requirements of the Local Government Act.

### 3.8.7 Fire Safety

1. Smoke alarms and lighting to assist evacuation shall be installed in accordance with the deemed to satisfy provisions of the Building Code of Australia.
2. The building shall be provided with fire-fighting equipment to safeguard against a fire spreading, by allowing occupants to undertake an initial attack on a fire. Portable fire extinguishers shall be selected and located in accordance with Australian Standard AS 2444. A fire blanket can be located in risk areas such as kitchens.
3. A building is to be provided with a planned means of evacuation in an emergency. Deadlocks requiring a key action to open a door must not be placed on the internal side of guest rooms or in any path of travel to exit the building.

## PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

Extract from *Gosford Development Control Plan 2013*

### 3.8.8 Building Standards

The building containing the bed and breakfast ~~and farm stay~~ accommodation shall comply with the provisions of the Building Code of Australia.

### 3.8.9 Food Preparation

1. The fit out of the food preparation area is to comply with the Food Act 2003, Food Regulation 2004, Food Standards Code and the Australian Standard AS 4674 for the Design, Construction and Fit out of Food Premises.
2. Council is to be notified prior to the commencement of operation of the premises to enable its inspection by Council's Environmental Health Officer and for the premises to be registered with the Council as a food premises.

### 3.8.10 Access for People with Disabilities

Any buildings shall comply with the *Disability Discrimination Act 1992*.

### 3.8.11 Garbage/Recycling Services

Additional garbage/recycling services may be required to cater for increased volume of wastes.

### 3.8.12 Signage

Signage is to be in accordance with the Advertising Signage chapter of this DCP.

### 3.8.13 Guidelines on Making an Application

1. Development approval is required for any renovations or extensions. The building must satisfy noise transmission criteria and have fire detection systems installed. Discussion with Council officers is encouraged prior to lodging an application. The application shall include:
  1. layout plan of the buildings to scale (1:100 or 1:50), detailing rooms to be utilised by permanent residents and guests and corresponding room sizes or other detailed floor plans and elevations of proposed buildings in the case of farm stay accommodation.
  2. site plan of the land on which the use is to be established, showing the location of all existing buildings and structures, relationship to surrounding landuses (including agricultural activities both on and adjoining the land in the case of farm stay accommodation), proposed effluent disposal areas, details of all site characteristics including natural vegetation, watercourses etc, and the location of guest and permanent resident parking.
  3. details of proposed vehicular access and parking;
  4. a landscape plan;
  5. details of existing effluent disposal system (if applicable) indicating type and capacity of system;
  6. details of fire safety, including location of smoke detectors; and
  7. details of the permanent resident or land owner operating the bed and breakfast and farm stay accommodation.

## 3.9 Child Care Centres

### 3.9.1 Land to which Chapter Applies

This chapter applies to all land within the City of Gosford where child care centres are permitted.

### 3.9.2 Objectives

The objectives of this chapter are as follows:

## **PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE**

Extract from *Gosford Development Control Plan 2013*

1. To encourage the provision of high quality child care which meets the needs of the community;
2. To ensure that potential impacts of child care centres on surrounding residential amenity is minimised.
3. To ensure that child care centres are located on appropriate sites having regard to the topography and relationship to adjoining development.
4. To provide measures to protect the natural and built environment.
5. To encourage the provision of child care centres in appropriate locations to meet the needs of the community.
6. To ensure consistency between Council's requirements for development and those of the licensing authority (NSW Department of Community Services).

### **3.9.3 Location**

#### **3.9.3.1 Objectives**

1. To ensure Child Care Centres are located in areas of high environmental quality, without exposure to undesirable health and safety risks from the site and surrounding areas.
2. To ensure that site layout and building design take into account the characteristics, constraints and opportunities of the site and its surrounds, and consider the users of surrounding areas with respect to privacy and noise.
3. To encourage ease of access to Child Care Centres by all forms of transport, vehicles, bicycles and walking, and in proximity to public transport nodes and complementary community land uses.

#### **3.9.3.2 Guidelines**

1. The location of a Child Care Centre is to take into consideration any environmental health hazard or risk relevant to the site and/or existing buildings within the site or in the surrounding area.
2. Child care centres will not be permitted on battle axe allotments owing to adverse amenity, traffic and noise impacts on adjoining properties.
3. The site should not be located in a cul-de-sac, opposite an intersection or on any other road where additional vehicles may create traffic conflict or adverse impact on the amenity of the area.
4. Where possible, the site should be adjacent to a public reserve which will reduce the number of properties potentially affected by the child care centre. The site should be separated from residential activities. Preferred locations include sites adjacent to public reserves, commercial sites, schools or other non-residential uses. Sites located in the general vicinity of primary schools are encouraged.
5. Sites such as old service stations are inappropriate for the establishment of child care centres owing to potential for site contamination and harmful effects on children, unless the site has been remediated.
6. Ease of access to the site by public transport should be taken into account in site selection.

### **3.9.4 Site Requirements**

#### **3.9.4.1 Objective**

To ensure minimal impact on adjoining development and acceptable standards of design, open space, landscaping and parking can be accommodated within the site.

#### **3.9.4.2 Residential, Business and Industrial Zones**

1. Maximum 40% site coverage including the building footprint, carparking and driveways but excluding playground and shade structures.

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2. A maximum land gradient of 1 in 20 shall apply to avoid visually bulky buildings, overlooking and loss of amenity and to minimise cut/fill, batters and retaining walls so that the useable area of a site is maximised.
3. Minimum setbacks from property boundary to building will be determined by considering surrounding building setbacks, location of neighbouring buildings and the bulk and scale of the proposed development.

### 3.9.4.3 Rural RU5 Village Zone

- ~~7. Minimum setbacks from property boundary to building will be determined by considering the subject lot size and bulk, scale and location of neighbouring buildings.~~
- ~~8. Building height, materials, colour tones, building setbacks, landscaping, access and visual appearance should have regard to the surrounding rural character and environment.~~

### 3.9.4.4 General Requirements

1. There is no minimum site area requirement for the establishment of a child care centre. However, the number and age of children who may attend the centre and number of staff are subject to the licensing requirements of the NSW Department of Community Services. The NSW Department of Community Services should be consulted to ensure that the number of children and staff numbers to be accommodated is feasible and not in contravention with relevant NSW Government legislation.

**In this regard, the architect/designer is to certify on the architectural plans that the proposal has been designed to comply with the relevant NSW Government legislation**

### 3.9.5 Traffic and Parking

#### 3.9.5.1 Objectives

1. To ensure safe movement of traffic entering and leaving the site.
2. To provide adequate provision on site for staff parking and setting down and picking up of children to reduce the incidence of on-street car parking, detrimental to the amenity of the surrounding area and pedestrians.
3. To promote the safety of pedestrians.

#### 3.9.5.2 Traffic

1. Council will take into account the effect on, and by, traffic for the proposed development. Applicants are required to demonstrate that traffic will not interfere with the amenity of the area. Approval will not be granted where existing traffic volumes are such that danger would be created by pedestrians crossing the road to enter the site or by vehicles turning in the vicinity of the site.
2. All vehicles entering and leaving the site shall be able to do so in a forward direction.
3. Direct vehicular access to arterial, subarterial, state or regional roads will not be permitted.
4. Pick-up or set-down and pedestrian areas shall be separated from the general parking areas and driveways to ensure the safety of pedestrians.
- 1) Separate entry and exit driveways shall be provided for centres which:
  - a) are located on a collector road; or
  - b) cater for ten (10) or more children; or
  - c) are located on sites where Council determines the requirement is necessary to ensure the safety of pedestrians, carers, staff and others visiting the centre.
5. A traffic study may be required in some cases where deemed necessary by Council to properly assess traffic impacts.

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6. Parking and vehicle areas are to be separated from any area used by children by appropriate safety fencing and gates.

### **3.9.5.3 Parking**

1. Off street car parking requirements are to be calculated and provided in accordance with the Car Parking chapter of this DCP.
2. Parking areas shall be easily accessible from the street, and screened by landscaping along all street frontages and private property boundaries. Where parking is located at the front of the site a minimum landscaped garden area of one metre is to be provided along the street frontage.
3. The number of staff to be employed at any one time is to be stated, together with the expected number of children. Any increase in staff or children may require additional car parking.
4. Car parking spaces should have minimum dimensions as specified in the Australian Standards AS 2890.1 - 1993 Parking Facilities. Driveways should have a minimum width of 3.0 metres and aisle widths should conform to Australian Standards AS 2890.1 - 1993 Parking Facilities.

### **3.9.6 Visual and Acoustic Privacy**

#### **3.9.6.1 Objectives**

1. To ensure the privacy of surrounding properties is maintained and protected from overlooking and noise.
2. To protect the visual and acoustic privacy needs of the children using the Child Care Centres, staff and other users.
3. To ensure that noise from Child Care Centres does not adversely impact the amenity of the Child Care Centre itself and surrounding properties.
4. To ensure that the hours of operation of a Child Care Centre do not adversely impact on the amenity of surrounding properties, particularly in residential areas.

#### **3.9.6.2 Guidelines**

1. Applicants are required to demonstrate that they have given proper consideration to the impact of noise on adjoining properties and to reduce problems to an acceptable level by the design.
2. In cases where the potential noise impact on neighbouring residents is considered by Council to be significant, the applicant may be required to submit a suitable noise assessment report. This must be prepared by a qualified acoustic engineer or equivalent.
3. Noise levels (measured at any point on the boundary of the site between the proposed child care centre and adjoining property) should not exceed 5dBA above the L90 background level during the hours of operation. Appropriate noise attenuation may be required to ensure noise does not exceed this level.
4. Hours of operation within residential areas shall not extend outside the core hours of 7am to 7pm unless written justification is submitted.
5. Fences are to be of adequate height and construction to ensure privacy to adjoining neighbours. Details are to be provided with the development application.
6. Fencing, where there is the potential for noise impacting on adjacent properties, shall be of a height, design and material (for example, masonry) suitable to contain noise generated by the children's activities. Metal fencing can cause concern in regard to noise factors and should be avoided where possible. Council may stipulate hours of outdoor play times in order to minimise the likelihood of a noise nuisance occurring.
7. No public address systems should be installed at the centre.

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### **3.9.7 Design of Outdoor Play Areas**

#### **3.9.7.1 Objectives**

1. To provide adequate space to accommodate a stimulating outdoor play environment.
2. To provide a well designed outdoor play area giving consideration to sun, shade, ground surfaces and visual supervision throughout the site.
3. To minimise noise transmission and other nuisances to the surrounding area.

#### **3.9.7.2 Guidelines**

1. The outdoor play area is not to be located in the front building setback unless the applicant clearly demonstrates in the development application that the visual appearance of the streetscape will not be compromised and appropriate landscape treatment is to be provided.
2. Play equipment shall not be higher than the fence and should not be closer than two metres to a fence.
3. 50% of all outdoor areas should be shaded during the hours of 10.00 am to 3.00 pm Eastern Summer Time which may be provided by trees, awnings or other structures.
- 1) Outdoor Play Areas are to be:
  - a) located away from the main entrance of the Child Care Centre, car parking areas or vehicle circulation areas;
  - b) integrated with indoor space and provide direct and easy access between those areas;
  - c) of a design and layout to enable clear lines of sight to all areas of the outdoor space to allow direct staff supervision from other areas of the Child Care Centre
  - d) located with a northern orientation for maximum solar access;
  - e) located away from existing and potential noise and environmental pollution sources;
  - f) where in a predominantly residential area, located away from the living/bedroom windows of surrounding dwellings;
  - g) inaccessible from public areas outside the Child Care Centre, except in the case of an emergency evacuation or centre deliveries such as sand replacement, unless a security system is in place which grants access, in the form of a swipe card for instance, only to authorised persons such as families and other authorised visitors.
  - h) located away from areas where objects can be projected down onto play areas; and
  - i) adequately fenced on all sides.
4. Proposed divisions of play spaces are to be shown on a plan, ensuring that the allocation of play space is appropriate to the numbers of children to be cared for in the Child Care Centre.
5. Outdoor play spaces are to be adequately shaded in accordance with Shade for Child Care Services published by the NSW Cancer Council and NSW Health Department. Refer to the Appendix attached to this chapter for further information. Physical shading devices are to be provide sun protection to children and be integrated into the design of the building and the outdoor area.
6. Physical shading devices are to provide sun protection to children and be integrated into the design of the building and the outdoor area.

### **3.9.8 Accessibility**

#### **3.9.8.1 Objectives**

1. To ensure all new child care centres and alterations and additions including any associated spaces such as outdoor space, parking areas and the like are designed to be accessible for all people within the community.
2. To provide safe and easy access to allow for access by stroller and for the mobility impaired into the centre.



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### **3.9.8.2 Guidelines**

- 1) Access and facilities for the disabled are to be provided in accordance with the Australian Standard AS 1428 Part 1, the BCA and the Carparking chapter of this DCP. Reference to these requirements should be made in the early stages of design to ensure the development complies with the relevant standards.
- 2) Design of site elements and access ways between site elements are to cater for the needs of all users, particularly those with disabilities.
- 3) While not comprehensive, the following matters should be considered and incorporated into the design to cater for the needs of persons with disabilities and parents with prams:
  - a) hard paved surfaces leading from the building to an outside play environment should continue partly inside the play area to allow children with mobility aids to participate with outdoor activities;
  - b) design of the car park area should incorporate kerb cuts to eliminate the barrier for parents with prams and children in wheelchairs or on crutches; and
  - c) pathways with extra width (1200 to 1500 millimetres) and grades no steeper than 1:12 or 8% to allow easy circulation throughout the site.

### **3.9.9 Landscaping**

#### **3.9.9.1 Objectives**

1. To provide adequate tree retention and tree planting on the site to ensure that developments are suitably landscaped and provided with landscaped areas that are compatible with the surrounding area and take into account existing site conditions.
2. To ensure the predominant landscape quality of the City and the amenity of immediately surrounding areas are maintained or enhanced.
3. To provide an attractive natural environment for the users of the site.
4. To provide, light, shading and wind control on the site.

#### **3.9.9.2 Guidelines**

1. A concept landscaping plan prepared by a qualified landscape professional shall be submitted with the development application showing all buildings, location and size of vegetation, paths, paved areas, lawn, fences, pergolas, play areas and equipment. A detailed landscaping plan prepared by a qualified landscape architect or horticulturalist must be submitted with the Development Application. The landscaping plan will show plant locations, technical names and quantities, site preparation and construction.
2. Landscaping should be utilised to enhance the landscape quality of the area and to soften the impacts of hard stand areas and car parking on the surrounding locality.
3. Existing vegetation and other natural features should be conserved on site wherever possible.
4. Landscaping is to be in accordance with Department of Community Services requirements to ensure it is safe and appropriate for a Child Care Centre.
5. Rainwater tanks are required for new Child Care Centres. The rainwater tanks must be plumbed for toilet flushing, laundry and irrigation purposes.

### **3.9.10 Building Appearance**

#### **3.9.10.1 Objectives**

1. To ensure that any development for the purposes of a child care centre meets with the needs of the children, whilst maintaining the amenity of the area and the enjoyment of residents in the locality.

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2. To encourage the integration and compatibility of building design, open space, landscaping and car parking with the surrounding environment and which provides a functional and pleasant environment for the centre's users.

### 3.9.10.2 Guidelines

1. The design of buildings should be sympathetic to the topography and other natural features of the land.
2. The design of buildings should relate to the slope (max. 1 in 20) of the land to minimise earthworks and disturbance to the land (cut and fill).
3. In established streetscapes, building design should be consistent with the dominant design themes and character within the immediate area.
4. The materials and finishes of the development and planting along the street frontage should complement adjoining development and character of the area.
5. Buildings should not be painted bright colours with large signs especially the front facade of buildings.

### 3.9.11 Building Code of Australia and Food Regulations

The building will need to comply with the Building Code of Australia and Food Regulations.

### 3.9 Appendix - Guidelines for Shade Planning and Design

NSW Government legislation requires that Outdoor Space be adequately shaded in accordance with Shade for Child Care Services by the NSW Cancer Council and the NSW Health Department. A copy can be obtained from the NSW Cancer Council.

The shade recommendations are minimum guidelines for centre-based child care across NSW and are to be considered with any development proposal for a new centre, a building conversion to a Child Care Centre or the expansion of an existing centre.

Open Areas	Partial shade is recommended, especially over grass that needs some sun for growth. Natural shade is best. Provide planting to the perimeter of the active play space so as not to create obstacles or safety hazards. Consider arranging planting in clusters so that a group of children can access shade. Deciduous trees will allow for penetration of warmth and light to the play space during winter.
Quiet Areas	Shade throughout the year is recommended, particularly over sandpits. A permanent shade system is the most appropriate option. Consider the need for winter warmth and light.
Formal Quiet Areas	Shade throughout the year is recommended. Consider using a combination of built and natural shade. Consider the need for winter warmth and light.
Active Areas	Consider using a combination of built and natural shade. Shade throughout the year is recommended over fixed plan equipment and areas where children play for extended periods of time, eg. a digging patch. Place moveable equipment used for active play, eg. climbing frames, in the shade.

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Open Areas	<p>Partial shade is recommended, especially over grass that needs some sun for growth.</p> <p>Natural shade is best.</p> <p>Provide planting to the perimeter of the active play space so as not to create obstacles or safety hazards.</p> <p>Consider arranging planting in clusters so that a group of children can access shade.</p> <p>Deciduous trees will allow for penetration of warmth and light to the play space during winter.</p>
	<p>Consider the need for winter warmth and light.</p>
Fixed Play Equipment	<p>Safety is a major consideration for shade provision over fixed play equipment.</p> <p>Ensure shade structures over fixed play equipment do not have footholds or grip surfaces that would permit climbing.</p> <p>Ensure the roofline of shade structures is designed to prevent child access to the roof</p> <p>Allow a minimum head clearance height of two metres between the deck of the play equipment and the roof of the shade structure.</p> <p>Locate trees and upright posts of shade structures at least 1.9 metres away from the most fully extended part of the play equipment, eg. The side of a climbing platform or the end of an extended swing arc, to ensure sufficient freefall zones.</p> <p>Design shade structures with reference to AS 4486: Australian Standard for Playground and Playground Equipment (Part 1: Development, installation, inspection, maintenance and operation) and any other current relevant Australian Standards.</p>
Transition Zones	<p>Verandahs provide permanent shade as well as rain protection - the angle of the roof and extent of overhang should be designed to maximise shade for the major part of the day, especially during summer.</p> <p>Design the roof and overhang to maximise shade for the major part of the day, especially during summer.</p> <p>A verandah width of four metres or more will allow for shaded play space underneath.</p> <p>Select roof materials that minimise heat build up in summer. Insulate the roof with at least a ceiling cavity (and preferably with insulation material too) and provide air flow points.</p> <p>Vertical blinds or louvers at the side of the verandah or terrace can provide additional protection from UVR when the sun is low in the sky.</p> <p>Terraces, for example with a deciduous vine covered pergola or an adjustable shade structure system, provide seasonal shade. Some canopies will also provide rain protection.</p> <p>Retractable or louvered shade canopies should be easily adjustable, ideally by one person at ground level.</p> <p>A combination of fixed roof verandah and terrace spaces may be desirable for some services.</p> <p>Vertical pull down blinds at the side of a verandah or terrace can provide additional protection from UVR during the morning or afternoon.</p>

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Open Areas	Partial shade is recommended, especially over grass that needs some sun for growth. Natural shade is best. Provide planting to the perimeter of the active play space so as not to create obstacles or safety hazards. Consider arranging planting in clusters so that a group of children can access shade. Deciduous trees will allow for penetration of warmth and light to the play space during winter.
Baby/Toddler Areas	Shade throughout the year is recommended. Consider using a combination of natural and built shade. Consider the need for winter warmth and light.

### 3.10 Environmental Controls for Development in Zone E4

#### 3.10.1 Land to which this Chapter Applies

This Chapter applies to all land in Gosford City zoned E4 – Environmental Living.

#### 3.10.2 Objectives

Land within Gosford covered by the E4 zone varies in physical characteristics. Although the land has differing physical characteristics, a common set of environmental issues apply to development for tourist-related accommodation and ancillary activities.

These environmental issues can be divided into ecological and landscape matters. The ecological matters include siltation and nutrification of adjacent and downstream waterways, loss of biodiversity through clearing of natural vegetation and development on unstable soils. Proposals for tourist-related developments in the E4 zone should ensure that a sensitive approach is taken to the sites' and the catchments' existing biophysical characteristics.

With regard to landscape matters, land covered by Environmental zones within Gosford is characterised by the natural and rural elements having dominance over the built or urban elements of the landscape. Tourist-related developments in the E4 zone should ensure that the natural/rural elements remain the dominant feature of the land. Hence, the objectives for development on E4 land are:

- to provide further detail to guide assessment relating to tourist-related development to that provided in Council's planning instrument.
- to encourage tourist-related development which is sympathetic with the ecological characteristics of the land on which it is located and in the catchment of the land.
- to encourage tourist-related development where the layout of the development ensures that the natural/rural characteristics are the dominant feature of the land.
- to encourage tourist-related development where the design of buildings blends with the natural/rural setting.

#### 3.10.3 Specific Requirements

##### 1. Restrict the amount of development on land on slopes greater than 20%.

Building works, accessways, ancillary development or land uses shall not be located on land on the subject site which has a slope of 20% or greater. Where this is not possible, due to the

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extensive areas of the land having slopes over 20%, development can occur on the steeper land as long as building methods are adopted which rely on minimal disturbance to the land surface such as pole or similar type construction.

### 2. **Maximise retention of existing native vegetation.**

All development including all building works, access, bushfire asset protection zones should be confined to existing cleared areas (as identified on February 1999 Aerial Photo series). Ground truthing will be expected as part of the development application submission.

If the site is vegetated and does not contain any cleared areas or existing cleared areas are insufficient to accommodate the development, Council may consider sensitive design that minimises native vegetation removal whilst having regard to bushfire protection asset zones.

### 3. **Restrict the amount of cut and fill.**

The extent of cut and fill for buildings is to be limited to a maximum of 1m and in other cases is to be minimised.

### 4. **Ensure provision of utility services protects ecological and landscape values of land and catchment.**

For any tourist-related development, connection to Council's sewer system is required. No exceptions will be considered even if augmentation is required or the development is of a small scale. All other utility services are to be located underground.

### 5. **Encourage a design of tourist development which is compatible with the natural/rural character of Environmental land in the City.**

Layout of development on site to be such that the development, either through the existing natural/rural character or through introduced landscaping and building design, blends into the natural/rural landscape. Further, development should comply with the aims and objectives of the Chapters on Scenic Quality and Character.

## 3.11 Industrial Development

### 3.11.1 Land to which Chapter Applies

This chapter applies to the development of industry within the City of Gosford whether or not it is within a defined Industrial Zone but does not apply where it conflicts with clauses 4.1 and 7.6 of the *Gosford LEP 2014*.

### 3.11.2 Purpose of Chapter

The purpose of this chapter is to provide appropriate and relevant requirements for the orderly development of industry in the City of Gosford.

### 3.11.3 Objectives

The general objectives of this chapter are as follows:

1. To encourage good design solutions for industrial development.

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2. To ensure that new industrial development represents a high level of urban design with recognition of the form and character of the existing man-made and natural context.
3. To ensure the efficient use of urban land by maximising development potential of new and existing land and infrastructure.

### 3.11.4 Subdivision

#### 3.11.4.1 Objectives

1. To ensure that development sites have sufficient area and dimensions to provide adequately for access, landscaping, and building separation.
2. To provide sites of sufficient area and appropriately located to be used for large scale industrial developments which export their products from the Region.

#### 3.11.4.2 Dimensions of New Allotments

The minimum allotment area and width requirements for different situations shall be as set out in Table 1. New lots are to be generally of rectangular shape with a depth to frontage section between 2:1 and 3:1. Where the shape of the existing lot(s) or character of the land dictates new lots of irregular shape, it must be demonstrated that there is sufficient building area having the minimum width dimension.

The minimum allotment size for industrial subdivisions shall be 4000m<sup>2</sup> in accordance with Class A requirements in Table 1.

TABLE 1

Class	Minimum Area - m <sup>2</sup>	Minimum Width - m	Minimum width Corner lots - m
A	4,000	36	45
B	2,500	24	30

Council will permit a reduction in the minimum lot area specified above but not below 2500m<sup>2</sup> in accordance with Class B requirements in Table 1 above where the smaller allotments cannot exceed 10% of the total land area of the subdivision.

#### 3.11.4.3 Roads

1. New roads providing traffic access in industrial zones or which serve industrial areas shall satisfy the following minimum requirements:

Reservation Width 20 metres

Carriageway Width 13 metres (face of kerb to face of kerb)

Verge Width 3.5 metres

Road pavement is to be constructed in accordance with the recommendations of a pavement report.

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1. Access corridors (for "battle-axe" shaped allotments) and rights of carriageway shall satisfy the following minimum requirements:

Corridor Width        8m (10m if servicing more than one lot)

Seal Width            6m

Verge Width           1m (2m if servicing more than one lot)

Accessway pavement is to be constructed in accordance with the recommendations of a pavement report.

1. Turning Circles to be minimum 25 metre diameter (face of kerb)

2. Maximum Grade 12%     Desirable Maximum 10%

Minimum Grade 0.5%     Desirable Minimum 1%

1. Where the site is served by existing roads which are only partially constructed or are not constructed, the subdivider will be required to upgrade and seal the road to a standard that will safely accommodate traffic volumes.

### 3.11.4.4 Stormwater Drainage

1. Any watercourse which traverses the land being subdivided shall be appropriately treated at no cost to Council. Wherever possible natural watercourses shall be retained in their natural state and sympathetically treated to ensure that post development flood flows can be accommodated without adverse effect either within or outside the site.
2. The Council may require the provision of on-site detention of stormwater to ensure that all surface waters discharging from the land (including any increase resulting from the subdivision and from future industrial development) can be accommodated downstream in Council's stormwater drainage system and/or a natural watercourse
3. Design for stormwater drainage shall be in accordance with the procedures specified in "Australian Rainfall and Runoff Vols 1 and 2, Edition 1987" and Council's "Specification for Drafting and Design of Stormwater Drainage Works and Roadworks".
4. An inter-allotment stormwater drainage system shall be installed in the subdivision to drain all lots and roads etc.
5. For sites which require drainage through adjoining property(s), the applicant shall be responsible for the acquisition of inter-allotment drainage easements (where necessary), and shall lodge proof of agreement with adjoining owner(s) with the development application.
6. Drainage easements and reserves shall be included in the survey plan.

### 3.11.4.5 Erosion and Sedimentation

The subdivision is to incorporate the requirements of the Chapters titled Erosion and Sedimentation Control, and Water Cycle Management.

In addition to the erosion and sedimentation controls, energy dissipation may be required at the point of discharge from the property, to reduce erosion potential.

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### 3.11.4.6 Water and Sewer

Arrangements are to be made with the Water Authority under the provisions of the Water Supply Authorities Act for the satisfactory provision of reticulated water and sewer services to all lots. Headworks and Augmentation charges will apply.

### 3.11.4.7 Other Services

Arrangements are to be made with the relevant authority (eg Energy Australia, The Natural Gas Company, Telstra, etc) for the provision of these services.

### 3.11.5 Building

#### 3.11.5.1 Objectives

1. To ensure that no site is developed beyond the level at which it can function efficiently and without adverse effect upon adjoining properties or localities.
2. To ensure that sufficient areas are available to permit landscaping, access, carparking and manoeuvring of vehicles.
3. To ensure that industrial buildings within the City of Gosford recognise the inherent character of the area and achieve a standard appropriate to that character.

#### 3.11.5.2 Setbacks and Boundaries

1. Building set backs from frontage boundaries shall not be less than the following:

Main and Arterial Roads	20 metres
Collector Roads	15 metres
Access Roads	10 metres
Manns Road - West Gosford	18 metres
Barralong Road - Erina	15 metres

1. On corner lots where one of the roads is a main, arterial or collector road (or a named road referred to above); the set back to that road will be as specified above.

The set back to the other road shall be not less than 5 metres.

1. Side and rear boundaries shall observe the following minimum set-back requirements:

1.

Lots 2500m <sup>2</sup> to 4000m <sup>2</sup>	3m
Lots greater in area than 4000m <sup>2</sup>	5m

The above standard setbacks shall be increased where the set-back area is to include driveways, outdoor storage, or other functions of the development other than landscaping. The set-back shall be increased so that the minimum requirement specified above is available for landscaping.



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1. Lots less than 2500m<sup>2</sup> 3m

This may be reduced to nil on those lots that are 15 metres or less in width if the building complies with the minimum fire resistance rating set out in the Building Code of Australia.

1. In certain circumstances the Council will consider a reduction in set-back to side or rear boundaries for buildings having or exceeding the minimum fire resistance rating set out in the Building Code of Australia for external walls and openings in those walls, and where there is no intrusion of driveways, parking areas etc into that set-back.

In these circumstances the special consideration shall include the overall landscape concept, the relationship of the development to adjoining properties, and any unusual characteristics of the site.

2. Where a creek, river or lagoon adjoins or traverses the site, the building(s) are required to be set-back six (6) metres from the top of the bank.
3. Where the industrial allotment adjoins or abuts rural, residential or open space land the development is not to be carried out within five (5) metres of the boundary of the allotment adjoining or abutting that land.

### 3.11.5.3 Building Height

A maximum requirement is not prescribed, however the following principles are to be followed in the design and location of buildings within the site:

1. The privacy and amenity of any adjoining residential areas is to be maintained and protected.
2. The overshadowing of adjoining properties is to be minimised, with special attention to employee amenity or recreation areas.
3. The building(s) should not project above the skyline and detract from the natural landscape when viewed from a distance.

### 3.11.5.4 Building Appearance

1. The elevation of building(s) facing adjoining roads are to be attractively designed and are to incorporate the administrative or other office or similar (i.e. laboratory) functions.
2. The appearance when viewed from the road is to harmonise with the existing and proposed landscaping of the site and of adjoining sites.
3. The facade and minimum 4 metre return of any building facing the frontage to, or readily visible from, any main, arterial or subarterial road, shall be constructed of brick, masonry, glass (reflectivity <20%), precast panels, or similar durable materials of appropriate texture, colour and finish.

The Council may consider alternative materials/treatments where it can be demonstrated that the design has architectural merit and has been prepared by a qualified professional designer.

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Note: Standard concrete blocks are not considered a suitable material.

4. Roofs are to be low reflectivity tile or pre-coloured metal sheeting.

Where a building will be overlooked from a residential area, roof colours are to be chosen from the range of dark to mid tones.

Roof ventilators, exhaust towers, hoppers, and similar above roof requirements should be integrated into the external design, and be complementary to the appearance of the building as a whole.

5. Colours and textures of all external finishes are to be compatible within any development, and should generally reflect the colours and textures of the natural environment.

### 3.11.6 Ancillary Uses

#### 3.11.6.1 Objectives

1. To ensure that industrial areas are used and are available for the primary purpose for which the area was designated.
2. To provide for the proper relationship between the primary use for industrial purposes and ancillary use required to allow efficient and effective operation.

#### 3.11.6.2 Outdoor Storage Areas

1. Where the proposed use of the site shall require open areas for the storage of goods or materials, adequate provision is to be included in the design layout of the site and should not encroach on carparking areas, driveways or landscaped areas. These areas are required to be screened from view from any road or other public area.

Where the use of the proposed development is not known, outdoor storage area(s) shall be provided.

2. Screen fences should be of materials compatible with or which compliment the materials, colours, textures, etc of the materials used in the buildings on the site. When the screening is visible from roads etc, the materials should be in relation to those used for the front facade of the building.

Note: Security fencing and screen fencing should not intrude into the front set back area between the street frontage and the building.

#### 3.11.6.3 Retail

Retail use is prohibited in the industrial zones under the Gosford LEP 2014. However, retailing is permissible as an ancillary use provided that:

1. the products sold are manufactured on the premises, this does not include the assembly of components manufactured elsewhere; and
2. the area used for retailing does not exceed ten percent (10%) or 500m<sup>2</sup> (whichever is the lesser) of the area of the building(s) involved in the manufacturing process.

#### 3.11.6.4 Residential

A dwelling house or an ancillary caretakers/managers flat may be provided on a site in conjunction with industrial development provided that:

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1. the dwelling shall be occupied solely for residential purposes by an employee, owner, or occupant of the industrial land use; and
2. a screened outdoor living area shall be provided adjacent to the dwelling for the enjoyment of the occupants; and
3. the outdoor living area to have a minimum area of 50m<sup>2</sup> with a minimum dimension of 6 metres; and
4. the dwelling is to be designed and constructed to achieve a satisfactory level of residential amenity within the dwelling, particularly with respect to air quality, noise levels, etc.

### **3.11.7 Parking and Loading**

#### **3.11.7.1 Objectives**

1. To ensure that sufficient provision is made for parking of employees, visitors and company vehicles on site to prevent congestion in adjoining streets.
2. To provide adequate provision for the manoeuvring and access for all vehicles serving and using the site to ensure adequate traffic safety on adjoining streets and an appropriate level of amenity to all developments.

#### **3.11.7.2 Car Parking**

1. For car parking requirements refer to the Car Parking chapter of this development control plan.
2. Where an industrial use will attract regular touring buses for the inspection of the operations and/or ancillary retail sales of products, additional parking is to be provided to accommodate the estimated peak demand. The layout and construction is to be appropriate to the type of vehicles.
3. Parking may be permitted between the building line and the street frontage. This parking is not to intrude into the landscaping area required under clause 3.11.8.3.

#### **3.11.7.3 Loading and Unloading**

1. Provision must be made on-site for the loading and unloading of vehicles, with adequate manoeuvring space so that vehicles can enter and leave the site travelling in a forward direction.
2. Wherever practical loading docks or vehicular entries to building shall not be provided on any street elevation. Where such facilities can only be provided to street frontages, they must be screened with landscaping.
3. The loading/unloading and associated manoeuvring areas are to be exclusive of the relevant carparking requirement.
4. Loading docks may be internal or external, and shall be located so as not to be visible from any adjoining residential area and not to transmit excessive noise to any such area.
5. A minimum loading area/dock of 3.5 metre width x 8 metre length x 3.6 metre height clearance for single unit truck vehicles is to be provided. Large-scale developments shall be designed to accommodate semi-trailers. In general, turning circles will be required to be provided to accommodate the largest type of truck which could reasonably be expected to service the site.

### **3.11.8 Environment**

#### **3.11.8.1 Objectives**

1. To recognise that the natural environment in this region is sensitive and fragile, and requires appropriate provision to protect and maintain environmental quality.
2. To ensure that industrial development achieves an appropriate level of integration and compatibility with the natural and urban environment.

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### 3.11.8.2 Soil Erosion and Sedimentation Control

The requirements of the Erosion and Sedimentation Control chapter of this DCP are to be in place prior to any earthworks or substantial clearing works being carried out.

Note: The DCP requires the submission of an Erosion and Sedimentation Control Plan for approval with the lodging of the development application.

### 3.11.8.3 Landscaping

1. All set back and carparking areas are to be landscaped and maintained in accordance with sound landscaping principles.
2. The design of all buildings, car parks, storage areas, access, and other features such as open drains shall be integrated with the landscape proposals. Trees should be incorporated wherever possible. In open car parks they should be so spaced that at least 50% of the area of car parking spaces will be under the canopy of the trees when they reach maturity.
3. Landscaping must be provided across the frontage of a site having a minimum depth of five (5) metres except in the case of corner allotments where the secondary street frontage shall have a minimum depth of two (2) metres.

Earth mounding should be considered within this setback area. The earth mounding should not be steeper than a 1:3 grading in order for satisfactory maintenance of the mound.

4. All existing trees shall be retained except for those which have been accurately shown and marked for removal on the development application and their removal is approved by Council; or where in any other case the prior written consent of the Council is obtained for their removal under the provisions of the CI 5.9 of Gosford LEP 2014 and the Preservation of Trees or Vegetation Chapter of this DCP.

Further detailed information is contained in the Chapters titled Preservation of Trees or Vegetation and Landscaping in this DCP.

5. All necessary measures are to be taken to prevent damage to trees and root systems during site works and construction. Failure to adhere to this requirement may render the developer and/or the agent liable to action under the provision of CI 5.9 of the Gosford LEP 2014.
6. Landscaped areas shall be planted and maintained with appropriate trees, shrubs and ground covers of advanced plant stock in accordance with the detailed landscape plan to be submitted for the site and approved by Council prior to the release of the complying development certificate.
7. Plants used in landscape areas shall generally be selected native plants chosen for their suitability to the area and their intended purpose and, where grass is not used, fast growing ground covers in tanbark, wood chips, or other approved mulch of at least 100mm depth shall be used.
8. Council prefers that Australian native trees and shrubs be used for landscaping due to their more likely suitability to their natural habitat, their relatively fast growth and low maintenance characteristics and to assist in achieving a common landscape theme.
9. All landscaped and grassed areas shall be separated from adjacent driveways and parking areas by means of a kerb or other approved device to prevent vehicle encroachment.

### 3.11.8.4 Pollution Control

1. Noise  
Any premises, machinery, or activity shall not give rise to an offensive noise to either residential or other industrial premises, and shall comply with the requirements of the Industrial Noise Policy

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of the Department of Environment and Climate Change. Noise should not be transmitted to adjoining incompatible land uses or be permitted to invade into areas within developments that require low noise levels.

Where this is likely to be an issue, or where requested by the Council, an acoustic consultant's assessment and report is to be submitted.

### 2. Air

Premises must comply with the requirements of the Protection of Environment Operations Act, 1997 and regulate the control of air impurity emissions as defined.

### 3. Liquid Wastes

Liquid Wastes from industrial processes shall be disposed of to comply with the requirements of the relevant Water Supply Authority and any requirements of the Office of Environment and Heritage.

### 4. Stormwater

Stormwater drainage systems must be designed so that significant levels of nutrients and other substances are not discharged into the hydrological environment of the City.

#### **3.11.8.5 Flood Liable Land**

Development within areas identified in Flood Management Plans for Erina Creek and Narara Creek and other creeks where determined, may be affected by the provisions of those plans. Any development proposal must be consistent with the adopted principles and proposals of the plan. This may affect the extent of development, the filling/excavation of land, floor levels, etc.

Where Floodplain Management Plans have not been undertaken or completed for the area, the development application is to be accompanied by documentation and information demonstrating the likely effect of the proposal

on the flood regime. Where this information identifies any part of the site to be flood liable, the development proposal shall incorporate the relevant provisions of the Council's Flood Management Policy.

#### **3.11.8.6 Advertising Signs**

All advertising signs should be designed as an integral part of the design of the external elements of the development ie building - landscaping - signage.

Signs are to be primarily for the identification of the premises and its occupants, and any development providing for different ownership or tenancies shall include a single Pole or Pylon Sign providing space for each operation to be included and in accordance with the Advertising Signage Chapter of this DCP.

For details as to the control of the signs and types of signs which may be utilised refer to the Advertising Signage Chapter of this DCP.

#### **3.11.9 Site Services**

##### **3.11.9.1 Objectives**

To ensure that properties are provided with the necessary works and services to ensure the adequate functioning of the development in relation to its effect on adjoining properties and the environment in general.

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### **3.11.9.2 Road Access**

1. To ensure satisfactory road access for safety and convenience, industrial developments should be on land serviced and accessed by fully constructed and sealed roads.

Where this situation does not exist the developer will be required to:

1. provide kerb and gutter along the total frontage of the site and the construction of a sealed road to Council requirements, and
2. extension of a constructed sealed road to Council requirements to give road access to the nearest sealed arterial or distributor road.

All construction work to be in accordance with engineering plans approved by the Council and in accordance with the Council specification.

1. Access crossings from public roads and driveways with the building set-back are to be perpendicular to the road, and be
  1. separated or divided at the property boundary for ingress and egress movements.
  2. a minimum of six (6) metres from an intersecting road or break in a traffic island, and
  3. located to provide adequate sight distance.

### **3.11.9.3 Stormwater Drainage**

1. All surface and roof stormwater is to be drained to the nearest Council piped stormwater system provided the system is capable of carrying the discharge. If the existing system is not capable of carrying the discharge, the water is to be discharged via a new system to be provided by the developer as directed by Council. This may include a requirement to provide on-site detention of stormwater flows.
2. For sites which require drainage through adjoining property(s), the applicant shall be responsible for the acquisition of inter-allotment drainage easements (where necessary), and shall lodge proof of agreement with adjoining owner(s) with the development application.
3. In addition to the erosion and sedimentation controls, energy dissipation may be required at the point of discharge from the property, to reduce erosion potential.
4. Design for stormwater drainage shall be in accordance with the procedures specified in "Australian Rainfall and Runoff Vols 1 and 2, Edition 1987" and Council's "Specification for Drafting and Design of Stormwater Drainage Works and Roadworks".
5. Provision is to be made for the collection and dispersal of overland runoff upstream of the development for the 1% AEP flood event.
6. The floor level of buildings are to be a minimum 500mm above the finished site surface levels or 500m above the 1% AEP Flood Level where applicable.

### **3.11.9.4 Water and Sewer**

Arrangements are to be made with the relevant Water Supply Authority for the provision of reticulated water and sewer services.

Headworks and Augmentation contribution charges will be applied to ensure that each additional user pays the appropriate charge for the provision of those services.

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### 3.11.9.5 Solid Wastes

A garbage and recycling storage area is to be provided, designed and constructed in accordance with Council's requirements so as to conceal its contents from view from public places and adjacent properties and is to be blended into the landscaping layout. The storage area is to be located so as to be readily accessible from within the site, and to the garbage collector from the adjoining road. The storage area is to be of sufficient size to accommodate trade wastes and recyclable material generated.

### 3.11.9.6 Other Services

Arrangements must be made with the relevant service authority for the supply of electricity, gas and telephone.

Early discussion with the appropriate Authorities is recommended, and applications to Council for development consent should identify requirements for electricity sub-stations and other facilities which will affect the design and layout of the proposed development.

## 3.12 Non Residential uses in the E3/7(c2) Zone

### 3.12.1 Land to which this Chapter Applies

This Chapter applies to all land in Gosford City zoned E3 – Environmental Management or 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings).

### 3.12.2 Purpose of this Chapter

The purpose of this chapter is to provide more detailed guidelines for the development and use of the land for Non-Residential uses in the E3/7(c2) Zones.

### 3.12.3 Objectives

The objectives of this chapter are as follows:

2. To provide for non-residential developments and uses that are compatible with the size and scale of rural residential forms of development that would otherwise be permissible on the land;
3. To ensure that such forms of development are likely to adversely affect the principal role of the E3 and 7(c2) zones as a buffer or transition zone between conservation areas and/or urban areas;
4. To ensure that development does not create an unreasonable demand for public services or substantially reduce existing level of service;
5. To ensure that development does not create significant environmental effects;
6. To maintain the aesthetic and scenic value of the land and its environmental character;
7. To ensure that development has regard to the amenity of adjoining properties;
8. To facilitate traffic management and/or pedestrian safety; and
9. To ensure that development occurs with due regard to issues of bushfire.

### 3.12.4 Specific Requirements

7. To provide for non-residential developments and uses that are compatible with the size and scale of rural residential forms of development that would otherwise be permissible on the land.

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8. **To ensure that such forms of development are likely to adversely affect the principal role of the E3 and 7(c2) zones as a buffer or transition zone between conservation areas and/or urban areas;**

The E3/7(c2) Zone is intended to maintain scenic and conservation values on lands located between urban areas and adjoining lands included within the E2/7(a) Zones. It is therefore important to ensure that non-residential buildings and structures are in scale and context with residential buildings that are permitted in the zone.

In order to be consistent with the current requirements, non-residential buildings in the 7(c2) zone should not exceed a maximum Floor Space Ratio of 0.15:1 nor a height in excess of 7 metres. Height and Floor Space Ratio in the E3 zone are contained in Gosford LEP 2014.

9. **To ensure that development does not create an unreasonable demand for public services or substantially reduce existing level of service;**

The provision of public services in rural areas is generally less available than in urban areas due to lower densities of development and remoteness from facilities. Non-residential forms of development should not therefore be encouraged where they have an unreasonable demand for services in comparison with other forms of development located within the locality or where they would reduce services currently available to residents.

10. **To ensure that development does not create significant environmental effects**

As reticulated utility services (water and sewerage) are generally not available to lands zoned 7(c2), special attention needs to be given to the collection and storage of water and the treatment and disposal of effluent from non-residential uses on site. Where reticulated services are not available, a report addressing the proposed method of water collection and storage and on-site treatment and disposal of effluent will be required to be submitted with a development application. The report is to be prepared by a suitably qualified and experienced person.

In some circumstances additional reports may be required relating to noise and/or air quality issues.

11. **To maintain the aesthetic and scenic value of the land and its environmental character**

One of the principal objectives of the E3/7(c2) zone is to maintain scenic protection values. Non-residential developments should therefore only be permitted where they will not adversely affect the particular aesthetic and scenic values and environmental character of the locality within which they are proposed. Consideration should be given to the provisions of the Scenic Quality and Character chapters of this DCP in preparing and assessing proposals for non-residential developments.

In particular consideration needs to be given to the environmental characteristics of the land, including slope, aspect, flora and fauna and drainage in determining the location of development on a site. A site analysis plan should be prepared to accompany the development application for non-residential development to indicate how environmental characteristics have been taken into account. Where possible, development should be restricted to cleared areas of land with slopes of less than 20% in order to minimise the need for cut and fill.

Proximity to watercourses will need to be considered having regard to the provision of the Rivers and Foreshores Improvement Act.



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### 12. **To ensure that development has regard to the amenity of adjoining properties.**

Development of land for non-residential purposes in the E3/7(e2) Zone has the potential to adversely affect the amenity of residents of adjoining properties which have been developed for rural residential purposes. Particular consideration therefore needs to be given to the location of non-residential uses to ensure that they have regard to the amenity of the adjoining properties.

Issues to be addressed in the site analysis plan should include the location of indoor and outdoor living areas, aspect, vegetation, access to the property and drainage on adjoining properties.

### 13. **To facilitate traffic management and/or pedestrian safety**

Non-residential uses have the potential to generate significant amounts of traffic in an otherwise low density rural environment. All development proposals for non-residential development should be accompanied by a traffic study prepared by a qualified and experienced traffic engineer to address the potential traffic generation for the proposed development and its potential effect on the local road system. Traffic management, car parking and pedestrian safety are key components of such a report.

### 14. **To ensure that development occurs with due regard to issues of bushfire**

All forms of non-residential development are to have regard to relevant Australian Standards to mitigate the effects of bushfire attack and Planning for Bushfire Protection 2006, due to the likelihood that additional people will be encouraged to use a rural/environmental/conservation/non-urban area of the City.

## 3.13 Parenting Facilities

### 3.13.1 Land to which this Chapter Applies

This Chapter applies to all shopping centres with a gross floor area greater than 12,000 square metres.

### 3.13.2 Objectives

The objective of this Chapter is to ensure that adequate parenting facilities are provided in commercial and retail developments.

### 3.13.3 Specific Requirements

1. An area with sufficient floor space is to be provided to accommodate:
  1. A minimum of two (2) lockable cubicles for private breast feeding for floor areas up to 15,000 m<sup>2</sup> and one additional private breast feeding cubicle for each additional 10,000m<sup>2</sup>, or part thereof of floor area over 15,000m<sup>2</sup>.  
(NOTE: Cubicles should be large enough to accommodate a couch or bench for women with twins)
  2. A power point should be in each cubicle, next to the chair to allow for electric breast pump to express breast milk.
  3. A separate area for the storage of prams/strollers.
  4. A secure play area for children/siblings while parent is feeding.

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2. The parenting room is to provide a minimum two (2) metre length of change table or an equivalent length of individual drop down change tables with a surface which may be easily cleaned.
3. A sink is to be provided within close proximity of the change table(s) which is large enough for a child (ie toddlers to stand in) for changing and washing purposes.
4. Children's toilets are to be provided on a ratio of two toilets for floor areas up to 15,000m<sup>2</sup> and one additional toilet for each 10,000 m<sup>2</sup> or part thereof of floor area over 15,000 m<sup>2</sup>.  
(NOTE: Doors to children's toilet areas to be lockable.)
5. Children's toilets must be junior pans and washbasins for children shall be provided with a rim height not exceeding 600mm.
6. Children's wash hand basin is to be provided with a thermostatically controlled water tap with automatic cut-off.
7. A separate unisex parent's toilet is to be provided within the parenting facility.
8. A dispensing machine is to be provided for disposable nappies together with a suitable method of storage or disposal of soiled disposable nappies.
9. The area is to be designated "non smoking" by way of appropriate signage.
10. The entrance doorway to the parenting room is to have an unobstructed width of 850mm to accommodate larger strollers. Please refer to the Australian Twin Pram Buying Guide.
11. The parenting room is to be designed so as to be accessible to men who are caring for children.
12. Location of parenting room(s) is to be clearly signposted throughout the building using universal breastfeeding signage or nappy signage (ie not images of bottles).
13. The parenting room is to provide food preparation areas including a microwave oven to enable heating of bottles or food.
14. While private areas are proposed for breast feeding another area accommodating a lounge or other suitable seating should be available for carer's to bottle feed children.
15. Final design being subject to the approval of Council's Community Services Department.

### **3.14 Short Term Rental Accommodation of Dwellings**

#### **3.14.1 Where this Chapter Applies**

This chapter applies to all land in the City of Gosford where a dwelling is permitted.

#### **3.14.2 Aim of this Chapter**

To provide development guidelines for the assessment of a development application and types of conditions of consent for the short term rental accommodation of a dwelling.

#### **3.14.3 Objectives of this Chapter**

1. To provide development assessment guidelines for the short term rental of a dwelling where Council has required the submission of a development application because the development limits for the use are exceeded as exempt development or as a result of complaint concerning the operation of the use as per exempt development limits.
2. To identify guidelines for the consideration of development applications for the erection or conversion of a dwelling for the purpose of short term rental accommodation of a dwelling.
3. To ensure that short term rental accommodation of a dwelling is consistent with a domestic scale and amenity/environment of a neighbourhood.
4. To provide guidance as to appropriate conditions of consent for the short term rental accommodation of a dwelling.
5. To supplement the provisions of the relevant planning instruments with regard to short term rental accommodation of dwellings.

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6. To support the Department of Planning and Infrastructure's holiday letting and the holiday rental Code of Conduct.

### 3.14.4 Definitions

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

For the purposes of this DCP 'temporary or short term' is defined 'as any period up to 3 months'.

### 3.14.5 Development Guidelines

#### 3.14.5.1 Maximum Car Parking Spaces

##### **a - Objective**

To encourage shared vehicle use.

To identify on street car parking as an amenity/environment issue for short term rental accommodation of dwellings.

To allow onsite parking only to a level that is appropriate in a residential setting.

To provide Council with a measurable and determinable enforcement tool in identifying if the use is operating at a domestic scale.

##### **b - Development Control**

The use must not contain more than 6 off street carparking spaces.

On – street parking impacts in a neighbourhood can be considered as an amenity/environment issue for the purposes of this plan. It would be necessary though for a complainant to be able to prove that the on – street carparking issue was attributable to the use.

It should be noted that stack parking is acceptable.

#### 3.14.5.2 Amenity/Environment

##### **a - Objective**

To provide in the assessment of development applications for the consideration of the potential impacts of the use on adjoining and nearby residents' enjoyment of their residences.

##### **b - Development Control**

As a result of more than 2 written complaints from the occupiers of separate dwellings located within 40 metres of the subject property over a 12 month period concerning the activities taking place on the property (exempt development limits) which identify issues of concern relating to the impact of the use as an exempt development on the amenity/environment of a neighbourhood, Council may impose conditions on the use of the type identified in Section 3.14.6.

'On the property' for the purposes of this clause means within boundary of the land including the dwelling.

Council may consider the imposition of conditions of consent relating to amenity on development applications for a new short term rental accommodation of a dwelling.

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### **3.14.5.3 Waste Services**

#### **a - Objective**

To ensure that the short term rental accommodation use does not result in failure of on-site treatment systems for sewerage.

To ensure that garbage services are adequate for the short term rental accommodation.

#### **b - Development Control**

Council may impose relevant restrictions for development proposals for short term rental accommodation of a dwelling where the means of sewerage disposal is on – site treatment.

All dwellings conducting the use must have a minimum of a 240 litre general waste garbage bin.

### **3.14.6 Conditions of Consent**

#### **a - Objective**

To provide guidance as to conditions of consent that could be used by Council for development consent for short term rental accommodation of a dwelling which can be easily monitored for compliance but also help to ensure the use operates in a manner that considers the amenity/environment of the neighbourhood.

#### **b - Types of Conditions**

Under Clause 80A (1) (d) of the Environmental Planning and Assessment Act Council may impose time limited development consent (i.e. 1 year on a development for short term rental accommodation).

Outdoor areas such as swimming pools/spas, outdoor decking/balconies or other spaces which are not classed as a room on a development application for construction/alterations to the dwelling can be limited in their hours of operation in their use.

Amplified sound devices as heard at the boundary of the property may be time restricted in their use.

### **3.14.7 Department of Planning and Environment Holiday letting and Holiday rental Code of Conduct.**

#### **a - Objective**

To support the Code of Conduct prepared by the Department of Planning and Environment and peak bodies relating to short term rental accommodation of dwellings.

#### **b - Recommendation**

The code of conduct be referenced in all development consents for short term rental accommodation of dwellings.

### **3.14.8 Bushfire Safety**

#### **a - Objective**

To reflect the Rural Fire Service requirements for short term rental accommodation of dwellings.

#### **b - Requirements**

Preparation of a bushfire evacuation plan for those short term rental accommodation in bushfire prone areas is a limit for exempt development. Such a plan is to be displayed in a prominent location within the dwelling.

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Development Applications for conversion of an existing dwelling or the construction of a new dwelling for use as a short term rental accommodation on land which is bushfire prone will be subject to the requirements of section 100B of the Rural Fires Act 1997.

### **3.14.9 Development Application Submission Requirements**

Applicants are to submit with a development application for the use, a plan that indicates the internal layout of the dwelling, including bedroom designation and ancillary structures. In addition, the plan is to identify the location and number of off - street carparking spaces on the site.

### **3.15 Sex Services Premises**

#### **3.15.1 Land to which this Chapter Applies**

This Chapter applies to any development application for a Sex Services Premises in the City of Gosford.

Land use activities such as brothels, massage parlours, escort agencies, bubble bath houses or the like, which satisfy the definition of "sex services premises" in the relevant environmental planning instruments are subject to the provisions of this Chapter.

#### **3.15.2 Objectives**

The objectives of this chapter are as follows:

1. To ensure sex services premises are located on appropriate sites having regard to the surrounding environment.
2. To preserve the existing amenity of the local community by ensuring sex services premises are operated in a discrete location consistent with the amenity of the neighbourhood.
3. To specify the health and safety requirements under current health and occupational safety legislation to the workers and clients involved with sex services premises to reduce the public health risks associated with prostitution.

#### **3.15.3 Prescribed Locations**

1. Sex services premises are only permissible with Council's consent in the IN1 General Industrial, B3 Commercial Core and B6 Enterprise Corridor zones.
2. Sex services premises operating in zones other than in clause (a) above or as home occupations are prohibited under the relevant environmental planning instruments.
3. Despite (a) above, Council will not approve an application for a sex services premises within view of or within a 100 metre radius of a church, hospital, school, community facility, residential zone, or any other place regularly frequented by children for recreation or cultural activities.
4. Sex services premises shall not be located in shopfront premises. Sex services premises are to be located at either the rear of the ground floor or at an upper level, and shall not have full exposure to the front street. Rear lane access to the premises is considered more suitable.
5. Sex services premises are not to be within 100 metres of other sex services premises.
6. Sex services premises are generally not to be located within a remote area or in an area in which public transport or support services (for example, Police, Ambulance) are not within reasonable response times.
7. The interior of any sex services premises are not to be visible from public places or from adjoining properties.

#### **3.15.4 Information to be submitted with a Development Application**

- 1) A detailed Statement of Environmental Effects which provides the following details:

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- a) Comprehensive description of the proposed development;
  - b) Details of the present or previous use of the premises;
  - c) Details of existing uses on adjoining properties or any other uses established on the subject property;
  - d) Number of employees;
  - e) Hours and days of operation;
  - f) Number of rooms in the premises;
  - g) Security Management Plan; and
  - h) Health Education and Occupational Health and Safety Policy
- 2) A location plan drawn to scale showing the proximity of the site to all churches, hospitals, schools, community facilities, residential properties, and any other place regularly frequented by children for recreation or cultural activities within a 100 metre radius of the site, and other sex services premises within a 100 metre radius of the site.
  - 3) A full site and floor layout plan drawn to a scale of 1:100 showing room layout and dimensions, partitioning, location of windows and doors including all entrances to and exits from the building. Any proposed internal or external alterations to the premises are to be clearly indicated on the plan. The proposed use of each room is to be nominated specifically identifying all rooms proposed to be used for the conduct of acts of prostitution.
  - 4) Layout of the parking area, including the location and number of parking spaces.
  - 5) The size, form, number, illumination and position, colour and content of any proposed business identification sign, advertisement or promotional device to be erected or displayed on the subject premises, including any distinctive external lighting.
  - 6) Details of the existing and proposed external lighting.

### 3.15.5 Planning Matters to be addressed in the application

1. Whether the sex services premises is proposed to be operating within view of or within a 100 metre radius of a church, hospital, school, community facility, residential property, or any place regularly frequented by children for recreation or cultural activities.
2. Whether the sex services premises is proposed to be operating within a 100 metre radius of other sex services premises.
3. Whether the operation of the sex services premises is likely to cause disturbance in the locality when taking into account other sex services premises operating in the locality or other land uses within the locality involving similar hours of operation and creating similar amounts of vehicular and pedestrian traffic.
4. Restricting the total floor space and/or number of rooms of a sex services premises such that it will be reasonably compatible with the scale and character of and not dominant in relation to the site area and existing and future development in the vicinity.
5. Ensuring that the appearance of the sex services premises is discrete and sympathetic in character with adjoining premises.
6. Ensuring that adequate car parking is provided to satisfy the needs of staff and clients.
7. Ensuring that sex services premises are generally small scale and not clustered in order that they do not form sex services "districts".
8. All matters under Section 79C of the *Environmental Planning and Assessment Act 1979*.

### 3.15.6 Parking Requirements

On site car parking shall be provided at the same rate as "business premises" being one (1) space per 40 m<sup>2</sup> gross floor area.

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### 3.15.7 Signage

1. No surrounding business's names are to be used in any advertisement for a sex services premises.
2. Only one sign per premises is permitted.
3. The sign must only identify the name of the person who conducts the business or the registered name of the business.
4. Council must be satisfied that the content, illumination, size and shape of the sign is not likely to interfere with the amenity of the locality.

### 3.15.8 Health and Building Requirements

1. All sex services premises shall be fitted with the necessary services and facilities which are currently required for Class 5 Buildings under the Building Code of Australia.
2. Full details of Council's health requirements are specified in the **Appendix** attached to this chapter.

### 3.15.9 Specified Operator

1. A specified operator must be nominated on the application for a sex services premises
2. Should the specified operator change, Council and NSW Police must be notified in writing 30 days prior to the change.

### 3.15.10 Referral

1. Development applications to establish a sex services premise shall be referred to the NSW Police Department.
2. Development applications to establish a sex services premise shall be referred to the NSW Department of Health (Northern Sydney Area Health Service).
3. Referral to other Government agencies for comment and advice will occur where considered appropriate in the circumstances of that application.

### 3.15.11 Limits on Development Consent

1. Council may impose conditions of consent relating to hours of operation, maximum number of sex workers and period to which consent applies or when it lapses.

### 3.15.12 Applications to Close a Sex Services Premises

1. The Land and Environment Court may, on application by Council, make an order under Section 17 of the Restricted Premises Act, 1943 for premises not to be used as a sex services premise.
2. **The Restricted Premises Act 1943** specifies the grounds under which such an application may be made. These powers operate in addition to the existing powers of Council to serve notice upon the premises operating without consent, or non-compliance with the conditions of any development consent.

### Appendix - Health Requirements for Sex Services Premises

1. Premises being kept in a clean condition and state of good repair at all times. Particular attention should be given to showers, baths and toilets.
2. Shelves, fittings and furnishings being constructed of or covered with materials that are durable, smooth, impervious to moisture and capable of being easily cleaned.
3. Wash hand basins being supplied with hot and cold running water through a single outlet.
4. Liquid soap and single use towels being provided adjacent to all wash hand basins.
5. The proprietor must provide clean linen and clean towels for the use of each client.
6. All linen and towels being washed with soap and detergent in hot water (not less than 80 Degrees Celsius) rinsed and dried, or be commercially laundered.

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7. Contaminated waste being disposed of by a licensed waste collection contractor. Used condoms should be double bagged in plastic and placed in an approved waste receptacle on the premises.
8. All bars and food preparation areas must be constructed, fitted out and finished in compliance with Food Regulation 2004 and the Australia New Zealand Food Standards Guide.
9. Public Swimming Pools and Spas being disinfected and maintained in accordance with the Public Health (Swimming Pools and Spa Pools) Regulation 2000.
10. The use of the premises shall not cause offensive noise as defined in the *Protection of the Environment Operations Act 1997*.
11. Attention is directed to the provisions of the *Public Health Act 1991*, as amended, particularly Section 13, which require precautions to be taken against the spread of sexually transmissible medical conditions and imposes penalties for a breach of the Act.

### 3.16 Water Recreation Structures

#### 3.16.1 Land to which Chapter Applies

This chapter applies to all land which:

1. comprises the bed of Brisbane Water;
2. abuts the mean high water mark of Brisbane Water;
3. shares a common title boundary with a public reserve which abuts the mean high water mark of Brisbane Water and tributaries;
4. is a public reserve which abuts the mean high water mark of Brisbane Water and tributaries; and
5. comprises all canals of St Huberts Island.

#### 3.16.2 Purpose of Chapter

The purpose of this chapter is to:

1. provide detailed requirements for the development, management, conservation and economic use of Brisbane Water, including its tributaries and foreshores, in respect to all water recreation structures; and
2. ~~provide detailed requirements for the development of water recreation structures within the canals of St Huberts Island.~~

#### 3.16.3 Objectives of development relating to Brisbane Water

The objectives of development relating to Brisbane Water are as follows:

1. retain areas of public foreshore and adjoining water and maintain them so as to highlight their natural character;
2. extend public foreshore access to the fullest extent;
3. ensure that development has regard for and is sympathetic towards the existing character of adjoining land when viewed from the waterway;
4. promote an equitable use of the waterway amongst adjoining landowners through the minimisation of encroachments by individual waterfront structures in front of adjoining waterfront properties;
5. facilitate private boat usage, where a reasonable depth of water can be obtained without dredging;



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6. encourage innovative design and the use of shared structures where appropriate, to minimise the extent of individual residential waterfront development;
7. minimise fragmentation and alienation of shallow inshore areas, particularly those that adjoin public foreshore recreation reserves and/or which afford or have potential for public foreshore access or which are important estuarine habitats;
8. ensure that development has regard for and does not adversely affect important estuarine flora including seagrasses, mangroves and saltmarshes or fauna habitats and fishing grounds which may be in proximity to the proposed development;
9. ensure that development does not encroach onto navigation channels or adversely affect the use of ferries or other service vessels;
10. ensure that structures or their usage do not obstruct water circulation or cause rubbish accumulation in a manner which is likely to adversely affect water quality, cause weed accumulation or exacerbate sediment accretion, or erosion, particularly to adjoining waterfront land.
11. encourage the retention and preservation of identified heritage items and conservation areas.

### 3.16.4 Brisbane Water

Gosford City Council considers the following elements as contributing to the amenity of Brisbane Water:

1. The attractiveness of both man-made and natural landscapes, both from on-shore and off-shore viewpoints;
2. Varied opportunities for recreation including boating, fishing, nature walking and sightseeing;
3. Access to the waterway and surrounding shorelines;
4. Opportunities for general recreation and education activities; and
5. The natural ecosystem of the estuary including specifically seagrasses, mangroves and saltmarshes.

These elements can often be enhanced by improving the opportunities and ability to obtain easy access to the waterway to improve fishing, boating, walking and other general recreational and educational pursuits. Brisbane Water can be enhanced by maintaining the natural ecosystem of the estuary.

The visual landscape character and attractiveness can be enhanced by controlling unsightly, cluttered and inappropriate foreshore and waterfront development. This relates to the need to enhance the elements of Brisbane Water's amenity by controlling excessively long and cluttered jetty and wharf development.

These elements can be adversely affected by uncontrolled and excessively dense concentrations of jetties or excessively long jetties and wharves. Their construction can restrict navigation of the waterway, and generate other associated impacts with construction works, access and dredging with the objectives of the policy being compromised.

In areas where there are very high density aggregations of jetties and wharves detrimental impacts can occur to natural vegetation caused by intensive boating activity with boat wash, propeller damage and navigational hazards.

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### **3.16.5 Visual Character and Natural Landscape of Brisbane Water**

#### **3.16.5.1 General**

An objective of this chapter is to protect and enhance the visual character and natural and man-made landscape of Brisbane Water and its foreshores.

Residential development forms the principal component of the developed foreshore use and built character. It is important therefore, to ensure that the character and style of residential foreshore development is sympathetic to the natural character of the waterway.

#### **3.16.5.2 Development Control**

Council will consider the impact of any proposed wharf or jetty, including the cumulative impact of similar development on the visual character and natural landscape of Brisbane Water and its foreshores.

Council will not consider favourably any application for a jetty or wharf that will result in the destruction of any seagrasses, mangroves or saltmarshes within Brisbane Water unless there is a compelling public benefit or interest resulting from the proposed development.

#### **3.16.5.3 Development Guidelines**

1. Visual Impact Assessment

Assessment of the visual impact of a proposed development on land to which this plan applies will be made on the basis of the requirements set out in the Chapters on Character and Scenic Quality.

2. Natural Landscape Elements

Access Facilities to Brisbane Water, including wharves and jetties shall be required to avoid any alteration of the natural ground level of the foreshore as a result of their construction and use.

3. Building Materials

Building materials used both in, and for the construction shall include plantation grown timber and timber removed with approval from State Forests. Mesh decking is considered acceptable.

Buildings and Structures should be constructed of materials having non-reflective surfaces, and colours appropriate to the setting, in order to minimise their conspicuousness in the landscape. Natural tones and finishes which complement native foreshore vegetation will be required. Suitable colours include olive greens, ochres, browns and greys.

The outermost piles of the structure shall be painted white above high water mark. Reflectors shall be provided on the structure as required by the Maritime Services Board.

4. Residential Waterfront Development

Guidelines and standards set out elsewhere in this chapter are designed to minimise any adverse impact that the growing quantity and density of residential waterfront development and its effect on the visual character of Brisbane Water. Wherever possible, residential development should conform to these guidelines and standards and Council will have regard to these guidelines and standards when considering applications for development consent.

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### 3.16.6 Management Guidelines and Standards of development relating to Brisbane Water

#### 3.16.6.1 General

1. Jetties and wharves are to be designed, constructed, and used only for short stay by vessels to provide for embarking, disembarking, loading and unloading; unless specifically authorised under the terms of the development consent and licence agreement with the Department of Lands to allow for authorised mooring.
2. The length of any jetty/wharf structure should not exceed the dimensions as set out in the Appendix attached to this chapter.
3. To maximise the free flow of water beneath the structure a wharf/jetty must not be constructed of solid fill, but must be constructed on piles with a minimum longitudinal spacing of 3 metres along the jetty/wharf.
4. Any existing solid fill structures which is the subject of an application for additions, alterations or replacement are to be reconstructed on piers in accordance with 3.16.6.1c above, unless the existing structure has been identified as a heritage item. If not so identified then the old solid fill structure must be removed.
5. Jetties and wharves platforms are to be constructed to a minimum height of 0.75 metre above mean high water level (1.15m AHD approximately). Excessively high jetties/wharves will not be permitted.
6. The width of a jetty/wharf is to be minimum 0.9 metres and maximum 1.2 metre, except for community or public wharves and jetties.
7. A single handrail may be provided on one side of the structure only, with the design and construction to be such that access along the foreshore is not restricted. Handrails may be omitted for appearance where appropriate.
8. The construction of an "L", "T", or similar type configuration on the "water end" or jetty head of the structure is permitted with an area not exceeding 9 m<sup>2</sup> for a single owner or 12 m<sup>2</sup> for a shared ownership. The dimension "Y" as shown on Figure 1 shall not exceed 4m for a single owner or 6m for shared ownership.

A pontoon may be permitted instead of the widened end of jetty or wharf. The dimensions of a pontoon shall not exceed the dimensions permitted for a solid structure. The length of jetty or wharf permitted shall include the pontoon.

9. Gates or similar devices will not be permitted.
10. Lighting on any jetty/wharf structures is to be minimal, and will only be permitted where it can be shown to be essential for the safe use of the structure. Such lighting shall be neither red nor green.
11. Davits and derricks will not be permitted.
12. Jetties/Wharves under this Chapter are only intended to facilitate access for private boating where a reasonable depth of water can be achieved without the necessity for an extended structure. Larger vessels or keel vessels which cannot achieve water access to jetties and wharves approved in accordance with those dimensions outlined within this policy are not appropriate for berthing and will have to make other arrangements.
13. Jetties/wharves may be Integrated Development requiring approval under the *NSW Fisheries Management Act 1994* from the NSW Department of Primary Industries. Relevant documentation submitted with any application should include a plan showing location of adjacent structures, water depth contours, and location of any seagrasses and/or mangroves including species and photographs of the area at low tide.

Approvals for applications not submitted as Integrated Development applications will be

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conditioned to obtain the relevant consents/permits from relevant Integrated bodies. If those consents/permits cannot be obtained any development consent would be invalid and unable to be acted upon.

### **3.16.6.2 Foreshores designated by a dotted black line on the attached map**

1. Favourable consideration will be given for the provision of an additional jetty/wharf where there is an agreement between adjoining owners to equally share the use of, and to share the responsibility for, the facility.
2. Where the operation of a shared jetty or wharf policy results in an individual property being isolated and unable to submit a shared jetty proposal, Council may consider permitting a single jetty.
3. Where approval is sought to rebuild or replace an existing structure, an agreement must be made for adjoining owners to equally share use of and responsibility for the facility.
4. Approval may not be given to rebuild or replace an existing structure where it is practical for the owner to share with an adjoining facility.
5. Legal access is to be available or provided to/from the facility for each property involved in a shared facility (eg. right-of-way easement, adjustment of common boundary, etc).
6. The locations marked on the attached Location Map are considered to be appropriate for shared facilities and to give maximum opportunities to all owners given the location of existing structures. Alternatives may be considered where it can be shown to be more appropriate, reasonable, and in conformity with the aims and objectives of this chapter.
7. Where any shared jetty/wharf facility is approved in lieu of an existing structure that structure must be removed unless identified as a heritage item.

### **3.16.6.3 Foreshores designated by a broken heavy black line on the attached map**

1. Community jetties and wharves may be permitted, subject to Council approving a suitable application. Community jetties and wharves, if approved, will be permitted to abut foreshore land between the private properties and mean high water mark, which is public reserve or proposed public reserve and is an area of freehold waterfront foreshore land where private jetties/wharves (whether shared or not) will not in general be permitted.
2. A community jetty/wharf be permitted in the area marked to extend beyond the basic length limit stipulated in the Appendix attached to this Chapter but shall comply with items 1(a), 1(b), 3 and 4 of the same appendix. Such consent will be subject to the sharing of costs and on-going responsibilities for the community jetty/wharf between at least seven (7) owners. The responsibility shall be its land access, maintenance and management in a safe operating condition and the provision for safe and secure public access which is available at all times. The owners shall live adjacent to the public reserve or in the immediate vicinity of the proposed community wharf.
3. A community jetty/wharf shall be available for authorised use and access by the general public. However, public mooring will be prohibited.
4. A community jetty/wharf must be designed and constructed and maintained to the requirements of the AS 4997-2005 Guidelines for the Design of Maritime Structures and shall include appropriate lighting for public safety and in respect to actual users and vessels using the adjacent waters.
5. A person(s) holding the licence from the Crown for a community jetty/wharf or an individual jetty abutting public land must enter a Deed with Council, and 88E under the Conveyancing Act 1919 (if necessary), relating to an indemnity and have an insurance contract to protect Council from possible claims from any party, should that party be injured, suffer property damage or economic loss as a result of the construction or use of the community or individual jetty/wharf which are to

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be prepared in accordance with Council's requirements and to the satisfaction of Council.

Such indemnity and restriction under 88E shall be prepared by Council's solicitors but subject to the cost of the applicant(s)/licensee(s). Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 as a condition precedent to the consent taking effect to any development application for a community or individual jetty and wharf.

6. Any jetty/wharf facility required to be made available for public access may be permitted to provide adequate signage on the deck and located at the entrance to the jetty stating:

"No unauthorised use of this jetty/wharf is permitted"

### 3.16.6.4 Foreshores designated by an unbroken heavy black line

Private and community water recreation structures may not be permitted by Council.

### 3.16.7 Positive Covenant and Licence for development relating to Brisbane Water

Prior to construction of any jetty/wharf, the owner shall:

- 1) submit a copy of the licence agreement issued by the Department of Lands for the use of Crown Land; and
- 2) create a positive covenant which is attached to the land owned by the person who receives the benefit of a licence and requires the landowner to:
  - a) maintain public liability insurance for the life of the structure;
  - b) maintain the structure in a safe condition at all times;
  - c) provide an identification and licence number; and
  - d) if (i) and (ii) are not complied with the structures shall be removed;
- 3) where appropriate, allow a right of access to others who share the facility.

The owner shall be responsible for Council's legal and administrative costs in relation to the preparation of the positive covenant.

- ~~1. 3.16.8 Objectives of development in canals of St Huberts Island~~
- ~~2. The objectives of development in the canals of St Huberts Island are as follows:~~
- ~~3. To provide private water recreation structures for boats within the canals of St Huberts Island.~~
- ~~4. To ensure that the water recreation structures will not result in difficulty of physical manoeuvring of vessels within the canals.~~
- ~~5. To ensure that the number and location of water recreation structures will not adversely affect the visual amenity of the neighbourhood.~~
- ~~6. To ensure the water recreation structures will not result in visibly unattractive concentrations of locations of vessels.~~
- ~~7. 3.16.9 Specific Requirements for Water Recreation Structures in Canals on St Huberts Island~~
- ~~8. In respect to the provision of water recreation structures in the canals of St Huberts Island the following development is permitted within the canals subject to the criteria within this clause, only with the formal Development Approval of Council:~~
- ~~9. Boat ramps used for access for vessels to the canals from the adjoining residential property.~~

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10. Structures in the form of floating pontoon and associated walkways at a minimum ratio of one (1) pontoon per two (2) adjoining premises, to provide access to vessels berthed thereto in accordance with this chapter.
11. **Note:**
12. Under the Gosford LEP 2014 moorings are permitted without development consent. However all moorings require a licence from NSW Maritime.
13. 3.16.10 Management Principles for Water Recreation Structures for Canals on St Huberts Island
14. Pontoons and walkways shall be shared structures at a ratio of one (1) pontoon per two (2) adjoining premises considered on their merits and may not be permitted at premises of narrow frontage of less than nine (9) metres or near to canal corners or ends.
15. Development Approval shall be for a share arrangement of one (1) pontoon per two (2) adjoining premises, however, a maximum share arrangement of up to one (1) pontoon per four (4) adjoining premises may be considered by Council.
16. Pontoon walkways are to be located at a common property boundary.
17. Council, as the canal landowner, may refuse to authorise submission of a development application that does not generally comply with the provisions of this Chapter. Existing development that requires consent but has been constructed without consent can be regularised if Council approves a building certificate and grants development consent for the use of the structure. This will apply only to structures that satisfy the requirements of this Chapter.
18. Only vessels owned by residents with canal frontage properties will be permitted to be berthed at a pontoon within the canals.
19. Boat ramps, pontoons or walkways which fall into disrepair or are a danger to the public use of the canals are to be removed by, or at the expense of, the owner of the structure.
20. Generally Council will not accept a development application for a pontoon unless made by a minimum of two (2) adjoining landowners.
21. Pontoons may be Integrated Development requiring approval under the NSW Fisheries Management Act from the NSW Department of Primary Industries. Relevant documentation submitted with any application should include a plan showing location of adjacent structures, water depth contours, and location of any seagrasses and/or mangroves including species and photographs of the area at low tide.  
  
Approvals for applications not submitted as Integrated Development applications will be conditioned to obtain the relevant consents/permits from relevant Integrated bodies. If those consents/permits cannot be obtained any development consent would be invalid and unable to be acted upon.
22. A mooring will be relinquished and removed upon installation of a pontoon in accordance with this Chapter.
- 23.1. NSW Maritime is the authority responsible for the issuing of mooring licences required under the Management of Waters and Waterside Lands Regulations - NSW. This is separate to Council's license fee structure.
1. 3.16.11 Development Criteria for Boat Ramps for Canals on St Huberts Island
2. Boat ramps shall be constructed at the level of the floor of, and follow the contour of, the canal and shall not exceed three (3) metres in width.
3. Applications for shared boat ramps will be considered on their merits.
4. All boat ramps and associated works are to be maintained in a condition that prevents failure and is acceptable to the Council.

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5. Any lighting contained within the residential property and associated with a ramp shall be minimal and only used for the safe use of the structure. Such lighting shall be neither red nor green.

6.1. Applications for ramps in the canal corners shall be considered on their individual merits.

### 3.16.12 Development Criteria for Pontoon and Associated Walkways for Canals on St Huberts Island

24. Pontoons shall be permitted in minimum depth water of 900mm at mean low water, larger vessels or keel vessels which cannot achieve water access to pontoons in accordance with this plan are not considered appropriate for berthing and will have to make other arrangements.
25. Length of vessels shall not exceed ten (10) metres or the waterfrontage of the property, whichever is the lesser.
26. Pontoons shall be of a maximum size of 3 metres x 4 metres.
27. All pontoons shall be of similar design, of fibreglass or similar construction. All materials used in the construction of a pontoon and walkway shall be new and of good quality.
28. All pontoons and walkways shall be finished in suitable and appropriate colours to the satisfaction of Council.
29. Pontoons shall be secured by means of a storm anchor chain and the minimum of sufficient piles for the designated number of vessels to the bed of the drainage reserve to a maximum height of 1.85 metres above the Australian Height Datum (AHD).
30. Walkways to provide access to the floating pontoons shall:
  1. maximise the free flow of water beneath the structure;
  2. be constructed on piles, not on solid fill;
  3. be a maximum width of 1.2 metres; and
  4. be constructed at right angles to the shoreline.
31. The maximum length of any walkway shall be no more than that required to achieve a water depth at the pontoon of 0.9 metres at mean low water.
32. The height of walkways shall be a maximum of 1.15 metres above AHD to the uppermost surface of the walkway.
33. A single handrail may be provided on one side of the structure only, with the design and construction to be such that access along the foreshore is not restricted. Handrails may be omitted for appearance where appropriate.
34. Pedestrian access along the beach area of the drainage reserve shall not be restricted by the construction of any pontoon or walkway and provision for access shall be incorporated in any design of the pontoon or walkway.
35. No permanent lighting or power facility shall be provided on any approved pontoon or walkway.
36. Any lighting contained within the residential property and associated with a pontoon or walkway shall be minimal and only used for the safe use of the structure. Such lighting shall be neither red nor green.
37. All pontoons, piles and associated works shall be maintained in a condition that prevents failure and is acceptable to the Council.
38. Pontoons and walkways shall be adequately maintained or Council may direct their removal.
39. No portion of the pontoon or vessel berthed thereto shall be within five (5) metres of the centreline of the canal.
40. All pontoons and walkways shall be the subject of all necessary applications to Council, including Development Application and "Permissive Occupancy" application and annual licence from the Council.
41. Applications for pontoons and walkways in the narrower canals shall be carefully considered on their individual merits.

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### 3.16.13 Positive Covenant and Licence for development in canals of St Huberts Island

Prior to construction of any approved pontoon and associated walkway, the owner shall:

- ~~7. make appropriate arrangements with Council's Property Services Unit for the granting of a licence for use of the drainage reserve including payment of any licence fee; and~~
- ~~8. create a positive covenant which is attached to the land owned by the person who receives the benefit of a licence and requires the landowner to:
  - ~~1. maintain insurance;~~
  - ~~2. maintain the structure in a safe condition;~~
  - ~~3. provide an identification and licence number;~~
  - ~~4. allow Council to carry out repairs or remove the pontoon if appropriate;~~
  - ~~5. allow Council to recover costs for the repairs and removal;~~
  - ~~6. pay Council's costs to create the covenant; and~~~~
- ~~9. where appropriate, allow a right of access to others who share the facility.~~

The owner shall be responsible for Council's legal and administrative costs in relation to the licence and positive covenant.

The annual fee for pontoons is set out in Council's Fees and Charges Schedule.

## Appendix - Length of Jetties in Brisbane Water

The length of jetties shall comply with the following criteria and associated diagrams (refer Figures 1 and 2).

- 1) The length of the jetty shall:
  - a) Not exceed the average length of jetties within 100 metres on either side of the subject site;
  - b) Achieve the 'basic' length necessary to provide a water depth of 900mm minimum or 1.5 metres maximum at mean low water at the jetty head;
  - c) Not exceed a maximum 'basic' length of 50 metres with a possible 5 metres additional length and subject to approval under item (d); and
  - d) With regards to (c) above, Council may consider minor extensions (up to a maximum of 5 metres increase) to the length subject to the concurrence of the NSW Maritime, Department of Primary Industries (Fisheries), and Department of Environment and Climate Change.
- 2) If a jetty cannot reach a water depth of 900mm at mean low water and with a 'basic' length of 50 metres, plus any 5 metres approved extension, it will not be approved.
- 3) A jetty will not be permitted to extend into or restrict any navigation area or channel.
- 4) Where an existing facility could be relocated to a common boundary to be used as a shared facility Council will give consideration to permitting a facility of the same length as the previous structure, depending on its merits.

*Figure 1 - Typical Jetty Layout - Plan View*



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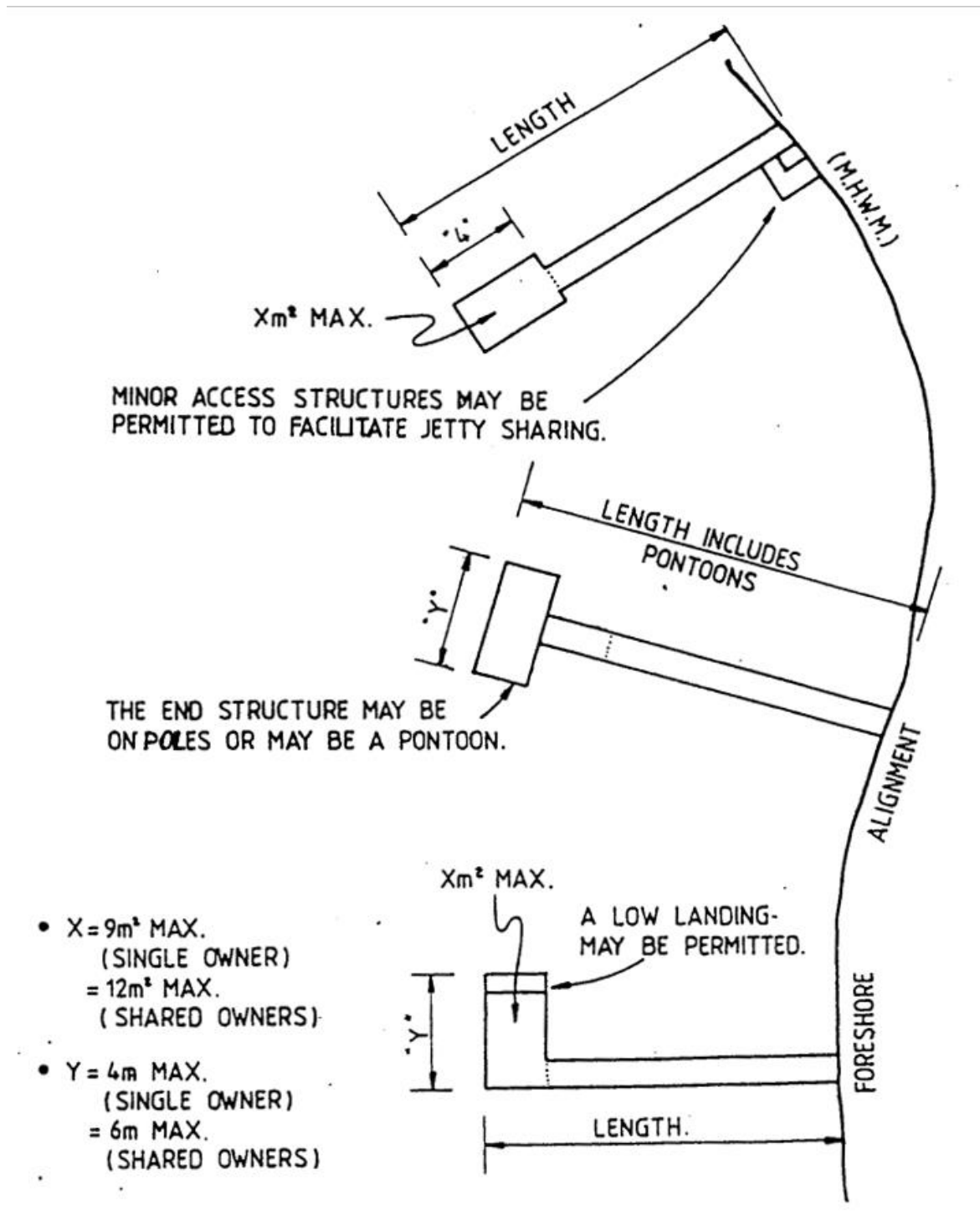
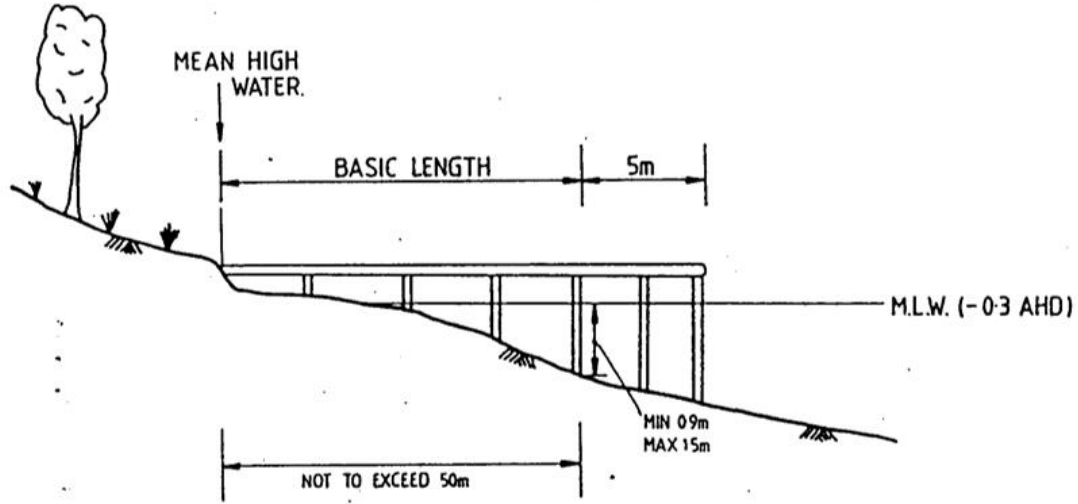


Figure 2 - Typical Jetty Elevation

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Location Map - Permitted Wharf & Jetty Types

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