



LEP Instrument Comparison Table

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INTRODUCTION

In response to the Council Resolution of 9 December 2019, on the 'Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan', a table comparing proposed changes with the former Gosford and Wyong LEPs and referencing the clauses in the relevant instruments has been prepared.

The following information is provided to assist in reading the following comparison table:

- Column 1 Standard Instrument Principal LEP this is the template for all Local Environmental Plans across NSW
- Column 2 Wyong LEP 2013 Provision this is the LEP instrument applying to the former Wyong Local Government Area
- Column 3 Gosford LEP 2014 Provision this is the LEP instrument applying to the former Gosford LGA excluding 'Deferred Matters'
- Column 4 Draft CCLEP Post Exhibition this is the draft CCLEP that will apply across the Central Coast LGA
- Text shown in red in column 4 identifies where a clause has been amended following exhibition
- Text shown in blue in column 4 is for information purposes only.

The following table does not include proposed amendments to mapping, the land use table or Schedule 1 -6. This table should be read in conjunction with the Land Use Matrix and CCLEP Planning Proposal.

The final CCLEP legal instrument will be drafted by Parliamentary Counsel and as such clauses may be amended from that shown in this table.

All public exhibition material including the Planning Proposal and exhibition version of the draft CCLEP instrument can be accessed on Councils Website using the link below:

<https://www.yourvoiceourcoast.com/planningcontrols/documents>

PART 1: PRELIMINARY:

PART 1: PRELIMINARY			
Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
<p>1.1 Name of Plan [compulsory] This Plan is [<i>Name of local government area or other relevant name</i>] Local Environmental Plan [<i>Year</i>].</p>	<p>1.1 Name of Plan This Plan is <u>Wyong Local Environmental Plan 2013</u>.</p>	<p>1.1 Name of Plan This Plan is <u>Gosford Local Environmental Plan 2014</u>.</p>	<p>1.1 Name of Plan This Plan is Central Coast Local Environmental Plan 2020.</p>
<p>1.1AA Commencement [compulsory] This Plan commences on the day on which it is published on the NSW legislation website.</p>	<p>1.1AA Commencement This Plan commences on the day on which it is published on the NSW legislation website.</p>	<p>1.1AA Commencement This Plan commences on the day on which it is published on the NSW legislation website.</p>	<p>1.1AA Commencement This Plan commences on the day on which it is published on the NSW legislation website</p>
<p>1.2 Aims of Plan [compulsory] (1) This Plan aims to make local environmental planning provisions for land in [<i>Name of local government area or other relevant name</i>] in accordance with the relevant standard environmental planning instrument under section 33A of the Act. (2) The particular aims of this Plan are as follows: (a) [<i>set out particular aims of the Plan</i>]</p>	<p>1.2 Aims of Plan (1) This Plan aims to make local environmental planning provisions for land in that part of the Central Coast local government area to which this Plan applies (in this Plan referred to as Wyong) in accordance with the relevant standard environmental planning instrument under section 33A of the Act. (2) The particular aims of this Plan are as follows— (a) to foster economic, environmental and social well being so that Wyong continues to develop as a sustainable and prosperous place to live, work and visit,</p>	<p>1.2 Aims of Plan (1) This Plan aims to make local environmental planning provisions for land in that part of the Central Coast local government area to which this Plan applies (in this Plan referred to as Gosford) in accordance with the relevant standard environmental planning instrument under section 33A of the Act. (2) The particular aims of this Plan are as follows— (a) to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Gosford,</p>	<p>1.2 Aims of Plan (1) This Plan aims to make local environmental planning provisions for land in the Central Coast local government area in accordance with the relevant standard environmental planning instrument under section 33A of the Act. (2) The particular aims of this Plan are as follows: (a) to foster economic, environmental and social wellbeing so that the Central Coast continues to develop as a sustainable and</p>

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Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
	<p>(b) to encourage a range of housing, employment, recreation, human services and appropriately located tourism-related development in Wyong to meet the existing and future needs of residents and visitors,</p> <p>(c) to promote the efficient and equitable provision of public services, infrastructure and amenities,</p> <p>(d) to provide for a range of local and regional community facilities for recreation, culture, health and education purposes,</p> <p>(e) to apply the principles of ecologically sustainable development to guide future development within Wyong,</p> <p>(f) to conserve, protect and enhance the environmental and cultural heritage (both indigenous and non-indigenous) values of Wyong,</p> <p>(g) to protect areas of high scenic landscape value,</p> <p>(h) to maintain and enhance the existing character, amenity and environmental quality of Wyong,</p> <p>(i) to minimise risk to the community in areas subject to environmental hazards, including</p>	<p>(b) to foster economic, environmental and social well being so that Gosford continues to develop as a sustainable and prosperous place to live, work and visit,</p> <p>(c) to provide community and recreation facilities, maintain suitable amenities and offer a variety of quality lifestyle opportunities to a diverse population,</p> <p>(d) (Repealed)</p> <p>(e) to concentrate intensive land uses and trip-generating activities in locations that are most accessible to transport and centres,</p> <p>(f) to promote the efficient and equitable provision of public services, infrastructure and amenities,</p> <p>(g) to conserve, protect and enhance the environmental and cultural heritage of Gosford,</p> <p>(h) to protect and enhance the natural environment in Gosford, incorporating ecologically sustainable development,</p> <p>(i) to minimise risk to the community in areas subject to environmental hazards,</p>	<p>prosperous place to live, work and visit,</p> <p>(b) to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of the Central Coast,</p> <p>(c) to promote the efficient and equitable provision of public services, infrastructure and amenities,</p> <p>(d) to provide for a range of local and regional community facilities for recreation, culture, health and education purposes,</p> <p>(e) to conserve, protect and enhance the natural environment of the Central Coast, incorporating ecologically sustainable development,</p> <p>(f) to conserve, protect and enhance the environmental and cultural heritage of the Central Coast,</p> <p>(g) to minimise risk to the community in areas subject to</p>

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	<p>flooding, climate change and bush fires,</p> <p>(j) to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas,</p> <p>(k) to encourage development that increases public transport patronage, walking and cycling</p>	<p>particularly flooding and bush fires,</p> <p>(j) to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas,</p> <p>(k) to promote design principles in all development to improve the safety, accessibility, health and well being of residents and visitors,</p> <p>(l) to encourage the development of sustainable tourism that is compatible with the surrounding environment.</p>	<p>environmental hazards, including flooding, climate change and bush fires,</p> <p>(h) to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas,</p> <p>(i) to promote design principles in all development to improve the safety, accessibility, health and wellbeing of residents and visitors,</p> <p>(j) to concentrate intensive land uses and trip-generating activities in locations that are most accessible to transport and centres,</p> <p>(k) to encourage the development of sustainable tourism that is compatible with the surrounding environment.</p>
<p>1.3 Land to which Plan applies [compulsory] This Plan applies to the land identified on the Land Application Map.</p>	<p>1.3 Land to which Plan applies (1) This Plan applies to the land identified on the Land Application Map. (1A) (Repealed)</p>	<p>1.3 Land to which Plan applies (1) This Plan applies to the land identified on the <u>Land Application Map</u>. (1A) Despite subclause (1), this Plan does not apply to the following land identified on the <u>Land Application Map</u>—</p>	<p>1.3 Land to which Plan applies (1) This Plan applies to the land identified on the Land Application Map. (1A) Despite subclause (1), this Plan does not apply to the following</p>

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		(a) the land identified as “Deferred Matter”, (b) the land identified as “Gosford City Centre”. Note. See State Environmental Planning Policy (Gosford City Centre) 2018 for provisions applying to Gosford City Centre.	land identified on the Land Application Map: (a) the land identified as “Gosford City Centre” (b) the land identified as “Deferred Matter” on the Land Application Map. Note. See State Environmental Planning Policy (Gosford City Centre) 2018 for provisions applying to Gosford City Centre.
1.4 Definitions [compulsory] The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.	1.4 Definitions The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.	1.4 Definitions The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.	1.4 Definitions The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.
1.5 Notes [compulsory] Notes in this Plan are provided for guidance and do not form part of this Plan.	1.5 Notes Notes in this Plan are provided for guidance and do not form part of this Plan.	1.5 Notes Notes in this Plan are provided for guidance and do not form part of this Plan.	1.5 Notes Notes in this Plan are provided for guidance and do not form part of this Plan.

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<p>1.6 Consent authority [compulsory] The consent authority for the purposes of this Plan is (subject to the Act) the Council.</p>	<p>1.6 Consent authority The consent authority for the purposes of this Plan is (subject to the Act) the Council.</p>	<p>1.6 Consent authority The consent authority for the purposes of this Plan is (subject to the Act) the Council.</p>	<p>1.6 Consent authority The consent authority for the purposes of this Plan is (subject to the Act) the Council.</p>
<p>1.7 Maps [compulsory] (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name— (a) approved by the local plan-making authority when the map is adopted, and (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the local plan-making authority when the instruments are made. (1AA) (Repealed) (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is</p>	<p>1.7 Maps (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name— (a) approved by the local plan-making authority when the map is adopted, and (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the local plan-making authority when the instruments are made. (1AA) (Repealed) (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is</p>	<p>1.7 Maps (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name— (a) approved by the local plan-making authority when the map is adopted, and (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the local plan-making authority when the instruments are made. (1AA) (Repealed) (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is</p>	<p>1.7 Maps (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name: (a) approved by the Minister when the map is adopted, and (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map and approved by the Minister when the instruments are made. (1AA) A reference to the Minister in subclause (1) is taken to be a reference to the Greater Sydney Commission in the case of any map that applies to a local government area in the Greater Sydney Region (within the meaning of the <i>Greater Sydney Commission Act 2015</i>) and that is adopted by a local environmental plan on or after 27 January 2016.</p>

PART 1: PRELIMINARY			
Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
<p>a reference to the relevant part or aspect of the single map.</p> <p>(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.</p> <p>(4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.</p> <p><i>Note. The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled Standard technical requirements for LEP maps and Standard requirements for LEP GIS data which are available on the website of the Department of Planning and Environment</i></p>	<p>a reference to the relevant part or aspect of the single map.</p> <p>(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.</p> <p>(4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.</p> <p><i>Note. The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled Standard technical requirements for LEP maps and Standard requirements for LEP GIS data which are available on the website of the Department of Planning and Environment.</i></p>	<p>a reference to the relevant part or aspect of the single map.</p> <p>(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.</p> <p>(4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.</p> <p><i>Note. The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled Standard technical requirements for LEP maps and Standard requirements for LEP GIS data which are available on the website of the Department of Planning and Environment.</i></p>	<p>(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.</p> <p>(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.</p> <p>(4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.</p> <p>Note. The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled <i>Standard technical requirements for LEP maps and Standard requirements for LEP GIS data</i> which are available on the website of the Department of Planning and Environment.</p>

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Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
<p>1.8 Repeal of planning instruments applying to land [compulsory]</p> <p>(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.</p> <p>(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.</p>	<p>1.8 Repeal of planning instruments applying to land</p> <p>(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.</p> <p>(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.</p>	<p>1.8 Repeal of planning instruments applying to land</p> <p>(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.</p> <p>Note.</p> <p><i>The following local environmental plans are repealed under this provision:</i></p> <p><i>Gosford City Centre Local Environmental Plan 2005</i></p> <p><i>Gosford City Centre Local Environmental Plan 2007</i></p> <p><i>Gosford Local Environmental Plan No 22</i></p> <p><i>Hornsby Planning Scheme Ordinance</i></p> <p>(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.</p> <p>Note.</p>	<p>1.8 Repeal of planning instruments applying to land</p> <p>(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.</p> <p>Note. The following local environmental plans are repealed under this provision:</p> <p>1 <i>Wyong Local Environmental Plan 2013</i></p> <p>2 <i>Gosford Local Environmental Plan 2014</i></p> <p>3 <i>Interim Development Order No 122</i></p> <p>4 <i>Gosford Planning Scheme Ordinance</i></p> <p>(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.</p>

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		<p><i>While Gosford Planning Scheme Ordinance and Interim Development Order No 122—Gosford no longer apply to the land to which this Plan applies, they will continue to apply to the land identified as “Deferred Matter” under clause 1.3 (1A).</i></p>	
	<p>1.8A Savings provision relating to development applications</p> <p>If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.</p> <p>Note.</p> <p><i>However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning</i></p>	<p>1.8A Savings provision relating to development applications</p> <p>If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.</p> <p>Note.</p> <p><i>However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning</i></p>	<p>1.8A Savings provision relating to development applications</p> <p>If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.</p> <p>Note. However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a</p>

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	<p><i>instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.</i></p>	<p><i>instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.</i></p>	<p>new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.</p>
	<p>1.8B Amendment of SEPP</p> <p>(1) <u>State Environmental Planning Policy (Major Development) 2005</u> is amended by omitting Part 15 of Schedule 3.</p> <p>(2) Each map adopted by <u>State Environmental Planning Policy (Major Development) 2005</u> that is specified in Column 1 of the following table is declared by this Plan to be amended or replaced, as the case requires, by the map specified opposite in Column 2 of</p>		

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Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition																				
	<p>the table as approved by the Minister on the making of this Plan—</p> <table border="1"> <thead> <tr> <th>Column 1</th> <th>Column 2</th> </tr> </thead> <tbody> <tr> <td>Name of map being amended or replaced</td> <td>Name of amen replacement m</td> </tr> <tr> <td><u>State Environmental Planning Policy (Major Development) 2005</u></td> <td><u>State Environm Planning Policy (Development)</u></td> </tr> <tr> <td><u>South Wallarah Peninsula Land Application Map</u></td> <td><u>South Wallarah Peninsula Land Application Ma</u></td> </tr> <tr> <td>(SEPP_MD_SWP_LAP_001_20101007)</td> <td>(SEPP_MD_SW1_015_201312</td> </tr> <tr> <td><u>State Environmental Planning Policy (Major Development) 2005</u></td> <td><u>State Environm Planning Policy (Development)</u></td> </tr> <tr> <td><u>South Wallarah Peninsula Land Zoning Map</u></td> <td><u>South Wallarah Peninsula Land Map</u></td> </tr> <tr> <td>(SEPP_MD_SWP_LZN_001_20101007)</td> <td>(SEPP_MD_SW1_015_201312</td> </tr> <tr> <td><u>State Environmental Planning Policy (Major Development) 2005</u></td> <td><u>State Environm Planning Policy (Development)</u></td> </tr> <tr> <td><u>South Wallarah Peninsula Height of Buildings Map</u></td> <td><u>South Wallarah Peninsula Heigh Buildings Map</u></td> </tr> </tbody> </table>	Column 1	Column 2	Name of map being amended or replaced	Name of amen replacement m	<u>State Environmental Planning Policy (Major Development) 2005</u>	<u>State Environm Planning Policy (Development)</u>	<u>South Wallarah Peninsula Land Application Map</u>	<u>South Wallarah Peninsula Land Application Ma</u>	(SEPP_MD_SWP_LAP_001_20101007)	(SEPP_MD_SW1_015_201312	<u>State Environmental Planning Policy (Major Development) 2005</u>	<u>State Environm Planning Policy (Development)</u>	<u>South Wallarah Peninsula Land Zoning Map</u>	<u>South Wallarah Peninsula Land Map</u>	(SEPP_MD_SWP_LZN_001_20101007)	(SEPP_MD_SW1_015_201312	<u>State Environmental Planning Policy (Major Development) 2005</u>	<u>State Environm Planning Policy (Development)</u>	<u>South Wallarah Peninsula Height of Buildings Map</u>	<u>South Wallarah Peninsula Heigh Buildings Map</u>		
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	(SEPP_MD_SWP_HER_0 01_20101007) <u>State Environmental Planning Policy (Major Development) 2005</u> <u>South Wallarah Peninsula Additional Permitted Uses Map</u>	(SEPP_MD_SWP_HER_00 1_003_20131219) <u>State Environmental Planning Policy (Major Development) 2005</u> <u>South Wallarah Peninsula Additional Permitted Uses Map</u>	
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	<p><u>Peninsula Land Reservation Acquisition Map</u> (SEPP_MD_SWP_LRA_00_1_20101007)</p> <p><u>Peninsula Land Reservation Acquisition Map</u> (SEPP_MD_SWP_LRA_00_1_015_20131219)</p>		
<p>1.9 Application of SEPPs [compulsory]</p> <p>(1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.</p> <p>(2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies: <u>State Environmental Planning Policy No 1—Development Standards</u></p>	<p>1.9 Application of SEPPs</p> <p>(1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.</p> <p>(2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies— <u>State Environmental Planning Policy No 1—Development Standards</u></p>	<p>1.9 Application of SEPPs</p> <p>(1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.</p> <p>(2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies— <u>State Environmental Planning Policy No 1—Development Standards</u></p> <p>(2A) (Repealed)</p>	<p>1.9 Application of SEPPs</p> <p>(1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.</p> <p>(1A) <i>State Environmental Planning Policy No 65 – Design Quality for Residential Apartment Development</i> applies in the same way that it applies to residential flat buildings to the following land uses: Boarding houses; Serviced apartments</p> <p>(2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies: <u>State Environmental Planning Policy No 1—Development Standards</u></p>
	1.9A Suspension of covenants, agreements and instruments	1.9A Suspension of covenants, agreements and instruments	1.9A Suspension of covenants, agreements and instruments

PART 1: PRELIMINARY			
Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
	<p>(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.</p> <p>(2) This clause does not apply—</p> <p>(a) to a covenant imposed by the Council or that the Council requires to be imposed, or</p> <p>(b) to any prescribed instrument within the meaning of section 183A of the <u><i>Crown Lands Act 1989</i></u>, or</p> <p>(c) to any conservation agreement within the meaning of the <u><i>National Parks and Wildlife Act 1974</i></u>, or</p> <p>(d) to any Trust agreement within the meaning of the <u><i>Nature Conservation Trust Act 2001</i></u>, or</p> <p>(e) to any property vegetation plan within the meaning of the <u><i>Native Vegetation Act 2003</i></u>, or</p>	<p>(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.</p> <p>(2) This clause does not apply—</p> <p>(a) to a covenant imposed by the Council or that the Council requires to be imposed, or</p> <p>(b) to any prescribed instrument within the meaning of section 183A of the <u><i>Crown Lands Act 1989</i></u>, or</p> <p>(c) to any conservation agreement within the meaning of the <u><i>National Parks and Wildlife Act 1974</i></u>, or</p> <p>(d) to any Trust agreement within the meaning of the <u><i>Nature Conservation Trust Act 2001</i></u>, or</p> <p>(e) to any property vegetation plan within the meaning of the <u><i>Native Vegetation Act 2003</i></u>, or</p>	<p>(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.</p> <p>(2) This clause does not apply:</p> <p>(a) to a covenant imposed by the Council or that the Council requires to be imposed, or</p> <p>(b) to any prescribed instrument within the meaning of section 183A of <u><i>the Crown Lands Act 1989</i></u>, or</p> <p>(c) to any conservation agreement within the meaning of the <u><i>National Parks and Wildlife Act 1974</i></u>, or</p> <p>(d) to any Trust agreement within the meaning of the <u><i>Nature Conservation Trust Act 2001</i></u>, or</p>

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	<p>(f) to any biobanking agreement within the meaning of Part 7A of the <i>Threatened Species Conservation Act 1995</i>, or</p> <p>(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.</p> <p>(3) This clause does not affect the rights or interests of any public authority under any registered instrument.</p> <p>(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).</p>	<p>(f) to any biobanking agreement within the meaning of Part 7A of the <i>Threatened Species Conservation Act 1995</i>, or</p> <p>(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.</p> <p>(3) This clause does not affect the rights or interests of any public authority under any registered instrument.</p> <p>(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).</p>	<p>(e) to any property vegetation plan within the meaning of the <i>Native Vegetation Act 2003</i>, or</p> <p>(f) to any biobanking agreement within the meaning of Part 7A of the <i>Threatened Species Conservation Act 1995</i>, or</p> <p>(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.</p> <p>(3) This clause does not affect the rights or interests of any public authority under any registered instrument.</p> <p>(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).</p>

PART 2: PERMITTED OR PROHIBITED DEVELOPMENT

PART 2: PERMITTED OR PROHIBITED DEVELOPMENT			
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<p>2.1 Land use zones [compulsory]</p> <p>The land use zones under this Plan are as follows—</p> <p>Rural Zones</p> <p>RU1 Primary Production</p> <p>RU2 Rural Landscape</p> <p>RU3 Forestry</p> <p>RU4 Primary Production Small Lots</p> <p>RU5 Village</p> <p>RU6 Transition</p> <p>Residential Zones</p> <p>R1 General Residential</p> <p>R2 Low Density Residential</p> <p>R3 Medium Density Residential</p> <p>R4 High Density Residential</p> <p>R5 Large Lot Residential</p> <p>Business Zones</p> <p>B1 Neighbourhood Centre</p>	<p>2.1 Land use zones</p> <p>The land use zones under this Plan are as follows—</p> <p>Rural Zones</p> <p>RU1 Primary Production</p> <p>RU2 Rural Landscape</p> <p>RU3 Forestry</p> <p>RU5 Village</p> <p>RU6 Transition</p> <p>Residential Zones</p> <p>R1 General Residential</p> <p>R2 Low Density Residential</p> <p>R3 Medium Density Residential</p> <p>R5 Large Lot Residential</p> <p>Business Zones</p> <p>B1 Neighbourhood Centre</p> <p>B2 Local Centre</p> <p>B3 Commercial Core</p>	<p>2.1 Land use zones</p> <p>The land use zones under this Plan are as follows—</p> <p>Rural Zones</p> <p>RU1 Primary Production</p> <p>RU2 Rural Landscape</p> <p>RU3 Forestry</p> <p>RU5 Village</p> <p>Residential Zones</p> <p>R1 General Residential</p> <p>R2 Low Density Residential</p> <p>Business Zones</p> <p>B1 Neighbourhood Centre</p> <p>B2 Local Centre</p> <p>B3 Commercial Core</p> <p>B4 Mixed Use</p> <p>B5 Business Development</p> <p>B6 Enterprise Corridor</p>	<p>2.1 Land use zones</p> <p>The land use zones under this Plan are as follows:</p> <p>Rural Zones</p> <p>RU1 Primary Production</p> <p>RU2 Rural Landscape</p> <p>RU3 Forestry</p> <p>RU5 Village</p> <p>RU6 Transition</p> <p>Residential Zones</p> <p>R1 General Residential</p> <p>R2 Low Density Residential</p> <p>R3 Medium Density Residential</p> <p>R5 Large Lot Residential</p> <p>Business Zones</p> <p>B1 Neighbourhood Centre</p> <p>B2 Local Centre</p> <p>B3 Commercial Core</p>

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B2 Local Centre	B4 Mixed Use	Industrial Zones	B4 Mixed Use
B3 Commercial Core	B5 Business Development	IN1 General Industrial	B5 Business Development
B4 Mixed Use	B6 Enterprise Corridor	IN4 Working Waterfront	B6 Enterprise Corridor
B5 Business Development	B7 Business Park	Special Purpose Zones	B7 Business Park
B6 Enterprise Corridor	Industrial Zones	SP1 Special Activities	Industrial Zones
B7 Business Park	IN1 General Industrial	SP2 Infrastructure	IN1 General Industrial
B8 Metropolitan Centre	IN2 Light Industrial	Recreation Zones	IN2 Light Industrial
Industrial Zones	Special Purpose Zones	RE1 Public Recreation	IN4 Working Waterfront
IN1 General Industrial	SP1 Special Activities	RE2 Private Recreation	Special Purpose Zones
IN2 Light Industrial	SP2 Infrastructure	Environment Protection Zones	SP1 Special Activities
IN3 Heavy Industrial	SP3 Tourist	E1 National Parks and Nature Reserves	SP2 Infrastructure
IN4 Working Waterfront	Recreation Zones	E2 Environmental Conservation	SP3 Tourist
Special Purpose Zones	RE1 Public Recreation	E3 Environmental Management	Recreation Zones
SP1 Special Activities	RE2 Private Recreation	E4 Environmental Living	RE1 Public Recreation
SP2 Infrastructure	Environment Protection Zones	Waterway Zones	RE2 Private Recreation
SP3 Tourist	E1 National Parks and Nature Reserves	W1 Natural Waterways	Environment Protection Zones
Recreation Zones	E2 Environmental Conservation	W2 Recreational Waterways	E1 National Parks and Nature Reserves
RE1 Public Recreation	E3 Environmental Management		E2 Environmental Conservation
RE2 Private Recreation			E3 Environmental Management

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Environment Protection Zones E1 National Parks and Nature Reserves E2 Environmental Conservation E3 Environmental Management E4 Environmental Living Waterway Zones W1 Natural Waterways W2 Recreational Waterways W3 Working Waterways	E4 Environmental Living Waterway Zones W1 Natural Waterways W2 Recreational Waterways		E4 Environmental Living Waterway Zones W1 Natural Waterways W2 Recreational Waterways
2.2 Zoning of land to which Plan applies [compulsory] For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.	2.2 Zoning of land to which Plan applies For the purposes of this Plan, land is within the zones shown on the <u>Land Zoning Map</u> .	2.2 Zoning of land to which Plan applies For the purposes of this Plan, land is within the zones shown on the <u>Land Zoning Map</u> .	2.2 Zoning of land to which Plan applies For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

<p>2.3 Zone objectives and Land Use Table [compulsory]</p> <p>(1) The Land Use Table at the end of this Part specifies for each zone—</p> <p>(a) the objectives for development, and</p> <p>(b) development that may be carried out without development consent, and</p> <p>(c) development that may be carried out only with development consent, and</p> <p>(d) development that is prohibited.</p> <p>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p> <p>(3) In the Land Use Table at the end of this Part—</p> <p>(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and</p> <p>(b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.</p>	<p>2.3 Zone objectives and Land Use Table</p> <p>(1) The Land Use Table at the end of this Part specifies for each zone—</p> <p>(a) the objectives for development, and</p> <p>(b) development that may be carried out without development consent, and</p> <p>(c) development that may be carried out only with development consent, and</p> <p>(d) development that is prohibited.</p> <p>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p> <p>(3) In the Land Use Table at the end of this Part—</p> <p>(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and</p> <p>(b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.</p>	<p>2.3 Zone objectives and Land Use Table</p> <p>(1) The Land Use Table at the end of this Part specifies for each zone—</p> <p>(a) the objectives for development, and</p> <p>(b) development that may be carried out without development consent, and</p> <p>(c) development that may be carried out only with development consent, and</p> <p>(d) development that is prohibited.</p> <p>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p> <p>(3) In the Land Use Table at the end of this Part—</p> <p>(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and</p>	<p>2.3 Zone objectives and Land Use Table</p> <p>(1) The Land Use Table at the end of this Part specifies for each zone:</p> <p>(a) the objectives for development, and</p> <p>(b) development that may be carried out without development consent, and</p> <p>(c) development that may be carried out only with development consent, and</p> <p>(d) development that is prohibited.</p> <p>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p> <p>(3) In the Land Use Table at the end of this Part:</p> <p>(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and</p> <p>(b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing</p>
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PART 2: PERMITTED OR PROHIBITED DEVELOPMENT			
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<p>(4) This clause is subject to the other provisions of this Plan.</p> <p>Notes.</p> <p>1 Schedule 1 sets out additional permitted uses for particular land.</p> <p>2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.</p> <p>3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).</p> <p>4 Clause 2.6 requires consent for subdivision of land.</p> <p>5 Part 5 contains other provisions which require consent for particular development. <i>[see—relevant clauses may be listed here].</i></p>	<p>(4) This clause is subject to the other provisions of this Plan.</p> <p>Notes.</p> <p>1 Schedule 1 sets out additional permitted uses for particular land.</p> <p>2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.</p> <p>3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).</p> <p>4 Clause 2.6 requires consent for subdivision of land.</p> <p>5 Part 5 contains other provisions which require consent for particular development.</p>	<p>(b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.</p> <p>(4) This clause is subject to the other provisions of this Plan.</p> <p>Notes.</p> <p>1 Schedule 1 sets out additional permitted uses for particular land.</p> <p>2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.</p> <p>3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).</p>	<p>referred to separately in the Land Use Table in relation to the same zone.</p> <p>(4) This clause is subject to the other provisions of this Plan.</p> <p>Notes.</p> <p>1 Schedule 1 sets out additional permitted uses for particular land.</p> <p>2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.</p> <p>3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).</p> <p>4 Clause 2.6 requires consent for subdivision of land.</p> <p>5 Part 5 contains other provisions which require consent for particular development.</p>

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		<p>4 Clause 2.6 requires consent for subdivision of land.</p> <p>5 Part 5 contains other provisions which require consent for particular development.</p>	
<p>2.4 Unzoned land [compulsory]</p> <p>(1) Development may be carried out on unzoned land only with development consent.</p> <p>(2) In deciding whether to grant development consent, the consent authority—</p> <p>(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and</p> <p>(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.</p>	<p>2.4 Unzoned land</p> <p>(1) Development may be carried out on unzoned land only with development consent.</p> <p>(2) In deciding whether to grant development consent, the consent authority—</p> <p>(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and</p> <p>(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.</p>	<p>2.4 Unzoned land</p> <p>(1) Development may be carried out on unzoned land only with development consent.</p> <p>(2) In deciding whether to grant development consent, the consent authority—</p> <p>(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and</p> <p>(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.</p>	<p>2.4 Unzoned land</p> <p>(1) Development may be carried out on unzoned land only with development consent.</p> <p>(2) In deciding whether to grant development consent, the consent authority:</p> <p>(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and</p> <p>(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.</p>

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<p>2.5 Additional permitted uses for particular land [compulsory]</p> <p>(1) Development on particular land that is described or referred to in Schedule 1 may be carried out—</p> <p>(a) with development consent, or</p> <p>(b) if the Schedule so provides—without development consent,</p> <p>in accordance with the conditions (if any) specified in that Schedule in relation to that development.</p> <p>(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.</p>	<p>2.5 Additional permitted uses for particular land</p> <p>(1) Development on particular land that is described or referred to in Schedule 1 may be carried out—</p> <p>(a) with development consent, or</p> <p>(b) if the Schedule so provides—without development consent,</p> <p>in accordance with the conditions (if any) specified in that Schedule in relation to that development.</p> <p>(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.</p>	<p>2.5 Additional permitted uses for particular land</p> <p>(1) Development on particular land that is described or referred to in Schedule 1 may be carried out—</p> <p>(a) with development consent, or</p> <p>(b) if the Schedule so provides—without development consent,</p> <p>in accordance with the conditions (if any) specified in that Schedule in relation to that development.</p> <p>(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.</p>	<p>2.5 Additional permitted uses for particular land</p> <p>(1) Development on particular land that is described or referred to in Schedule 1 may be carried out:</p> <p>(a) with development consent, or</p> <p>(b) if the Schedule so provides—without development consent,</p> <p>in accordance with the conditions (if any) specified in that Schedule in relation to that development.</p> <p>(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.</p>
<p>2.6 Subdivision—consent requirements [compulsory]</p> <p>(1) Land to which this Plan applies may be subdivided, but only with development consent.</p> <p>Notes.</p> <p>1 If a subdivision is specified as exempt development in an</p>	<p>2.6 Subdivision—consent requirements</p> <p>(1) Land to which this Plan applies may be subdivided, but only with development consent.</p> <p>Notes.</p> <p>1 If a subdivision is specified as exempt development in an</p>	<p>2.6 Subdivision—consent requirements</p> <p>(1) Land to which this Plan applies may be subdivided, but only with development consent.</p> <p>Notes.</p> <p>1 If a subdivision is specified as exempt development in an applicable environmental planning</p>	<p>2.6 Subdivision—consent requirements</p> <p>(1) Land to which this Plan applies may be subdivided, but only with development consent.</p> <p>Notes.</p> <p>1 If a subdivision is specified as exempt development in an applicable environmental planning instrument,</p>

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<p>applicable environmental planning instrument, such as this Plan or <u><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></u>, the Act enables it to be carried out without development consent.</p> <p>2 Part 6 of <u><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></u> provides that the strata subdivision of a building in certain circumstances is complying development.</p> <p>(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>Note. The definition of <i>secondary dwelling</i> in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.</p>	<p>applicable environmental planning instrument, such as this Plan or <u><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></u>, the Act enables it to be carried out without development consent.</p> <p>2 Part 6 of <u><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></u> provides that the strata subdivision of a building in certain circumstances is complying development.</p> <p>(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.</p> <p>Note. The definition of <i>secondary dwelling</i> in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.</p>	<p>instrument, such as this Plan or <u><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></u>, the Act enables it to be carried out without development consent.</p> <p>2 Part 6 of <u><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></u> provides that the strata subdivision of a building in certain circumstances is complying development.</p> <p>(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.</p> <p>Note. The definition of <i>secondary dwelling</i> in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.</p>	<p>such as this Plan or <u><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></u>, the Act enables it to be carried out without development consent.</p> <p>2 Part 6 of <u><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></u> provides that the strata subdivision of a building in certain circumstances is complying development.</p> <p>(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>Note. The definition of <i>secondary dwelling</i> in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.</p>

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<p>2.7 Demolition requires development consent [compulsory]</p> <p>The demolition of a building or work may be carried out only with development consent.</p> <p>Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, as exempt development, the Act enables it to be carried out without development consent.</p>	<p>2.7 Demolition requires development consent</p> <p>The demolition of a building or work may be carried out only with development consent.</p> <p>Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, as exempt development, the Act enables it to be carried out without development consent.</p>	<p>2.7 Demolition requires development consent</p> <p>The demolition of a building or work may be carried out only with development consent.</p> <p>Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>, as exempt development, the Act enables it to be carried out without development consent.</p>	<p>2.7 Demolition requires development consent</p> <p>The demolition of a building or work may be carried out only with development consent.</p> <p>Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>, as exempt development, the Act enables it to be carried out without development consent.</p>
<p>2.8 Temporary use of land [optional]</p> <p>(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.</p> <p>(2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 [<i>or another number</i>] days (whether or not</p>	<p>2.8 Temporary use of land</p> <p>(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.</p> <p>(2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 days (whether</p>	<p>2.8 Temporary use of land</p> <p>(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.</p> <p>(2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.</p>	<p>2.8 Temporary use of land</p> <p>(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.</p> <p>(2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.</p>

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<p>consecutive days) in any period of 12 months.</p> <p>(3) Development consent must not be granted unless the consent authority is satisfied that—</p> <p>(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and</p> <p>(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and</p> <p>(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and</p> <p>(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.</p>	<p>or not consecutive days) in any period of 12 months.</p> <p>(3) Development consent must not be granted unless the consent authority is satisfied that—</p> <p>(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and</p> <p>(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and</p> <p>(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and</p> <p>(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.</p>	<p>(3) Development consent must not be granted unless the consent authority is satisfied that—</p> <p>(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and</p> <p>(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and</p> <p>(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and</p> <p>(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.</p> <p>(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the</p>	<p>(3) Development consent must not be granted unless the consent authority is satisfied that:</p> <p>(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and</p> <p>(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and</p> <p>(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and</p> <p>(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.</p> <p>(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the</p>

PART 2: PERMITTED OR PROHIBITED DEVELOPMENT			
Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
<p>(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.</p> <p>(5) Subclause (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).</p>	<p>(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.</p> <p>(5) Subclause (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).</p>	<p>maximum number of days specified in that subclause.</p> <p>(5) Subclause (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).</p>	<p>maximum number of days specified in that subclause.</p> <p>(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).</p>

Land Use Table

See separate Land Use Matrix for land use permissibility

PART 3: EXEMPT AND COMPLYING DEVELOPMENT

PART 3: EXEMPT AND COMPLYING DEVELOPMENT			
Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
<p>3.1 Exempt development [compulsory]</p>	<p>3.1 Exempt development</p> <p>Note. Under section 76 of the Act, exempt development may be carried</p>	<p>3.1 Exempt development</p> <p>Note. Under section 76 of the Act, exempt development may be carried</p>	<p>3.1 Exempt development</p> <p>Note. Under section 76 of the Act, exempt development may be carried</p>

PART 3: EXEMPT AND COMPLYING DEVELOPMENT			
Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
<p>Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.</p> <p>The section states that exempt development—</p> <p>(a) must be of minimal environmental impact, and</p> <p>(b) cannot be carried out in a declared area of outstanding biodiversity value under the <i>Biodiversity Conservation Act 2016</i> or declared critical habitat under Part 7A of the <i>Fisheries Management Act 1994</i>, and</p> <p>(c) cannot be carried out in a wilderness area (identified under the <i>Wilderness Act 1987</i>).</p> <p>(1) The objective of this clause is to identify development of minimal environmental impact as exempt development.</p> <p>(2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the</p>	<p>out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.</p> <p>The section states that exempt development—</p> <p>(a) must be of minimal environmental impact, and</p> <p>(b) cannot be carried out in a declared area of outstanding biodiversity value under the <i>Biodiversity Conservation Act 2016</i> or declared critical habitat under Part 7A of the <i>Fisheries Management Act 1994</i>, and</p> <p>(c) cannot be carried out in a wilderness area (identified under the <i>Wilderness Act 1987</i>).</p> <p>(1) The objective of this clause is to identify development of minimal environmental impact as exempt development.</p> <p>(2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.</p>	<p>out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.</p> <p>The section states that exempt development—</p> <p>(a) must be of minimal environmental impact, and</p> <p>(b) cannot be carried out in a declared area of outstanding biodiversity value under the <i>Biodiversity Conservation Act 2016</i> or declared critical habitat under Part 7A of the <i>Fisheries Management Act 1994</i>, and</p> <p>(c) cannot be carried out in a wilderness area (identified under the <i>Wilderness Act 1987</i>).</p> <p>(1) The objective of this clause is to identify development of minimal environmental impact as exempt development.</p> <p>(2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.</p>	<p>out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.</p> <p>The section states that exempt development:</p> <p>(a) must be of minimal environmental impact, and</p> <p>(b) cannot be carried out in a declared area of outstanding biodiversity value under the Biodiversity Conservation Act 2016 or declared critical habitat under Part 7A of the Fisheries Management Act 1994, and</p> <p>(c) cannot be carried out in a wilderness area (identified under the Wilderness Act 1987).</p> <p>(1) The objective of this clause is to identify development of minimal environmental impact as exempt development.</p> <p>(2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the</p>

PART 3: EXEMPT AND COMPLYING DEVELOPMENT			
Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
<p>requirements of this Part is exempt development.</p> <p>(3) To be exempt development, the development—</p> <p>(a) must meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i> or, if there are no such relevant provisions, must be structurally adequate, and</p> <p>(b) must not, if it relates to an existing building, cause the building to contravene the <i>Building Code of Australia</i>, and</p> <p>(c) must not be designated development, and</p> <p>(d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the <i>Heritage Act 1977</i> or that is subject to an interim heritage order under the <i>Heritage Act 1977</i>.</p> <p>(e) (Repealed)</p> <p>(4) Development that relates to an existing building that is classified under the <i>Building Code of Australia</i> as class</p>	<p>(3) To be exempt development, the development—</p> <p>(a) must meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i> or, if there are no such relevant provisions, must be structurally adequate, and</p> <p>(b) must not, if it relates to an existing building, cause the building to contravene the <i>Building Code of Australia</i>, and</p> <p>(c) must not be designated development, and</p> <p>(d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the <i>Heritage Act 1977</i> or that is subject to an interim heritage order under the <i>Heritage Act 1977</i>.</p> <p>(4) Development that relates to an existing building that is classified under the <i>Building Code of Australia</i> as class 1b or class 2–9 is exempt development only if—</p> <p>(a) the building has a current fire safety certificate or fire safety statement, or</p>	<p>(3) To be exempt development, the development—</p> <p>(a) must meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i> or, if there are no such relevant provisions, must be structurally adequate, and</p> <p>(b) must not, if it relates to an existing building, cause the building to contravene the <i>Building Code of Australia</i>, and</p> <p>(c) must not be designated development, and</p> <p>(d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the <i>Heritage Act 1977</i> or that is subject to an interim heritage order under the <i>Heritage Act 1977</i>.</p> <p>(4) Development that relates to an existing building that is classified under the <i>Building Code of Australia</i> as class 1b or class 2–9 is exempt development only if—</p> <p>(a) the building has a current fire safety certificate or fire safety statement, or</p>	<p>requirements of this Part is exempt development.</p> <p>(3) To be exempt development, the development:</p> <p>(a) must meet the relevant deemed-to-satisfy provisions of the Building Code of Australia or, if there are no such relevant provisions, must be structurally adequate, and</p> <p>(b) must not, if it relates to an existing building, cause the building to contravene the Building Code of Australia, and</p> <p>(c) must not be designated development, and</p> <p>(d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the Heritage Act 1977 or that is subject to an interim heritage order under the Heritage Act 1977.</p> <p>(e) (Repealed)</p> <p>(4) Development that relates to an existing building that is classified under the Building Code of Australia as class</p>

PART 3: EXEMPT AND COMPLYING DEVELOPMENT			
Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
<p>1b or class 2–9 is exempt development only if—</p> <p>(a) the building has a current fire safety certificate or fire safety statement, or</p> <p>(b) no fire safety measures are currently implemented, required or proposed for the building.</p> <p>(5) To be exempt development, the development must—</p> <p>(a) be installed in accordance with the manufacturer’s specifications, if applicable, and</p> <p>(b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.</p> <p>Note.</p> <p>See <u>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</u> and Part 5A of the <u>Local Land Services Act 2013</u>.</p>	<p>(b) no fire safety measures are currently implemented, required or proposed for the building.</p> <p>(5) To be exempt development, the development must—</p> <p>(a) be installed in accordance with the manufacturer’s specifications, if applicable, and</p> <p>(b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.</p> <p>Note.</p> <p>See <u>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</u> and Part 5A of the <u>Local Land Services Act 2013</u>.</p> <p>(6) A heading to an item in Schedule 2 is part of that Schedule.</p>	<p>(b) no fire safety measures are currently implemented, required or proposed for the building.</p> <p>(5) To be exempt development, the development must—</p> <p>(a) be installed in accordance with the manufacturer’s specifications, if applicable, and</p> <p>(b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.</p> <p>Note.</p> <p>See <u>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</u> and Part 5A of the <u>Local Land Services Act 2013</u>.</p> <p>(6) A heading to an item in Schedule 2 is part of that Schedule.</p>	<p>1b or class 2–9 is exempt development only if:</p> <p>(a) the building has a current fire safety certificate or fire safety statement, or</p> <p>(b) no fire safety measures are currently implemented, required or proposed for the building.</p> <p>(5) To be exempt development, the development must:</p> <p>(a) be installed in accordance with the manufacturer’s specifications, if applicable, and</p> <p>(b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.</p> <p>Note. See State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and Part 5A of the Local Land Services Act 2013.</p>

PART 3: EXEMPT AND COMPLYING DEVELOPMENT			
Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
(6) A heading to an item in Schedule 2 is part of that Schedule.			(6) A heading to an item in Schedule 2 is part of that Schedule.
<p>3.2 Complying development [compulsory]</p> <p>(1) The objective of this clause is to identify development as complying development.</p> <p>(2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with—</p> <p>(a) the development standards specified in relation to that development, and</p> <p>(b) the requirements of this Part, is complying development.</p> <p>Note.</p> <p>See also clause 5.8(3) which provides that the conversion of fire alarms is complying development in certain circumstances.</p> <p>(3) To be complying development, the development must—</p>	<p>3.2 Complying development</p> <p>(1) The objective of this clause is to identify development as complying development.</p> <p>(2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with—</p> <p>(a) the development standards specified in relation to that development, and</p> <p>(b) the requirements of this Part, is complying development.</p> <p>Note.</p> <p>See also clause 5.8(3) which provides that the conversion of fire alarms is complying development in certain circumstances.</p> <p>(3) To be complying development, the development must—</p>	<p>3.2 Complying development</p> <p>(1) The objective of this clause is to identify development as complying development.</p> <p>(2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with—</p> <p>(a) the development standards specified in relation to that development, and</p> <p>(b) the requirements of this Part, is complying development.</p> <p>Note.</p> <p>See also clause 5.8(3) which provides that the conversion of fire alarms is complying development in certain circumstances.</p> <p>(3) To be complying development, the development must—</p>	<p>3.2 Complying development</p> <p>(1) The objective of this clause is to identify development as complying development.</p> <p>(2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:</p> <p>(a) the development standards specified in relation to that development, and</p> <p>(b) the requirements of this Part, is complying development.</p> <p>Note. See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.</p> <p>(3) To be complying development, the development must:</p> <p>(a) be permissible, with development consent, in the zone in which it is carried out, and</p>

PART 3: EXEMPT AND COMPLYING DEVELOPMENT			
Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
<p>(a) be permissible, with development consent, in the zone in which it is carried out, and</p> <p>(b) meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i>, and</p> <p>(c) have an approval, if required by the <u>Local Government Act 1993</u>, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.</p> <p>(4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.</p> <p>(5) A heading to an item in Schedule 3 is part of that Schedule.</p>	<p>(a) be permissible, with development consent, in the zone in which it is carried out, and</p> <p>(b) meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i>, and</p> <p>(c) have an approval, if required by the <u>Local Government Act 1993</u>, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.</p> <p>(4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.</p> <p>(5) A heading to an item in Schedule 3 is part of that Schedule.</p>	<p>(a) be permissible, with development consent, in the zone in which it is carried out, and</p> <p>(b) meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i>, and</p> <p>(c) have an approval, if required by the <u>Local Government Act 1993</u>, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.</p> <p>(4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.</p> <p>(5) A heading to an item in Schedule 3 is part of that Schedule.</p>	<p>(b) meet the relevant deemed-to-satisfy provisions of the Building Code of Australia, and</p> <p>(c) have an approval, if required by the Local Government Act 1993, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.</p> <p>(4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.</p> <p>(5) A heading to an item in Schedule 3 is part of that Schedule.</p>
<p>3.3 Environmentally sensitive areas excluded [compulsory]</p> <p>(1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.</p> <p>(2) For the purposes of this clause—</p>	<p>3.3 Environmentally sensitive areas excluded</p> <p>(1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.</p> <p>(2) For the purposes of this clause—</p>	<p>3.3 Environmentally sensitive areas excluded</p> <p>(1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.</p> <p>(2) For the purposes of this clause—</p>	<p>3.3 Environmentally sensitive areas excluded</p> <p>(1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.</p> <p>(2) For the purposes of this clause:</p>

PART 3: EXEMPT AND COMPLYING DEVELOPMENT			
Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
<p><i>environmentally sensitive area for exempt or complying development</i> means any of the following—</p> <p>(a) the coastal waters of the State,</p> <p>(b) a coastal lake,</p> <p>(c) land within the coastal wetlands and littoral rainforests area (within the meaning of the <u><i>Coastal Management Act 2016</i></u>),</p> <p>(d) land reserved as an aquatic reserve under the <u><i>Fisheries Management Act 1994</i></u> or as a marine park under the <u><i>Marine Parks Act 1997</i></u>,</p> <p>(e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,</p> <p>(f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,</p> <p>(g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural</p>	<p><i>environmentally sensitive area for exempt or complying development</i> means any of the following—</p> <p>(a) the coastal waters of the State,</p> <p>(b) a coastal lake,</p> <p>(c) land within the coastal wetlands and littoral rainforests area (within the meaning of the <u><i>Coastal Management Act 2016</i></u>),</p> <p>(d) land reserved as an aquatic reserve under the <u><i>Fisheries Management Act 1994</i></u> or as a marine park under the <u><i>Marine Parks Act 1997</i></u>,</p> <p>(e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,</p> <p>(f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,</p> <p>(g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural</p>	<p><i>environmentally sensitive area for exempt or complying development</i> means any of the following—</p> <p>(a) the coastal waters of the State,</p> <p>(b) a coastal lake,</p> <p>(c) land within the coastal wetlands and littoral rainforests area (within the meaning of the <u><i>Coastal Management Act 2016</i></u>),</p> <p>(d) land reserved as an aquatic reserve under the <u><i>Fisheries Management Act 1994</i></u> or as a marine park under the <u><i>Marine Parks Act 1997</i></u>,</p> <p>(e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,</p> <p>(f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,</p> <p>(g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural</p>	<p><i>environmentally sensitive area for exempt or complying development</i> means any of the following:</p> <p>(a) the coastal waters of the State,</p> <p>(b) a coastal lake,</p> <p>(c) land within the coastal wetlands and littoral rainforests area (within the meaning of the <u><i>Coastal Management Act 2016</i></u>),</p> <p>(d) land reserved as an aquatic reserve under the <u><i>Fisheries Management Act 1994</i></u> or as a marine park under the <u><i>Marine Parks Act 1997</i></u>,</p> <p>(e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,</p> <p>(f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,</p> <p>(g) land identified in this or any other environmental planning instrument as being of high Aboriginal</p>

PART 3: EXEMPT AND COMPLYING DEVELOPMENT			
Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
<p>significance or high biodiversity significance,</p> <p>(h) land reserved under the <i>National Parks and Wildlife Act 1974</i> or land acquired under Part 11 of that Act,</p> <p>(i) land reserved or dedicated under the <i>Crown Lands Act 1989</i> for the preservation of flora, fauna, geological formations or for other environmental protection purposes,</p> <p>(j) land that is a declared area of outstanding biodiversity value under the <i>Biodiversity Conservation Act 2016</i> or declared critical habitat under Part 7A of the <i>Fisheries Management Act 1994</i>.</p>	<p>significance or high biodiversity significance,</p> <p>(h) land reserved under the <i>National Parks and Wildlife Act 1974</i> or land acquired under Part 11 of that Act,</p> <p>(i) land reserved or dedicated under the <i>Crown Lands Act 1989</i> for the preservation of flora, fauna, geological formations or for other environmental protection purposes,</p> <p>(j) land that is a declared area of outstanding biodiversity value under the <i>Biodiversity Conservation Act 2016</i> or declared critical habitat under Part 7A of the <i>Fisheries Management Act 1994</i>.</p>	<p>significance or high biodiversity significance,</p> <p>(h) land reserved under the <i>National Parks and Wildlife Act 1974</i> or land acquired under Part 11 of that Act,</p> <p>(i) land reserved or dedicated under the <i>Crown Lands Act 1989</i> for the preservation of flora, fauna, geological formations or for other environmental protection purposes,</p> <p>(j) land that is a declared area of outstanding biodiversity value under the <i>Biodiversity Conservation Act 2016</i> or declared critical habitat under Part 7A of the <i>Fisheries Management Act 1994</i>.</p>	<p>cultural significance or high biodiversity significance,</p> <p>(h) land reserved under the <i>National Parks and Wildlife Act 1974</i> or land acquired under Part 11 of that Act,</p> <p>(i) land reserved or dedicated under the <i>Crown Lands Act 1989</i> for the preservation of flora, fauna, geological formations or for other environmental protection purposes,</p> <p>(j) land that is a declared area of outstanding biodiversity value under the <i>Biodiversity Conservation Act 2016</i> or declared critical habitat under Part 7A of the <i>Fisheries Management Act 1994</i>.</p>

PART 4: PRINCIPAL DEVELOPMENT STANDARDS

PART 4: PRINCIPAL DEVELOPMENT STANDARDS			
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<p>4.1 Minimum subdivision lot size [optional]</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) <i>[set out objectives of the clause]</i></p> <p>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) This clause does not apply in relation to the subdivision of any land—</p> <p>(a) by the registration of a strata plan or strata plan of subdivision under the <i>Strata Schemes Development Act 2015</i>, or</p>	<p>4.1 Minimum subdivision lot size</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that minimum lot sizes reflect the outcomes of any adopted settlement strategy for Wyong,</p> <p>(b) to ensure that the creation of parcels of land for development occurs in a manner that protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will not, through its potential cumulative effects, create capacity problems for existing infrastructure,</p> <p>(c) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls.</p> <p>(2) This clause applies to a subdivision of any land shown on the <u>Lot Size Map</u> that requires development consent and that is carried out after the commencement of this Plan.</p>	<p>4.1 Minimum subdivision lot size</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to reflect State, regional and local planning strategies relating to the provision of various sizes of land,</p> <p>(b) to ensure that the subdivision of land is compatible with the desired future character of the area,</p> <p>(c) to promote the ecologically, socially and economically sustainable subdivision of land,</p> <p>(d) to ensure that the creation of parcels of land for development occurs in a manner that protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will, through its potential cumulative effects, not create capacity problems for existing infrastructure.</p> <p>(2) This clause applies to a subdivision of any land shown on the <u>Lot Size Map</u> that requires development</p>	<p>4.1 Minimum subdivision lot size</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to reflect State, regional and local planning strategies relating to the provision of various lot sizes,</p> <p>(b) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,</p> <p>(c) to ensure that the creation of lots occurs in a manner that is compatible with the desired future character of the area, protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will not, through its potential cumulative effects, create capacity problems for existing infrastructure.</p> <p>(d) to promote the ecologically, socially and economically sustainable subdivision of land.</p>

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<p>(b) by any kind of subdivision under the <u>Community Land Development Act 1989</u>.</p>	<p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.</p> <p>(4) This clause does not apply in relation to the subdivision of any land—</p> <p>(a) by the registration of a strata plan or strata plan of subdivision under the <u>Strata Schemes Development Act 2015</u>, or</p> <p>(b) by any kind of subdivision under the <u>Community Land Development Act 1989</u>.</p>	<p>consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.</p> <p>(4) This clause does not apply in relation to the subdivision of any land—</p> <p>(a) by the registration of a strata plan or strata plan of subdivision under the <u>Strata Schemes Development Act 2015</u>, or</p> <p>(b) by any kind of subdivision under the <u>Community Land Development Act 1989</u>.</p>	<p>(2) This clause applies to a subdivision of any land shown on the <u>Lot Size Map</u> that requires development consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.</p> <p>(4) This clause does not apply in relation to the subdivision of any land:</p> <p>(a) by the registration of a strata plan or strata plan of subdivision under the <u>Strata Schemes Development Act 2015</u>, or</p> <p>(b) by any kind of subdivision under the <u>Community Land Development Act 1989</u>.</p>
<p>4.1AA Minimum subdivision lot size for community title schemes [optional if clause 4.1 is adopted]</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) [set out objectives of the clause]</p>	<p>4.1AA Minimum subdivision lot size for community title schemes</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that the creation of lots within a community title scheme occurs in a manner that protects the physical</p>	<p>4.1AA Minimum subdivision lot size for community title schemes</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that land to which this clause applies is not fragmented by</p>	<p>4.1AA Minimum subdivision lot size for community title schemes</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to ensure that the creation of lots within a community title scheme occurs in a manner that is compatible</p>

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<p>(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the <u>Community Land Development Act 1989</u> of land in any of the following zones—</p> <p>(a) [list relevant zones],</p> <p>but does not apply to a subdivision by the registration of a strata plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the <u>Community Land Development Act 1989</u>) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) This clause applies despite clause 4.1.</p> <p>Direction.</p> <p>An exception to the minimum size shown on the Lot Size Map may be provided in certain circumstances, for example, in the case of land that is to be used for attached dwellings.</p>	<p>characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will not, through its potential cumulative effects, create capacity problems for existing infrastructure.</p> <p>(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the <u>Community Land Development Act 1989</u> of land in any of the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone RU5 Village,</p> <p>(d) Zone RU6 Transition,</p> <p>(e) Zone R2 Low Density Residential,</p> <p>(f) Zone R5 Large Lot Residential,</p> <p>(g) Zone E3 Environmental Management,</p> <p>(h) Zone E4 Environmental Living,</p> <p>but does not apply to a subdivision by the registration of a strata plan.</p>	<p>subdivisions that would create additional dwelling entitlements.</p> <p>(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the <u>Community Land Development Act 1989</u> of land in any of the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone RU5 Rural Village,</p> <p>(d) Zone R2 Low Density Residential,</p> <p>(e) Zone RE1 Public Recreation,</p> <p>(f) Zone E2 Environmental Conservation,</p> <p>(g) Zone E3 Environmental Management,</p> <p>(h) Zone E4 Environmental Living,</p> <p>but does not apply to a subdivision by the registration of a strata plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the</p>	<p>with the desired future character of the area, protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will not, through its potential cumulative effects, create capacity problems for existing infrastructure.</p> <p>(b) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.</p> <p>(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the <u>Community Land Development Act 1989</u> of land in any of the following zones:</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone RU5 Village,</p> <p>(d) Zone RU6 Transition,</p> <p>(e) Zone R2 Low Density Residential,</p> <p>(f) Zone R5 Large Lot Residential,</p>

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	<p>(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the <i>Community Land Development Act 1989</i>) is not to be less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.</p> <p>(4) This clause applies despite clause 4.1.</p>	<p>meaning of the <i>Community Land Development Act 1989</i>) is not to be less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.</p> <p>(4) This clause applies despite clause 4.1.</p>	<p>(g) Zone E2 Environmental Conservation, (h) Zone E3 Environmental Management, (i) Zone E4 Environmental Living.</p> <p>but does not apply to a subdivision by the registration of a strata plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the <i>Community Land Development Act 1989</i>) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) This clause applies despite clause 4.1.</p>
	<p>4.1A Exceptions to minimum lot size for certain split zones</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,</p>		<p>4.1C Exceptions to minimum subdivision lot size for certain split zones</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,</p>

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	<p>(b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.</p> <p>(2) This clause applies to each lot (an <i>original lot</i>) that contains—</p> <p>(a) land in Zone R5 Large Lot Residential or Zone E4 Environmental Living, and</p> <p>(b) land in Zone E2 Environmental Conservation or Zone E3 Environmental Management.</p> <p>(3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the <i>resulting lots</i>) if—</p> <p>(a) any part of a resulting lot that contains land in Zone R5 Large Lot Residential has an area of at least 1 hectare, and</p> <p>(b) any part of a resulting lot that contains land in Zone E4 Environmental Living has an area of at least 0.5 hectares, and</p> <p>(c) one of the resulting lots—</p> <p>(i) contains all of the land in Zone E2 Environmental Conservation or Zone E3</p>		<p>(b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.</p> <p>(2) This clause applies to each lot (an original lot) that contains:</p> <p>(a) land in Zone R5 Large Lot Residential or Zone E4 Environmental Living, and</p> <p>(b) land in Zone E2 Environmental Conservation or Zone E3 Environmental Management.</p> <p>(3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if:</p> <p>(a) any part of a resulting lot that contains land in Zone R5 Large Lot Residential has an area of at least 1 hectare, and</p> <p>(b) any part of a resulting lot that contains land in Zone E4 Environmental Living has an area of at least 0.5 hectares, and</p> <p>(c) one of the resulting lots:</p> <p>(i) contains all of the land in Zone E2 Environmental Conservation or Zone E3</p>

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	<p>Environmental Management that was in the original lot, and</p> <p>(ii) has an area measured in hectares of at least the number calculated in accordance with the following formula—</p> $\left(A - \frac{B}{2}\right) \times 5$ <p>where—</p> <p>A is the number of resulting lots containing land in Zone R5 Large Lot Residential or Zone E4 Environmental Living, but does not include any lot containing at least 2 hectares of such land.</p> <p>B is the area of any part of the resulting lots containing land in Zone R5 Large Lot Residential or Zone E4 Environmental Living measured in hectares, but does not include any part of a lot containing at least 2 hectares of such land.</p> <p>(4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that—</p> <p>(a) the land referred to in subclause (3)(a) will not be used for the purpose of eco-tourist facilities, residential</p>		<p>Environmental Management that was in the original lot, and</p> <p>(ii) has an area measured in hectares of at least the number calculated in accordance with the following formula:</p> $\left(A - \frac{B}{2}\right) \times 5$ <p>where:</p> <p>A is the number of resulting lots containing land in Zone R5 Large Lot Residential or Zone E4 Environmental Living, but does not include any lot containing at least 2 hectares of such land.</p> <p>B is the area of any part of the resulting lots containing land in Zone R5 Large Lot Residential or Zone E4 Environmental Living measured in hectares, but does not include any part of a lot containing at least 2 hectares of such land.</p> <p>(4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that:</p> <p>(a) the land referred to in subclause (3)(c) will not be used for the purpose of eco-tourist facilities, residential</p>

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	<p>accommodation or tourist and visitor accommodation, and</p> <p>(b) suitable arrangements have been, or will be, made for the long-term conservation and management of that land.</p>		<p>accommodation or tourist and visitor accommodation, and</p> <p>(b) suitable arrangements have been, or will be, made for the long-term conservation and management of that land.</p>				
		<p>4.1B Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing and residential flat buildings</p> <p>(1) The objective of this clause is to achieve planned residential density in certain zones.</p> <p>(2) Development consent may be granted to development on a lot in Zone R1 General Residential for a purpose shown in Column 1 of the Table to this clause if the area of the lot is equal to or greater than the area shown opposite that purpose in Column 2 of the Table.</p> <table border="0"> <tr> <td>Column 1</td> <td>Column 2</td> </tr> <tr> <td>Dual occupancy (attached)</td> <td>550 square metres</td> </tr> </table>	Column 1	Column 2	Dual occupancy (attached)	550 square metres	<p>(now covered by 4.1F and CCDCP)</p>
Column 1	Column 2						
Dual occupancy (attached)	550 square metres						

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		Dual occupancy (detached) 800 square metres Multi dwelling housing 750 square metres Residential flat building 750 square metres Attached dwelling 750 square metres (3) (Repealed)	
	<p>4.1B Exceptions to minimum lot sizes for certain residential development</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to provide opportunities for affordable housing in appropriate locations,</p> <p>(b) to encourage housing diversity without adversely impacting on residential amenity.</p> <p>(2) This clause applies to land in Zone R2 Low Density Residential.</p> <p>(3) Development consent may be granted to a single development</p>		<p>4.1D Exceptions to minimum subdivision lot sizes for dual occupancy development</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to provide opportunities for affordable housing in appropriate locations,</p> <p>(b) to encourage housing diversity without adversely impacting on residential amenity.</p> <p>(2) This clause applies to land in any of the following zones:</p> <p>(a) Zone R1 General Residential,</p>

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	<p>application for development on land to which this clause applies that is both of the following—</p> <p>(a) the subdivision of land into 5 or more lots of a size that is less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land,</p> <p>(b) the erection of a dwelling house on each lot resulting from the subdivision.</p> <p>(4) Development consent may be granted to a single development application for development that is both of the following—</p> <p>(a) the erection of a dual occupancy on land to which this clause applies,</p> <p>(b) the subdivision of that land into 2 lots of a size that is less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.</p> <p>(5) In determining whether to grant development consent for development under subclause (3) or (4), the consent authority must consider the following—</p> <p>(a) the likely impact of the height of the development on development located</p>		<p>(b) Zone R2 Low Density Residential.</p> <p>(3) Development consent may be granted to a single development application for development that is both of the following:</p> <p>(a) the erection of a dual occupancy on land to which this clause applies,</p> <p>(b) the subdivision of that land into 2 lots of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>4.1E Exceptions to minimum subdivision lot sizes for certain residential development</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to provide opportunities for affordable housing in appropriate locations,</p> <p>(b) to encourage housing diversity without adversely impacting on residential amenity.</p> <p>(2) This clause applies to land in Zone R1 General Residential.</p>

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	<p>on adjoining land in relation to visual impacts and overshadowing,</p> <p>(b) whether the development provides adequate pedestrian, vehicular and service access and car parking,</p> <p>(c) whether the development incorporates the principles of ecologically sustainable development,</p> <p>(d) the relationship between each of the dwellings comprising the development in relation to location and siting.</p>		<p>(3) Development consent may be granted to a single development application for development on land to which this clause applies that is both of the following:</p> <p>(a) the subdivision of land into 5 or more lots of a size that is less than the minimum size shown on the Lot Size Map in relation to that land,</p> <p>(b) the erection of a dwelling house on each lot resulting from the subdivision.</p> <p>(4) In determining whether to grant development consent for development under subclause (3), the consent authority must consider the following:</p> <p>(a) the likely impact of the height of the development on development located on adjoining land in relation to visual impacts and</p> <p>(b) whether the development provides adequate pedestrian, vehicular and service access and car parking,</p> <p>(c) whether the development incorporates the principles of ecologically sustainable development,</p>

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			(d) the relationship between each of the dwellings comprising the development in relation to location and siting.
	<p>4.1C Exceptions to minimum subdivision lot size under community title schemes for certain large lot residential development</p> <p>(1) The objective of this clause is to enable appropriate subdivision of certain land, so as to provide for a range of lot sizes whilst retaining a predominantly rural and large lot residential character.</p> <p>(2) This clause applies to land that is—</p> <p>(a) shown edged by a heavy red line on the <u>Dwelling Density Map</u>, and</p> <p>(b) wholly within Zone R5 Large Lot Residential.</p> <p>(3) Despite clauses 4.1 and 4.1AA, development consent may be granted for the subdivision of land to which this clause applies if—</p> <p>(a) none of the lots being subdivided were created by a previous subdivision under this clause, and</p>		<p>4.1A Exceptions to minimum subdivision lot size under community title schemes for certain large lot residential development</p> <p>(1) The objective of this clause is to enable appropriate subdivision of certain land, so as to provide for a range of lot sizes whilst retaining a predominantly rural and large lot residential character.</p> <p>(2) This clause applies to land that is:</p> <p>(a) shown edged by a heavy red line on the <u>Dwelling Density Map</u>, and</p> <p>(b) wholly within Zone R5 Large Lot Residential.</p> <p>(3) Despite clauses 4.1 and 4.1AA, development consent may be granted for the subdivision of land to which this clause applies if:</p> <p>(a) none of the lots being subdivided were created by a previous subdivision under this clause, and</p>

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	<p>(b) any lot created by the subdivision is within a community title scheme under the <u>Community Land Development Act 1989</u>, and</p> <p>(c) any lot created by the subdivision that has an area that is less than the minimum lot size shown on the <u>Lot Size Map</u> in relation to the land has a minimum area of 900 square metres, and</p> <p>(d) no more than 30% of the area of the lots created by the subdivision consists of lots that have an area that is less than the minimum lot size shown on the <u>Lot Size Map</u> in relation to the land, and</p> <p>(e) the development will not result in there being a total number of more than 300 lots comprising land shown on the <u>Dwelling Density Map</u>, and</p> <p>(f) the consent authority is satisfied that the subdivision of land will not affect the retention of the predominantly rural and large lot residential character of the locality.</p>		<p>(b) any lot created by the subdivision is within a community title scheme under the <u>Community Land Development Act 1989</u>, and</p> <p>(c) any lot created by the subdivision that has an area that is less than the minimum lot size shown on the <u>Lot Size Map</u> in relation to the land has a minimum area of 900 square metres, and</p> <p>(d) no more than 30% of the area of the lots created by the subdivision consists of lots that have an area that is less than the minimum lot size shown on the <u>Lot Size Map</u> in relation to the land, and</p> <p>(e) the development will not result in there being a total number of more than 300 lots comprising land shown on the <u>Dwelling Density Map</u>, and</p> <p>(f) the consent authority is satisfied that the subdivision of land will not affect the retention of the predominantly rural and large lot residential character of the locality.</p>

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		<p>4.1C Exception to minimum lot size for subdivision of land that includes deferred matter</p> <p>(1) Development consent may be granted to a subdivision of land to create a lot (the residual lot) of a size that is less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land if—</p> <p>(a) the subdivision is of land that is being subdivided together with land identified as “Deferred Matter” under clause 1.3(1A), and</p> <p>(b) the residual lot is comprised entirely of land to which this Plan applies.</p> <p>(2) Development consent must not be granted for the erection of a dwelling on the residual lot.</p>	

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	<p>4.1D Minimum lot sizes for dual occupancies</p> <p>Development consent may be granted to development for the purpose of dual occupancies if the size of each lot is equal to or greater than—</p> <p>(a) in the case of an attached dual occupancy—550 square metres, or</p> <p>(b) in the case of a detached dual occupancy—700 square metres.</p>		<p>4.1F Minimum lot size for Dual Occupancy</p> <p>(1) The objective of this clause is to achieve planned residential density in certain zones</p> <p>(2) This clause applies to land in any of the following zones:</p> <p>(a) Zone R1 General Residential,</p> <p>(b) Zone R2 Low Density Residential</p> <p>(c) Zone R3 Medium Density Residential</p> <p>(3) Development consent may be granted to development for the purpose of dual occupancies if the size of each lot is equal to or greater than—</p> <p>(a) in the case of an attached dual occupancy—550 square metres, or</p> <p>(b) in the case of a detached dual occupancy—700 square metres</p>
<p>4.2 Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU3, RU4 or RU6]</p> <p>(1) The objective of this clause is to provide flexibility in the application of</p>	<p>4.2 Rural subdivision</p> <p>(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance</p>	<p>4.2 Rural subdivision</p> <p>(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance</p>	<p>4.2 Rural subdivision</p> <p>(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to</p>

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<p>standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.</p> <p>(2) This clause applies to the following rural zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(baa) Zone RU3 Forestry,</p> <p>(c) Zone RU4 Primary Production Small Lots,</p> <p>(d) Zone RU6 Transition.</p> <p>(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.</p>	<p>to achieve the objectives for development in the relevant zone.</p> <p>(2) This clause applies to the following rural zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(baa) Zone RU3 Forestry,</p> <p>(c) Zone RU4 Primary Production Small Lots,</p> <p>(d) Zone RU6 Transition.</p> <p>Note. When this Plan was made it did not include all of these zones.</p> <p>(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.</p> <p>(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.</p>	<p>to achieve the objectives for development in the relevant zone.</p> <p>(2) This clause applies to the following rural zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(baa) Zone RU3 Forestry,</p> <p>(c) Zone RU4 Primary Production Small Lots,</p> <p>(d) Zone RU6 Transition.</p> <p>Note. When this Plan was made it did not include all of these zones.</p> <p>(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.</p> <p>(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.</p>	<p>achieve the objectives for development in the relevant zone.</p> <p>(2) This clause applies to the following rural zones:</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(baa) Zone RU3 Forestry,</p> <p>(c) Zone RU4 Primary Production Small Lots,</p> <p>(d) Zone RU6 Transition.</p> <p>Note. When this Plan was made it did not include all of these zones.</p> <p>(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.</p> <p>(5) A dwelling cannot be erected on such a lot.</p>

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<p>(5) A dwelling cannot be erected on such a lot.</p> <p>Note. A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).</p>	<p>(5) A dwelling cannot be erected on such a lot.</p> <p>Note. A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).</p>	<p>(5) A dwelling cannot be erected on such a lot.</p> <p>Note. A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).</p>	<p>Note. A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).</p>
	<p>4.2A Minimum subdivision lot size for strata plan schemes in certain rural and environment protection zones</p> <p>(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.</p> <p>(2) This clause applies to land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape.</p> <p>(c) Zone RU5 Village,</p> <p>(d) Zone RU6 Transition,</p> <p>(e) Zone R5 Large Lot Residential,</p>	<p>4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential, recreation and environment protection zones</p> <p>(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.</p> <p>(2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone RU5 Rural Village,</p> <p>(d) Zone R2 Low Density Residential,</p> <p>(e) Zone RE1 Public Recreation,</p>	<p>4.1B Minimum subdivision lot size for strata plan schemes in certain zones</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to ensure that the creation of lots within a strata plan scheme occurs in a manner that is compatible with the desired future character of the area, protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will not, through its potential cumulative effects, create capacity problems for existing infrastructure.</p> <p>(b) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.</p> <p>(2) This clause applies to land in the following zones that is used, or proposed to be used, for residential</p>

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	<p>(f) Zone E2 Environmental Conservation,</p> <p>(g) Zone E3 Environmental Management,</p> <p>(h) Zone E4 Environmental Living.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the <u><i>Strata Schemes (Freehold Development) Act 1973</i></u> or <u><i>Strata Schemes (Leasehold Development) Act 1986</i></u>) is not to be less than the minimum lot size shown on the <u>Lot Size Map</u> in relation to that land.</p> <p>Note.</p> <p>Part 6 of <u><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></u> provides that strata subdivision of a building in certain circumstances is specified complying development.</p>	<p>(f) Zone E2 Environmental Conservation,</p> <p>(g) Zone E3 Environmental Management.</p> <p>(h) (Repealed)</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the <u><i>Strata Schemes (Freehold Development) Act 1973</i></u> or <u><i>Strata Schemes (Leasehold Development) Act 1986</i></u>) is not to be less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.</p> <p>Note.</p> <p>Part 6 of <u><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></u> provides that strata subdivision of a building in certain circumstances is specified complying development.</p>	<p>accommodation or tourist and visitor accommodation:</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone RU5 Rural Village,</p> <p>(d) Zone RU6 Transition</p> <p>(e) Zone R5 Large Lot Residential,</p> <p>(f) Zone E2 Environmental Conservation,</p> <p>(g) Zone E3 Environmental Management.</p> <p>(h) Zone E4 Environmental Living.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the <u><i>Strata Schemes (Freehold Development) Act 1973</i></u> or <u><i>Strata Schemes (Leasehold Development) Act 1986</i></u>) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>Note. Part 6 of <u><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></u> provides that strata subdivision of a building in certain circumstances is specified complying development.</p>

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			<i>Development Codes) 2008</i> provides that strata subdivision of a building in certain circumstances is specified complying development.
		<p>4.2A Residential development and subdivision prohibited on certain land</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise unplanned rural residential development,</p> <p>(b) to prohibit residential development on undersized lots resulting from the closure of a road.</p> <p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone E2 Environmental Conservation,</p> <p>(d) Zone E3 Environmental Management,</p> <p>(e) Zone E4 Environmental Living.</p> <p>(3) Development consent must not be granted for the erection of a dwelling</p>	<p>4.2B Dwelling entitlement on undersized lots resulting from road closures</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to minimise unplanned rural residential development,</p> <p>(b) to prohibit residential development on undersized lots resulting from the closure of part or all of a road.</p> <p>(2) This clause applies to land in any of the following zones:</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone RU6 Transition,</p> <p>(d) Zone E3 Environmental Management,</p> <p>(e) Zone E4 Environmental Living.</p> <p>(3) Development consent may only be granted for the erection of a dual</p>

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		<p>house on a lot resulting from the closure of part or all of a road, irrespective of when that closure occurred, unless the lot is at least the minimum lot size specified for that land by the <u>Lot Size Map</u>.</p> <p>(4) Subclause (3) extends to a lot resulting from the closure of part or all of a road, the boundaries of which have been realigned as a result of a subdivision of an adjoining lot that did not result from the closure of part or all of a road.</p> <p>(5) Subclause (3) does not apply to a lot created by the consolidation of a lot resulting from the closure of part or all of a road with an adjoining lot that did not result from the closure of part or all of a road.</p>	<p>occupancy or dwelling house on land to which this clause applies if the land:</p> <p>(a) is a lot resulting from the closure of part or all of a road that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or</p> <p>(b) is a lot resulting from the consolidation of a lot created from the closure of part or all of a road with an adjoining lot that did not result from the closure of part or all of a road.</p> <p>(4) Development consent must not be granted for a dual occupancy or dwelling house under subclause (3) if the land is a lot resulting from the closure of part or all of a road, the boundaries of which have been realigned as a result of a subdivision of an adjoining lot that did not result from the closure of part or all of a road.</p>
	<p>4.2B Erection of dual occupancies and dwelling houses on land in certain rural and environment protection zones</p> <p>(1) The objectives of this clause are as follows—</p>		<p>4.2A Dwelling entitlement on land in certain rural and environment protection zones</p> <p>(1) The objectives of this clause are to:</p>

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	<p>(a) to minimise unplanned rural residential development,</p> <p>(b) to enable the replacement of lawfully erected dual occupancies and dwelling houses in certain rural and environment protection zones.</p> <p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone RU6 Transition,</p> <p>(d) Zone E3 Environmental Management.</p> <p>(3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land—</p> <p>(a) is a lot that is at least the minimum lot size shown on the <u>Lot Size Map</u> in relation to that land, or</p> <p>(b) is a lot created before this Plan commenced and on which the erection of a dwelling house was permissible</p>		<p>(a) enable development for the purposes of a dwelling house or dual occupancy on land which had a dwelling entitlement prior to the commencement of this plan;</p> <p>(b) enable a dwelling entitlement for lots created under this plan which meets the minimum lot size requirements as identified on the Lot Size Map</p> <p>(2) This clause applies to land in any of the following zones:</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone RU6 Transition,</p> <p>(d) Zone E3 Environmental Management.</p> <p>(3) Development consent may be granted for a dwelling house on land to which this clause applies if the land:</p> <p>(a) is a lot created before this Plan commenced and on which a dual occupancy or dwelling house was permissible immediately before that commencement, or</p>

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	<p>immediately before that commencement, or</p> <p>(c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or</p> <p>(d) is a lot identified on the <u>Lot Amalgamation Map</u>—</p> <p>(i) that has been amalgamated, and</p> <p>(ii) on which development for the purpose of a dual occupancy or a dwelling house was permissible immediately before this Plan commenced, or</p> <p>(e) would have been a lot referred to in paragraph (a), (b), (c) or (d) had it not been affected by—</p> <p>(i) a minor realignment of its boundaries that did not create an additional lot, or</p>		<p>(b) is a lot created in accordance with the provisions of this Plan, or</p> <p>(c) is a lot which is of or greater than the minimum lot size applicable to the land as identified on the Lot Size Map, or</p> <p>(d) is a lot identified on the Lot Amalgamation Map—</p> <p>(i) that has been amalgamated, and</p> <p>(ii) on which development for the purpose of a dual occupancy or a dwelling house was permissible immediately before this Plan commenced, or</p> <p>(e) would have been a lot of the minimum lot size as shown on the Lot Size Map in relation to that land had it not been affected by:</p> <p>(i) a minor realignment of its boundaries that did not create an additional lot, or</p> <p>(ii) a subdivision which created or widened a public road or public reserve or for another public purpose.</p> <p>Note. A dwelling cannot be erected on a lot created under clause 9 of <u>State</u></p>

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	<p>(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or</p> <p>(iii) a consolidation with an adjoining public road or public reserve or for another public purpose.</p> <p>Note. A dwelling cannot be erected on a lot created under clause 9 of <u>State Environmental Planning Policy (Rural Lands) 2008</u> or clause 4.2.</p> <p>(4) Development consent must not be granted under subclause (3) unless—</p> <p>(a) no dwelling house has been erected on the land, and</p> <p>(b) if a development application has been made for development for the purpose of a dwelling house on the land—the application has been refused or it was withdrawn before it was determined, and</p> <p>(c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.</p> <p>(5) Development consent may be granted for the erection of a dwelling</p>		<p><u>Environmental Planning Policy (Rural Lands) 2008</u> or clause 4.2.</p>

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	<p>house on land to which this clause applies if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.</p> <p>(6) (Repealed)</p> <p>(7) This clause (other than subclause (8)) applies to a dual occupancy in the same way as it applies to a dwelling house.</p> <p>(8) Despite subclauses (3) and (5), development consent may be granted for the erection of a dwelling house to create a dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house on the land.</p>		
	<p>4.2C Boundary adjustments in certain rural and environmental protection zones</p> <p>(1) The object of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum</p>	<p>4.2B Boundary adjustments in certain rural and environmental protection zones</p> <p>(1) The object of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the</p>	<p>4.2C Boundary adjustments in certain rural and environmental protection zones</p> <p>(1) The object of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size but the</p>

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	<p>lot size but the objectives of the relevant zone can be achieved.</p> <p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone E2 Environmental Conservation,</p> <p>(d) Zone E3 Environmental Management,</p> <p>(e) Zone E4 Environmental Living.</p> <p>(3) Despite clause 4.1(3), development consent may be granted to subdivide land by way of a boundary adjustment between adjoining lots where one or more resultant lots do not meet the minimum lot size shown on the <u>Lot Size Map</u> in relation to that land if the consent authority is satisfied that—</p> <p>(a) the subdivision will not create additional lots or the opportunity for additional dwellings, and</p>	<p>minimum lot size but the objectives of the relevant zone can be achieved.</p> <p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone E2 Environmental Conservation,</p> <p>(d) Zone E3 Environmental Management,</p> <p>(e) Zone E4 Environmental Living.</p> <p>(3) Despite clause 4.1(3), development consent may be granted to subdivide land by way of a boundary adjustment between adjoining lots where one or more resultant lots do not meet the minimum lot size shown on the <u>Lot Size Map</u> in relation to that land if the consent authority is satisfied that—</p> <p>(a) the subdivision will not create additional lots or the opportunity for additional dwellings, and</p> <p>(b) the number of dwellings on each lot after the subdivision will remain</p>	<p>objectives of the relevant zone can be achieved.</p> <p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone E2 Environmental Conservation,</p> <p>(d) Zone E3 Environmental Management,</p> <p>(e) Zone E4 Environmental Living.</p> <p>(3) Despite clause 4.1(3), development consent may be granted to subdivide land by way of a boundary adjustment between adjoining lots where one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land if the consent authority is satisfied that—</p> <p>(a) the subdivision will not create additional lots or the opportunity for additional dwellings, and</p> <p>(b) the number of dwellings on each lot after the subdivision will remain the same as before the subdivision, and</p>

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	<p>(b) the number of dwellings on each lot after the subdivision will remain the same as before the subdivision, and</p> <p>(c) the potential for land use conflict will not be increased as a result of the subdivision, and</p> <p>(d) if the land is in Zone RU1 Primary Production or Zone RU2 Rural Landscape—the subdivision will not have a significant adverse effect on the agricultural viability of the land, and</p> <p>(e) if the land is in Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living—the subdivision will result in the continued protection and long term maintenance of the land.</p> <p>(4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider whether or not the subdivision is likely to be incompatible with, or have a significant adverse impact on, the predominant land uses in the vicinity of the subdivision.</p> <p>(5) This clause does not apply—</p>	<p>the same as before the subdivision, and</p> <p>(c) the potential for land use conflict will not be increased as a result of the subdivision, and</p> <p>(d) if the land is in Zone RU1 Primary Production or Zone RU2 Rural Landscape—the subdivision will not have a significant adverse effect on the agricultural viability of the land, and</p> <p>(e) if the land is in Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living—the subdivision will result in the continued protection and long term maintenance of the land.</p> <p>(4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider whether or not the subdivision is likely to be incompatible with, or have a significant adverse impact on, the predominant land uses in the vicinity of the subdivision.</p> <p>(5) This clause does not apply—</p>	<p>(c) the potential for land use conflict will not be increased as a result of the subdivision, and</p> <p>(d) if the land is in Zone RU1 Primary Production or Zone RU2 Rural Landscape—the subdivision will not have a significant adverse effect on the agricultural viability of the land, and</p> <p>(e) if the land is in Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living—the subdivision will result in the continued protection and long term maintenance of the land.</p> <p>(4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider whether or not the subdivision is likely to be incompatible with, or have a significant adverse impact on, the predominant land uses in the vicinity of the subdivision.</p> <p>(5) This clause does not apply—</p> <p>(a) in relation to the subdivision of individual lots within a strata plan or community title scheme, or</p>

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	<p>(a) in relation to the subdivision of individual lots within a strata plan or community title scheme, or</p> <p>(b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.</p>	<p>(a) in relation to the subdivision of individual lots within a strata plan or community title scheme, or</p> <p>(b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.</p>	<p>(b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.</p>
<p>4.3 Height of buildings [optional]</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) <i>[set out objectives of the clause]</i></p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>	<p>4.3 Height of buildings</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to establish the maximum height limit for buildings to enable the achievement of appropriate development density,</p> <p>(b) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,</p> <p>(c) to ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.</p> <p>(ca) in relation to land at Kanwal that is within Zone B6 Enterprise Corridor and</p>	<p>4.3 Height of buildings</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to establish maximum height limits for buildings,</p> <p>(b) to permit building heights that encourage high quality urban form,</p> <p>(c) to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,</p> <p>(d) to nominate heights that will provide an appropriate transition in built form and land use intensity,</p> <p>(e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in</p>	<p>4.3 Height of buildings</p> <p>(1) The objective of this clause is to establish the maximum height limit for buildings.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>

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	<p>is identified as “Area 4” on the <u>Height of Buildings Map</u>—</p> <p>(i) to provide incentives for the development of health-related facilities in this locality, and</p> <p>(ii) to encourage lot consolidation of smaller lots to reduce the possibility of fragmented development, encourage shared facilities and manage traffic movements.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the <u>Height of Buildings Map</u>.</p> <p>(2A) Despite subclause (2), if the site area of a building on land identified as “Area 1” or “Area 2” on the <u>Height of Buildings Map</u> is at least 1,800 square metres, the maximum height of that building is—</p> <p>(a) in relation to land identified as “Area 1” on the <u>Height of Buildings Map</u>—20 metres, and</p> <p>(b) in relation to land identified as “Area 2” on the <u>Height of Buildings Map</u>—26 metres.</p>	<p>a manner that is complementary to the natural topography of the area,</p> <p>(f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the <u>Height of Buildings Map</u>.</p> <p>Note.</p> <p>Clauses 4.3A, 4.6, 5.6, 7.7 and 8.9 provide exceptions to the maximum height shown for the relevant land on the <u>Height of Buildings Map</u> in certain circumstances.</p> <p>(2A) Despite subclause (2), the maximum height of a building on land identified as “Woy Woy Town Centre”, “Umina Village Centre” or “Ettalong Village Centre” on the <u>Development Incentives Application Map</u> is 11.5 metres if—</p> <p>(a) the building is located on a site area of less than 1,000 square metres, or</p>	

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	<p>(2B) Despite subclause (2), the maximum height of a building on land identified as “Area 3” on the <u>Height of Buildings Map</u> is 10 metres if the building is to be located within 5 metres of any lot boundary with a frontage to Alison Road or the Pacific Highway.</p> <p>(2C) Despite subclause (2), the maximum height of a building on land identified as “Area 4” on the <u>Height of Buildings Map</u> is 20 metres if—</p> <p>(a) the site area is 2,000 square metres or more, and</p> <p>(b) the building is used for the purposes of health services facilities or for a purpose that, in the opinion of the consent authority, complements and contributes to the special centre role of the hospital precinct adjacent to the land.</p>	<p>(b) the building has a street frontage of less than 20 metres.</p> <p>(2B) Despite subclause (2), the maximum height of a building on land identified as “Erina Town Centre” on the <u>Development Incentives Application Map</u> is 11.5 metres if—</p> <p>(a) the building is located on a site area of less than 3,000 square metres, or</p> <p>(b) the building has a street frontage of less than 40 metres.</p>	
		<p>4.3A Exceptions to maximum building height in Terrigal Village Centre</p> <p>(1) The objectives of this clause are as follows—</p>	<p>4.3A Exceptions to maximum building height</p> <p>(1) The objectives of this clause are as follows:</p>

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		<p>(a) to establish a range of public and urban design benefits,</p> <p>(b) to disguise the impact of any additional height on the overall scale and bulk of building forms,</p> <p>(c) to minimise the impact of any additional height on panoramic coastal and ocean views that are available from the surrounding residential hillsides,</p> <p>(d) to establish the maximum height limit for certain buildings in the Terrigal Village Centre.</p> <p>(2) This clause applies to the land identified as “Terrigal Village Centre” on the <u>Development Incentives Application Map</u>.</p> <p>(3) Despite clause 4.3(2), the maximum height of a building on land to which this clause applies is 2.75 metres less than the height shown for that land on the <u>Height of Buildings Map</u> if—</p> <p>(a) the building is on a site area of less than 2,000 square metres, and</p>	<p>(a) to ensure that the height of buildings encourage high quality urban form,</p> <p>(b) to ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views,</p> <p>(c) to ensure that the height of buildings is compatible with the height, bulk and scale of the existing and desired future character of the locality.</p> <p>(d) to encourage lot consolidation of smaller lots to reduce the possibility of fragmented development, encourage shared facilities and manage traffic movements,</p> <p>(e) in relation to land that is identified as “Kanwal Enterprise Zone” on the Height of Buildings Map, to provide incentives for the development of health-related facilities in this locality.</p> <p>(2) This clause applies to the land identified by name on the Height of Buildings Map.</p> <p>(3) Despite clause 4.3, if the site area of a building on land identified as “The Entrance Local Centre - South of Denning Street” or “The Entrance Local Centre –</p>

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		<p>(b) the building has a street frontage of less than 20 metres.</p> <p>(4) Despite clause 4.3(2), the maximum height of a building on land to which this clause applies is 2.75 metres more than the height shown for that land on the <u>Height of Buildings Map</u> if—</p> <p>(a) the building is on a site area of at least 2,000 square metres, and</p> <p>(b) the building has a street frontage of at least 20 metres, and</p> <p>(c) the consent authority is satisfied that the development incorporates at least one publicly accessible outdoor space facing a street or lane that reinforces the level of retail activity and contributes to the accessibility of existing pedestrian spaces and includes—</p> <p>(i) open alleyways that link existing laneways or streets, or</p> <p>(ii) open courtyards that receive satisfactory levels of mid-winter sunlight.</p>	<p>North of Denning Street” on the Height of Buildings Map is at least 1,800 square metres, the maximum height of that building is:</p> <p>(a) in relation to land identified as “The Entrance Local Centre - South of Denning Street” on the Height of Buildings Map— 20 metres, and</p> <p>(b) in relation to land identified as “The Entrance Local Centre – North of Denning Street” on the Height of Buildings Map— 26 metres.</p> <p>(4) Despite clause 4.3, the maximum height of a building on land identified as “Wyang Local Centre” on the Height of Buildings Map is 10 metres if the building is to be located within 5 metres of any lot boundary with a frontage to Alison Road or the Pacific Highway.</p> <p>(5) Despite clause 4.3, the maximum height of a building on land identified as “Kanwal Enterprise Zone” on the Height of Buildings Map is 20 metres if:</p> <p>(a) the area of the building is 2,000 square metres or more, and</p> <p>(b) the building is used for the purposes of health services facilities or for a</p>

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		<p>(5) Despite clause 4.4(2), if subclause (4) applies to a building, the gross floor area of any part of the building that exceeds the maximum height of the building shown for the land on the <u>Height of Buildings Map</u> may increase the gross floor area of the building by a maximum of 25% of the site area.</p>	<p>purpose that, in the opinion of the consent authority, complements and contributes to the special centre role of the hospital precinct adjacent to the land.</p> <p>(6) Despite clause 4.3, the maximum height of a building on land identified as “Terrigal Village Centre” on the Height of Buildings Map is 2.75 metres less than the height shown for that land on the Height of Buildings Map if:</p> <p>(a) the building is on a site area of less than 2,000 square metres, and</p> <p>(b) the building has a street frontage as identified on the Height of Building Map of less than 20 metres.</p> <p>(7) Despite clause 4.3, the maximum height of a building on land identified as “Terrigal Village Centre” on the Height of Buildings Map is 2.75 metres more than the height shown for that land on the Height of Buildings Map if:</p> <p>(a) the building is on a site area of at least 2,000 square metres, and</p> <p>(b) the building has a street frontage as identified on the Height of Building Map of at least 20 metres, and</p>

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			<p>(c) the consent authority is satisfied that the development incorporates at least one publicly accessible outdoor space facing a street or lane that reinforces the level of retail activity and contributes to the accessibility of existing pedestrian spaces and includes:</p> <ul style="list-style-type: none"> (i) open alleyways that link existing laneways or streets, or (ii) open courtyards that receive satisfactory levels of mid-winter sunlight. <p>(8) Despite clause 4.4, if subclause (7) and clause 4.4A(8) applies to a building, the gross floor area of any part of the building that exceeds the maximum height of the building shown for the land on the Height of Buildings Map may increase the gross floor area of the building by a maximum of 25% of the site area.</p> <p>(9) Despite clause 4.3, the maximum height of a building on land identified as “Woy Woy Town Centre” on the Height of Buildings Map is 19.75 metres if:</p> <ul style="list-style-type: none"> (a) the building is located on a site area of at least 1,000 square metres, and

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			<p>(b) the building has a street frontage as identified on the Height of Buildings Map of at least 20 metres.</p> <p>(10) Despite clause 4.3, the maximum height of a building on land identified as “Umina Village Centre” on the Height of Buildings Map is 14.25 metres if:</p> <p>(a) the building is located on a site area of at least 1,000 square metres, and</p> <p>(b) the building has a street frontage as identified on the Height of Buildings Map of at least 20 metres.</p> <p>(11) Despite clause 4.3, the maximum height of a building on land identified as “Ettalong Village Centre” on the Height of Buildings Map is 17 metres if:</p> <p>(a) the building is located on a site area of at least 1,000 square metres, and</p> <p>(b) the building has a street frontage as identified on the Height of Buildings Map of at least 20 metres.</p> <p>(12) Despite clause 4.3, the maximum height of a building on land identified as “Erina Town Centre” on the Height of Buildings Map is 14.25 metres if:</p>

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			<p>(a) the building is located on a site area of at least 3,000 square metres, and</p> <p>(b) the building has a street frontage as identified on the Height of Buildings Map of at least 40 metres.</p> <p>(13) A reference in this clause to street frontage refers to that street frontage indicated on the Height of Buildings Map.</p>
<p>4.4 Floor space ratio [optional]</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) <i>[set out objectives of the clause]</i></p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>	<p>4.4 Floor space ratio</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that the density, bulk and scale of development is appropriate for a site,</p> <p>(b) 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,</p> <p>(c) to facilitate development in certain areas that contributes to economic growth.</p> <p>(ca) in relation to land at Kanwal that is within Zone B6 Enterprise Corridor and</p>	<p>4.4 Floor space ratio</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to establish standards for the maximum development density and intensity of land use,</p> <p>(b) to control building density and bulk in relation to site area in order to achieve the desired future character for different locations,</p> <p>(c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,</p> <p>(d) to maintain an appropriate visual relationship between new development and the existing</p>	<p>4.4 Floor space ratio</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to establish standards for the maximum development density and intensity of land use,</p> <p>(b) 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,</p> <p>(c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,</p> <p>(d) to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space</p>

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	<p>is identified as “Area 3” on the <u>Floor Space Ratio Map</u>—</p> <p>(i) to provide incentives for the development of health-related facilities in this locality, and</p> <p>(ii) to encourage consolidation of smaller lots to reduce the possibility of fragmented development, encourage shared facilities and manage traffic movements,</p> <p>(d) to promote the provision of affordable housing.</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the <u>Floor Space Ratio Map</u>.</p> <p>(2A) If a building, or any part of a building, is a heritage item, the area comprising the heritage item is not to be included in the gross floor area of the building in calculating the floor space ratio for the building.</p> <p>(2B) Despite subclause (2), a building on land identified as “Area 1” or “Area 2” on the <u>Floor Space Ratio Map</u> for which the site area is as specified in Column 1 of the table to this subclause</p>	<p>character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,</p> <p>(e) to provide an appropriate correlation between the size of a site and the extent of any development on that site,</p> <p>(f) to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design,</p> <p>(g) to ensure that the floor space ratio of buildings on land in Zone R1 General Residential reflects Council’s desired building envelope,</p> <p>(h) to encourage lot amalgamation and new development forms in Zone R1 General Residential with car parking below ground level.</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the <u>Floor Space Ratio Map</u>.</p> <p>(2A) Despite subclause (2), the maximum floor space ratio for a building on land in Zone R1 General</p>	<p>for the articulation and modulation of design,</p> <p>(e) to encourage lot amalgamation and new development forms in Zone R1 General Residential with car parking below ground level.</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <p>(3) If a building, or any part of a building, is a heritage item, the area comprising the heritage item is not to be included in the gross floor area of the building in calculating the floor space ratio for the building</p>

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	<p>may exceed the maximum floor space ratio shown on the <u>Floor Space Ratio Map</u> in relation to that land by the percentage of that ratio shown opposite the relevant site area in Column 2 of that table.</p> <table border="1"> <thead> <tr> <th>Column 1 Site area</th> <th>Column 2 % of max FSR</th> </tr> </thead> <tbody> <tr> <td>1,500m² or more, but less than 2,000m²</td> <td>7.5%</td> </tr> <tr> <td>2,000m² or more, but less than 2,500m²</td> <td>10%</td> </tr> <tr> <td>2,500m² or more, but less than 3,000m²</td> <td>12.5%</td> </tr> <tr> <td>3,000m² or more, but less than 4,000m²</td> <td>15%</td> </tr> <tr> <td>4,000m² or more</td> <td>20%</td> </tr> </tbody> </table> <p>(2C) Despite subclause (2), a maximum floor space ratio of 2:1 applies to buildings on land at Kanwal that is</p>	Column 1 Site area	Column 2 % of max FSR	1,500m ² or more, but less than 2,000m ²	7.5%	2,000m ² or more, but less than 2,500m ²	10%	2,500m ² or more, but less than 3,000m ²	12.5%	3,000m ² or more, but less than 4,000m ²	15%	4,000m ² or more	20%	<p>Residential for which the maximum floor space ratio on the <u>Floor Space Ratio Map</u> is 0.7:1 or 0.85:1 is to be—</p> <p>(a) if the building is used for the purpose of an attached dwelling, semi-detached dwelling or dual occupancy—0.5:1 or 0.6:1, respectively, or</p> <p>(b) if the building is on a site area of less than 1,000 square metres and is used for the purpose of a residential flat building or multi dwelling housing with all on-site car parking located in the basement—0.6:1 or 0.7:1, respectively, or</p> <p>(c) if the building is used for the purpose of a residential flat building or multi dwelling housing and includes on-site car parking that is not located in the basement—0.5:1 or 0.6:1, respectively, or</p> <p>(e) if the building is used for any other purpose (excluding a dwelling house)—0.6:1 or 0.75:1, respectively.</p> <p>(2B) Despite subclause (2), the maximum floor space ratio for a building is as follows—</p>	
Column 1 Site area	Column 2 % of max FSR														
1,500m ² or more, but less than 2,000m ²	7.5%														
2,000m ² or more, but less than 2,500m ²	10%														
2,500m ² or more, but less than 3,000m ²	12.5%														
3,000m ² or more, but less than 4,000m ²	15%														
4,000m ² or more	20%														

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	<p>within Zone B6 Enterprise Corridor and is identified as “Area 3” on the <u>Floor Space Ratio Map</u> if—</p> <p>(a) the site area is 2,000 square metres or more, and</p> <p>(b) the building is used for the purposes of health services facilities or for a purpose that, in the opinion of the consent authority, complements and contributes to the special centre role of the hospital precinct adjacent to the land.</p> <p>(2D) Despite subclause (2), the floor space ratio for a building on any land may exceed the ratio shown for the land on the <u>Floor Space Ratio Map</u> by 0.1:1 if the building will comprise at least 75% of dwellings to be used for the purpose of affordable housing with a gross floor area of—</p> <p>(a) in relation to a bedsitter or studio— at least 35 square metres but no more than 36.75 square metres, and</p> <p>(b) in relation to a dwelling having 1 bedroom— at least 50 square metres but no more than 52.5 square metres, and</p>	<p>(a) if the building is used for the purpose of a dwelling house—0.5:1, or</p> <p>(b) if the building is used for any other purpose and is located on land in Zone RU5 Village, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living—0.15:1.</p>	

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	<p>(c) in relation to a dwelling having 2 bedrooms—at least 70 square metres but no more than 73.5 square metres, and</p> <p>(d) in relation to a dwelling having 3 or more bedrooms—at least 95 square metres but no more than 99.75 square metres.</p> <p>Note. Clause 14(2)(b) of the <u>State Environmental Planning Policy (Affordable Rental Housing) 2009</u> contains provisions relating to the gross floor area of dwellings in relation to affordable housing.</p>		
		<p>4.4A Town centres and village centres—floor space ratios</p> <p>(1) Despite clause 4.4(2), the maximum floor space ratio for a building that is on land identified as “Woy Woy Town Centre”, “Umina Village Centre” or “Ettalong Village Centre” on the <u>Development Incentives Application Map</u> is 1:1 if—</p> <p>(a) the building is located on a site area of less than 1,000 square metres, or</p>	<p>4.4A Exceptions to maximum floor space ratios</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to encourage lot consolidation of smaller lots to reduce the possibility of fragmented development, encourage shared facilities and manage traffic movements,</p> <p>(b) in relation to land identified as “Kanwal Enterprise Zone” on the Floor Space Ratio Map:</p>

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		<p>(b) the building has a street frontage of less than 20 metres.</p> <p>(2) Despite clause 4.4(2), the maximum floor space ratio for a building that is on land identified as “Woy Woy Town Centre” on the <u>Development Incentives Application Map</u> is 2.1:1 if—</p> <p>(a) the building is located on a site area of at least 1,000 square metres, but less than 1,500 square metres, and</p> <p>(b) the building has a street frontage of at least 20 metres.</p> <p>(3) Despite clause 4.4(2), the maximum floor space ratio for a building that is on land identified as “Erina Town Centre” on the <u>Development Incentives Application Map</u> is 1:1 if—</p> <p>(a) the building is located on a site area of less than 3,000 square metres, or</p> <p>(b) the building has a street frontage of less than 40 metres.</p> <p>(4) Despite clause 4.4(2), the maximum floor space ratio for a</p>	<p>(i) to provide incentives for the development of health-related facilities in this locality, and</p> <p>(ii) to encourage consolidation of smaller lots to reduce the possibility of fragmented development, encourage shared facilities and manage traffic movements.</p> <p>(2) Despite clause 4.4, a building on land identified as “Wyong Local Centre”, “Toukley Local Centre”, or “Canton Beach Local Centre” on the Floor Space Ratio Map for which the site area is as specified in Column 1 of the table to this subclause may exceed the maximum floor space ratio shown on the Floor Space Ratio Map in relation to that land by the percentage of that ratio shown opposite the relevant site area in Column 2 of that table.</p> <table border="1"> <thead> <tr> <th>Column 1</th> <th>Column 2</th> </tr> <tr> <th>Site area</th> <th>% of max FSR</th> </tr> </thead> <tbody> <tr> <td>1,500m² or more, but less than 2,000m²</td> <td>7.5%</td> </tr> <tr> <td>2,000m² or more, but less than 2,500m²</td> <td>10%</td> </tr> </tbody> </table>	Column 1	Column 2	Site area	% of max FSR	1,500m ² or more, but less than 2,000m ²	7.5%	2,000m ² or more, but less than 2,500m ²	10%
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		<p>building that is on land identified as “Terrigal Village Centre” on the <u>Development Incentives Application Map</u> is 1:1 if—</p> <p>(a) the building is located on a site area of less than 2,000 square metres, and</p> <p>(b) the building has a street frontage of less than 20 metres.</p> <p>(5) Despite clause 4.4(2), the maximum floor space ratio for a building that is on land identified as “Terrigal Village Centre” on the <u>Development Incentives Application Map</u> is 1.8:1 if—</p> <p>(a) the building is located on a site area of less than 2,000 square metres, and</p> <p>(b) the building has a street frontage of at least 20 metres.</p>	<p>2,500m² or more, but 12.5% less than 3,000m²</p> <p>3,000m² or more, but 15% less than 4,000m²</p> <p>4,000m² or more 20%</p> <p>(3) Despite clause 4.4, a maximum floor space ratio of 2:1 applies to buildings on land at Kanwal that is within Zone B6 Enterprise Corridor and is identified as “Kanwal Enterprise Zone” on the Floor Space Ratio Map if:</p> <p>(a) the site area is 2,000 square metres or more, and</p> <p>(b) the building is used for the purposes of health services facilities or for a purpose that, in the opinion of the consent authority, complements and contributes to the special centre role of the hospital precinct adjacent to the land.</p> <p>(4) Despite clause 4.4 the floor space ratio for a building on any land may exceed the ratio shown for the land on the Floor Space Ratio Map by 0.1:1 if the building will comprise at least 75% of dwellings to be used for the purpose of</p>

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			<p>affordable housing with a gross floor area of:</p> <ul style="list-style-type: none"> (a) in relation to a bedsitter or studio—at least 35 square metres but no more than 36.75 square metres, and (b) in relation to a dwelling having 1 bedroom—at least 50 square metres but no more than 52.5 square metres, and (c) in relation to a dwelling having 2 bedrooms—at least 70 square metres but no more than 73.5 square metres, and (d) in relation to a dwelling having 3 or more bedrooms—at least 95 square metres but no more than 99.75 square metres. <p>Note. Clause 14 (2) (b) of the <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> contains provisions relating to the gross floor area of dwellings in relation to affordable housing.</p> <ul style="list-style-type: none"> (5) Despite subclause 4.4, the maximum floor space ratio on land identified as “Area 1” is: <ul style="list-style-type: none"> (a) 0.7:1 if the building is used for the purpose of residential flat building or

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			<p>multi dwelling housing and all on-site car parking is located in the basement and the site area is 1,000 square metres or more.</p> <p>(b) 0.6:1 if the if the building is used for the purpose of residential flat building or multi dwelling housing and all on-site car parking is located in the basement and the site area is less than 1,000 square metres.</p> <p>(6) Despite subclause 4.4, the maximum floor space ratio on land identified as “Area 2” is:</p> <p>(a) 0.6:1 if the building is used for any purpose other than a dwelling house.</p> <p>(b) 0.85:1 if the building is used for the purpose of residential flat building or multi dwelling housing and all on-site car parking is located in the basement and the site area is 1,000 square metres or more.</p> <p>(c) 0.7:1 if the if the building is used for the purpose of residential flat building or multi dwelling housing and all on-site car parking is located in the basement and the site area is less than 1,000 square metres.</p>

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			<p>(7) Despite clause 4.4, a maximum floor space ratio of 2:1 applies to buildings on land identified as “Kanwal Enterprise Zone” on the Floor Space Ratio Map if:</p> <p>(a) the site area is 2,000 square metres or more, and</p> <p>(b) the building is used for the purposes of health services facilities or for a purpose that, in the opinion of the consent authority, complements and contributes to the special centre role of the hospital precinct adjacent to the land.</p> <p>(8) Despite clause 4.4, the maximum floor space ratio for a building that is on land identified as “Terrigal Village Centre” on the Floor Space Ratio Map is 1.8:1 if:</p> <p>(a) the building has a street frontage as identified on the Floor Space Ratio Map of at least 20 metres.</p> <p>(9) Despite clause 4.4, the maximum floor space ratio for a building that is on land identified as “Woy Woy Town Centre” on the Floor Space Ratio Map is 2.1:1 if:</p>

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			<p>(a) the building is located on a site area of at least 1,000 square metres, but less than 1,500 square metres, and</p> <p>(b) the building has a street frontage as identified on the Floor Space Ratio Map of at least 20 metres.</p> <p>(10) Despite clause 4.4, the maximum floor space ratio for a building that is on land identified as “Woy Woy Town Centre” on the Floor Space Ratio Map is 2.3:1 if:</p> <p>(a) the building is located on a site area of at least 1,500 square metres, and</p> <p>(b) the building has a street frontage as identified on the Floor Space Ratio Map of at least 20 metres.</p> <p>(11) Despite clause 4.4, the maximum floor space ratio for a building that is on land identified as “Umina Village Centre” on the Floor Space Ratio Map is 1.8:1 if:</p> <p>(a) the building is located on a site area of at least 1,000 square metres, and</p> <p>(b) the building has a street frontage as identified on the Floor Space Ratio Map of at least 20 metres.</p>

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			<p>(12) Despite clause 4.4, the maximum floor space ratio for a building that is on land identified as “Ettalong Village Centre” on the Floor Space Ratio Map is 2:1 if:</p> <p>(a) the building is located on a site area of at least 1,000 square metres, and</p> <p>(b) the building has a street frontage as identified on the Floor Space Ratio Map of at least 20 metres.</p> <p>(13) Despite clause 4.4, the maximum floor space ratio for a building that is on land identified as “Erina Town Centre” on the Floor Space Ratio Map is 1.3:1 if:</p> <p>(a) the building is located on a site area of at least 3,000 square metres, and</p> <p>(b) the building has a street frontage as identified on the Floor Space Ratio Map of at least 40 metres.</p> <p>(14) A reference in this clause to street frontage refers to that street frontage indicated on the Height of Buildings Map.</p>
4.5 Calculation of floor space ratio and site area [optional]	4.5 Calculation of floor space ratio and site area	4.5 Calculation of floor space ratio and site area	4.5 Calculation of floor space ratio and site area

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<p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to define floor space ratio,</p> <p>(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—</p> <p>(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and</p> <p>(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and</p> <p>(iii) require community land and public places to be dealt with separately.</p> <p>(2) Definition of “floor space ratio” The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.</p> <p>(3) Site area In determining the site area of proposed development for the</p>	<p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to define floor space ratio,</p> <p>(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—</p> <p>(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and</p> <p>(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and</p> <p>(iii) require community land and public places to be dealt with separately.</p> <p>(2) Definition of “floor space ratio” The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.</p> <p>(3) Site area In determining the site area of proposed development for the</p>	<p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to define floor space ratio,</p> <p>(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—</p> <p>(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and</p> <p>(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and</p> <p>(iii) require community land and public places to be dealt with separately.</p> <p>(2) Definition of “floor space ratio” The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.</p> <p>(3) Site area In determining the site area of proposed development for the</p>	<p>(1) Objectives The objectives of this clause are as follows:</p> <p>(a) to define floor space ratio,</p> <p>(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:</p> <p>(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and</p> <p>(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and</p> <p>(iii) require community land and public places to be dealt with separately.</p> <p>(2) Definition of “floor space ratio” The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.</p> <p>(3) Site area In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be:</p>

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<p>purpose of applying a floor space ratio, the site area is taken to be—</p> <p>(a) if the proposed development is to be carried out on only one lot, the area of that lot, or</p> <p>(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.</p> <p>In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.</p> <p>(4) Exclusions from site area The following land must be excluded from the site area—</p> <p>(a) land on which the proposed development is prohibited, whether under this Plan or any other law,</p> <p>(b) community land or a public place (except as provided by subclause (7)).</p> <p>(5) Strata subdivisions The area of a lot that is wholly or partly on top of</p>	<p>purpose of applying a floor space ratio, the site area is taken to be—</p> <p>(a) if the proposed development is to be carried out on only one lot, the area of that lot, or</p> <p>(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.</p> <p>In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.</p> <p>(4) Exclusions from site area The following land must be excluded from the site area—</p> <p>(a) land on which the proposed development is prohibited, whether under this Plan or any other law,</p> <p>(b) community land or a public place (except as provided by subclause (7)).</p> <p>(5) Strata subdivisions The area of a lot that is wholly or partly on top of</p>	<p>purpose of applying a floor space ratio, the site area is taken to be—</p> <p>(a) if the proposed development is to be carried out on only one lot, the area of that lot, or</p> <p>(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.</p> <p>In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.</p> <p>(4) Exclusions from site area The following land must be excluded from the site area—</p> <p>(a) land on which the proposed development is prohibited, whether under this Plan or any other law,</p> <p>(b) community land or a public place (except as provided by subclause (7)).</p> <p>(5) Strata subdivisions The area of a lot that is wholly or partly on top of</p>	<p>(a) if the proposed development is to be carried out on only one lot, the area of that lot, or</p> <p>(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.</p> <p>In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.</p> <p>(4) Exclusions from site area The following land must be excluded from the site area:</p> <p>(a) land on which the proposed development is prohibited, whether under this Plan or any other law,</p> <p>(b) community land or a public place (except as provided by subclause (7)).</p> <p>(5) Strata subdivisions The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the</p>

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<p>another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.</p> <p>(6) Only significant development to be included The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.</p> <p>(7) Certain public land to be separately considered For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.</p> <p>(8) Existing buildings The gross floor area of any existing or proposed</p>	<p>another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.</p> <p>(6) Only significant development to be included The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.</p> <p>(7) Certain public land to be separately considered For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.</p> <p>(8) Existing buildings The gross floor area of any existing or proposed buildings within the vertical projection</p>	<p>another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.</p> <p>(6) Only significant development to be included The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.</p> <p>(7) Certain public land to be separately considered For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.</p> <p>(8) Existing buildings The gross floor area of any existing or proposed</p>	<p>extent that it does not overlap with another lot already included in the site area calculation.</p> <p>(6) Only significant development to be included The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.</p> <p>(7) Certain public land to be separately considered For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.</p> <p>(8) Existing buildings The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included</p>

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<p>buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.</p> <p>(9) Covenants to prevent “double dipping” When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.</p> <p>(10) Covenants affect consolidated sites If—</p> <p>(a) a covenant of the kind referred to in subclause (9) applies to any land (<i>affected land</i>), and</p> <p>(b) proposed development relates to the affected land and other land that</p>	<p>(above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.</p> <p>(9) Covenants to prevent “double dipping” When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.</p> <p>(10) Covenants affect consolidated sites If—</p> <p>(a) a covenant of the kind referred to in subclause (9) applies to any land (<i>affected land</i>), and</p> <p>(b) proposed development relates to the affected land and other land that</p>	<p>buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.</p> <p>(9) Covenants to prevent “double dipping” When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.</p> <p>(10) Covenants affect consolidated sites If—</p> <p>(a) a covenant of the kind referred to in subclause (9) applies to any land (<i>affected land</i>), and</p> <p>(b) proposed development relates to the affected land and other land that</p>	<p>in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.</p> <p>(9) Covenants to prevent “double dipping” When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.</p> <p>(10) Covenants affect consolidated sites If:</p> <p>(a) a covenant of the kind referred to in subclause (9) applies to any land (<i>affected land</i>), and</p> <p>(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,</p>

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<p>together comprise the site of the proposed development,</p> <p>the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.</p> <p>(11) Definition In this clause, public place has the same meaning as it has in the <u>Local Government Act 1993</u>.</p>	<p>together comprise the site of the proposed development,</p> <p>the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.</p> <p>(11) Definition In this clause, public place has the same meaning as it has in the <u>Local Government Act 1993</u>.</p>	<p>together comprise the site of the proposed development,</p> <p>the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.</p> <p>(11) Definition In this clause, public place has the same meaning as it has in the <u>Local Government Act 1993</u>.</p>	<p>the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.</p> <p>(11) Definition In this clause, public place has the same meaning as it has in the <u>Local Government Act 1993</u>.</p>
<p>4.6 Exceptions to development standards [compulsory]</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p> <p>(2) Development consent may, subject to this clause, be granted for</p>	<p>4.6 Exceptions to development standards</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p> <p>(2) Development consent may, subject to this clause, be granted for</p>	<p>4.6 Exceptions to development standards</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p> <p>(2) Development consent may, subject to this clause, be granted for</p>	<p>4.6 Exceptions to development standards</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p> <p>(2) Development consent may, subject to this clause, be granted for development even though the</p>

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<p>development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p> <p>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>(4) Development consent must not be granted for development that</p>	<p>development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p> <p>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>(4) Development consent must not be granted for development that</p>	<p>development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p> <p>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>(4) Development consent must not be granted for development that</p>	<p>development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p> <p>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>(4) Development consent must not be granted for development that contravenes a development standard unless:</p>

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<p>contravenes a development standard unless—</p> <p>(a) the consent authority is satisfied that—</p> <p>(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Secretary has been obtained.</p> <p>(5) In deciding whether to grant concurrence, the Secretary must consider—</p> <p>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</p> <p>(b) the public benefit of maintaining the development standard, and</p>	<p>contravenes a development standard unless—</p> <p>(a) the consent authority is satisfied that—</p> <p>(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Secretary has been obtained.</p> <p>(5) In deciding whether to grant concurrence, the Secretary must consider—</p> <p>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</p> <p>(b) the public benefit of maintaining the development standard, and</p>	<p>contravenes a development standard unless—</p> <p>(a) the consent authority is satisfied that—</p> <p>(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Secretary has been obtained.</p> <p>(5) In deciding whether to grant concurrence, the Secretary must consider—</p> <p>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</p> <p>(b) the public benefit of maintaining the development standard, and</p>	<p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Secretary has been obtained.</p> <p>(5) In deciding whether to grant concurrence, the Secretary must consider:</p> <p>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</p> <p>(b) the public benefit of maintaining the development standard, and</p> <p>(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.</p>

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<p>(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.</p> <p>(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—</p> <p>(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or</p> <p>(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.</p> <p>(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the</p>	<p>(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.</p> <p>(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—</p> <p>(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or</p> <p>(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.</p> <p>Note. When this Plan was made it did not include all of these zones.</p> <p>(7) After determining a development application made pursuant to this clause, the consent authority must keep</p>	<p>(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.</p> <p>(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—</p> <p>(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or</p> <p>(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.</p> <p>Note. When this Plan was made it did not include all of these zones.</p> <p>(7) After determining a development application made pursuant to this</p>	<p>(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:</p> <p>(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or</p> <p>(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.</p> <p>(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).</p> <p>(8) This clause does not allow development consent to be granted for</p>

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<p>applicant's written request referred to in subclause (3).</p> <p>(8) This clause does not allow development consent to be granted for development that would contravene any of the following—</p> <p>(a) a development standard for complying development,</p> <p>(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which <u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u> applies or for the land on which such a building is situated,</p> <p>(c) clause 5.4.</p>	<p>a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).</p> <p>(8) This clause does not allow development consent to be granted for development that would contravene any of the following—</p> <p>(a) a development standard for complying development,</p> <p>(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which <u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u> applies or for the land on which such a building is situated,</p> <p>(c) clause 5.4,</p> <p>(ca) clause 4.1A, 4.1C, 4.3(2A), 4.4(2A), 4.4(2B), 4.4(2D), 5.3, 6.1, 6.2 or 7.11.</p>	<p>clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).</p> <p>(8) This clause does not allow development consent to be granted for development that would contravene any of the following—</p> <p>(a) a development standard for complying development,</p> <p>(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which <u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u> applies or for the land on which such a building is situated,</p> <p>(c) clause 5.4,</p> <p>(ca) clauses 6.1 and 6.2.</p>	<p>development that would contravene any of the following:</p> <p>(a) a development standard for complying development,</p> <p>(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which <u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u> applies or for the land on which such a building is situated,</p> <p>(c) clause 5.4.</p> <p>(ca) clause 4.1A, 4.1C, 4.3A, 4.4A, 6.1, 6.2, 7.13, or 7.23</p> <p>(cb) a variation to Clause 4.4 beyond the maximum FSR identified in 4.4A for any area identified in Clause 4.4A.</p>

PART 5: MISCELLANEOUS PROVISIONS

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<p>5.1 Relevant acquisition authority [compulsory]</p> <p>(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the <u>Land Acquisition (Just Terms Compensation) Act 1991</u> (the owner-initiated acquisition provisions).</p> <p>Note.</p> <p>If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the <u>Land Acquisition (Just Terms Compensation) Act 1991</u> requires the authority to acquire the land.</p> <p>(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation</p>	<p>5.1 Relevant acquisition authority</p> <p>(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the <u>Land Acquisition (Just Terms Compensation) Act 1991</u> (the owner-initiated acquisition provisions).</p> <p>Note.</p> <p>If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the <u>Land Acquisition (Just Terms Compensation) Act 1991</u> requires the authority to acquire the land.</p> <p>(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the <u>Land Reservation Acquisition Map</u> (or, if an</p>	<p>5.1 Relevant acquisition authority</p> <p>(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the <u>Land Acquisition (Just Terms Compensation) Act 1991</u> (the owner-initiated acquisition provisions).</p> <p>Note.</p> <p>If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the <u>Land Acquisition (Just Terms Compensation) Act 1991</u> requires the authority to acquire the land.</p> <p>(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the <u>Land</u></p>	<p>5.1 Relevant acquisition authority</p> <p>(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required under Division 3 of Part 2 of the <u>Land Acquisition (Just Terms Compensation) 1991</u>(<i>the owner-initiated acquisition provisions</i>).</p> <p>Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the <u>Land Acquisition (Just Terms Compensation) Act 1991</u> requires the authority to acquire the land</p> <p>(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the <u>Land Reservation Acquisition Map</u> (or, if an authority of the State is not specified in relation to land required to be so acquired, the</p>

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to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).	authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).	<u>Reservation Acquisition Map</u> (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).	authority designated or determined under those provisions).
Type of land shown on Map	Type of land shown on Map	Type of land shown on Map	Type of land shown on Map
Authority of the State	Authority of the State	Authority of the State	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Zone B4 Mixed Use and marked "Carpark"	Zone RE1 Public Recreation and marked "Local open space"	Zone B4 Mixed Use and marked "Carpark"
Council	Council	Council	Council
Zone RE1 Public Recreation and marked "Regional open space"	Zone RE1 Public Recreation and marked "Local open space"	Zone RE1 Public Recreation and marked "Regional open space"	Zone RE1 Public Recreation and marked "Local open space"
The corporation constituted under section 8 of the Act	Council	The corporation constituted under section 8 of the Act	Council
Zone SP2 Infrastructure and marked "Classified road"	Zone RE1 Public Recreation and marked "Regional open space"	Zone SP2 Infrastructure and marked "Classified road"	Zone RE1 Public Recreation and marked "Regional open space"
Roads and Maritime Services	The corporation constituted under section 8 of the Act	Roads and Maritime Services	The corporation constituted under section 8 of the Act
Zone E1 National Parks and Nature Reserves and marked "National Park"	Zone SP2 Infrastructure and marked "Classified road"	Zone SP2 Infrastructure and marked "Local road widening"	Zone SP2 Infrastructure and marked "Classified road"
Minister administering the <u>National Parks and Wildlife Act 1974</u>	Roads and Maritime Services	Council	Health Administration Corporation
Direction.	Zone SP2 Infrastructure and marked "Health services facilities"	Zone E1 National Parks and Nature Reserves and	Zone SP2 Infrastructure and marked "Health services facilities"
	Health Administration Corporation	Minister administering the	Zone SP2 Infrastructure and marked "Local road"
			Council

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<p>Land is required to be shown on the Land Reservation Acquisition Map if it is expressly set apart by the Plan exclusively for a public purpose referred to in section 26(1)(c) of the Act. However, any such land that is held by an authority of the State, or by a public company or a subsidiary of a public company (within the meaning of the <u>Corporations Act 2001</u> of the Commonwealth) is not required to be shown on that Map. An authority of the State is to be listed for all land shown on the Land Reservation Acquisition Map, but the land is not to be so reserved and the authority listed unless the authority consents to its being listed.</p> <p>(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.</p>	<p>Zone SP2 Council Infrastructure and marked "Local road"</p>	<p>marked "National <u>National Parks and Wildlife Act 1974</u> Park"</p> <p>(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.</p> <p>Note.</p> <p>If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this clause. Pending the designation of the acquiring authority for the land, the acquiring authority is to be the authority determined by order of the Minister for Planning and Infrastructure (see section 21 of the <u>Land Acquisition (Just Terms Compensation) Act 1991</u>).</p>	<p>Zone SP2 Council Infrastructure and marked "Sewer buffer"</p>		
	<p>Zone SP2 Council Infrastructure and marked "Sewer buffer"</p>		<p>Zone SP2 Council Infrastructure and marked "Stormwater management"</p>	<p>Zone SP2 Council Infrastructure and marked "Stormwater management"</p>	
	<p>Zone SP2 Council Infrastructure and marked "Stormwater management"</p>		<p>Zone E1 National Minister Parks and Nature administering the Reserves and <u>National Parks and Wildlife Act 1974</u> marked "National Park"</p>	<p>Zone E1 National Minister Parks and Nature administering the Reserves and <u>National Parks and Wildlife Act 1974</u> marked "National Park"</p>	<p>Zone E1 National Minister Parks and Nature administering the Reserves and <u>National Parks and Wildlife Act 1974</u> marked "National Park"</p>
	<p>Zone E2 Council Environmental Conservation and marked "Environmental conservation"</p>		<p>Zone E2 Council Environmental Conservation and marked "Environmental conservation"</p>	<p>Zone E2 Council Environmental Conservation and marked "Environmental conservation"</p>	<p>Zone E2 Council Environmental Conservation and marked "Environmental conservation"</p>
					<p>Zone E2 Council Environmental Conservation and marked "Regional open space"</p>
					<p>Zone E2 Council Environmental Conservation and marked "Stormwater management"</p>

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	<p>Zone E2 Environmental Conservation and marked "Regional open space"</p> <p>The corporation constituted under section 8 of the Act</p> <p>Zone E2 Environmental Conservation and marked "Stormwater management"</p> <p>Council</p> <p>Zone E3 Environmental Management and marked "Stormwater management"</p> <p>Council</p> <p>(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.</p>		<p>Zone E3 Environmental Conservation and marked "Stormwater management"</p> <p>Council</p> <p>(3) Development on land acquired by an authority of the State under the owner initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.</p> <p>Note. If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this clause. Pending the designation of the acquiring authority for the land, the acquiring authority is to be the authority determined by order of the Minister of Planning and Infrastructure (see section 21 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>).</p>
	5.1A Development on land intended to be acquired for public purposes		5.1A Development on land intended to be acquired for public purposes

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	<p>(1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.</p> <p>(2) This clause applies to the following land at Manning Road, The Entrance that has not been acquired by the relevant authority of the State specified for the land in clause 5.1—</p> <p>(a) Lots 3, 6, 8 and 11, DP 14527,</p> <p>(b) Lot 12A, DP 408523.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies other than development for the purpose of car parks.</p>		<p>(1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.</p> <p>(2) This clause applies to the following land at Manning Road, The Entrance that has not been acquired by the relevant authority of the State specified for the land in clause 5.1:</p> <p>(a) Lots 3, 6, 8 and 11, DP 14527,</p> <p>(b) Lot 12A, DP 408523.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies other than development for the purpose of car parks.</p>
<p>5.2 Classification and reclassification of public land [compulsory]</p> <p>(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the <u>Local Government Act 1993</u>.</p> <p>Note.</p>	<p>5.2 Classification and reclassification of public land</p> <p>(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the <u>Local Government Act 1993</u>.</p> <p>Note.</p>	<p>5.2 Classification and reclassification of public land</p> <p>(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the <u>Local Government Act 1993</u>.</p> <p>Note.</p>	<p>5.2 Classification and reclassification of public land</p> <p>(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the <i>Local Government Act 1993</i>.</p> <p>Note. Under the <i>Local Government Act 1993</i>, “public land” is generally land</p>

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<p>Under the <u>Local Government Act 1993</u>, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the <u>Local Government Act 1993</u>. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.</p> <p>(2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the <u>Local Government Act 1993</u>.</p> <p>(3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the <u>Local Government Act 1993</u>.</p> <p>(4) The public land described in Part 1 of Schedule 4—</p>	<p>Under the <u>Local Government Act 1993</u>, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the <u>Local Government Act 1993</u>. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.</p> <p>(2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the <u>Local Government Act 1993</u>.</p> <p>(3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the <u>Local Government Act 1993</u>.</p> <p>(4) The public land described in Part 1 of Schedule 4—</p>	<p>Under the <u>Local Government Act 1993</u>, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the <u>Local Government Act 1993</u>. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.</p> <p>(2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the <u>Local Government Act 1993</u>.</p> <p>(3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the <u>Local Government Act 1993</u>.</p> <p>(4) The public land described in Part 1 of Schedule 4—</p>	<p>vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the <i>Local Government Act 1993</i>. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.</p> <p>(2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the <i>Local Government Act 1993</i>.</p> <p>(3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the <i>Local Government Act 1993</i>.</p> <p>(4) The public land described in Part 1 of Schedule 4:</p> <p>(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and</p> <p>(b) continues to be affected by any trusts, estates, interests, dedications,</p>

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<p>(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and</p> <p>(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.</p> <p>(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—</p> <p>(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and</p> <p>(b) any reservations that except land out of the Crown grant relating to the land, and</p>	<p>(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and</p> <p>(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.</p> <p>(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—</p> <p>(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and</p> <p>(b) any reservations that except land out of the Crown grant relating to the land, and</p> <p>(c) reservations of minerals (within the meaning of the <u>Crown Lands Act 1989</u>).</p> <p>Note. In accordance with section 30(2) of the <u>Local Government Act 1993</u>, the</p>	<p>(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and</p> <p>(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.</p> <p>(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—</p> <p>(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and</p> <p>(b) any reservations that except land out of the Crown grant relating to the land, and</p> <p>(c) reservations of minerals (within the meaning of the <u>Crown Lands Act 1989</u>).</p> <p>(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and</p> <p>(b) any reservations that except land out of the Crown grant relating to the land, and</p>	<p>conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.</p> <p>(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:</p> <p>(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and</p> <p>(b) any reservations that except land out of the Crown grant relating to the land, and</p> <p>(c) reservations of minerals (within the meaning of the <u>Crown Lands Act 1989</u>).</p> <p>Note. In accordance with section 30 (2) of the <u>Local Government Act 1993</u>, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.</p>

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<p>(c) reservations of minerals (within the meaning of the <u>Crown Lands Act 1989</u>).</p> <p>Note. In accordance with section 30(2) of the <u>Local Government Act 1993</u>, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.</p>	<p>approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4</p>	<p>(c) reservations of minerals (within the meaning of the <u>Crown Lands Act 1989</u>).</p> <p>Note.</p> <p>In accordance with section 30(2) of the <u>Local Government Act 1993</u>, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4</p>	
<p>5.3 Development near zone boundaries [optional]</p> <p>(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.</p> <p>(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2</p>	<p>5.3 Development near zone boundaries</p> <p>[Not adopted]</p>	<p>5.3 Development near zone boundaries</p> <p>(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.</p> <p>(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2</p>	<p>5.3 Development near zone Boundaries</p> <p>[Not adopted] (note replaced by clause 7.19)</p>

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<p>zones. The relevant distance is <i>[insert distance for any 2 zones or different distances for different zones]</i>.</p> <p>(3) This clause does not apply to—</p> <p>(a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or</p> <p>(b) land within the coastal zone, or</p> <p>(c) land proposed to be developed for the purpose of sex services or restricted premises.</p> <p>Direction.</p> <p>Additional zones may be included by adding them in a separate paragraph numbered (aa).</p> <p>(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining</p>		<p>zones. The relevant distance is 10 metres.</p> <p>(3) This clause does not apply to—</p> <p>(a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or</p> <p>(a1) land in Zone B3 Commercial Core, Zone RE2 Private Recreation, Zone E4 Environmental Living or Zone W2 Recreational Waterways, or</p> <p>(b) land within the coastal zone, or</p> <p>(c) land proposed to be developed for the purpose of sex services or restricted premises.</p> <p>(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—</p>	

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<p>zone, but only if the consent authority is satisfied that—</p> <p>(a) the development is not inconsistent with the objectives for development in both zones, and</p> <p>(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.</p> <p>(5) This clause does not prescribe a development standard that may be varied under this Plan</p>		<p>(a) the development is not inconsistent with the objectives for development in both zones, and</p> <p>(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.</p> <p>(5) This clause does not prescribe a development standard that may be varied under this Plan</p>	
<p>5.4 Controls relating to miscellaneous permissible uses [compulsory]</p> <p>(1) Bed and breakfast accommodation If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than <i>[insert number not less than 3]</i> bedrooms.</p>	<p>5.4 Controls relating to miscellaneous permissible uses</p> <p>(1) Bed and breakfast accommodation If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.</p> <p>Note. Any such development that provides for a certain number of guests or rooms may involve a change in the</p>	<p>5.4 Controls relating to miscellaneous permissible uses</p> <p>(1) Bed and breakfast accommodation If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 4 bedrooms.</p> <p>Note. Any such development that provides for a certain number of guests or rooms may involve a change</p>	<p>5.4 Controls relating to miscellaneous permissible uses</p> <p>(1) Bed and breakfast accommodation</p> <p>If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.</p> <p>Note. Any such development that provides for a certain number of guests or</p>

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<p>Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the Building Code of Australia.</p> <p>(2) Home businesses If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than [<i>insert number not less than 30</i>] square metres of floor area.</p> <p>(3) Home industries If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than [<i>insert number not less than 30</i>] square metres of floor area.</p> <p>(4) Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—</p> <p>(a) [<i>insert number not more than 67</i>] % of the gross floor area of the industry</p>	<p>class of building under the Building Code of Australia.</p> <p>(2) Home businesses If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.</p> <p>(3) Home industries If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.</p> <p>(4) Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—</p> <p>(a) 20% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or</p> <p>(b) 250 square metres,</p> <p>whichever is the lesser.</p> <p>(5) Farm stay accommodation If development for the purposes of farm</p>	<p>in the class of building under the Building Code of Australia.</p> <p>(2) Home businesses If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.</p> <p>(3) Home industries If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.</p> <p>(4) Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—</p> <p>(a) 10% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or</p> <p>(b) 400 square metres,</p> <p>whichever is the lesser.</p> <p>(5) Farm stay accommodation If development for the purposes of farm</p>	<p>rooms may involve a change in the class of building under the <i>Building Code of Australia</i>.</p> <p>(2) Home businesses</p> <p>If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.</p> <p>(3) Home industries</p> <p>If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.</p> <p>(4) Industrial retail outlets</p> <p>If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:</p> <p>(a) 20 % of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or</p> <p>(b) 400 square metres, whichever is the lesser.</p>

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<p>or rural industry located on the same land as the retail outlet, or</p> <p>(b) [<i>insert number not more than 400</i>] square metres,</p> <p>whichever is the lesser.</p> <p>(5) Farm stay accommodation If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than [<i>insert number not less than 3</i>] bedrooms.</p> <p>(6) Kiosks If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed [<i>insert number not less than 10</i>] square metres.</p> <p>(7) Neighbourhood shops If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed [<i>insert number not less than 80 and not more than 1,000</i>] square metres.</p> <p>(7AA) Neighbourhood supermarkets If development for the purposes of a neighbourhood supermarket is</p>	<p>stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.</p> <p>(6) Kiosks If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 square metres.</p> <p>(7) Neighbourhood shops If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 125 square metres.</p> <p>(7AA) Neighbourhood supermarkets If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.</p> <p>(8) Roadside stalls If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 20 square metres.</p> <p>(9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under this Plan,</p>	<p>stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 4 bedrooms.</p> <p>(6) Kiosks If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 50 square metres.</p> <p>(7) Neighbourhood shops If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.</p> <p>(7AA) Neighbourhood supermarkets If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.</p> <p>(8) Roadside stalls If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 30 square metres.</p> <p>(9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under</p>	<p>(5) Farm stay accommodation</p> <p>If development for the purposes of farm stay accommodation is permitted under this plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.</p> <p>(6) Kiosks</p> <p>If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 50 square metres.</p> <p>(7) Neighbourhood shops</p> <p>If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 125 square metres.</p> <p>(7AA) Neighbourhood supermarkets</p> <p>If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.</p> <p>(8) Roadside stalls</p> <p>If development for the purposes of a roadside stall is permitted under this Plan,</p>

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<p>permitted under this Plan, the gross floor area must not exceed 1,000 square metres.</p> <p>(8) Roadside stalls If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed [<i>insert number not less than 8</i>] square metres.</p> <p>(9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—</p> <p>(a) 60 square metres,</p> <p>(b) [<i>insert number</i>] % of the total floor area of the principal dwelling.</p> <p>(10) Artisan food and drink industry exclusion If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—</p>	<p>the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—</p> <p>(a) 60 square metres,</p> <p>(b) 30% of the total floor area of the principal dwelling.</p> <p>(10) Artisan food and drink industry exclusion If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—</p> <p>(a) 20% of the gross floor area of the industry, or</p> <p>(b) 250 square metres,</p> <p>whichever is the lesser.</p>	<p>this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—</p> <p>(a) 60 square metres,</p> <p>(b) 20% of the total floor area of the principal dwelling.</p> <p>(10) Artisan food and drink industry exclusion If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—</p> <p>(a) 10% of the gross floor area of the industry, or</p> <p>(b) 400 square metres,</p> <p>whichever is the lesser.</p>	<p>the gross floor area must not exceed 30 square metres.</p> <p>(9) Secondary dwellings</p> <p>If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is greater:</p> <p>(a) 60 square metres,</p> <p>(b) 30 % of the total floor area of the principle dwelling.</p> <p>(10) Artisan food and drink industry exclusion</p> <p>If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed:</p> <p>(a) 20% of the gross floor area of the industry, or</p> <p>(b) 400 square metres,</p> <p>whichever is the lesser.</p>

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<p>(a) <i>[insert number not more than 67%]</i> of the gross floor area of the industry, or</p> <p>(b) <i>[insert number not more than 400]</i> square metres,</p> <p>whichever is the lesser</p>			
5.5 (Repealed)	5.5 (Repealed)	5.5 (Repealed)	5.5 (Repealed)
<p>5.6 Architectural roof features [optional]</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) <i>[set out objectives of the clause]</i></p> <p>(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.</p> <p>(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—</p> <p>(a) the architectural roof feature—</p>	<p>5.6 Architectural roof features</p> <p>[Not adopted]</p>	<p>5.6 Architectural roof features</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to permit variations to maximum building height standards for roof features of visual interest,</p> <p>(b) to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard.</p> <p>(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.</p>	<p>5.6 Architectural roof features</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to permit variations to maximum building height standards for roof features of visual interest,</p> <p>(b) to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard.</p> <p>(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.</p>

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<p>(i) comprises a decorative element on the uppermost portion of a building, and</p> <p>(ii) is not an advertising structure, and</p> <p>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</p> <p>(iv) will cause minimal overshadowing, and</p> <p>(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.</p>		<p>(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—</p> <p>(a) the architectural roof feature—</p> <p>(i) comprises a decorative element on the uppermost portion of a building, and</p> <p>(ii) is not an advertising structure, and</p> <p>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</p> <p>(iv) will cause minimal overshadowing, and</p> <p>(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.</p>	<p>(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:</p> <p>(a) the architectural roof feature:</p> <p>(i) comprises a decorative element on the uppermost portion of a building, and</p> <p>(ii) is not an advertising structure, and</p> <p>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</p> <p>(iv) will cause minimal overshadowing, and</p> <p>(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.</p>
5.7 Development below mean high water mark [compulsory if land to	5.7 Development below mean high water mark	5.7 Development below mean high water mark	5.7 Development below mean high water mark

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<p>which Plan applies contains tidal waters]</p> <p>(1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.</p> <p>(2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).</p>	<p>(1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.</p> <p>(2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).</p>	<p>(1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.</p> <p>(2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).</p>	<p>(1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.</p> <p>Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).</p>
<p>5.8 Conversion of fire alarms [compulsory]</p> <p>(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.</p> <p>(2) The following development may be carried out, but only with development consent—</p> <p>(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm</p>	<p>5.8 Conversion of fire alarms</p> <p>(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.</p> <p>(2) The following development may be carried out, but only with development consent—</p> <p>(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,</p>	<p>5.8 Conversion of fire alarms</p> <p>(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.</p> <p>(2) The following development may be carried out, but only with development consent—</p> <p>(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,</p>	<p>5.8 Conversion of fire alarms</p> <p>(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.</p> <p>(2) The following development may be carried out, but only with development consent:</p> <p>(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider.</p>

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<p>monitoring system of a private service provider,</p> <p>(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,</p> <p>(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.</p> <p>(3) Development to which subclause (2) applies is complying development if it consists only of—</p> <p>(a) internal alterations to a building, or</p> <p>(b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.</p>	<p>(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,</p> <p>(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.</p> <p>(3) Development to which subclause (2) applies is complying development if it consists only of—</p> <p>(a) internal alterations to a building, or</p> <p>(b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.</p> <p>(4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00</p>	<p>(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,</p> <p>(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.</p> <p>(3) Development to which subclause (2) applies is complying development if it consists only of—</p> <p>(a) internal alterations to a building, or</p> <p>(b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.</p> <p>(4) A complying development certificate for any such complying development is subject to a condition that any building work may only be</p>	<p>(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,</p> <p>(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.</p> <p>(3) Development to which subclause (2) applies is complying development if it consists only of:</p> <p>(a) internal alterations to a building, or</p> <p>(b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm x 100mm x 100mm.</p> <p>(4) A complying development certificate for any such complying development is subject to a condition that any building work may be only</p>

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<p>(4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.</p> <p>(5) In this clause—</p> <p>private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.</p>	<p>pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.</p> <p>(5) In this clause—</p> <p>private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems</p>	<p>carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.</p> <p>(5) In this clause—</p> <p>private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems</p>	<p>carried out between 7.00am and 6.00pm on Monday to Friday and between 7.00am and 5.00pm on Saturday, and must not be carried out on a Sunday or a public holiday.</p> <p>(5) In this clause:</p> <p>private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.</p>
5.9, 5.9AA (Repealed)	5.9, 5.9AA (Repealed)	5.9, 5.9AA (Repealed)	5.9, 5.9AA (Repealed)
<p>5.10 Heritage conservation [compulsory]</p> <p>Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.</p> <p>(1) Objectives The objectives of this clause are as follows—</p>	<p>5.10 Heritage conservation</p> <p>Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the <u>Heritage Map</u> as well as being described in Schedule 5.</p> <p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to conserve the environmental heritage of Wyong,</p>	<p>5.10 Heritage conservation</p> <p>Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the <u>Heritage Map</u> as well as being described in Schedule 5.</p> <p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to conserve the environmental heritage of Gosford,</p>	<p>5.10 Heritage conservation</p> <p>Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.</p> <p>(1) Objectives The objectives of this clause are as follows:</p>

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<p>(a) to conserve the environmental heritage of [<i>Name of local government area or other relevant name</i>],</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p> <p>(2) Requirement for consent Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p>	<p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p> <p>(2) Requirement for consent Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p>	<p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p> <p>(2) Requirement for consent Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is</p>	<p>(a) to conserve the environmental heritage of the Central Coast,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p> <p>(2) Requirement for consent Development consent is required for any of the following:</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to</p>

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<p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land—</p>	<p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p>	<p>specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p>	<p>anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p>

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<p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p> <p>(3) When consent not required However, development consent under this clause is not required if—</p> <p>(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—</p> <p>(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and</p> <p>(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and</p> <p>(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal</p>	<p>(3) When consent not required However, development consent under this clause is not required if—</p> <p>(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—</p> <p>(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and</p> <p>(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or</p> <p>(b) the development is in a cemetery or burial ground and the proposed development—</p> <p>(i) is the creation of a new grave or monument, or excavation or</p>	<p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p> <p>(3) When consent not required However, development consent under this clause is not required if—</p> <p>(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—</p> <p>(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and</p> <p>(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or</p>	<p>(3) When consent not required However, development consent under this clause is not required if:</p> <p>(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:</p> <p>(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building work, work, relic tree or place within the heritage conservation area, and</p> <p>(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place archaeological site or heritage conservation area, or</p> <p>(b) the development is in a cemetery or burial ground and the proposed development:</p> <p>(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or</p>

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<p>place, archaeological site or heritage conservation area, or</p> <p>(b) the development is in a cemetery or burial ground and the proposed development—</p> <p>(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and</p> <p>(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or</p> <p>(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or</p> <p>(d) the development is exempt development.</p> <p>(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage</p>	<p>disturbance of land for the purpose of conserving or repairing monuments or grave markers, and</p> <p>(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or</p> <p>(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or</p> <p>(d) the development is exempt development.</p> <p>(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage</p>	<p>(b) the development is in a cemetery or burial ground and the proposed development—</p> <p>(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and</p> <p>(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or</p> <p>(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or</p> <p>(d) the development is exempt development.</p> <p>(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or</p>	<p>repairing monuments or grave markers, and</p> <p>(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or</p> <p>(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or</p> <p>(d) the development is exempt development.</p> <p>(4) Effect of proposed development on heritage significance</p> <p>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>

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<p>of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p> <p>(5) Heritage assessment The consent authority may, before granting consent to any development—</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p> <p>(6) Heritage conservation management plans The consent</p>	<p>conservation management plan is submitted under subclause (6).</p> <p>(5) Heritage assessment The consent authority may, before granting consent to any development—</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p> <p>(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>	<p>area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p> <p>(5) Heritage assessment The consent authority may, before granting consent to any development—</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p> <p>(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of</p>	<p>(5) Heritage assessment</p> <p>The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p> <p>(6) Heritage conservation management plans</p> <p>The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p> <p>(7) Archaeological sites</p>

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<p>authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p> <p>(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the <u>Heritage Act 1977</u> applies)—</p> <p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p> <p>(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—</p>	<p>(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the <u>Heritage Act 1977</u> applies)—</p> <p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p> <p>(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—</p> <p>(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve</p>	<p>a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p> <p>(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the <u>Heritage Act 1977</u> applies)—</p> <p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p> <p>(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—</p> <p>(a) consider the effect of the proposed development on the</p>	<p>The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the <i>Heritage Act 1977</i> applies):</p> <p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p> <p>(8) Aboriginal places of heritage significance</p> <p>The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:</p> <p>(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</p>

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<p>(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</p> <p>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</p> <p>(9) Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—</p> <p>(a) notify the Heritage Council about the application, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p> <p>(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose</p>	<p>consideration of a heritage impact statement), and</p> <p>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</p> <p>(9) Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—</p> <p>(a) notify the Heritage Council about the application, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p> <p>(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose</p>	<p>heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</p> <p>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</p> <p>(9) Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—</p> <p>(a) notify the Heritage Council about the application, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p> <p>(10) Conservation incentives The consent authority may grant consent to development for any purpose of a</p>	<p>(b) notify the local Aboriginal communities, in writing or in such manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</p> <p>(9) Demolition of nominated State heritage items</p> <p>The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:</p> <p>(a) notify the Heritage Council about the application, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p> <p>(10) Conservation incentives</p> <p>The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would</p>

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<p>(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—</p> <p>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</p> <p>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</p> <p>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</p> <p>(d) the proposed development would not adversely affect the heritage</p>	<p>would otherwise not be allowed by this Plan, if the consent authority is satisfied that—</p> <p>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</p> <p>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</p> <p>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</p> <p>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and</p> <p>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</p>	<p>building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—</p> <p>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</p> <p>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</p> <p>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</p> <p>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage</p>	<p>otherwise not be allowed by this Plan, if the consent authority is satisfied that:</p> <p>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</p> <p>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</p> <p>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</p> <p>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and</p> <p>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</p>

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<p>significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and</p> <p>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</p>		<p>significance of the Aboriginal place of heritage significance, and</p> <p>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</p>	
<p>5.11 Bush fire hazard reduction [compulsory]</p> <p>Bush fire hazard reduction work authorised by the <u>Rural Fires Act 1997</u> may be carried out on any land without development consent.</p> <p>Note.</p> <p>The <u>Rural Fires Act 1997</u> also makes provision relating to the carrying out of development on bush fire prone land.</p>	<p>5.11 Bush fire hazard reduction</p> <p>Bush fire hazard reduction work authorised by the <u>Rural Fires Act 1997</u> may be carried out on any land without development consent.</p> <p>Note.</p> <p>The <u>Rural Fires Act 1997</u> also makes provision relating to the carrying out of development on bush fire prone land.</p>	<p>5.11 Bush fire hazard reduction</p> <p>Bush fire hazard reduction work authorised by the <u>Rural Fires Act 1997</u> may be carried out on any land without development consent.</p> <p>Note.</p> <p>The <u>Rural Fires Act 1997</u> also makes provision relating to the carrying out of development on bush fire prone land.</p>	<p>5.11 Bush fire hazard reduction</p> <p>Bush fire hazard reduction work authorised by the <u>Rural Fires Act 1977</u> may be carried out on any and without development consent.</p> <p>Note. The <u>Rural Fires Act 1977</u> also makes provision relating to the carrying out of development on bush fire prone land.</p>
<p>5.12 Infrastructure development and use of existing buildings of the Crown [compulsory]</p> <p>(1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a</p>	<p>5.12 Infrastructure development and use of existing buildings of the Crown</p> <p>(1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be</p>	<p>5.12 Infrastructure development and use of existing buildings of the Crown</p> <p>(1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to</p>	<p>5.12 Infrastructure development and use of existing building of the Crown</p> <p>(1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried</p>

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<p>public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under <u>State Environmental Planning Policy (Infrastructure) 2007</u>.</p> <p>(2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.</p>	<p>carried out with or without development consent, or that is exempt development, under <u>State Environmental Planning Policy (Infrastructure) 2007</u>.</p> <p>(2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.</p>	<p>be carried out with or without development consent, or that is exempt development, under <u>State Environmental Planning Policy (Infrastructure) 2007</u>.</p> <p>(2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown</p>	<p>out with or without development consent, or that is exempt development, under <u>State Environmental Planning Policy (Infrastructure) 2007</u>.</p> <p>(2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.</p>
<p>5.13 Eco-tourist facilities [compulsory if eco-tourist facilities permitted with consent]</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,</p> <p>(b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.</p> <p>(2) This clause applies if development for the purposes of an eco-tourist</p>	<p>5.13 Eco-tourist facilities</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,</p> <p>(b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.</p> <p>(2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.</p>	<p>5.13 Eco-tourist facilities</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,</p> <p>(b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.</p> <p>(2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.</p>	<p>5.13 Eco-tourist facilities</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to maintain the environmental and cultural values of land on which development for the purposes of ecotourist facilities is carried out,</p> <p>(b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.</p> <p>(2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.</p>

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<p>facility is permitted with development consent under this Plan.</p> <p>(3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—</p> <p>(a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and</p> <p>(b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and</p> <p>(c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and</p> <p>(d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and</p> <p>(e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of</p>	<p>(3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—</p> <p>(a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and</p> <p>(b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and</p> <p>(c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and</p> <p>(d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and</p> <p>(e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and</p>	<p>(3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—</p> <p>(a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and</p> <p>(b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and</p> <p>(c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and</p> <p>(d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and</p> <p>(e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and</p>	<p>(3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an ecotourist facility unless the consent authority is satisfied that:</p> <p>(a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and</p> <p>(b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and</p> <p>(c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and</p> <p>(d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and</p> <p>(e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and</p>

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<p>natural resources and enhancement of the natural environment, and</p> <p>(f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and</p> <p>(g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and</p> <p>(h) any infrastructure services to the site will be provided without significant modification to the environment, and</p> <p>(i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and</p> <p>(j) the development will not adversely affect the agricultural productivity of adjoining land, and</p>	<p>(f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and</p> <p>(g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and</p> <p>(h) any infrastructure services to the site will be provided without significant modification to the environment, and</p> <p>(i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and</p> <p>(j) the development will not adversely affect the agricultural productivity of adjoining land, and</p> <p>(k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—</p>	<p>(f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and</p> <p>(g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and</p> <p>(h) any infrastructure services to the site will be provided without significant modification to the environment, and</p> <p>(i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and</p> <p>(j) the development will not adversely affect the agricultural productivity of adjoining land, and</p> <p>(k) the following matters are addressed or provided for in a management strategy for minimising</p>	<p>(f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and</p> <p>(g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and</p> <p>(h) any infrastructure services to the site will be provided without significant modification to the environment, and</p> <p>(i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and</p> <p>(j) the development will not adversely affect the agricultural productivity of adjoining land, and</p> <p>(k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:</p>

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<p>(k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—</p> <p>(i) measures to remove any threat of serious or irreversible environmental damage,</p> <p>(ii) the maintenance (or regeneration where necessary) of habitats,</p> <p>(iii) efficient and minimal energy and water use and waste output,</p> <p>(iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,</p> <p>(v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control</p>	<p>(i) measures to remove any threat of serious or irreversible environmental damage,</p> <p>(ii) the maintenance (or regeneration where necessary) of habitats,</p> <p>(iii) efficient and minimal energy and water use and waste output,</p> <p>(iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,</p> <p>(v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.</p>	<p>any impact on the natural environment—</p> <p>(i) measures to remove any threat of serious or irreversible environmental damage,</p> <p>(ii) the maintenance (or regeneration where necessary) of habitats,</p> <p>(iii) efficient and minimal energy and water use and waste output,</p> <p>(iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,</p> <p>(v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control</p>	<p>(i) measures to remove any threat of serious or irreversible environmental damage,</p> <p>(ii) the maintenance (or regeneration where necessary) of habitats,</p> <p>(iii) efficient and minimal energy and water use and waste output,</p> <p>(iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,</p> <p>(v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.</p>
5.14 Siding Spring Observatory—maintaining dark sky [optional]	<p>5.14 Siding Spring Observatory—maintaining dark sky</p> <p>[Not adopted]</p>	5.14 Siding Spring Observatory—maintaining dark sky	5.14 Siding Spring Observatory—maintaining dark sky
5.15 Defence communications facility [optional]	5.15 Defence communications facility	5.15 Defence communications facility	5.15 Defence communications facility

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	[Not adopted]	[Not adopted]	[Not adopted]
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones [compulsory if land to which Plan applies includes land to which clause applies and Plan is referred to in Direction 1 to clause]	5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones [Not applicable]	5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones [Not applicable]	5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones [Not applicable]
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations [compulsory if land to which Plan applies includes land to which clause applies]	5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations [Not applicable]	5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations [Not applicable]	5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations [Not applicable]
5.18 Intensive livestock agriculture [compulsory if intensive livestock agriculture permitted with consent] (1) The objectives of this clause are— (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and (b) to provide for certain capacity thresholds below which development consent is not required for that	5.18 Intensive livestock agriculture (1) The objectives of this clause are— (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and (b) to provide for certain capacity thresholds below which development consent is not required for that	5.18 Intensive livestock agriculture (1) The objectives of this clause are— (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and (b) to provide for certain capacity thresholds below which development consent is not required for that	5.18 Intensive livestock agriculture (1) The objectives of this clause are: (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and (b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.

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<p>development subject to certain restrictions as to location.</p> <p>(2) This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.</p> <p>(3) In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration—</p> <p>(a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,</p> <p>(b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,</p> <p>(c) the potential for the pollution of surface water and ground water,</p>	<p>development subject to certain restrictions as to location.</p> <p>(2) This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.</p> <p>(3) In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration—</p> <p>(a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,</p> <p>(b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,</p> <p>(c) the potential for the pollution of surface water and ground water,</p>	<p>development subject to certain restrictions as to location.</p> <p>(2) This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.</p> <p>(3) In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration—</p> <p>(a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,</p> <p>(b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,</p> <p>(c) the potential for the pollution of surface water and ground water,</p>	<p>(2) This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.</p> <p>(3) In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration:</p> <p>(a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,</p> <p>(b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,</p> <p>(c) the potential for the pollution of surface water and ground water,</p> <p>(d) the potential for the degradation of soils,</p>

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<p>(d) the potential for the degradation of soils,</p> <p>(e) the measures proposed to mitigate any potential adverse impacts,</p> <p>(f) the suitability of the site in the circumstances,</p> <p>(g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,</p> <p>(h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.</p> <p>(4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if—</p>	<p>(d) the potential for the degradation of soils,</p> <p>(e) the measures proposed to mitigate any potential adverse impacts,</p> <p>(f) the suitability of the site in the circumstances,</p> <p>(g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,</p> <p>(h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.</p> <p>(4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if—</p>	<p>(d) the potential for the degradation of soils,</p> <p>(e) the measures proposed to mitigate any potential adverse impacts,</p> <p>(f) the suitability of the site in the circumstances,</p> <p>(g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,</p> <p>(h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.</p> <p>(4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if—</p>	<p>(e) the measures proposed to mitigate any potential adverse impacts,</p> <p>(f) the suitability of the site in the circumstances,</p> <p>(g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,</p> <p>(h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.</p> <p>(4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if:</p> <p>(a) the development is of a type specified in subclause (5), and</p>

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<p>(a) the development is of a type specified in subclause (5), and</p> <p>(b) the consent authority is satisfied that the development will not be located—</p> <p>(i) in an environmentally sensitive area, or</p> <p>(ii) within 100 metres of a natural watercourse, or</p> <p>(iii) in a drinking water catchment, or</p> <p>(iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or</p> <p>(v) if the development is a poultry farm—within 500 metres of another poultry farm.</p> <p>(5) The following types of development are specified for the purposes of subclause (4)—</p> <p>(a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,</p> <p>(b) a goat feedlot having a capacity to accommodate fewer than 200 goats,</p>	<p>(a) the development is of a type specified in subclause (5), and</p> <p>(b) the consent authority is satisfied that the development will not be located—</p> <p>(i) in an environmentally sensitive area, or</p> <p>(ii) within 100 metres of a natural watercourse, or</p> <p>(iii) in a drinking water catchment, or</p> <p>(iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or</p> <p>(v) if the development is a poultry farm—within 500 metres of another poultry farm.</p> <p>(5) The following types of development are specified for the purposes of subclause (4)—</p> <p>(a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,</p> <p>(b) a goat feedlot having a capacity to accommodate fewer than 200 goats,</p>	<p>(a) the development is of a type specified in subclause (5), and</p> <p>(b) the consent authority is satisfied that the development will not be located—</p> <p>(i) in an environmentally sensitive area, or</p> <p>(ii) within 100 metres of a natural watercourse, or</p> <p>(iii) in a drinking water catchment, or</p> <p>(iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or</p> <p>(v) if the development is a poultry farm—within 500 metres of another poultry farm.</p> <p>(5) The following types of development are specified for the purposes of subclause (4)—</p> <p>(a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,</p> <p>(b) a goat feedlot having a capacity to accommodate fewer than 200 goats,</p>	<p>(b) the consent authority is satisfied that the development will not be located:</p> <p>(i) in an environmentally sensitive area, or</p> <p>(ii) within 100 metres of a natural watercourse, or</p> <p>(iii) in a drinking water catchment, or</p> <p>(iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or</p> <p>(v) if the development is a poultry farm—within 500 metres of another poultry farm.</p> <p>(5) The following types of development are specified for the purposes of subclause (4):</p> <p>(a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,</p> <p>(b) a goat feedlot having a capacity to accommodate fewer than 200 goats,</p> <p>(c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,</p>

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<p>(c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,</p> <p>(d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),</p> <p>(e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,</p> <p>(f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).</p> <p>(6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.</p> <p>(7) In this clause— environmentally sensitive area has the same meaning as in clause 1.5 of <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>.</p>	<p>(c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,</p> <p>(d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),</p> <p>(e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,</p> <p>(f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).</p> <p>(6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.</p> <p>(7) In this clause— environmentally sensitive area has the same meaning as in clause 1.5 of <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>.</p>	<p>(c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,</p> <p>(d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),</p> <p>(e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,</p> <p>(f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).</p> <p>(6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.</p> <p>(7) In this clause— environmentally sensitive area has the same meaning as in clause 1.5 of <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>.</p>	<p>(d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),</p> <p>(e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,</p> <p>(f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).</p> <p>(6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.</p> <p>(7) In this clause: environmentally sensitive area has the same meaning as in clause 1.5 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. residential zone means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density</p>

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residential zone means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone B4 Mixed Use, Zone B6 Enterprise Corridor, Zone E3 Environmental Management or Zone E4 Environmental Living.	residential zone means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone B4 Mixed Use, Zone B6 Enterprise Corridor, Zone E3 Environmental Management or Zone E4 Environmental Living	residential zone means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone B4 Mixed Use, Zone B6 Enterprise Corridor, Zone E3 Environmental Management or Zone E4 Environmental Living.	Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone B4 Mixed Use, Zone B6 Enterprise Corridor, Zone E3 Environmental Management or Zone E4 Environmental Living.
<p>5.19 Pond-based, tank-based and oyster aquaculture [compulsory]</p> <p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community’s resources so that the total quality of life now and in the future can be preserved and enhanced,</p> <p>(b) to set out the minimum site location and operational requirements</p>	<p>5.19 Pond-based, tank-based and oyster aquaculture</p> <p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community’s resources so that the total quality of life now and in the future can be preserved and enhanced,</p> <p>(b) to set out the minimum site location and operational requirements for</p>	<p>5.19 Pond-based, tank-based and oyster aquaculture</p> <p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community’s resources so that the total quality of life now and in the future can be preserved and enhanced,</p> <p>(b) to set out the minimum site location and operational requirements</p>	<p>5.19 Pond-based, tank-based and oyster aquaculture</p> <p>(1) Objectives</p> <p>The objectives of this clause are as follows:</p> <p>(a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community’s resources so that the total quality of life now and in the future can be preserved and enhanced,</p> <p>(b) to set out the minimum site location and operational requirements for</p>

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<p>for permissible pond-based and tank-based aquaculture development.</p> <p>(2) Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—</p> <p>(a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,</p> <p>(b) in the case of—</p> <p>(i) pond-based aquaculture or tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential—that the development is for the purpose of small scale aquarium fish production, and</p> <p>(ii) pond-based aquaculture in Zone E3 Environmental Management or Zone E4 Environmental Living—that</p>	<p>permissible pond-based and tank-based aquaculture development.</p> <p>(2) Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—</p> <p>(a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,</p> <p>(b) in the case of—</p> <p>(i) pond-based aquaculture or tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential—that the development is for the purpose of small scale aquarium fish production, and</p> <p>(ii) pond-based aquaculture in Zone E3 Environmental Management or Zone E4 Environmental Living—that the</p>	<p>for permissible pond-based and tank-based aquaculture development.</p> <p>(2) Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—</p> <p>(a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,</p> <p>(b) in the case of—</p> <p>(i) pond-based aquaculture or tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential—that the development is for the purpose of small scale aquarium fish production, and</p> <p>(ii) pond-based aquaculture in Zone E3 Environmental Management or Zone E4 Environmental Living—that</p>	<p>permissible pond-based and tank-based aquaculture development.</p> <p>(2) Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent</p> <p>The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following:</p> <p>(a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,</p> <p>(b) in the case of:</p> <p>(i) pond-based aquaculture or tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential—that the development is for the purpose of small scale aquarium fish production, and</p> <p>(ii) pond-based aquaculture in Zone E3 Environmental Management or Zone E4 Environmental Living—that the</p>

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<p>the development is for the purpose of extensive aquaculture, and</p> <p>(iii) tank-based aquaculture in Zone R3 Medium Density Residential, Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and</p> <p>(iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.</p> <p>(3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.</p> <p>(4) Extensive pond-based aquaculture permitted without consent in certain zones Development for the purpose of pond-based aquaculture, that is also</p>	<p>development is for the purpose of extensive aquaculture, and</p> <p>(iii) tank-based aquaculture in Zone R3 Medium Density Residential, Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and</p> <p>(iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.</p> <p>(3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.</p> <p>(4) Extensive pond-based aquaculture permitted without consent in certain zones Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—</p>	<p>the development is for the purpose of extensive aquaculture, and</p> <p>(iii) tank-based aquaculture in Zone R3 Medium Density Residential, Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and</p> <p>(iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.</p> <p>(3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.</p> <p>(4) Extensive pond-based aquaculture permitted without consent in certain zones Development for the purpose of pond-based aquaculture, that is also</p>	<p>development is for the purpose of extensive aquaculture, and</p> <p>(iii) tank-based aquaculture in Zone R3 Medium Density Residential, Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and</p> <p>(iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.</p> <p>(3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.</p> <p>(4) Extensive pond-based aquaculture permitted without consent in certain zones</p> <p>Development for the purpose of pond-based aquaculture, that is also extensive</p>

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<p>extensive aquaculture, may be carried out without development consent if—</p> <p>(a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and</p> <p>(b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.</p> <p>(5) Oyster aquaculture—additional matters that consent authority must consider in determining a development application In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—</p> <p>(a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and</p> <p>(b) the NSW Oyster Industry Sustainable Aquaculture Strategy.</p>	<p>(a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and</p> <p>(b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.</p> <p>(5) Oyster aquaculture—additional matters that consent authority must consider in determining a development application In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—</p> <p>(a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and</p> <p>(b) the NSW Oyster Industry Sustainable Aquaculture Strategy.</p> <p>(6) Oyster aquaculture permitted without consent in priority oyster aquaculture areas Development for the purpose of oyster aquaculture may be</p>	<p>extensive aquaculture, may be carried out without development consent if—</p> <p>(a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and</p> <p>(b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.</p> <p>(5) Oyster aquaculture—additional matters that consent authority must consider in determining a development application In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—</p> <p>(a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and</p> <p>(b) the NSW Oyster Industry Sustainable Aquaculture Strategy.</p> <p>(6) Oyster aquaculture permitted without consent in priority oyster</p>	<p>aquaculture, may be carried out without development consent if:</p> <p>(a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and</p> <p>(b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.</p> <p>(5) Oyster aquaculture—additional matters that consent authority must consider in determining a development application</p> <p>In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider:</p> <p>(a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and</p> <p>(b) the NSW Oyster Industry Sustainable Aquaculture Strategy.</p>

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Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
<p>(6) Oyster aquaculture permitted without consent in priority oyster aquaculture areas Development for the purpose of oyster aquaculture may be carried out without development consent—</p> <p>(a) on land that is wholly within a priority oyster aquaculture area, or</p> <p>(b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.</p> <p>(7) Definitions In this clause—</p> <p>aquaculture industry development plan means an aquaculture industry development plan published under Part 6 of the <u>Fisheries Management Act 1994</u>.</p> <p>extensive aquaculture has the same meaning as in the <u>Fisheries Management (Aquaculture) Regulation 2017</u>.</p> <p>NSW Oyster Industry Sustainable Aquaculture Strategy means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).</p>	<p>carried out without development consent—</p> <p>(a) on land that is wholly within a priority oyster aquaculture area, or</p> <p>(b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.</p> <p>(7) Definitions In this clause—</p> <p>aquaculture industry development plan means an aquaculture industry development plan published under Part 6 of the <u>Fisheries Management Act 1994</u>.</p> <p>extensive aquaculture has the same meaning as in the <u>Fisheries Management (Aquaculture) Regulation 2017</u>.</p> <p>NSW Oyster Industry Sustainable Aquaculture Strategy means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).</p>	<p>aquaculture areas Development for the purpose of oyster aquaculture may be carried out without development consent—</p> <p>(a) on land that is wholly within a priority oyster aquaculture area, or</p> <p>(b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.</p> <p>(7) Definitions In this clause—</p> <p>aquaculture industry development plan means an aquaculture industry development plan published under Part 6 of the <u>Fisheries Management Act 1994</u>.</p> <p>extensive aquaculture has the same meaning as in the <u>Fisheries Management (Aquaculture) Regulation 2017</u>.</p> <p>NSW Oyster Industry Sustainable Aquaculture Strategy means the third edition of the publication of that title, as published in 2016 by the</p>	<p>(6) Oyster aquaculture permitted without consent in priority oyster aquaculture areas Development for the purpose of oyster aquaculture may be carried out without development consent:</p> <p>(a) on land that is wholly within a priority oyster aquaculture area, or</p> <p>(b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.</p> <p>(7) Definitions In this clause:</p> <p><i>aquaculture industry development plan</i> means an aquaculture industry development plan published under Part 6 of the <u>Fisheries Management Act 1994</u>.</p> <p><i>extensive aquaculture</i> has the same meaning as in the <u>Fisheries Management (Aquaculture) Regulation 2017</u>.</p> <p><i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).</p>

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Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
<p>Department of Primary Industries (within the Department of Industry).</p> <p>priority oyster aquaculture area means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the NSW Oyster Industry Sustainable Aquaculture Strategy, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website</p>	<p>priority oyster aquaculture area means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the NSW Oyster Industry Sustainable Aquaculture Strategy, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.</p>	<p>Department of Primary Industries (within the Department of Industry).</p> <p>priority oyster aquaculture area means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the NSW Oyster Industry Sustainable Aquaculture Strategy, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.</p>	<p>priority oyster aquaculture area means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the NSW Oyster Industry Sustainable Aquaculture Strategy, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.</p>

PART 6: URBAN RELEASE AREAS

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Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
	<p>6.1 Arrangements for designated State public infrastructure</p> <p>(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.</p> <p>(2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before—</p> <p>(a) in relation to land identified as “Gwandalan (North)” on the <u>Urban Release Area Map—1 September 2008</u>, or</p> <p>(b) in relation to land identified as “Louisiana Road, Hamlyn Terrace (West)” on the <u>Urban Release Area Map—18 July 2008</u>, or</p>	<p>6.1 Arrangements for designated State public infrastructure</p> <p>(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.</p> <p>(2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.</p> <p>(3) Subclause (2) does not apply to—</p>	<p>6.1 Arrangements for designated State public infrastructure</p> <p>(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.</p> <p>(2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before:</p> <p>(a) in relation to land identified as “Gwandalan (North)” on the Urban Release Area Map—1 September 2008, or</p> <p>(b) in relation to land identified as “Louisiana Road, Hamlyn Terrace (West)” on the Urban Release Area Map—18 July 2008, or</p>

PART 6: URBAN RELEASE AREAS			
Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
	<p>(c) in relation to land identified as “Warnervale South (Part A)” on the <u>Urban Release Area Map</u>—the commencement of this Plan, or</p> <p>(d) in any other case—immediately before the land became, or became part of, an urban release area,</p> <p>unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.</p> <p>(3) Development consent must not be granted for the subdivision of the following land unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land to be subdivided—</p> <p>(a) land identified as “Gwandalan (South)” on the <u>Urban Release Area Map</u>,</p>	<p>(a) any lot identified in the certificate as a residue lot, or</p> <p>(b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or</p> <p>(c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or</p> <p>(d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.</p> <p>(4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).</p>	<p>(c) in relation to land identified as “Warnervale South (Part A)” on the <u>Urban Release Area Map</u>—the commencement of this Plan, or</p> <p>(d) in any other case—immediately before the land became, or became part of, an urban release area,</p> <p>unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.</p> <p>(3) Development consent must not be granted for the subdivision of the following land unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land to be subdivided:</p> <p>(a) land identified as “Gwandalan (South)” on the <u>Urban Release Area Map</u>,</p>

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Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition
	<p>(b) land identified as “Louisiana Road, Hamlyn Terrace (East)” on the <u>Urban Release Area Map</u>,</p> <p>(c) land identified as “Warnervale South (Part B)” on the <u>Urban Release Area Map</u>.</p> <p>(4) Subclauses (2) and (3) do not apply to—</p> <p>(a) any lot identified in the certificate as a residue lot, or</p> <p>(b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or</p> <p>(c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or</p> <p>(d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.</p> <p>(5) This clause does not apply to land in an urban release area if all or any part</p>		<p>(b) land identified as “Louisiana Road, Hamlyn Terrace (East)” on the <u>Urban Release Area Map</u>,</p> <p>(c) land identified as “Warnervale South (Part B)” on the <u>Urban Release Area Map</u>.</p> <p>(4) Subclauses (2) and (3) do not apply to:</p> <p>(a) any lot identified in the certificate as a residue lot, or</p> <p>(b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or</p> <p>(c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or</p> <p>(d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.</p> <p>(5) This clause does not apply to land in an urban release area if all or any part of</p>

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	of the land is in a special contributions area (as defined by section 93C of the Act).		the land is in a special contributions area (as defined by section 93C of the Act).
	<p>6.2 Public utility infrastructure</p> <p>(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</p> <p>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure</p>	<p>6.2 Public utility infrastructure</p> <p>(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</p> <p>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure</p>	<p>6.2 Public utility infrastructure</p> <p>(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</p> <p>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.</p>
	6.3 (Repealed)	6.3 (Repealed)	
	<p>6.4 Relationship between Part and remainder of Plan</p> <p>A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency</p>	<p>6.4 Relationship between Part and remainder of Plan</p> <p>A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency</p>	<p>6.3 Relationship between Part and remainder of Plan</p> <p>A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.</p>

PART 7: ADDITIONAL LOCAL PROVISIONS

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Standard Instrument Principal LEP	Wyong LEP 2013 Provision	Gosford LEP 2014 Provision	Draft CCLEP Post Exhibition																						
	<p>7.1 Acid sulfate soils</p> <p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> <p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the <u>Acid Sulfate Soils Map</u> as being of the class specified for those works.</p> <table border="0"> <thead> <tr> <th>Class of land</th> <th>Works</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Any works.</td> </tr> <tr> <td>2</td> <td>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</td> </tr> <tr> <td>3</td> <td>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1</td> </tr> </tbody> </table>	Class of land	Works	1	Any works.	2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.	3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1	<p>7.1 Acid sulfate soils</p> <p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> <p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the <u>Acid Sulfate Soils Map</u> as being of the class specified for those works.</p> <table border="0"> <thead> <tr> <th>Class of land</th> <th>Works</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Any works.</td> </tr> <tr> <td>2</td> <td>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</td> </tr> <tr> <td>3</td> <td>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1</td> </tr> </tbody> </table>	Class of land	Works	1	Any works.	2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.	3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1	<p>7.1 Acid sulfate soils</p> <p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> <p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the <u>Acid Sulfate Soils Map</u> as being of the class specified for those works.</p> <table border="0"> <thead> <tr> <th>Class of land</th> <th>Works</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Any works.</td> </tr> <tr> <td>2</td> <td>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</td> </tr> </tbody> </table>	Class of land	Works	1	Any works.	2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
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	<p>metre below the natural ground surface.</p> <p>4 Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</p> <p>5 Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p> <p>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils</p>	<p>metre below the natural ground surface.</p> <p>4 Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</p> <p>5 Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p> <p>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate</p>	<p>3 Works more than 1 metre below the natural ground surface.</p> <p>Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</p> <p>4 Works more than 2 metres below the natural ground surface.</p> <p>Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</p> <p>5 Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p>

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	<p>Manual and has been provided to the consent authority.</p> <p>(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—</p> <p>(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and</p> <p>(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.</p> <p>(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—</p> <p>(a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out</p>	<p>Soils Manual and has been provided to the consent authority.</p> <p>(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—</p> <p>(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and</p> <p>(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.</p> <p>(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—</p>	<p>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</p> <p>(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:</p> <p>(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and</p> <p>(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.</p> <p>(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as</p>

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

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	<p>7.2 Flood planning</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment.</p> <p>(2) This clause applies to land at or below the flood planning level.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <p>(a) is compatible with the flood hazard of the land, and</p> <p>(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential</p>	<p>7.2 Flood planning</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment.</p> <p>(2) This clause applies to land at or below the flood planning level.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <p>(a) is compatible with the flood hazard of the land, and</p> <p>(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in</p>	<p>7.2 Flood planning</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment.</p> <p>(2) This clause applies to land at or below the flood planning level.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <p>(a) is compatible with the flood hazard of the land, and</p> <p>(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affection of other development or properties, and</p>

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	<p>flood affectation of other development or properties, and</p> <p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this Plan.</p>	<p>the potential flood affectation of other development or properties, and</p> <p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.</p>	<p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.</p>
	<p>7.3 Floodplain risk management</p> <p>(1) The objectives of this clause are as follows—</p>	<p>7.3 Floodplain risk management</p> <p>(1) The objectives of this clause are as follows—</p>	<p>7.3 Floodplain risk management</p> <p>(1) The objectives of this clause are as follows:</p>

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	<p>(a) in relation to development with particular evacuation or emergency response issues, to enable evacuation of land subject to flooding in events exceeding the flood planning level,</p> <p>(b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.</p> <p>(2) This clause applies to land between the flood planning level and the level of a probable maximum flood.</p> <p>(3) Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land—</p> <p>(a) air strips,</p> <p>(b) air transport facilities,</p> <p>(c) centre-based child care facilities,</p> <p>(d) correctional centres,</p>	<p>(a) in relation to development with particular evacuation or emergency response issues, to enable evacuation of land subject to flooding in events exceeding the flood planning level,</p> <p>(b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.</p> <p>(2) This clause applies to land between the flood planning level and the level of a probable maximum flood, but does not apply to land subject to the discharge of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.</p> <p>(3) Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land—</p> <p>(a) caravan parks,</p> <p>(b) correctional facilities,</p>	<p>(a) in relation to development with particular evacuation or emergency response issues, to enable evacuation of land subject to flooding in events exceeding the flood planning level,</p> <p>(b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events</p> <p>(2) This clause applies to land between the flood planning level and the level of a probable maximum flood.</p> <p>(3) Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land:</p> <p>(a) air strips,</p> <p>(b) air transport facilities,</p> <p>(c) caravan parks,</p> <p>(d) Centre-based child care facilities,</p>

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	<p>(e) educational establishments,</p> <p>(f) electricity generating works,</p> <p>(g) emergency services facilities,</p> <p>(h) group homes,</p> <p>(i) helipads,</p> <p>(j) home-based child care,</p> <p>(k) hospitals,</p> <p>(l) hostels,</p> <p>(m) public utility undertakings,</p> <p>(n) respite day care centres,</p> <p>(o) (Repealed)</p> <p>(p) seniors housing,</p> <p>(q) sewerage systems,</p> <p>(r) water supply systems.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0), published by the NSW Government in April 2005, unless it is otherwise defined in this Plan.</p>	<p>(c) emergency services facilities,</p> <p>(d) group homes,</p> <p>(e) hospitals,</p> <p>(f) residential care facilities,</p> <p>(g) tourist and visitor accommodation.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.</p>	<p>(e) correctional centres,</p> <p>(f) educational establishments,</p> <p>(g) electricity generating works,</p> <p>(h) emergency services facilities,</p> <p>(i) group homes,</p> <p>(j) helipads,</p> <p>(k) home-based child care,</p> <p>(l) hospitals,</p> <p>(m) hostels,</p> <p>(n) public utility undertakings,</p> <p>(o) respite day care centres,</p> <p>(p) seniors housing,</p> <p>(q) sewerage systems,</p> <p>(r) tourist and visitor accommodation,</p> <p>(s) water supply systems</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.</p>

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	<p>7.4 Drinking water catchments</p> <p>(1) The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.</p> <p>(2) This clause applies to land identified as “Drinking Water Catchment” on the <u>Drinking Water Catchment Map</u>.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—</p> <p>(a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following—</p> <p>(i) the distance between the development and any waterway that feeds into the drinking water storage,</p> <p>(ii) the on-site use, storage and disposal of any chemicals on the land,</p>		<p>7.7 Drinking water catchments</p> <p>(1) The objective of this clause is to protect drinking water catchments on the Central Coast by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.</p> <p>(2) This clause applies to land identified as “Drinking Water Catchment” on the <u>Drinking Water Catchment Map</u>.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:</p> <p>(a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following:</p> <p>(i) the distance between the development and any waterway that feeds into the drinking water storage,</p> <p>(ii) the on-site use, storage and disposal of any chemicals on the land,</p>

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	<p>(iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact.</p>		<p>(iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact.</p>
		<p>7.4 Development in Somersby Business Park</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to maximise the opportunity for industrial development in Somersby</p>	<p>7.16 Development in Somersby Business Park</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to maximise the opportunity for industrial development in Somersby Business Park to provide employment</p>

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		<p>Business Park to provide employment opportunities in Gosford,</p> <p>(b) to protect ecologically significant land and land with Aboriginal heritage characteristics in Somersby Business Park,</p> <p>(c) to ensure that the function and appearance of future subdivision of, or other development in, Somersby Business Park protects ecologically significant land and land with Aboriginal heritage characteristics within Somersby Business Park,</p> <p>(d) to provide that subdivision occurs in a flexible manner to take account of ecologically significant land and land with Aboriginal heritage characteristics within Somersby Business Park.</p> <p>(2) This clause applies to land identified as “Somersby Business Park” on the <u>Key Sites Map</u>.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority considers that the development is consistent with—</p>	<p>opportunities in the Central Coast Local Government Area,</p> <p>(b)to protect ecologically significant land and land with Aboriginal heritage characteristics in Somersby Business Park,</p> <p>(c) to ensure that the function and appearance of future subdivision of, or other development in, Somersby Business Park protects ecologically significant land and land with Aboriginal heritage characteristics within Somersby Business Park,</p> <p>(d)to provide that subdivision occurs in a flexible manner to take account of ecologically significant land and land with Aboriginal heritage characteristics within Somersby Business Park.</p> <p>(2)This clause applies to land identified as “Somersby Business Park” on <u>the Key Sites Map</u>.</p> <p>(3)Development consent must not be granted to development on land to which this clause applies unless the consent authority considers that the development is consistent with:</p>

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		<p>(a) any applicable plan of management adopted by the consent authority, and</p> <p>(b) the objectives of this clause.</p> <p>(4) In deciding whether to grant development consent to the subdivision of land to which this clause applies, the consent authority must consider the following—</p> <p>(a) whether the proposed subdivision relates to land identified as “Ecologically Significant and Aboriginal Heritage Lands” on the <u>Key Sites Map</u>,</p> <p>(b) the potential for the lots to be created from the proposed subdivision to accommodate future development (in terms of their size, configuration and the topography of the land) that will not have an adverse impact on the protection of the ecological and Aboriginal heritage characteristics of the locality</p>	<p>(a) any applicable plan of management adopted by the consent authority, and</p> <p>(b) the objectives of this clause.</p> <p>(4) In deciding whether to grant development consent to the subdivision of land to which this clause applies, the consent authority must consider the following:</p> <p>(a) whether the proposed subdivision relates to land identified as “Ecologically Significant and Aboriginal Heritage Lands” on the Key Sites Map,</p> <p>(b) the potential for the lots to be created from the proposed subdivision to accommodate future development (in terms of their size, configuration and the topography of the land) that will not have an adverse impact on the protection of the ecological and Aboriginal heritage characteristics of the locality.</p>
	<p>7.5 Limited development on foreshore area</p> <p>(1) The objective of this clause is to ensure that development in the foreshore area will not impact on</p>		<p>7.8 Limited development on foreshore area</p> <p>(1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural</p>

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	<p>natural foreshore processes or affect the significance and amenity of the area.</p> <p>(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes—</p> <p>(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,</p> <p>(b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,</p> <p>(c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).</p> <p>(3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that—</p> <p>(a) the development will contribute to achieving the objectives for the zone in which the land is located, and</p>		<p>foreshore processes or affect the significance and amenity of the area.</p> <p>(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:</p> <p>(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,</p> <p>(b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,</p> <p>(c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).</p> <p>(3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that:</p> <p>(a) the development will contribute to achieving the objectives for the zone in which the land is located, and</p> <p>(b) the appearance of any proposed structure, from both the waterway and</p>

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	<p>(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and</p> <p>(c) the development will not cause environmental harm such as—</p> <p>(i) pollution or siltation of the waterway, or</p> <p>(ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or</p> <p>(iii) an adverse effect on drainage patterns, and</p> <p>(d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and</p> <p>(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and</p> <p>(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be</p>		<p>adjacent foreshore areas, will be compatible with the surrounding area, and</p> <p>(c) the development will not cause environmental harm such as:</p> <p>(i) pollution or siltation of the waterway, or</p> <p>(ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or</p> <p>(iii) an adverse effect on drainage patterns, and</p> <p>(d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and</p> <p>(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and</p> <p>(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and</p>

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	<p>carried out and of surrounding land will be maintained, and</p> <p>(g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and</p> <p>(h) sea level rise or change of flooding patterns as a result of climate change has been considered.</p>		<p>(g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and</p> <p>(h) sea level rise or change of flooding patterns as a result of climate change has been considered.</p>
		<p>7.5 Caravan parks and manufactured home estates</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure the social and economic well being of residents of caravan parks and manufactured home estates at risk of displacement due to the redevelopment of caravan parks and manufactured home estates,</p> <p>(b) to encourage the retention of caravan parks and other forms of low-cost accommodation on certain land in Gosford,</p>	<p>7.4 Caravan parks and manufactured home estates</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to ensure the social and economic well being of residents of caravan parks and manufactured home estates at risk of displacement due to the redevelopment of caravan parks and manufactured home estates in the Central Coast Local Government Area,</p> <p>(b) to encourage the retention of caravan parks and other forms of low-cost accommodation on certain land in</p>

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		<p>(c) to prevent development that would result in a loss of low-cost accommodation on land unless sufficient comparable accommodation is available elsewhere in Gosford.</p> <p>(2) This clause applies to development on land identified as “Caravan Parks and Manufactured Home Estates” on the <u>Manufactured Home Estate Map</u>, other than development for the following purposes—</p> <p>(a) a caravan park,</p> <p>(b) a camping ground,</p> <p>(c) a manufactured home estate,</p> <p>(d) a public utility undertaking.</p> <p>(3) Development consent must not be granted for development to which this clause applies unless the consent authority has considered the following—</p> <p>(a) whether the proposed development is likely to reduce the availability of low-cost accommodation on the land,</p> <p>(b) whether sufficient comparable accommodation is available to meet</p>	<p>the Central Coast Local Government Area,</p> <p>(c) to prevent development that would result in a loss of low-cost accommodation on land unless sufficient comparable accommodation is available elsewhere in the Central Coast Local Government Area.</p> <p>(2) This clause applies to development on land identified as “Caravan Parks and Manufactured Home Estates” on the <u>Manufactured Home Estate Map</u>, other than development for the following purposes:</p> <p>(a) a caravan park,</p> <p>(b) a camping ground,</p> <p>(c) a manufactured home estate,</p> <p>(d) a public utility undertaking.</p> <p>(3) Development consent must not be granted for development to which this clause applies unless the consent authority has considered the following:</p> <p>(a) whether the proposed development is likely to reduce the availability of low-cost accommodation on the land,</p>

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		<p>the demand for low-cost accommodation in Gosford,</p> <p>(c) whether the proposed development is likely to cause adverse social and economic impacts on existing residents or the general community of Gosford,</p> <p>(d) whether adequate arrangements have been made to assist existing residents to find alternative and comparable accommodation in Gosford,</p> <p>(e) whether the cumulative impact of the loss of low-cost accommodation is likely to significantly decrease the availability of low-cost accommodation in Gosford.</p> <p>(4) Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) sufficient accommodation will be available to accommodate the maximum number of people that could be accommodated by any existing development on the land from</p>	<p>(b) whether sufficient comparable accommodation is available to meet the demand for low-cost accommodation in the Central Coast Local Government Area,</p> <p>(c) whether the proposed development is likely to cause adverse social and economic impacts on existing residents or the general community of the Central Coast Local Government Area,</p> <p>(d) whether adequate arrangements have been made to assist existing residents to find alternative and comparable accommodation in the Central Coast Local Government Area,</p> <p>(e) whether the cumulative impact of the loss of low-cost accommodation is likely to significantly decrease the availability of low-cost accommodation in the Central Coast Local Government Area.</p> <p>(4) Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) sufficient accommodation will be available to accommodate the maximum</p>

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		<p>time to time in the 12 months before 27 February 2004, and</p> <p>(b) the accommodation referred to in paragraph (a) will be comparable to that provided on the land in relation to price, facilities, services and type of tenure.</p> <p>(5) In this clause, manufactured home estate has the same meaning as in <u>State Environmental Planning Policy No 36—Manufactured Home Estates</u>.</p>	<p>number of people that could be accommodated by any existing development on the land from time to time in the 12 months before 27 February 2004, and</p> <p>(b) the accommodation referred to in paragraph (a) will be comparable to that provided on the land in relation to price, facilities, services and type of tenure.</p> <p>(5) In this clause: <i>manufactured home estate</i> has the same meaning as in <u>State Environmental Planning Policy No 36—Manufactured Home Estates</u>.</p>
	<p>7.6 Development on the foreshore must ensure access</p> <p>In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following—</p> <p>(a) continuous public access to and along the foreshore through or adjacent to the proposed development,</p>		<p>(The matters dealt with by the clause are managed through the provisions of State Environmental Planning Policy (Coastal Management) 2018)</p>

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	<p>(b) public access to link with existing or proposed open space,</p> <p>(c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,</p> <p>(d) public access to be located above mean high water mark,</p> <p>(e) the reinforcing of the foreshore character and respect for existing environmental conditions.</p>		
	<p>7.7 Airspace operations</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to provide for the effective and ongoing operation of the Warnervale Airport by ensuring that its operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,</p> <p>(b) to protect the community from undue risk from that operation.</p> <p>(2) If a development application is received and the consent authority is</p>		<p>7.9 Airspace operations</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to provide for the effective and ongoing operation of the Central Coast Airport by ensuring that its operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,</p> <p>(b) to protect the community from undue risk from that operation.</p> <p>(2) If a development application is received and the consent authority is</p>

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	<p>satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.</p> <p>(3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that—</p> <p>(a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or</p> <p>(b) the development will not penetrate the Limitation or Operations Surface.</p> <p>(4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.</p> <p>(5) In this clause—</p> <p>Limitation or Operations Surface means the Obstacle Limitation Surface or the</p>		<p>satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.</p> <p>(3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that:</p> <p>(a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or</p> <p>(b) the development will not penetrate the Limitation or Operations Surface.</p> <p>(4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.</p> <p>(5) In this clause:</p> <p>Limitation or Operations Surface means the Obstacle Limitation Surface or the Procedures for Air Navigation Services</p>

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	<p>Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for the Warnervale Airport.</p> <p>relevant Commonwealth body means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Warnervale Airport.</p>		<p>Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for the Central Coast Airport.</p> <p>relevant Commonwealth body means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Central Coast Airport.</p>
	<p>7.8 Development in areas subject to aircraft noise</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to prevent certain noise sensitive developments from being located near the Warnervale Airport and its flight paths,</p> <p>(b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,</p>		<p>7.10 Development in areas subject to aircraft noise</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to prevent certain noise sensitive developments from being located near the Central Coast Airport and its flight paths,</p> <p>(b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,</p>

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	<p>(c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.</p> <p>(2) This clause applies to development that—</p> <p>(a) is on land that—</p> <p>(i) is near the Warnervale Airport, and</p> <p>(ii) is in an ANEF contour of 20 or greater, and</p> <p>(b) the consent authority considers is likely to be adversely affected by aircraft noise.</p> <p>(3) Before determining a development application for development to which this clause applies, the consent authority—</p> <p>(a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and</p> <p>(b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site</p>		<p>(c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.</p> <p>(2) This clause applies to development that:</p> <p>(a) is on land that:</p> <p>(i) is near the Central Coast Airport, and</p> <p>(ii) is in an ANEF contour of 20 or greater, and</p> <p>(b) the consent authority considers is likely to be adversely affected by aircraft noise.</p> <p>(3) Before determining a development application for development to which this clause applies, the consent authority:</p> <p>(a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and</p> <p>(b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site</p>

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	<p>Acceptability Based on ANEF Zones) in AS 2021—2000, and</p> <p>(c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.</p> <p>(4) In this clause—</p> <p>ANEF contour means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the Warnervale Airport prepared by the Department of the Commonwealth responsible for airports.</p> <p>AS 2021—2000 means AS 2021—2000, Acoustics—Aircraft noise intrusion—Building siting and construction</p>		<p>Acceptability Based on ANEF Zones) in AS 2021—2000, and</p> <p>(c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.</p> <p>(4) In this clause:</p> <p>ANEF contour means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the Central Coast Airport prepared by the Department of the Commonwealth responsible for airports.</p> <p>AS 2021—2000 means AS 2021—2000, Acoustics—Aircraft noise intrusion—Building siting and construction.</p>
		<p>7.7 Affordable housing at 85–93 Karalta Road, Erina</p> <p>(1) The objective of this clause is to increase the supply of affordable rental housing for very low, low and moderate income earning households by providing incentives for the</p>	<p>7.15 Affordable housing at 85–93 Karalta Road, Erina</p> <p>(1) The objective of this clause is to increase the supply of affordable rental housing for very low, low and moderate income earning households by providing</p>

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		<p>development of new affordable rental housing.</p> <p>(2) This clause applies to development for the purpose of a residential flat building on land identified as “Area 1, Karalta Road” on the <u>Development Incentives Application Map</u> if—</p> <p>(a) the development will include at least 1 dwelling that contains 2 bedrooms, and</p> <p>(b) the gross floor area of the development that is to be used for the purpose of affordable housing is at least 80 square metres.</p> <p>(3) Despite clause 4.3(2), the maximum building height for development to which this clause applies is 13.75 metres.</p> <p>(4) Despite clause 4.4(2), the maximum floor space ratio for development to which this clause applies is 1:1.</p> <p>(5) Development consent must not be granted to development to which this clause applies unless conditions are</p>	<p>incentives for the development of new affordable rental housing.</p> <p>(2) This clause applies to land being Lots 6-7 DP 1071636, Lots 1-2 DP 259824 and Lot 13 DP 550325 known as 85-93 Karalta Road, Erina.</p> <p>(3) This clause applies to development for the purpose of a residential flat building if:</p> <p>(a) the development will include at least 1 dwelling that contains 2 bedrooms, and</p> <p>(b) the gross floor area of the development that is to be used for the purpose of affordable housing is at least 80 square metres.</p> <p>(4) Despite clause 4.3 (2), the maximum building height for development to which this clause applies is 13.75 metres.</p> <p>(5) Despite clause 4.4 (2), the maximum floor space ratio for development to which this clause applies is 1:1.</p> <p>(6) Development consent must not be granted to development to which this clause applies unless conditions are</p>

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		<p>imposed by the consent authority to the effect that—</p> <p>(a) for 10 years from the date of the issue of the occupation certificate—</p> <p>(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</p> <p>(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</p> <p>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the <u>Conveyancing Act 1919</u>, that will ensure that the requirements of paragraph (a) are met.</p> <p>(6) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that the development is, or will be, serviced by</p>	<p>imposed by the consent authority to the effect that:</p> <p>(a) for 10 years from the date of the issue of the occupation certificate:</p> <p>(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</p> <p>(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</p> <p>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the <u>Conveyancing Act 1919</u>, that will ensure that the requirements of paragraph (a) are met.</p> <p>(7) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that the development is, or will be, serviced by a reticulated water supply system and sewerage system.</p>

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		<p>a reticulated water supply system and sewerage system.</p> <p>(7) A word or expression used in this clause has the same meaning as in <u>State Environmental Planning Policy (Affordable Rental Housing) 2009</u> unless it is otherwise defined in this Plan.</p>	<p>(8) A word or expression used in this clause has the same meaning as in <u>State Environmental Planning Policy (Affordable Rental Housing) 2009</u> unless it is otherwise defined in this Plan.</p>
		<p>7.8 Development at Terrigal</p> <p>(1) This clause applies to land identified as “Kings Ridge” on the <u>Additional Permitted Uses Map</u>.</p> <p>(2) Development consent must not be granted to development for the purpose of a dwelling house on land to which this clause applies unless the consent authority is satisfied that adequate provision will be made for a home business to be carried out in the dwelling house.</p> <p>(3) Development consent may be granted to development on land to which this clause applies for the purpose of a home business if the gross floor area used for that purpose will be at least 10 square metres, but will not exceed 60 square metres.</p>	<p>(This clause is proposed to be removed, as the land use, home business, is no longer a prohibited use in the R2 zone)</p>

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		(4) This clause prevails over any other provision in this Plan to the extent of any inconsistency.	
	<p>7.9 Essential services</p> <p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access. 		<p>7.11 Essential services</p> <p>Development consent must not be granted to development unless the consent authority is satisfied that the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access, (f) suitable provision for waste collection and management.
		<p>7.9 Location of sex services premises</p> <p>(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing</p>	<p>7.6 Location of sex services premises</p> <p>(1) The objective of this clause is to minimise land use conflicts and adverse</p>

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		<p>a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.</p> <p>(2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following—</p> <p>(a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land—</p> <p>(i) in Zone R1 General Residential, Zone R2 Low Density Residential or Zone RE1 Public Recreation, or</p> <p>(ii) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship,</p> <p>(b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children—</p> <p>(i) that adjoins the proposed development, or</p>	<p>amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.</p> <p>(2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:</p> <p>(a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land:</p> <p>(i) in Zone R1 General Residential, Zone R2 Low Density Residential or Zone RE1 Public Recreation,</p> <p>(ii) or used for the purposes of a Centre-based child care facility, a community facility, a school or a place of public worship,</p> <p>(b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children:</p>

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		<p>(ii) that can be viewed from the proposed development, or</p> <p>(iii) from which a person can view the proposed development.</p> <p>(3) Despite subclause (2), if the sex services premises are proposed to be located in a building that contains one or more dwellings, development consent must not be granted to development for the purpose of sex services premises unless the sex services premises can only be accessed by a separate street entrance that does not provide access to the rest of the building</p>	<p>(i) that adjoins the proposed development, or</p> <p>(ii) that can be viewed from the proposed development, or</p> <p>(iii) from which a person can view the proposed development.</p> <p>(3) Despite subclause (2), if the sex services premises are proposed to be located in a building that contains one or more dwellings, development consent must not be granted to development for the purpose of sex services premises unless the sex services premises can only be accessed by a separate street entrance that does not provide access to the rest of the building.</p>
	<p>7.10 Council infrastructure development</p> <p>(1) Development may be carried out by or on behalf of the Council without development consent on any land, other than land in a heritage conservation area, land containing a heritage item or land that is an environmentally sensitive area for exempt and complying development.</p>		<p>7.12 Council infrastructure development</p> <p>(1) Development may be carried out by or on behalf of the Council without development consent on any land, other than land in a heritage conservation area, land containing a heritage item or land that is an environmentally sensitive area for exempt and complying development.</p>

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	<p>(2) Subclause (1) does not apply to the following development—</p> <p>(a) the erection of a class 1–9 building under the Building Code of Australia,</p> <p>(b) development that is not exempt development under <u>State Environmental Planning Policy (Infrastructure) 2007</u> and has a capital value of more than \$5,000,000.</p>		<p>(2) Subclause (1) does not apply to the following development:</p> <p>(a) the erection of a class 1–9 building under the <i>Building Code of Australia</i>,</p> <p>(b) development that is not exempt development under <u>State Environmental Planning Policy (Infrastructure) 2007</u> and has a capital value of more than \$1,000,000.</p>
		<p>7.10 Subdivision and erection of dwelling house—certain land at Wisemans Ferry Road, Somersby</p> <p>(1) The objective of this clause is to ensure that lot sizes and subdivision design for land with high environmental, conservation and biodiversity values conserve and protect those values while allowing flexibility in the size and arrangement of lots to facilitate appropriate low key development that results in improved environmental outcomes.</p> <p>(2) This clause applies to that part of Lot 41, DP 1046841, that is in Zone E2 Environmental Conservation or Zone E3 Environmental Management.</p>	<p>7.17 Subdivision and erection of dwelling house—certain land at Wisemans Ferry Road, Somersby</p> <p>(1) The objective of this clause is to ensure that lot sizes and subdivision design for land with high environmental, conservation and biodiversity values conserve and protect those values while allowing flexibility in the size and arrangement of lots to facilitate appropriate low key development that results in improved environmental outcomes.</p> <p>(2) This clause applies to that part of Lot 41, DP 1046841, that is in Zone E2 Environmental Conservation or Zone E3 Environmental Management.</p>

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		<p>(3) Despite clauses 4.1, 4.1AA and 4.1A, development consent may be granted for the subdivision of land to which this clause applies to create lots with an area that is less than the minimum lot size shown on the <u>Lot Size Map</u> in relation to that land if the consent authority is satisfied that—</p> <p>(a) the total number of lots created from the subdivision will not exceed 6, and</p> <p>(b) one of the lots created will include all of the land in Zone E2 Environmental Conservation and part of the land in Zone E3 Environmental Management, and</p> <p>(c) the lots created from the subdivision will be used for the purposes of environmental conservation and protection of the environment, and</p> <p>(d) the lots created from the subdivision will retain, and are complementary to, the environmental conservation and biodiversity values of the land, and</p>	<p>(3) Despite clauses 4.1, 4.1AA and 4.1B, development consent may be granted for the subdivision of land to which this clause applies to create lots with an area that is less than the minimum lot size shown on the <u>Lot Size Map</u> in relation to that land if the consent authority is satisfied that:</p> <p>(a) the total number of lots created from the subdivision will not exceed 6, and</p> <p>(b) one of the lots created will include all of the land in Zone E2 Environmental Conservation and part of the land in Zone E3 Environmental Management, and</p> <p>(c) the lots created from the subdivision will be used for the purposes of environmental conservation and protection of the environment, and</p> <p>(d) the lots created from the subdivision will retain, and are complementary to, the environmental conservation and biodiversity values of the land, and</p> <p>(e) the subdivision will not result in any significant adverse environmental impacts on the land or on any adjoining land, and</p> <p>(f) any vehicular access to Peats Ridge Road from the land will not result in any</p>

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		<p>(e) the subdivision will not result in any significant adverse environmental impacts on the land or on any adjoining land, and</p> <p>(f) any vehicular access to Peats Ridge Road from the land will not result in any adverse impacts on endangered flora on the land or on any adjoining land.</p> <p>(4) Despite any other provision of this Plan, development consent must not be granted to the subdivision of a lot created under this clause unless the subdivision is for one or more of the following purposes—</p> <p>(a) a minor realignment of its boundaries that does not create an additional lot, or</p> <p>(b) a subdivision creating or widening a public road or public reserve or for another public purpose, or</p> <p>(c) a consolidation of adjoining lots.</p> <p>(5) Despite any other provision of this Plan, development consent must not be granted for the erection of a dwelling house on a lot created by a subdivision under this clause unless</p>	<p>adverse impacts on endangered flora on the land or on any adjoining land.</p> <p>(4) Despite any other provision of this Plan, development consent must not be granted to the subdivision of a lot created under this clause unless the subdivision is for one or more of the following purposes:</p> <p>(a) a minor realignment of its boundaries that does not create an additional lot, or</p> <p>(b) a subdivision creating or widening a public road or public reserve or for another public purpose, or</p> <p>(c) a consolidation of adjoining lots.</p> <p>(5) Despite any other provision of this Plan, development consent must not be granted for the erection of a dwelling house on a lot created by a subdivision under this clause unless the consent authority is satisfied that the dwelling house will not be erected on land in Zone E2 Environmental Conservation.</p>

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		the consent authority is satisfied that the dwelling house will not be erected on land in Zone E2 Environmental Conservation.	
	<p>7.11 Development requiring the preparation of a development control plan (key sites)</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to deliver a high standard of design excellence for certain key sites in Wyong,</p> <p>(b) to encourage the amalgamation of those key sites to provide opportunities for the expansion of, and improvements to, the public domain,</p> <p>(c) to provide a catalyst for the social and economic development of centres within Wyong,</p> <p>(d) to deliver significant public benefit to the community.</p> <p>(2) This clause applies to land identified as “Key Site” on the <u>Key Sites Map</u>.</p> <p>(3) Despite clause 4.3, the maximum height for a building on land to which</p>		<p>7.13 Development requiring the preparation of a development control plan (key sites)</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to deliver a high standard of design excellence for certain key sites in the Central Coast,</p> <p>(b) to encourage the amalgamation of those key sites to provide opportunities for the expansion of, and improvements to, the public domain,</p> <p>(c) to provide a catalyst for the social and economic development of centres within the Central Coast,</p> <p>(d) to deliver significant public benefit to the community.</p> <p>(2) This clause applies to land identified as “Key Site” on the Key Sites Map.</p> <p>(3) Despite clause 4.3, the maximum height for a building on land to which</p>

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	<p>this clause applies is the height shown on the <u>Key Sites Map</u> in relation to that land if the consent authority is satisfied that a development control plan that provides for the following matters has been prepared for the land that is the subject of the development application—</p> <ul style="list-style-type: none"> (a) the application of the principles of ecologically sustainable development, (b) green building solutions, (c) design excellence, including a high standard of expertise in urban and landscape design, interior design, construction and historic preservation, (d) a high standard of architectural design, materials, unique facade treatment and detailing appropriate to the type and location of the development, (e) encouraging sustainable transport, including increased use of public transport, walking and cycling, (f) road access, including the circulation network and the provision of car parking, 		<p>this clause applies is the height shown on the Key Sites Map in relation to that land if the consent authority is satisfied that a development control plan that provides for the following matters has been prepared for the land that is the subject of the development application:</p> <ul style="list-style-type: none"> (a) the application of the principles of ecologically sustainable development, (b) green building solutions, (c) design excellence, including a high standard of expertise in urban and landscape design, interior design, construction and historic preservation, (d) a high standard of architectural design, materials, unique facade treatment and detailing appropriate to the type and location of the development, (e) encouraging sustainable transport, including increased use of public transport, walking and cycling, (f) road access, including the circulation network and the provision of car parking,

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	<p>(g) the impact on, and improvements to, the public domain,</p> <p>(h) environmental constraints, including acid sulfate soils, flooding, contamination and remediation,</p> <p>(i) the relationship between the development and neighbouring sites, including urban and natural environments,</p> <p>(j) the relationship between the development and any other development that is, or may be, located on or near the site in relation to overshadowing, privacy, setbacks and visual amenity.</p> <p>(4) This clause does not apply to a development application made 5 years after the commencement of this Plan.</p> <p>(5) In this clause, green building solution means a design, construction or operational solution that significantly reduces or eliminates the negative impact of the building to which it relates on the environment and includes strategies for addressing the following matters—</p>		<p>(g) the impact on, and improvements to, the public domain,</p> <p>(h) environmental constraints, including acid sulfate soils, flooding, contamination and remediation,</p> <p>(i) the relationship between the development and neighbouring sites, including urban and natural environments,</p> <p>(j) the relationship between the development and any other development that is, or may be, located on or near the site in relation to overshadowing, privacy, setbacks and visual amenity.</p> <p>(4) This clause does not apply to a development application made 5 years or more after the commencement of <i>Wyang Local Environmental Plan 2013</i>.</p> <p>(5) In this clause, green building solution means a design, construction or operational solution that significantly reduces or eliminates the negative impact of the building to which it relates on the environment and includes strategies for addressing the following matters:</p>

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	(a) energy efficiency, (b) greenhouse gas emission abatement, (c) water conservation, (d) waste avoidance, reuse and recycling, (e) pollution prevention, (f) enhanced biodiversity, (g) reduced natural resource consumption, (h) productive and healthier environments, (i) flexible and adaptable spaces.		(a) energy efficiency, (b) greenhouse gas emission abatement, (c) water conservation, (d) waste avoidance, reuse and recycling, (e) pollution prevention, (f) enhanced biodiversity, (g) reduced natural resource consumption, (h) productive and healthier environments, (i) flexible and adaptable spaces. Note: It is not the intention to extend this clause beyond 23 December 2018.
	7.12 Development for the purpose of bottle shops (1) The objectives of this clause are as follows— (a) to ensure that bottle shops are appropriately located throughout Wyong,		(The considerations in this clause are undertaken when assessing development for such purposes under Section 4.15 of the EP&A Act, 1979)

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	<p>(b) to ensure that bottle shops do not have a significant adverse impact on surrounding areas.</p> <p>(2) Development consent must not be granted to development for the purpose of a bottle shop unless the consent authority is satisfied that the development will not have a significant adverse impact on the surrounding area.</p> <p>(3) In this clause, bottle shop means licensed premises under the <u>Liquor Act 2007</u> the principal purpose of which is the retail sale of liquor in sealed containers for consumption away from the premises.</p>		
	<p>7.13 Shop top housing in certain business zones</p> <p>(1) This clause applies to land in the following zones—</p> <p>(a) Zone B5 Business Development,</p> <p>(b) Zone B6 Enterprise Corridor,</p> <p>(c) Zone B7 Business Park.</p> <p>(2) Development consent must not be granted for development for the</p>		<p>7.14 Shop top housing in certain business zones</p> <p>(1) This clause applies to land in the following zones:</p> <p>(a) Zone B5 Business Development,</p> <p>(b) Zone B6 Enterprise Corridor,</p> <p>(c) Zone B7 Business Park.</p> <p>(2) Development consent must not be granted for development for the</p>

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	purpose of shop top housing on land to which this clause applies unless the gross floor area used for that purpose will not exceed 50 per cent of the total gross floor area of the building.		purpose of shop top housing on land to which this clause applies unless the gross floor area used for that purpose will not exceed the total gross floor area of ground floor level retail or business premises.
	<p>7.14 Office premises on land at Warnervale in Zone B7</p> <p>(1) The objective of this clause is to protect the viability of the Warnervale town centre by ensuring that the proposed business park develops in a way that encourages a mix of uses.</p> <p>(2) This clause applies to land at Warnervale that is in Zone B7 Business Park.</p> <p>(3) Despite any other provision of this Plan, development consent must not be granted for development for the purpose of stand-alone office premises on land to which this clause applies unless the consent authority is satisfied that the total floor space of such development on land to which this clause applies does not exceed an area equal to 30% of the total area of the land to which this clause applies.</p>		<p>7.18 Office premises on land at Warnervale in Zone B7</p> <p>(1) The objective of this clause is to protect the viability of the Warnervale Town Centre by ensuring that the proposed business park develops in a way that encourages a mix of uses.</p> <p>(2) This clause applies to land at Warnervale that is in Zone B7 Business Park.</p> <p>(3) Despite any other provision of this Plan, development consent must not be granted for development for the purpose of stand-alone office premises on land to which this clause applies unless the consent authority is satisfied that the total floor space of such development on land to which this clause applies does not exceed an area equal to 30% of the total area of the land to which this clause applies.</p>

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	<p>(4) In this clause, stand-alone office premises means a building erected and predominantly used for the purpose of office premises.</p>		<p>(4) In this clause:</p> <p><i>stand-alone office premises</i> means a building erected and predominantly used for the purpose of office premises.</p>
	<p>7.15 Office premises on land at Kanwal in Zone B6 Enterprise Corridor</p> <p>(1) The objectives of this clause are—</p> <p>(a) to protect the viability of existing and planned town centres, and</p> <p>(b) to provide incentives for the development of health services facilities on land at Kanwal that is within Zone B6 Enterprise Corridor.</p> <p>(2) This clause applies to land at Kanwal that is in Zone B6 Enterprise Corridor and is identified as “Area 3” on the Floor Space Ratio Map.</p> <p>(3) Despite any other provision of this Plan, development consent must not be granted for development for the purpose of stand-alone office premises on land to which this clause applies unless the consent authority is satisfied that the total floor space area of such</p>		<p>7.19 Office premises on land at Kanwal in Zone B6 Enterprise Corridor</p> <p>(1) The objectives of this clause are:</p> <p>(a) to protect the viability of existing and planned town centres, and</p> <p>(b) to provide incentives for the development of health services facilities on land at Kanwal that is within Zone B6 Enterprise Corridor.</p> <p>(2) This clause applies to land at Kanwal that is in Zone B6 Enterprise Corridor and is identified as “Kanwal Enterprise Zone” on the Floor Space Ratio Map.</p> <p>(3) Despite any other provision of this Plan, development consent must not be granted for development for the purpose of stand-alone office premises on land to which this clause applies unless the consent authority is satisfied that the total floor space area of such</p>

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	<p>development on land to which this clause applies does not exceed an area equal to 30% of the total area of the land to which this clause applies.</p> <p>(4) In this clause—</p> <p>stand-alone office premises means a building erected and predominantly used for the purpose of office premises.</p>		<p>development on land to which this clause applies does not exceed an area equal to 30% of the total area of the land to which this clause applies.</p> <p>(4) In this clause:</p> <p><i>stand-alone office premises</i> means a building erected and predominantly used for the purpose of office premises.</p>
	<p>7.16 Specialised retail premises on land at Kanwal in Zone B6 Enterprise Corridor</p> <p>(1) The objective of this clause is to protect the viability of existing and planned areas identified for the location of specialised retail premises within Wyong.</p> <p>(2) This clause applies to land at Kanwal that is in Zone B6 Enterprise Corridor and is identified as “Area 3” on the <u>Floor Space Ratio Map</u>.</p> <p>(3) Despite any other provision of this Plan, development consent must not be granted for development for the purpose of specialised retail premises on land to which this clause applies if the gross floor area of such</p>		<p>7.20 Specialised retail premises on land at Kanwal in Zone B6 Enterprise Corridor</p> <p>(1) The objective of this clause is to protect the viability of existing and planned areas identified for the location of bulky goods premises within Kanwal.</p> <p>(2) This clause applies to land at Kanwal that is in Zone B6 Enterprise Corridor and is identified as “Kanwal Enterprise Zone” on the Floor Space Ratio Map.</p> <p>(3) Despite any other provision of this Plan, development consent must not be granted for development for the purpose of specialised retail premises on land to which this clause applies if the gross floor area of such development is more than 1,000 square metres.</p>

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	development is more than 1,000 square metres.		
	<p>7.17 Land in North Wyong Industrial Estate in Zone B6</p> <p>(1) The objective of this clause is to protect the viability of existing and planned town centres.</p> <p>(2) This clause applies to land in the North Wyong Industrial Estate, Pacific Highway, North Wyong that is in Zone B6 Enterprise Corridor.</p> <p>(3) Despite any other provision of this Plan, development consent must not be granted for development for the purpose of stand-alone office premises on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the total floor space of such premises on land to which this clause applies does not exceed an area equal to 30% of the total area of the land to which this clause applies, and</p> <p>(b) the total floor space of such premises is not less than 200 square metres.</p>		<p>7.21 Land in North Wyong Industrial Estate in Zone B6</p> <p>(1) The objective of this clause is to protect the viability of existing and planned town centres.</p> <p>(2) This clause applies to land in the North Wyong Industrial Estate, Pacific Highway, North Wyong that is in Zone B6 Enterprise Corridor.</p> <p>(3) Despite any other provision of this Plan, development consent must not be granted for development for the purpose of stand-alone office premises on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the total floor space of such premises on land to which this clause applies does not exceed an area equal to 30% of the total area of the land to which this clause applies, and</p> <p>(b) the total floor space of such premises is not less than 200 square metres.</p>

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	<p>(4) Despite any other provision of this Plan, development consent must not be granted for development for the purpose of specialised retail premises on land to which this clause applies unless the consent authority is satisfied that the total floor space of such premises is not greater than 2,000 square metres.</p> <p>(5) In this clause, stand-alone office premises means a building erected and predominantly used for the purpose of office premises.</p>		<p>(4) Despite any other provision of this Plan, development consent must not be granted for development for the purpose of specialised retail premises on land to which this clause applies unless the consent authority is satisfied that the total floor space of such premises is not greater than 2,000 square metres.</p> <p>(5) In this clause, <i>stand-alone office premises</i> means a building erected and predominantly used for the purpose of office premises</p>
	<p>7.18 Short-term rental accommodation</p> <p>(1) The objective of this clause is to permit development for the temporary use of dwellings containing up to 6 bedrooms as short-term rental accommodation.</p> <p>(2) Despite any other provision of this Plan, development consent may be granted for the use of a dwelling containing up to 6 bedrooms as short-term rental accommodation.</p>	<p>7.6 Short-term rental accommodation</p> <p>(1) The objective of this clause is to require development consent for the temporary use of dwellings containing 5 or 6 bedrooms as short-term rental accommodation.</p> <p>(2) Despite any other provision of this Plan, development consent may be granted for the use of a dwelling containing 5 or 6 bedrooms as short-term rental accommodation</p>	<p>7.5 Short-term rental accommodation</p> <p>(1) The objective of this clause is to permit development for the temporary use of dwellings containing up to 6 bedrooms as short-term rental accommodation.</p> <p>(2) Despite any other provision of this Plan, development consent may be granted for the use of a dwelling containing up to 6 bedrooms as short-term rental accommodation.</p>
	<p>7.19 Development near zone boundaries</p>		<p>7.23 Development near zone boundaries</p>

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	<p>(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.</p> <p>(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.</p> <p>(3) This clause does not apply to—</p> <p>(a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or</p> <p>(b) land within the coastal zone, or</p> <p>(c) land proposed to be developed for the purpose of sex services or restricted premises.</p>		<p>(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.</p> <p>(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.</p> <p>(3) This clause does not apply to:</p> <p>(a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or</p> <p>(b) land within the coastal zone, or</p> <p>(c) land proposed to be developed for the purpose of sex services or restricted premises.</p> <p>(4) Despite subclause (3) (a), this clause applies to land in Zone E3 Environmental</p>

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	<p>(4) Despite subclause (3)(a), this clause applies to land in Zone E3 Environmental Management only if the land is shown edged by a heavy red line on the Dwelling Density Map.</p> <p>(5) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—</p> <p>(a) the development is not inconsistent with the objectives for development in both zones, and</p> <p>(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.</p> <p>(6) This clause does not prescribe a development standard that may be varied under this Plan.</p>		<p>Management only if the land is shown edged by a heavy red line on the Dwelling Density Map.</p> <p>(5) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:</p> <p>(a) the development is not inconsistent with the objectives for development in both zones, and</p> <p>(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.</p> <p>(6) This clause does not prescribe a development standard that may be varied under this Plan.</p>

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			<p>7.22 Development for the purposes of dwellings, home occupations or bed and breakfast accommodation on land zoned E2 Environmental Conservation</p> <p>(1) The objective of this clause is to enable development for the purposes of a dwelling house or home occupation or bed and breakfast accommodation on land which had a dwelling entitlement and was zoned E2 Environmental Conservation under the Gosford Local Environmental Plan 2014 immediately prior to the commencement of this plan</p> <p>(2) This clause applies to land zoned E2 Environmental Conservation under the Gosford Local Environmental Plan 2014 immediately prior to the commencement of this plan as identified on the Dwelling Opportunity Map.</p> <p>(3) Development for the purpose of a dwelling house, home occupation or bed and breakfast accommodation is permitted with development consent where a dwelling entitlement existed for that land immediately prior to the commencement of this plan.</p>