



## **Gosford Local Environmental Plan No 442**

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N00/00196/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

## 2004 No 303

Clause 1

Gosford Local Environmental Plan No 442

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## Gosford Local Environmental Plan No 442

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Gosford Local Environmental Plan No 442*.

### 2 Aims of plan

The aims of this plan are:

- (a) to implement the Terrigal Bowl Strategic Plans adopted by Gosford City Council, and
- (b) to reflect community expectations regarding the height, form and design quality of future development in the Terrigal Town Centre, and
- (c) to provide contemporary urban-design based controls for development of land and erection of buildings in the Terrigal Town Centre, and
- (d) to complement State environmental planning policies with regard to the design quality of residential flat buildings, the visual amenity and natural scenic qualities of the coastal area, plus the efficient use and servicing of land, and
- (e) to repeal a redundant planning instrument (being *Interim Development Order No 92—Shire of Gosford*) and to zone the land that was subject to that instrument as Zone No 3 (a) Business (General) under the *Gosford Planning Scheme Ordinance*, and
- (f) to end the application of the floor space ratio control specified by *Gosford Planning Scheme Ordinance* to land shown on the Terrigal Town Centre Map, and
- (g) to apply specific definitions for land shown on the Terrigal Town Centre Map.

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**3 Land to which plan applies**

This plan applies to land at Terrigal shown edged heavy black on the map marked “Gosford Local Environmental Plan No 442” and Lot C DP 3058808, Terrigal Esplanade, Terrigal, as shown coloured light blue on the map marked “Gosford Local Environmental Plan No 442” deposited in the office of the Council of the City of Gosford.

**4 Amendment of Gosford Planning Scheme Ordinance**

*Gosford Planning Scheme Ordinance* is amended as set out in Schedule 1.

**5 Repeal of Interim Development Order No 92—Shire of Gosford**

*Interim Development Order No 92—Shire of Gosford* is repealed.

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Schedule 1      Amendment of Gosford Planning Scheme Ordinance

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### Schedule 1    Amendment of Gosford Planning Scheme Ordinance

(Clause 4)

#### [1]    Clause 3 Interpretation

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

Gosford Local Environmental Plan No 442, to the extent to which that map relates to land shown as being within Zone No 3 (a);

#### [2]    Clause 29B Floor space ratios

Insert “or land within the Terrigal Town Centre shown edged in heavy black on the map marked “Gosford Local Environmental Plan No 442” ” after “clause 49F (2)” in clause 29B (1).

#### [3]    Clause 49S

Insert in appropriate order:

##### **49S    Development in Terrigal Town Centre**

- (1) This clause applies to land shown edged in heavy black on the map marked “Gosford Local Environmental Plan No 442” (the *Terrigal Town Centre*).
- (2) The Council must not grant consent to development of land to which this clause applies unless it is satisfied that the proposed development complies with:
  - (a) the urban design principles for development set out in subclause (3), and
  - (b) the objectives and development standards for site frontage set out in subclauses (4) and (5), and
  - (c) the objectives and development standards for height set out in subclauses (6) and (7), and
  - (d) in addition, if applicable, the objectives and development standards for 5 storey buildings set out in subclauses (8) and (9), and
  - (e) in addition, if applicable, the objectives and development standard for setbacks from Hudson Lane set out in subclauses (10) and (11).

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- (3) The urban design principles for development in the Terrigal Town Centre are as follows:
- (a) Promote efficient use of land by encouraging redevelopment of existing properties to achieve a mix of residential, business and community uses with that Centre.
  - (b) Encourage the amalgamation of small properties for redevelopment.
  - (c) Ensure that the height, form and design of future buildings neither dominates this coastal setting, nor intrudes unreasonably onto coastal and ocean views that are available from surrounding residential areas on hillsides.
  - (d) Promote high standards of urban and architectural design quality, particularly in order to disguise the scale and bulk of new buildings, to contribute to the overall diversity of building forms and designs, and to reflect a distinctively coastal character for the Terrigal Town Centre.
  - (e) Ensure high levels of amenity along streets and laneways by maintaining existing levels of sunlight and by limiting the height of exterior walls in order to achieve a pedestrian-friendly scale.
  - (f) Encourage intensive pedestrian activity by providing near-continuous shopfronts along all streets and lanes.
  - (g) Address the desired character of residential areas that surround the Terrigal Town Centre.
  - (h) Provide for high levels of residential amenity in the surrounding residential areas as well as within the Terrigal Town Centre.
  - (i) Maximise energy-efficient planning, design and construction for new buildings.
  - (j) Prevent the discharge of contaminated stormwater into the ocean.
  - (k) Ensure that new development does not exceed the capacity of existing public infrastructure within the Terrigal Town Centre.
- (4) The objectives for site frontages in the Terrigal Town Centre are as follows:
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Schedule 1

Amendment of Gosford Planning Scheme Ordinance

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- (a) To incorporate best-practice urban design by ensuring that frontages are wide enough to conceal carparking plus delivery areas behind street level shopfronts that are nearly continuous along all street and laneway frontages.
  - (b) To ensure that frontages are sufficient to accommodate building services and corridor access for above-ground storeys.
  - (c) To ensure that frontages are sufficient to accommodate residential floorplans which provide a reasonable level of amenity.
  - (d) To encourage consolidation of existing properties that have narrow allotment frontages in order to facilitate effective redevelopment.
  - (e) To ensure that the future redevelopment potential of any existing property is not unreasonably compromised due to narrowness of the frontage.
- (5) The development standards for site frontages in the Terrigal Town Centre are as follows:
  - (a) The Council is not to grant consent for the erection of a building where the site frontage would be less than 12m.
  - (b) The Council is not to grant consent for the erection of a building where, immediately adjacent to the development site, properties that have not yet been developed substantially in accordance with this clause have an aggregate frontage of less than 12m.
- (6) The objectives for the height of buildings in the Terrigal Town Centre are as follows:
  - (a) To specify a package of inter-related development standards that provide effective control over the scale and bulk of future development.
  - (b) To ensure that the foreshore backdrop will not be dominated by buildings with an excessive scale or bulk.
  - (c) To address community desires that the panoramic headland and ocean views available from the majority of hillsides surrounding the Terrigal Town Centre will not be obstructed unreasonably.

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- (d) To provide height bonuses as incentives for redevelopment in return for amalgamation of existing properties that are small or narrow, and for the provision of specified public benefits.
- (7) The development standard for height in the Terrigal Town Centre is as follows.

The Council is not to grant consent for the erection of any new building or an addition to any existing building where the number of storeys, or the maximum height of external walls, or the maximum height of the building, would be greater than the limits that are specified by the Table below according to the relevant allotment frontage and the area of the development site.

**Table**

Site frontage	Site area	Maximum number of storeys	Maximum height for external walls	Maximum height for the building
Less than 20m	Less than 2000m <sup>2</sup>	3 storeys	10.0m	11.5m
20m or more	Less than 2000m <sup>2</sup>	4 storeys	12.75m	14.25m
20m or more	2000m <sup>2</sup> or greater	5 storeys	15.5m	17m

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- (8) The objectives for five storey buildings in the Terrigal Town Centre are as follows:
- (a) To establish a range of public and urban design benefits as prerequisites for development of any five storey building.
  - (b) To disguise the impact of any fifth storey development on the overall scale and bulk of building forms.
  - (c) To minimise the impact of any fifth storey development on panoramic coastal and ocean views that are available from surrounding residential hillsides.
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- (9) The development standards for five storey buildings in the Terrigal Town Centre are as follows.

The Council is not to grant consent for a building of five storeys unless:

- (a) the development proposal incorporates at least one publicly accessible outdoor space facing a street or lane, being an outdoor space that reinforces the level of existing on-street retail activity, and contributes to both the amenity and the accessibility of existing pedestrian spaces within the Terrigal Town Centre. The outdoor space must be comprised of:
    - (i) alleyways that are open to the sky above and link existing laneways or streets, or
    - (iii) courtyards that are open to the sky above and receive satisfactory levels of midwinter sunlight.
  - (b) the gross floor area of the fifth storey does not exceed 25% of the development site's area.
- (10) The objectives for setbacks from Hudson Lane are as follows:
- (a) To enhance the environmental amenity of Hudson Lane as the prerequisite of enhanced pedestrian and retail activity.
  - (b) To encourage shops along at least 50% of all frontages to Hudson Lane.
  - (c) To accommodate pedestrian forecourts or terraces facing Hudson Lane in association with all shopfronts that are suitable for outdoor dining.
  - (d) To establish a minimum separation between buildings situated on opposing sides of Hudson Lane in order to provide for satisfactory levels of residential amenity.
- (11) The development standard for setbacks from Hudson Lane in the Terrigal Town Centre is as follows.

Except in the cases of corner allotments facing either Kurrawyba Avenue or Church Street, the Council is not to grant consent for the erection of any new building, or for an addition to any existing building, fronting onto Hudson Lane unless the exterior walls of the building are setback at least 3 metres from the frontage to Hudson Lane.



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(12) In this clause:

***external wall*** means an exterior wall of a building that encloses habitable floorspace, but does not include a gable-end or a high level window that is set beneath a pitched roof.

***height*** means the maximum vertical distance from street level to the top-most point of any building, or of any specified feature of a building.

***site frontage*** means the maximum dimension of any boundary of a development site that faces a public street.

***storey*** means the space between two floors, or the space between a floor and its ceiling or roof above, but does not include any foundation space or non-habitable basement that does not project more than 1 metre above street level at any point.

***street level*** means the average of existing ground levels measured along the principal street boundary of a development site or, where a flood-free floor level has been set by the Council, that level.