

2006 No 671



New South Wales

Gosford Local Environmental Plan No 452

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (CC0000008/PC)

FRANK SARTOR, M.P.,
Minister for Planning

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Clause 1 Gosford Local Environmental Plan No 452

Gosford Local Environmental Plan No 452

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Gosford Local Environmental Plan No 452*.

2 Aims of plan

The aims of this plan are:

- (a) to rezone the land to which this plan applies from Zone No 5 (a) Special Uses—Club/Hotel/Motel and Ancillary Activities to Zone No 3 (a) Business (General) under the *Gosford Planning Scheme Ordinance*, and
- (b) to enable the use of the land for commercial, retail and residential purposes.

3 Land to which plan applies

This plan applies to Lot 22, DP 1065103, Memorial Avenue, Ettalong Beach as shown edged heavy black on the map marked “Gosford Local Environmental Plan No 452” 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.

Schedule 1 Amendments

(Clause 4)

[1] Clause 3 Interpretation

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

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[2] Clause 49DD Use of certain land at Ettalong for a club, hotel/motel and ancillary facilities

Omit clause 49DD (3) and (4).

[3] Clause 49DD (5)

Omit “subclause (4)”. Insert instead “this clause”.

[4] Clause 49DM

Insert in appropriate order:

49DM Use of certain land at Ettalong Beach

- (1) This clause applies to Lot 22, DP 1065103, Memorial Avenue, Ettalong Beach, as shown edged heavy black on the map marked “Gosford Local Environmental Plan No 452” deposited in the office of the Council.
- (2) Clauses 28 and 29B do not apply to the land to which this clause applies.
- (3) Despite any other provision of this Ordinance, the maximum floor space ratio for the land to which this clause applies is 1.5:1, but in calculating that floor space ratio the area of any car park that was constructed in accordance with any consent granted under clause 49DD is to be ignored.
- (4) Despite any other provision of this Ordinance, the maximum height for any building on the land to which this clause applies is 22 metres.
- (5) Despite any other provision of this Ordinance, the consent authority must not consent to development on land to which this clause applies unless it has taken into account the following matters:
 - (a) whether the proposed development effectively conceals car parking areas when viewed from public areas outside of the site,

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Schedule 1 Amendments

- (b) whether the proposed development provides active street frontages to Memorial Avenue, Ocean View Road and Picnic Parade in order to provide a continuity and diversity of retail activity and to encourage pedestrian activity,
- (c) the impact of the proposed development on the solar access and privacy of any dwellings resulting from development for which consent was granted under clause 49DD,
- (d) whether the proposed development provides a high standard of urban design and architectural quality,
- (e) whether the proposed development addresses the co-ordination, access and management arrangements for off-street car parking associated with any development for which consent was granted under clause 49DD,
- (f) the adequacy of any proposed measures to conserve water usage and increase water efficiency.

BY AUTHORITY
