

2007 No 512



New South Wales

Gosford Local Environmental Plan No 456

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*. (CC0000020/PC-1)

FRANK SARTOR, M.P.,
Minister for Planning

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Clause 1 Gosford Local Environmental Plan No 456

Gosford Local Environmental Plan No 456

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Gosford Local Environmental Plan No 456*.

2 Aims of plan

The aims of this plan are:

- (a) to enable the land to which this plan applies to be developed for a mixed-use commercial and residential development, and
- (b) to ensure that any future development of that land retains the existing Avoca Beach theatre building, and
- (c) to provide for the establishment of an independent panel to provide advice to the consent authority about development applications relating to the land.

3 Land to which plan applies

This plan applies to Lot 140, DP 9359 and Lot 651, DP 16791, Avoca Drive, Avoca Beach, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 456" deposited in the office of the Gosford City Council.

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 49DN

Insert in appropriate order:

49DN Avoca Beach theatre

- (1) This clause applies to Lot 140, DP 9359 and Lot 651, DP 16791, Avoca Drive, Avoca Beach, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 456" deposited in the office of the Council.
- (2) Development may, with development consent, be carried out on land to which this clause applies for the purpose of a residential flat building, a place of assembly, an art gallery or a restaurant.
- (3) The maximum floor space ratio for the land to which this clause applies is 1:1.
- (4) The maximum height for a building erected on the land to which this clause applies is 10 metres, except as provided by subclause (5).
- (5) The consent authority may consent to development that exceeds the maximum height specified in subclause (4) if it is satisfied that any part of a building that is to exceed the maximum height:
 - (a) is to be used for cinema or theatre purposes, and
 - (b) is an integral part of the design of the building.
- (6) Strata subdivision is permissible, with development consent, on the land to which this clause applies.
- (7) The consent authority must not grant development consent to development on land to which this plan applies:
 - (a) unless the development application has been referred for assessment to an Independent Design Review Panel appointed in consultation with the Director-General of the Department of Planning, and
 - (b) except with the concurrence of the Director-General.
- (8) The consent authority must not grant development consent to development on land to which this plan applies unless it has taken into consideration the following:
 - (a) the assessment of the Independent Design Review Panel of the development application,

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Schedule 1 Amendments

- (b) whether the proposed development retains the existing theatre building,
- (c) whether the design of the proposed development complements the heritage qualities of the existing theatre building,
- (d) whether the proposed development provides a high standard of urban design and architectural quality, including the interface between the development and the adjoining public park,
- (e) whether the design of the proposed development is appropriate for the location of the land in the coastal zone,
- (f) whether adequate car parking is provided,
- (g) whether the proposed development provides measures to conserve water usage and to increase water efficiency.

(9) Before granting concurrence under this clause, the Director-General must consider the assessment of the Independent Design Review Panel in relation to the following:

- (a) whether the proposed development retains the existing theatre building,
- (b) whether the design of the proposed development complements the heritage qualities of the existing theatre building,
- (c) whether the proposed development provides a high standard of urban design and architectural quality, including the interface between the development and the adjoining public park,
- (d) whether the design of the proposed development is appropriate for the location of the land in the coastal zone.

(10) The consent authority is not required to comply with subclauses (7) and (8) (a) if the Director-General certifies in writing that the development is of minor significance.

(11) This clause has effect despite any other provisions of this Ordinance.

(12) In this clause:

coastal zone has the same meaning as in the *Coastal Protection Act 1979*.

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Amendments

Schedule 1

[2] Clause 49E Development of certain lands

Omit the following matter from the Table to clause 49E:

Part Lot 140, D.P. 9359, Avoca Drive, Avoca Beach, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No. 388" deposited in the office of the Council

BY AUTHORITY