



New South Wales

State Environmental Planning Policy Amendment (Gosford Cultural Precinct) 2014

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

BRAD HAZZARD, MP
Minister for Planning and Infrastructure

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1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Gosford Cultural Precinct) 2014*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Maps

Each map adopted by *Gosford City Centre Local Environmental Plan 2007* 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 the table as approved by the Minister on the making of this Plan:

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Gosford City Centre Local Environmental Plan 2007 Floor Space Ratio Map (3100_CEN_FSR_001_010_20071205)	Gosford City Centre Local Environmental Plan 2007 Floor Space Ratio Map (3100_CEN_FSR_001_010_20130821)
Gosford City Centre Local Environmental Plan 2007 Height of Buildings Map (3100_CEN_HOB_001_010_20071205)	Gosford City Centre Local Environmental Plan 2007 Height of Buildings Map (3100_CEN_HOB_001_010_20130821)
Gosford City Centre Local Environmental Plan 2007 Key Sites Map (3100_CEN_KYS_001_010_20071205)	Gosford City Centre Local Environmental Plan 2007 Key Sites Map (3100_CEN_KYS_001_010_20131025)
Gosford City Centre Local Environmental Plan 2007 Land Zoning Map (3100_CEN_LZN_001_010_20071205)	Gosford City Centre Local Environmental Plan 2007 Land Zoning Map (3100_CEN_LZN_001_010_20131025)

4 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

Schedule 1 Amendment of Gosford City Centre Local Environmental Plan 2007

[1] Clause 22 Floor space ratio

Insert after clause 22 (4):

(5) 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.

(6) Covenants affect consolidated sites

If:

- (a) a covenant of the kind referred to in subclause (5) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

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.

[2] Clause 22E Building separation

Omit the clause. Insert instead:

22E Building separation

Buildings must be erected so that the separation distance from neighbouring buildings and between separate towers or other separate raised parts of the same building is not less than that provided for in the following:

- (a) in relation to a building on land identified as “South Mann St” on the Key Sites Map—the development control plan applying to that land,
- (b) in relation to a building on any other land to which this Plan applies—the *Gosford City Centre Development Control Plan 2007*.

[3] Clauses 39 and 40

Insert after clause 38A:

39 Development requiring the preparation of a development control plan—South Mann Street

- (1) The objective of this clause is to ensure that development within the South Mann Street Precinct occurs in accordance with a site-specific development control plan.
- (2) This clause applies to land identified as “South Mann St” on the Key Sites Map.
- (3) Development consent must not be granted for development on land to which this clause applies unless:
 - (a) a development control plan that provides for the matters specified in subclause (4) has been prepared for the land, or

- (b) guidelines and controls similar to those mentioned in subclause (4) already apply to the land, or
 - (c) the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.
- (4) The development control plan must provide for all of the following:
- (a) design principles drawn from an analysis of the site and its context,
 - (b) distribution of land uses and proposed urban structure,
 - (c) built form controls, including controls for special areas and uses,
 - (d) heritage conservation,
 - (e) pedestrian amenity,
 - (f) access, parking and servicing,
 - (g) landscaping.

40 Flood planning—South Mann Street

- (1) The objectives of this clause are as follows:
- (a) to minimise the flood risk to life and property associated with the use of land,
 - (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,
 - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to:
- (a) land identified as “South Mann St” on the Key Sites Map, and
 - (b) other land at or below the flood planning level.
- (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:
- (a) is compatible with the flood hazard of the land, and
 - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) incorporates appropriate measures to manage risk to life from flood, and
 - (d) will not 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
 - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (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.
- (5) In this clause:
- flood planning level*** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

[4] Schedule 1 Additional permitted uses

Insert after clause 1:

2 Breakwater

Land identified as “Breakwater” on the Key Sites Map that is in Zone W2 Recreational Waterways—development for the purposes of business premises, charter and tourism boating facilities, child care centres, hotel accommodation, jetties, office premises, roads, shops and wharf or boating facilities.

3 South Mann Street Precinct

Land identified as “South Mann St” on the Key Sites Map that is in Zone RE1 Public Recreation, being Reserve Numbers R2103, R2104 and R2105—development for the purposes of an entertainment facility and function centre.

[5] Dictionary

Insert the following in alphabetical order:

charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

mooring pen means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

road means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

wharf or boating facilities means a wharf (or any of the following facilities associated with a wharf or boating that are not port facilities):

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.