



New South Wales

Gosford Local Environmental Plan No 404

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(N00/00150/S69 Pt 1)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

Sydney, 12 February 2001.

2001 No 141

Clause 1

Gosford Local Environmental Plan No 404

Gosford Local Environmental Plan No 404

1 Name of plan

This plan is the *Gosford Local Environmental Plan No 404*.

2 Aims of plan

This plan aims to ensure that development consent is required before development may be carried out on land to which this plan applies that is created as a result of the accretion process.

3 Land to which plan applies

This plan applies to land to which the *Gosford Planning Scheme Ordinance* and *Interim Development Order No 122—Gosford* apply.

4 Amendment of Gosford Planning Scheme Ordinance and Interim Development Order No 122—Gosford

The *Gosford Planning Scheme Ordinance* and *Interim Development Order No 122—Gosford* are amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

1.1 Amendment of Gosford Planning Scheme Ordinance

Clause 49 Development on bed of lakes, rivers, etc.

Omit clause 49 (1). Insert instead:

- (1) Despite any other provision of this Ordinance, a person must not, without the consent of the Council:
 - (a) carry out development on any land that is within the City of Gosford that was shown uncoloured on the Scheme map on the date this Ordinance commenced, being 24 May 1968, forming part of or adjacent to or adjoining the bed of a harbour, bay, lake, river, lagoon, creek or any other natural watercourse which land, in the case of tidal waters, was shown on the Scheme map at that date as land below high water mark, or
 - (b) use the land described in paragraph (a) for any purpose other than for a purpose for which it could lawfully be used immediately before the commencement of *Gosford Local Environmental Plan No 404*.
- (1A) In considering whether to grant consent under subclause (1), the Council must take into account the estuary management principles in the Estuary Management Manual (State Government), available for inspection at the office of the Council.

2001 No 141

Gosford Local Environmental Plan No 404

Schedule 1

Amendments

1.2 Amendment of Interim Development Order No 122—Gosford

Clause 38

Insert in appropriate order:

38 Development on bed of lakes, rivers, etc.

- (1) Despite any other provision of this Order, a person must not, without the consent of the Council:
 - (a) carry out development on any land that is within the City of Gosford that was shown uncoloured on the I.D.C. Map on the date this Order commenced, being 30 March 1979, forming part of or adjacent to or adjoining the bed of a harbour, bay, lake, river, lagoon, creek or any other natural watercourse which land, in the case of tidal waters, was shown on the I.D.C. Map at that date as land below high water mark, or
 - (b) use the land described in paragraph (a) for any purpose other than for a purpose for which it could lawfully be used immediately before the commencement of *Gosford Local Environmental Plan No 404*.
- (2) The Council must not grant consent to any application for consent to reclaim land below high-water mark except with the concurrence of the Minister.
- (3) In considering whether to grant consent under subclause (1), the Council must take into account the estuary management principles in the Estuary Management Manual (State Government), available for inspection at the office of the Council.

BY AUTHORITY