



Gosford Local Environmental Plan No 443

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*. (C03/00099/PC)

DIANE BEAMER, M.P.,

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

2004 No 81

Clause 1

Gosford Local Environmental Plan No 443

Gosford Local Environmental Plan No 443

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Gosford Local Environmental Plan No 443*.

2 Aim of plan

The aim of this plan is to specify particular matters that must be considered by the Council of the City of Gosford when determining development applications for the development of land to which this plan applies for purposes other than caravan parks, camping grounds, manufactured home estates or public utility undertakings.

3 Land to which plan applies

This plan applies to Lot 4 DP 855688, Lot 5 DP 858444, Lot 102 DP 1004383, Lots 71 and 72 DP 565112, Lot 2 DP 1030621, Lot 2 DP 235499, Lot 6 DP 826812 and Lot 1 DP 1007206, City of Gosford.

4 Amendment of Gosford Planning Scheme Ordinance

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

5 Amendment of Interim Development Order No 122—Gosford

Interim Development Order No 122—Gosford is amended as set out in Schedule 2.

Schedule 1 Amendment of Gosford Planning Scheme Ordinance

(Clause 4)

Clause 49DJ

Insert after clause 49DI:

49DJ Caravan parks and camping grounds

- (1) This clause applies to the land described in the following table:

	Lot description
Tingari Village, Duffys Road, Terrigal	Lot 4 DP 855688
Tingari Village South, Duffys Road, Terrigal	Lot 5 DP 858444
Broadlands, Milpera Road, Green Point	Lot 102 DP 1004383
Erina Gardens, Karalta Road, Erina	Lot 71 DP 565112
Karalta Court, Karalta Road, Erina	Lot 72 DP 565112
Pine Needles Estate, Karalta Road, Erina	Lot 2 DP 1030621
Avoca Beach, The Round Drive, Avoca	part of Lot 6 DP 826812, as shown distinctively coloured on Sheet 1 of the map marked "Gosford Local Environmental Plan No 443"
The Palms, Carolina Park Road, Avoca	part of Lot 1 DP 1007206, as shown distinctively coloured on Sheet 1 of the map marked "Gosford Local Environmental Plan No 443" and Lot 2 DP 235499

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Schedule 1 Amendment of Gosford Planning Scheme Ordinance

- (2) The objectives of this clause are to:
 - (a) ensure the social and economic wellbeing of residents of caravan parks and manufactured home estates at risk of displacement due to redevelopment of caravan parks and manufactured home estates, and
 - (b) encourage the retention of caravan parks and other forms of low-cost accommodation on certain land in the Gosford local government area, and
 - (c) prevent development which would result in a loss of low-cost accommodation on that land unless sufficient comparable accommodation is available elsewhere in the Gosford local government area.
- (3) This clause applies to a development application for the carrying out of development on land to which this clause applies for a purpose other than:
 - (a) a caravan park, or
 - (b) a camping ground, or
 - (c) a manufactured home estate, or
 - (d) a public utility undertaking, or
 - (e) development that is ancillary to a caravan park, camping ground, manufactured home estate or public utility undertaking.
- (4) Notwithstanding any other provision of this Ordinance, the consent authority must not grant consent to a development application to which this clause applies unless it has taken into account the following matters in deciding whether or not to grant consent to the application:
 - (a) whether the proposed development is likely to reduce the availability of low-cost accommodation on the land to which the development application relates,
 - (b) whether there is sufficient available comparable accommodation in the Gosford local government area to satisfy demand for such accommodation in that local government area,
 - (c) whether the development, if carried out, is likely to cause adverse social and economic effects on the people who live on the land the subject of the application (if any), or on the general community,

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- (d) whether adequate arrangements have been made to assist people who live on the land the subject of the application (if any), to find alternative comparable accommodation in the Gosford local government area,
 - (e) whether the cumulative impact of the loss of low-cost accommodation in the Gosford local government area will result in a significant reduction in the stock of that accommodation.
- (5) The consent authority must not grant consent to a development application to which this clause applies unless satisfied that accommodation is available in the Gosford local government area that:
- (a) is sufficient to accommodate the maximum number of people capable of being accommodated by existing development on the land the subject of the development application at any point in the 12 months preceding the commencement of *Gosford Local Environmental Plan No 443*, and
 - (b) is comparable to the accommodation that was provided on that land in relation to price, facilities, services and type of tenure.
- (6) This clause ceases to have effect two years from the date on which it commenced.
- (7) In this clause:
- manufactured home*** means a self-contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:
- (a) that comprises 1 or more major sections that are each constructed, and assembled, away from the manufactured home estate and transported to the estate for installation on the estate, and
 - (b) that is not capable of being registered under the *Road Transport (Vehicle Registration) Act 1997*,

and includes any associated structures that form part of the dwelling.

manufactured home estate means land on which manufactured homes are, or are to be, erected.

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Schedule 2 Amendment of Interim Development Order No 122—Gosford

Schedule 2 Amendment of Interim Development Order No 122—Gosford

(Clause 5)

Clause 101E

Insert after clause 101D:

101E Caravan parks and camping grounds

- (1) This clause applies to the land described in the following table:

	Lot description
Wyoming, Pacific Highway, Wyoming	Lot 3 Sec 13 DP 1905 Lot 1 DP 789440
Avoca Beach, The Round Drive, Avoca	part of Lot 6 DP 826812, as shown distinctively coloured on Sheet 2 of the map marked "Gosford Local Environmental Plan No 443"
The Palms, Carolina Park Road, Avoca	part of Lot 1 DP 1007206, as shown distinctively coloured on Sheet 2 of the map marked "Gosford Local Environmental Plan No 443"

- (2) The objectives of this clause are to:
- (a) ensure the social and economic wellbeing of residents of caravan parks and manufactured home estates at risk of displacement due to redevelopment of caravan parks and manufactured home estates, and
 - (b) encourage the retention of caravan parks and other forms of low-cost accommodation on certain land in the Gosford local government area, and
 - (c) prevent development which would result in a loss of low-cost accommodation on that land unless sufficient comparable accommodation is available elsewhere in the Gosford local government area.

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- (3) This clause applies to a development application for the carrying out of development on land to which this clause applies other than:
- (a) a caravan park, or
 - (b) a camping ground, or
 - (c) a manufactured home estate, or
 - (d) a public utility undertaking, or
 - (e) development that is ancillary to a caravan park, camping ground, manufactured home estate or public utility undertaking.
- (4) Notwithstanding any other provision of this Order, the consent authority must not grant consent to a development application to which this clause applies unless it has taken into account the following matters in deciding whether or not to grant consent to the application:
- (a) whether the proposed development is likely to reduce the availability of low-cost accommodation on the land to which the development application relates,
 - (b) whether there is sufficient available comparable accommodation in the Gosford local government area to satisfy demand for such accommodation in that local government area,
 - (c) whether the development, if carried out, is likely to cause adverse social and economic effects on the people who live on the land the subject of the application (if any), or on the general community,
 - (d) whether adequate arrangements have been made to assist people who live on the land the subject of the application (if any), to find alternative comparable accommodation in the Gosford local government area,
 - (e) whether the cumulative impact of the loss of low-cost accommodation in the Gosford local government area will result in a significant reduction in the stock of that accommodation.
- (5) The consent authority must not grant consent to a development application to which this clause applies unless satisfied that accommodation is available in the Gosford local government area that:
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Schedule 2 Amendment of Interim Development Order No 122—Gosford

- (a) is sufficient to accommodate the maximum number of people capable of being accommodated by existing development on the land the subject of the development application at any point in the 12 months preceding the commencement of *Gosford Local Environmental Plan No 443*, and
 - (b) is comparable to the accommodation that was provided on that land in relation to price, facilities, services and type of tenure.
- (6) This clause ceases to have effect two years from the date on which it commenced.
- (7) In this clause:
 - manufactured home*** means a self-contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:
 - (a) that comprises 1 or more major sections that are each constructed, and assembled, away from the manufactured home estate and transported to the estate for installation on the estate, and
 - (b) that is not capable of being registered under the *Road Transport (Vehicle Registration) Act 1997*,and includes any associated structures that form part of the dwelling.
 - manufactured home estate*** means land on which manufactured homes are, or are to be, erected.

BY AUTHORITY
