



New South Wales

Gosford Local Environmental Plan No 469

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

SAM HADDAD

As delegate for the Minister for Planning and Infrastructure

2012 No 359

Clause 1 Gosford Local Environmental Plan No 469

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under the

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1 Name of Plan

This Plan is *Gosford Local Environmental Plan No 469*.

2 Commencement

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

3 Land to which Plan applies

This Plan applies to Lots 1 and 2, DP 259824, Lot 1, DP 255797, Lot 13, DP 550325, Lots 6 and 7, DP 1071636 and Lot 101, DP 1102271, as shown coloured light scarlet with heavy black edging and lettered "2 (c)" on the map marked "Gosford Local Environmental Plan No 469" deposited in the office of Gosford City Council.

**Schedule 1 Amendment of Interim Development
Order No 122—Gosford**

[1] Clause 2

Insert at the end of clause 2 (2A):

Land at Erina, being Lots 1 and 2, DP 259824, Lot 1, DP 255797, Lot 13, DP 550325, Lots 6 and 7, DP 1071636 and Lot 101, DP 1102271, as shown coloured light scarlet with heavy black edging and lettered “2 (c)” on the map marked “Gosford Local Environmental Plan No 469” deposited in the office of the Council.

[2] Clause 93

Omit the matter relating to Lots 1 to 4, 10 and 11, DP 255797 Karalta Road, Erina from Columns I and II of the table to the clause.

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Schedule 2 Amendment of Gosford Planning Scheme Ordinance

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[1] Clause 3 Definitions

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

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[2] Clauses 49V and 49W

Insert after clause 49U:

49V Development of land at 85–93 Karalta Road, Erina

(1) Application

This clause applies to Lots 1 and 2, DP 259824, Lot 13, DP 550325, and Lots 6 and 7, DP 1071636 as shown coloured light scarlet with heavy black edging and lettered “2 (c)” on the map marked “Gosford Local Environmental Plan No 469” deposited in the office of the Council.

(2) Floor space ratio and height of buildings

Despite any other provision of this Ordinance, the maximum floor space ratio for any building erected on land to which this clause applies is 0.85:1.

(3) Despite any other provision of this Ordinance, the maximum height for any building erected on land to which this clause applies is 11 metres.

(4) Affordable housing—special provisions

Despite subclauses (2) and (3), the following apply to development for the purposes of a residential flat building on land to which this clause applies if the residential flat building includes at least one dwelling, with at least two bedrooms and a gross floor area of not less than 80 square metres, that is to be used for the purposes of affordable housing:

- (a) the maximum floor space ratio for the building is 1:1,
- (b) the maximum height for the building is 13.75 metres.

(5) Consent must not be granted to development under subclause (4) unless conditions are imposed (in addition to any other conditions which may be imposed by the consent authority) which require that:

- (a) for 10 years from the date of the issue of the occupation certificate:

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- (i) the dwellings proposed to be used for the purposes of affordable housing is to be used for the purposes of affordable housing, and
 - (ii) all accommodation that is used for affordable housing is to be managed by a registered community housing provider, and
- (b) a restriction must be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, that will ensure that the requirements of paragraph (a) are met.
- (6) **Subdivision**
Consent must not be granted to the subdivision of land to which this clause applies that would create an allotment smaller than 1000m².
- (7) **Reticulated water supply and sewer**
Consent must not be granted to any development on land to which this clause applies unless the consent authority is satisfied that the proposed development is or is to be serviced by a reticulated water supply and sewer.
- (8) **Interpretation**
In this clause:
gross floor area has the same meaning as in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.
National Rental Affordability Scheme means the scheme of that name prescribed under the *National Rental Affordability Scheme Act 2008* of the Commonwealth.
registered community housing provider has the same meaning as in the *Housing Act 2001*.
Note. The Act defines affordable housing as follows:
affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.
- (9) For the purposes of the definition of **affordable housing**, a household is taken to be a very low income household, low
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Schedule 2 Amendment of Gosford Planning Scheme Ordinance

income household or moderate income household if the household:

- (a) has a gross income that is less than 120 per cent of the median household income for the time being for the Sydney Statistical Division (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or
- (b) is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.

49W Development of 95–97 Karalta Road, Erina

- (1) This clause applies to Lot 1, DP 255797, and Lot 101, DP 1102271, as shown coloured light scarlet with heavy black edging and lettered “2 (c)” on the map marked “Gosford Local Environmental Plan No 469” deposited in the office of the Council.
- (2) Despite any other provision:
 - (a) the maximum floor space ratio for any building on land to which this clause applies is 0.85:1, and
 - (b) the maximum height of any building erected on land to which this clause applies is 11 metres, and
 - (c) consent may be granted to the subdivision of land to create an allotment of a size that is smaller than the minimum size of an allotment allowed by any other provision.