



New South Wales

Gosford Local Environmental Plan No 423

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. (N00/00180/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

Gosford Local Environmental Plan No 423

1 Name of plan

This plan is *Gosford Local Environmental Plan No 423*.

2 Aims of plan

This plan aims:

- (a) to reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993*, and
- (b) in so doing, to make further provision for the classification and reclassification generally of public land as operational land as a consequence of major changes to the statutory scheme in section 30 (Reclassification of community land as operational) of the *Local Government Act 1993*.

3 Land to which plan applies

This plan applies to part of Lot 1, DP 707134, being part of Erina Park, Ilya Avenue, Erina, as shown edged heavy black on the map marked “Gosford Local Environmental Plan No 423” deposited in the office of the Council of the City of Gosford.

4 Amendment of Gosford Planning Scheme Ordinance

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

Schedule 1 Amendments

(Clause 4)

[1] Clause 45CA

Omit the clause. Insert instead:

45CA Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 9 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) The amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993* do not apply to land described in Part 1 of Schedule 9.
- (3) Land described in Part 2 of Schedule 9:
 - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification or reclassification as operational land.
- (4) Land described in Columns 1 and 2 of Part 3 of Schedule 9, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those (if any) specified for the land in Column 3 of Part 3 of Schedule 9.
- (5) In this clause, ***the relevant amending plan***, in relation to land described in Part 3 of Schedule 9, means this plan or, if the description of the land is inserted in that Part by another local environmental plan, that plan.

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Schedule 1 Amendments

- (6) Before the relevant amending plan inserted a description of land into Part 3 of Schedule 9, the Governor approved of subclause (4) applying to the land.

[2] Schedule 9 Classification or reclassification of public land as operational land

Insert before the first land description (relating to Niagara Park, Gosford, as inserted by *Gosford Local Environmental Plan No 341*) in the Schedule:

Part 1 Land classified, or reclassified, under original section 30 of Local Government Act 1993

[3] Schedule 9, Part 2

Insert before the second land description (relating to part of Erina Park, Erina, as inserted by *Gosford Local Environmental Plan No 401*) in the Schedule:

Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests not changed

[4] Schedule 9, Part 3

Insert at the end of the Schedule:

**Part 3 Land classified, or reclassified, under
amended section 30 of Local Government
Act 1993—interests changed**

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Erina		
Ilya Avenue	Part of Lot 1, DP 707134, being part of Erina Park, as shown edged heavy black on the map marked “Gosford Local Environmental Plan No 423” deposited in the office of the Council.	Nil.