



New South Wales

Gosford/Wyong Local Environmental Plan 2001—Central Coast Plateau Areas

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. (N00/00147/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 304

Clause 1 Gosford/Wyong Local Environmental Plan 2001—Central Coast Plateau Areas

Gosford/Wyong Local Environmental Plan 2001—Central Coast Plateau Areas

1 Name of plan

This plan is *Gosford/Wyong Local Environmental Plan 2001—Central Coast Plateau Areas*.

2 Aims of plan

This plan aims to provide a more equitable balance in the use and management of natural resources on the Central Coast Plateau within the local government areas of Gosford City and Wyong, and to allow minor and ancillary activities that will complement the rural nature of the Plateau and contribute to the regional economy whilst retaining the overall planning provisions of *Sydney Regional Environmental Plan No 8—Central Coast Plateau Areas*.

3 Land to which plan applies

This plan applies to land as shown edged heavy black on the map marked “Sydney Regional Environmental Plan No 8—Central Coast Plateau Areas” deposited in the Newcastle office of the Department, copies of which are held in the offices of the Councils of Gosford City and of Wyong.

4 Relationship to other environmental planning instruments

This plan amends:

- (a) *Interim Development Order No 122—Gosford* in the manner set out in Schedule 1, and
- (b) *Wyong Local Environmental Plan 1991* in the manner set out in Schedule 2, and
- (c) *Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)* in the manner set out in Schedule 3.

Schedule 1 Amendment of Interim Development Order No 122—Gosford

(Clause 4 (a))

[1] Clause 2B

Insert after clause 2A:

2B Relationship to other environmental planning instruments

Nothing in this Order affects the provisions of the following:

Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) as it applies to land within the City of Gosford.

[2] Clause 3 (1)

Insert in appropriate order:

rural tourist facility means a building or place used to provide tourists with low-key facilities that showcase:

- (a) regional agricultural produce (such a building or place may include a restaurant or a shop selling such produce), or
- (b) other “boutique” rural activities (such a building or place may include an arts and crafts outlet, a specialist country furniture shop, a bric-a-brac shop or the like).

rural tourist unit means a building separate from a dwelling house used for the temporary accommodation of tourists, that is incidental and ancillary to existing agricultural production, or intensive agriculture or horse establishments on the same allotment of land, and includes farm stay holiday accommodation, bunk houses and the like, at a rate of not more than one bedspace per two hectares of the allotment on which it is located.

2002 No 304

Gosford/Wyong Local Environmental Plan 2001—Central Coast Plateau Areas

Schedule 1 Amendment of Interim Development Order No 122—Gosford

[3] Clause 5

Insert in appropriate order in Column II of the matter relating to Zones Nos 1 (a) and 1 (b) in the Table to clause 5 the words “rural tourist facilities; rural tourist units;”.

[4] Clauses 101C and 101D

Insert after clause 101B:

101C Extractive industries on land covered by SREP No 8 (Central Coast Plateau Areas)

Despite any other provision of this Order, a person may, on land to which *Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)* applies that is within Zone No 1 (a) or 7 (b), carry out development for the purpose of an extractive industry but only:

- (a) with development consent, and
- (b) in locations specified for extractive industry on the map marked “Gosford/Wyong Local Environmental Plan 2001—Central Coast Plateau Areas” deposited in the Newcastle office of the Department, copies of which are held in the offices of the Councils of Gosford City and of Wyong.

101D Rural tourist facilities on land covered by SREP No 8 (Central Coast Plateau Areas)

Despite any other provision of this Order, a person may, on land to which *Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)* applies that is within Zone No 1 (a) or 1 (b), carry out development for the purpose of a rural tourist facility but only:

- (a) with development consent, and
- (b) in locations specified for rural tourist facilities on the map marked “Gosford/Wyong Local Environmental Plan 2001—Central Coast Plateau Areas” deposited in the Newcastle office of the Department, copies of which are held in the offices of the Councils of Gosford City and of Wyong.

Gosford/Wyong Local Environmental Plan 2001—Central Coast Plateau Areas

Amendment of Wyong Local Environmental Plan 1991

Schedule 2

Schedule 2 Amendment of Wyong Local Environmental Plan 1991

(Clause 4 (b))

Clause 4 Relationship to other environmental planning instruments

Insert at the end of the clause:

- (2) Nothing in this plan affects the provisions of *Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)* as it applies to land within the area of Wyong.

2002 No 304

Gosford/Wyong Local Environmental Plan 2001—Central Coast Plateau Areas

Schedule 3 Amendment of Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)

Schedule 3 Amendment of Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)

(Clause 4 (c))

[1] Clause 2 Aims, objectives etc

Omit paragraphs (c) and (f).

[2] Clause 2 (e)

Omit “and mining to be considered on its merits”.
Insert instead “in specified locations”.

[3] Clause 2 (i) and (j)

Insert at the end of paragraph (h):

- , and
- (i) to discourage the preparation of draft local environmental plans designed to permit rural residential development, and
 - (j) to encourage the preparation of draft local environmental plans based on merits.

[4] Clause 4 Definitions

Omit the definitions of *agriculture*, *extractive industry*, *extractive material* and *mine*.

[5] Clause 4

Insert in alphabetical order:

agriculture:

- (a) in relation to the carrying out of development within the Gosford local government area—means “agriculture” or “intensive agriculture” within the meaning of *Interim Development Order No 122—Gosford*, and

- (b) in relation to the carrying out of development within the Wyong local government area—means “agriculture” or “intensive agriculture” within the meaning of *Wyong Local Environmental Plan 1991*.

extractive industry:

- (a) in relation to the carrying out of development within the Gosford local government area—has the same meaning as in *Interim Development Order No 122—Gosford*, and
- (b) in relation to the carrying out of development within the Wyong local government area—has the same meaning as in *Wyong Local Environmental Plan 1991*.

sedgeland means land with impeded drainage and moist organic soils on which vegetation comprising sedges and shrubs occurs and identified as “drainage line, watercourse, stream, wetland, swamp, dam—not available for cropping or grazing” on the map marked “Classes of Agricultural land on the Plateau of New South Wales Central Coast” deposited in the Newcastle office of the Department, copies of which are held in the offices of the councils of Gosford City and of Wyong.

the map means the map marked “Gosford/Wyong Local Environmental Plan 2001—Central Coast Plateau Areas” deposited in the Newcastle office of the Department, copies of which are held in the offices of the councils of Gosford City and of Wyong.

[6] Clause 6 Prime agricultural land

Omit clause 6 (2) (a), (3) and (4).

[7] Clause 6 (6)

Omit the subclause. Insert instead:

- (6) Development may be carried out, but only with the consent of a council, on prime agricultural land for the purposes of extractive industries and rural tourist facilities within the locations respectively specified for them on the map. Subclause (5) does not apply to the grant of such a consent.

2002 No 304

Gosford/Wyong Local Environmental Plan 2001—Central Coast Plateau Areas

Schedule 3 Amendment of Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)

[8] Clause 7 Extractive industries

Omit clause 7 (1) and (2). Insert instead:

- (1) Development for the purposes of an extractive industry may be carried out, with the consent of a council, on land within an area identified as a preferred location for extractive industries as shown on the map.
- (2) A council shall not consent to the carrying out of development on land to which this plan applies for the purposes of an extractive industry unless it is satisfied:
 - (a) that appropriate arrangements have been made for buffer zones to surround the place at which the material is to be extracted or is proposed to be extracted, except where the council is satisfied they are not necessary, and
 - (b) that the land will be satisfactorily restored or rehabilitated on cessation of the use of the land for an extractive industry so as to enable its subsequent development for agricultural purposes or for another purpose that the council considers suitable for that land.

[9] Clauses 8 and 9

Omit the clauses. Insert instead:

8 Clearing of land

- (1) In this clause, *clear* has the same meaning as in the *Native Vegetation Conservation Act 1997*.
- (2) A person shall not clear land to which this plan applies for any purpose (including agriculture) except with the consent of a council.
- (3) A council shall not consent to development on land to which this plan applies where, in its opinion, the carrying out of the development shall result in the destruction of sedgeland.

- (4) Nothing in this clause requires consent for, or prevents, prohibits or restricts, activities that are allowed to be carried out without consent by, and are undertaken in accordance with, any regional vegetation management plan made under the *Native Vegetation Conservation Act 1997* that applies to any land to which this plan applies.

[10] Clause 10

Omit the clause. Insert instead:

10 Rural residential development

A draft local environmental plan that applies to land to which this plan applies should not contain provisions that have the effect of permitting subdivision to create a lot that is smaller than any minimum lot size prescribed for the land in *Interim Development Order No 122—Gosford* or *Wyong Local Environmental Plan 1991* at the commencement of *Gosford/Wyong Local Environmental Plan 2001—Central Coast Plateau Areas*.

11 Special provisions—draft local environmental plan applications

In preparing any draft local environmental plan applying to land to which this plan applies, the council should have regard to the objective that any development allowed by the plan should:

- (a) not impact upon the current or future use of adjoining land for existing or future agricultural uses, and
- (b) not result in an increased settlement pattern (by way of urban development, rural residential development, residential accommodation of a permanent or semi-permanent nature, community titles subdivisions or any other features that would facilitate increased settlement), and
- (c) have a significant positive economic contribution to the area and result in employment generation, and
- (d) not result in any adverse environmental effect on or off the site, and

2002 No 304

Gosford/Wyong Local Environmental Plan 2001—Central Coast Plateau Areas

Schedule 3

Amendment of Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)

- (e) be consistent with the strategic direction for water quality standards and river flow objectives developed through the State Government's water reform process, and
- (f) be consistent with rural amenity (including rural industries) and not detract significantly from scenic quality, and
- (g) not encourage urban (residential, commercial or industrial) land uses, and
- (h) not require augmentation of the existing public infrastructure (except public infrastructure that is satisfactory to the council concerned and is provided without cost to public authorities), and
- (i) result in building works being directed to lesser class soils.

BY AUTHORITY