

Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) (1986 EPI 16)

[1986-16]



New South Wales

Status Information

Currency of version

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

1 Name of plan

This plan may be cited as *Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)*.

2 Aims, objectives etc

The general aims of this plan are:

- (a) to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses,
- (b) to encourage the use of land having a high agricultural capability for that purpose and, as much as possible, to direct development for non-agricultural purposes to land of lesser agricultural capability,
- (c) to encourage the use of land to which this plan applies for agricultural purposes by preventing the preparation of local environmental plans designed to permit rural residential development,
- (d) to protect regionally significant mining resources and extractive materials from sterilization,
- (e) to enable development for the purposes of extractive industries and mining to be considered on its merits,
- (f) to provide for the protection and use of catchment areas for water to be supplied to rural and urban users,
- (g) to protect the natural ecosystems of the region, and
- (h) to maintain opportunities for wildlife movement across the region.

3 Land to which plan applies

This plan applies to the land shown by heavy black edging on the map marked "Sydney

Regional Environmental Plan No 8 (Central Coast Plateau Areas)” deposited in the office of the Department.

4 Definitions

In this plan:

agriculture has the meaning ascribed to it in section 514A of the [Local Government Act 1919](#).

council, in relation to the carrying out of development, means the council of the area in which the development is or is to be carried out.

extractive industry means:

- (a) the winning of extractive material, or
- (b) an industry or undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land upon which it is carried on.

extractive material means sand, gravel, clay, turf, soil, rock, stone or similar substances.

mine means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef whereon, wherein or whereby any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method and any place on which the produce of any such operation is stacked, stored, crushed or otherwise treated.

prime agricultural land means land:

- (a) which is land to which this plan applies, and
- (b) which is identified by a class number 1, 1A, 1B, 1H, 1U, 2, 3, 3H, 3U, 3-4, 4, 4H or 4U and shown coloured pink on the map marked “*Classes of Agricultural Land on the Plateaux of New South Wales Central Coast*” prepared by the Department of Agriculture, copies of which are deposited in the office of the Department of Environment and Planning and of the Councils of the City of Gosford and Shire of Wyong.

5 Relationship to other environmental planning instruments

Subject to section 74 (1) of the [Environmental Planning and Assessment Act 1979](#), in the event of an inconsistency between this plan and another environmental planning instrument (other than a State environmental planning policy) whether made before, on or after the commencement of this plan, this plan shall prevail to the extent of the inconsistency.

6 Prime agricultural land

- (1) A person shall not:
 - (a) erect a building on prime agricultural land,
 - (b) construct a dam on prime agricultural land, or
 - (c) subdivide prime agricultural land,except with the consent of the council.
- (2) A council shall not consent to an application to carry out development on or with respect to prime agricultural land unless:
 - (a) the council has forwarded a copy of the application to the Director-General of Agriculture, and
 - (b) the council is satisfied that the carrying out of the development would not adversely affect the present or future use of other prime agricultural land for the purposes of agriculture.
- (3) Where a copy of the development application has been forwarded to the Director-General of Agriculture pursuant to subclause (2), the council shall not determine the application until:
 - (a) it has received and considered a representation with respect to the application from the Director-General of Agriculture,
 - (b) the Director-General of Agriculture has informed the council that the Director-General does not wish to make any representation with respect to the application, or
 - (c) 21 days have elapsed after the date on which a copy of the application was forwarded to the Director-General of Agriculture,whichever first occurs.
- (4) Where a development application is made for consent for a subdivision to create an allotment which consists of prime agricultural land, the council shall not consent to the application unless it is satisfied:
 - (a) that the proposed allotment will be suitable for and, by itself, economically viable as an agricultural holding, having regard in particular to the area and shape of the allotment,
 - (b) that the proposed allotment will be used in conjunction with other land so as to increase the suitability and economic viability for use for the purposes of agriculture of the holding consisting of the proposed allotment and the other land,

or

(c) subject to subclause (5), that the proposed allotment will be used for a purpose other than a purpose of agriculture.

(5) A council shall not consent to the carrying out of development on prime agricultural land for a purpose other than a purpose of agriculture unless it is satisfied that no other land to which this plan applies, not being prime agricultural land, could provide a viable or workable alternative site for the carrying out of the development.

(6) A council shall not consent to the carrying out of development on prime agricultural land for the purposes of a mine or an extractive industry unless it is satisfied that:

(a) the land is to be used for the winning of metals, minerals or extractive materials:

(i) that constitute a resource of regional significance by reason of the demand for their supply to the Sydney or Central Coast area or adjacent areas, and

(ii) of which adequate and viable alternative sources reasonably suitable to satisfy that demand do not occur outside prime agricultural land, and

(b) the benefits to the community which will arise from carrying out the proposed development will be sufficient to outweigh the benefits that would accrue from the use of the land for agricultural purposes.

7 Mines and extractive industries

(1) A council shall not consent to the carrying out of development on land to which this plan applies for the purposes of a mine or an extractive industry unless the council has forwarded a copy of the application to the Secretary of the Department of Mineral Resources and is satisfied that:

(a) the resource to be developed is economically significant and a market exists for the metal, mineral or extractive material to be mined or extracted,

(b) development of the mine or extractive industry will be commensurate with the maximum practicable utilisation of the resource occurring on the site and will not lead to the fragmentary development, on land to which this plan applies, of mines or sites on which extractive industry is carried out,

(c) an appropriate allowance has been made, if necessary, for buffer zones to surround the mine or the place at which the material is or is proposed to be extracted in the course of carrying on the extractive industry, and

(d) on cessation of the use of the land for a mine or an extractive industry, the land will be satisfactorily restored or rehabilitated so as to enable its subsequent development for agricultural purposes or for another purpose which the council considers suitable for that land.

- (2) Where a copy of a development application has been forwarded to the Secretary of the Department of Mineral Resources pursuant to subclause (1), the council shall not determine the application until:
- (a) it has received and considered a representation with respect to the application from the Secretary of the Department of Mineral Resources,
 - (b) the Secretary of the Department of Mineral Resources has informed the council that the Secretary does not wish to make any representation with respect to the application, or
 - (c) 21 days have elapsed after the date on which a copy of the application was forwarded to the Secretary of the Department of Mineral Resources,
- whichever first occurs.
- (3) A person shall not remove ridge gravel (nodular ferricrete) from any land to which this plan applies unless the removal of the gravel is ancillary to the use of the land in accordance with a development consent which permits the land to be used otherwise than exclusively or predominantly for the extraction of ridge gravel.

8 Clearing of land

- (1) In this clause:

clear, in relation to land, means any manner of destruction of a tree, shrub or plant on the land but does not include:

- (a) the destruction of any tree, shrub or plant that is otherwise required or expressly authorized by or in pursuance of the provisions of any Act or statutory instrument or by any statutory authority in pursuance of any Act or statutory instrument, or
 - (b) the destruction of any tree, shrub or plant where it is necessary in the event of an emergency to prevent the spread of fire or in circumstances where the tree, shrub or plant presents any danger to life or property.
- (2) A person shall not clear land to which this plan applies and which is within Zone No 7 (a), within the meaning of *Interim Development Order No 122—Gosford* or *Interim Development Order No 58—Wyong*, except with the consent of the council.

9 Development generally

- (1) In considering any development application for consent to carry out development on land to which this plan applies, the council shall take into account the need for efficient usage of water and, subject to the provisions of any Act or statutory instrument, the council shall regard water on or under the land as being available for the purposes of carrying out that development.

- (2) The council shall not consent to a development application for consent to carry out development on land to which this plan applies where, in its opinion, the carrying out of the development will result in the significant destruction of sedgeland.
- (3) In subclause (2), **sedgeland** means land with impeded drainage and moist organic soils on which vegetation comprising sedges and shrubs occurs.

10 Rural residential development

A draft local environmental plan applying to land to which this plan applies shall not contain provisions which have the effect of permitting the area of an allotment of that land to be less than the minimum area which the allotment would have been required to have if the allotment had been created:

- (a) on the day on which this plan commenced, and
- (b) in accordance with the environmental planning instruments which applied to the land on that day,

unless the council is satisfied that the allotment will be used for purposes other than exclusively or predominantly residential purposes.