

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

[1986-16]



New South Wales

## Status Information

### Currency of version

Historical version for 17 May 2002 to 27 February 2019 (accessed 4 July 2024 at 7:19)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

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

### Notes—

- **Deemed SEPP**

From 1 July 2009 this plan is taken to be a State environmental planning policy (see clause 120 of Schedule 6 to the [Environmental Planning and Assessment Act 1979](#)).

### 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](#).

File last modified 1 July 2009

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



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- (c) (Repealed)
- (d) to protect regionally significant mining resources and extractive materials from sterilization,
- (e) to enable development for the purposes of extractive industries in specified locations,
- (f) (Repealed)
- (g) to protect the natural ecosystems of the region, and
- (h) to maintain opportunities for wildlife movement across the region, 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.

## 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:**

- (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](#).

**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:**

- (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](#).

**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.

**sedgeland**s 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.

## **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) (Repealed)
- (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), (4) (Repealed)

(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) 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.

## **7 Extractive industries**

(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.
- (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** 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.

## **9 (Repealed)**

## **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
- (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.