

# Central Coast

## Local Planning Panel

Central Coast  
Local Planning Panel Meeting  
Business Paper  
**08 August 2022**



# Meeting Notice

**The Local Planning Panel Meeting  
of Central Coast  
will be held remotely - online,  
Monday 8 August 2022 at 2.00 pm,  
for the transaction of the business listed below:**

## **1 Procedural Items**

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## **2 Planning Reports- Outside of Public Meeting**

2.1 Request to Amend Central Coast Local Environmental Plan to allow Additional  
Permitted Uses at 20 Ashbrookes Road and 231 Pacific Highway, Mount White .....4

Donna Rygate  
**Chairperson**

**Item No:** 1.1  
**Title:** Disclosures of Interest  
**Department:** Governance

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8 August 2022 Local Planning Panel Meeting

Reference: F2020/02502 - D14205789

The NSW Local Planning Panel Code of Conduct states that all panel members must sign a declaration of interest in relation to each matter on the agenda before or at the beginning of each meeting.

### **Recommendation**

***That Panel Members now confirm that they have signed a declaration of interest in relation to each matter on the agenda for this meeting and will take any management measures identified.***

**Item No:** 2.1

**Title:** Request to Amend Central Coast Local Environmental Plan to allow Additional Permitted Uses at 20 Ashbrookes Road and 231 Pacific Highway, Mount White

**Department:** Environment and Planning

**Central Coast**  
Local Planning Panel

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8 August 2022 Local Planning Panel Meeting

Reference: RZ/2/2022 - D15196429

Author: Chelle Leith, Strategic Planner

Manager: Scott Duncan, Unit Manager Strategic Planning (Acting)

Executive: David Milliken, Director Environment and Planning (Acting)

### Summary

This report relates to a request to prepare a Planning Proposal for Lot 1 DP 207158, 231 Pacific Highway and Lot 1 DP 547622, 20 Ashbrookes Road, Mount White which will be considered by Council on 23 August 2022. This request is referred to the Local Planning Panel (LPP) for advice prior to the reporting of the matter to Council.

The 'Saddles Restaurant' is the main tourist attraction on 20 Ashbrookes Road, Mount White. The applicant seeks to permit 'restaurant or café' on site as a permissible land use on this property. The Planning Proposal seeks to permit a range of other land uses on 231 Pacific Highway, Mount White (which occurs on the opposite side of the road) which includes 'hotel or motel accommodation', 'restaurant, or café, 'small bar' and 'business premises' (to permit a day spa). It is proposed to make these land uses permissible through an Additional Permitted Use clause and apply maximum floor area limits to each use through an amendment to the *Central Coast Local Environmental Plan 2022* (CCLEP 2022).

Please refer to supporting attachments that outline how the proposal satisfies the relevant legislation and strategic planning policies.

### Recommendation







***That the Local Planning Panel:***

- 1 Consider the planning proposal (Attachments 1 and 2) and draft Council report (Attachment 3).***
- 2 Provide independent advice on the planning proposal for consideration by Council.***

### Attachments

**2.1 Request to Amend Central Coast Local Environmental Plan to allow Additional Permitted Uses at 20 Ashbrookes Road and 231 Pacific Highway, Mount White (contd)**

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<b>1</b> 	Planning Proposal Summary Assessment Report - Saddles Site	D15212392
		
<b>2</b> 	Planning Proposal Strategic Assessment Report - Saddles Site	D15212385
		
<b>3</b> 	Draft Council Report - Request to prepare a Planning Proposal for 231 Pacific Highway and 20 Ashbrookes Road, Mount White	D15157318
		



# Proposal Summary

<b>Applicant</b>	Rachel Hulks		
<b>Owner</b>	Bonython Nominees Pty Ltd - 231 Pacific Highway, Mount White		
	Ognis Pty Ltd - 20 Ashbrookes Road, Mount White		
<b>Application Number</b>	PP-2022-1136, RZ/2/2022		
<b>Description of Land subject of planning proposal</b>	<i>Property Description:</i> <i>231 Pacific Highway, Mount White</i> <i>20 Ashbrookes Road, Mount White</i> <i>Legal Description:</i> <i>Lot 1 DP 207158 &amp; Lot 1 DP 547622</i>		
<b>Site Area</b>	231 Pacific Highway, Mount White - 3.27 hectares		
	20 Ashbrookes Road, Mount White - 10.9 hectares		
<b>Existing Use</b>	231 Pacific Highway, Mount White – the site is currently vacant		
	20 Ashbrookes Road, Mount White – Saddles Restaurant operating as ancillary to Saddles Garden Centre since 2018		
<b>Proposed Amendments – Central Coast Local Environmental Plan 2022</b>			
<b>Provisions</b>	<b>Existing Provision</b>	<b>Proposed Amendment</b>	<b>Outcome (Supported/Not Supported)</b>
<b>Schedule 1- Additional permitted use</b>	Nil	<u>Lot 1 DP 207158 (231 Pacific Highway, Mount White)</u>  hotel or motel accommodation, restaurant or café and	Supported



		<i>small bar, and to permit a day-spa business premises with maximum floor area limits</i>  <u>Lot 1 DP547622 (20 Ashbrookes Road, Mount White)</u>  <i>restaurant or café, which effectively recognises the existing restaurant/ café/ balcony areas on the site.</i>	
<b>Additional Permitted Uses Map</b>	<i>Nil</i>	To include the following properties on the APU map:  Lot 1 DP 207158 (231 Pacific Highway, Mount White)  Lot 1 DP547622 (20 Ashbrookes Road, Mount White)	Supported

### Proposal Summary

This Planning Proposal seeks to allow the existing 'Saddles Restaurant' that is the main tourist attraction of 20 Ashbrookes Road, Mount White (Lot 1 DP 547622), to operate as a permissible land use. And allow a number of APU's at 231 Pacific Highway, Mount White (Lot 1 DP 207158) which will permit a range of different land uses to occur on the site. APUs proposed on this site include hotel or motel accommodation, restaurant, or café, a small bar and a day spa business premises, to be added as permissible land uses (with maximum floor area limits).

### The Sites

The irregular shaped allotments are characterised by rural settings in the Mount White area, with close proximity to the Pacific Highway and M1 Motorway, as shown in Figure 1. Both allotments are zoned RU1 Primary Production and a portion of Lot 1 DP 547622 is also zoned C2 Environmental Conservation. Surrounding land uses include allotments utilised for



rural living and primary production purposes, Vicki Roycroft Horse Stables, Gosford Sandstone Quarry and Mount White Nursery.



Figure 1 Aerial photo of sites

20 Ashbrookes Road is currently used as Saddles Garden Centre with Saddles Restaurant operating as an ancillary use to the garden centre since construction approval in 2018 (31/07/2018). This site has been used as a garden centre since the 1990s and adjoins a plant nursery along its southern boundary.

231 Pacific Highway is a vacant site where recent demolition of existing structures on site (dwelling house, cottage and ancillary structures) occurred in 2021. Currently Integrated Dwelling House and Bed and Breakfast Accommodation with four bed and breakfast suites has been approved on the site (DA/6 2053/2021). The site was historically used as Hawkesbury Inn from the 1960s-1980s and a petrol station before that. This site adjoins Vicki Roycroft Stables on its western boundary.

### The Proposal

LEP land use definitions to be applied:





**hotel or motel accommodation** means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
  - (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,
- but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

**small bar** means a small bar within the meaning of the [Liquor Act 2007](#).

**business premises** means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
  - (b) a service is provided directly to members of the public on a regular basis,
- and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Both APUs will include maximum floor area limits as follows:

20 Ashbrookes Road:

- i) Development is to remain at maximum 370m<sup>2</sup> floor area.

231 Pacific highway:

- i) Cafe or Restaurant, bar and veranda has a maximum floor area of 380m<sup>2</sup>;
- ii) Day spa business premises has a maximum floor area of 300m<sup>2</sup>;
- iii) Accommodation lobby, Housekeeping, BOH and Bathrooms 310m<sup>2</sup>; and
- iv) Hotel or motel accommodation (maximum 20 single room/ suites) has a maximum floor area of 1,040m<sup>2</sup> (52m<sup>2</sup> per suite).

This Planning Proposal seeks to allow 'Saddles Restaurant', the main tourist attraction of the site, to operate as an APU rather than as ancillary use to Saddles Garden Centre at 20 Ashbrookes Road, Mount White. And deliver APUs of restaurant, small bar, day spa and hotel or motel accommodation and associated development to provide tourist accommodation/ attraction at 231 Pacific Highway, Mount White.

**Assessment**

The planning proposal is considered to have strategic planning merit for the following reasons:

- The Planning Proposal will allow the 'Saddles Restaurant' to operate as a restaurant or café as a permissible land use and will permit a number of other supporting tourist uses. The restaurant is currently operating successfully as a tourist attraction which promotes the Central Coast's agritourism, rural areas and bush (Aligning with Direction 3 of the CCRP).
- Council's Local Strategic Planning Statement 2020 identifies opportunities to broaden the region's scope of attractions including agricultural destinations that leverage the regions natural assets and scenic qualities, linking agriculture and appropriate forms of rural tourism.
- The Central Coast Regional Plan (CCRP) 2036 supports the development of rural areas that can adapt to changing agricultural trends and practices. The proposal will provide additional local employment opportunities by increasing rural economic productivity through securing existing jobs and creating new jobs (Aligning with Direction 7 of the CCRP). It also diversifies the rural economy, while minimising land use conflicts to adjoining rural properties, primary production use properties and extractive industries by maintaining adequate buffers (Aligning with Direction 11 of the CCRP).
- The proposal is also consistent with the Agritourism initiatives being introduced by the state government which aim to support rural economies across NSW.
- All site management issues with traffic, wastewater disposal, vegetation removal and land use conflicts can be adequately managed based on the information provided in supporting studies.



Central Coast Council  
Planning Proposal RZ/2/2022  
Strategic Assessment

Version 0.3

Date 25 July 2022

Strategic Assessment  
Lot /DP: Lot 1 DP 207158 & Lot 1 DP547622  
Site Address: 231 Pacific Highway & 20 Ashbrookes Road  
Suburb: Mount White  
File No: RZ/2/2022  
Date: July 22  
Version 1  
Central Coast Council

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Opening Hours 8.30am - 5.00pm

### Central Coast Regional Plan Assessment

Direction	Applicable	Assessment/Comment
1. Grow Gosford City Centre as the region's capital	N/A	The subject land is not within Gosford City Centre
2. Focus economic development in the Southern and Northern Growth Corridors	N/A	The subject land is not within the Growth Corridors
3. Support priority economic sectors	N/A	Mount White is not a priority economic sector
4. Strengthen inter-regional and intra-regional connections for business	N/A	The proposed use is not of regional significance
5. Support new and expanded industrial activity	N/A	The proposed use is not an industrial activity
6. Strengthen the economic self-determination of Aboriginal communities	N/A	The Planning Proposal does not relate to Aboriginal land
7. Increase job containment in the region	Yes	Retains and provides approximately 30 additional employment opportunities on the Central Coast
8. Recognise the cultural landscape of the Central Coast	N/A	The Planning Proposal does not impact the cultural landscape
9. Protect and enhance productive agricultural land	Yes	Mount White area is mapped as productive agricultural land, however the site has not been historically used for agricultural or primary production purposes
10. Secure the productivity and capacity of resource lands	N/A	N/A
11. Sustain and balance productive landscapes west of the M1	Yes	Site is west of the M1 and the Planning Proposal proposes rural tourism/ niche activities that allow for adaptable outcomes providing rural economic growth, while minimising land use conflicts through appropriate use of buffers.
12. Protect and manage environmental values	Yes	The Planning Proposal proposes to maintain the biodiversity values mapped on both lots, protecting the environmental values on both sites and providing further tourism attraction and opportunity for recreation.
13. Sustain water quality and security	No	The subject land is not within a drinking water catchment

Direction	Applicable	Assessment/Comment
14. Protect the coast and manage natural hazards and climate change	Yes	The subject land is not subject to coastal hazards. However, both allotments are located adjoining bushland and are therefore bushfire affected. The site for the proposed works (231 Pacific Highway) is mapped as Bushfire prone land category 1 and vegetation buffer and is supported by a Strategic Bushfire Study by Conacher (2022). This site is likewise flood prone, although works are proposed relatively out of the mapped Probable Maximum Flood Areas (PMF).
15. Create a well-planned, compact settlement pattern	N/A	The Planning Proposal applies to two adjacent lots of land with one currently occupied by Saddles Restaurant ancillary to the Garden Centre and the other a vacant moderately vegetated lot. The Planning Proposal proposes to allow for additional permitted uses on both lots; allow additional permitted use of restaurant or café (Saddles) at 20 Ashbrookes Rd and for the additional use of hotel or motel accommodation, restaurant or cafe, small bar and day spa at 231 Pacific Highway, Mount White.
16. Grow investment opportunities in the region's centres	N/A	The subject land is not within a Centre and will not affect growth of Centres
17. Align land use and infrastructure planning	Yes	Future development requires the provision of on-site water and effluent disposal and gas provision. The site is serviced by power
18. Create places that are inclusive, well-designed and offer attractive lifestyles	N/A	The subject land is not a public place
19. Accelerate housing supply and improve housing choice	N/A	The Planning Proposal will not contribute to the delivery of housing
20. Grow housing choice in and around local centres	N/A	As above
21. Provide housing choice to meet community needs	N/A	As above
22. Deliver housing in new release areas that are best suited to building new communities	N/A	As above
23. Manage rural lifestyles	No	Not applicable, not zoned for rural lifestyles



## State Environmental Planning Policy Assessment

State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
<b>Chapter 2 – Vegetation in Non-Rural Areas</b>	
<p>The aims of this Chapter are—</p> <p>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</p> <p>(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p> <p>This Chapter applies to the following areas of the State (the non-rural areas of the State)—</p> <p>(b) land within the following zones under an environmental planning instrument—</p> <p>RU5 Village,  R1 General Residential,  R2 Low Density Residential,  R3 Medium Density Residential,  R4 High Density Residential,  R5 Large Lot Residential,  B1 Neighbourhood Centre,  B2 Local Centre,  B3 Commercial Core,  B4 Mixed Use,  B5 Business Development,  B6 Enterprise Corridor,  B7 Business Park,  B8 Metropolitan Centre,  IN1 General Industrial,  IN2 Light Industrial,  IN3 Heavy Industrial,  IN4 Working Waterfront,  SP1 Special Activities,  SP2 Infrastructure,  SP3 Tourist,  RE1 Public Recreation,  RE2 Private Recreation,  E2 Environmental Conservation,  E3 Environmental Management,  E4 Environmental Living or  W3 Working Waterways.</p>	<p>This chapter does not apply to RU1 zoned land.</p>

State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
<b>Chapter 3 – Koala habitat protection 2020</b>	
Not applicable.	Not applicable.
<b>Chapter 4 – Koala Habitat Protection 2021</b>	
<p><i>This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</i></p> <p><i>This Chapter does not apply to—</i></p> <ul style="list-style-type: none"> <li><i>(a) land dedicated or reserved under the National Parks and Wildlife Act 1974, or acquired under Part 11 of that Act, or</i></li> <li><i>(b) land dedicated under the Forestry Act 2012 as a State forest or a flora reserve, or</i></li> <li><i>(c) land on which biodiversity certification has been conferred, and is in force, under Part 8 of the Biodiversity Conservation Act 2016, or</i></li> </ul>	<p>The Proposal is consistent with the provisions of this SEPP. The site is located within a local government area listed in Schedule 2 of the State Environmental Planning Policy (Koala Habitat Protection) 2021. The supporting Ecological Assessment Report (Conacher, 2022) provides an assessment of koala habitat in accordance with Chapter 4 of this SEPP- concluding no core koala habitat is present on site and a low impact on koalas or their habitat will result from the PP.</p>
<b>Chapter 5 – River Murray lands</b>	
Not applicable.	Not applicable.
<b>Chapter 6 – Bushland in Urban Areas</b>	
<ul style="list-style-type: none"> <li><i>(1) The general aim of this Chapter is to protect and preserve bushland within the urban areas referred to in Schedule 5 because of—</i> <ul style="list-style-type: none"> <li><i>(a) its value to the community as part of the natural heritage,</i></li> <li><i>(b) its aesthetic value, and</i></li> <li><i>(c) its value as a recreational, educational and scientific resource.</i></li> </ul> </li> <li><i>(2) The specific aims of this Chapter are—</i> <ul style="list-style-type: none"> <li><i>(a) to protect the remnants of plant communities which were once characteristic of land now within an urban area,</i></li> <li><i>(b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,</i></li> <li><i>(c) to protect rare and endangered flora and fauna species,</i></li> <li><i>(d) to protect habitats for native flora and</i></li> </ul> </li> </ul>	Does not apply to rural land.



State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
<p>fauna,</p> <p>(e) to protect wildlife corridors and vegetation links with other nearby bushland,</p> <p>(f) to protect bushland as a natural stabiliser of the soil surface,</p> <p>(g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,</p> <p>(h) to protect significant geological features,</p> <p>(i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores,</p> <p>(j) to protect archaeological relics,</p> <p>(k) to protect the recreational potential of bushland,</p> <p>(l) to protect the educational potential of bushland,</p> <p>(m) to maintain bushland in locations which are readily accessible to the community, and</p> <p>(n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.</p> <p><i>This Chapter applies to the areas and parts of areas specified in Schedule 5:</i></p> <p>Gosford</p>	
<b>Chapter 7 – Canal Estate Development</b>	
Not applicable.	Not applicable.
<b>Chapter 8 – Sydney drinking water catchment</b>	
Not applicable.	Not applicable.
<b>Chapter 9 – Hawkesbury – Nepean River</b>	
<p>Applicable.</p> <p><i>The aim of this Chapter is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.</i></p>	<p>Applicable.</p> <p>The proposed sites are located within the Hawkesbury Nepean River Area, however they are outside the scenic corridor boundary.</p> <p>The development proposed on-site at 231 Pacific Highway, Mount White for hotel or motel accommodation, restaurant, small bar and day spa, is on a site with sufficient area available for the management of water quality and nutrients on-site.</p>

State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
	The proposal is supported by On-site Wastewater Management Report prepared by Whitehead and Associates, which details the proposed installation of on site effluent disposal, management and water management systems. Councils Senior Environmental Health Officer has reviewed the above report and is satisfied that the report has demonstrated that the site has capacity to accommodate rural-based tourist accommodation, and to provide associated restaurant, small bar, and day spa facilities, and accordingly there is no objection to the planning proposal from an on-site sewage management perspective, subject to concurrence from Council's Ecologist and Tree Assessment Officer.
<b>Chapter 10 – Sydney Harbour Catchment</b>	
Not applicable.	Not applicable.
<b>Chapter 11 – Georges Rivers Catchment</b>	
Not applicable.	Not applicable.
<b>Chapter 12 – Willandra Lakes Region World Heritage Property</b>	
Not applicable.	Not applicable.

State Environmental Planning Policy (Housing) 2021	Assessment/Comment
<b>Chapter 2 – Affordable Housing</b>	
<p><i>The principles of this Policy are as follows—</i></p> <ul style="list-style-type: none"> <li><i>(a) enabling the development of diverse housing types, including purpose-built rental housing,</i></li> <li><i>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i></li> <li><i>(c) ensuring new housing development provides residents with a reasonable level of amenity,</i></li> <li><i>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</i></li> <li><i>(e) minimising adverse climate and environmental impacts of new housing development,</i></li> </ul>	Not applicable to draft PP.

State Environmental Planning Policy (Housing) 2021	Assessment/Comment
<p>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</p> <p>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</p> <p>(h) mitigating the loss of existing affordable rental housing.</p>	
<b>Chapter 3 – Diverse Housing</b>	
<p><b>Part 1: Secondary Dwellings</b></p> <p><b>Part 2: Group Homes</b></p> <p><b>Part 3: Co-living Housing</b></p> <p><b>Part 4: Built-to-rent Housing</b></p> <p><b>Part 5: Seniors Housing</b></p> <p><b>Part 6: Short-term Rental Accommodation</b></p> <p><b>Part 7: Conversion of Certain Serviced Apartments</b></p>	Not applicable to draft PP.
<p><b>Part 8: Manufactured Home Estates</b></p> <p><i>The aims of this Part are—</i></p> <p>(a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and</p> <p>(b) to provide immediate development opportunities for manufactured home estates on the commencement of this Part, and</p> <p>(c) to encourage the provision of affordable housing in well-designed estates, and</p> <p>(d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and</p> <p>(e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and</p> <p>(f) to protect the environment surrounding manufactured home estates, and</p> <p>(g) to provide measures which will facilitate security of tenure for residents of manufactured home</p>	Not applicable to draft PP.

State Environmental Planning Policy (Housing) 2021	Assessment/Comment
<p><i>estates.</i></p> <p><b>Part 9: Caravan Parks</b>  <i>The aim of this Part is to encourage—</i></p> <p>(a) <i>the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and</i></p> <p>(b) <i>the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and</i></p> <p>(c) <i>the provision of community facilities for land so used, and</i></p> <p>(d) <i>the protection of the environment of, and in the vicinity of, land so used.</i></p>	<p>Not applicable to draft PP.</p>

State Environmental Planning Policy (Industry and Employment) 2021.	Assessment/Comment
<b>Chapter 3 – Advertising and Signage</b>	
<p>1. <i>This Chapter aims—</i></p> <p>(a) <i>to ensure that signage (including advertising)—</i></p> <p style="padding-left: 20px;"><i>i is compatible with the desired amenity and visual character of an area, and</i></p> <p style="padding-left: 20px;"><i>ii provides effective communication in suitable locations, and</i></p> <p style="padding-left: 20px;"><i>iii is of high-quality design and finish, and</i></p> <p>(b) <i>to regulate signage (but not content) under Part 4 of the Act, and</i></p> <p>(c) <i>to provide time-limited consents for the display of certain advertisements, and</i></p> <p>(d) <i>to regulate the display of advertisements in transport corridors, and</i></p> <p>(e) <i>to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</i></p> <p><i>This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.</i></p>	<p>Not applicable. No signage proposed at this stage.</p>

State Environmental Planning Policy (Planning Systems) 2021	Assessment/Comment
<b>Chapter 2 – State and Regional Development</b>	
<p><i>The aims of this Chapter are as follows—</i></p> <ul style="list-style-type: none"> <li><i>(a) to identify development that is State significant development,</i></li> <li><i>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</i></li> <li><i>(c) to identify development that is regionally significant development.</i></li> </ul> <p><i>This chapter applies to Warnervale Town Centre as well as general categories of state significant development.</i></p>	Not applicable to draft PP.
<b>Chapter 3 – Aboriginal Land</b>	
<p><i>The aims of this Chapter are—</i></p> <ul style="list-style-type: none"> <li><i>(a) to provide for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and</i></li> <li><i>(b) to declare specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.</i></li> </ul> <p><i>This Chapter applies to the land specified on the Land Application Map.</i></p>	There are four sites within the Central Coast LGA which are subject to the SEPP. The Planning Proposal does not apply to any of these sites.

State Environmental Planning Policy (Precincts—Regional) 2021	Assessment/Comment
<b>Chapter 5 – Gosford City Centre</b>	
<p><i>The aims of this Chapter are as follows—</i></p> <ul style="list-style-type: none"> <li><i>(a) to promote the economic and social revitalisation of Gosford City Centre,</i></li> <li><i>(b) to strengthen the regional position of Gosford City Centre as a multi-functional and innovative centre for commerce, education, health care, culture and the arts, while creating a highly liveable urban space with design excellence in all elements of its built and natural environments,</i></li> <li><i>(c) to protect and enhance the vitality, identity and</i></li> </ul>	The land comprising Gosford City Centre as defined by the <i>State Environmental Planning Policy (Precincts—Regional) 2021</i> is not subject to the draft Planning Proposal.

State Environmental Planning Policy (Precincts—Regional) 2021	Assessment/Comment
<p><i>diversity of Gosford City Centre,</i></p> <p><i>(d) to promote employment, residential, recreational and tourism opportunities in Gosford City Centre,</i></p> <p><i>(e) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Gosford City Centre achieves sustainable social, economic and environmental outcomes,</i></p> <p><i>(f) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Gosford City Centre for the benefit of present and future generations,</i></p> <p><i>(g) to help create a mixed use place, with activity during the day and throughout the evening, so that Gosford City Centre is safe, attractive and efficient for, and inclusive of, its local population and visitors alike,</i></p> <p><i>(h) to preserve and enhance solar access to key public open spaces,</i></p> <p><i>(i) to provide direct, convenient and safe pedestrian links between Gosford City Centre and the Gosford waterfront,</i></p> <p><i>(j) to ensure that development exhibits design excellence to deliver the highest standard of architectural and urban design in Gosford City Centre.</i></p>	

State Environmental Planning Policy (Primary Production) 2021.	Assessment/Comment
<b>Chapter 2 - Primary Production and Rural Development</b>	
<p><i>The aims of this Chapter are as follows—</i></p> <p><i>(a) to facilitate the orderly economic use and development of lands for primary production,</i></p> <p><i>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</i></p> <p><i>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of</i></p>	<p>The Proposal is consistent with the provisions of this SEPP.</p> <p>The proposed will retain mapped biodiversity values on-site and development is not proposed within the riparian areas associated with the watercourses on-site, helping avoid land use conflict and the sterilisation of the site and surrounds. The proposed maintains the RU1</p>

State Environmental Planning Policy (Primary Production) 2021.	Assessment/Comment
<p><i>agriculture on that land, having regard to social, economic and environmental considerations,</i></p> <p>(d) <i>to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</i></p> <p>(e) <i>to encourage sustainable agriculture, including sustainable aquaculture,</i></p> <p>(f) <i>to require consideration of the effects of all proposed development in the State on oyster aquaculture,</i></p> <p>(g) <i>to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</i></p>	<p>zoning, maintaining the current land uses as permissible on site.</p>
Chapter 3 - Central Coast Plateau Areas	
<p><i>The general aims of this Chapter are—</i></p> <p>(a) <i>to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses,</i></p> <p>(b) <i>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,</i></p> <p>(c) <i>to protect regionally significant mining resources and extractive materials from sterilization,</i></p> <p>(d) <i>to enable development for the purposes of extractive industries in specified locations,</i></p> <p>(e) <i>to protect the natural ecosystems of the region, and</i></p> <p>(f) <i>to maintain opportunities for wildlife movement across the region, and</i></p> <p>(g) <i>to discourage the preparation of draft local environmental plans designed to permit rural residential development, and</i></p> <p>(h) <i>to encourage the preparation of draft local environmental plans based on merits.</i></p>	<p>The Planning Proposal sites are located within the Central Coast Plateau Area.</p> <p>Both 231 Pacific Highway and 20 Ashbrookes Road are identified as Prime Agricultural Land. No additional development is proposed at 20 Ashbrookes Road.</p> <p>The APU for 231 Pacific Highway through this Planning Proposal do not propose to significantly reduce the agricultural capability of the land and retains the RU1 zoning and all associated permitted uses with this zoning.</p> <p>The PP development is unlikely to adversely affect the present or future use of other prime agricultural land for the purposes of agriculture.</p> <p>The subject site is the best suited land for the carrying out of the PP as it is a cleared site and is adjacent to the current Saddles Restaurant and the PP is drawing on the success of this restaurant being taken across to the new restaurant, bar, spa and accommodation aspect of the proposal.</p> <p>The Planning Proposal is consistent with this SEPP.</p>

State Environmental Planning Policy (Resilience and Hazards) 2021.	Assessment/Comment
<b>Chapter 2 - Coastal Management</b>	
<p><i>The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—</i></p> <ul style="list-style-type: none"> <li><i>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</i></li> <li><i>(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</i></li> <li><i>(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</i></li> </ul>	<p>No land within the draft Planning Proposal is located within the coastal zone.</p>
<b>Chapter 3 – Hazardous and Offensive Development</b>	
<p><i>This Chapter aims—</i></p> <ul style="list-style-type: none"> <li><i>(a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and</i></li> <li><i>(b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Chapter, and</i></li> <li><i>(c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and</i></li> <li><i>(d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and</i></li> <li><i>(e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has</i></li> </ul>	<p>Hazardous or offensive development is not proposed within the draft Planning Proposal.</p>



State Environmental Planning Policy (Resilience and Hazards) 2021.	Assessment/Comment
<p><i>sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and</i></p> <p>(f) <i>to require the advertising of applications to carry out any such development.</i></p>	
Chapter 4 - Remediation of Land	
<p>1. <i>The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</i></p> <p>2. <i>In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—</i></p> <p>(a) <i>by specifying when consent is required, and when it is not required, for a remediation work, and</i></p> <p>(b) <i>by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</i></p> <p>(c) <i>by requiring that a remediation work meet certain standards and notification requirements.</i></p>	<p>The Proposal is consistent with the provisions of this SEPP. The proposal is supported by a Supplementary Contamination Investigation (SCI) by Douglas Partners (2022), which was prepared after the Detailed Site Investigation (Douglas Partners, 2021). Councils Environmental Health Officer has reviewed this report and considers the site can be made suitable for the proposed tourist and hotel development (from a site contamination standpoint), subject to the follow recommendations:</p> <ul style="list-style-type: none"> <li>• Preparation of a remediation action plan (RAP) – The RAP would include (but would not be limited to) the following: <ul style="list-style-type: none"> <li>• Further contamination sampling to address the data gap with regards to the lateral extent of PAH / TRH contamination: - Given that the oyster shells may be associated with the observed PAH/TRH exceedances, it is recommended that sampling is undertaken in the vicinity of Pit 204 (i.e., where oyster shells were observed in the fill) and tested for PAH / TRH and BTEX. Approximately five test pits are proposed in this area. The results of this further sampling would provide more conclusive evidence on the likely PAH/TRH source (i.e., oyster shell inclusions vs asphalt / bitumen or some carbonaceous material incorporated into the asphalt); and</li> <li>• Excavation of additional test pits to the east of Pits 232 and Bore 127.</li> <li>• Remediation strategy for the asbestos and PAH/TRH impacted areas.</li> <li>• Validation requirements; and</li> <li>• An unexpected finds protocol (UFP), to establish a strategy / management procedure</li> </ul> </li> </ul>

State Environmental Planning Policy (Resilience and Hazards) 2021.	Assessment/Comment
	<p>to be followed during construction works, should unexpected finds of contamination be uncovered.</p> <p>Recommendations can be implemented at the development application stage.</p>

State Environmental Planning Policy (Resources and Energy) 2021.	Assessment/Comment
<b>Chapter 2 – Mining, Petroleum Production and Extractive Industries</b>	
<p><i>The aims of this Chapter are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries—</i></p> <p>(a) <i>to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and</i></p> <p>(b) <i>to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and</i></p> <p>(c) <i>to promote the development of significant mineral resources, and</i></p> <p>(d) <i>to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and</i></p> <p>(e) <i>to establish a gateway assessment process for certain mining and petroleum (oil and gas) development—</i></p> <p><i>i to recognise the importance of agricultural resources, and</i></p> <p><i>ii to ensure protection of strategic agricultural land and water resources, and</i></p> <p><i>iii to ensure a balanced use of land by potentially competing industries, and</i></p> <p><i>iv to provide for the sustainable growth of mining, petroleum and agricultural industries.</i></p>	<p>The Proposal is consistent with the provisions of this SEPP. The site is not located in close proximity to any Mining, Petroleum Production and Extractive Industries, and is not mapped as being mineral or resource land or biophysical strategic agricultural land, or within any mapped critical industry cluster.</p>
<b>Chapter 3 – Extractive Industries in Sydney Area</b>	

State Environmental Planning Policy (Resources and Energy) 2021.	Assessment/Comment
<p><i>This Chapter aims—</i></p> <ul style="list-style-type: none"> <li><i>(a) to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance, and</i></li> <li><i>(b) to permit, with the consent of the council, development for the purpose of extractive industries on land described in Schedule 3 or 4, and</i></li> <li><i>(c) to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential, and</i></li> <li><i>(d) to promote the carrying out of development for the purpose of extractive industries in an environmentally acceptable manner, and</i></li> <li><i>(e) to prohibit development for the purpose of extractive industry on the land described in Schedule 5 in the Macdonald, Colo, Hawkesbury and Nepean Rivers, being land which is environmentally sensitive.</i> <p><i>This chapter applies to land in former Gosford and former Wyong LGAs.</i></p> </li></ul>	<p>The Proposal is consistent with the provisions of this SEPP. Division 9 of Schedule 3 of the Primary Production SEPP identifies land covered by Permissive Occupancy No 79/104 Gosford (Mount White), Gosford Quarries as 'Dimensional sandstone quarries of regional significance'.</p> <p>A proportion of the site at 20 Ashbrookes Road is mapped within the Transition Area of the quarry, although where Saddles Restaurant is located is outside the mapping. 231 Pacific Highway is wholly outside the Transition Area. It is unlikely that the proposal will cause adverse impacts on this identified extractive industries realising its full potential under this SEPP, as it is located over 1km from the quarry areas. Likewise, it is unlikely the PP sites will be adversely impacted by the Sandstone Quarry, as the sites are well removed.</p>

State Environmental Planning Policy (Transport and Infrastructure) 2021	Assessment/Comment
<b>Chapter 2 – Infrastructure</b>	
<p><i>The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State by—</i></p> <ul style="list-style-type: none"> <li><i>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</i></li> <li><i>(b) providing greater flexibility in the location of infrastructure and service facilities, and</i></li> <li><i>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</i></li> <li><i>(d) identifying the environmental assessment category into which different types of</i></li> </ul>	<p>Not applicable to draft PP.</p>

State Environmental Planning Policy (Transport and Infrastructure) 2021	Assessment/Comment
<p><i>infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and</i></p> <p>(e) <i>identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</i></p> <p>(f) <i>providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i></p> <p>(g) <i>providing opportunities for infrastructure to demonstrate good design outcomes.</i></p>	
<b>Chapter 3 – Educational Establishments and Childcare Facilities</b>	
<p><i>The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—</i></p> <p>(a) <i>improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</i></p> <p>(b) <i>simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and</i></p> <p>(c) <i>establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</i></p> <p>(d) <i>allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</i></p> <p>(e) <i>providing for consultation with relevant public</i></p>	<p>Not applicable to draft PP.</p>

State Environmental Planning Policy (Transport and Infrastructure) 2021	Assessment/Comment
<p>authorities about certain development during the assessment process or prior to development commencing, and</p> <p>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</p> <p>(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</p> <p>(h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</p>	

## Ministerial Section 9.1 Directions

Planning Systems	Comments
<b>1.1 Implementation of Regional Plans</b>	
1. Planning proposals must be consistent with a Regional Plan released by the Minister for Planning and Public Spaces.	<p>Applicable</p> <p>The Proposal is consistent with this direction. The Proposed builds upon the natural assets of the Central Coast by promoting tourism to the bush area of Mount White, while protecting the environmental values of the area and the productivity of lands- Safe guarding this area for surrounding residents and tourism.</p>
<b>1.2 Development of Aboriginal Land Council Land</b>	
<p>1. When preparing a planning proposal to which this direction applies, the planning proposal authority must take into account:</p> <p>(a) any applicable development delivery plan made under the chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021; or</p>	<p>Not Applicable</p> <p>Land within the Planning Proposal is not shown on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019.</p>

Planning Systems	Comments
(b) if no applicable development delivery plan has been published, the interim development delivery plan published on the Department's website on the making of this direction.	
<b>1.3 Approval and Referral Requirements</b>	
<p>1. A planning proposal to which this direction applies must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>i. the appropriate Minister or public authority, and</p> <p>ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and</p> <p>ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act.</p>	<p>Applicable</p> <p>The proposal does not seek to include additional approval or referral requirements.</p> <p>The Proposal is consistent with this direction.</p>
<b>1.4 Site Specific Provisions</b>	
<p>1. A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p> <p>(a) allow that land use to be carried out in the zone the land is situated on, or</p> <p>(b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</p> <p>(c) allow that land use on the relevant land without imposing any development standards or</p>	<p>Applicable</p> <p>The Planning Proposal does not seek to impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument.</p> <p>The Proposal is consistent with this direction.</p>

Planning Systems	Comments
<p>requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>2. A planning proposal must not contain or refer to drawings that show details of the proposed development.</p>	
<b>1.5 Parramatta Road Corridor Urban Transformation Strategy</b>	
<p>1. A planning proposal that applies to land in the nominated local government areas within the Parramatta Road Corridor must:</p> <p>(a) give effect to the objectives of this direction,</p> <p>(b) be consistent with the Strategic Actions within the Parramatta Road Corridor Urban Transformation Strategy (November, 2016),</p> <p>(c) be consistent with the Parramatta Road Corridor Planning and Design Guidelines (November, 2016) and particularly the requirements set out in Section 3 Corridor-wide Guidelines and the relevant Precinct Guidelines,</p> <p>(d) be consistent with the staging and other identified thresholds for land use change identified in the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016), and the Parramatta Road Corridor Urban Transformation Implementation Update 2021, as applicable,</p> <p>(e) contain a requirement that development is not permitted until land is adequately serviced (or arrangements satisfactory to the relevant planning authority, or other appropriate authority, have been made to service it) consistent with the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016),</p> <p>(f) be consistent with the relevant District Plan.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	
<p>1. Planning proposals to which this direction applies shall be consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	

Planning Systems	Comments
1. <i>Planning proposals shall be consistent with the interim Plan published in July 2017.</i>	Not Applicable  This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
<b>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	
1. <i>A planning proposal is to be consistent with the Interim Land Use and Infrastructure Implementation Plan and Background Analysis, approved by the Minister for Planning and Public Spaces and as published on 5 August 2017 on the website of the Department of Planning, Industry and Environment (Implementation Plan).</i>	Not Applicable  This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
<b>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	
1. <i>A planning proposal is to be consistent with the precinct plans approved by the Minister for Planning and Public Spaces and published on the Department's website on 22 December 2017.</i>	Not Applicable  This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
<b>1.10 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan</b>	
1. <i>A planning proposal is to be consistent with the Western Sydney Aerotropolis Plan approved by the Minister for Planning and Public Spaces and as published on 10 September 2020 on the website of the Department of Planning, Industry and Environment.</i>	Not Applicable  This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
<b>1.11 Implementation of Bayside West Precincts 2036 Plan</b>	
1. <i>A planning proposal authority must ensure that a planning proposal is consistent with the Bayside West Precincts 2036 Plan, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website in September 2018.</i>	Not Applicable  This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
<b>1.12 Implementation of Planning Principles for the Cooks Cove Precinct</b>	
1. <i>A planning proposal authority must ensure that a planning proposal is consistent with the following principles:</i> <i>(a) Enable the environmental repair of the site and provide for new recreation opportunities;</i> <i>(b) Not compromise future transport links (such as the South-East Mass Transit link identified in Future</i>	Not Applicable  This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).



Planning Systems	Comments
<p>Transport 2056 and the Greater Sydney Region Plan) that will include the consideration of the preserved surface infrastructure corridor, noting constraints, including the Cooks River, geology, Sydney Airport and existing infrastructure will likely necessitate consideration of future sub-surface solutions and potential surface support uses;</p> <p>(c) Create a highly liveable community that provides choice for the needs of residents, workers and visitors to Cooks Cove;</p> <p>(d) Ensure best practice design and a high quality amenity with reference to the NSW design policy Better Placed;</p> <p>(e) Deliver an enhanced, attractive, connected and publicly accessible foreshore and public open space network and protect and enhance the existing market garden;</p> <p>(f) Safeguard the ongoing operation of Sydney Airport;</p> <p>(g) Enhance walking and cycling connectivity and the use of public transport to encourage and support a healthy and diverse community and help deliver a 30-minute city;</p> <p>(h) Deliver a safe road network that balances movement and place, provides connections to the immediate and surrounding areas, and is cognisant of the traffic conditions in this area; and</p> <p>(i) Enhance the environmental attributes of the site, including protected flora and fauna, riparian areas and wetlands and heritage. The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.</p>	
<b>1.13 Implementation of St Leonards and Crows Nest 2036 Plan</b>	
<p>1. A planning proposal authority must ensure that a planning proposal is consistent with the St Leonards and Crows Nest 2036 Plan, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website on 29 August 2020.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>1.14 Implementation of Greater Macarthur 2040</b>	
<p>1. A planning proposal authority must ensure that a planning proposal is consistent with Greater Macarthur 2040, approved by the Minister for Planning and Public Spaces and as published on 19 November 2018 on the</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Planning Systems	Comments
website of the Department of Planning, Industry and Environment.	
<b>1.15 Implementation of the Pyrmont Peninsula Place Strategy</b>	
<p>1. A planning proposal authority must ensure that a planning proposal is consistent with the Pyrmont Peninsula Place Strategy, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website on 11 December 2020, including that it:</p> <p>(a) gives effect to the objectives of this direction and the Vision (Part 5) of the Pyrmont Peninsula Place Strategy,</p> <p>(b) is consistent with the 10 directions (Part 6) and Structure Plan (Part 8) in the Pyrmont Peninsula Place Strategy,</p> <p>(c) delivers on envisaged future character for sub-precincts (Part 9), including relevant place priorities in the Pyrmont Peninsula Place Strategy, and</p> <p>(d) supports the delivery of the Big Moves (Part 7) in the Pyrmont Peninsula Place Strategy.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>1.16 North West Rail Link Corridor Strategy</b>	
<p>1. A planning proposal that applies to land located within the NWRL Corridor must:</p> <p>(a) give effect to the objectives of this direction</p> <p>(b) be consistent with the proposals of the NWRL Corridor Strategy, including the growth projections and proposed future character for each of the NWRL precincts</p> <p>(c) promote the principles of transit-oriented development (TOD) of the NWRL Corridor Strategy.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Biodiversity & Conservation	Comments
<b>3.1 Conservation Zones</b>	
<p>1. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>2. A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP</p>	<p>Applicable</p> <p>An Ecological Assessment Report (EAR) has been prepared by Conacher (2021) to support the proposal. The EAR identifies a critically endangered species – <i>Syzygium paniculatum</i>, that appears to have been a planted landscape</p>

Biodiversity & Conservation	Comments
<p><i>must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.3 (2) of "Rural Lands".</i></p>	<p>tree. No threatened ecological communities listed within the Biodiversity Conservation (BC) Act (2016) or Environmental Protection and Biodiversity Conservation Act (EPBC) Act (1999) were observed.</p> <p>It is estimated that the development will involve the removal of 0.26 Ha of native vegetation which is therefore below the threshold for requiring a Biodiversity Development Assessment Report (BDAR). The applicant is in the process of preparing a revised Flora and Fauna Assessment, which will be finalised before Council makes a Gateway Determination request.</p>
<b>3.2 Heritage Conservation</b>	
<p>1. A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	<p>Applicable</p> <p>The AHIMS database did not identify any Aboriginal sites recorded near the subject site.</p> <p>An Aboriginal Cultural Heritage Assessment is likely to be required to be undertaken by the applicant post a Gateway Determination.</p> <p>The Proposal is consistent with this direction.</p>
<b>3.3 Sydney Drinking Water Catchments</b>	
<p>1. A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:</p> <p>(a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Biodiversity & Conservation	Comments								
<p>(b) future land use in the Sydney drinking water catchment should be matched to land and water capability, and</p> <p>(c) the ecological values of land within a Special Area that is:</p> <ul style="list-style-type: none"> <li>i. reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or</li> <li>ii. declared as a wilderness area under the Wilderness Act 1987, or</li> <li>iii. owned or under the care control and management of the Sydney Catchment Authority, should be maintained.</li> </ul> <p>2. When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) ensure that the proposal is consistent with chapter 9 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and</li> <li>(b) give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and</li> <li>(c) zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the following:</li> </ul> <table border="1"> <thead> <tr> <th>Land</th><th>Zone under Standard Instrument (Local Environmental Plans) Order 2006</th></tr> </thead> <tbody> <tr> <td>Land reserved under the National Parks and Wildlife Act 1974</td><td>C1 National Parks and Nature Reserves</td></tr> <tr> <td>Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level</td><td>C2 Environmental Conservation</td></tr> <tr> <td>Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.</td><td>SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)</td></tr> </tbody> </table> <p>and</p> <p>(d) consult with the Sydney Catchment Authority, describing the means by which the planning</p>	Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006	Land reserved under the National Parks and Wildlife Act 1974	C1 National Parks and Nature Reserves	Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level	C2 Environmental Conservation	Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)	
Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006								
Land reserved under the National Parks and Wildlife Act 1974	C1 National Parks and Nature Reserves								
Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level	C2 Environmental Conservation								
Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)								

Biodiversity & Conservation	Comments
<p><i>proposal gives effect to the water quality protection principles set out in paragraph (1) of this direction, and</i></p> <p><i>(e) include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 3.34 of the EP&amp;A Act.</i></p>	
<b>3.4 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b>	
<p>1. <i>A planning proposal that introduces or alters an C2 Environmental Conservation or C3 Environmental Management zone or an overlay and associated clause must apply that proposed C2 Environmental Conservation or C3 Environmental Management zone, or the overlay and associated clause, in line with the Northern Councils C Zone Review Final Recommendations.</i></p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast LGA or former Wyong or Gosford LGAs.</p>
<b>3.5 Recreational Vehicle Areas</b>	
<p>1. <i>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):</i></p> <p><i>(a) where the land is within a conservation zone,</i></p> <p><i>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</i></p> <p><i>(c) where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration:</i></p> <p><i>i. the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and</i></p> <p><i>ii. the provisions of the guidelines entitled Recreation Vehicles Act 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985. Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles.</i></p>	<p>Not applicable.</p> <p>The proposal does not seek land to be developed for the purpose of a recreation vehicle area.</p> <p>The Proposal is consistent with this direction.</p>

Resilience & Hazards	Comments
<b>4.1 Flooding</b>	
<p>1. A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> <li>(a) the NSW Flood Prone Land Policy,</li> <li>(b) the principles of the Floodplain Development Manual 2005,</li> <li>(c) the Considering flooding in land use planning guideline 2021, and</li> <li>(d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.</li> </ul> <p>2. A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zones.</p> <p>3. A planning proposal must not contain provisions that apply to the flood planning area which:</p> <ul style="list-style-type: none"> <li>(a) permit development in floodway areas,</li> <li>(b) permit development that will result in significant flood impacts to other properties,</li> <li>(c) permit development for the purposes of residential accommodation in high hazard areas,</li> <li>(d) permit a significant increase in the development and/or dwelling density of that land,</li> <li>(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</li> <li>(f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,</li> <li>(g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or</li> <li>(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot</li> </ul>	<p>Applicable</p> <p>The western portion of the site is affected by a 1% Annual Exceedance Probability (AEP) flood, as well as the Probable Maximum Flood (PMF), associated with Calvets Creek along the western boundary.</p> <p>The PP development footprint is intended to be located generally outside of the flood area.</p> <p>The Proposal is consistent with this direction.</p>

Resilience & Hazards	Comments
<p>be effectively contained during the occurrence of a flood event.</p> <p>4. A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</p> <ul style="list-style-type: none"> <li>(a) permit development in floodway areas,</li> <li>(b) permit development that will result in significant flood impacts to other properties,</li> <li>(c) permit a significant increase in the dwelling density of that land,</li> <li>(d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</li> <li>(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</li> <li>(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</li> </ul> <p>5. For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.</p>	
<b>4.2 Coastal Management</b>	
<p>1. A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> <li>(a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;</li> <li>(b) the NSW Coastal Management Manual and associated Toolkit;</li> <li>(c) NSW Coastal Design Guidelines 2003; and</li> <li>(d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect</li> </ul>	<p>Not Applicable</p> <p>The subject site is not located within a coastal environment area.</p> <p>The Proposal is consistent with this direction.</p>

Resilience & Hazards	Comments
<p><i>under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.</i></p> <p>2. <i>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</i></p> <p><i>(a) within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or</i></p> <p><i>(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</i></p> <p><i>i. by or on behalf of the relevant planning authority and the planning proposal authority, or</i></p> <p><i>ii. by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</i></p> <p>3. <i>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 3 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.</i></p> <p>4. <i>A planning proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under the State Environmental Planning Policy (Coastal Management) 2018:</i></p> <p><i>(a) Coastal wetlands and littoral rainforests area map;</i></p> <p><i>(b) Coastal vulnerability area map;</i></p> <p><i>(c) Coastal environment area map; and</i></p> <p><i>(d) Coastal use area map.</i></p> <p><i>Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.</i></p>	
<b>4.3 Planning for Bushfire Protection</b>	
<p>1. <i>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in</i></p>	<p>Applicable</p> <p>The site is identified as both Category 1 and buffer bushfire prone land and is supported by a Strategic Bushfire Assessment Report (2022)</p>



Resilience & Hazards	Comments
<p>satisfaction of clause 4, Schedule 1 to the EP&amp;A Act, and take into account any comments so made.</p> <p>2. A planning proposal must:</p> <p>(a) have regard to Planning for Bushfire Protection 2019,</p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).</p> <p>3. A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p>	<p>and a A Bushfire Protection Assessment report (BPA) (2021) prepared by Conacher Consulting, addressing the requirements of Planning for Bushfire Protection (RFS 2019).</p> <p>The proposal has been assessed for its compliance with the accepted solutions for bushfire protection measures, including the strategic considerations under Section 4.2 of Planning for Bushfire Protection. With the implementation of the combination of measures recommended in the assessment, such as the application and management of asset protection zones, the overall aims and objectives of Planning for Bushfire Protection (RFS 2019) can be achieved for the proposed development.</p> <p>Consultation with the RFS is required should a Gateway Determination be issued.</p> <p>The Proposal is consistent with this direction.</p>
<b>4.4 Remediation of Contaminated Lands</b>	
<p>1. A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction</p>	<p>Applicable</p> <p>As detailed in the assessment against SEPP (Resilience and Hazards) 2021 – Chapter 4 –</p>

Resilience & Hazards	Comments
<p><i>applies if the inclusion of the land in that zone would permit a change of use of the land, unless:</i></p> <p>(a) <i>the planning proposal authority has considered whether the land is contaminated, and</i></p> <p>(b) <i>if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</i></p> <p>(c) <i>if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</i></p> <p><i>In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</i></p> <p>2. <i>Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines. Aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</i></p>	<p>Remediation of Land, the DSI and SCI which were reviewed by Council Environmental Officer concluded the site can be suitable for the PP subject to the implementation of the recommendations. The recommendations are to be implemented at the DA stage.</p> <p>The Proposal is consistent with this direction.</p>
<b>4.5 Acid Sulfate Soils</b>	
<p>1. <i>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</i></p> <p>2. <i>When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</i></p> <p>(a) <i>the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or</i></p> <p>(b) <i>other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.</i></p>	<p>Applicable</p> <p>The subject site is not within Class 5 acid sulfate soils as it is more than 500m from Classes 1-4.</p> <p>The Proposal is consistent with this direction.</p>

Resilience & Hazards	Comments
<p>3. A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.</p> <p>4. Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).</p>	
<b>4.6 Mine Subsidence &amp; Unstable Land</b>	
<p>1. When preparing a planning proposal that would permit development on land that is within a declared mine subsidence district, a relevant planning authority must:</p> <p>(a) consult Subsidence Advisory NSW to ascertain:</p> <p>i. if Subsidence Advisory NSW has any objection to the draft local environmental plan, and the reason for such an objection, and</p> <p>ii. the scale, density and type of development that is appropriate for the potential level of subsidence, and</p> <p>(b) Incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under 1(a)(ii), and</p> <p>(c) include a copy of any information received from Subsidence Advisory NSW with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary prior to undertaking community consultation in satisfaction of Schedule 1 to the Act.</p> <p>2. A planning proposal must not permit development on land.</p>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction. The PP site is not located within a Mine Subsidence District.</p>

Transport & Infrastructure	Comments
<b>5.1 Integrating Land Use &amp; Transport</b>	
<p>1. A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p>	<p>Not Applicable</p> <p>The Proposal is consistent with this direction. The PP does not apply to urban land.</p>
<b>5.2 Reserving Land for Public Purposes</b>	
<p>1. A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</p> <p>2. When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</p> <p>(a) reserve the land in accordance with the request, and</p> <p>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and</p> <p>(c) identify the relevant acquiring authority for the land.</p> <p>3. When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>(a) include the requested provisions, or</p> <p>(b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.</p> <p>4. When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must</p>	<p>Not Applicable</p> <p>The subject site is not identified for acquisition for public purposes.</p> <p>The Proposal is consistent with this direction.</p>

Transport & Infrastructure	Comments
<i>rezone and/or remove the relevant reservation in accordance with the request.</i>	
<b>5.3 Development Near Regulated Airports and Defence Airfields</b>	
<p>1. <i>In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must:</i></p> <p>(a) <i>consult with the lessee/operator of that airport;</i></p> <p>(b) <i>take into consideration the operational airspace and any advice from the lessee/operator of that airport;</i></p> <p>(c) <i>for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</i></p> <p>(d) <i>not allow development types that are incompatible with the current and future operation of that airport.</i></p> <p>2. <i>In the preparation of a planning proposal that sets controls for development of land near a core regulated airport, the relevant planning authority must:</i></p> <p>(a) <i>consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;</i></p> <p>(b) <i>for land affected by the prescribed airspace (as defined in clause 6(1) of the Airports (Protection of Airspace) Regulation 1996, prepare appropriate development standards, such as height controls.</i></p> <p>(c) <i>not allow development types that are incompatible with the current and future operation of that airport.</i></p> <p>(d) <i>obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the Airports Act 1996. This permission must be obtained prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act.</i></p> <p>3. <i>In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the relevant planning authority must:</i></p> <p>(a) <i>consult with the Department of Defence if:</i></p> <p>i. <i>the planning proposal seeks to exceed the height provisions contained in the Defence</i></p>	<p>Not Applicable</p> <p>The site is not located in the vicinity of a licensed aerodrome.</p>

Transport & Infrastructure	Comments
<p><i>Regulations 2016 – Defence Aviation Areas for that airfield; or</i></p> <p>ii. <i>no height provisions exist in the Defence Regulations 2016 – Defence Aviation Areas for the airfield and the proposal is within 15km of the airfield.</i></p> <p>(b) <i>for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</i></p> <p>(c) <i>not allow development types that are incompatible with the current and future operation of that airfield.</i></p> <p>4. <i>A planning proposal must include a provision to ensure that development meets Australian Standard 2021 – 2015, Acoustic-Aircraft Noise Intrusion – Building siting and construction with respect to interior noise levels, if the proposal seeks to rezone land:</i></p> <p>(a) <i>for residential purposes or to increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) is between 20 and 25; or</i></p> <p>(b) <i>for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or</i></p> <p>(c) <i>for commercial or industrial purposes where the ANEF is above 30.</i></p> <p>5. <i>A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 Australian Noise Exposure Concept (ANEC)/ANEF contour for Western Sydney Airport.</i></p>	
<b>5.4 Shooting Ranges</b>	
<p>1. <i>A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of:</i></p> <p>(a) <i>permitting more intensive land uses than those which are permitted under the existing zone; or</i></p> <p>(b) <i>permitting land uses that are incompatible with the noise emitted by the existing shooting range.</i></p>	<p>Not Applicable</p> <p>The proposal is not located in the vicinity of a shooting range.</p>

Housing	Comments
<b>6.1 Residential Zones</b>	
<p>1. <i>A planning proposal must include provisions that encourage the provision of housing that will:</i></p>	Not Applicable

Housing	Comments
<ul style="list-style-type: none"> <li>(a) broaden the choice of building types and locations available in the housing market, and</li> <li>(b) make more efficient use of existing infrastructure and services, and</li> <li>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</li> <li>(d) be of good design.</li> </ul> <p>2. A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> <li>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</li> <li>(b) not contain provisions which will reduce the permissible residential density of land.</li> </ul>	
<b>6.2 Caravan Parks and Manufactured Home Estates</b>	
<p>1. In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</li> <li>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</li> </ul> <p>2. In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) take into account the categories of land set out in Schedule 6 of State Environmental Planning Policy (Housing) as to where MHEs should not be located,</li> <li>(b) take into account the principles listed in clause 9 Schedule 5 of State Environmental Planning Policy (Housing)(which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</li> <li>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the</li> </ul>	Not Applicable

Housing	Comments
<i>Community Land Development Act 1989 be permissible with consent..</i>	

Industry & Employment	Comments
<b>7.1 Business &amp; Industrial Zones</b>	
<p>1. A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) give effect to the objectives of this direction,</li> <li>(b) retain the areas and locations of existing business and industrial zones,</li> <li>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</li> <li>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</li> <li>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary.</li> </ul>	Not Applicable
<b>7.2 Reduction in non-hosted short-term rental accommodation period</b>	
<p>1. The council must include provisions which give effect to the following principles in a planning proposal to which this direction applies:</p> <ul style="list-style-type: none"> <li>(a) non-hosted short term rental accommodation periods must not be reduced to be less than 90 days</li> <li>(b) the reasons for changing the non-hosted short-term rental accommodation period should be clearly articulated</li> <li>(c) there should be a sound evidence base for the proposed change, including evidence of the availability of short-term rental accommodation in the area (or parts of the area) in the 12 months preceding the proposal, relative to the amount of housing in the area, and trend data on the availability of short-term rental accommodation over the past 5 years.</li> <li>(d) the impact of reducing the non-hosted short-term rental accommodation period should be analysed and explained, including social and economic impacts for the community in general, and impacted property owners specifically.</li> </ul>	<p>Not Applicable</p> <p>Applies to Byron Shire Council. This Direction does not apply to the Central Coast LGA or former Wyong or Gosford LGAs.</p>
<b>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</b>	



Industry & Employment	Comments
<ol style="list-style-type: none"> <li>1. A planning proposal that applies to land located on "within town" segments of the Pacific Highway must provide that:               <ol style="list-style-type: none"> <li>(a) new commercial or retail development must be concentrated within distinct centres rather than spread along the highway;</li> <li>(b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway; and</li> <li>(c) for the purposes of this paragraph, "within town" means areas which, prior to the draft local environmental plan, have an urban zone (e.g.: "village", "residential", "tourist", "commercial", "industrial", etc) and where the Pacific Highway speed limit is less than 80km/hour.</li> </ol> </li> <li>2. A planning proposal that applies to land located on "out-of-town" segments of the Pacific Highway must provide that:               <ol style="list-style-type: none"> <li>(a) new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this direction;</li> <li>(b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway; and</li> <li>(c) for the purposes of this paragraph, "out-of-town" means areas which, prior to the draft local environmental plan, do not have an urban zone (e.g.: "village", "residential", "tourist", "commercial", "industrial", etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater.</li> </ol> </li> <li>3. Notwithstanding the requirements of paragraphs (1) and (2), the establishment of highway service centres may be permitted at the localities listed in Table 1, provided that Roads and Maritime Services is satisfied that the highway service centre(s) can be safely and efficiently integrated into the Highway interchange(s) at those localities. For the purposes of this paragraph, a highway service centre has the same meaning as is contained in the Standard Instrument (Local Environmental Plans) Order 2006.</li> </ol>	<p>Not Applicable</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Industry & Employment		Comments
Table 1: Highway service centres that can proceed		
Town	Locality	
Chinderah	Chinderah Bay Road interchange (southbound) Western side of highway at Tweed Valley Way interchange (northbound)	
Ballina	Teven Road interchange	
Macleay	Southern interchange	
Woolgoolga	Northern interchange at Arrawarra	
Nambucca Heads	Nambucca Heads interchange	
Kempsey	South Kempsey interchange	
Port Macquarie	Oxley Highway interchange (both sides of the Pacific Highway)	
Taree	Old Bar Road interchange	
Tomago	In the vicinity of Tomago Road / South Heatherbrae	

Resources & Energy	Comments
<b>8.1 Mining, Petroleum Production and Extractive Industries</b>	
<p>1. In the preparation of a planning proposal affected by this direction, the relevant planning authority must:</p> <p>(a) consult the Secretary of the Department of Primary Industries (DPI) to identify any:</p> <p>i. resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and</p> <p>ii. existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and</p> <p>(b) seek advice from the Secretary of DPI on the development potential of resources identified under (1)(a)(i), and</p> <p>(c) identify and take into consideration issues likely to lead to land use conflict between other land uses and:</p> <p>i. development of resources identified under (1)(a)(i), or</p> <p>ii. existing development identified under (1)(a)(ii).</p> <p>2. Where a planning proposal prohibits or restricts development of resources identified under (1)(a)(i), or proposes land uses that may create land use conflicts identified under (1)(c), the relevant planning authority must:</p> <p>(a) provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,</p> <p>(b) allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and</p> <p>(c) include a copy of any objection and supporting information received from the Secretary of DPI with</p>	<p>Not Applicable</p> <p>Division 9 of Schedule 3 of the Primary Production SEPP identifies land covered by Permissive Occupancy No 79/104 Gosford (Mount White), Gosford Quarries as 'Dimensional sandstone quarries of regional significance'.</p> <p>It is unlikely the PP sites will be adversely impacted by the Sandstone Quarry, as the sites are well removed (approximately 1km). A proportion of the site at 20 Ashbrookes Road is mapped within the Transition Area of the quarry, although where Saddles Restaurant is located is outside the mapping. 231 Pacific Highway is wholly outside the Transition Area.</p> <p>The Proposal is consistent with this direction.</p>

Resources & Energy	Comments
<i>the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary before undertaking community consultation in satisfaction of Schedule 1 to the Act.</i>	

Primary Production	Comments
<b>9.1 Rural Zones</b>	
<p>1. A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</li> <li>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</li> </ul>	<p>Applicable</p> <p>The Proposal is consistent with this direction. The PP does not propose to rezone rural land or increase density.</p>
<b>9.2 Rural Lands</b>	
<p>1. A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement</li> <li>(b) consider the significance of agriculture and primary production to the State and rural communities</li> <li>(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</li> <li>(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</li> <li>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</li> <li>(f) support farmers in exercising their right to farm</li> <li>(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use</li> <li>(h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land</li> </ul>	<p>Applicable</p> <p>The proposed is consistent with the goals of the Central Coast Regional Plan, does not hinder the productivity of RU1 lands and surrounds, and proposes to retain all vegetation that is mapped as containing biodiversity values, facilitating the protection of environmental values on site.</p> <p>The Proposal is consistent with this direction.</p>

Primary Production	Comments
<p>(i) consider the social, economic and environmental interests of the community.</p> <p>2. A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:</p> <p>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</p> <p>(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</p> <p>(c) where it is for rural residential purposes:</p> <p>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</p> <p>ii. is necessary taking account of existing and future demand and supply of rural residential land.</p>	
<b>9.3 Oyster Aquaculture</b>	
<p>1. In the preparation of a planning proposal the relevant planning authority must:</p> <p>(a) identify any 'Priority Oyster Aquaculture Areas' and oyster aquaculture leases outside such an area, as shown the maps to the Strategy, to which the planning proposal would apply,</p> <p>(b) identify any proposed land uses which could result in any adverse impact on a 'Priority Oyster Aquaculture Area' or oyster aquaculture leases outside such an area,</p> <p>(c) identify and take into consideration any issues likely to lead to an incompatible use of land between oyster aquaculture and other land uses and identify and evaluate measures to avoid or minimise such land use in compatibility,</p> <p>(d) consult with the Secretary of the Department of Primary Industries (DPI) of the proposed changes in the preparation of the planning proposal, and</p> <p>(e) ensure the planning proposal is consistent with the Strategy.</p>	<p>Not Applicable</p> <p>The proposal does not affect land within a Priority Oyster Aquaculture Area.</p>

Primary Production	Comments
<p>2. Where a planning proposal proposes land uses that may result in adverse impacts identified under (1)(b) and (1)(c), relevant planning authority must:</p> <p>(a) provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,</p> <p>(b) allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and</p> <p>(c) include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary before undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act.</p>	
<b>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</b>	
<p>1. A planning proposal must not:</p> <p>(a) rezone land identified as "State Significant Farmland" for urban or rural residential purposes.</p> <p>(b) rezone land identified as "Regionally Significant Farmland" for urban or rural residential purposes.</p> <p>(c) rezone land identified as "significant non-contiguous farmland" for urban or rural residential purposes.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

## **Central Coast Affordable and Alternative Housing Strategy**

The Central Coast Affordable and Alternative Housing Strategy (2020) seeks to provide effective policy solutions to address the growing need for affordable and alternative housing within the Central Coast LGA. It aims to build a vision for a 'fair and inclusive region, where everyone has access to affordable and sustainable housing'.

*Not applicable to this draft PP.*

## Biodiversity Strategy

The Biodiversity Strategy (2020) provides a framework and guide for the management of biodiversity on the Central Coast that is consistent with regional, state and national strategies, plans and policies.

Theme 4 Protecting Biodiversity through land use planning and information management

Goals/Actions	Assessment/Comment
<p>Goal 4.1 High biodiversity value areas are appropriately identified, protected and restored as part of future land use planning investigations</p> <p>Action 4.1.5 Identify appropriate mechanisms to achieve rehabilitation and enhanced landscape connectivity through the rezoning and development assessment process (such as Vegetation Management Plans)</p>	<p>Council supports the implementation of appropriate planning controls to protect biodiversity and seek to ensure that LEPs strengthen protection of biodiversity within the LGA.</p> <p>The proposal is supported by an Ecological Assessment Report which determines that the extent of any clearing would need to address the requirements of Part 7 of the Biodiversity Conservation Regulation (2017), including the potential preparation of a Biodiversity Development Assessment Report for any future development.</p> <p>It is estimated that the development will involve the removal of 0.26 Ha of native vegetation which is therefore below the threshold for requiring a Biodiversity Development Assessment Report (BDAR).</p> <p>The applicant is in the process of preparing a revised Flora and Fauna Assessment, which will be finalised before Council makes a Gateway Determination request.</p>

## Interim Local Strategic Planning Statement (LSPS)

Strategies		Assessment/Comment
1 Revitalise our centres		N/A
2 Renew urban form		N/A
3 Define the urban edge	Tourism and Economic Innovation to be promoted in peri-urban areas to build-in flexibility for non-urban land uses. The multi-functionality of the landscape should be recognised to generate innovation in the landscape. Opportunities exist for recreation, cultural, tourism, agriculture, and economic productivity given our local natural assets and resources.	The Action is not directly relevant to the planning proposal; however, the planning proposal aligns with the Planning Priority. The planning proposal seeks to provide hotel or motel accommodation with associated tourism facilities, including restaurant, bar and day spa facilities.
4 Create a sustainable region	A prepared and resilient region Council is actively adapting to climate change through infrastructure, construction, rehabilitation and land use planning. Council will provide a framework for an ongoing and holistic approach to emergency management across Council. Council will help to build the capacity of the community to prepare, respond and recover from the extreme weather events, and adapt to a changing climate.	The Action is not directly relevant to the planning proposal; however, the planning proposal aligns with the Planning Priority. The planning proposal seeks to produce resilient infrastructure by following the recommendations provided by Council.



### Interim Local Strategic Planning Statement (LSPS)

Planning Priority	Actions	Assessment/Comment
<b>Environment</b>		
25 Manage floodplains, coastal areas and bushland to improve community resilience to natural hazards	Prepare / review the Coastal Management Programs, Flood Studies, Flood Risk Management Plans and Bushfire Prone Lands Mapping for the Central Coast. <b>(CCRP Direction 12)</b>	The Action is not directly relevant to the planning proposal; however, the planning proposal aligns with the Planning Priority. The subject site is flood liable. The planning proposal seeks to develop the areas of the site (231 Pacific Highway) that are not flood affected. Therefore, the safety of the future tourists will be assured.
<b>Economic</b>		
13 Grow Regionally Competitive Tourism Destinations across the entire Central Coast	Development of local Centres, by enhancing cultural identity along with local accommodation options and a strong public transport system will benefit locals and visitors alike. Work in partnership with the Tourism Industry and State Government to develop visitor facilities and attractions, including new tourist destinations, hotels and accommodation opportunities.	The Action is not directly relevant to the planning proposal; however, the planning proposal aligns with the Planning Priority. The proposed facilitates the provision of tourism attracting development with local accommodation options.
<b>Agriculture and Rural Land</b>		
28 Minimise rural residential sprawl and support rural tourism	Investigate the suitability for urban development, having regard to agricultural production and environmental protection priorities, and the ability to provide critical infrastructure. <b>(CCRP Direction 23)</b>	The Action is not directly relevant to the planning proposal; however, the planning proposal aligns with the Planning Priority. The planning proposal incorporates the provision of rural tourism through the hotel/motel accommodation and associated restaurant, bar, and spa facilities.

## Community Strategic Plan Assessment

Objective/Requirement		Comment
<b>BELONGING</b>		
<b>OUR COMMUNITY SPIRIT IS OUR STRENGTH</b>		
	A1 Work within our communities to connect people, build capacity and create local solutions and initiatives	N/A
	A2 Celebrate and continue to create opportunities for inclusion where all people feel welcome and participate in community life	N/A
	A3 Work together to solve a range of social and health issues that may impact community wellbeing and vulnerable people	N/A
	A4 Enhance community safety within neighbourhoods, public spaces and places	N/A
<b>CREATIVITY, CONNECTION AND LOCAL IDENTITY</b>		
	B1 Support reconciliation through the celebration of Aboriginal and Torres Strait Islander cultures	N/A
	B2 Promote and provide more sporting, community and cultural events and festivals, day and night, throughout the year	N/A
	B3 Foster creative and performing arts through theatres, galleries and creative spaces, by integrating art and performance into public life	N/A
	B4 Activate spaces and places to complement activity around town centres, foreshores, lakes and green spaces for families, community and visitors	N/A
<b>SMART</b>		
<b>A GROWING AND COMPETITIVE REGION</b>		
	C1 Target economic development in growth areas and major centres and provide incentives to attract businesses to the Central Coast	N/A
	C2 Revitalise Gosford City Centre, Gosford Waterfront and town centres as key destinations and attractors for businesses, local residents, visitors and tourists	N/A
	C3 Facilitate economic development to increase local employment opportunities and provide a range of jobs for all residents	N/A
	C4 Promote and grow tourism that celebrates the natural and cultural assets of the Central Coast in a way that is accessible, sustainable and eco-friendly	The Planning Proposal draws upon the natural bush and rural setting of Mount White within the Central Coast.
<b>A PLACE OF OPPORTUNITY FOR PEOPLE</b>		
	D1 Foster innovation and partnerships to develop local entrepreneurs and support start-ups	N/A
	D2 Support local business growth by providing incentives, streamlining processes and encouraging social enterprises	N/A

Objective/Requirement		Comment
	D3 Invest in broadening local education and learning pathways linking industry with Universities, TAFE and other training providers	N/A
	D4 Support businesses and local leaders to mentor young people in skills development through traineeships, apprenticeships and volunteering	N/A
<b>GREEN</b>		
<b>ENVIRONMENTAL RESOURCES FOR THE FUTURE</b>		
	E1 Educate the community on the value and importance of natural areas and biodiversity and encourage community involvement in caring for our natural environment	N/A
	E2 Improve water quality for beaches, lakes and waterways including minimising pollutants and preventing litter entering our waterways	N/A
	E3 Reduce littering, minimise waste to landfill and educate to strengthen positive environmental behaviours	N/A
	E4 Incorporate renewable energy and energy efficiency in future design and planning and ensure responsible use of water and other resources	N/A
<b>CHERISHED AND PROTECTED NATURAL BEAUTY</b>		
	F1 Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas and the diversity of local native species	All vegetation mapped as having biodiversity values is to be maintained. The applicant is in the process of preparing a revised Flora and Fauna Assessment, which will be finalised before Council makes a Gateway Determination request.
	F2 Promote greening and ensure the wellbeing of communities through the protection of local bushland, urban trees, tree canopies and expansion of the Coastal Open Space System (COSS)	As above.
	F3 Improve enforcement for all types of environmental non-compliance including littering and illegal dumping and encourage excellence in industry practices to protect and enhance environmental health	N/A
	F4 Address climate change and its impacts through collaborative strategic planning and responsible land management and consider targets and actions	N/A
<b>RESPONSIBLE</b>		
<b>GOOD GOVERNANCE AND GREAT PARTNERSHIPS</b>		
	G1 Build strong relationships and ensure our partners and community share the responsibilities and	N/A
	benefits of putting plans into practice	N/A
	G2 Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect	N/A

Objective/Requirement		Comment
	G3 Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions	N/A
	G4 Serve the community by providing great customer experience, value for money and quality services	N/A
<b>DELIVERING ESSENTIAL INFRASTRUCTURE</b>		
	H1 Solve road and drainage problem areas and partner with the State Government to improve road conditions across the region	N/A
	H2 Improve pedestrian movement safety, speed and vehicle congestion around schools, town centres, neighbourhoods, and community facilities	N/A
	H3 Create parking options and solutions that address the needs of residents, visitors and businesses whilst keeping in mind near future technologies including fully autonomous vehicles	N/A
	H4 Plan for adequate and sustainable infrastructure to meet future demand for transport, energy, telecommunications and a secure supply of drinking water	N/A
<b>BALANCED AND SUSTAINABLE DEVELOPMENT</b>		
	I1 Preserve local character and protect our drinking water catchments, heritage and rural areas by concentrating development along transport corridors and town centres east of the M1	N/A
	I2 Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport	The subject land is adjacent to the Pacific Highway which is a major arterial road connecting the rural communities with commercial centres via car and bus service.
	I3 Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management	The APU of both Saddles restaurant and the hotel and motel accommodation and ancillary structures will not impact on the biodiversity values on site, nor is development proposed within the flood prone areas on site.
	I4 Provide a range of housing options to meet the diverse and changing needs of the community including adequate affordable housing	N/A
<b>LIVABLE</b>		
<b>RELIABLE PUBLIC TRANSPORT AND CONNECTIONS</b>		
	J1 Create adequate, reliable and accessible train services and facilities to accommodate current and future passengers	N/A
	J2 Address commuter parking, drop-off zones, access and movement around transport hubs to support and increase use of public transport	N/A
	J3 Improve bus and ferry frequency and ensure networks link with train services to minimise journey times	N/A

Objective/Requirement		Comment
	J4 Design long-term, innovative and sustainable transport management options for population growth and expansion	N/A
<b>OUT AND ABOUT IN THE FRESH AIR</b>		
	K1 Create a regional network of interconnected shared pathways and cycle ways to maximise access to key destinations and facilities	N/A
	K2 Design and deliver pathways, walking trails and other pedestrian movement infrastructure to maximise access, inclusion and mobility to meet the needs of all community members	N/A
	K3 Provide signage, public facilities, amenities and playgrounds to encourage usage and enjoyment of public areas	N/A
	K4 Repair and maintain wharves, jetties, boat ramps and ocean baths to increase ease of access to and enjoyment of natural waterways and foreshores	N/A
<b>HEALTHY LIFESTYLES FOR A GROWING COMMUNITY</b>		
	L1 Promote healthy living and ensure sport, leisure, recreation and aquatic facilities and open spaces are well maintained and activated	The proposed promotes healthy living and welfare as the tourism aspects, including the restaurant, day spa, accommodation and bush scenery offer a recreational and relaxation location.
	L2 Invest in health care solutions including infrastructure, services and preventative programs to keep people well for longer	N/A
	L3 Cultivate a love of learning and knowledge by providing facilities to support lifelong learning opportunities	N/A
	L4 Provide equitable, affordable, flexible and co-located community facilities based on community needs	N/A

**Request to Amend Central Coast Local Environmental Plan to allow Additional Permitted Uses at 20 Ashbrookes Road and 231 Pacific Highway, Mount White**  
**Draft Council Report - Request to prepare a Planning Proposal for 231 Pacific Highway and 20 Ashbrookes Road, Mount White**

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**Item No:** 0.0  
**Title:** Request to prepare a Planning Proposal for 231 Pacific Highway and 20 Ashbrookes Road, Mount White  
**Department:** Environment and Planning



23 August 2022 Ordinary Council Meeting

Reference: RZ/2/2022 - D15157318  
 Author: Chelle Leith, Strategic Planner  
 Manager: Scott Duncan, Unit Manager Strategic Planning (Acting)  
 Executive: David Milliken, Director Environment and Planning (Acting)

### Recommendation

- 1 That Council prepare a Planning Proposal in relation to Lot 1 DP 207158, 231 Pacific Highway and Lot 1 DP 547622, 20 Ashbrookes Road, Mount White to amend the Central Coast Local Environmental Plan 2022 to enable the following Additional Permitted Uses to occur:**
  - a) hotel or motel accommodation, restaurant, or café, small bar and business premises on 231 Pacific Highway, Mount White; and**
  - b) restaurant or café on 20 Ashbrookes Road, Mount White.**
- 2 That Council submit the Planning Proposal to the Minister for Planning in accordance with Section 3.35(2) of the Environmental Planning and Assessment Act 1979, requesting a Gateway Determination, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.**
- 3 That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.**
- 4 That Council undertake community and public authority consultation in accordance with the Gateway Determination requirements.**

### Report purpose

To consider a request to prepare a Planning Proposal to enable a range of Additional Permitted Uses (APU's) to occur. These uses consist of a hotel or motel accommodation, restaurant, or café, small bar and small-scale day spa/ business premises on 231 Pacific Highway, Mt White. The proposal also seeks to permit a restaurant or café on 20 Ashbrookes Road, Mount White (currently operating as 'Saddles Restaurant') under the Central Coast Local Environmental Plan 2022 (CCLEP).

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**0.0 Request to prepare a Planning Proposal for 231 Pacific Highway and 20 Ashbrookes Road, Mount White (contd)**

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**Executive Summary**

The 'Saddles Restaurant' is the main tourist attraction on 20 Ashbrookes Road, Mount White. The applicant seeks to permit 'restaurant or café' on site as a permissible land use on this property. The Planning Proposal seeks to permit a range of other land uses on 231 Pacific Highway, Mount White (which occurs on the opposite side of the road) which includes 'hotel or motel accommodation', 'restaurant, or café, 'small bar' and 'business premises'(to permit a day spa). It is proposed to make these land uses permissible subject through an Additional Permitted Use clause and apply maximum floor area limits to each use through the CCLEP 2022.

Both lots are currently zoned RU1 Primary Production, and the rear portion of Lot 1 DP 547622 (20 Ashbrookes Road) is zoned C2 Environmental Conservation, no development is proposed within the C2 zone.

The Planning Proposal was considered by the Local Planning Panel on 8 August 2022 where independent advice on the planning proposal was received (Attachment 3).

**Background**

The following development approvals have been issued over each parcel of land which is subject to the current Planning Proposal:

20 Ashbrookes Road, Mount White

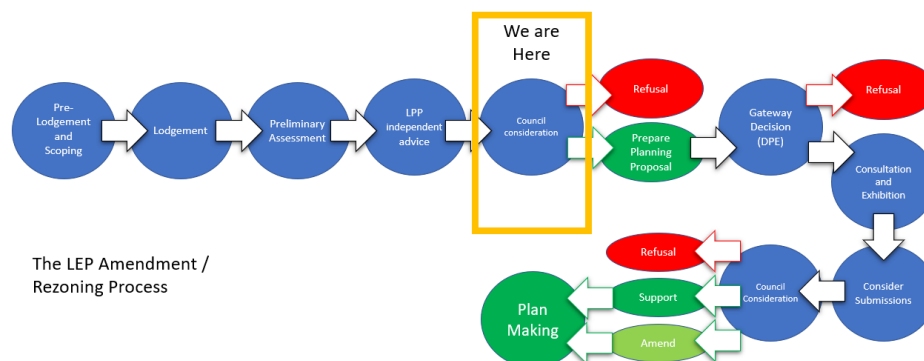
A garden centre, restaurant and carpark were approved on the 23 December 2016 with on-site sewage management approved on the 13 October 2017. Stage 1 and 2 construction of 'Saddles Restaurant' to operate as an ancillary use to the garden centre was approved on the 31 July 2018. Prior to the Saddles Garden Centre and Saddles Restaurant, Princeton Nurseries was established on-site since the 1990s.

231 Pacific Highway, Mount White

A historic use included a petrol station that by 1965 was converted into the Hawkesbury Inn. On 2 July 2021, the Inn/Dwelling House and ancillary structures were approved for demolition and the site is now vacant with an Integrated Dwelling House and Bed/Breakfast Accommodation Development Application approved on the 3 March 2022.

The Planning Proposal is currently at the stage in the Local Environmental Plan Amendment Process shown in Figure 1.

**0.0 Request to prepare a Planning Proposal for 231 Pacific Highway and 20 Ashbrookes Road, Mount White (contd)**



**Figure 1: Local Environmental Plan Amendment/Rezoning Process**

The Planning Proposal applies to two parcels of land, in the north Lot 1 DP 547622 (20 Ashbrookes Road) and to the southwest Lot 1 DP 207158 (231 Pacific Highway) (see Figure 2). These allotments occur in a rural setting in the Mount White area and are located in close proximity to the Pacific Highway and M1 Motorway.

Both allotments are zoned RU1 Primary Production and the eastern portion of Lot 1 DP 547622 is zoned C2 Environmental Conservation (no development is proposed within the C2 zone).



**Figure 2: Site map**



## 0.0 Request to prepare a Planning Proposal for 231 Pacific Highway and 20 Ashbrookes Road, Mount White (contd)

### PROPOSAL

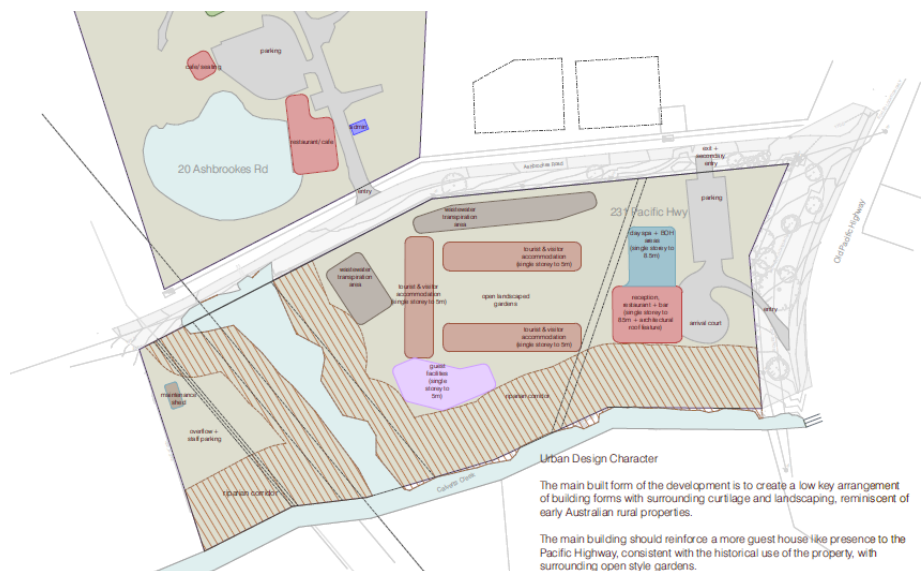
The Planning Proposal seeks to rezone the site by permitting a number of Additional Permitted Uses to occur on the site.

The 'Saddles Restaurant' currently operates as an ancillary use to the garden centre on 20 Ashbrookes Road, Mount White. The Planning Proposal seeks to permit restaurants as a permissible land use (maintaining the maximum floor area of 370m<sup>2</sup>, with 120 seat capacity and 50 seat capacity for the existing kiosk seating area to the Garden Centre (170 seats in total)).

The site at 231 Pacific Highway, Mount White is currently vacant and is proposed to be used for a range of land uses with maximum floor area limits, including:

- Hotel or motel accommodation with maximum 20 single room/ suites and a maximum floor area of 1,040 m<sup>2</sup> (52 m<sup>2</sup> per suite);
- Cafe or Restaurant, bar and veranda with a maximum floor area of 380m<sup>2</sup> (126 seats proposed);
- Accommodation lobby, Housekeeping, BOH and Bathrooms 310m<sup>2</sup>; and
- Day spa business premises has a Gross Floor Area GFA of 300m<sup>2</sup> (max 21 customers proposed).

A concept plan for the proposal is included in Figure 3.



**Figure 3: Concept Plan**

**0.0 Request to prepare a Planning Proposal for 231 Pacific Highway and 20 Ashbrookes Road, Mount White (contd)**

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The planning proposal will seek to amend the CCLEP 2022 as follows:

1. Amend Schedule 1 – Additional Permitted Use to include:
  - Lot 1 DP 207158 (231 Pacific Highway, Mount White) to allow hotel or motel accommodation, restaurant or café, small bar, and business premises (to permit a day-spa) with maximum floor area limits, and;
  - Lot 1 DP547622 (20 Ashbrookes Road, Mount White) restaurant or café, which effectively recognises the existing restaurant/ café/ balcony areas on the site.
2. Amend the Additional Permitted Uses Map – to include Lot 1 DP 207158 (231 Pacific Highway, Mount White) and Lot 1 DP547622 (20 Ashbrookes Road, Mount White).

LEP land use definitions to be applied:

The following land use definitions have been reviewed and are considered appropriate to define the range of businesses proposed:

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
  - (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,
- but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

**small bar** means a small bar within the meaning of the [Liquor Act 2007](#).

**business premises** means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
  - (b) a service is provided directly to members of the public on a regular basis,
- and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

The proposed land uses are located outside of the Probable Maximum Flood (PMF).

It is estimated that the development will involve the removal of 0.26 Ha of native vegetation which is therefore below the threshold for requiring a Biodiversity Development Assessment

**0.0 Request to prepare a Planning Proposal for 231 Pacific Highway and 20 Ashbrookes Road, Mount White (contd)**

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Report (BDAR). The applicant is in the process of preparing a revised Flora and Fauna Assessment, which will be finalised before Council makes a Gateway Determination request.

Council's Traffic Engineer considers the Traffic Impact Assessment (TIA) to be adequate.

The site is not serviced by Council's water and sewer system and all wastewater must be treated with an on-site sewage management system. An Onsite Sewage Management report has been submitted and is generally supported by Council's Environment and Public Health Section.

Site contamination issues for the proposed tourist and hotel development are also outlined in the site contamination report which recommends the preparation of a remediation action plan, at the development application stage. This report is supported by Council's Environment and Public Health Section.

Extractive industry buffers have been established around a number of sandstone mining operations in the local area. None of the proposed uses are proposed to be located within the transition area buffer to Gosford Sandstone Quarry.

No additional works are proposed to 'Saddles Restaurant' therefore it is not expected to impact the adjoining garden centre along its southern boundary or rural living/ primary production use property along its northern boundary. Likewise, no impacts are expected on adjoining rural living/ primary production use along the northern boundary or adjoining Vicki Roycroft Horse Stables (located at 80 Embrook Rd) along the western boundary at 231 Pacific Highway. Remnant vegetation along property boundaries will be retained to screen future development and assist in maintaining a buffer to the horse stable.

The Planning Proposal has strategic merit for the following reasons:

- The Planning Proposal will allow the 'Saddles Restaurant' to operate as a restaurant or café as a permissible land use and will permit a number of other supporting tourist uses. The restaurant is currently operating successfully as a tourist attraction which promotes the Central Coast's agritourism, rural areas and bush (Aligning with Direction 3 of the Central Coast Region Plan - CCRP).
- Council's Local Strategic Planning Statement 2020 identifies opportunities to broaden the region's scope of attractions including agricultural destinations that leverage the region's natural assets and scenic qualities, linking agriculture and appropriate forms of rural tourism.
- The Central Coast Regional Plan (CCRP) 2036 supports the development of rural areas that can adapt to changing agricultural trends and practices. The proposal will provide additional local employment opportunities by increasing rural economic productivity through securing existing jobs and creating new jobs (Aligning with Direction 7 of the CCRP). It also diversifies the rural economy, while minimising land use conflicts to adjoining rural properties, primary production use properties and

**0.0 Request to prepare a Planning Proposal for 231 Pacific Highway and 20 Ashbrookes Road, Mount White (contd)**

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extractive industries by maintaining adequate buffers (Aligning with Direction 11 of the CCRP).

- The proposal is also consistent with the Agritourism initiatives being introduced by the state government which aim to support rural economies across NSW.
- All site management issues with traffic, wastewater disposal, vegetation removal and land use conflicts can be adequately managed based on the information provided in supporting studies.

An assessment of the proposal has been undertaken to inform this recommendation, as detailed in Attachments 1 and 2. As the Proposal is considered to have strategic merit it is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning for a Gateway Determination.

**Consultation**

A Pre-gateway Determination review was provided by DP&E and any comments which have been received and considered with the Planning Proposal.

Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted accordingly.

**Financial Considerations**

At its meeting held 19 October 2020, Council resolved the following:

*1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

The following statement is provided in response to this resolution of Council.

Adoption of the staff recommendation has no bottom-line budget implications for Council. The direct cost to Council is the preparation of the planning proposal which will be charged as per Council's fees and charges on a cost recovery basis.

**Link to Community Strategic Plan**

Theme 2: Smart

**Goal C: A growing and competitive region**

S-C4: Promote and grow tourism that celebrates the natural and cultural assets of the Central Coast in a way that is accessible, sustainable and eco-friendly.

## **0.0 Request to prepare a Planning Proposal for 231 Pacific Highway and 20 Ashbrookes Road, Mount White (contd)**

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Theme 3: Green

### **Goal F: Cherished and protected natural beauty**

G-F1: Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas, and the diversity of local native species.

G-F2: Promote greening and the wellbeing of communities through the protection of local bushland, urban trees, and expansion of the Coastal Open Space System (COSS).

Theme 4: Responsible

### **Goal I: Balanced and sustainable development**

R-I2: Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport.

R-I3: Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management.

Theme 5: Liveable

### **Goal L: Healthy lifestyle for a growing community**

L-L1: Promote healthy living and ensure sport, leisure, recreation and aquatic facilities and open spaces are well maintained and activated.

### **Risk Management**

There have been no risks identified to the natural and built environment associated with the proposed amendment to the CCLEP, about seeking a Gateway Determination.

### **Options**

- 1 Support the Recommendation as the Planning Proposal has strategic merit. **This is the Recommended Option.** The basis for this recommendation is:
  - The Planning Proposal will permit a number of additional tourism related uses to occur which will expand rural tourism opportunities on the Central Coast;
  - The Planning Proposal provides long-term local employment for the area and strengthens the operation of the 'Saddles Restaurant';

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- Site management issues with traffic, wastewater disposal, vegetation removal and land use conflicts can be adequately managed based on the information provided in supporting studies.
- 2 Refuse to support the Request for a Planning Proposal (Not Recommended). Should the Planning Proposal not be supported, the current long-term use of the 'Saddles Restaurant' will be limited as an ancillary use to the approved garden centre and the vacant land at 231 Pacific Highway will not be able to be used for the tourist related uses which are proposed for this site.

**Critical Dates or Timeframes**

Timeframes will be set out in the Gateway Determination.

**Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Planning Proposal Summary Assessment Report - Saddles Site   | D15212392 |
| <b>2</b> | Planning Proposal Strategic Assessment Report - Saddles Site   | D15212385 |
| <b>3</b> | Independent Advice - Local Planning Panel - to be provided following the Panel's meeting on 8th of August 2022 |           |