

Central Coast Council

Planning Proposal Lot 1 DP 207158 – 231 Pacific Highway Lot 1 DP 547622 – 20 Ashbrookes Road Mount White

> File No: RZ/2/2022; PP_2022_1136 February 23



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Lot 1 DP 207158 – 231 Pacific Highway Lot 1 DP 547622 – 20 Ashbrookes Road Mount White

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Background & Locality Context Locality Context

This planning proposal has been prepared for land located at 231 Pacific Highway and 20 Ashbrookes Road, Mount White (see Figure 1 and Figure 2).

The site comprises two separate lots, legally described as:

- 231 Pacific Highway, Mount White Lot 1 DP 207158
- 20 Ashbrookes Road, Mount White Lot 1 DP547622



Figure 1 Contextual Locality Plan (Source: SIX Maps)

The two lots comprise irregular shaped parcels of land and are physically separated from one another by Ashbrookes Road. The allotments are located in Mount White, a small rural location located approximately 45km north of Sydney and 20km south-west of Gosford CBD. The sites are within close proximity to the Pacific Highway and M1 Motorway. Both sites are mapped as vegetation buffer, category 1 bushfire prone land and contain environmentally sensitive land. 231 Pacific Highway is also subject to the probable maximum flood (PMF), however, the proposed land uses are located on the portion of the site not affected by flooding.



Figure 2 Site aerial photograph

Both allotments are zoned RU1 Primary Production and the rear of 20 Ashbrookes Road is zoned C2 Environmental Conservation (see Figure 3). This Planning Proposal relates to the RU1 zoned land only.



Figure 3 Existing Zoning under Central Coast Local Environmental Plan 2022 (CCLEP)

Background

20 Ashbrookes Road

The site has an area of approximately 10.9 ha and comprises a garden centre and ancillary café/restaurant, which are located on the western part of the site adjoining Ashbrookes Road. DA/50672/2016 granted consent on 23 February 2016 for a garden centre including the cafe restaurant and car parking area.

The eastern side of the property slopes upward and is heavily vegetated along the ridgeline with no structures located in this part of the lot. The site adjoins a plant nursery along its southern boundary, rural living/primary production uses along its northern boundary, bushland along the eastern boundary and Ashbrookes Road along the western boundary.

The site is zoned RU1 Primary Production and restaurants are currently prohibited in the RU1 zone. The restaurant known as "Saddles Restaurant" operates as an ancillary use to the garden centre. The Planning Proposal seeks to permit restaurants as a permissible land use on the site, with capacity limits on the use.

231 Pacific Highway

The corner allotment has an area of approximately 3.27 ha. An existing dwelling house, cottage and ancillary structures were recently demolished, and the site is now vacant. On 3 March 2022, approval was granted for an Integrated Dwelling House and Bed and Breakfast Accommodation with four bed and breakfast suites (DA/62053/2021). The site was historically used as Hawkesbury Inn from the 1960s-1980s and a petrol station before that.

The site is moderately vegetated, with native vegetation along the western and northern boundaries. The site slopes from Ashbrookes Road towards Calverts Creek, with a drainage line traversing the northern part of the site. The site is largely mapped as bushfire prone land with land adjoining Calverts Creek and on the northern part of the site subject to flooding.

The site adjoins Vicki Roycroft Stables on its western boundary, rural living/primary production uses along its northern boundary, Ashbrookes Road on its eastern boundary and Pacific Highway on its southern boundary.

The Planning Proposal seeks to permit a range of land uses on the site including hotel or motel accommodation, cafe or restaurant with small bar, and small-scale day spa. Capacity limits are proposed for each use.

Part 1 Objectives or Intended Outcomes

The Planning Proposal seeks to amend *Central Coast Local Environmental Plan 2022* (CCLEP) to permit additional permitted uses on 231 Pacific Highway and 20 Ashbrookes Road, Mount White (the site).

The objective of this proposal is to:

- (a) allow additional permitted uses of *hotel or motel accommodation, restaurant or café, small bar* and *business premises* (to permit a day spa), with maximum floor area limits for each use, on 231 Pacific Highway, Mount White; and
- (b) allow an additional permitted use of *restaurant or café*, effectively recognising the current restaurant, bar and balcony and kiosk areas on site at 20 Ashbrookes Road, Mount White.

The intended outcomes of the proposal are:

- (a) to enable development of 231 Pacific Highway, Mount White for rural-based tourist accommodation, and to provide associated restaurant, small bar and day spa facilities; and
- (b) to permit the independent operation of the café/ restaurant ("Saddles") on 20 Ashbrookes Road, Mount White, rather than being an ancillary use to the approved garden centre.

Additional Permitted Uses

Both sites are zoned RU1 Primary Production. Development for the purposes of *hotel or motel accommodation, restaurant or café* and *small bar*, and *business premises* are not permitted in the RU1 zone. Therefore, an amendment to Schedule 1 Additional Permitted Uses of CCLEP is required.

In accordance with CCLEP 2022, the definition of the above uses include:

- **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 wording of the APU would likely be:

Use of certain land at 231 Pacific Highway, Mount White

(1) This clause applies to land at 231 Pacific Highway, Mount White, being Lot 1 DP 207158, identified as 'The Grand Saddles Lodge' on the Additional Permitted Uses Map.

- (2) Development for the following purposes is permitted with development consent—
 - (a) Hotel or motel accommodation with a maximum gross floor area of 1,060m²,

(b) Café or Restaurant and small bar with a maximum gross floor area of $380m^2$, accommodation lobby, housekeeping, back of house and bathrooms with a maximum gross floor area of $310m^2$, a Business Premises, but only if the development is for the purposes of a day spa with a maximum gross floor area of $300m^2$.

(c) Covered outdoor seating areas associated with the restaurant and small bar to have a maximum floor area of $150m^2$.

(3) Any ancillary buildings are to have a total maximum gross floor area of 430m².

Use of certain land at 20 Ashbrookes Road, Mount White

(1) This clause applies to land at 20 Ashbrookes Road, Mount White, being Lot 1 DP 547622, Identified as 'Saddles Restaurant' on the Additional Permitted Uses Map.

(2) Development for the following purposes is permitted with development consent—

(a) Café or Restaurant and small bar with a maximum gross floor area of 370m².

(3) Covered outdoor seating areas associated with the restaurant and small bar to have a maximum floor area of 220m².

Part 2 Explanation of Provisions

The outcome will be facilitated by an amendment to Schedule 1 of the CCLEP 2022 to include Additional Permitted Uses (APU) for the subject lands. An explanation of the Additional Permitted Uses and supporting provisions is outlined in Table 1 below. The wording of the below proposed provisions is indicative only and will be subject to drafting by Parliamentary Counsel's office, should the proposal progress to the finalisation stage.

Table 1: Explanation of I	1ap and Instrument Amendments
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Existing Provision	Proposed Amendment	
Additional Permitted Uses Map	To include the following properties on the map:	
	Lot 1 DP 207158 (231 Pacific Highway, Mount White)	
	Lot 1 DP547622 (20 Ashbrookes Road, Mount White)	
Schedule 1 – Additional Permitted Uses	To add the following additional uses:	
	Use of certain land at Pacific Highway, Mount White	
	 This clause applies to land at 231 Pacific Highway, Mount White, being Lot 1 DP 207158, identified as 'The Grand Saddles Lodge' on the Additional Permitted Uses Map. Development for the following purposes is permitted with development consent - (a) Hotel or motel accommodation with a maximum gross floor area of 1,060m² (b) Café or Restaurant and small bar with a maximum gross floor area of 380m², accommodation lobby, housekeeping, back of house and bathrooms with a maximum gross floor area of 310m², a Business Premises, but only if the development is for the purposes of a day spa with a maximum gross floor area of 300m² (3) Covered outdoor seating areas associated with the 	
	restaurant to have a maximum floor area of 220m ²	
	Use of certain land at Ashbrookes Road, Mount White	
	 (1) This clause applies to land at 20 Ashbrookes Road, Mount White, being Lot 1 DP 547622, Identified as 'Saddles Restaurant' on the Additional Permitted Uses Map (2) Development for the following the state of the	
	 (2) Development for the following purposes is permitted with development consent— (a) Café or Restaurant and small bar with a maximum gross floor area of 370m² 	
	(3) Covered outdoor seating areas associated with the restaurant and small bar to have a maximum floor area of 220m ²	

APU mapping only applies to part of each site, largely the non-vegetated areas. Figure 4 shows the proposed APU map for 231 Pacific Highway.



Figure 4 APU Mapping - 231 Pacific Highway, Mount White

Figure 5 shows the proposed APU map for 20 Ashbrookes Road, which incorporates the portion of the site which is currently developed and includes the existing Saddles Restaurant. No additional works are proposed on this site as apart of this Planning Proposal.



Figure 5 APU Mapping - 20 Ashbrookes Road, Mount White

231 Pacific Highway Mount White

The inclusion of "hotel or motel accommodation", "café or restaurant", "small bar" or "business premise" (allowing a day spa) as additional permitted uses on the predominately cleared RU1 Primary Production zoned land is supported. The site is currently under utilised site and not considered suitable for primary production purposes. Development of these additional landuses will compliment the existing tourist attraction and provide for a number of supporting rural tourist uses. It also draws on the historical use of the site as the 'Hawkesbury Inn', and allows for the revitalisation of the site to somewhat of its former use. Promoting agri-tourism on the Central Coast will encourage the diversification of income streams in rural areas to help boost the rural economy.

20 Ashbrookes Road Mount White

The inclusion of "*café or restaurant*" and "*small bar*" as additional permitted uses on this site is supported to enable the longevity of the existing Saddles Restaurant and its future expansion.



Grand Saddles Lodge and Saddles concept plan

Figure 7 Concept Plan for both allotments

Part 3 Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any Strategic Study or report?

The Planning Proposal is not the result of a strategic study or report, however, does have strategic merit for the following reasons:

- The Planning Proposal will allow the existing restaurant to continue operation as a permissible land use, rather than ancillary use. The restaurant is a successful tourist attraction which promotes the Central Coast's agritourism, rural areas and bush, while being supported by existing infrastructure and maintaining the scenic environmental values of the site (aligning with Objective 5, 6, 8 and 9 of the CCRP 2041).
- 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) 2041 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 Objective 1 of the CCRP).

It also diversifies the rural economy, while minimising land use conflicts to adjoining rural properties, primary production uses and extractive industries, by maintaining adequate buffers (aligning with Objective 9 of the CCRP).

Further, the proposal addresses the demand for hotels and motels on the Central Coast (aligning with Objective 5 of the CCRP, particularly Strategy 5.9).

- The proposal is 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 at development application (DA) stage based on the information provided in supporting studies.
- 2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the only means of achieving the objectives/intended outcomes of enabling additional permitted uses (APUs) on both lots under the CCLEP.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Central Coast Regional Plan

The Central Coast Regional Plan 2041 (CCRP) applies to the Central Coast local government area (LGA).

The CCRP is to provide the basis of planning by the local government and sets out a number of actions. The table below demonstrates that the Planning Proposal is generally consistent with relevant directions identified in the CCRP.

Table 2: Central	Coast Regional	Plan

Direction	Applicable	Assessment/Comment
Objective 1: A prosperous Central Coast with more jobs close to home	Yes	The proposed retains current employment at Saddles Restaurant and provides approximately 30 additional employment opportunities within the hospitality and services sector.
Objective 2: Support the right of Aboriginal residents to economic self- determination	N/A	The Planning Proposal does not relate to Aboriginal Land.
Objective 3: Create 15-minute neighbourhoods to support mixed, multi- modal, inclusive and vibrant communities	No	The proposed does not relate to neighbourhood development.
Objective 5: Plan for 'nimble neighbourhoods', diverse housing and sequenced development	Yes	The proposal will maintain the scenic, natural and rural values of the site and harness these values to attract tourism and additional employment opportunities. The proposal also allows for the provision of hotel or motel accommodation, noting there is a demand for this on the Central Coast (aligning with CCRP Strategy 5.9).
Objective 6: Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments	Yes	The Central Coast exhibits high environmental value, which underpins industries including tourism. The Planning Proposal draws upon the high environmental value across the site, while protecting the mapped biodiversity values and providing appropriate setbacks to Calverts Creek.
Objective 7: Reach net zero and increase resilience and sustainable infrastructure	Yes	The proposal aims to produce resilient and sustainable infrastructure.

Direction	Applicable	Assessment/Comment
Objective 8: Plan for businesses and services at the heart of healthy, prosperous and innovative communities	Yes	The proposal provides agri-based tourism whilst maintaining the environmental values of the site. The RU1 zoning is retained and therefore primary production land uses will remain permissible (aligning with CCRP Strategy 8.5). The proposal complements the adjacent landscape setting through co-location of tourism attracting land uses to support Saddles Restaurant.
Objective 9: Sustain and balance productive rural landscapes	Yes	The Mount White area is mapped as productive agricultural land; however 231 the site has not been historically used for agricultural or primary production purposes. The current RU1 zoning of the site will be retained along with the environmentally sensitive land. Both allotments are well removed (over 1km away) from the Gosford Sandstone Quarry.

Central Coast Regional Plan 2041 Assessment – Planning Priorities

	Planning Priorities – Watagan District	Applicable	Assessment/Comment
1.	Protect and support agricultural land and opportunities for primary production	Yes	The site is located within the Central Coast Plateau regionally significant growth area. The proposal will retain the existing RU1 zoning.
2.	Grow a competitive and resilient economy through rural enterprises and diversification	Yes	The proposal takes advantage of the growing visitor economy through providing rural tourism development that complements surrounding agriculture and agritourism through co-location.
3.	Ensure rural villages enhance quality of life, the environment and the economy	No	Mount White is not a rural village.
4.	Protect the Central Coast's drinking water catchments to support resilient communities	No	The subject land is not within a drinking water catchment.
5.	Consider the long-term growth pattern of the Central Coast	No	The site is located west of the M1 Motorway and is therefore not planned for urban growth.

4. Is the planning proposal consistent a local Council's local strategy or other local strategic plan?

Community Strategic Plan

The proposal is consistent with the five themes of One – Central Coast 2018-2028 (Community Strategic Plan). Table 3 below provides an assessment of the proposal against the Community Strategic Plan.

Table 3: Community Strategic Plan assessment

Objective/Requirement	Comment
SMART	
A GROWING AND COMPETITIVE REGION	
 C1 Target economic development in growth areas and major centres and provide incentives to attract businesses to the Central Coast C2 Revitalise Gosford City Centre, Gosford Waterfront and town centres as key destinations and attractors for businesses, local residents, visitors and tourists C3 Facilitate economic development to increase local employment opportunities and provide a range of jobs for all residents 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 proposal draws upon the natural bush and rural setting of Mount White enabling rural tourism opportunities, whilst protecting the environmental values of the site.
CHERISHED AND PROTECTED NATURAL BEAUTY	
F1 Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas and the diversity of local native speciesF2 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)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 healthF4 Address climate change and its impacts through collaborative strategic planning and responsible land management and consider targets and actions	 All vegetation mapped as having biodiversity values is proposed to be retained. Councils Environmental Strategic Planner has reviewed the Flora and Fauna Assessment (FFA) by Enviro Ecology (2022) (refer to Attachment A) and supports the proposal. The proposal does not trigger entry into the Biodiversity Offset Scheme as 0.255 ha native vegetation is proposed for removal, which is below the 0.5 ha threshold. At the DA stage it is recommended that: The DA footprint comply with the setback requirements of the <i>Water Management Act 2000</i> The Asset Protection Zones do not encroach on areas highlighted on the Biodiversity Values (BV) Map
RESPONSIBLE	
BALANCED AND SUSTAINABLE DEVELOPMENT	
I1 Preserve local character and protect our drinking water catchments, heritage and rural areas by concentrating	The subject land is adjacent to the Pacific Highway which is a major arterial road

Ob	jective/Requirement	Comment
	development along transport corridors and town centres east of the M1	connecting the rural communities with commercial centres via car and bus service.
	I2 Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport	Both allotments have sufficient green infrastructure (bushland) on site, encouraging active transport through local bushwalking
	13 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	opportunities. It is anticipated the proposed additional permitted uses (APUs) will not impact on the
	I4 Provide a range of housing options to meet the diverse and changing needs of the community including adequate affordable housing	biodiversity values of the site, or increase flood risk. Sustainability measures will be further explored at the DA stage.
HE	ALTHY LIFESTYLES FOR A GROWING COMMUNITY	
	L1 Promote healthy living and ensure sport, leisure, recreation and aquatic facilities and open spaces are well maintained and activated	The proposal promotes healthy living and welfare with the proposed tourist based uses including a restaurant, day spa, and
	L2 Invest in health care solutions including infrastructure, services and preventative programs to keep people well for longer	accommodation located to compliment the existing bush scenery.
	L3 Cultivate a love of learning and knowledge by providing facilities to support lifelong learning opportunities	
	L4 Provide equitable, affordable, flexible and co-located community facilities based on community needs	

Local Strategic Planning Statement

The interim *Central Coast Local Strategic Planning Statement* (LSPS) sets a clear vision for the future and a proactive framework for delivering a growing and sustainable region with a strong network of Centres and thriving and connected communities. The LSPS is Council's guide to how the Central Coast will respond to future population growth challenges in a manner that benefits our existing residents.

The proposal is consistent with the following strategies and priorities outlined in the LSPS.

Table 4: Local Strategic Planning Statement – Strategies assessment

Strategies	Assessment/Comment
1 Revitalise our centres	The subject land is not located within, or adjacent to, a centre and therefore will not directly contribute to the revitalisation of nearby centres.
2 Renew urban form	The subject land is not located within the urban footprint and therefore will not contribute to its renewal.
3 Define the urban edge	The Action is not directly relevant to the planning proposal; however, the proposal will draw upon nearby proximity to natural bushland assets.

4 Create a sustainable region The planning proposal seeks to produce resilient infrastructure with the preparation of a remediation action plan, to be implemented at the Development Application (DA) stage.

Planning Priority	Actions	Assessment/Comment
Environment		
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. (CCRP Direction 12)	The proposal seeks to develop the areas of the site that are not flood affected.
Economic		
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 proposed facilitates the provision of tourism attracting development with local accommodation options.
Agriculture and Rural La	nd	
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. (CCRP Direction 23)	The planning proposal incorporates the provision of rural tourism through enabling a range of supporting tourist based uses, whilst maintaining the environmental values of the site.

Biodiversity Strategy

Table 6: Biodiversity Strategy assessment

Theme 4 Protecting biodiversity through land use planning and information management			
Goals and Actions	Assessment		
Goal 4.1 High biodiversity value areas are appropriately identified, protected and restored as part of	Councils Strategic Environmental Planner has reviewed multiple environmental reports regarding this planning proposal, has conducted a site inspection and supports the planning proposal		
future land use planning investigations	in its current form.		
Action 4.1.5 Identify appropriate mechanisms to achieve rehabilitation and enhanced landscape connectivity through the rezoning and development	A review of the Flora and Fauna Assessment (FFA) by Enviro Ecology (2022) (Attachment A) confirmed that the proposal does not trigger entry into the Biodiversity Offset Scheme (0.255 ha native vegetation is proposed for removal, below the 0.5 ha threshold)		
assessment process (such as Vegetation Management Plans)	It is recommended at the DA stage that:		

Theme 4 Protecting biodiversity through land use planning and information management				
Goals and Actions	Assessment			
	 The DA footprint comply with the setback requirements of the <i>Water Management Act 2000</i> The Asset Protection Zones (APZ's) do not encroach on areas highlighted on the Biodiversity Values Map 			

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal has been considered against the relevant State Environmental Planning Policies (SEPP) as detailed below. The proposal is considered to be generally consistent with the applicable SEPPs.

Table 7: State Environmental Planning Policy Assessment

SEPP	Applicable	Consistent
State Environmental Planning Policy (Biodive	ersity and Co	nservation) 2021.
Chapter 2 – Vegetation in Non-Rural Areas	N	Consistent with the provisions of this SEPP.
	IN	This chapter does not apply to RU1 land.
Chapter 3 – Koala Habitat Protection 2020		Not applicable.
	N	Refer to discussion of Chapter 4 below regarding Koala Habitat.
Chapter 4 – Koala Habitat Protection 2021		Consistent with the provisions of this SEPP.
		The site is located within a local government area listed in Schedule 2 of this SEPP.
	Y	The supporting Flora and Fauna Assessment FFA (Enviro Ecology, 2022) concludes no core koala habitat is present on site and a low impact on koalas or their habitat will result from the proposal.
Chapter 5 – River Murray lands	N	Not applicable.
Chapter 6 – Bushland in Urban Areas	N	Does not apply to rural land.
Chapter 7 – Canal Estate Development	N	Not applicable.
Chapter 8 – Sydney drinking water catchment	N	Not applicable.
Chapter 9 – Hawkesbury – Nepean River	Y	Consistent with the provisions of this SEPP. The site is located within the Hawkesbury Nepean River Area, however outside the scenic corridor boundary. The proposal is supported by an on-site Wastewater Management Report prepared by Whitehead and Associates (refer to Attachment C), which details the proposed installation of onsite effluent disposal,

SEPP	Applicable	Consistent
		management and water management systems.
		Councils Senior Environmental Health Officer is satisfied that the site has capacity to accommodate the proposed land uses. There is no objection to the planning proposal from an on-site sewage management perspective, provided no additional development is proposed as the site is at capacity.
Chapter 10 – Sydney Harbour Catchment	N	Not applicable.
Chapter 11 – Georges Rivers Catchment	N	Not applicable.
Chapter 12 – Willandra Lakes Region World Heritage Property	Ν	Not applicable.
State Environmental Planning Policy (Housing) 2021	
Chapter 2 – Affordable Housing	N	Not applicable.
Chapter 3 – Diverse Housing	N	Not applicable.
Part 1: Secondary Dwellings	N	Not applicable.
Part 2: Group Homes	N	Not applicable.
Part 3: Co-living Housing	N	Not applicable.
Part 4: Built-to-rent Housing	N	Not applicable.
Part 5: Seniors Housing	N	Not applicable.
Part 6: Short-term Rental Accommodation	N	Not applicable.
Part 7: Conversion of Certain Serviced Apartments	N	Not applicable.
Part 8: Manufactured Home Estates	N	Not applicable.
Part 9: Caravan Parks	N	Not applicable.
State Environmental Planning Policy (Industry	and Emplo	oyment) 2021.
Chapter 3 – Advertising and Signage	N	Not applicable.
State Environmental Planning Policy (Planning	y Systems)	2021
Chapter 2 – State and Regional Development	N	Not applicable.
Chapter 3 – Aboriginal Land	N	Not applicable.
State Environmental Planning Policy (Precinct	s—Regiona	ıl) 2021
Chapter 5 – Gosford City Centre	N	Not applicable.
State Environmental Planning Policy (Primary	Production	n) 2021.
Chapter 2 - Primary Production and Rural Development	Y	Consistent with the provisions of this SEPP. The proposed will retain mapped biodiversity values on-site and development is not

SEPP	Applicable	Consistent
		proposed within the riparian areas, avoiding land use conflict and the sterilisation of the site and surrounds. The proposal retains the RU1 zone and therefore primary production land uses will remain permissible on site. Further, remnant vegetation along property boundaries will be retained to screen future development and assist in maintaining a buffer to the horse stable adjoining the western boundary.
Chapter 3 - Central Coast Plateau Areas		Consistent with the provisions of this SEPP. Both allotments are identified as Prime Agricultural Land. The proposed APU's do not propose to
		significantly reduce the agricultural capability of the land. The RU1 zoning and all associated permitted uses will be retained.
	Y	The proposed development is unlikely to adversely affect the present or future use of other prime agricultural land for the purposes of agriculture.
		The subject site is the best suited land for the carrying out of the planning proposal (PP) as it is a relatively cleared site and is adjacent to the current Saddles Restaurant. The proposed development will expand on the success of the existing restaurant with supporting tourism based land uses including bar, day spa and tourist accommodation.
State Environmental Planning Policy (Resilien	ice and Haza	ards) 2021.
Chapter 2 - Coastal Management	N	Consistent with the provisions of this SEPP.
Chapter 3 – Hazardous and Offensive Development	N	

Chapter 4 - Remediation of Land

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) (see Appendix 3). Councils Environmental Health Officer has reviewed this report and considers the site can be made suitable for the proposed development (from a site contamination

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SEPP	Applicable	Consistent standpoint), subject to the implementation of recommendations, including the preparation of a site remediation action plan. Recommendations can be implemented at the DA stage.
State Environmental Planning Policy (Resource	es and Ener	·gy) 2021.
Chapter 2 – Mining, Petroleum Production and Extractive Industries	Ν	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.
Chapter 3 – Extractive Industries in Sydney Area	γ	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'. A proportion of 20 Ashbrookes Road is located within the Quarry Transition Area Buffer. As per the Concept Plan provided at Appendix 3, no future works are proposed within the buffer area. 231 Pacific Highway is located wholly outside the Transition Area. It is unlikely that the proposal will adversely impact this identified extractive industry as it is located over 1km from the quarry area.
State Environmental Planning Policy (Transpo	rt and Infra	structure) 2021
Chapter 2 – Infrastructure	N	Not applicable.
Chapter 3 – Educational Establishments and Childcare Facilities	N	Not applicable.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The proposal has been considered against the relevant Ministerial Section 9.1 Directions as summarised below. The proposal is considered to be consistent with all relevant Ministerial Section 9.1 Directions.

Table 8: S9.1 Ministerial Direction Compliance

No.	Direction	Applicable	Consistent
Plan	ning Systems		
1.1	Implementation of Regional Plans	Y	Consistent - Consistency with the CCRP 2041 is outlined in Section B.
1.2	Development of Aboriginal Land Council Land	N	The subject land is not shown on the Land Application Map of <i>State Environmental Planning</i> <i>Policy (Aboriginal Land) 2019</i> .
1.3	Approval and Referral Requirements	Y	Consistent - The proposal does not seek to include additional approval or referral requirements.
1.4	Site Specific Provisions	Y	Inconsistent - The proposal seeks to apply specific site-specific provisions through amending Schedule 1 of the CCLEP. Inconsistency with this direction is minor and is proposed to protect the rural character of the area by introducing maximum gross floor area caps. These GFA caps will restrict the amount of developable land on both sites.
1.5	Parramatta Road Corridor Urban Transformation Strategy	N	This Direction does not apply to the Central Coast Local Government Area.
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N	This Direction does not apply to the Central Coast Local Government Area.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	This Direction does not apply to the Central Coast Local Government Area.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	This Direction does not apply to the Central Coast Local Government Area.
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	N	This Direction does not apply to the Central Coast Local Government Area.
1.10	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N	This Direction does not apply to the Central Coast Local Government Area.
1.11	Implementation of Bayside West Precincts 2036 Plan	N	This Direction does not apply to the Central Coast Local Government Area.

No.	Direction	Applicable	Consistent
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	N	This Direction does not apply to the Central Coast Local Government Area.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	N	This Direction does not apply to the Central Coast Local Government Area.
1.14	Implementation of Greater Macarthur 2040	N	This Direction does not apply to the Central Coast Local Government Area.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	N	This Direction does not apply to the Central Coast Local Government Area.
1.16	North West Rail Link Corridor Strategy	N	This Direction does not apply to the Central Coast Local Government Area.
1.17	Implementation of Bayside West Place Strategy	N	This Direction does not apply to the Central Coast Local Government Area.
Biod	iversity & Conservation		
3.1	Conservation Zones	Y	 A review of the Flora and Fauna Assessment (FFA) by Enviro Ecology (2022) confirms the proposal does not trigger entry into the Biodiversity Offset Scheme (0.255 ha native vegetation is proposed for removal, below the 0.5 ha threshold) and recommends the following for any DA for the site: The DA footprint complies with the setback requirements of the <i>Water Management Act</i> The APZ's do not encroach on areas highlighted on the Biodiversity Values Map Biodiversity values located on site are not proposed for removal. Further, an Ecological Assessment Report (EAR) was prepared by Conacher (2021) (refer to Attachment G) to support the proposal. The EAR identifies an endangered species – <i>Syzigium paniculatum</i>, that appears to be a planted landscape tree. This endangered planted tree is not endemic to the area. Approval has already been granted for the removal of this tree under DA/62053/2021.
3.2	Heritage Conservation	Y	The AHIMS database identified one Aboriginal site located partially on 20 Ashbrookes Road along the northeastern boundary. No additional works are proposed at 20 Ashbrookes Road, therefore no impact is expected on the Aboriginal site.

No.	Direction	Applicable	Consistent
3.3	Sydney Drinking Water Catchments	N	This Direction does not apply to the Central Coast Local Government Area.
3.4	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N	This Direction does not apply to the Central Coast Local Government Area.
3.5	Recreational Vehicle Areas	N	This Direction does not apply to the Central Coast Local Government Area.
Resi	lience & Hazards		
4.1	Flooding	Y	Consistent- The western portion of 231 Pacific Highway is affected by a 1% Annual Exceedance Probability (AEP) flood, as well as the Probable Maximum Flood (PMF), associated with Calverts Creek. The PP development footprint is located outside of the flood affected area.
4.2	Coastal Management	N	The subject site is not located within a coastal environment area.
4.3	Planning for Bushfire Protection	Y	Consistent - The site is identified as both Category 1 and buffer bushfire prone land and is supported by a Strategic Bushfire Assessment Report (2022) and a Bushfire Protection Assessment report (BPA) (2021) prepared by Conacher Consulting (refer to Appendix 3), addressing the requirements of <i>Planning for Bushfire Protection (RFS 2019)</i> (see Appendix 3). With the implementation of the measures recommended in the assessment, such as the application and management of asset protection zones, the overall aims and objectives of <i>Planning for Bushfire Protection (RFS 2019)</i> can be achieved. NSW Rural Fire Service will be notified when this planning proposal is put on public exhibition.
4.4	Remediation of Contaminated Lands	Y	Consistent- As detailed in the assessment against SEPP (Resilience and Hazards) 2021 – Chapter 4 – Remediation of Land, the DSI and SCI were reviewed by Councils Environmental Health Officer and it was concluded the site can be made suitable for the proposal subject to the implementation of recommendations at the DA stage. For 20 Ashbrookes Road, the PP does not allow any development that isn't currently permissible as

No.	Direction	Applicable	Consistent
			ancillary development, no works are proposed and, contamination would have to be addressed as part of a DA for any future proposed works.
4.5	Acid Sulfate Soils	Y	Consistent- The subject site is not within Class 5 acid sulfate soils as it is more than 500m from Classes 1-4.
4.6	Mine Subsidence & Unstable Land	N	The Planning Proposal site is not located within a Mine Subsidence District.
Tran	sport & Infrastructure		
5.1	Integrating Land Use & Transport	N	The proposal does not apply to urban land.
5.2	Reserving Land for Public Purposes	N	The subject site is not identified for acquisition for public purposes.
5.3	Development Near Regulated Airports and Defence Airfields	N	The site is not located in the vicinity of a licensed aerodrome.
5.4	Shooting Ranges	N	The proposal is not located in the vicinity of a shooting range.
Hou	sing		
6.1	Residential Zones	N	Not applicable to the Planning Proposal.
6.2	Caravan Parks and Manufactured Home Estates	N	Not applicable to the Planning Proposal.
Indu	istry & Employment		
7.1	Business & Industrial Zones	N	Not applicable to the Planning Proposal.
7.2	Reduction in non-hosted short-		Not applicable to the Planning Proposal.
	term rental accommodation period	N	Applies to Byron Shire Council. This Direction does not apply to the Central Coast LGA or former Wyong or Gosford LGAs.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	N	This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
Resc	ources & Energy		
8.1	Mining, Petroleum Production and Extractive Industries	N	Consistent- 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'.

No.	Direction	Applicable	Consistent
			The site is located approximately 1km from Gosford Quarry and therefore unlikely to impact the quarry. The northeast portion of 20 Ashbrookes Road is mapped within the Transition Area of the quarry however, the existing Saddles Restaurant is located outside the transition area and no changes are proposed to land within the transition area. 231 Pacific Highway is located wholly outside the Transition Area.
Prim	ary Production		
9.1	Rural Zones	Y	Consistent- The Planning Proposal does not propose to rezone rural land.
9.2	Rural Lands	Y	Consistent - The proposal 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 environmentally sensitive lands.
9.3	Oyster Aquaculture	Y	The proposal does not affect land within a Priority Oyster Aquaculture Area.
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	Y	This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).

Section C – Environmental, Social and Economic Impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No critical habitat or threatened species, populations or ecological communities, or their habitats are present in the proposed land use areas.

Council's Environmental Strategies Section supports the planning proposal in its current form. The proposal does not trigger entry into the Biodiversity Offset Scheme (BOS). It is recommended that at the DA stage, the DA footprint comply with the setback requirements of the *Water Management Act 2000* and any Asset Protection Zones do not encroach on areas highlighted on the Biodiversity Values Map.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Bushfire

A Strategic Bushfire Assessment Report (Conacher 2022) (see Appendix 3) has been submitted to support the proposal. The report shows that compliance with the provisions of *Planning for Bushfire*

Protection (PBP) 2019 can be achieved for future development of the site. Further consultation with NSW Rural Fire Service (RFS) will be undertaken during the exhibition stage.

Natural Resources

The northeastern portion of the site at 20 Ashbrookes Road is mapped within the Transition Area of the Gosford Sandstone Quarry. However, the existing Saddles Restaurant is located outside the transition area and no additional development is proposed. 231 Pacific Highway is located wholly outside the Transition Area.

Indigenous and Non-Indigenous Cultural Heritage Items

231 Pacific Highway does not comprise heritage items as confirmed by Councils Strategic Heritage Planner after review of the proposal and site inspection. The site is not located within the vicinity of other heritage items nor within an environmental heritage zone.

The AHIMS database did not identify any Aboriginal on the site. For 20 Ashbrookes Road the AHIMS identified one Aboriginal site partially located on site, approximately 400m to the east of Saddles Restaurant. It is expected there would be no impact to such Aboriginal site as the Saddles Restaurant is established on site and no additional works are proposed as a part of this planning proposal.

Contaminated Land

A Detailed Site Investigation (DSI) and Supplementary Contamination Investigation (SCI) have been prepared to support this PP (Appendix 3). Councils Environmental Health Officer reviewed these reports and concluded the site can be made suitable for the proposal subject to further detailed assessment, including the preparation of a remediation action plan, at the Development Application (DA) stage.

Acid Sulfate Soils

Under the CCLEP 2022 mapping, both sites are not located within an area subject to Acid Sulfate Soils.

Flooding and Drainage

The site is affected by a 1% AEP flood as well as the PMF, associated with Calverts Creek along the western boundary of 231 Pacific Highway, and with some localised drainage on 20 Ashbrookes Road. The proposed APUs are intended to be located outside of the flood area and flood free access is provided to the site. Councils Flood Management Team are satisfied with the Flood Assessment Report (Northrop 2022) (refer to Attachment N) submitted to support this proposal.

A Stormwater Management Plan would be prepared at the Development Application (DA) stage to address stormwater management and disposal from the site, in accordance with the requirements of Central Coast DCP 2022.

Social Issues

The proposal provides rural-based tourism, through the provision of additional dining, tourist and visitor accommodation and day spa services on site. The proposal increases tourist and visitor attractions within the Mount White and Central Coast area, allows for the retention of employment at the existing Saddles Restaurant and provides additional employment in the accommodation and hospitality sectors through the proposed development at 231 Pacific Highway. The proposal therefore aligns with both planning and tourism strategies for the Central Coast.

Consideration of matters such as crime prevention through environmental design would be addressed in a future Development Application (DA) for the site.

Economic Impacts

The local economy will benefit from the proposal with the increase in tourist attraction to the Mount White area providing additional local employment opportunities. Additionally, sensitive rural tourism development strengthens rural economies and complements surrounding agriculture and agritourism through co-location.

Section D – State and Commonwealth Interests

9. Is there adequate public infrastructure for the planning proposal?

Traffic

A Traffic Assessment (SECA Solution 2022) (Attachment B) has been prepared to support the proposal and concludes all parking demands can be catered for on site. It is recommended that trimming of the kerb side vegetation is completed for drivers exiting Ashbrookes Road, to improve visibility and hence safety, with this being implemented due to the existing observed safety issues at this location.

Councils Traffic Engineering Team have reviewed the Traffic Assessment and have no objection to the planning proposal. A referral to Transport for NSW for any development requesting access from the Pacific Highway will be required at Development Application (DA) stage. Further consultation with Transport for NSW will also occur during the exhibition stage.

Services (Water, Sewer, Gas and Electricity)

On-site water supply and effluent disposal will be provided, as discussed in the assessment of *SEPP* (*Biodiversity and Conservation*) 2022 above. On-site gas will be supplied as required, with the provision of power also vailable to the site.

On-Site Effluent Disposal

The site is not serviced by reticulated sewer, future development will be served by on-site effluent disposal.

The proposal is supported by an On-Site Wastewater Management Report (Whitehead & Associates Environmental Consultants, 2022) (Appendix 3). Councils Environmental Health Officer has reviewed this report and concludes the proposed can be supported from an on-site sewer management perspective.

10. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Government agency and public consultation requirements are detailed in the Gateway Determination and conducted accordingly. The government agencies required to be consulted, are set out in the table below.

Table 9: Agency Consultation

Agency
Heritage NSW
Darkinjung Aboriginal Land Council (DLAC)
Department of Primary Industries – Agriculture

* NOTE: Section 3.25 of the EP&A Act requires the RPA to consult with the Chief Executive of the Office of Environment and Heritage (OEH) if, in the opinion of the RPA, critical habitat or threatened species, populations or ecological communities, or their habitats may be adversely affected by the proposed instrument.

- The consultation is to commence after a Gateway Determination is issued unless the Regulations specify otherwise.
- The period for consultation is 21 days unless agreed differently between the RPA & the DG or by the Regulations.

Pre Gateway consultation occurred with the following agencies. Their comments are summarised below:-

Department of Planning & Environment (DPE)

Council consulted with DPE on 15 June 2022. DPE acknowledge that the proposal demonstrates strategic merit given its alignment with a range of strategic plans, in particular the *Central Coast Regional Plan 2036* (recently replaced by *Central Coast Regional Plan 2041*) and *Central Coast Local Strategic Planning Statement*.

This planning proposal has been updated as per the recommendations provided by DPE in the Pre-Gateway advice.

This advice included:

The planning proposal should be updated prior to seeking a Gateway Determination to:

- address relevant strategies and district planning priorities in the final Central Coast Regional Plan 2041 should it be finalised at the time of requesting a Gateway determination
- address Ministerial Direction 4.4 Remediation of Contaminated Land
- address Ministerial Direction 9.2(1)(a)-(i)
- reference 'conservation zones' instead of 'environmental zones'
- reference updated Ministerial Directions
- group relevant <u>State Environmental Planning Policies</u> chapters together
- update reference to 'Extractive industries in Sydney area' which is in the 'Resources and Energy' SEPP.
- reflect questions published in the <u>LEPM Guideline</u>
- a project timeline presented in terms of working days to conform with LEPM Guideline benchmark timeframes. The planning proposal is considered 'standard'.

Further consultation will be required to determine whether the proposal demonstrates site-specific merit.

- Department of Planning and Environment Biodiversity and Conservation Division regarding:
 - Ministerial Direction 3.1 Conservation Zones
 - Ministerial Direction 4.1 Flooding
 - Chapter 4 Koala Habitat Protection 2021 of the SEPP (Biodiversity and Conservation) 2021
- NSW Rural Fire Service regarding Ministerial Direction 4.3 Planning for Bushfire Protection

- Department of Regional NSW Mining, Exploration and Geoscience Division regarding:
 - Ministerial Direction 8.1 Mining, Petroleum Production and Extractive Industries
 - Chapter 2 Mining, Petroleum Production and Extractive Industries and Chapter 3 Extractive industries in Sydney area of the SEPP (Resources and Energy) 2021
- Department of Primary Industries Agriculture regarding:
 - o Ministerial Direction 9.2 Rural Lands
 - Chapter 3 Central Coast Plateau Areas of the SEPP (Primary Production) 2021
- Transport for NSW regarding access from the Pacific Highway.

The Planning Proposal has been prepared in accordance with the advice provided by DPE, including the specific updates discussed in the advice above. Refer to Table 9 above regarding the agencies proposed for consultation, based off the DPE review.

Local Planning Panel

The Local Planning Panel (LPP) considered the matter on 8 August 2022. The LPP comments were:

In performing its role in relation to this matter, limited to the provision of advice only, the Panel notes and has no objection to the Planning Proposal proceeding subject to the following:

- A draft Clause should be prepared that incorporates specific Development Standards for:
 a) The size of each component of the proposed development, in relation to m2 and/or
 - capacity, preferably both.
 - b) Height, in metres above existing ground level. The Panel suggests no more than the limit of a 2 storey structure would be appropriate.
- 2. Visual Impact Analysis should be prepared post gateway and prior to exhibition to inform a Development Control Plan (DCP), including recommending design principles to achieve an attractive development (addressing views from the Old Pacific Highway and any public viewpoint and street frontage).
- 3. A DCP should be prepared post gateway and prior to exhibition addressing issues including:
 - Massing and building envelope
 - Noise
 - Lighting
 - Access
 - Vehicle parking (which should not be visually prominent)
 - Tree retention (ideally all mature trees and prioritise retention in design)
 - Street frontage treatments
 - Biodiversity impacts
 - Protection of riparian zone
 - Pedestrian connection between the two sites
 - Use of sustainable materials compatible to the bushland environment
- 4. Council's Strategic Assessment should include a more comprehensive strategic assessment of the following, against the relevant strategic directions:
 - Land use conflicts
 - Protection of Agricultural land
 - Flooding

These comments have been addressed within this Planning Proposal. Sufficient provisions are currently available within the existing *Central Coast Development Control Plan 2022* and other issues can be dealt with as merit-based considerations without the need for a site-specific DCP Chapter. Furthermore, the

proposed additional permitted uses will restrict the proposed land uses to a particular location on the site as per the concept plan and the Draft LEP Mapping (See Figure 4).

Capacity limits on gross floor area are proposed to control the size and scale of the development (see Part 2 of this PP). It is therefore not considered necessary to prepare a site specific DCP to support this Planning Proposal as recommended by the Local Planning Panel.

Council's Strategic Assessment was updated prior to the Council Meeting to reflect the advice provided by the LPP and a Visual Impact Assessment will be completed following a Gateway Determination.

DPE Agency Consultation:

During the assessment stage of the Gateway Determination (issued 07/12/22) DPE undertook agency consultation on behalf of Council with the following agencies. The response are included with the Planning Proposal as Attachment M.

NSW Rural Fire Services (RFS)

- 1. Hazard to the west of the subject site 231 Pacific Highway does not meet the requirements of the section A1.11.1 of the *Planning for Bush Fire Protection (PBP) 2019.*
- 2. The bushfire report submitted with the referral does not take into consideration the hazard to the south of the subject lot (231 Pacific Highway) to identify the minimum APZ required in accordance with table A1.12.2 of PBP 2019.
- 3. Where a public assembly building(s) (other than buildings identified as SFPP developments) over 500sqm is proposed, compliance with section 8.3.11 of PBP 2019.

(NSW RFS response received 20th Oct 2022 (Refer to attachment M))

Council Response:

Building Code and Bushfire Hazard Solutions Pty Limited provided a response (written justification) (refer to Attachment R) to RFS concerns, including:

- 1. The vegetation opposing a hazard to the west along Calverts Creek was found to be a narrow band (generally 40-60 metres wide), contained known hard to burn species and exotics and is broken / disrupted by a formed road, trails and electrical transmission lines. In accordance with A1.11.1 'Simplified Approach' of *Planning for Bush Fire Protection 2019* and consistent with the approved Hawkesbury Lodge application we have applied a rainforest (remnant) classification to the hazard to the west. In acknowledging that the remnant hazard to the west expands for a short distance, as a validation process Short Fire Run modelling consistent with A1.11.2 of PBP was undertaken and found that the reported remnant hazard presented the highest threat.
- 2. The Bushfire Assessment Report and subsequent development has applied Asset Protection Zones from the bushfire hazard to the south (refer to Figure 06 of the Bushfire Assessment Report).
- 3. As outlined in section 3.2 'Classification (Clause A6.0)' of the BCA and Access Assessment Report prepared by BCA Logic (Refer to Attachment S) the subject building attracts a Class 6 classification. The proposal therefore does not relate to a Class 9b 'assembly building'.

This Planning Proposal will be re-referred to RFS for final comment during the exhibition period to confirm bushfire concerns have been addressed for the site.

Biodiversity Conservation Division (BCD)

BCD recommended that the Biodiversity Assessment be updated to include both sites, where future land use may be impacted. Further, consideration be given to zone parts of the site C2 Environmental Conservation and a Flood Assessment be provided which outlines consistency with Ministerial Directions.

(BCD response received 18th Oct 2022 (refer to Attachment O))

Council Response:

As the Planning Proposal for 20 Ashbrookes Road is solely for the purpose of allowing the APU of restaurant or café and no groundworks or development is proposed, there is expected to be no impact to biodiversity on this site. The APUs across both sites are to be mapped on partial sections of the sites where such uses are to be carried out (refer to Figures 4 and 5). As such, there is no proposed changes to the RU1 Primary Production zone. A Flood Assessment Report (Northrop, 2022) has been prepared for 231 Pacific Highway, which is supported by Councils Floodplain Management Team (refer to Attachment N).

NSW Department of Regional NSW – Mining, Exploration & Geoscience (Regional NSW)

MEG-GSNSW advises the site is not currently the subject of any mining or petroleum titles or applications. The proposal should also not impact any extractive resource area or operation. Accordingly, MEG-GSNSW has no resource sterilisation concerns regarding the planning proposal.

(Regional NSW response received 13th Oct 2022 (refer to Attachment P))

Council Response:

Noted

Transport for NSW (TfNSW)

Access to the site via Pacific Highway is not supported. It is recommended that all future access to the property be via Ashbrookes Road. A CHR treatment should be considered at the intersection of Ashbrookes Road and Pacific Highway to allow vehicles to pass a right turning vehicle and permit all turn movements into and out of the properties on the side road. On road cycling provisions should also be considered and the provision of motorcycle parking.

Council Response:

Per the advice of TfNSW no access is now proposed from the Pacific Highway onto 231 Pacific Highway. Intersection treatments, as well as cycling provisions and detailed parking arrangements, will be addressed during preparation of the future Development Application (DA) design for this site.

(TfNSW Response received 19th of October 2022) (refer to Appendix 3))

Additional consultation undertaken by Council per Gateway Conditions:

Department of Primary Industries - Agriculture

An assessment of neighbouring development including the location and distance to land uses is required to identify land use conflict and mitigation measures. Demonstrate how APUs support the rural sector as a complementary use. It is noted the restaurant is ancillary to the garden centre and recognised that the APU for 231 Pacific Highway has merit as it relates to previous land uses (Hawkesbury Inn).

Council Response:

Additional discussions with DPI Agriculture (21st January 2023) regarding concerns of impacts on agriculture to surrounding land uses revealed a Landuse Conflict Risk Assessment (LUCRA) was necessary. The applicant prepared a LUCRA (Attachment T) which addresses potential landuse conflicts and mitigation measures for surrounding rural properties. Upon review of the LUCRA DPI Ag requested the LUCRA be updated to look at specific potential conflicts with the garden centre should it be proposed to be retained. As such the LUCRA has been updated accordingly:

20 Ashbrookes Road

Both the garden centre and the restaurant remain on a single lot, which does not have subdivision potential, and are under a single land ownership. The landowner intends to continue the two uses, as evidenced by the investment in both uses (current DA/62766/2021 was issued for alterations and additions to the garden centre), and there is no intention for the garden centre to cease operations.

The relationship between the garden centre and restaurant operations under the planning proposal will remain exactly the same as has already been approved under development consents issued by Central Coast Council, and subject to conditions of consent applying to those developments. The garden centre operates to the east of the restaurant.

The operations of the garden centre are retail in nature, and include the sale of plants sourced from other wholesale nurseries and with some small-scale growing of plants on the site which occurs in greenhouses and growing areas located 68m and 101m respectively from the restaurant.

231 Pacific Highway

The proposal is for a form of rural tourism development, which is complementary to the RU1 zoning of the land, and is consistent with the rural tourism objectives of strategic planning documents. The proposal, while not being a primary industry, will complement the rural setting of the properties, including the existing Saddles restaurant and the former Hawkesbury Inn, and will contribute to rural tourism and the provision of visitor services on the Central Coast.

The siting, design and location of the development maintains good separation to nearby properties and land uses, and is unlikely to result in land use conflicts with surrounding uses or the sterilisation of any sustainable primary production and natural resource use.

The proposal is for small-scale rural/nature-based tourist and visitor accommodation, and associated facilities that will promote the rural areas and setting of Mount White and contribute to rural-related tourism and promotion of the Central Coast, as well as tourism related employment.

Initial response from DPI Ag received 27 Oct 2022 and additional written response in regard to review of LUCRA received 6 February 2023 (refer to Appendix 3).

Heritage NSW

Heritage NSW note no ground works are proposed at 20 Ashbrookes Road. An ACHAR was recommended for 231 Pacific Highway. Heritage NSW response received 18th Jan 2022 (refer to Attachment Q)

Council Response:

Additional discussions with Heritage NSW were undertaken on 20th of January 2023. Council considers the preparation of an ACHAR for 231 Pacific Highway unwarranted due to the largely cleared and disturbed nature of the eastern portion of the site proposed for the APU mapping. Further, a response to Heritage NSW comments from Coastal Planning and Consulting (2023) (see Appendix 3) provides additional justification as to why an ACHAR is unnecessary:

"no identified Aboriginal sites are identified in the AHIMS database and given the former development and generally disturbed nature of the land, and the avoidance of riparian areas, there is expected to be a low likelihood of any aboriginal sites or places on site."

Darkingjung Local Aboriginal Land Council (DLAC)

Comment requested comment from DLAC on 13 December 2022, with no response received at the time of writing. Concurrence is assumed as stated in the notification email.

Part 4 Mapping

Table 10: Existing and Proposed Provisions

Мар	Map Title			
Existing Provisions				
А.	Locality Plan			
В.	Aerial Photograph			
Proposed Provisions				
А.	Additional Permitted Uses Map – 20 Ashbrookes Road, Mount White			
В.	Additional Permitted Uses Map – 231 Pacific Highway, Mount White			

Part 5 Community Consultation

Community Consultation

The Planning Proposal will be made available for community/agency consultation as specified in the Gateway Determination and will be undertaken in accordance with any determinations made by the Gateway.

The Planning Proposal will be publicly exhibited for 28 days on Council's website:

www.yourvoiceourcoast.com.

Additionally, notification of the exhibition of the proposal will be provided to adjoining landholders prior to commencement of the exhibition period.

Part 6 Project Timeline

Table 11: Key Project Timeframes

Action	Period	Start Date	End Date
Anticipated commencement date (date of Gateway Determination)	1 month	September 2022	September 2022

Action	Period	Start Date	End Date
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	2 months	October 2022	December 2022
Commencement and completion dates for public exhibition	28 days	February 2023	March 2023
Timeframe for consideration of submissions	1 month	March 2023	April 2023
Timeframe for consideration of a proposal (by Council)	1 month	May 2023	June 2023
Date of submission to the Department to finalise LEP	1 month	June 2023	July 2023
Anticipated date RPA will make the plan (if delegated)	14 days	July 2023	August 2023
Anticipated date RPA will forward to the Department for notification	7 days	September 2023	September 2023

Appendix 1 - Mapping

Map A - Locality Plan



Map B - Aerial Photograph


APU Draft LEP Mapping



Map A - Additional permitted Uses Map 20 Ashbrookes Road

Map B - Additional permitted Uses Map 231 Pacific Highway



Appendix 2 – Council Report

Item No:	2.7	
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, Section Manager Local Planning and Policy	
	David Milliken, Unit Manager Strategic Planning	
Executive:	Alice Howe, Director Environment and Planning	



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 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 2022).

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 the site (that currently occur on the opposite side of the road), which include '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 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 (Attachment 3).

Background

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

20 Ashbrookes Road, Mount White

A garden centre, restaurant and carpark were approved on 23 December 2016, with on-site sewage management approved on 13 October 2017. Stage 1 and 2 construction of 'Saddles Restaurant' to operate as an ancillary use to the garden centre was approved on 31 July 2018. Alterations and additions to the garden centre were approved on 2 February 2022. Prior to the Saddles Garden Centre and Saddles Restaurant, Princeton Nurseries had operated 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 approved on 3 March 2022.

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



Figure 8: 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 9: Site map

Proposal

The Planning Proposal seeks to rezone the site by permitting a number of additional permitted uses 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 $370m^2$ ($220m^2$ of this is outdoor seating), 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 (Figure 3):

- Hotel or motel accommodation with maximum 20 single room/ suites and a Gross Floor Area (GFA) of 1,040 m²;
- Cafe or Restaurant, bar and veranda with a maximum floor area of 380m² (150m² of this is outdoor seating and there are 126 seats proposed);
- Accommodation lobby, Housekeeping, BOH and Bathrooms with a GFA of 310m²; and
- Day spa business premises has a GFA of 300m² (max 21 customers proposed).



Figure 10: Concept plan

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 GFA 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 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.

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. No additional wastewater-generating development on the site would be able to be accommodated beyond what is proposed, which is a self-limiting aspect of this proposal ensuring no future additional development is to occur on-site beyond that anticipated by the concept plan (as confirmed by Councils EPHS).

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 planned 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 uses 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 Road) along the western boundary of 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 regions natural assets and scenic qualities, linking agriculture and appropriate forms of rural tourism.
- The Central Coast Regional Plan (CCRP) 2041_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 NSW 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 Planning Proposal has been undertaken to inform this recommendation, as detailed in Attachments 1 and 2. It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning for a Gateway Determination, based on its strategic merit.

Consultation

The proposal was referred to the Local Planning Panel for advice. The Panel recommended some amendments to the Planning Proposal (refer to Attachment 3).

A recommendation included the provision of a site-specific Development Control Plan (DCP) to accompany this Planning Proposal. Council's professional planners are of the view that sufficient provisions are available within the Central Coast Development Control Plan 2022 and that other issues can readily be dealt with as merit-based considerations without the need for a site-specific DCP Chapter. Furthermore, the proposed additional permitted uses will restrict these proposed land uses to particular locations on the site as per the concept plan. Capacity limits on gross floor area have also been proposed, which will control the size and scale of the development. It is therefore not considered necessary to support this Planning Proposal with a site-specific DCP as suggested by the Local Planning Panel.

A Pre-gateway Determination review was provided by the Department of Planning and Environment which confirmed that the proposal demonstrated strategic merit and identified specific government agencies, Ministerial directions, State policies and other matters need to be addressed to demonstrate site-specific merit. These additional matters will be addressed in the version of the Planning Proposal which will support Council's request for a Gateway Determination.

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.

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 material risks to Council associated with the preparation of planning proposals, which are part of the regular business of Council. Potential impacts on the natural and built environment relevant to this stage of the development process have been considered and are considered acceptable. Detailed assessment of impacts and development of controls will be conducted at the development assessment stage.

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'; and
 - 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 touristrelated uses that are proposed for this site.

Critical Dates or Timeframes

Timeframes will be set out in the Gateway Determination.

Attachments

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Appendix 3 – Supporting Documentation

Attachment	Document
A.	Flora and Fauna Assessment (Enviro Ecology 2022)
В.	Traffic Assessment Report (SECA Solution 2022)
C.	On-Site Wastewater Management Report (Whitehead & Associates Environmental Consultants 2022)
D.	Strategic Bushfire Report (Conacher Consulting 2022)
E.	Bushfire Assessment Report (Conacher Consulting 2022)
F.	Concept Plan
G.	Ecological Assessment Report (Conacher 2021)
H.	AHIMS Search Results
I.	Detailed Site Investigation Report (Douglas Partners 2021)
J.	Supplementary Contamination Investigation (Douglas Partners 2022)
К.	NSW Rural Fire Services Agency Response (2022)
L.	Flood Assessment Report (Northrop, 2022)
M.	Biodiversity and Conservations Divisions Agency Response (2022)
N.	Regional NSW Agency Response (2022)
О.	Heritage NSW Agency Response (2023)
Ρ.	Additional Bushfire Response (Building Code & Bushfire Hazard Solutions 2022)
Q.	Access Assessment Report (BCA Logic 2022)
R.	LUCRA (Coastal Planning and Consulting 2023)
S.	Additional ACHA Response (Coastal Planning and Consulting 2023)
T.	TfNSW Agency Response (2022)
U.	DPI Agriculture Response to LUCRA (2023)
V.	DPI Agriculture Response (2022)

 Table 12:
 Supporting Documentation to the Planning Proposal