



**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

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23 August 2022 Ordinary Council Meeting

Reference: RZ/2/2022 - D15157318  
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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).

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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 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

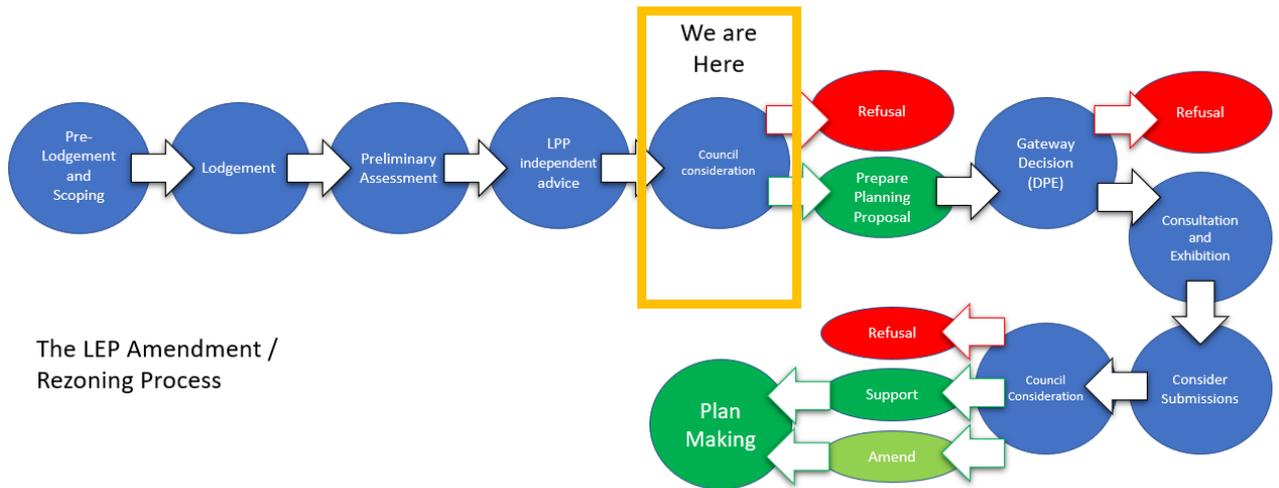
A garden centre, restaurant and carpark were approved on 23 December 2016, with on-site sewage management approved on 13 October 2017. Stage 1 and 2 construction of 'Saddles Restaurant' to operate as an ancillary use to the garden centre was approved on 31 July 2018. Alterations and additions to the 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.

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**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**

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### 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<sup>2</sup> (220m<sup>2</sup> 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 m<sup>2</sup>;
- Cafe or Restaurant, bar and veranda with a maximum floor area of 380m<sup>2</sup> (150m<sup>2</sup> of this is outdoor seating and there are 126 seats proposed);
- Accommodation lobby, Housekeeping, BOH and Bathrooms with a GFA of 310m<sup>2</sup>; and
- Day spa business premises has a GFA of 300m<sup>2</sup> (max 21 customers proposed).

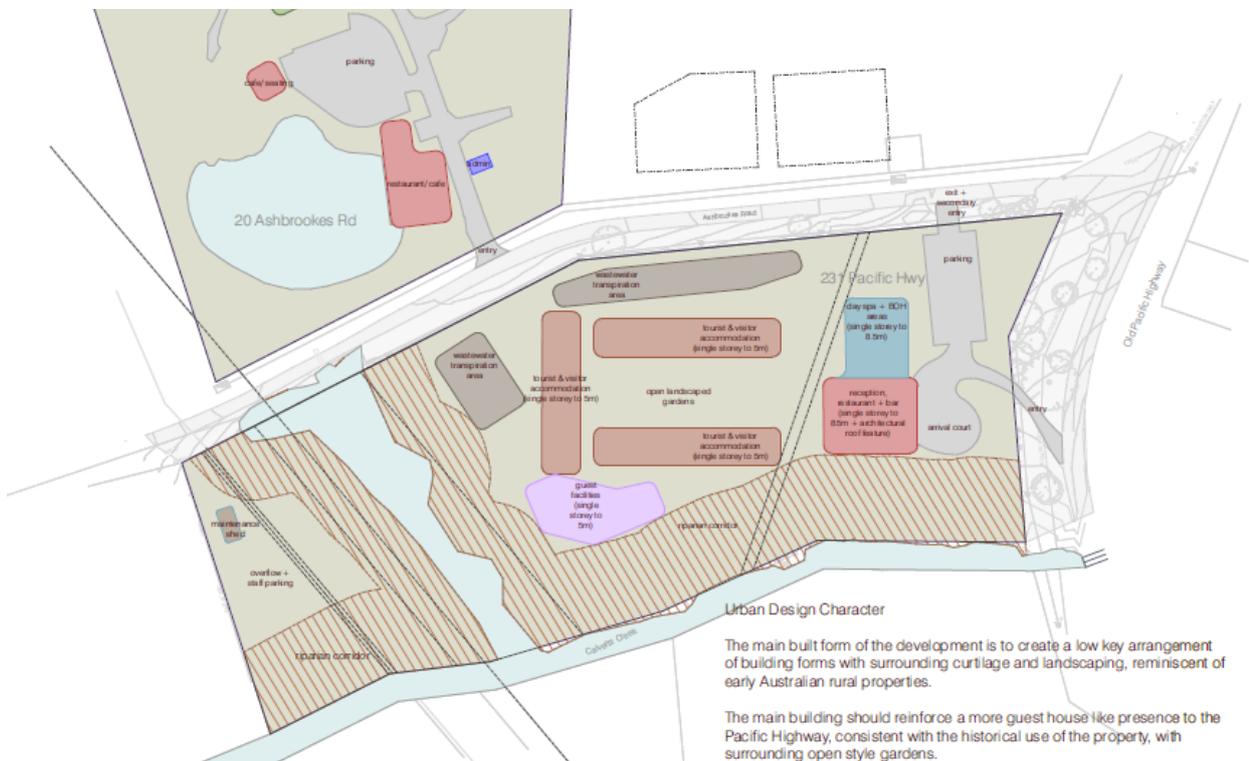


Figure 3: Concept plan

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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 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

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(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 Council's 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 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

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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:

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*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**

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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 tourist-related uses that are proposed for this site.

### Critical Dates or Timeframes

Timeframes will be set out in the Gateway Determination.

### Attachments

1	Planning Proposal Summary Assessment Report - Saddles Site	Provided Under Separate Cover	D15212392
2	Planning Proposal Strategic Assessment Report - Saddles Site	Provided Under Separate Cover	D15212385
3	Independent Advice - Local Planning Panel	Provided Under Separate Cover	D15284493

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