

Gateway Determination

Planning proposal (Department Ref: PP-2022-1136): *Additional Permitted Uses for 231 Pacific Highway and 20 Ashbrookes Road, Mount White*

I, the Director Agile Planning at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Central Coast Local Environmental Plan 2022* to permit hotel or motel accommodation, restaurant or café, small bar, and business premises uses at 231 Pacific Highway and 20 Ashbrookes Road, Mount White should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal is to be updated to:
 - (a) Identify in Part 2 Explanation of Provisions that the proposed controls would apply to part of the subject lots rather than the whole site.
 - (b) Identify the affected part of the site on all site identification maps.
 - (c) Include an advisory in Section 2 clearly stating that the wording of the proposed provisions are indicative only and will be subject to drafting by Parliamentary Counsel's office should the proposal progress to the finalisation stage.
 - (d) Demonstrate consistency with the Central Coast Regional Plan 2041 and consider potential impacts of the proposal.
 - (e) Address Ministerial Direction 4.4 Remediation of Contaminated Lands with regard to 20 Ashbrookes Road, Mount White.
 - (f) Address the Aboriginal site identified on the AHIMS database and consider the potential impacts of the proposal.
 - (g) Prepare a Flood Impact Assessment which addresses consistency with Ministerial Direction 4.1 Flooding and considers the findings and recommendations of the 2022 NSW Flood Enquiry, including an assessment of evacuation routes and transport modelling. Update the planning proposal to address the findings of the assessment.
 - (h) Demonstrate how the proposed APU will support and complement the rural setting and agricultural sector. This should include:
 - i. an explanation of how the proposed uses can provide rural tourism experiences in a complementary way,
 - ii. an explanation of how the proposal is consistent with the agricultural and rural land outcomes of relevant strategic plans and policies, including the Central Coast Regional Plan 2041, SEPP (Primary Production and Rural Development) 2021, and Ministerial Direction 9.2 Rural Lands,
 - iii. an assessment of potential impacts on neighbouring land uses, rural amenity and agricultural productivity,
 - iv. identification of appropriate land use conflict mitigation measures, including consideration of buffers and
 - v. justification for why the restaurant will no longer be ancillary to the garden centre and an assessment of the potential impacts on the garden centre.

2. Prior to finalisation, the planning proposal is to be updated to address the issues raised by the Department of Planning and Environment – Biodiversity and Conservation Division (BCD) relating to biodiversity and environmentally sensitive land, in consultation with BCD if required.
3. Prior to finalisation, the planning proposal is to be updated to address bushfire risk on 20 Ashbrookes Road and to address the issues raised by NSW Rural Fire Service (RFS) relating to consistency with *Planning for Bushfire Protection 2019* and undertake further consultation with RFS in this regard.
4. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
5. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - Department of Planning and Environment – Environment and Heritage
 - Department of Primary Industries – AgricultureConsultation is also required with the following organisations:
 - Darkinjung Local Aboriginal Land Council.Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 20 working days to comment on the proposal.
6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. Council as planning proposal authority is not authorised to be the local plan-making authority under section 3.36(2) of the EP&A Act.
8. The LEP should be completed on or before 7 November 2023.

Dated 7th day of December 2022.



Louise McMahon
Director
Agile Planning
Department of Planning and Environment

Delegate of the Minister for Planning

