

## 8.2 Planning Proposal 157-159 Craigmoor Road, Lot 1 DP 591181 and Lot 2 DP 594499, Hotel and Motel Accommodation - Post Exhibition

REPORT BY THE MANAGER, STRATEGIC PLANNING  
TO 02 FEBRUARY 2022 ORDINARY MEETING  
GOV400088, LAN900116, GOV400098

### RECOMMENDATION

#### That Council:

- A. **receive the report by the Manager, Strategic Planning on the Planning Proposal 157-159 Craigmoor Road, Lot 1 DP 591181 and Lot 2 DP 594499, Hotel and Motel Accommodation - Post Exhibition; and**
- B. **exercise its delegation in the preparation of the amendment to the Mid-Western Regional Local Environmental Plan 2012 to include Hotel and Motel Accommodation in Schedule 1 Additional Permitted Uses subject to the Opinion issued by Parliamentary Counsel.**

### Executive summary

At Council's 18 November 2020 meeting, Council resolved to support the Planning Proposal and to forward it to the NSW Department of Planning, Industry and Environment (DPIE) for a Gateway Determination. The Planning Proposal is to allow the use of the subject site for hotel or motel accommodation. The amendment will facilitate the development of large scale, resort-style accommodation.

A conditional Gateway Determination was granted on 24 August 2021. A copy of the Gateway Determination is provided as Attachment 1.

Condition 1 of the Gateway Determination required that prior to the commencement of community consultation an amended Planning Proposal be submitted to and approved by DPIE. The amended Planning Proposal is to include an additional permitted use map and draft provisions for consideration at the development application stage requiring the development to avoid land use conflict.

An amended Planning Proposal which addressed the above matters was submitted and approved by DPIE. Approval to proceed to public exhibition was received on 30 September 2021, a copy of this is provided as Attachment 2. A copy of the amended Planning Proposal is provided as Attachment 3.

The Planning Proposal was placed on public exhibition on Friday 15 October 2021 and concluded Friday 12 November 2021 in accordance with 6.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning and Environment, 2018), Council's Community Participation Plan 2019 and Gateway Determination Condition 2. No submissions were received.

In accordance with Condition 3, the Planning Proposal was referred to NSW Department of Primary Industries - Agriculture. No comments were received.

The purpose of this report is to provide Council with a post exhibition report and to seek Council's approval to exercise its delegation in finalising the Planning Proposal.

## Disclosure of Interest

Nil

## Detailed report

### Planning Proposals

Planning Proposal is a term used to describe the process of rezoning or making an amendment to a Local Environmental Plan (LEP). A Planning Proposal application is a document that explains the intended effect of the LEP amendment and provides a strategic justification for doing so. DPIE has issued A Guide to Preparing Planning Proposals, to provide guidance and information on the process for preparing planning proposals.

### The Gateway Process

DPIE is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in DPIE's A Guide to Preparing Local Environmental Plans.

### Gateway Timeline

The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan 2012 and the progress of the current Planning Proposal through the various stages.

STAGE	COMPLETED	COMMENT
<b>Preparation of a Planning Proposal</b>		
Planning Proposal lodged with Council	✓	August 2020.
Staff Undertake Initial Assessment	✓	August 2020 – November 2020.
Council Decision to Support Proposal	✓	18 November 2020.
<b>Issue of Gateway Determination</b>		
Council Requests Gateway Determination	✓	3 December 2020.
DPIE Issues Gateway Determination	✓	24 August 2021.
Gateway Conditions Satisfied	✓	14 September 2021.
<b>Consultation</b>		
Consultation with Relevant Agencies	✓	Department of Primary Industries – Agriculture.
Public Exhibition	✓	15 October 2021 – 12 November 2021.
Post-Exhibition Report to Council	✓	Planning Proposal Post Exhibition is being reported to 2 February 2022 meeting.
<b>Finalisation of the Planning Proposal</b>		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		

Opinion Issued and LEP Made		
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**GATEWAY DETERMINATION**

A conditional Gateway Determination was received on 24 August 2021 and included seven standard conditions.

**CONSULTATION**

**Community Consultation**

Condition 2 of the Gateway Determination required Council to undertake community consultation with a public exhibition period of 28 days. The community consultation was undertaken in accordance with 6.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning and Environment, 2018), Council’s Community Participation Plan 2019 and Gateway Determination Condition 2. No submissions were received.

**Agency Consultation**

The Department of Primary Industries - Agriculture were consulted with in accordance with Gateway Determination Condition 3. No comments have been received.

**FINALISATION OF PLANNING PROPOSAL**

The recommendation of staff is to proceed with the finalisation of the Planning Proposal. This will involve drafting LEP provisions and amending maps.

**Draft LEP**

Included, as part of the Gateway Determination is a written Authorisation to Exercise Delegation of the Minister’s functions under Section 3.36 (previously Section 59) of the *Environmental Planning and Assessment Act 1979*. The documentation will be forwarded to the Office of Parliamentary Counsel to draft the amendment to the LEP and seek an Opinion that the plan may be made. A copy of the request will be forwarded to DPIE – Western Region. Following the receipt of the Opinion, a request that the LEP amendment be notified will be made.

Community Plan implications

Theme	Building a Strong Local Economy
Goal	A prosperous and diversified economy
Strategy	Support the attraction and retention of a diverse range of businesses and industries

Strategic implications

**Council Strategies**

Mid-Western Regional Local Strategic Planning Statement, Our Place 2040.  
 Mid-Western Regional Comprehensive Land Use Strategy, August 2010.

**Council Policies**

The steps involved towards the notification of the Planning Proposal will not require any change to relevant policies.

**Legislation**

The Planning Proposal has been considered in accordance with Division 3.4 Environmental Planning Instruments - LEPs (previously Division 4) Local Environmental Plans of the *Environmental Planning and Assessment Act 1979* and the *Mid-Western Regional Local Environmental Plan 2012*.

## Financial implications

Nil

## Associated Risks

If Council does not wish to proceed with finalisation of the Planning Proposal, it can withdraw its support at this stage in the Gateway Process. Council would be required to formally resolve not to proceed with the Planning Proposal and advise the landowners and DPIE accordingly.

SARAH ARMSTRONG  
MANAGER, STRATEGIC PLANNING

6 December 2021

*Attachments:*

1. Gateway Determination. (separately attached)
2. Confirmation to proceed to Public Exhibition. (separately attached)
3. Amended Planning Proposal. (separately attached)

APPROVED FOR SUBMISSION:

JULIE ROBERTSON  
ACTING GENERAL MANAGER