

## Item 8: Development

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### 8.1 Planning Proposal General Amendment - Tourist and Visitor Accommodation 2022/23

REPORT BY THE MANAGER, STRATEGIC PLANNING  
TO 14 DECEMBER 2022 ORDINARY MEETING  
GOV400098, LAN900151

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Manager, Strategic Planning on the Planning Proposal General Amendment – Tourist and Visitor Accommodation 2022/23 to include a provision requiring the land on which tourist and visitor accommodation occurs to satisfy Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones of the *Mid-Western Regional Local Environmental Plan 2012*;**
2. **provide initial support for the Planning Proposal to amend *Mid-Western Regional Local Environmental Plan 2012* and submit to the NSW Department of Planning and Environment via the NSW Planning Portal seeking a Gateway Determination, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*;**
3. **advise the NSW Department of Planning and Environment that Council's General Manager (or delegate) will be the nominated Local Plan Making Authority for this proposed amendment; and**
4. **undertake community consultation as outlined within any approved Gateway Determination.**

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#### Executive summary

Council has prepared a Planning Proposal seeking to include an additional LEP provision for consideration in the assessment of development applications for tourist and visitor accommodation, of the *Mid-Western Regional Local Environmental Plan 2012* (LEP). The additional provision will require land subject of a development application for tourist and visitor accommodation to satisfy *Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones* of the *Mid-Western Regional Local Environmental Plan 2012*.

*Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones* of the LEP, requires the land to measure the mapped minimum lot size or have a dwelling entitlement subject to the various subclauses for the erection of a dwelling.

This requirement is currently contained in Clause 6.4 Tourist and visitor accommodation of Council's Development Control Plan 2013. Moving this requirement into the LEP provides staff and the community with an increased clarity of expectations and weight when assessing a development application for tourist and visitor accommodation in the Region. The DCP provision has been

consistently applied by Council since adoption with the intent being to ensure that tourist and visitor accommodation is supported by a residential component.

The Planning Proposal provided as Attachment 1 has been prepared in accordance with the structure outlined in the NSW Department Planning and Environment (DPE) Local Environmental Plan Making Guideline. The report outlines the context, intended outcomes, explanation of provisions and justification for the Planning Proposal.

The staff recommendation is to provide initial support for the Planning Proposal and upload to the Planning Portal seeking a Gateway Determination. If the staff recommendation is supported, the Planning Proposal along with the Council resolution will be forwarded to DPE for Gateway Determination.

## Background

### ***Mid-Western Regional Development Control Plan 2013***

The following requirement is in Council's DCP and has been consistently applied since the commencement of the plan:

#### ***6.4 Tourist and Visitor Accommodation Location***

*(a) Must comply with the MLS map or demonstrate compliance with Clause 4.2A of the LEP 2012.*

*(b) All tourist and visitor accommodation has a residential component and therefore Council will not consider the establishment of any tourist and visitor accommodation on land on which a single dwelling is not permissible in the LEP 2012.*

The requirement to locate tourist and visitor accommodation on land with dwelling entitlement ensures there is not a proliferation of unauthorised dwellings on undersized lots. Further, Council identifies future rural lifestyle opportunities (dwellings on smaller lots) in strategically identified locations, to provide for a rural lifestyle demand.

### ***Mid-Western Regional Local Environmental Plan 2012***

Under Council's current and previous LEPs, various types of dwellings and tourist and visitor accommodation are and have been permissible in the rural areas (including land currently zoned R5 Large Lot Residential). This is unlike other rural and regional councils, where both multiple dwellings (dual occupancy, rural workers' dwellings, secondary dwellings) and the range of tourist and visitor accommodation are limited.

Due to the range of permissible dwellings and tourist and visitor land uses, it is necessary to move the requirement for dwelling entitlement into the LEPs to provide increased clarity for the community and weight when assessing a development application.

The land use permissibility will not change, for instance, in the RU1 Primary Production zone, the following land uses will remain permissible: bed and breakfast accommodation, farm stay accommodation, hotel or motel accommodation and serviced apartments. Below is the current *Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones*:

#### ***4.2A Erection of dwelling houses and dual occupancies on land in certain zones***

*(1) The objectives of this clause are as follows—*

*(a) to minimise unplanned rural residential development,*

*(b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones,*

- (c) *to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.*
- (2) *This clause applies to land in the following zones—*
- (a) *Zone RU1 Primary Production,*
  - (b) *Zone RU4 Primary Production Small Lots,*
  - (c) *Zone RU5 Village,*
  - (d) *Zone R5 Large Lot Residential,*
  - (e) *Zone E3 Environmental Management.*
- (3) *Development consent must not be granted for the erection of a dwelling house or dual occupancy on land in a zone to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the land—*
- (a) *is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or*
  - (b) *is a lot or holding that existed before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or*
  - (c) *is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or*
  - (d) *is an existing holding that is not within Zone R5 Large Lot Residential, or*
  - (e) *would have been a lot or a holding referred to in paragraphs (a)–(d) had it not been affected by—*
    - (i) *a minor realignment of its boundaries that did not create an additional lot, or*
    - (ii) *a subdivision creating or widening a public road or public reserve or for another public purpose, or*
  - (f) *is, in the case of land within 500 metres of land within Zone RU5 Village, a lot that has an area of at least 5 hectares, that has a sealed road frontage and that is connected to the sealed road network, or*
  - (g) *is a holding within Zone R5 Large Lot Residential that has an area of at least 5 hectares, that has all weather access, including all weather vehicular access, to which adequate services provided by public utility undertakings are available and that is suitable for the on-site disposal of domestic wastewater, or*
  - (h) *is a former holding, or*
    - (i) *is a former rural lot that has an area of at least 40 hectares.*

*Note—A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.*

- (4) *Development consent may be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.*

- (5) *In this clause—*

*existing holding means land that—*

- (a) was a holding on the relevant date, and*
- (b) is a holding at the time the application for development consent referred to in subclause (3) is lodged, whether or not there has been a change in the ownership of the holding since the relevant date, and includes any other land adjoining that land acquired by the owner since the relevant date.*

*former holding means land—*

- (a) that was a holding on 9 August 2012, and*
- (b) that is a holding at the time the application for development consent referred to in subclause (3) is lodged, whether or not there has been a change in ownership of the holding since 9 August 2012, and*
- (c) that is at least the minimum lot size applicable under the environmental planning instrument that applied to the land immediately before the commencement of this Plan.*

*former rural lot means a lot—*

- (a) located in the former Mudgee, Rylstone or Merriwa local government areas, and*
- (b) that was created prior to the commencement of this Plan, and*
- (c) on which the erection of a dwelling house was permissible immediately before that commencement, and*
- (d) that is in Zone RU1 Primary Production, and*
- (e) in respect of land in the former Mudgee local government area—that was held in separate ownership from any adjoining land on 11 February 1985.*

*holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.*

*Note—The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.*

*relevant date means—*

- (a) in relation to land marked “Mudgee” on the Former LEP Boundaries Map—29 November 1967, or*
- (b) in relation to land marked “Merriwa” on the Former LEP Boundaries Map—18 April 1975, or*
- (c) in relation to land marked “Cudgegong” on the Former LEP Boundaries Map—24 November 1967, or*
- (d) in relation to land marked “Rylstone” on the Former LEP Boundaries Map—31 July 1970.*

### **Department of Planning and Environment Agritourism Reform**

It was highlighted during the initial consideration of the Agritourism reform that a discrepancy would be created between the current LEP provision and what was being proposed by the Agritourism reform. The Agritourism reform was requiring dwelling entitlement for farm stay accommodation, however this requirement was not currently in Council’s LEP for the other forms of tourist and visitor accommodation. Accordingly, this Planning Proposal will ensure a consistent approach is taken for all forms of tourist and visitor accommodation within our region.

## 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. DPE has issued the Local Environmental Plan Making Guideline, to provide guidance and information on the process for preparing planning proposals and making the amendment to the LEP.

### **The Gateway Process**

DPE is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in the Local Environmental Plan Making Guideline.

### **Gateway Timeline**

The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan (LEP) and the progress of the current Planning Proposal through the various stages. The below table demonstrates the Planning Proposal is within the initial stage of the process.

Stage	Completed	Comment
Preparation of a Planning Proposal		
Staff Prepare the Planning Proposal	✓	November 2022
Council Decision to Support Proposal	✓	14 December 2022
Issue of Gateway Determination		
Council Requests Gateway Determination		
DP&E Issues Gateway Determination		
Gateway Conditions Satisfied		
Consultation		
Consultation with Relevant Agencies		
Public Exhibition		
Post-Exhibition Report to Council		
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

### **INTENDED OUTCOMES**

That land subject to development applications for tourist and visitor accommodation satisfy dwelling requirements under *Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones*.

### **EXPLANATION OF PROVISIONS**

The Planning Proposal will insert a provision into the LEP that will require development applications for tourist and visitor accommodation to satisfy *Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones*.

### **JUSTIFICATION**

The DPE Local Environmental Plan Making Guideline September 2022 outlines questions to consider when demonstrating the justification. The provided Planning Proposal responds to the questions.

### LOCAL PLAN MAKING AUTHORITY

In accordance with the Department's LEP Making Guideline, Council is to nominate the LPMA or person who will be carrying out the work to amend the LEP. For basic LEP amendments, the Council usually nominates itself as the LPMA. In this instance as the LEP amendment is of a routine type, it is recommended that the General Manager be delegated to carry out the LEP making function on behalf of Council.

### NEXT STEP

If Council supports the recommendation, the next step would involve uploading the Planning Proposal and a Council resolution of initial support to the NSW Planning Portal seeking a Gateway Determination.

## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	Vibrant towns and villages
Strategy	Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning

## Strategic implications

### Council Strategies

Mid-Western Regional Local Strategic Planning Statement, Our Place 2040

### Council Policies

The forwarding 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 provide initial support for the Planning Proposal, Council may resolve not to proceed with the Planning Proposal.

SARAH ARMSTRONG  
MANAGER, STRATEGIC PLANNING

ALINA AZAR  
DIRECTOR DEVELOPMENT

28 November 2022

*Attachments:* 1. Planning Proposal.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



*Looking After  
our Community*

PLANNING PROPOSAL  
GENERAL  
AMENDMENT 2022/23  
TOURIST & VISITOR  
ACCOMODATION

1 NOVEMBER 2022

MID-WESTERN REGIONAL COUNCIL  
STRATEGIC PLANNING

■ ■ ■ ■ ■ TOWARDS 2030



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Version	Date	Notes
V001	November 2022	PP reported to December Council



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## Overview

### Introduction

The Planning Proposal Mid-Western Regional Local Environmental Plan Housekeeping Amendment (the Planning Proposal) explains the intent of, and justification for, the proposed amendment to the *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP 2012).

The Planning Proposal is to implement the following change to the MWRLEP 2012:

Include an additional MWRLEP 2012 provision for consideration in the assessment of development applications for tourist and visitor accommodation.

The additional provision will require land subject of a development application for tourist and visitor accommodation to satisfy Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones of the Mid-Western Regional Local Environmental Plan 2012.

The Planning Proposal has been prepared in accordance with Section 3.32 and 3.33 of the Environmental Planning and Assessment Act 1979 (the Act) and the relevant Department of Planning and Environment, Local Environmental Plan Making Guideline, December 2021.

### Background

*Mid-Western Regional Local Environmental Plan 2012* (MWRLEP 2012) came into effect on 10 August 2012. MWRLEP 2012 is the consolidation of the previous planning controls into one local environmental plan. It is also a translation of those controls into the NSW Government's Standard Instrument Principal Local Environmental Plan.

Under the MWRLEP 2012 and previous environmental planning instruments, various types of dwellings and tourist and visitor accommodation are, and have been permissible in the rural areas (including land currently zoned R5 Large Lot Residential).

Due to the range of permissible dwellings and tourist and visitor land uses, it is necessary to move the requirement for dwelling entitlement from the Mid-Western Regional Development Control Plan 2013 (DCP 2013) into the MWRLEP 2012 to provide increased clarity for the community and weight when assessing a development application.

The following requirement is in Council's DCP 2013 and has been consistently applied since the commencement of the plan:

#### *6.4 Tourist and Visitor Accommodation*

##### *Location*

*(a) Must comply with the MLS map or demonstrate compliance with Clause 4.2A of the LEP 2012.*

*(b) All tourist and visitor accommodation has a residential component and therefore Council will not consider the establishment of any tourist and visitor accommodation on land on which a single dwelling is not permissible in the LEP 2012.*

## Part 1 – Objectives or Intended Outcome

The objective of the Planning Proposal is to implement the following:

	PROPOSED AMENDMENT	LAND TO WHICH IT APPLIES	OBJECTIVE/OUTCOME
1.	An additional provision will require land subject of a development application for tourist and visitor accommodation to satisfy <i>Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones.</i>	All land zoned RU1 Primary Production, RU4 Primary Production Small Lots, RU5 Village, R5 Large Lot Residential and E3 Environmental Management.	Tourist and visitor accommodation established on land that satisfies <i>Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones.</i>

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## Part 2 – Explanation of Provisions

The objectives and intended outcomes as described in Part 1 will be achieved by the following:

PROPOSED AMENDMENT	EXPLANATION OF PROVISIONS
1. Additional clause.	Inclusion of either a miscellaneous and additional local provision that states tourist and visitor accommodation must not be granted on land unless a dwelling house is permitted to be erected under 4.2A.

## Part 3 – Justification

### Section A - Need for the Planning Proposal

#### Q1: Is the planning proposal the result of an endorsed LSPS, strategic study or report?

Yes, Council’s Comprehensive Land Use Strategy (CLUS) outlines the importance of sustainable rural settlement, minimising rural land fragmentation and minimising the proliferation of dwellings on undersized lots.

To provide for rural lifestyle opportunities, a constraints and opportunity mapping exercise was undertaken and identified the location of future rural lifestyle opportunities.

Accordingly, the requirement for tourist and visitor accommodation to be located on land with a dwelling entitlement is consistent with the approach of the CLUS.

#### Q2: Is the planning proposal the best means of achieving the objectives or outcomes, or is there a better way?

The requirement for tourist and visitor accommodation to be located on land with a dwelling entitlement is currently in the DCP 2013.

Including this requirement in the MWRLEP 2012 provides the appropriate weight when assessing a development application for tourist and visitor accommodation in the Region.

### Section B - Relationship to Strategic Framework

#### Q3: Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?

STRATEGY	DIRECTION/ACTION/OBJECTIVE - COMMENT
Central West and Orana Regional Plan 2036	<p><i>Direction 12: Plan for greater land use compatibility</i></p> <p><i>Action 12.2 Identify and protect important agricultural land in local plans.</i></p> <p>The Planning Proposal will assist in protecting important agricultural lands by continuing to limit the number of tourist and visitor accommodation in the rural areas.</p> <p><i>Action 12.3 Create local strategies to limit urban and rural housing development in agricultural and extractive resource areas, industrial areas and transport corridors.</i></p> <p>Council’s Comprehensive Land Use Strategy supports limiting tourist and visitor accommodation in rural areas.</p> <p><i>Action 12.4 Amend planning controls to deliver greater certainty of land use.</i></p> <p>The control is currently in Council’s DCP 2013, including the control in the MWRLEP 2012 provides both greater certainty for landowners, Council and the community at large.</p>

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	<p><i>Direction 28: Manage rural residential development</i>                  Council identifies future opportunities and rural residential zones adjoining urban settlements at a minimum lot size from 2 – 5 hectares and with 5 – 10 kilometre radius around the towns within the region.</p>
Draft Central West and Orana Regional Plan 2041	<p><i>Objective 13: Protect agricultural production values and promote agriculture innovation, sustainability and value-add opportunities.</i></p> <p>The Planning Proposal will assist in protecting important agricultural lands by continuing to limit the number of tourist and visitor accommodation in the rural areas.</p> <p><i>Strategy 13.1: Protect agricultural land and industries from land use conflicts and fragmentation.</i></p> <p>The development of dwelling and tourist and visitor accommodation places pressure on proposed subdivision, resulting in fragmentation. Continuing to limit the establishment of dwelling and tourist and visitor accommodation will minimise fragmentation and land use conflict.</p> <p><i>Strategy 13.1: maintain and protect agricultural land and industries from land use conflicts and fragmentation, especially those lands identified as important such as those identified as Class 1-3 using the NSW land and capability mapping, biophysical strategic agricultural land, those currently developed for irrigation, or other special use lands that support specialised agricultural industries.</i></p> <p>Land mapped as Class 1-3 will be further protect with this Planning Proposal.</p> <p><i>Strategy 13.2: Strategic and local planning should maintain and protect the productive capacity of agricultural land in the region.</i></p> <p>The Planning Proposal is consistent with this Strategy item.</p>

**Q4: Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

The Planning Proposal to continue to conserve agricultural land is consistent with Council's LSPS Our Place 2040.

**Q5: Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

The Planning Proposal is consistent with the Department of Primary Industries – Agriculture, various studies regarding minimising land fragmentation and dwellings on agricultural land.

**Q6: Is the planning proposal consistent with applicable SEPPs?**

Yes. An analysis of the applicable State Environmental Planning Policies (SEPP's) is included in the following table.

SEPP TITLE	PLANNING PROPOSAL CONSISTENCY
SEPP (Biodiversity and Conservation) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP Building Sustainability Index (BASIX) 2004	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.

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	Future development applications would be required to determine at development application whether the BASIX is applicable.
SEPP (Exempt & Complying Development Codes) 2008	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Housing) 2021	Yes – The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Industry and Employment) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP No 65 – Design and Quality of Residential Apartment Development	Not applicable.
SEPP (Planning Systems) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Precincts – Central River City) 2021	Not applicable.
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable.
SEPP (Precincts – Regional) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Precincts – Western Parkland City) 2021	Not applicable.
SEPP (Primary Production) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Resilience and Hazards) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Resources and Energy) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Transport and Infrastructure) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.

**Q7: Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?**

These directions apply to planning proposals lodged with the Department of Planning and Environment on or after the date the particular direction was issued and commenced.

Detailed in the table below are the directions issued by the Minister for Planning to relevant planning authorities under section 9.1(2) of the *Environmental Planning and Assessment Act 1979*.

DIRECTION	PLANNING PROPOSAL CONSISTENCY
Focus area: Planning Systems	
1.1 – Implementation of Regional Plan	Not applicable.
1.2 - Development of Aboriginal Land Council land	Not applicable
1.3 - Approval and Referral Requirements	The proposed amendment does not include the requirements for approvals or referrals.
1.4 - Site Specific Provisions	Not applicable, as the proposed amendments are not site specific.
1.5 - Parramatta Road Corridor Urban Transformation Strategy	Not applicable.
1.6 - Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
1.7 - Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
1.8 - Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
1.9 - Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable.
1.10 - Implementation of the Western Sydney Aerotropolis Plan	Not applicable.

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1.11 - Implementation of Bayside West Precincts 2036 Plan	Not applicable.
1.12 - Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable.
1.13 - Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable.
1.14 - Implementation of Greater Macarthur 2040	Not applicable.
1.15 - Implementation of the Pyrmont Peninsula Place Strategy	Not applicable.
1.16 - North West Rail Link Corridor Strategy	Not applicable.
1.17 - Implementation of the Bays West Place Strategy	Not applicable.
Focus area 2: Design and Place	
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Focus area 3: Biodiversity and Conservation	
3.1 - Conservation Zones	Consistent.
3.2 - Heritage Conservation	Consistent.
3.3 - Sydney Drinking Water Catchments	Not applicable.
3.4 - Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.
3.5 - Recreation Vehicle Areas	Consistent.
3.6 - Strategic Conservation Planning	Not applicable.
Focus area 4: Resilience and Hazards	
4.1 - Flooding	Not applicable.
4.2 - Coastal Management	Not applicable.
4.3 - Planning for Bushfire Protection	Consistent, the Planning Proposal is not site specific.
4.4 - Remediation of Contaminated Land	Consistent, the Planning Proposal is not site specific.
4.5 - Acid Sulfate Soils	Consistent, the Planning Proposal is not site specific.
4.6 - Mine Subsidence and Unstable Land	Consistent, the Planning Proposal is not site specific.
Focus area 5: Transport and Infrastructure	
5.1 - Integrating Land Use and Transport	Not applicable.
5.2 - Reserving Land for Public Purposes	Not applicable.
5.3 - Development Near Regulated Airports and Defence Airfields	Consistent, the Planning Proposal is not site specific.
5.4 - Shooting Ranges	Consistent, the Planning Proposal is not site specific.
Focus area 6: Housing	
6.1 - Residential Zones	Not applicable.
6.2 - Caravan Parks and Manufactured Home Estates	Not applicable.
Focus area 7: Industry and Employment	
7.1 - Business and Industrial Zones	Not applicable.
7.2 - Reduction in non-hosted short-term rental accommodation period	Not applicable.
7.3 - Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.
Focus area 8: Resources and Energy	
8.1 - Mining, Petroleum Production and Extractive Industries	Consistent, the Planning Proposal is not site specific.
Focus area 9: Primary Production	
9.1 - Rural Zones	The Planning Proposal does not facilitate the rezoning of the land.
9.2 - Rural Lands	Consistent – the minimum lot size is not changing. The Planning Proposal to ensure tourist and visitor accommodation occurs on land with dwelling entitlement supports this Direction.
	The Planning Proposal does not relate to a rural residential land supply.
9.3 - Oyster Aquaculture	Not applicable.



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9.4 - Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.
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## Section C - Environmental, Social and Economic Impact

**Q8: 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?**

Site specific constraints will be considered during the assessment of any future development applications for tourist and visitor accommodation.

**Q9: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

As set out in Local Environmental Plan Making Guideline, the purpose of this question is to ascertain the likely environmental effects that may be relevant. The nature of the planning proposal is such that no technical information is required.

**Q10: How has the planning proposal adequately addressed any social and economic effects?**

Not applicable.

## Section D - State and Commonwealth Interests

**Q11: Is there adequate public infrastructure for the planning proposal?**

Not applicable as the Planning Proposal will not trigger an upgrade or reliance on public infrastructure.

**Q12: What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

Not applicable due to the nature of the Planning Proposal.

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## Part 4 – Mapping

No change to mapping required as part of this Planning Proposal.

## Part 5 – Community Consultation

Community consultation has not been carried out prior to the preparation of the Planning Proposal.

The Planning Proposal is considered 'standard' in accordance with the Local Environmental Plan Making Guideline and requires a public exhibition period of 20 days.

Public exhibition will be undertaken in accordance with any issued Gateway Determination.

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## Part 6 – Project Timeline

The Planning Proposal is a housekeeping amendment to the *Mid-Western Local Environmental Plan 2012* and should be able to be achieved within 3 - 6 months of the date of the Gateway Determination.

### Proposed Timeline

MILESTONE	DATE
Gateway Determination	January 2023
Completion of Technical Information	N/A
Agency Consultation	February 2023
Public Exhibition	March 2023
Consideration of Submissions	April 2023
Legal Drafting & Opinion	May 2023
Finalisation	May 2023