

Masswellbrook

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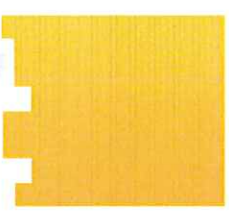
Planning Proposal 2009

Prepared for:

The Upper Hunter Pastoral and Agricultural Association



HDB
Town Planning & Design



Planning Proposal

For

Rezoning of Muswellbrook Showground

Prepared for

The Upper Hunter Pastoral and Agricultural Association

October 2009

Prepared By



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1. INTRODUCTION

HDB Town Planning & Design has been asked to prepare a Planning Proposal on behalf of Upper Hunter Pastoral and Agricultural Association (UHPAA) for the Muswellbrook Showground site, otherwise legally known as Lot 22 DP 616590, Lot 10 DP 843828 and Lot 400 DP 578684. The Planning Proposal seeks to alter the current zoning of the site from a RE2 Private Recreation to a mix of B2 Local Centre, and B5 Business Development Zones to more appropriately reflect the potential of the land to meet demand for commercial development in the long term – Refer to Council's correspondence dated 31st August 2009 attached in **Appendix A** of this report.



Figure 1 – Aerial Photo of Site

1.1 Background

For some time the UHPAA have been investigating ways of moving forward in assuring their continued operation into the future. Gradual changes to the agricultural industry over many years, has seen a decline in the importance of the former agricultural association. This has coincided with changes in the recreational habits of the community, leading to lower demand for usage of the Showground land.

The major asset of the Association is the current showground site (as shown in figure 1). When it was established many years ago, it was located on the edge of the town of Muswellbrook. The expansion of the urban areas of the town has significantly increased the potential for conflict between the operation of the showground and the expanded residential areas.

There is a need to look at new opportunities for increasing the activities on the showground site, so it can be more viably utilized. The location of the showground is no longer suitable, as the surrounding residential areas are adversely affected by any expanded operation of the facility. Therefore, there is no opportunity for expansion of the current activities of the showground on this site.

There is a need to investigate the relocation of the showground to a more appropriate site with adequate buffers to provide from a wider range of activities. To facilitate its relocation and to provide ongoing funding for the committee, alternative uses must be found for the existing site.

This planning proposal investigates the existing site, its constraints and the opportunities the site presents for future development (shown in figure 2). Based on the findings, a draft Concept Masterplan (shown as Figure 4) is proposed, and a change of the zoning of the land is being sought.

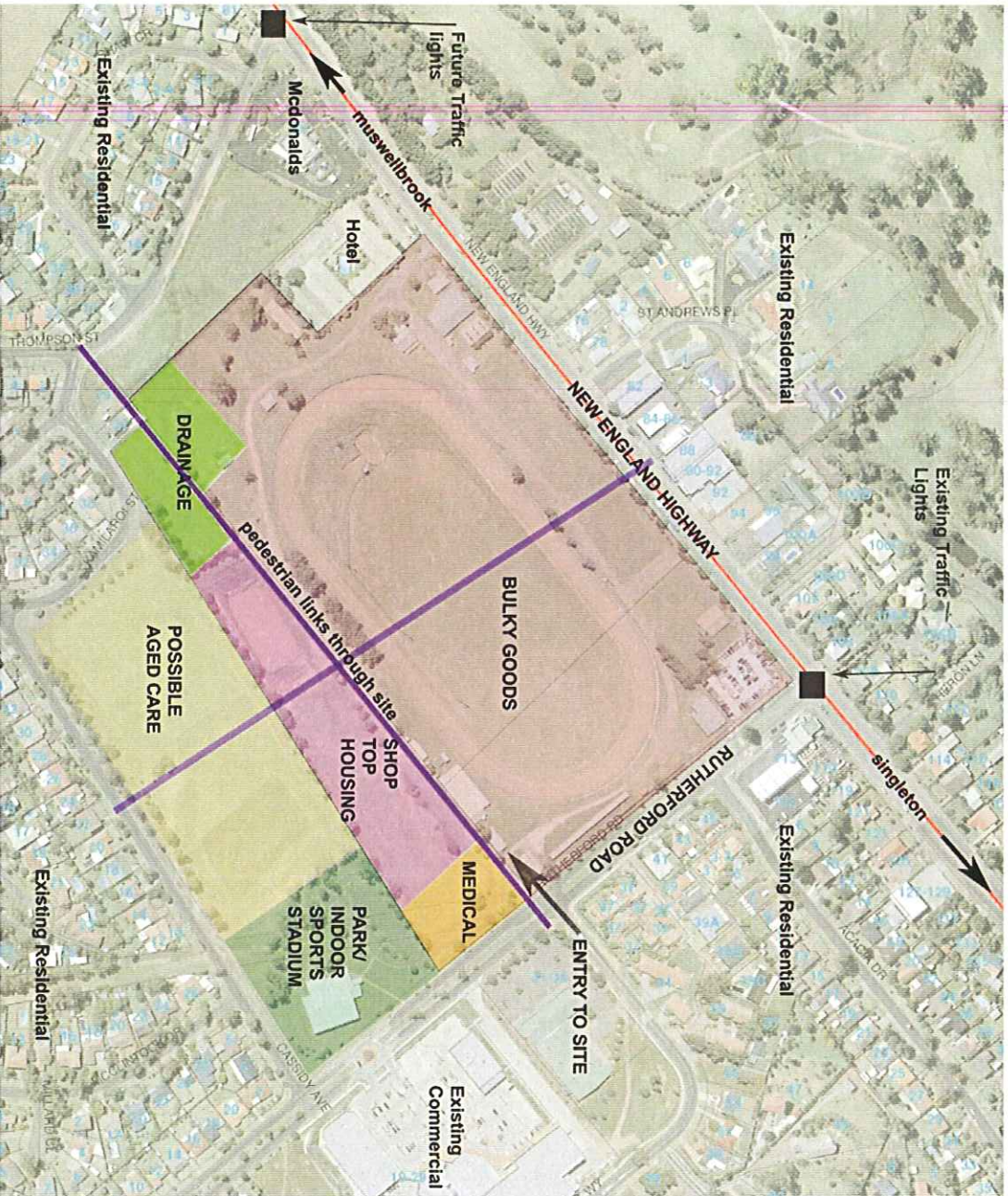


Figure 2 – Analysis

2. OBJECTIVES

- To investigate the existing showground site and quantify its constraints and opportunities;
- Investigate a suitable development option for the site;
- Establish high and best use for the site.
- Prepare a draft Concept Masterplan for the site;
- To provide documentation for Council's reference to support the intended introduction of B2 Local Centre and B5 Business Development zones over the existing site, to allow appropriate use of the site, given the location and growing conflict of uses between neighbouring properties and the existing showground usage as the town develops further;
- To produce a staging plan for development of the land over a 15 – 20 year period to ensure that demand for bulky goods development can be met over a period of time.

3. EXPLANATION OF THE PROVISIONS

Amendment of the Muswellbrook Local Environmental Plan (LEP) 2009 Land Zoning Map to integrate the proposed zones as shown in the zoning map illustrated in Figure 3.

Amendment of the Muswellbrook LEP 2009 Floor Space Ratio Map to reflect the proposed new uses according to the proposed development on the existing showground site.

As advised by Council on 31st August 2009, a site specific Development Control Plan (DCP) will need to be produced for this development. Hunter Development Brokerage (HDB) will work in conjunction with Council to prepare this DCP should the Planning Proposal obtain approval.

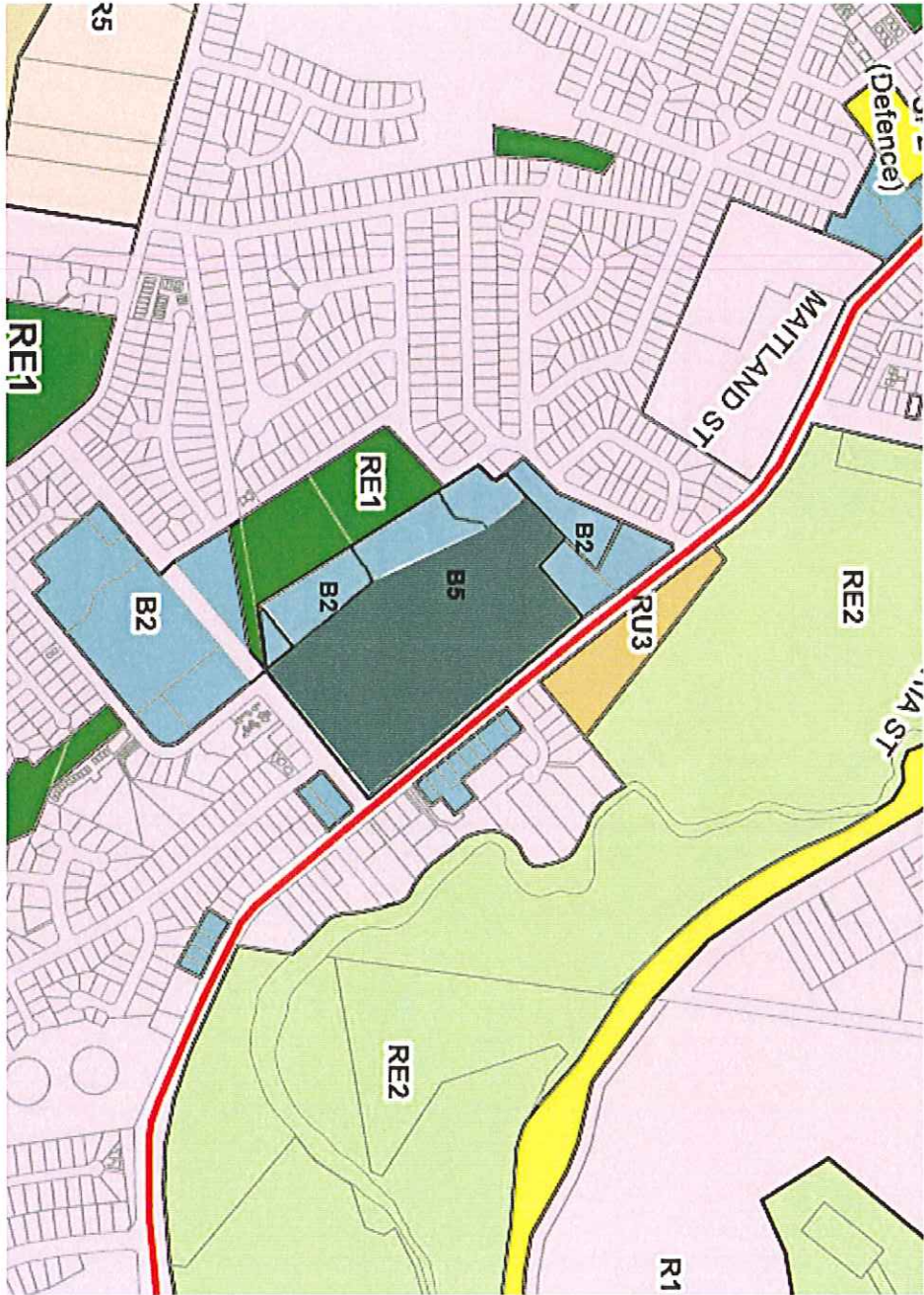
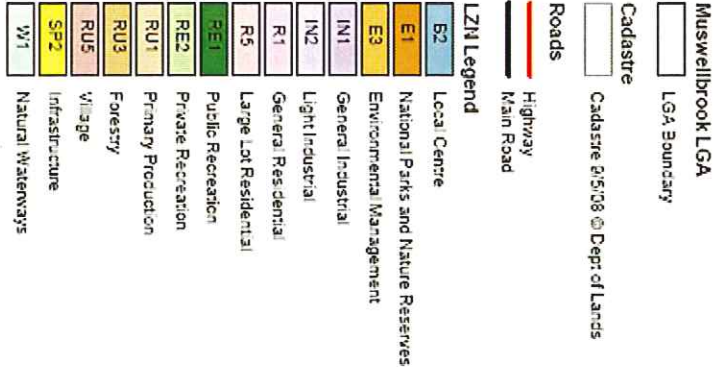


Figure 3 – Proposed Zones

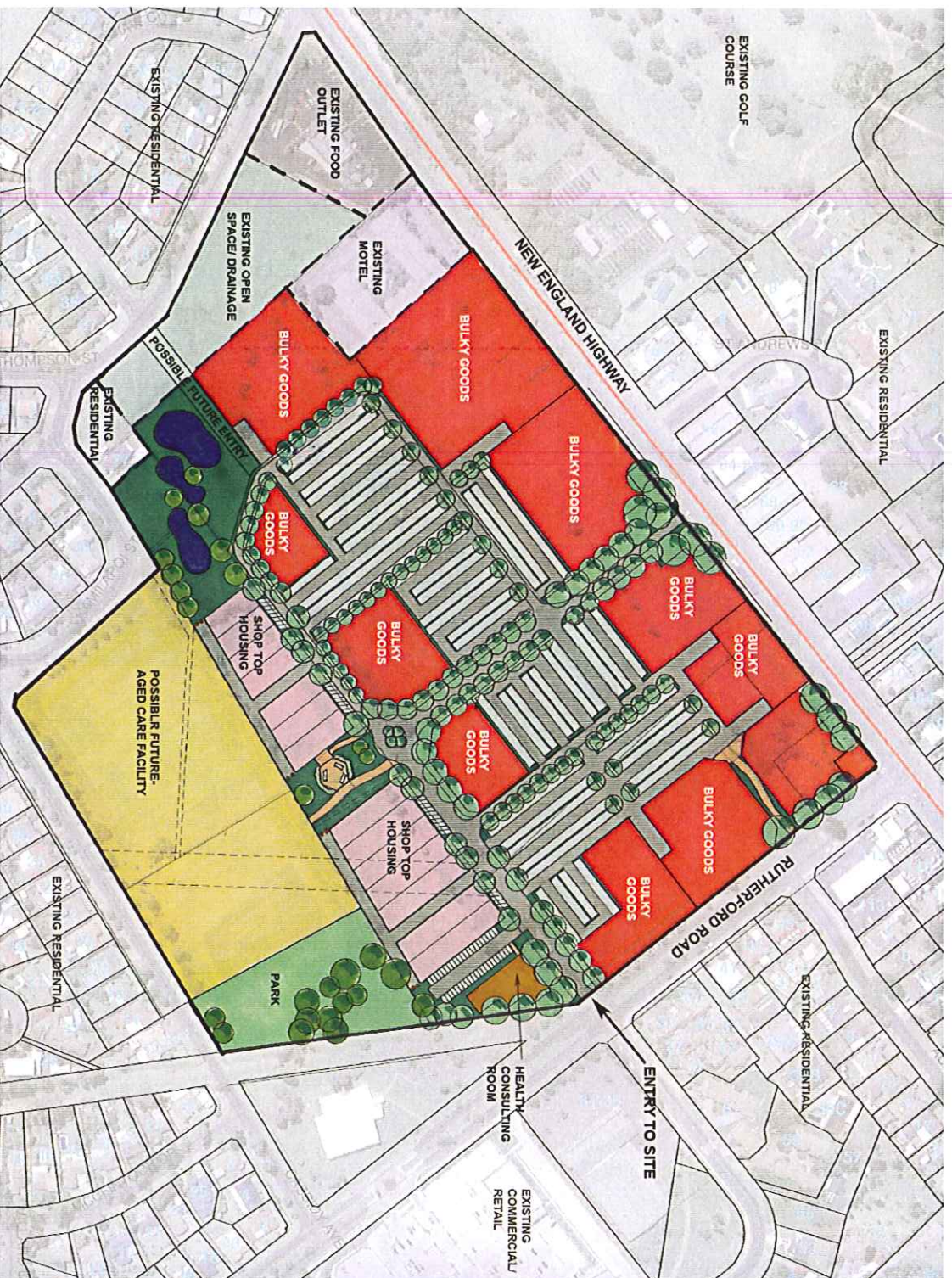


Figure 4 – Concept Masterplan

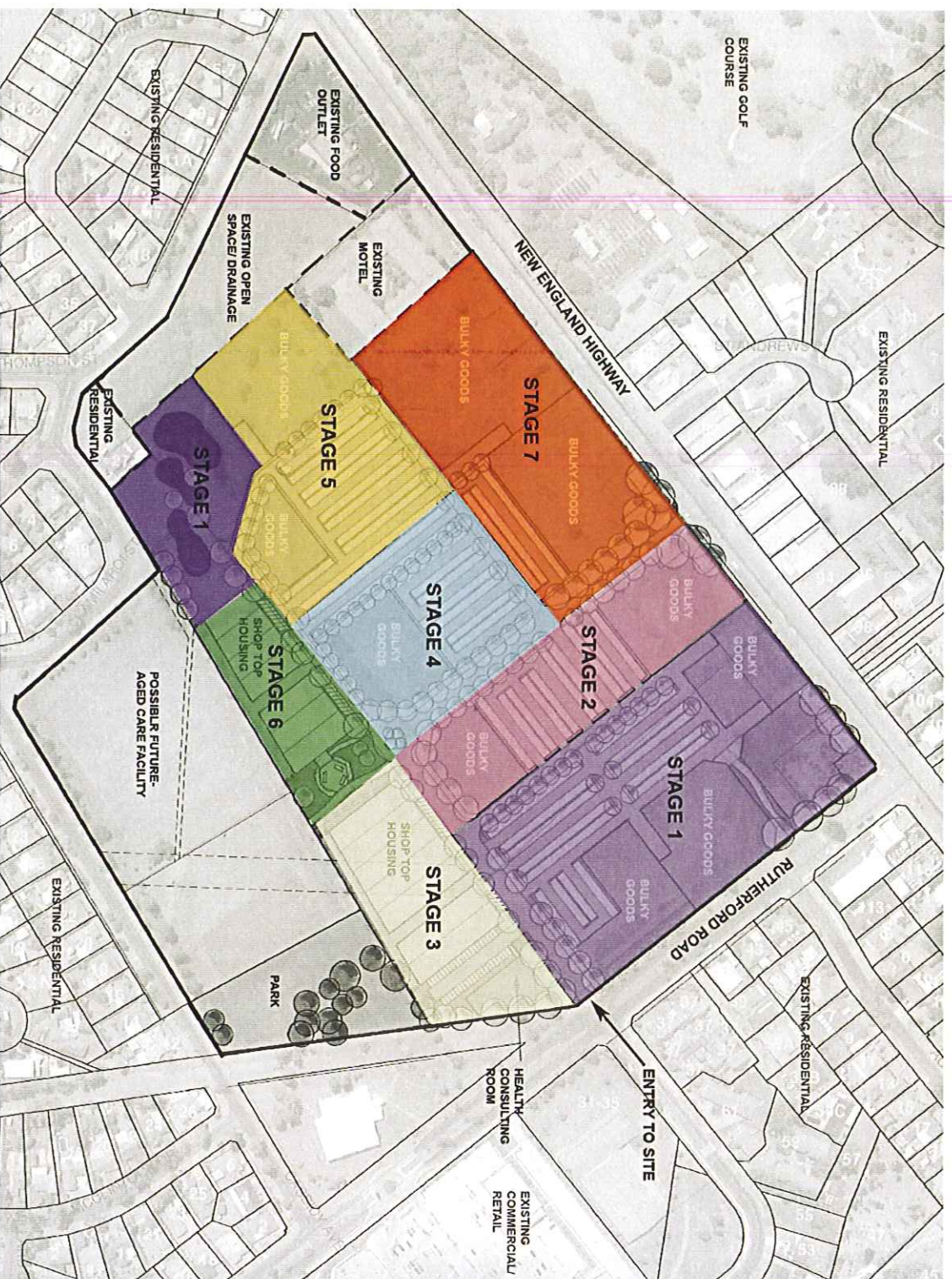


Figure 5 - Staging Plan (Indicative)

4. JUSTIFICATION

As shown in Figure 4, the Concept Masterplan comprises of eleven (11) bulky good outlets, fourteen (14) shop-top housing, a medical centre, car parking and an area of open space. The main entry to the site is via Rutherford Road, with a possible additional left in/ left out option to New England Highway. The Masterplan also identifies an option to extend access through to Thompson Street. To the south of the site on the existing park area, it is also noted that this would be an ideal location to place an aged care facility. The proposal is in keeping with local surrounding land uses as to the east of the site is a commercial centre, to the west is a hotel and fast food restaurant. An area to the south of the entry on Rutherford Road has been designated as the Medical Centre site, to provide convenient access to residents of the area. An upgrade of the intersection at Rutherford Road and New England Highway has recently commenced which will ease any traffic conflicts generated by the proposal.

4.1 Section A – Need for the Planning Proposal.

4.1.1 Is the planning proposal a result of any strategic study or report?

The planning proposal is not a result of any strategic study or report. The proposal is in response to a need to look at options to ensure the continued long term survival of this important regional facility and the events it hosts. It has been recognised that the existing site is no longer suitable for that originally intended due to land use conflicts. The current/ potential uses of the showground (e.g. entertainment, motor cross, rodeo and other special events) are receiving significant objections from surrounding neighbouring properties. The costs of upkeep and operation of events are significant and the ground is fully funded by the Showground Society. The rezoning and development of the land will assist the Society in funding the construction of a new and more appropriately located showground facility.

4.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The land is currently privately owned and due to urban expansion, the existing use is no longer suitable for the site or surrounding area. Alternative options for the use and operation of the land have been considered. The current planning proposal is considered to be the best means of achieving the desired outcomes. To allow viable future uses of the land, the zoning needs to be changed.

4.1.3 Is there a net community benefit?

The current site is presently underutilized and is not providing the best possible benefit to the community. As Muswellbrook currently does not have a bulky goods centre, there is an opportunity to utilize the subject site as a focus for bulky goods. Surrounding land uses consist of

commercial and residential, but predominantly commercial directly adjacent to the site. The proposal to relocate the showground and development of this site for bulky goods and other uses would offer benefits to the community such as a boost in the local economy, increase services available in a convenient location and create employment opportunities. Relocation of the Showground activities to the outskirts of town with sufficient buffers to avoid adverse impacts, will allow it to become a regional entertainment centre with similar economic and social benefits. This can only be achieved by raising funds through the development of the existing showground site.

4.2 Section B – Relationship to strategic planning framework.

4.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan strategy and exhibited draft strategies)?

There is currently no Regional Strategy in place that covers the Muswellbrook area.

4.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Council does not currently have a relevant Community Strategic Plan.

4.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

The Proposal is not inconsistent with current SEPP's as they relate to land zonings. The proposal is a commercial premise and is larger than 10,000 square metres in area, the proposal will be referred to the RTA as per Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007.

4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

This section addresses all relevant s.117 directions which are applicable to the subject site and its proposed use. It is considered that the development proposal will be submitted to Council for approval and not to the Joint Regional Planning Panel (JRPP).

LOCAL PLANNING DIRECTIONS**Section 117(2) of the *Environmental Planning and Assessment Act 1979*****Comment****1. Employment and Resources**

1.1 Business and Industrial Zones	Objectives (1) The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. Where this direction applies (2) This direction applies to all councils. When this direction applies (3) This direction applies when a council prepares a draft LEP that affects land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). What a council must do if this direction applies (4) A draft LEP shall: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning. Consistency (5) A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by an environmental study (prepared in accordance with section 57 of the <i>Environmental Planning and Assessment Act 1979</i>) which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance.	The concept plan includes a mix of land uses which will provide basic services for the future community. The size of the proposed bulky goods centre will not detract from the existing commercial areas of Muswellbrook as this scale is not offered elsewhere. The proposed development will support the growth of these centres by providing additional services to the population and encourage economic growth. The future use of the land as detailed in the Concept Masterplan is consistent with this direction. It will assist in providing a significant increase in the amount of bulky goods employment land at Muswellbrook.
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1.2 Rural Zones	This direction does not apply as the site is not situated in a rural zone.	N/A
1.3 Mining, Petroleum Production and Extractive Industries	This direction does not apply as the proposal is of a commercial nature, and not Mining, Petroleum or extractive related.	N/A
1.4 Oyster Aquaculture	This direction does not apply as the proposal is of a commercial nature and not Oyster Aquaculture related.	N/A

2. Environment and Heritage

2.1 Environmental Protection Zones	Objective (1) The objective of this direction is to protect and conserve environmentally sensitive areas. Where this direction applies (2) This direction applies to all councils. When this direction applies (3) This direction applies when a council prepares a draft LEP. What a council must do if this direction applies (4) A draft LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas. (5) A draft LEP that applies to land within an existing environmental protection zone or land otherwise identified for environmental protection purposes in a LEP shall not reduce the environmental protection standards that apply to the land (including by modifying any development standards or subdivision controls that apply to the land). Consistency (6) A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by an environmental study prepared in accordance with section 57 of the <i>Environmental Planning and Assessment Act 1979</i> which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance.	There are no areas of noted environmental sensitivity.
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2.2 Coastal Protection	This direction does not apply as the site is not within a coastal area.	N/A
2.3 Heritage Conservation	This direction does not apply as no heritage listed areas are listed on this site according to Muswellbrook City Council's LEP 2009.	N/A
2.4 Recreation Vehicle Areas	This direction does not apply as the proposal is commercial based and the proposed use does not involve a recreation vehicle area.	N/A
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Objectives (1) The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands. Where this direction applies (2) This direction applies to all councils. When this direction applies (3) This direction applies when a council prepares a draft LEP that affects land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary); (b) any other zone in which significant residential development is permitted or proposed to be permitted. What a council must do if this direction applies (4) A draft LEP shall include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (5) A draft LEP shall, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land. Consistency (6) A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions	The Concept Masterplan proposes a small amount of residential development in the form of shop-top housing as mixed use within the B2 zone. The Masterplan provides an opportunity for the creation of fully serviced and socially supported affordable housing option in this area. The concept plan meets the objectives of this direction.

	of the draft LEP that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by an environmental study prepared in accordance with section 57 of the <i>Environmental Planning and Assessment Act 1979</i> which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance.	
3.2 Caravan Parks and Manufactured Home Estates	This direction does not apply as the proposal is commercial based and does not involve any Caravan Parks or Manufactured Home Estates.	N/A
3.3 Home Occupations	Objective (1) The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses. Where this direction applies (2) This direction applies to all councils. When this direction applies (3) This direction applies when a council prepares a draft LEP. What a council must do if this direction applies (4) Draft LEPs shall permit home occupations to be carried out in dwelling houses without the need for development consent. Consistency (5) A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent with the terms of this direction are of minor significance.	N/A
3.4 Integrating Land Use and Transport	Objective (1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	The subject site fronts the New England Highway which is the major link from Muswellbrook to the Lower Hunter (eastbound) and Scone and Queensland (northbound). It is also located within close

	Where this direction applies (2) This direction applies to all councils. When this direction applies (3) This direction applies when a council prepares a draft LEP that creates, alters or removes a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. What a council must do if this direction applies (4) A draft LEP shall locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001). Consistency (5) A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by an environmental study prepared in accordance with section 57 of the <i>Environmental Planning and Assessment Act 1979</i> which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance.	proximity to the existing commercial/ retail areas and supporting transport network. The existing transport infrastructure meets the objectives of this direction. The internal transport plans for the site make provision for pedestrian paths and connectivity to existing pathways external to the site. The proposal meets the objective of this direction.
3.5 Development Near Licensed Aerodromes	This direction does not apply as the site is not located within close proximity to an Aerodrome.	N/A
4. Hazard and Risk		
4.1 Acid Sulfate Soils	This direction does not apply as the site is not noted as having Acid Sulphate Soils according to s149 certificate No. 4411 issued by council, dated 29.08.03	N/A
4.2 Mine Subsidence and Unstable Land	This direction does not apply as the site is not noted as being in a land subsidence area according to correspondence from the Mine Subsidence Board dated 30 th April 2003.	N/A

4.3 Flood Prone Land	This direction does not apply as the site is not noted as being Flood Prone according to s149 certificate No. 4411 issued by council, dated 29.08.03	N/A
4.4 Planning for Bushfire Protection	This direction does not apply as the site is not noted as being Bushfire Prone according to s149 certificate No. 4411 issued by council, dated 29.08.03	N/A
5. Regional Planning		
No directions in this section apply to the subject site or its proposed uses		N/A
6. Local Plan Making		
6.1 Approval and Referral Requirements	Objective (1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. Where this direction applies (2) This direction applies to all councils. When this direction applies (3) This direction applies when a council prepares a draft LEP. What a council must do if this direction applies (4) A draft LEP shall: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the council has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to a certificate under section 65 of the Act being issued, and (c) not identify development as designated development unless the council: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to a certificate being issued under section 65 of the Environmental Planning and Assessment Act 1979. Consistency (5) A draft LEP must be substantially consistent with the terms of this direction.	The Concept Masterplan has been prepared to allow the Minister to consider the site for Re-zoning to allow viable uses on the site. It is considered that the proposal will be submitted to Council for approval.
6.2 Reserving Land for	Objectives (1) The objectives of this direction are:	The Concept Masterplan allocates land for both

Public Purposes	(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. Where this direction applies (2) This direction applies to all councils. When this direction applies (3) This direction applies when a council prepares a draft LEP. What a council must do if this direction applies (4) A draft LEP shall not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General). (5) When a Minister or public authority requests a council to reserve land for a public purpose in a draft LEP and the land would be required to be acquired under Division 3 of Part 2 of the <i>Land Acquisition (Just Terms Compensation) Act 1997</i>, the council shall: (a) reserve the land in accordance with the request, and (b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and (c) identify the relevant acquiring authority for the land. (6) When a Minister or public authority requests a council to include provisions in a draft LEP relating to the use of any land reserved for a public purpose before that land is acquired, the council shall: (a) include the requested provisions, or (b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired. (7) When a Minister or public authority requests a council to include provisions in a draft LEP to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the council shall rezone and/or remove the relevant reservation in accordance with the request. Consistency (8) A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that: (c) with respect to a request referred to in paragraph (7), that further information is required before appropriate planning controls for the land can be determined, or (d) the provisions of the draft LEP that are inconsistent with the terms of this direction are of minor significance.	open space and community use but is adjacent to existing sporting facilities that fulfill the needs of the community. The proposal meets the objectives of this direction.
6.3 Site Specific Provisions	This direction does not apply as there are currently no site specific provisions relating to the subject site. However Hunter Development Brokerage (HDB) is willing to work with council to produce a site specific DCP to regulate this site.	N/A

4.3 Section C – Environmental, social and economic impact.

4.3.1 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?

The site is predominantly cleared and there will be no significant impact on flora and fauna as a result of future development on the subject site.

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

The site eventually flows into Muscle Creek, which is located approximately 400m east of the site. Muscle Creek meanders and comes to within 200m of the south – eastern corner of the site. Runoff generally finds it way to the north- eastern quarter of the site and then into Muscle Creek via informal and formal drains. In turn Muscle Creek drains to the Hunter River to the north. The site is also affected to some extent by runoff from the adjoining park to the west and in extreme flood events, across Rutherford Road from land to the south. However the subject site is not shown as being flood affected land on Muswellbrook Council's Flood Maps. Future development of the subject site will have to ensure that drainage to Muscle Creek is treated in an acceptable manner.

Proper assessment of stormwater detention and treatment to meet current accepted standards at the development application stage will apply. Subject to appropriate engineering measures in the detailed design phase, it is considered that the site is suitable for development.

A Phase 1 audit carried out by ERM found the site is not constrained by contamination.

The site is not indicated as being in a bushfire threatened area.

4.3.3 How has the planning proposal adequately addressed any social and economic effects?

Below are some relevant extracts from preliminary studies on the subject site. These studies will be updated accordingly post initial support of the Planning Proposal as per the guidelines in NSW Government, Department of Planning document titled "A guide to preparing Planning Proposals", or the requirements of the Director General as advised.

The Upper Hunter Region of New South Wales is an area of significant economic and employment generating activities including agriculture, mining, and extractive industries and urban and rural settlement. The Upper Hunter Regional population has grown steadily since the post war period with a population of 53, 353. (statistics from www.abs.gov.au)

The economy of Muswellbrook Shire is diverse, ranging from agriculture to power generation and coal mining. The latter have had a cyclical impact on the development of Muswellbrook Shire since the 1980's, however the wide economic base to the region has insulated it to some degree from economic downturn.

In relation to commercial centres in the Muswellbrook area, it is considered that there are two areas. The primary (3(a) General Business zone) area is the Muswellbrook Central Business District, which is primarily located along the full length of Bridge Street and includes Muswellbrook Marketplace. The recent re-development of the Muswellbrook Marketplace now defines the centre as a district commercial centre, serving a catchment of between 15,000 – 30,000 persons.

There is an area zoned 3 (a) General Business Zone on the southern side of Rutherford Road, diagonally across from the subject site. This site contains a Neighbourhood Shopping Centre and has recently been redeveloped and has permissible uses for commercial and retail.

There are also isolated smaller pockets of 3(b) Special Business Zoned land to the north, east and south of the site.

While there are several stores in the Muswellbrook area that carry bulky goods (i.e. furniture, white goods and other home wares) as part of their general product range, there are no specialised bulky goods centres located in the Muswellbrook area.

The closest regional shopping centre, specializing in bulky goods, is the Hunter Supa Centre at Rutherford, which contains 20,000sqm of bulky goods and is located some 90km (or 1.25 hours) by road south east of the proposed location. Green Hills East Maitland is the other nearest bulky goods centre servicing the Upper Hunter market. However this is located some 100km (or 1.5 hours) by road to the south east of the subject site. Consequently a significant proportion of household expenditure is inevitably lost outside the Muswellbrook LGA.

It is considered that the re-development of the Muswellbrook Showground site into a large Bulky Goods Commercial/ Employment Zone centre will sewvice a regional catchment area. Due to the size and complexity of Regional centres, these types of establishments do not provide convenience shopping. It is therefore considered that the development as proposed will not have a negative impact on the already established commercial centres. It is also considered that the established centres will maintain their current community services role as these are not proposed for the re-development of the subject site.

4.4 Section D – State and Commonwealth interest.

4.4.1 Is there adequate public infrastructure for the planning proposal?

The water supply authority in Muswellbrook is Muswellbrook Council. Plans forwarded by Council indicate that water supply is available to the subject site via a 100mm PVC main on the eastern side of New England Highway. In addition, a 375mm asbestos cement main is located in the frontage along Rutherford Road. Any future development of this site would require the preparation of a water and service strategy. Services are available and can be extended to the site.

Muswellbrook Council is also the responsible authority for sewage augmentation within the area. The subject site is not directly connected to the existing gravity sewerage scheme. Three buildings on the north-eastern section of the site drain through the motel into a small sewage pumping station, which discharges into the Council main on the eastern side of the New England Highway. Future development of this site will require further investigation in respect to the extension of the existing sewerage scheme.

It is noted that with the construction of a sewage pumping station, the site can be drained and there is available capacity within the existing sewerage scheme to accept reasonable flows created by this site. The location of the pump station will be assessed in conjunction with further detailed design. A water and sewerage strategy will be submitted to Council for consideration.

Telecommunication services are available to the site via New England Highway and Rutherford Roads. Amplification to the site will be required, subject to Development Application.

Former correspondence with Energy Australia has highlighted the need for amplification. This will be achieved by an extension of high voltage lines to kiosks placed throughout the site, design of which will be carried out once loadings are determined.

A previous Traffic Impact Assessment was undertaken for the site based on 53,000sqm of development coupled with 50 townhouses. Findings were as follows:

From the study, it is concluded that there will be minimal traffic impacts associated with the proposed development and there will be minimal increases in delays and congestion on the local road network. The new traffic signals at the intersection of The New England Highway and Rutherford Road can accommodate the additional flows generated by the development.

Previous correspondence from the RTA also states:

The RTA have no objections to the proposed rezoning provided the LEP amendment requires the provision of traffic and transport infrastructure for any proposed development of the site, to the satisfaction of the RTA and Council.

Updated and further studies will be completed upon request once the proposal has passed the initial 'Gateway' process.

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

To date there have been no views from the State or Commonwealth public authorities as the proposal is a local matter.

5. COMMUNITY CONSULTATION

Other than consultation with the Showground Trust Committee members and selected Council staff, there has been no formal community consultation.

Community consultation requirements will be adhered to as per the guidelines by Department of Planning, (i.e. after second gateway approval, and formal consultation with authorities). It is also noted that the Upper Hunter Pastoral Agricultural Association is a "Private Community Based Body".

APPENDIX A – COUNCIL CORRESPONDENCE



Enquiries
please ask for
Direct (02) 6549 3860
Our reference 520 000
Your reference

31 August 2009

HDB Town Planning and Design
PO Box 40
MAITLAND NSW 2320

Attention: Kerry Nichols

Dear Sir

RE: Rezoning Application - Muswellbrook Showground, Lot 22 DP 616590, Lot 10 DP 843828 and Lot 400 DP 578684

I refer to your draft planning proposal for the Muswellbrook Showground received by Council on 13 August 2009.

Council staff have reviewed the draft proposal and concept plan and wish to make the following comments:

1. The proposal incorrectly references Lot 2 DP 616590. The correct property title is Lot 22 DP 616590.
2. Concerns are raised in relation to the proposed zoning of the site as B2 Local Centre. In this regard, it is considered that B5 Business Development would be a more appropriate zoning to reflect the proposed future use of the land for bulky goods retail development and to differentiate the land from the existing commercial centres of Muswellbrook that are currently zoned B2 Local Centre. It is noted that the Department of Planning's LEP Practice Note PN 06-002 recommends the application of the B5 zone to locations that are located close to existing or proposed centres, and which will support (and not detract from) the viability of those centres. The provision of additional B2 zoned land could have significant adverse impacts on the viability of the existing commercial centres of Muswellbrook.
3. Consideration may need to be given to amalgamating the land with adjoining land to facilitate drainage and road access arrangements to improve permeability to and through the site. Details of the proposed land title arrangements would assist in considering the rezoning.
4. Consideration should be given to staging the development of the land over 15-20 years to ensure that demand for bulky goods development can be met over a period of time. This could be facilitated through a site specific Development Control Plan that supports the rezoning proposal and guides future development of the land, as opposed to a master plan that would have little weight.

Yours faithfully

MATHEW PRINGLE
SECTION LEADER - PLANNING AND DEVELOPMENT

I trust the above comments will be of assistance.
Should you have any questions or wish to discuss the above matters, please do not hesitate to contact me on 6549 3860.

5. The identified pedestrian links should be extended to ensure greater permeability through the site and allow better integration with surrounding land in consultation with Council's draft pedestrian and cycleway plan.
6. Further information is required in relation to the method of drainage of the proposed drainage basins in the northwestern corner of the site (particularly the identification of possible overland flow paths and catchments) as this could significantly affect the development potential of the land.
7. It is noted that the traffic lights at the intersection of Rutherford Road and the New England Highway have been installed and are now operational. Therefore, Figure 2 - Analysis should be updated accordingly.
8. The list of objectives should be expanded to include:-
 - Facilitate/ guide future staged development of the land.

9. Based on the previous comments at point 2 above, further detail and justification for another supermarket site in Muswellbrook should be provided in support of the proposal.
10. Section 4.2 B should discuss whether there is any intention to refer this matter to a JRP on the part of the applicant.

11. The information provided in the extracts from a previous report on the subject site in Section 4.3.3 (page 20) contains inaccuracies and/or outdated information. In particular, the regional population (Upper Hunter) as a percentage of the state population (10%) appears to be overestimated and the reference to the closest regional bulky goods shopping centre at Green Hills East Maitland is now outdated with the Rutherford bulky goods shopping centre now the closest regional centre to Muswellbrook. It is considered that this information should be updated to accurately address the social and economic effects of the planning proposal.



Actions to Council Correspondence	
Council Comments	Action Taken
1 The Proposal incorrectly references Lot 2 DP 616590. The Correct property title is Lot 22 DP 646590	Report has been amended to reflect correct property title.
2 Concerns are raised in relation to the proposed zoning of the site as B2 Local Centre. In this regard, it is considered that B5 Business Development would be a more appropriate zoning to reflect the proposed future use of the land from the existing commercial centres of Muswellbrook that are currently zoned B2 Local Centre. It is noted that the department of Planning's LEP Practice Note PN 06-002 recommends the application of the B5 zone to locations that are located close to existing or proposed centres, and which will support (and not detract from) the viability of those centres. The provision of additional B2 zoned land could have significant adverse impacts on the viability of the existing commercial centres of Muswellbrook.	Zoning Plan amended to indicate B5 Business Development zone for Bulky Goods and part B2 for other mixed uses to include medical uses, shops, and shop top housing.
3 Consideration may need to be given to amalgamating the land with adjoining land to facilitate drainage and road access arrangements to improve permeability to and through the site. Details of the proposed land title arrangements would assist in considering the rezoning.	When we have indication of Council support, further investigation can be undertaken with adjoining property owners.
4 Consideration should be given to staging the development of the land over 15 - 20 years to ensure that demand for bulky goods development can be met over a period of time. This could be facilitated through a site specific Development Control Plan that supports the rezoning proposal and guides future development of the land, as opposed to a master plan that would have little weight.	Indicative Staging Plan prepared and inserted into Planning Proposal. Part 3. Explanation of Provisions explains future actions to be taken in regards to preparing a site specific DCP
5 The identified pedestrian links should be extended to ensure greater permeability through the site and allow better integration with surrounding land in consultation with Council's draft pedestrian and cycleway plan.	Although indicative cycleways are shown on the plan, these will have to be firmed up in the DCP to be produced at a later time.

6	Further information is required in relation to the method of the proposed drainage basins in the northwestern corner of the site (particularly the identification of possible overland flow paths and catchments) as this could significantly affect the development potential of the land.	In guidelines to Planning Proposal it states not to do any detailed reports until the proposal has past the first "Gateway". No further information has been included within this proposal but further studies will be supplied at a later time when we have an indication of support for the rezoning.
7	It is noted the traffic lights at the intersection of Rutherford Road and the New England Highway have been installed and are now operational. Therefore Figure 2 - Analysis should be updated accordingly.	Figure 2 - Analysis has been updated to reflect the existing traffic lights.
8	The list of objectives should be expanded to include: Facilitate/ Guide future staged development of the land	Objectives have been updated.
9	Based on the previous comments at point 2 above, further detail and justification for another supermarket site in Muswellbrook should be provided in support of the proposal.	The Supermarket has been deleted from the masterplan
10	Section 4.2 B should discuss whether there is any intention to refer this matter to a JRPP on the part of the applicant	Section 6.1 refers to the proposal being submitted to Council for approval and not to the JRPP.
11	The information provided in the extracts from a previous report on the subject site in Section 4.3.3 contains inaccuracies and/or outdated information. In particular, the regional population (Upper Hunter) as a percentage of the state population (10%) appears to be overestimated and the reference to the closest regional bulky goods shopping centre at Green Hills East Maitland is now outdated with the Rutherford bulky goods shopping centre now the closest regional centre to Muswellbrook. It is considered that this information should be updated to accurately address the social and economic effects of the planning proposal.	All information in this section has been checked and updated accordingly.