

APPENDIX D - Planning Proposal

Planning Proposal

Local Government Area: Muswellbrook Shire
Name of Draft LEP: Muswellbrook Local Environmental Plan (MLEP) 2009
(Amendment No. 5)

Part 1 – Objectives of the proposed LEP

To address a range of minor issues in Muswellbrook Local Environmental Plan (MLEP) 2009 relating to the written instrument, Heritage Map and Land Zoning Map.

Part 2 – Explanation of the Provisions

The amendment proposes the following minor changes to the MLEP 2009 written instrument, Heritage Map and Land Zoning Map:

Amendment Applies To	Explanation of the Provision
MLEP 2009 - Schedule 5 Environmental Heritage	Provide the correct property description of heritage item Denm/R023.
MLEP 2009 - Land Zoning Map	Map LZN 005 Zone unzoned roads to the adjoining zoning to either E3 or RU1. Map LZN 006 Zone unzoned roads to the adjoining zoning to either E3 or RU1. Map LZN 007 Zone unzoned roads to the adjoining zoning to either E3 or RU1. Map LZN 008 Zone unzoned roads to the adjoining zoning to either E3 or RU1. Map LZN 011 Zone unzoned roads to the adjoining zoning to either E3 or RU1. Map LZN 012 Zone unzoned roads to the adjoining zoning to either E3 or RU1. Map LZN 014 Zone unzoned roads to the adjoining zoning to either E3 or RU1. Map LZN 016 Zone unzoned roads to the adjoining zoning to either E3 or RU1. Map LZN 017 Zone unzoned roads to the adjoining zoning to either E3 or RU1. Map LZN 022 Remove RU1 zoning from land located in the Singleton LGA. Map LZN 024 Remove split zoning from LOT 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 of DP 1112082.

MLEP 2009 - Heritage Map	Map HER 005 accurately identify the location of heritage item no.3 (Manobalai Nature Reserve). Map HER 006 accurately identify the location of heritage item no.3 (Manobalai Nature Reserve). Map HER 011 accurately identify the location of heritage item no.3 (Manobalai Nature Reserve) Map HER 012 accurately identify the location of heritage item Wybo/R001. Map HER 013 accurately identify the location of heritage item Denm/R013. Map HER 024 accurately identify the location of heritage item Musw/R002d
MLEP 2009 – Lot Size Map	Map LSZ 024 Remove split zoning from LOT 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 of DP 1112082.
MLEP 2009 - Floor Space Ratio Map	Map FSR 024 Remove split zoning from LOT 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 of DP 1112082.

Part 3 – Justification for the Provisions

Section A – Need for the planning proposal

This planning proposal is not the result of a strategic study or report. The amendments included in this proposal have been identified by Council staff and other stakeholders over a period of time and are considered minor in nature.

From time to time it is necessary for Council to initiate a general administrative amendment to MLEP 2009 to correct various anomalies identified by Council staff and the community. Administrative amendments allow the resolution of issues that have potential to affect the efficient and equitable application of development and land use decisions within the Local Government Area (LGA). The LEP administrative amendment is also a requirement of Council's Management Plan. Objective 6.1.1 of the Plan identifies the need to ensure that Council's LEP can respond appropriately to emerging development trends and achieving desired development outcomes.

The proposal will ensure that the MLEP 2009 instrument and map remain current, accurate, and effective.

Section B – Relationship to strategic planning framework

There is no regional or sub regional strategy applicable to the Muswellbrook LGA, nor is there a Community Strategic Plan applicable to the Muswellbrook LGA.

Consistency with applicable State Environmental Planning Policies

SEPP	Objective	Consistent	
44—Koala Habitat Protection	Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas.	Yes	The LEP Amendment is consistent with this SEPP.
Exempt and Complying Codes 2008	Aims to provide streamlined assessment processes for development that complies with specified development standards.	Yes	The LEP Amendment is consistent with this SEPP.
Rural Lands 2008	Aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes.	Yes	The LEP Amendment is consistent with this SEPP.

Consistency with applicable Ministerial Directions (s.117 directions)

Ministerial Direction	Objective	Consistent	
1.2 – Rural Zones	The direction requires that a draft LEP protect the agricultural production value of rural land.	No	The draft LEP is consistent with this requirement.
1.3 – Mining, Petroleum Production and Extractive Industries	The direction requires a draft LEP does not compromise the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials by inappropriate development.	Yes	The draft LEP is consistent with this requirement.
1.5 – Rural Lands	The direction requires that a draft LEP protect the agricultural production value of rural land, and facilitates the orderly and economic development of rural lands for rural and related purposes.	Yes	The LEP amendment will result in additional rural zoned land. The amendment proposes to rezone former Crown road to RU1 Primary Production.
2.1 – Environmental Protection Zones	This direction requires that a draft LEP contain provisions to facilitate the protection of environmentally sensitive land.	Yes	The LEP amendment will result in additional environmental management zoned land. The amendment proposes to rezone former Crown road to E3 Environmental Management.
2.3 – Heritage Conservation	The direction requires that a draft LEP include the provisions to facilitate the protection and conservation of Aboriginal and European heritage items.	Yes	The LEP amendment proposes to update the MLEP 2009 Heritage Map to ensure heritage items are identified accurately.

Ministerial Direction	Objective	Consistent	
2.4 – Recreation Vehicle Areas	The direction restricts a draft LEP from enabling land to be developed for a recreation vehicle area.	Yes	The Planning Proposal does not propose any recreation vehicle areas.
3.1 – Residential Zones	The direction requires a draft LEP to include provisions that encourage the provision of housing.	Yes	The draft LEP is consistent with this requirement. The LEP amendment proposes to remove split zoning affecting residential lots in Muswellbrook.
3.2 – Caravan Parks and Manufactured Home Estates	The direction requires a draft LEP to maintain provisions and land use zones that allow the establishment of Caravan Parks and Manufactured Home Estates.	Yes	The proposal will not affect provisions relating to Caravan Parks or Manufactured Home Estates.
3.3 – Home Occupations	The direction requires that a draft LEP include provisions to ensure that Home Occupations are permissible without consent.	Yes	The amendment will not affect provisions relating to home occupations, and will retain the provisions of the principal LEP in this regard.
3.4 – Integrating Land Use and Transport	The direction requires consistency with State policy in terms of positioning of urban land use zones.	Yes	The draft LEP will be consistent with this requirement.
4.4 – Planning for Bushfire Protection	The direction requires that a draft LEP protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas.	Yes	The draft LEP is consistent with this requirement.
6.1 Approval and Referral Requirements	The direction prevents a draft amendment from requiring concurrence from, or referral to, the Minister or a public authority.	Yes	The draft LEP will be consistent with this requirement.
6.2 – Reserving Land for Public Purposes	The direction states that 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.	Yes	The amendment will not create, alter, or reduce existing zonings or reservations of land for public purposes.

Section C – Environmental, social and economic impact

No environmental effects are anticipated as a result of the LEP administrative amendment. There will be no potential for loss of vegetation deemed environmentally valuable as a result of the proposal. The proposal will ensure that the MLEP 2009 instrument and maps remain current, accurate and effective. The amendment will not warrant changes to the delivery of public infrastructure to the area.

Section D – State and Commonwealth Interests

The requirement for consultation with State and Commonwealth public authorities will be undertaken if directed by the Department of Planning.

Part 4 - Community Consultation

The gateway determination will specify the community consultation that must be undertaken on the planning proposal. The consultation to this specific proposal will involve public exhibition for a period of 28 days.

In accordance with the Department of Planning's document 'A guide to preparing local environmental plans', community consultation is commenced by giving notice of the public exhibition of the planning proposal:

- in a newspaper that circulates in the area affected by the planning proposal;
- on the web-site of the Relevant Planning Authority (RPA); and
- in writing to adjoining landowners.

The written notice will:

- Give a brief description of the objectives or intended outcomes of the planning proposal;
- Indicate the land affected by the planning proposal;
- State where and when the planning proposal can be inspected;
- Give the name and address of the RPA for the receipt of submissions;
- Indicate the last date for submissions.

During the exhibition period, the following material must be made available for inspection:

- The planning proposal, in the form approved for community consultation by the Director General of Planning;
- The gateway determination; and
- Any studies relied upon by the planning proposal.

Pursuant to Section 57(8) of the Environmental Planning and Assessment Act 1979, the community consultation is complete only when the RPA has considered any submissions made concerning the proposed LEP and the report of any public hearing into the proposed LEP.