



**muswellbrook
shire council**

Enquiries
Please ask for Pathum Gunasekara
Direct 02 6549 3860
Our references LEP Amendment 6
Your reference

17 February 2011

Trent Wink
Senior Planner - Hunter & Central Coast Region
Department of Planning
PO Box 1226
NEWCASTLE NSW 2300

Dear Mr. Trent Wink,

**RE: MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN 2009
AMENDMENT NO: 03**

On 14 February 2011, Muswellbrook Shire Council considered a report regarding the abovementioned draft LEP.

At the meeting, Council resolved:

"That the planning proposal to amend MLEP 2009, Land Use Table to make 'emergency services facilities' permissible with consent in the RE1 Public Recreation zone be forwarded to the Minister for Planning pursuant to section 56 of the Environmental Planning & Assessment Act 1979."

Council requests that the planning proposal now proceed through the gateway process. A copy of the planning proposal, Council report and Council's resolution are attached herewith for your consideration.

If you require any further information, please contact me on 6549 3860.

Yours faithfully

**PATHUM GUNASEKARA
STRATEGIC PLANNER**

Encl. Appendices A: Planning Proposal
B: Copy of Council Report
C: Copy of Council's Resolution



Muswellbrook Shire Council ABN 88 864 180 944

Address all communications to The General Manager Mail PO Box 122 Muswellbrook NSW 2333 Phone 02 6549 3700
Fax 02 6549 3701 Email council@muswellbrook.nsw.gov.au Web www.muswellbrook.nsw.gov.au

APPENDIX A: PLANNING PROPOSAL



**muswellbrook
shire council**

Administration Centre
157 Maitland Street, Muswellbrook NSW 2333
PO Box 122, Muswellbrook NSW 2333
Phone: 02 6549 3700
Fax: 02 6549 3701
Web: www.muswellbrook.nsw.gov.au
E-mail: council@muswellbrook.nsw.gov.au

PLANNING PROPOSAL

CONTENTS	Page No.
Part 1 - Objectives or Intended Outcomes	2
Part 2 - Explanation of Provisions	2
Part 3 - Justification	
Section A – Need for the Planning Proposal	2
Section B – Relationship to strategic planning framework	3
Section C – Environmental, Social and Economic Impact	3
Section D – State and Commonwealth Interests	3
Part 4 - Community Consultation	3

PLANNING PROPOSAL

Local Government Area : Muswellbrook Shire

Name of Draft LEP : Muswellbrook Local Environmental Plan (MLEP) 2009
(Amendment No. 3)

Part 1 – Objectives or Intended Outcomes

The key objective of this planning proposal is to include, “emergency services facility” as a permissible use in the RE1 Public Recreation zone.

Part 2 – Explanation of the Provisions

Amendment Applies To: MLEP Land Use Table

Explanation of the Provision: “Emergency Services Facility” to be added as a permissible land uses in the RE1 Public Recreation.

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.

It is proposed to construct a Local Emergency Operations Centre to house local State Emergency Services (SES) and Rural Fire Services (RFS) units on Crown Land at Lot 2630 DP 1142150, Coal Road Muswellbrook. The land is currently zoned RE1 Public Recreation under the Muswellbrook Local Environmental Plan (LEP) 2009

This planning proposal is required because emergency services facilities are prohibited within the RE1 zone under the Muswellbrook LEP 2009. In this instance, the State Environmental Planning Policy (SEPP) Infrastructure cannot be used to approve the emergency services facility because it does not apply to the Rural Fire Service facilities.

It is considered that the current planning proposal is the best means of achieving the desired outcomes as it will permit the development of an emergency services facility on the RE1 zone under the provisions of State Environmental Planning Policy (Infrastructure) 2007 and the Muswellbrook LEP 2009.

The proposal would have a net community benefit by facilitating the development of an important emergency operations facility to service the needs of the local community.

The proposed Local Emergency Operations Centre will be funded by Council.

Section B – Relationship to strategic planning framework

There is no regional or sub regional strategy applicable to the Muswellbrook Local Government Area.

The planning proposal is consistent with Muswellbrook Shire Council's Community Strategic Plan.

Consistency with applicable State Environmental Planning Policies

The planning proposal is consistent with any applicable state environmental planning policies.

Consistency with applicable Ministerial Directions (s.117 directions)

The planning proposal is consistent with any applicable s.117 directions.

Section C – Environmental, social and economic impact

No environmental effects are anticipated as a result of the proposal and the proposed amendment will have minimal social and economic impacts.

The proposal will ensure that the MLEP 2009 instrument remain current, accurate and effective to ensure that Muswellbrook LEP can respond appropriately to emerging development trends and achieving desired development outcomes.

Section D – State and Commonwealth Interests

The planning proposal does not increase the demand for public infrastructure.

Consultation with other Government Authorities is not considered necessary.

Part 4 - Community Consultation

The gateway determination will specify the community consultation that must be undertaken on the planning proposal.

However, Council is of the opinion that consultation with State or Commonwealth public authorities and public consultation are not required due to the minor nature of the planning proposal.

APPENDIX B: COPY OF COUNCIL REPORT

11. PLANNING PROPOSAL TO AMEND MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN 2009 - LAND USE TABLE. (LEP AMENDMENT -03)

The Strategic Planner reports:

i) SYNOPSIS:

Council proposes to construct a Local Emergency Operations Centre for the local State Emergency Services (SES) and Rural Fire Services (RFS) on Crown Land, Lot 2630 DP 1142150, at Coal Road Muswellbrook.

The subject land is currently zoned as RE1 Public Recreation under the Muswellbrook Local Environmental Plan (MLEP) 2009. Emergency Services Facilities are not permitted within the RE1 zone. It is therefore proposed to amend MLEP 2009, Land Use Table to make "emergency services facilities" permissible with consent in the RE1 Public Recreation zone.

ii) DATE OF REPORT:

01 February 2011

iii) REPORT:

Background

Council, at its meeting held on 8 March 2010, resolved to forward a planning proposal to rezone part of Weeraman Fields to the Department of Planning subject to obtaining an owner's consent from Department of Lands.

Council is aware that the ownership of the land has been recently resolved and Council is now proceeding to the completion of the development application for the proposed centre.

However after further discussion with the Department of Planning, it has been determined that the area is required to be rezoned to enable the development application to be considered.

Discussion

Therefore, it is necessary to prepare a planning proposal to make "emergency services facilities" permissible with consent in the RE1 zone under the Muswellbrook Local Environmental Plan (MLEP) 2009.

It is considered that the current planning proposal is the best means of achieving the desired outcomes as it will permit the development of an emergency services facility on the RE1 zone under the provisions of State Environmental Planning Policy (Infrastructure) 2007 and the Muswellbrook LEP 2009.

Conclusion

It is noted that the community consultation and government authorities' consultation process will not be required and this will ensure rezoning process to be completion in a timely manner.

Therefore, Council required to forward planning proposal to the Department of Planning for consideration under the Gateway process.

A copy of the planning proposal is attached as Appendix A.

iv) **FINANCIAL IMPLICATIONS:** -

iv) **POLICY IMPLICATIONS:**

The Planing proposal will result in the amendment of MLEP 2009 – Land Use Table.

vi) **MANAGEMENT PLAN IMPLICATIONS:**

ACTION RECOMMENDED:

That the planning proposal to amend MLEP 2009, Land Use Table to make "emergency services facilities" permissible with consent in the RE1 Public Recreation zone be forwarded to the Minister for Planning pursuant to section 56 of the Environmental Planning & Assessment Act 1979 and that a further report be submitted to the Council upon receipt of the Gateway Determination from the Department of Planning.

Moved:.....

Seconded:

Report prepared by

Pathum Gunasekara

Accepted for inclusion into Business Paper

Chris Gidney

Appendices **A - Planning Proposal**

APPENDIX C: COPY OF COUNCIL'S RESOLUTION

11. PLANNING PROPOSAL TO AMEND MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN 2009 - LAND USE TABLE (LEP AMENDMENT - 03)

Declaration of Interest

Cr Risby declared a non-pecuniary interest in this item. Cr Risby advised that she is the Deputy Local Controller of the Muswellbrook SES which is mentioned in the report. Cr Risby left the Chambers at this stage and therefore took no part in discussion or voting on this item.

419. RESOLVED on the motion of Crs Drayton and Portolan that

The planning proposal to amend MLEP 2009, Land Use Table to make "emergency services facilities" permissible with consent in the RE1 Public Recreation zone be forwarded to the Minister for Planning pursuant to section 56 of the Environmental Planning & Assessment Act 1979 and that a further report be submitted to the Council upon receipt of the Gateway Determination from the Department of Planning.

Cr Risby returned to the Chambers at this time and resumed her usual chair at the meeting table.

THIS IS PAGE 5 OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 14 FEBRUARY, 2011