

10.1 ADMINISTRATIVE AMENDMENT TO MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN 2009 - LAKE LIDDELL RECREATION RESERVE

Attachments:	A. Planning Proposal - Lake Liddell Recreation Reserve V2 B. Department of Industry - Letter 19/09/17
Responsible Officer:	Carolyn O'Brien - Acting Director - Planning & Community Services
Author:	Libby Cumming - Strategic Planner
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Facilitate investment in high quality community infrastructure necessary to a regional centre.</i>
Community Plan Strategy:	<i>Deliver timely, quality professional development engineering and assessment.</i>

PURPOSE

A request has been made by NSW Department of Industries – Lands & Forestry to correct a mapping error for the Lake Liddell Recreation Reserve, which occurred when the *Muswellbrook Local Environmental Plan 1985* was converted to the Standard Instrument in 2009.

The purpose of this report is to seek a resolution from Council to prepare a Planning Proposal to amend Muswellbrook Local Environmental Plan (MLEP) 2009, and to seek a Gateway Determination from the Department of Planning and Environment (DPE).

OFFICER'S RECOMMENDATION**Council:**

1. Requests a Gateway determination from the Department of Planning & Environment, pursuant to the *Environmental Planning and Assessment Act 1979*, in relation to the Planning Proposal in Attachment A;
2. Advises the Department of Planning & Environment that Council is requesting an authorisation to exercise its delegation of the plan making functions under Section 3.36 of the *Environmental Planning and Assessment Act 1979*;
3. Places the Planning Proposal on public exhibition, subject to the outcome of the Gateway Determination; and
4. Notifies stakeholders and affected landowners of the Gateway determination and public exhibition period, as required.

Moved: _____ Seconded: _____

BACKGROUND

The Planning Proposal is not the result of a strategic study or report but rather at the request of NSW Industry – Lands & Forestry. The purpose of the Planning Proposal is to reflect the declared gazetted purpose of the reserve, being Public Recreation.

The land within the Lake Liddell Recreation Reserve was zoned entirely 6(a) in the Muswellbrook Local Environmental Plan 1985 but when converted to the Standard Instrument (Muswellbrook Local

Environmental Plan 2009) part of the reserve had been altered to reflect an infrastructure usage. This may have been in response to the resumption of land for a rail spur, but the land related to this planning proposal was not included within the resumption. Therefore, the zoning of SP2 – Infrastructure was an administrative error at the time of conversion to the Standard Instrument in 2009.

CONSULTATION

The Executive Manager of Water and Waste has been involved in discussions with the Reserve Trust and NSW Industry – Lands & Forestry staff.

Community consultation has not been undertaken, however, community consultation is expected to follow the Gateway determination in accordance with schedule 1 cl 4 of the *Environmental Planning & Assessment Act 1979*.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

There has been no consultation with a Councillor Spokesperson. The error in the zoning was raised with Council when the *Muswellbrook LEP 2009 Review Discussion Paper* was exhibited, and has been discussed with Councillors as part of that project.

REPORT

The proposal is to amend the MLEP 2009 to rezone land within the Lake Liddell Recreation Reserve (LLRR) to RE1 – Public Recreation from SP2 – Infrastructure. This will require amendments to:

- Land Zoning Map – Sheets LZN_012 to rezone land to RE1 Public Recreation from SP2 Infrastructure.

The subject land is currently being used as a recreation reserve and there are no environmental, social and financial impacts.

OPTIONS

1. Council resolves to support the Planning Proposal to amend *MLEP 2009* to rezone the land within the reserve that is currently zoned SP2 – Infrastructure to RE1 Public Recreation. This is the preferred option.
2. Council resolves not to support the Planning Proposal to amend *MLEP 2009*. This is not the preferred option as the zoning does not currently reflect the use and nature of the land nor does it reflect its current gazetted purpose.

CONCLUSION

The proposed amendment to MLEP 2009 will correct the mapping error and reflect the declared gazetted purpose of the reserve, being Public Recreation.

It is recommended that Council resolves to forward the Planning Proposal to the DPE for a Gateway Determination.

SOCIAL IMPLICATIONS

There will be no social implications from the proposed amendment to MLEP 2009.

FINANCIAL IMPLICATIONS

There will be no financial implications for Council apart from staff resources involved in the processing of the LEP amendment.

POLICY IMPLICATIONS

The proposal is to amend MLEP 2009, which is a policy of Council. The proposed amendment is minor.

STATUTORY IMPLICATIONS

There are no statutory implications under the *Local Government Act 1993*.

LEGAL IMPLICATIONS

There are no legal implications for Council provided the amendment process follows the process outlined in the *Environmental Planning & Assessment Act 1979*, the *Environmental Planning & Assessment Regulation 2000*.

OPERATIONAL PLAN IMPLICATIONS

The proposed amendments are consistent with the objective of *Council's Operational Plan 2018-19*.

RISK MANAGEMENT IMPLICATIONS

The risks associated with preparing a Planning Proposal are minimised by following the process outlined in the *Environmental Planning & Assessment Act 1979*, the *Environmental Planning & Assessment Regulation 2000*.