# Planning Team Report

# Muswellbrook LEP 2009 Amendment 10 - Administrative amendment

Proposal Title:

Muswellbrook LEP 2009 Amendment 10 - Administrative amendment

Proposal Summary:

The planning proposal intends to address a number of minor administrative matters in the Muswellbrook LEP 2009. This includes proposed changes to exempt development, heritage

items, heritage maps, and land use zone maps.

PP Number ?

PP\_2013\_MUSWE\_001\_00

Dop File No:

13/04700

**Proposal Details** 

Date Planning

12-Mar-2013

LGA covered :

Muswellbrook

Region :

Hunter

RPA:

**Muswellbrook Shire Council** 

State Electorate:

Proposal Received:

**UPPER HUNTER** 

Section of the Act

55 - Planning Proposal

LEP Type:

Housekeeping

**Location Details** 

Street:

Various parcels

Suburb:

City:

Muswellbrook

.Postcode :

Land Parcel:

LOT 4 DP 27346, Lot 1 DP 860859, Lot 2 Sec11 DP758740, Lot 2 DP 1006382, Lot 224 DP 626856, Lot 2 and 7 DP 249566, LOT 21 DP 1122064, Part of Lot 9 DP 843635, Part of Lot 102 DP 1170190,

Lot 9 DP 843635, and 102 DP 1170190

**DoP Planning Officer Contact Details** 

Contact Name:

Dylan Meade

Contact Number:

0249042718

Contact Email:

dylan.meade@planning.nsw.gov.au

**RPA Contact Details** 

Contact Name:

Pathum Gunasekara

Contact Number:

0265493860

Contact Email:

pathum.gunasekara@muswellbrook.nsw.gov.au

**DoP Project Manager Contact Details** 

Contact Name:

Contact Number :

Contact Email:

**Land Release Data** 

Growth Centre:

Release Area Name:

Regional / Sub

N/A

Consistent with Strategy:

N/A

Regional Strategy:

MDP Number:

Date of Release:

Area of Release (Ha)

Type of Release (eg

10

Residential / Employment land):

No. of Lots:

0

No. of Dwellings

0

Gross Floor Area:

0

(where relevant):

No of Jobs Created:

0

The NSW Government Yes

Lobbyists Code of Conduct has been complied with:

If No, comment:

Have there been

No

meetings or

communications with registered lobbyists?

If Yes, comment:

# Supporting notes

Internal Supporting

Notes:

Council have indicated that they do not wish to exercise plan making delegations as they are concerned they do not have resources available to complete mapping consistent with the SI Mapping Guidelines. It is recommended plan making delegations are granted, but Council are advised the Department will assist in the preparation of maps if required.

**External Supporting** 

Notes:

## Adequacy Assessment

## Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment:

The statement of objectives explains that the intent of the planning proposal is to address a number of minor administrative matters in the Muswellbrook LEP 2009 relating to the written instrument, heritage items and land use zone maps. The statement of objectives is supported.

# Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment:

The explanation of provisions explains that the planning proposal will be achieved through an amendment to Muswellbrook LEP 2009. The following changes are proposed: \* Inserting 'A-frames sign, street furniture and display goods on Council's footpath' in

Schedule 2 Exempt Development;

\* Updating addresses and / or property descriptions for items I89, I90 and I92 in Schedule 5 Heritage Items;

\* Amending Land Use Zoning sheets LZN-008, LZN-008A, LZN-005A to remove split zonings;

\* Amending Heritage Map sheets HER-008 and HER-009 to accurately reflect item locations; and

\* Inserting 'camping ground' and 'caravan parks' as permitted with consent in the RU1 Primary Production and E3 Environmental Management.

The explanation of provisions is supported.

#### Justification - s55 (2)(c)

- a) Has Council's strategy been agreed to by the Director General? No
- b) S.117 directions identified by RPA:

1.2 Rural Zones 1.5 Rural Lands

\* May need the Director General's agreement

Is the Director General's agreement required? Yes

- c) Consistent with Standard Instrument (LEPs) Order 2006: Yes
- d) Which SEPPs have the RPA identified?
- e) List any other matters that need to be considered:

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain:

# Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment:

Council have provided mapping suitable for public exhibition, however they may

require assistance in preparing final LEP maps.

## Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment:

Muswellbrook Shire Council propose to exhibit the planning proposal for 14 days. As the

proposal is considered of minor impact, the exhibition timeframe is supported.

# **Additional Director General's requirements**

Are there any additional Director General's requirements? No

If Yes, reasons:

# Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment:

#### **Proposal Assessment**

#### Principal LEP:

Due Date: April 2009

Comments in relation

The Muswellbrook LEP 2009 was gazetted in April 2009.

to Principal LEP:

#### **Assessment Criteria**

Need for planning

proposal:

The planning proposal is required to amend a number of minor administrative matters.

These matters have been identified by staff since the gazettal of Muswellbrook LEP 2009.

Consistency with strategic planning framework: **UPPER HUNTER SLURP** 

The planning proposal only proposes minor administrative amendments, and as such is considered consistent with the Upper Hunter Strategic Regional Land Use Plan (SLURP).

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

The planning proposal is considered consistent with all relevant SEPPs.

**SECTION 117 DIRECTIONS** 

\*Direction 1.2 Rural Zones

The planning proposal is inconsistent with Direction 1.2 Rural Zones as it rezones RU1 Primary Production to R5 Village. The inconsistency is considered of minor significance as it relates to a small area subject to a road boundary realignment.

\*Direction 1.5 Rural Lands

Council have identified the planning proposal as being inconsistent with Direction 1.5 Rural Lands as the proposal affects rural zoned lands. The planning proposal is considered consistent with the Rural Planning Principles as only minor areas of rural land subject to split zonings are affected, and thus is considered consistent with this Direction.

Environmental social economic impacts :

The proposal will have improved environmental, social and economic impacts through an up-to-date and better functioning Muswellbrook LEP 2009.

## **Assessment Process**

Proposal type:

Minor

Community Consultation

14 Days

Period:

Timeframe to make

6 Month

Delegation:

RPA

LEP:

Public Authority Consultation - 56(2)(d)

Is Public Hearing by the PAC required?

No

(2)(a) Should the matter proceed?

Yes

If no, provide reasons:

Resubmission - s56(2)(b): No

If Yes, reasons:

Identify any additional studies, if required.

If Other, provide reasons:

Identify any internal consultations, if required:

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? No

If Yes, reasons:

# **Documents**

Document File Name

DocumentType Name

Is Public

# Planning Team Recommendation

Preparation of the planning proposal supported at this stage: Recommended with Conditions

S.117 directions:

1.2 Rural Zones

1.5 Rural Lands

Additional Information:

The Planning Proposal should proceed subject to the following conditions:

- 1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
- (a) the planning proposal must be made publicly available for 14 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012).
- 2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
- 3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
- 4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

It is recommended that the DDG Planning Operations and Regional Delivery form the opinion that the proposal's inconsistencies with Section 117 Direction 1.2 Rural Zones are of a minor significance.

It is recommended that the DDG Planning Operations and Regional Delivery advise Council that delegations in respect of plan making functions are issued, but the Department will be able to assist in the preparation of Standard Instrument LEP maps if required.

Supporting Reasons

The planning proposal is supported as it rectifies a number of minor administrative matters.

Signature:

Printed Name:

KO'FLAHERTY

Date:

15-3-13