

19. PLANNING PROPOSAL No.10 – VARIOUS AMENDMENTS TO MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN 2009

The Strategic Planner reports:

i) PURPOSE:

Council has prepared a Planning Proposal to address a range of relatively minor land use and administrative issues and correct anomalies identified in Muswellbrook Local Environmental Plan (LEP) 2009.

This report is seeking Council approval to forward the Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination.

ii) DATE OF REPORT: 21 January 2013

iii) REPORT:

The draft planning proposal is attached as Appendix A and proposes the following amendments:

Amend Schedule 2 – Exempt Development

This amendment proposes the inclusion of A-frame sign, street furniture and display goods on Council's Footpath under the Schedule 2 – Exempt Development.

Currently business owners are required to lodge a development application under the Environmental Planning and Assessment Act 1979 and a section 68 application under the Local Government Act 1993. Both applications give consideration to the same issues.

In the interest of reducing unnecessary red tape and reducing the burden on business owners it is proposed to make A-frame signs, street furniture and the display of goods on Council's footpath exempt development under Muswellbrook Local Environmental Plan 2009 and control such activities through the section 68 application under the Local Government Act. This will simplify the application process.

Amend Schedule 5 – Environmental Heritage and heritage maps

The location of heritage items I89 (Edderton homestead) and I82 (Yammanie) are incorrectly identified on the Muswellbrook Local Environmental Plan 2009 Heritage Map Sheet HER-008 and HER-009.

This amendment proposes to accurately identify the locations of the above heritage items and to amend "Property description" column of the Schedule 5 Environmental Heritage to reflect the above changes.

Amend Muswellbrook LEP Land Use Table

Currently, camping grounds and caravan parks are prohibited within the RU1 Primary Production zone and E3 Environmental Management zone under the Muswellbrook Local Environmental Plan (LEP) 2009.

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In 2012, Council commissioned TRC Tourism to undertake an assessment of eco-tourism opportunities associated with the Wollemi National Park. The study recommends to amend Muswellbrook LEP 2009 to include camping grounds and caravan parks as permissible by consent in the RU1 and E3 zones.

The amendment proposes to include 'camping grounds' and 'caravan parks' as permissible land uses in the RU1 Primary Production and E3 Environmental Management zones into Muswellbrook LEP 2009 Land Use Table.

Amend Land Zoning Map

The amendment also proposes to:

- Remove split zoning from Lot 4 DP 27346.
- Remove split zoning from Lot 21 DP 1122064.
- Correct minor mapping errors which occurred during the LEP map reformatting process.

CONCLUSION

The proposed amendments will address a range of relatively minor landuse and administrative issues and correct anomalies identified in Muswellbrook Local Environmental Plan (LEP) 2009.

It is recommended that the planning proposal be forwarded to the Department of Planning and Infrastructure for a Gateway Determination under *Section 56 of the Environmental Planning and Assessment Act 1979*.

From 1 November 2012, the Minister for Planning & Infrastructure has delegated his functions under the *Part 3 Section 59 of the Environmental Planning and Assessment Act 1979*. The delegations will operate in respect of draft LEPs for local matters where council receives an authorisation following the Gateway determination.

When submitting a planning proposal to the Gateway process, Council is required to advise the Department whether the council will be exercising the delegated functions.

It is recommended that Council advise the Department of Planning & Infrastructure that an authorisation to exercise its delegation of the plan making functions under Section 59 of the Environmental Planning and Assessment Act 1979 be delegated to the previously nominated officers.

iv) FINANCIAL IMPLICATIONS: Not Applicable

v) POLICY IMPLICATIONS:

The Planning Proposal will result in various amendments to Muswellbrook LEP 2009.

vi) OPERATIONAL PLAN IMPLICATIONS:

The proposed amendments are consistent with the objective of Council's Operational Plan 2012-2013, Section 6.1.2(a)(i) – Review Strategic Planning and Development documents as required and report to Council.

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ACTION RECOMMENDED:

That:

- (a) The Planning Proposal for various amendments to Muswellbrook Local Environmental Plan 2009, be forwarded to the Department of Planning & Infrastructure seeking a Gateway Determination pursuant to Section 56 of the Environmental Planning & Assessment Act 1979.**
- (b) The Department of Planning & Infrastructure be advised that Council is requesting an authorisation to exercise its delegation of the plan making functions under Section 59 of the Environmental Planning and Assessment Act 1979.**

Moved:.....

Seconded:

Report prepared by

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Accepted for inclusion into Business Paper

Darryl Fitzgerald

Appendix A – Planning Proposal