

PLANNING PROPOSAL

Administrative Amendment to Muswellbrook Local Environmental Plan 2009

JANUARY 2013

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PLANNING PROPOSAL

Local Government Area : Muswellbrook Shire Council
Name of Draft LEP : Muswellbrook Local Environmental Plan 2009
(MLEP Amendment No. 10)

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The key objective of this planning proposal is to address a range of relatively minor land use and administrative issues identified in Muswellbrook Local Environmental Plan (MLEP) 2009 relating to the written instrument, land zoning maps and heritage maps.

PART 2 - EXPLANATION OF THE PROVISIONS

The amendment purposes the following minor changes to Muswellbrook Local Environmental Plan (MLEP) 2009 instrument and maps:

<i>Amendment Applies To:</i>	<i>Explanation of the Provision:</i>
MLEP 2009 Schedule 2 - Exempt Development	Insert “A-frames sign, street furniture and display goods on Council’s footpath” under the Schedule 2 - Exempt Development. It is proposed to insert the following wording: <i>(a) Must be associated with an adjacent premises being carried out with a lawful consent.</i> <i>(b) Must not obstruct access to the premises, adjacent premises or public movements on footpath.</i> <i>(c) Must be locate immediately adjoin the premises.</i> <i>(d) Must be temporary and must be removed at the close of business each day.</i> <i>(e) Must be secure and stable</i> <i>(f) Must be install and use in accordance with the manufactures specifications and relevant Australian Standards</i> <i>(g) If required, further approval must be obtained from relevant authorities.(NSW Roads and Maritime Services)</i> <i>(h) Must not involve any construction work.</i> <i>(i) Premises are limited to one A-Frame sign with a maximum display area - 0.5 m2. (on each side)</i>

<i>Amendment Applies To:</i>	<i>Explanation of the Provision:</i>																		
MLEP 2009 - Land Zoning Map	Land Zoning Map Sheet LZN-008 Amend Land Zoning Map Sheet LZN-008 by rezoning two minor areas of land from RU1 Primary Production to E3 Environmental Management as shown in Part 5 - MAP A (a) and (b). This will remove split zoning from LOT 4 DP 27346. Land Zoning Map Sheet LZN-008 and LZN-008A Amend Land Zoning Map Sheet LZN-008 and LZN-008A by rezoning the following parcels, and as shown in Part 5 - MAP B (a), (b), (c), (d), (e), (f): <table><tr><th>Lot/DP</th><th>Current Zoning</th><th>Previous Zoning</th></tr><tr><td>Lot 1 DP 860859</td><td>R1</td><td>RE2</td></tr><tr><td>Lot 2 Sec11 DP758740</td><td>B2</td><td>RE1</td></tr><tr><td>Lot 2 DP 1006382</td><td>R1</td><td>B2</td></tr><tr><td>Lot 224 DP 626856</td><td>R1</td><td>Part R1 and Part RU1</td></tr><tr><td>Lot 2 and 7 DP 249566</td><td>RU1</td><td>Part RU1 and Part SP2</td></tr></table> This will rectify minor mapping errors during the making of Muswellbrook LEP 2009. Land Zoning Map Sheet LZN-005A Amend Land Zoning Map Sheet LZN-005A by rezoning a minor area of land from RU1 Primary Production to RU5 Village as shown in Part 5 - MAP C (a) and (b). LOT 21 DP 1122064 will be consolidated with adjoining land. This will remove split zoning from the proposed boundary of the new lot.	Lot/DP	Current Zoning	Previous Zoning	Lot 1 DP 860859	R1	RE2	Lot 2 Sec11 DP758740	B2	RE1	Lot 2 DP 1006382	R1	B2	Lot 224 DP 626856	R1	Part R1 and Part RU1	Lot 2 and 7 DP 249566	RU1	Part RU1 and Part SP2
Lot/DP	Current Zoning	Previous Zoning																	
Lot 1 DP 860859	R1	RE2																	
Lot 2 Sec11 DP758740	B2	RE1																	
Lot 2 DP 1006382	R1	B2																	
Lot 224 DP 626856	R1	Part R1 and Part RU1																	
Lot 2 and 7 DP 249566	RU1	Part RU1 and Part SP2																	
MLEP 2009 Schedule 5 - Environmental Heritage	Edderton Homestead (I89) Amend “Address” column to provide correct address of heritage items I89 as follows: • I89 - Omit “1477 Edderton Road” and insert “Edderton Road” Amend “Property description” column to correct Lot/DP of heritage item I89 as follows: • Omit “Lot DP 1004725” and Insert “Part of Lot 9 DP 843635”																		

<i>Amendment Applies To:</i>	<i>Explanation of the Provision:</i>
	Plashett Homestead (I90) Amend “Address” column to provide correct address of heritage item I90 as follows: • I90 - Omit “1477 Edderton Road” and insert “Edderton Road”
	Yammanie (I82) Amend “Property description” column to correct Lot/DP of heritage item I82 as follows: • Omit “Lot 1, DP 235996; Lot 13, DP 236687; Lot 151, DP 740809” and Insert “Part of Lot 102 DP 1170190”
MLEP 2009 Heritage Map	Heritage Map Sheet HER-009 The location of heritage item I89 (Edderton homestead) is incorrectly identified on the MLEP 2009 Heritage Map Sheet. The correct location of the Edderton Homestead is Lot 9 DP 843635. Amend Heritage Map Sheet HER-009 to accurately identify the location of heritage item no. I89 (Edderton Homestead) as shown in Part 5 - MAP D (a) and (b).
	Heritage Map Sheet HER-008 The location of heritage item I82 (Yammanie) is incorrectly identified on the MLEP 2009 Heritage Map Sheet HER-008. The correct location of the Yammanie is Lot 102 DP 1170190. Amend Heritage Map Sheet HER-008 to accurately identify the location of heritage item no. I82, as shown in Part 5 - MAP E (a) and (b).
MLEP 2009 - Land Use Table Camping grounds and Caravan parks	Insert camping grounds and caravan parks as a permissible land use in the RU1 zone and E3 zone into MLEP 2009 Land Use Table.

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 and are considered relatively 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 other stakeholders. The LEP administrative amendment is also a requirement of Council's Operational Plan.

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

Section B - Relationship to strategic planning framework

The Upper Hunter Strategic Regional Land Use Plan is applicable to the Muswellbrook Local Government Area. It is considered that the proposed administrative and mapping amendments under this Planning Proposal are considered as minor significance and is consistent with the above plan. The planning proposal is consistent with Muswellbrook Shire Council's *Community Strategic Plan 2011-2021*.

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):

Direction 1.2 Rural Zones

The objective of this direction is to protect the agricultural production value of rural land. This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

The direction states that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

The amendment proposes to remove split zoning in RU1 Primary Production zone and ensure that MLEP 2009 correctly identifies land in accordance with its land use table. The removal of split zoning ensures the consistency of MLEP 2009.

The proposed mapping amendments under this planning proposal are considered as minor significance and its impacts to the RU1 Primary Production zone also negligible.

Direction 1.5 Rural Lands

The objectives of this direction are to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.

The amendment proposes to remove split zoning in RU1 Primary Production zone/E3 Environmental Management zone and ensure that MLEP 2009 correctly identifies land in accordance with its land use table. The removal of split zoning ensures the consistency of MLEP 2009.

The proposed administrative and mapping amendments under this planning proposal are considered as minor significance and its impacts to the RU1 Primary Production zone/E3 Environmental Management zone also negligible.

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

Section C - Environmental, social and economic impact

No environmental effects are anticipated as a result of the LEP administrative amendments. The proposal will ensure that the MLEP 2009 instrument remain current, accurate and effective.

The administrative amendments assist the community to correctly identify land zones, land uses permitted and prohibited in zones within the LGA.

Section D - State and Commonwealth Interests

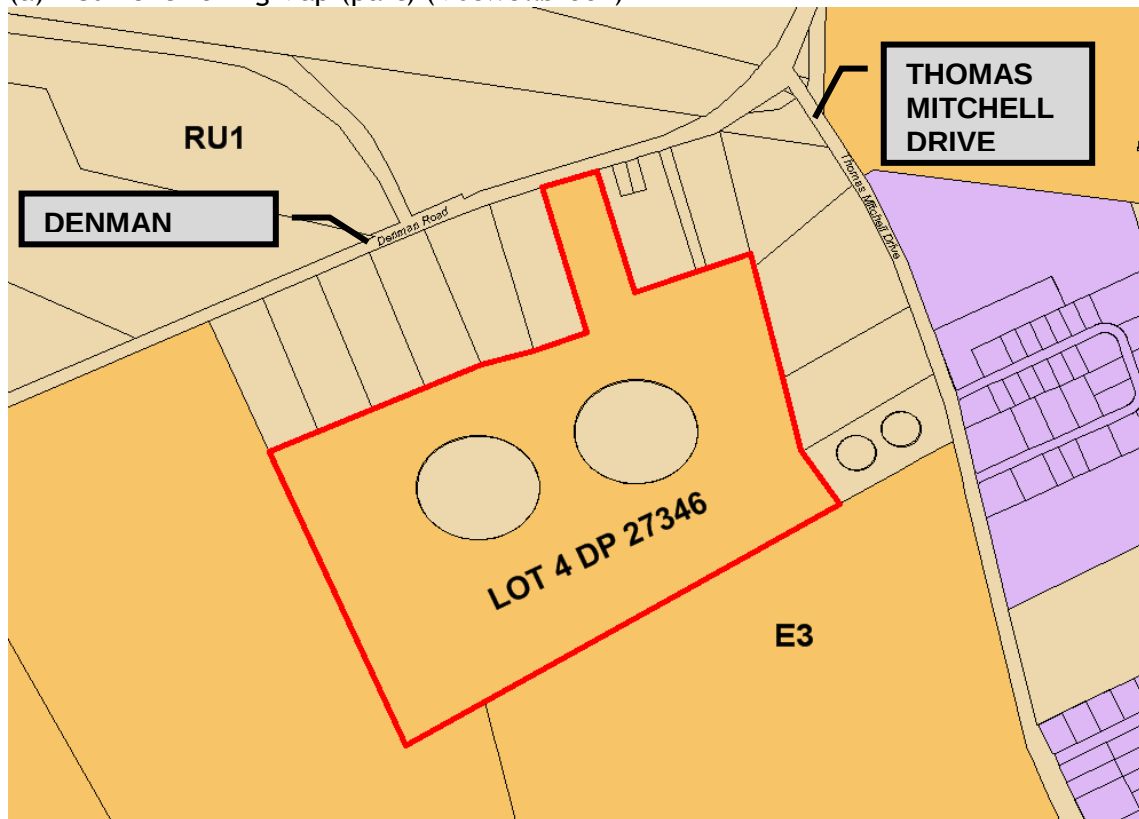
The planning proposal does not increase the demand for public infrastructure.

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

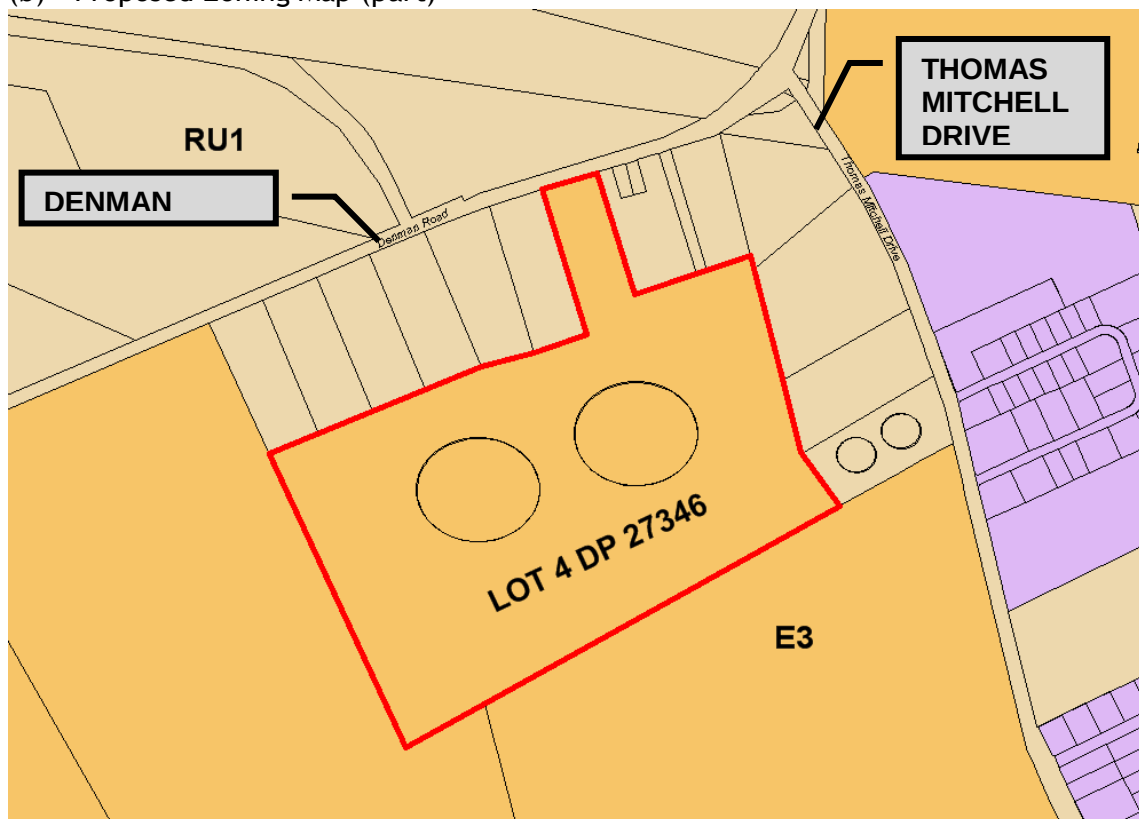
PART 5 - Mapping

MAP A: MLEP 2009 Land Zoning Map Sheet LZN-008 (part)

(a) - Current Zoning Map (part) (Muswellbrook)

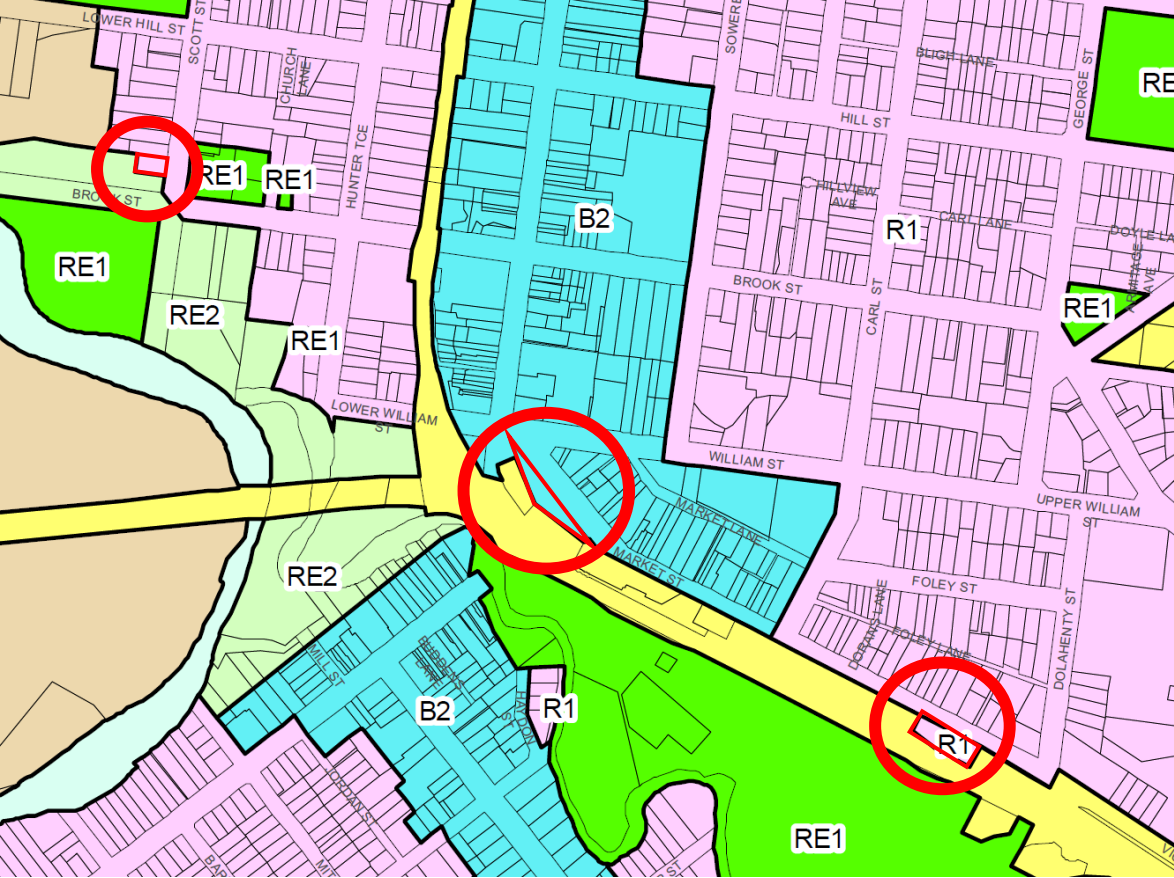


(b) - Proposed Zoning Map (part)

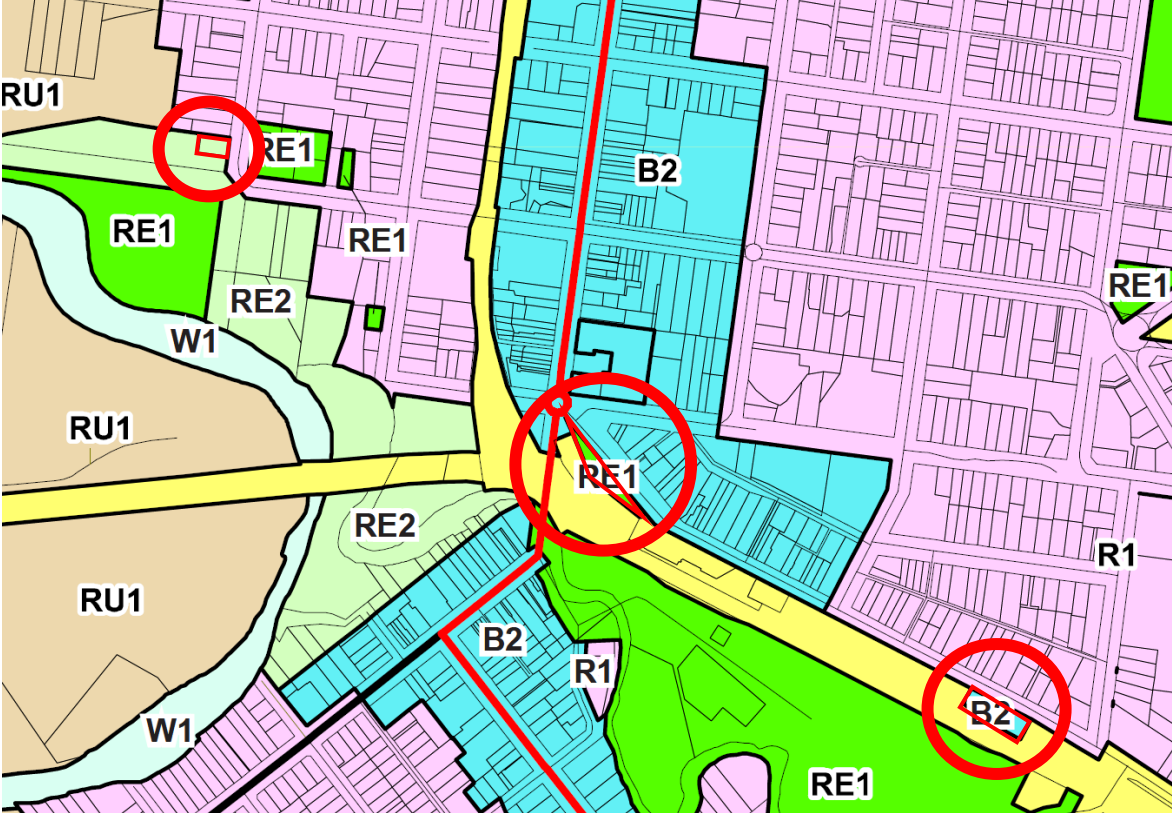


MAP B: MLEP 2009 Land Zoning Map

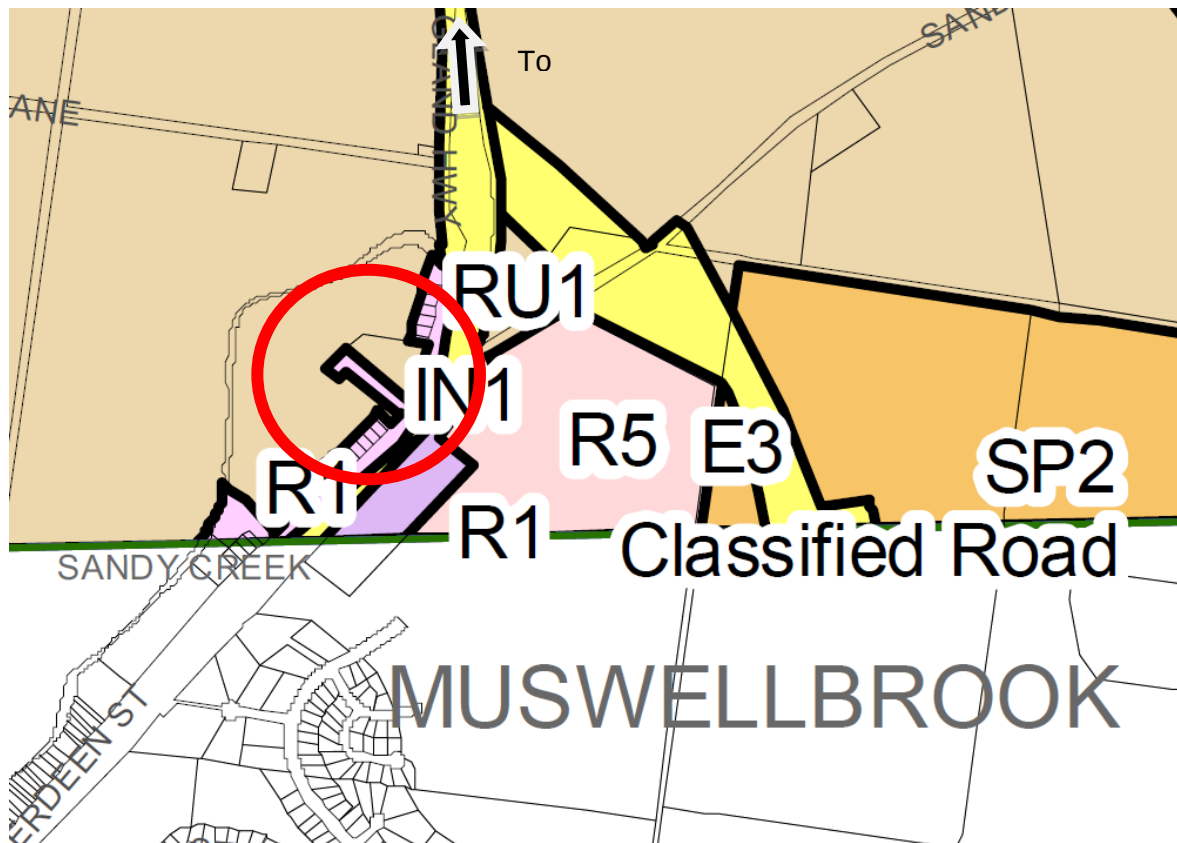
(a) - Current Zoning Map (LZN_008A) (part) (Muswellbrook)



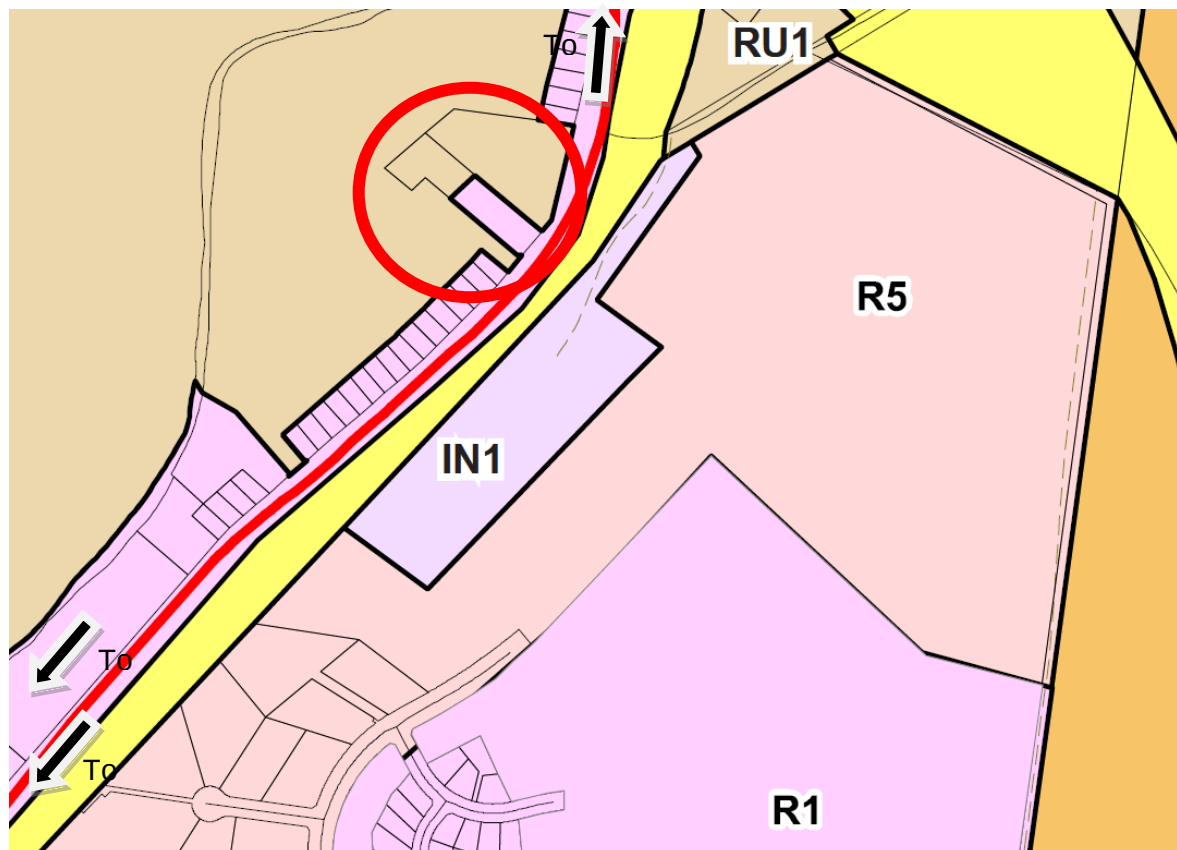
(b) - Zoning Map before reformatting map under LEP Amendment No.7 (LZN_024) (part)



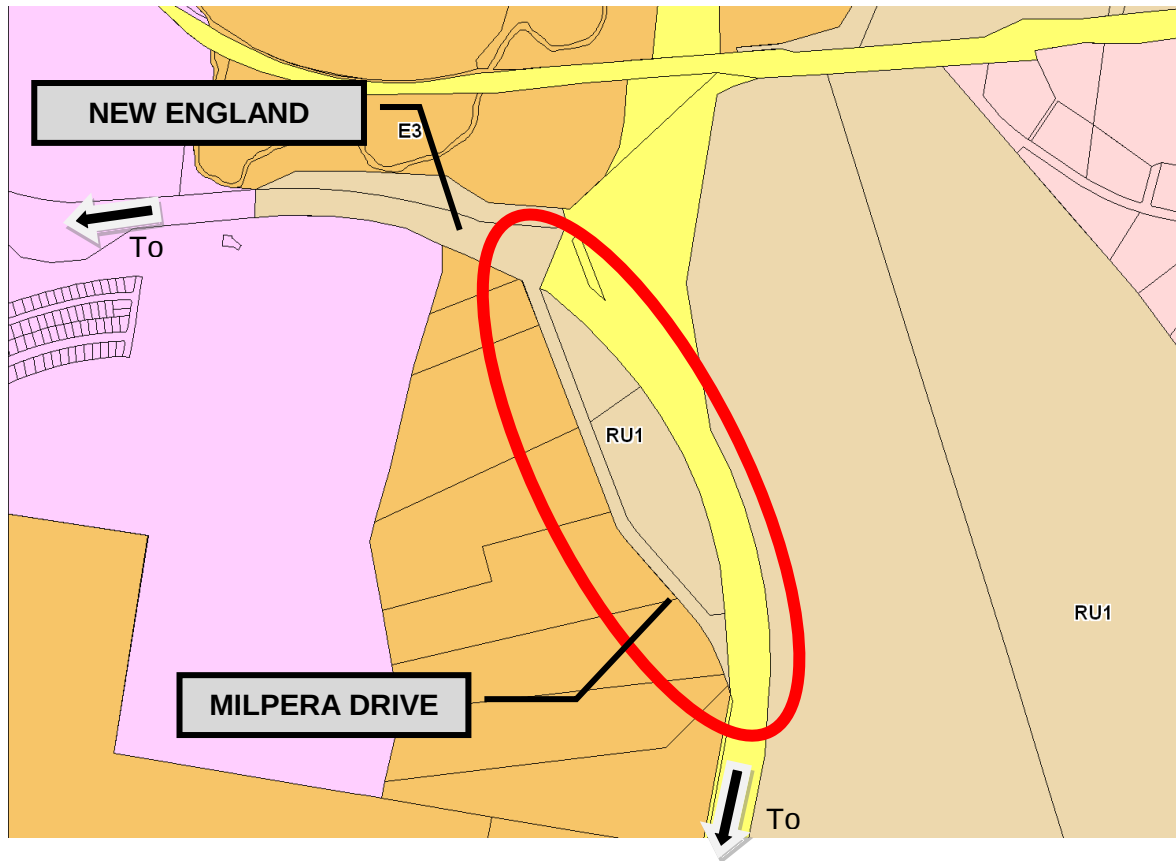
(c) - Current Zoning Map (LZN_008)(part) (North Muswellbrook)



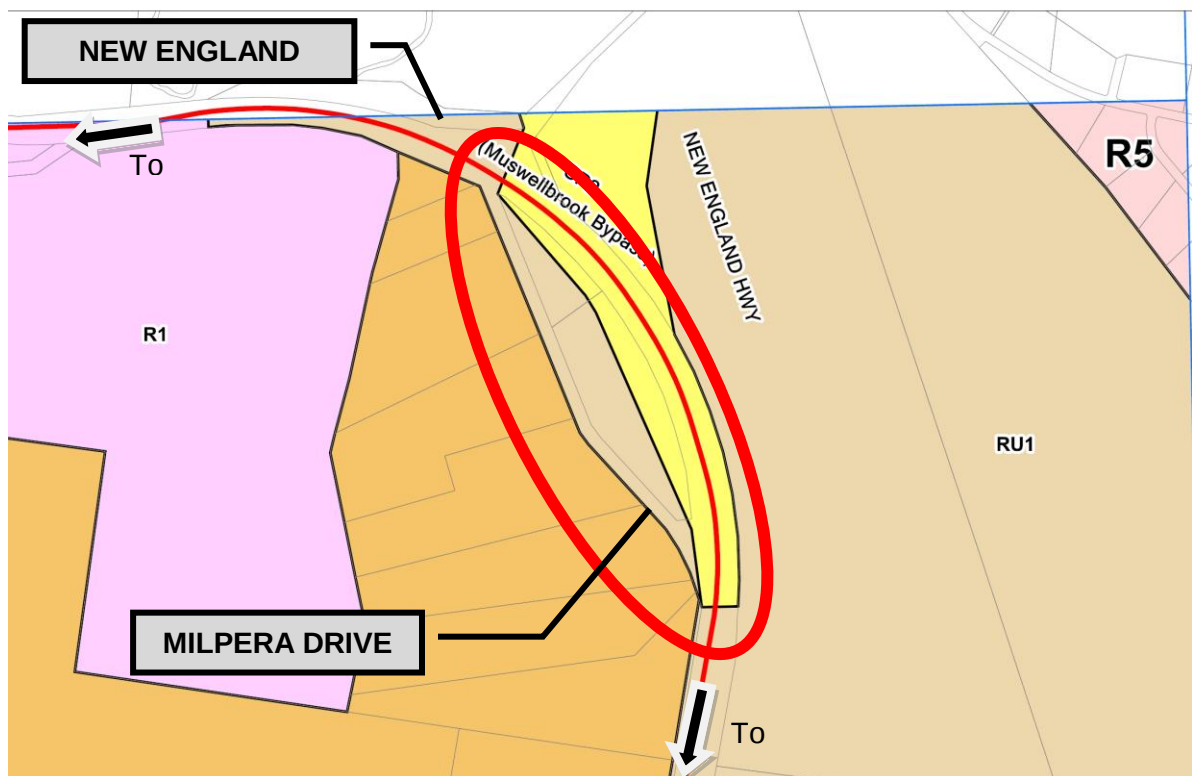
(d) - Zoning Map before reformatting map under LEP Amendment No.7 (LZN_024) (part)



(e) - Current Zoning Map (LZN_008) (part) (south-east Muswellbrook)

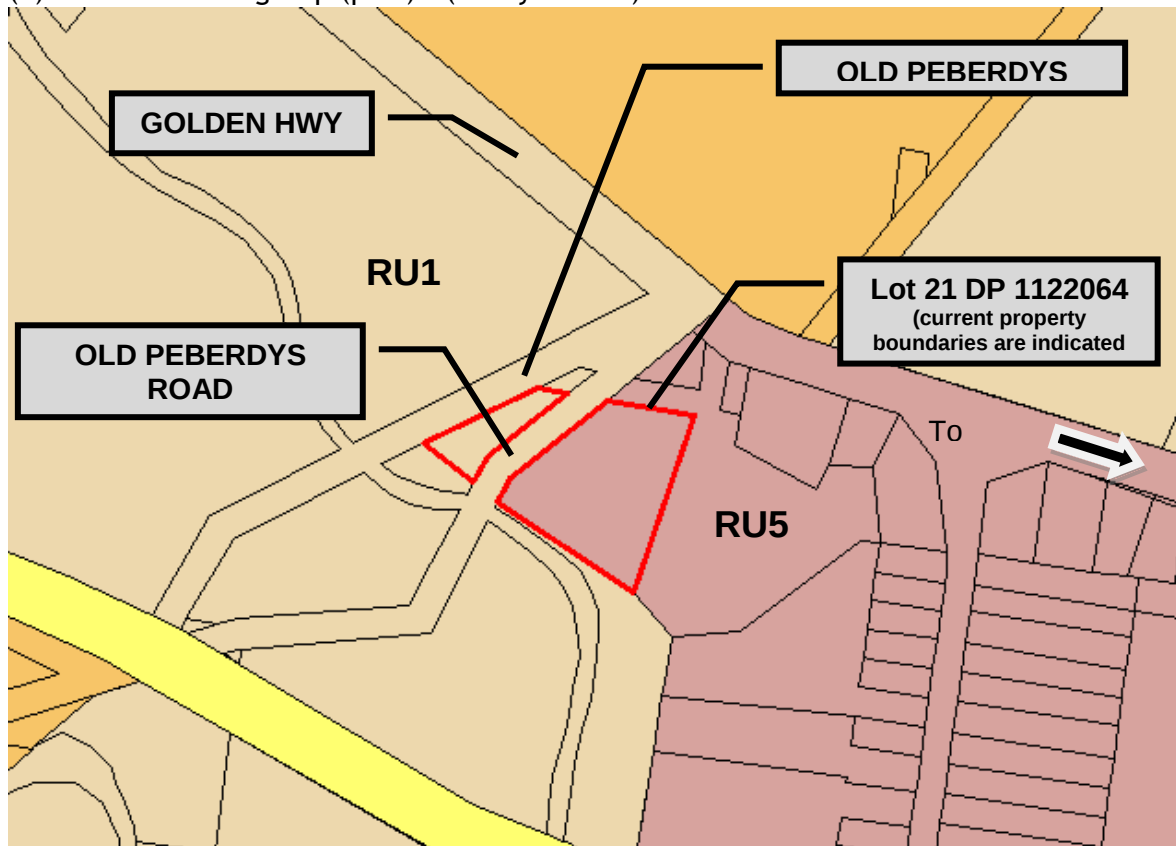


(f) - Zoning Map before reformatting map under LEP Amendment No.7 (LZN_025)(part)

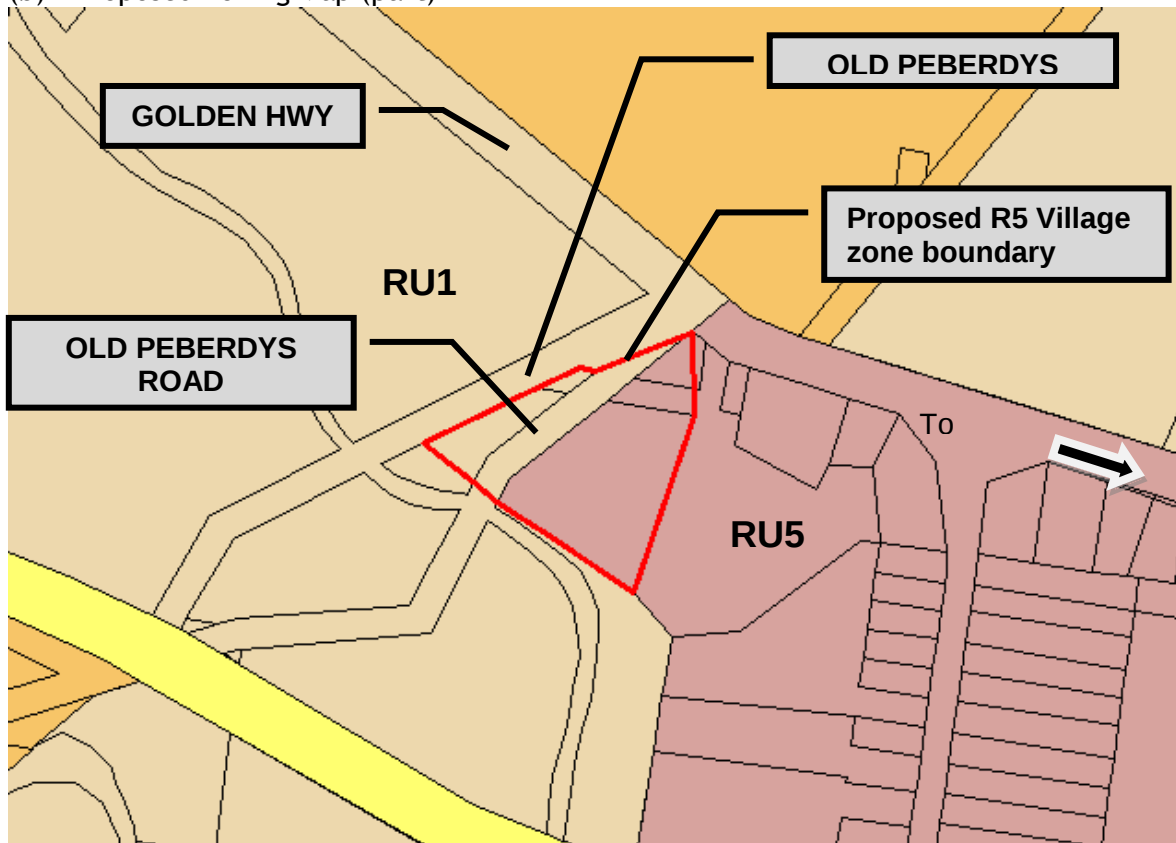


MAP C: MLEP 2009 Land Zoning Map Sheet LZN-005A (part)

(a) - Current Zoning Map (part) - (Sandy Hollow)

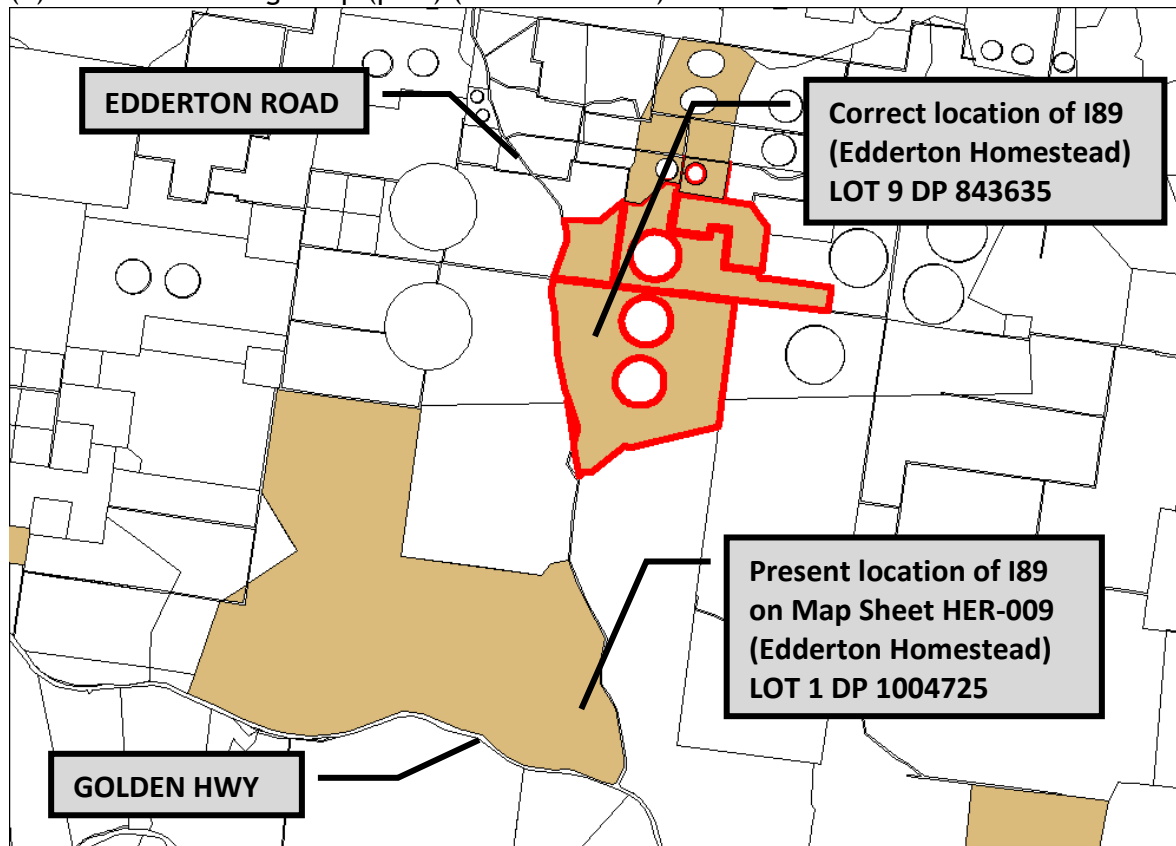


(b) - Proposed Zoning Map (part)

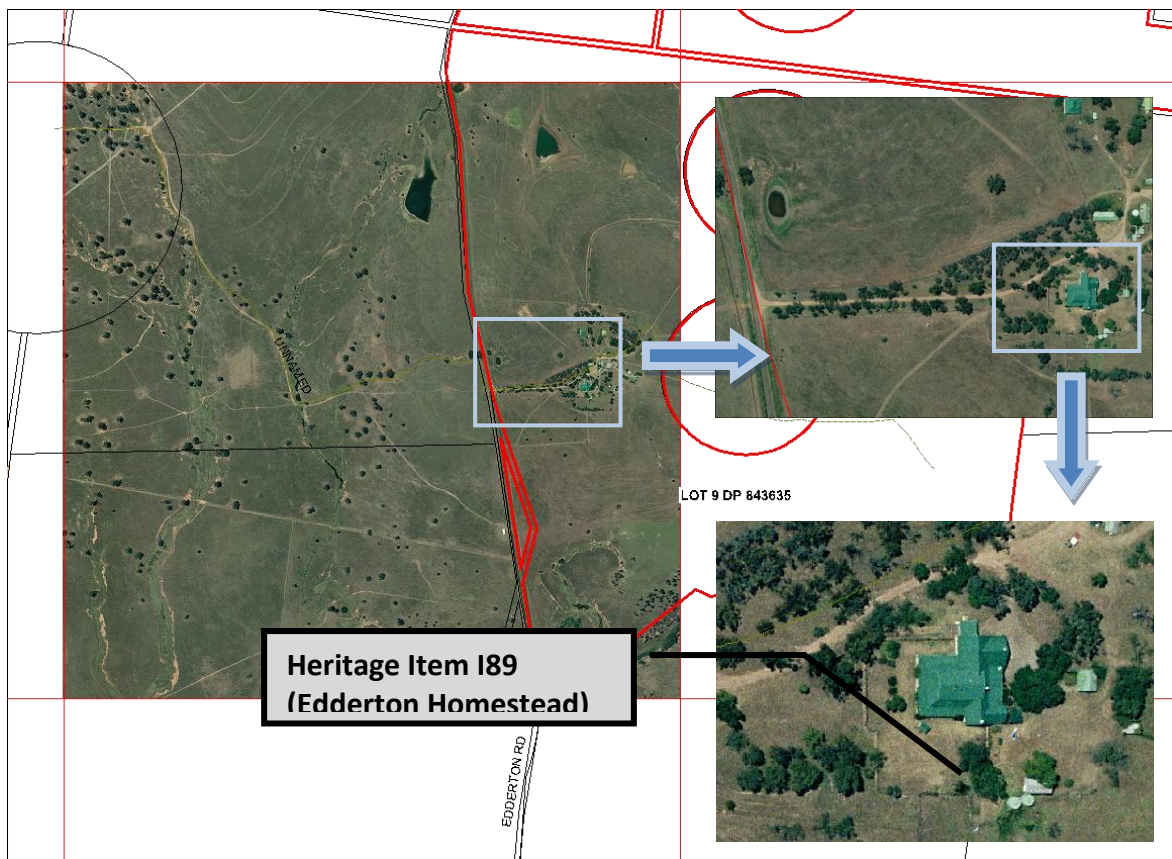


MAP D: MLEP 2009 Heritage Map Sheet HER-009 (part)

(a) - Current Heritage Map (part) (Edderton Road)

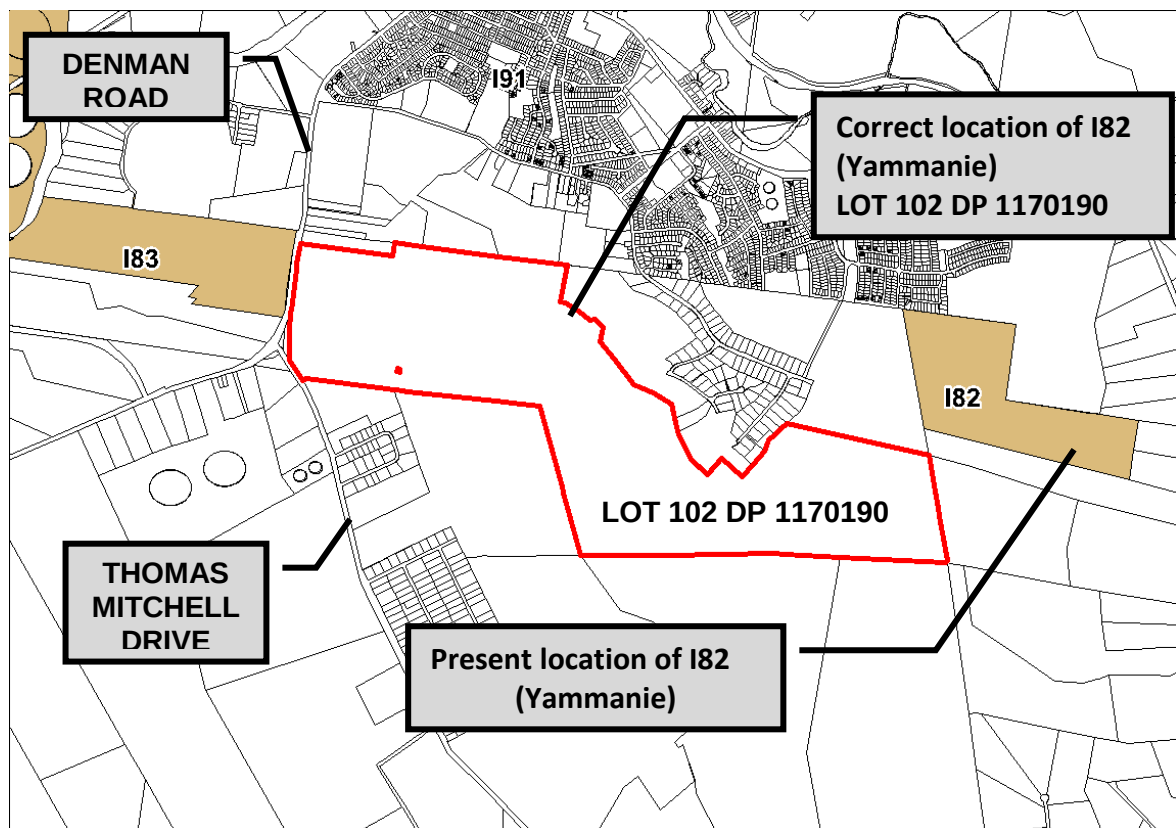


(b) - Location of the Edderton Homestead (I89) on satellite image

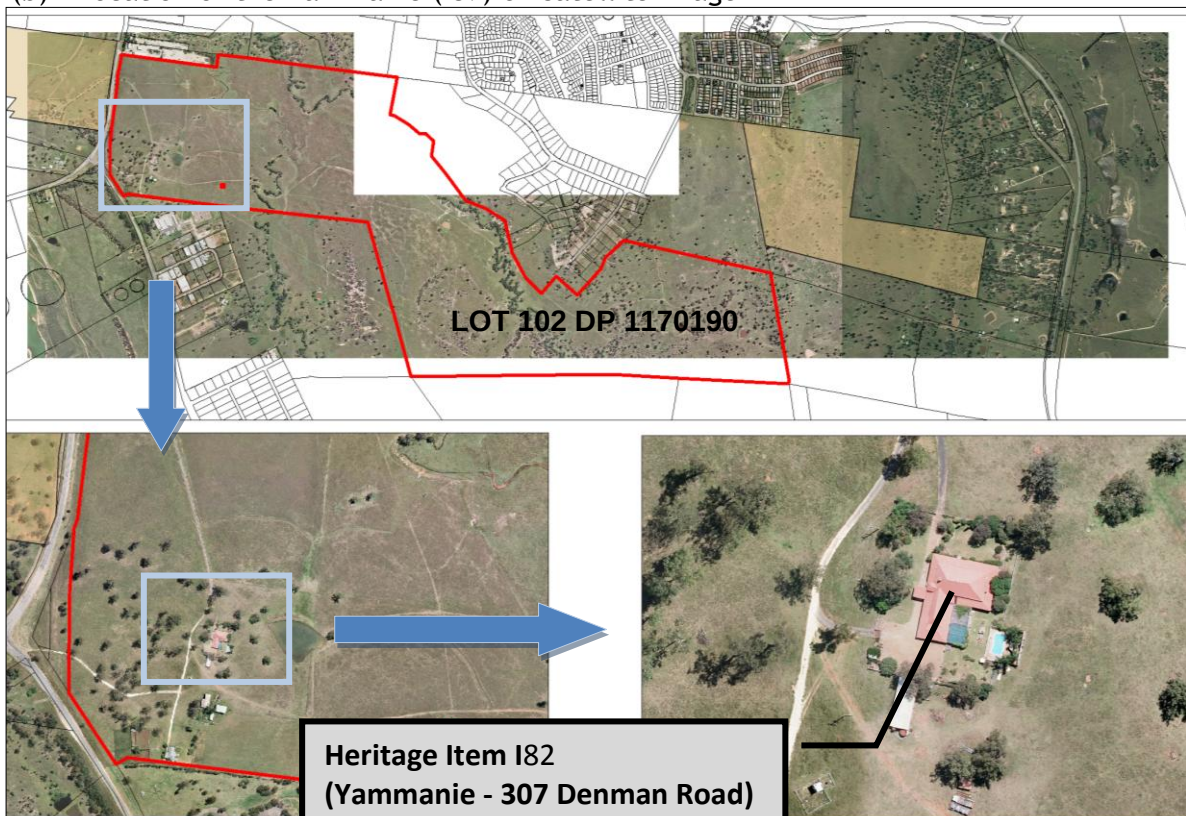


MAP E: MLEP 2009 Heritage Map Sheet HER-008 (part)

(a) - Current Heritage Map(part)



(b) - Location of the Yammanie (I89) on satellite image



PART 5 - 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 are not required due to the minor nature of the planning proposal.

It is proposed that planning proposal will be placed on exhibition for a period of 14 days following the gateway determination.