



**muswellbrook
shire council**

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PLANNING PROPOSAL

Administrative Amendment to Muswellbrook Local Environmental Plan 2009

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PLANNING PROPOSAL

Local Government Area : Muswellbrook Shire Council
Name of Draft LEP : Muswellbrook Local Environmental Plan 2009
(Administrative Amendment)

Part 1 – Objectives or Intended Outcomes

The key objective of this planning proposal is to address a range of relatively minor landuse and administrative issues and correct anomalies identified in Muswellbrook Local Environmental Plan (MLEP) 2009.

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>
Schedule 4 - Classification and Reclassification of Public Land	This amendment proposes to correct an administrative error in Schedule 4. Amendment No. 95 of the Muswellbrook Local Environmental Plan 1985 reclassified Lot 266 DP750926 and adjoining land (Title has since been issued for the adjoining land and is identified as Lot 1 DP1143545) at Dorset road, Kayuga (<i>Appendix A</i>). Muswellbrook Local Environmental Plan 2009 Schedule 4 Part 2 “Land classified, or reclassified, as operational land - interests changed” only refers to Lot 266 DP750926 and does not include adjoining land (Lot 1 DP1143545). (<i>Appendix B</i>). This is an administrative error and the amendment proposes to insert evidently missing words to the MLEP 2009 to ensure that MLEP 2009 remains accurate and up-to-date.
Schedule 5 – Environmental Heritage and heritage maps	This amendment proposes to correct Schedule 5 and heritage maps labelling in according to the DPI’s standard technical requirements. In MLEP 2009, “<i>Item No.</i>” column of the <i>Schedule 5 – Environmental Heritage</i> and relevant heritage maps are labelled in the incorrect format (e.g. <i>Musw/R001</i>). This labelling is not consistent with the standard technical requirements given by the DPI.

	The standard technical requirement requires Schedule 5 to be divided into 3 parts and should be labelling in the following manner. -Heritage Items – prefix ‘I’ followed by a number, for e.g. I1. -Archaeological Sites –prefix ‘A’ followed by a number, for e.g.A1 -Conservation Areas - prefix ‘C’ followed by a number, for e.g. C1
MLEP 2009 – Land Use Table/ Eco-Tourist Facilities Clause	This amendment proposes to include “eco tourist facilities” as a permissible landuse in the RU1 Primary Production and E3 Environmental Management zones and insert eco-tourist facilities clause into MLEP 2009.
MLEP 2009 - Maps	This amendment proposes to revise and update all MLEP 2009 maps to comply with the Department Standard Instrument LEP mapping technical requirements.

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 Management Plan*. Objective 6.1.1 of the Management Plan identifies the need to ensure that Council’s LEP can respond appropriately to emerging development trends and achieving desired development outcomes.

The proposal will ensure that the MLEP 2009 instrument and map remain current, accurate and effective.

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 not inconsistent with Muswellbrook Shire Council’s Community Strategic Plan.

Consistency with applicable State Environmental Planning Policies: *The planning proposal is not inconsistent with any applicable state environmental planning policies.*

Consistency with applicable Ministerial Directions (s.117 directions): *The planning proposal is not inconsistent with any 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.

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.

Part 4 - Community Consultation

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

Appendices **A:** Amendment No. 95 of the MLEP 1985
 B: Schedule 4, Part 2 of MLEP 2009



New South Wales

Muswellbrook Local Environmental Plan 1985 (Amendment No 95)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N03/00230/S69)

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Muswellbrook Local Environmental Plan 1985 (Amendment No 95)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Muswellbrook Local Environmental Plan 1985 (Amendment No 95)*.

2 Aims of plan

This plan aims to reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993*.

3 Land to which plan applies

This plan applies to:

- (a) Lot 266, DP 750926, Dorset Road, Kayuga and adjoining land, as shown edged heavy black on Sheet 1 of the map marked "Muswellbrook Local Environmental Plan 1985 (Amendment No 95)" deposited in the office of Muswellbrook Shire Council, and
- (b) Lots 95 and 96, DP 38328, Dumaresq Street, Muswellbrook, as shown edged heavy black on Sheet 2 of that map.

4 Amendment of Muswellbrook Local Environmental Plan 1985

Muswellbrook Local Environmental Plan 1985 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Schedule 4 Classification and reclassification of public land as operational land

Insert in alphabetical order of locality in Part 3 of the Schedule in Columns 1, 2 and 3, respectively:

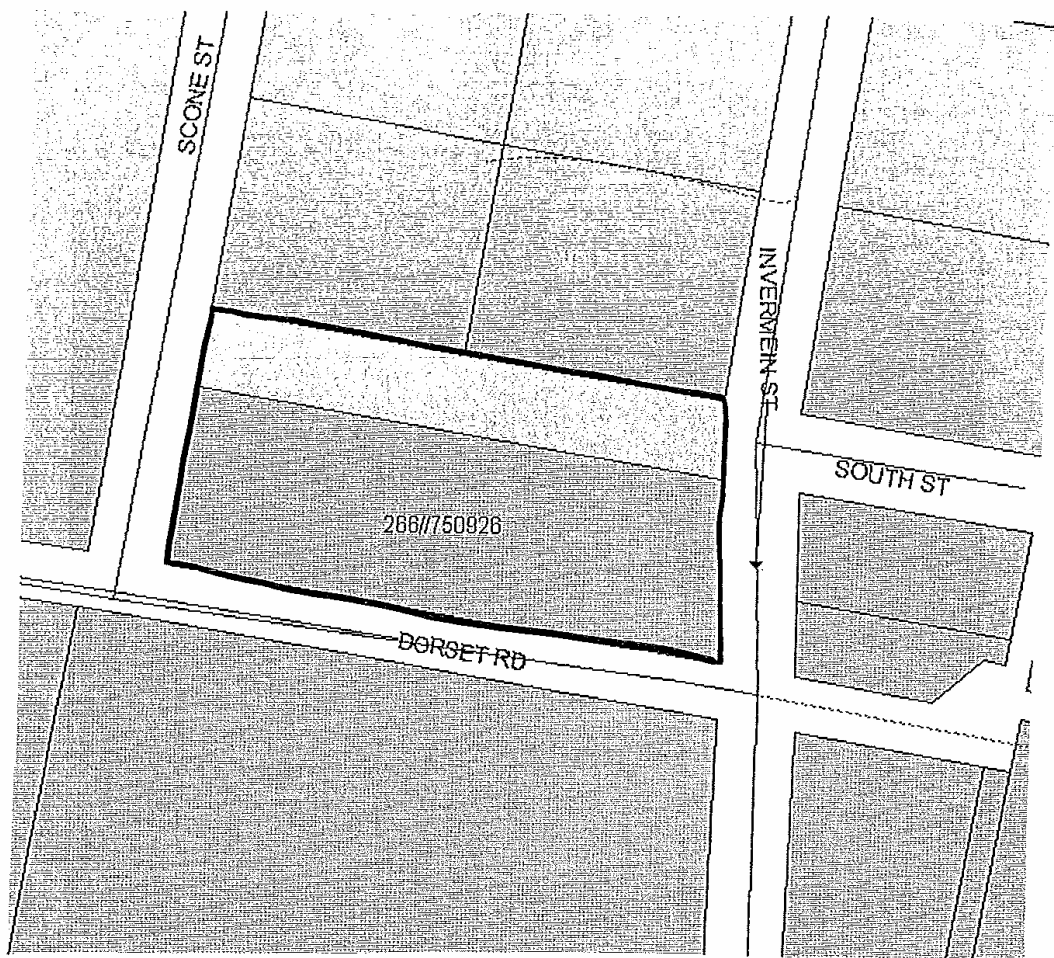
Kayuga

Dorset Road	Lot 266, DP 750926 and adjoining land, as shown edged heavy black on Sheet 1 of the map marked "Muswellbrook Local Environmental Plan 1985 (Amendment No 95)".	Nil.
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[2] Schedule 4, Part 3

Insert in alphabetical order of street name under the heading "Muswellbrook" in Columns 1, 2 and 3, respectively:

Dumaresq Street	Lots 95 and 96, DP 38328, as shown edged heavy black on Sheet 2 of the map marked "Muswellbrook Local Environmental Plan 1985 (Amendment No 95)".	Nil.
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SCALE: 1:600m

LOCALITY KAYUGA

SHEET ONE

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

MUSWELLBROOK COUNCIL

MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN 1985

AMENDMENT No. 95.

DRAWN BY DONNA WATSON DATE 1 Nov 2004

SUPERVISING
DRAFTSMAN

PLANNING
OFFICER MARK ROSE

COUNCIL FILE No. DA 148/2004

DEPT. FILE No. N03/00230/569

GOVT. GAZETTE OF

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

**AMENDS MUSWELLBROOK LOCAL
ENVIRONMENTAL PLAN 1985**

CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT
ACT 1979 AND REGULATIONS

[Signature] 10/1/05
GENERAL MANAGER DATE

[Whole title](#) | [Parent Act](#) | [Historical versions](#) | [Historical notes](#) | [Search title](#) | [Maps](#)

Muswellbrook Local Environmental Plan 2009

Current version for 8 October 2010 to date (accessed 24 May 2011 at 09:04)

[Schedule 4](#)

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Schedule 4 Classification and reclassification of public land

(Clause 5.2)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
Nil	Nil

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Kayuga	Lot 266, DP 750926, Dorset Road	
Muswellbrook	Lots 95 and 96, DP 38328, Dumaresq Street	
Muswellbrook	Part Lot 82 and Lot 83, DP 262393 (known as Brennan Park), as shown edged heavy green and coloured red on the map marked “Muswellbrook Local Environmental Plan 2009 (Amendment No 1) Reclassification Map” deposited in the office of the Council	

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	Nil

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APPENDIX B: Dept. of Planning & Infrastructure letter dated 09/05/2011



**Planning &
Infrastructure**

Contact: Trent Wink
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Fax: (02) 4904 2701
Email: Trent.Wink@planning.nsw.gov.au

Mr Steve McDonald
General Manager
Muswellbrook Shire Council
PO Box 122
MUSWELLBROOK NSW 2333

Our ref: 11/06873

Attention: Pathum Gunasekara

Dear Mr McDonald

Muswellbrook Local Environmental Plan 2009 – Assistance to amend maps

As discussed at the Department's meeting with Council on 18 April 2011, when Council prepares an amendment to Muswellbrook Local Environmental Plan 2009 (LEP) it is necessary to prepare the LEP maps in accordance with the Department's standard technical requirements. The Department appreciates that Council has limited GIS resources and these miscellaneous mapping amendments cause time delays, making it difficult for Council to meet its planning proposal completion timeframes.

The NSW Government is committed to improving the efficiency of the planning system and it is important that Council meets the planning proposal completion timeframes. To assist Council, the Department would like to offer its assistance to amend Council's LEP maps to comply with the standard technical requirements.

To commence this amendment to the LEP, Council would need to resolve to prepare a planning proposal and request a Gateway Determination under s56 of the Environmental Planning and Assessment Act 1979, to amend the LEP maps to comply with the Department's standard technical requirements. Council will be consulted about the mapping amendments as they are prepared and before the planning proposal is forwarded to the Minister's delegate to be made.

If you require any clarification of the above, please contact Mr Trent Wink at the Department's Newcastle Office on 49042716.

Yours sincerely

Michael Leavey
Regional Director
Hunter and Central Coast

9/5/11