

Muswellbrook Shire Council

Planning Proposal

Amendment of Muswellbrook Local Environmental Plan 2009

**Lot 400 DP 578684, Lot 22 DP 616590, and
Lot 10 DP 843828, Muswellbrook**

V1 Gateway Version

Date: November 2023



Document History

Doc No.	Date	Details /Comments
		Planning proposal for Gateway submission
		Planning proposal updated for public exhibition
		Planning proposal updated post exhibition

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Part 1 Introduction

1.1 Objective and intended outcomes

The objective of this planning proposal is to amend the planning controls for the Muswellbrook Showground so that part of it can be used for a camping ground in addition to the existing suite of uses that exist or are permitted.

1.2 Property details and existing zones

This planning proposal relates to the subject land as follows:

Lot 400 DP 578684, Lot 22 DP 616590, and Lot 10 DP 843828 Rutherford Road, Muswellbrook as identified in Figure 1.

Figure 1: Subject land at Muswellbrook



The subject land is currently zoned partly B5 Business Development (equivalent of E3 Productivity Support) and partly B2 Local Centre (equivalent of E1 Local Centre) under Muswellbrook LEP 2009 (Figure 2).

Figure 2: Existing land use zones in Muswellbrook LEP 2009



The subject land has a minimum lot size of 600 m² (Figure 3), an FSR of 2:1 (Figure 4) and a 9-metre Height of Building (Figure 5).

Figure 3: Existing minimum lot size as mapped in Muswellbrook LEP 2009



Figure 4: Existing FSR as mapped in Muswellbrook LEP 2009

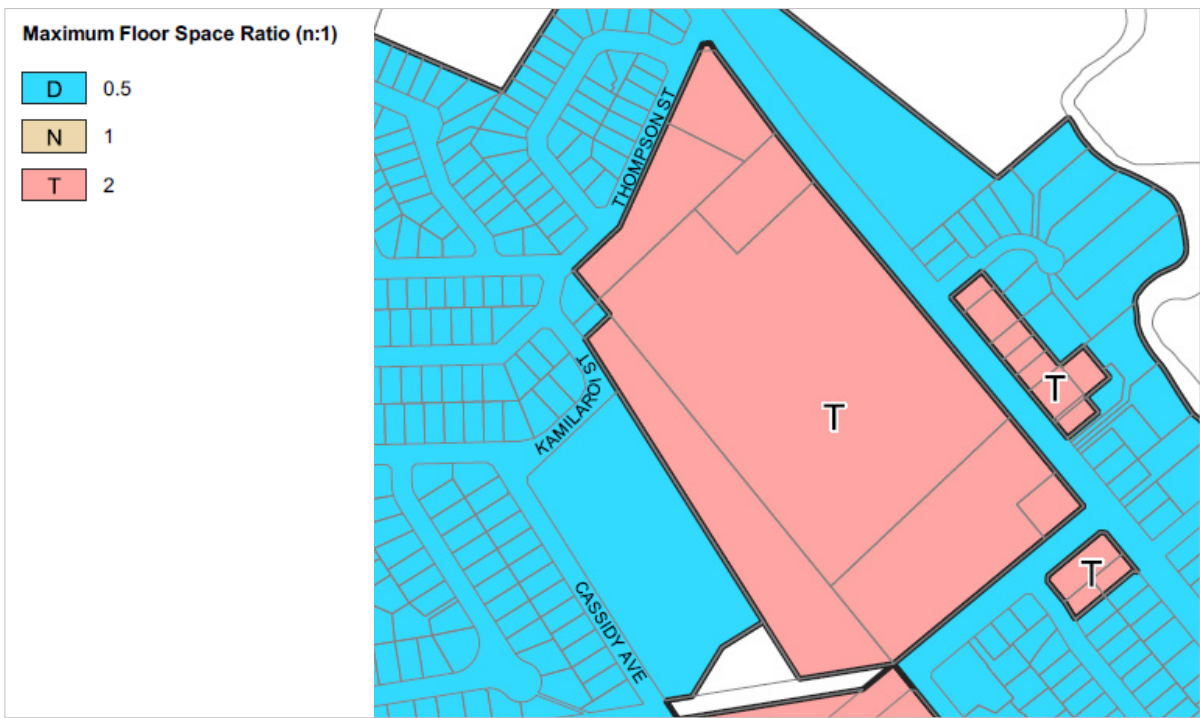
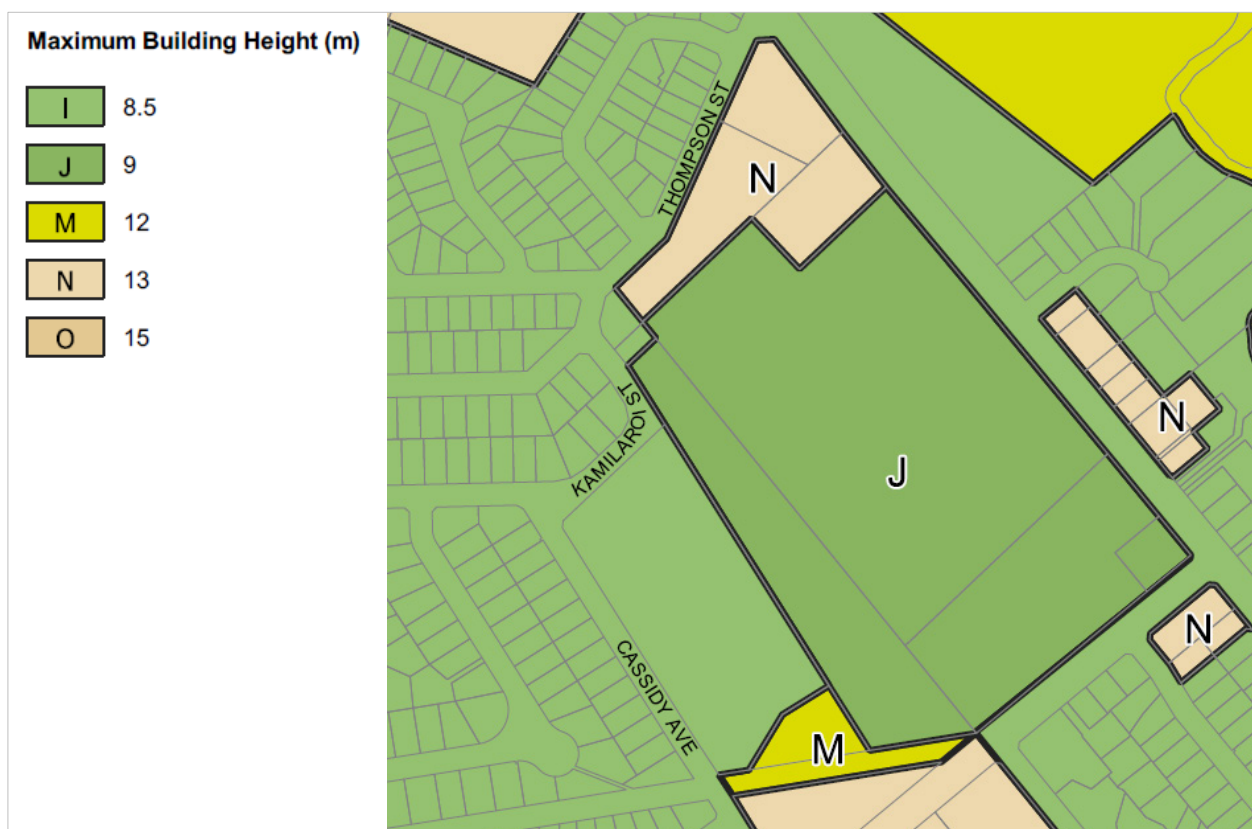


Figure 5: Existing Height of Buildings as mapped in Muswellbrook LEP 2009



1.3 Background

The subject land has a history of being used as a showground. Part of this use has been for short-term camping, particularly associated with events at the showground but often independent of any showground use. Camping has been relatively unstructured with limited site definition and campers making use of showground facilities. Parts of the site have reticulated water and power installed for camping. In attempting to regulate this camping under the *Local Government Act 1993*, it was established that the site does not have development approval for camping. It was further established that both land uses zones applying to the site do not currently permit camping as a land use.

A camping ground was permitted with consent in the B5 Business Development zone up until the definition of caravan park was amended on 1 December 2022 (by DPE changing the definition in all LEPs). The definition of caravan park was previously:

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

Since 1 December 2022, caravan park is now defined as:

caravan park means an area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation.

Part 2 Explanation of provisions

This planning proposal seeks to amend Muswellbrook LEP 2009 by adding **camping ground** as an additional permitted use on the subject land.

Camping ground means an area of land, with access to communal amenities, used for the short-term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

- (a) a caravan park, or
- (b) farm stay accommodation.

This will be achieved by adding the following to Schedule 1 of Muswellbrook LEP 2009:

5 Use of certain land at Rutherford Road, Muswellbrook

- (1) *This clause applies to land at Rutherford Road, Muswellbrook, being Lot 400 DP 578684, Lot 22 DP 616590, and Lot 10 DP 843828.*
- (2) *Development for the purpose of camping ground is permitted with consent.*

This will allow Council to grant consent to a camping ground on the subject land based on a merit assessment.

No changes to Land Use Zones, Minimum Lot Size, Floor Space Ratio or Height of Buildings are proposed.

No map amendments are proposed.

Part 3 Justification

Section A Need for the planning proposal

Q1. Is the planning proposal a result of any endorsed local strategic planning statement, strategic study or report?

Yes. Muswellbrook Shire Council (MSC) adopted its Local Strategic Planning Statement 2020 to 2040 (LSPS) in October 2020. The LSPS states on page 24:

Planning Priority 6: A variety of niche tourism opportunities are encouraged.

➤ *Council will seek to increase investment in tourism services and infrastructure.*

Actions

Local planning instruments will be reviewed to ensure that there is flexibility for a wide range of tourism related activities in the Shire.

This planning proposal will result in investment in tourism infrastructure and is an example of flexibility in planning instruments to encourage tourism accommodation in an appropriate location, close to town and infrastructure.

The LSPS also states (on page 26) the following:

Planning Priority 8: Our Town Centres and Villages are places of economic growth, business diversification and employment opportunities.

➤ *Tourism and visitor related activities are encouraged in Muswellbrook, Denman and Sandy Hollow;*

Actions

Local planning instruments will be reviewed to increase opportunities for new mixed-use development outcomes in line with the Muswellbrook Town Centre Strategy.

This planning proposal will increase tourism related development in Muswellbrook. It is an example of a mixed-use development (despite it being located outside the Town Centre Strategy boundary).

Q2. Is the planning proposal the best means of achieving the objective or intended outcomes, or is there a better way?

The planning proposal is the best means to achieve the objective of permitting a camping ground on part of the Muswellbrook Showground site.

Section B Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (in this case, the Hunter Regional Plan 2041)?

Yes. The *Hunter Regional Plan 2041* considers a 20-year timeframe with a focus on the next five years. It was published in December 2022. Specifically, the planning proposal is consistent with:

Centres and main streets – Strategy 8.1 (page 83)

Local strategic planning should consider:

- *enabling a diverse range of tourism accommodation and attractions in centres and particularly main streets*

Comment: The subject land is close to the main town centre of Muswellbrook (less than 2 kilometres) and is adjacent to the golf course and indoor sports centre. Camping will provide affordable short-term tourism accommodation.

Visitor economy – Strategy 8.5 (page 85)

Local strategic planning should consider:

- *identifying towns and villages which have a strong tourism presence and/or serve as gateways to visitor experiences in surrounding areas*

Comment: The subject land is within Muswellbrook, which is an excellent base to experience the Upper Hunter food and wine offerings or natural environment opportunities.

Visitor economy – Strategy 8.6 (page 85)

Planning proposals to facilitate tourism activities will:

- *demonstrate that the scale and type of tourism land use proposed can be supported by the transport network and complements the landscape setting*
- *be compatible with the characteristics of the site and existing and likely future land uses in the vicinity of the site*
- *demonstrate that the tourism land use would support the function of nearby tourism gateways or nodes*

Comment: The camping ground will be limited to one or two locations, which is compatible with transport options and access. It will complement the showground use and is not antipathetic to the future mixed employment related uses on the site. It will provide a low cost accommodation option for travellers.

Q4. Will the planning proposal give effect to Council's endorsed local strategic planning statement, or other local strategic plan?

This planning proposal will give effect to the adopted LSPS (see response to Q1).

Council also adopted a 10 year + Community Strategic Plan (CSP) 2022 – 2032. The CSP is based on key themes, including Economic Prosperity (page 30). The outcome of this theme is “A *dynamic local economy with full employment for current and future residents in a diverse range of high value industries*”.

Actions to help get there include:

- 1.1 *Support job growth within the Shire*
- 1.2 *Diversify the economy*
- 1.4 *Develop Muswellbrook as a regional centre*

Comment: The camping ground will support jobs in site management, maintenance and cleaning. It adds diversity to the tourism accommodation market and is focussed on the town of Muswellbrook. It is consistent with, and will give effect to, the endorsed CSP.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Yes. The *Upper Hunter Economic Diversification Action Plan: Implementation Priorities* (NSW Government, 2018) establishes renewed priorities for business growth and sustainable economic transitions in the region. The plan identifies five strategic themes to facilitate long-term regional economic opportunities for the Upper Hunter. This planning proposal is consistent with theme 1:

Driving land use certainty

Economic development and jobs growth in the region will be underpinned by planning frameworks delivering certainty of land use.

Q6. Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?

None of the State Environmental Planning Policies are relevant to this planning proposal.

Q7. Is the planning proposal consistent with the applicable Ministerial Directions (s9.1 Directions) or key government priority?

Consistency with the s9.1 Directions is assessed in the following tables:

1. Planning Systems

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
1.1 Implementation of Regional Plans	Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	This planning proposal affects land subject to the <i>Hunter Regional Plan 2041</i> .	Consistent

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
		The regional plan is a high level strategic document that does not directly address permitting camping on land in Muswellbrook. However, the planning proposal is consistent with a range of strategies as outlined in Section B (Q3) above.	
1.2 Development of Aboriginal Land Council land	Applies to all relevant planning proposal authorities when preparing a planning proposal for land shown on the Land Application Map of chapter 3 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> .	This planning proposal does not apply to Aboriginal Land Council land.	N/A
1.3 Approval and Referral Requirements	A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: i. the appropriate Minister or public authority, and ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act	This planning proposal does not introduce any of these matters.	N/A
1.4 Site Specific Provisions	(1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or	This planning proposal will allow a land use (camping ground) on a specific site. However it will not impose any new development standards or requirements. It does not refer to drawings or details other than exhibition material that demonstrates how a camping ground could work on this site. This supporting information is not proposed to become part of the LEP.	Consistent

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>requirements in addition to those already contained in that zone, or</p> <p>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>(2) A planning proposal must not contain or refer to drawings that show details of the proposed development.</p>		

3. Biodiversity and Conservation

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
3.1 Conservation Zones	<p>(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/ protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of <i>"Rural Lands"</i>.</p>	<p>This planning proposal does not alter or remove any environment protection zone. No environmental standards will be reduced by the proposed LEP changes.</p> <p>The subject land does not contain environmentally sensitive areas or high environmental value vegetation (HEV).</p> <p>The planning proposal will not alter development standards that relate to dwellings on the subject land.</p>	Consistent
3.2 Heritage Conservation	<p>(1) A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the</p>	<p>There are no European heritage items located on or near the site.</p> <p>There is no known Aboriginal site located on the subject land. The nearest site is an artefact site located approximately 200 metres south-west of the subject land.</p> <p>Muswellbrook LEP 2009 already contains clauses that facilitate the conservation of Aboriginal and</p>	Consistent

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	<p>European heritage in Muswellbrook LGA. Sites and relics are also protected under state legislation.</p> <p>The planning proposal is consistent with this Direction.</p>	
3.5 Recreation Vehicle Areas	A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>).	This planning proposal does not enable land to be developed for the purpose of a recreation vehicle area.	N/A

4. Resilience and Hazards

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
4.1 Flooding	Applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	The subject land is not flood affected in the 1% design flood event.	Consistent
4.3 Planning for Bushfire Protection	In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A	<p>The subject land is not affected by bushfire hazard.</p> <p>The planning proposal will not result in inappropriate development in hazardous areas.</p> <p>The planning proposal will not prohibit bushfire hazard reduction.</p>	Inconsistent (referral to RFS is required)

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
	Act, and take into account any comments so made.	The planning proposal will still need to be referred to the Rural Fire Service and the inconsistency remains until that occurs.	
4.4 Remediation of Contaminated Land	<p>Applies when a relevant planning authority prepares a planning proposal that applies to:</p> <ul style="list-style-type: none"> (a) land that is within an investigation area within the meaning of the <i>Contaminated Land Management Act 1997</i>, (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land: <ul style="list-style-type: none"> i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge). 	<p>The subject land has a history of use as a showground. Early photos show it being used for that purpose in 1957. Prior to that, it was likely broad acre grazing country. There is no indication that the site has been used for land uses that could be a possible source of contamination.</p> <p>It is not identified on any register as a contaminated site.</p> <p>The land is suitable for the proposed employment related uses.</p>	Consistent
4.5 Acid Sulfate Soils	Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.	The subject land is not affected by acid sulfate soils (ASS).	N/A
4.6 Mine Subsidence and Unstable Land	Applies when a relevant planning authority prepares a planning proposal that permits development on land that is within a declared mine subsidence district in the <i>Coal Mine</i>	This planning proposal does not impact on any mine subsidence area.	Consistent

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<i>Subsidence Compensation Regulation 2017</i> pursuant to section 20 of the <i>Coal Mine Subsidence Compensation Act 2017</i> , or has been identified as unstable in a study, strategy or other assessment undertaken by or on behalf of the relevant planning authority or by or on behalf of a public authority and provided to the relevant planning authority.	The site is neither steep nor potentially unstable.	

5. Transport and Infrastructure

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
5.1 Integrating Land Use and Transport	<p>Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>	<p>This planning proposal will permit camping as a land use on the subject land. It does have frontage to the New England Highway but camping access can be restricted to Rutherford Road.</p> <p>It is well located in terms of road access. Public transport is limited in the LGA generally, but this site is easy walking and cycling distance from the CBD and Muswellbrook Fair shopping centre.</p>	Consistent
5.2 Reserving Land for Public Purposes	A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).	<p>This planning proposal does not alter an existing zone or reservation of land for public purposes.</p> <p>The showground is privately owned and is not a reserve.</p>	N/A

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
5.3 Development Near Regulated Airports and Defence Airfields	Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.	There are no regulated airports or defence airfields in the vicinity of this planning proposal.	N/A
5.4 Shooting Ranges	Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.	There are no shooting ranges in the vicinity of this planning proposal.	N/A

6. Housing

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
6.1 Residential Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.	This planning proposal does not involve any residential land and will not permit residential accommodation as a land use.	N/A
6.2 Caravan Parks and Manufactured Home Estates	<p>(1) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP, zone the land in accordance with an appropriate zone under the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> that would facilitate the retention of the existing caravan park.</p>	This planning proposal will not alter the permissibility of caravan parks or manufactured home estates on any land.	N/A

7. Industry and Employment

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
7.1 Employment Zones	<p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed Employment zone (including the alteration of any existing Employment zone boundary).</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this direction, (b) retain the areas and locations of Employment zones, (c) not reduce the total potential floor space area for employment uses and related public services in Employment zones. (d) not reduce the total potential floor space area for industrial uses in E4, E5 and W4 zones, and (e) ensure that proposed employment areas are in accordance with a strategy that is approved by the Planning Secretary. 	<p>This planning proposal will not rezone or alter the boundary to any land zoned for employment purposes.</p> <p>It could potentially reduce the usable employment land by allocating an area to be used for camping.</p> <p>However, camping requires minimal infrastructure and can easily be modified to an employment use when the market is right.</p> <p>The camping is associated with the use of the site as a showground.</p>	Justifiably inconsistent

8. Resources and Energy

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
8.1 Mining, Petroleum Production and Extractive Industries	<p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <ul style="list-style-type: none"> (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. 	<p>This planning proposal will not alter or restrict mining or extractive industries on any land.</p>	N/A

9. Primary Production

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
9.1 Rural Zones	A planning proposal must not rezone land from a rural zone to a residential, employment, mixed use, SP4 Enterprise, SP5 Metropolitan Centre, W4 Working Waterfront, village or tourist zone.	This planning proposal will not affect any rural zoned land.	N/A
9.2 Rural Lands	Applies when a relevant planning authority prepares a planning proposal for land outside the local government areas of Lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the <i>Greater Sydney Commission Act 2015</i>) other than Wollondilly and Hawkesbury, that: (a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary), or (b) changes the existing minimum lot size on land within a rural or conservation zone.	The subject land will not affect an existing rural or conservation zone.	N/A

Section C Environmental, social and economic impact

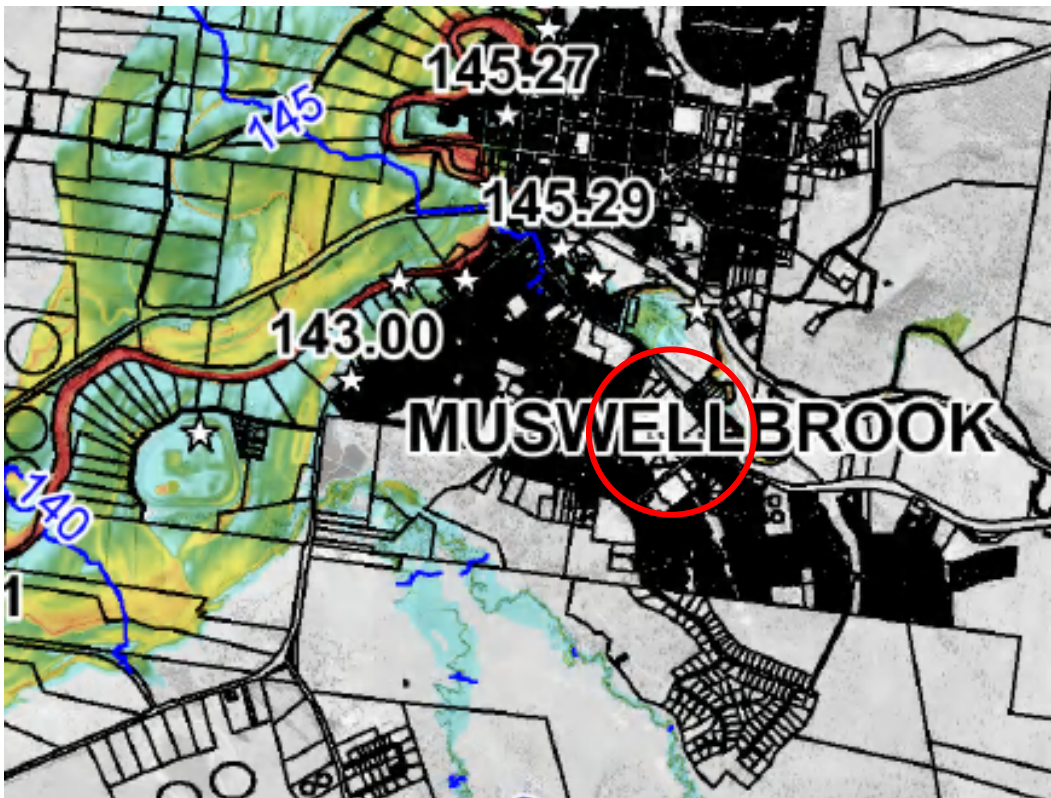
Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

No. No significant native vegetation remains on the subject land. It has a history of grazing and then has been used as a showground since the 1950s. It is not mapped on the NSW biodiversity mapping and is not identified on Council's terrestrial biodiversity mapping. There is no likelihood of threatened species, populations or ecological communities being affected by permitting a camping ground on the subject land.

Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. The subject land is not flood prone in the 1% ARI design flood (Figure 6).

Figure 6: 1% flood level does not affect the subject site



The showground land is mostly mown lawn and scattered buildings, and is not affected by bushfire hazard mapping. The planning proposal will not result in inappropriate development in hazardous areas and will not exacerbate bushfire hazard on this or other land.

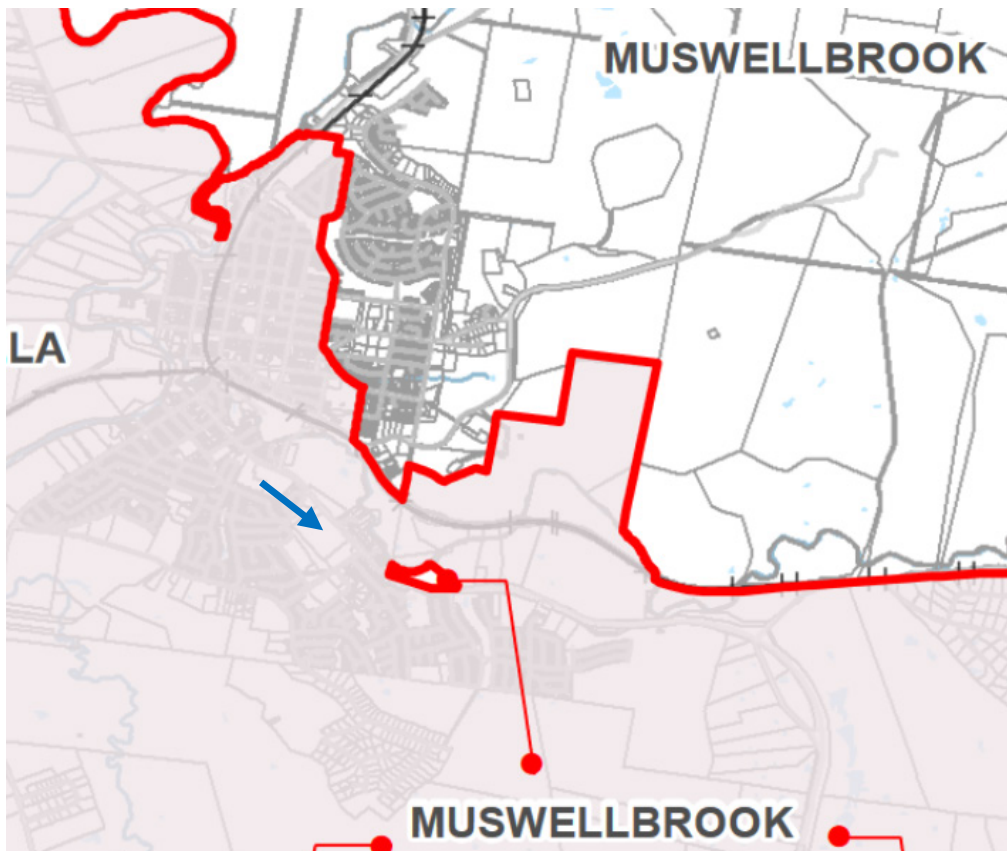
The subject land has been used as a showground since the 1950s, and is unlikely to be contaminated from past land use (Figure 7).

Figure 7: Image taken in 1957 showing the subject site being used as a showground



The subject land has no history of mining and is not located within a Mine Subsidence District (Figure 8).

Figure 8: The land is located outside the Muswellbrook Mine Subsidence District



Q10. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will have mostly positive social and economic effects as the subject land can be used for camping (partly) in conjunction with the showground. This will not obstruct the future use of the site for a variety of employment related land uses that will generate jobs and allow business to establish and grow in due course.

It is an appropriate location for camping as it is located within town with good road, pedestrian and cycle access. It is walking distance to the CBD and Muswellbrook Fair shopping centre.

Camping is a low impact land use that is compatible with surrounding land uses including a motel, skatepark and indoor sports centre, retirement community and the showground.

The subject land is large enough that camping can proceed with minimal impact on other land uses on the site. A sketch showing how the subject land might accommodate one or two camping areas is shown at Appendix A.

A search of the Aboriginal Heritage Information Management System (AHIMS) identified initially that there is an Aboriginal site located on the showground (Appendix B). However, an extensive search shows that this site is an artefact scatter that is/was located approximately 200 metres to the south-west on the Muswellbrook Fair site (Appendix C). No Aboriginal sites are located on the subject land. Impacts on Aboriginal cultural heritage are not anticipated.

No locally listed European heritage items are located on or near the subject land.

Section D State and Commonwealth interests

Q11. Is there adequate public infrastructure for the planning proposal?

The proposed use of the subject land will rely on extending existing water and sewer connections as well as power and communications that already service the site. Amenities for campers are already located on the site.

The subject land is well connected with Muswellbrook by local roads and the New England Highway. It is easy walking and cycling distance from Muswellbrook Fair shopping centre along Rutherford Road.

There is adequate public infrastructure to accommodate the future use of part of the subject land as a camping ground.

Q12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The gateway determination has yet to be issued. It is anticipated that the Rural Fire Service, Department of Planning and Environment, and Transport for NSW will be contacted for comment during the public exhibition.

Wanaruah LALC will be given an opportunity to comment during the public exhibition.

At this early stage, it appears unlikely that there will be any issues of interest to Commonwealth authorities. State government authorities will be consulted during the public exhibition period in accordance with the gateway requirements.

The following table provides a summary of the relevant public authorities that, in the opinion of Council, should be consulted in accordance with the gateway determination:

Public authority/stakeholder	Issue requiring comment
Department of Planning and Environment	Consideration of strategic planning merit
Transport for NSW	Impacts on New England Highway
Rural Fire Service	Bushfire issues
Wanaruah LALC	Aboriginal cultural heritage and archaeological matters

Part 4 Mapping

The planning proposal will not amend any maps.

Part 5 Community consultation

Council will commence community consultation in accordance with the gateway determination. For the purposes of public notification, the planning proposal is not considered to be low impact as outlined in the NSW DPE's *A guide to preparing local environmental plans* because it is inconsistent with some section 9.1 Directions. A 28-day public exhibition period is recommended.

Notification of the exhibited planning proposal will include the websites of Muswellbrook Shire Council and the NSW DPE.

Part 6 Project timeline

The proposed timeline for the completion of the planning proposal is as follows:

Plan making step	Estimated completion
Decision by Council to support the planning proposal and submit for gateway determination by the NSW DPE.	December 2023
Gateway determination issued by the NSW DPE.	January 2024
Public exhibition of planning proposal. Further government agency consultation.	February 2024
Analysis of public submissions. Preparation of Council report.	May 2024
Decision by Council to endorse the planning proposal and submit to the NSW DPE under delegation for finalisation.	June 2024

Conclusion

The planning proposal seeks to amend Muswellbrook LEP 2009 to add an Additional Permitted Use (camping ground) so that part of the Muswellbrook Showground can be used as a camping ground subject to Council consent.

The planning proposal will apply to two adjoining parcels of land as follows: Lot 400 DP 578684, Lot 22 DP 616590, and Lot 10 DP 843828 Rutherford Road, Muswellbrook.

The planning proposal will support the economy by allowing low cost tourism accommodation use on the subject land.

The planning proposal applies to land that has minimal environmental values, with minimal likelihood of significant environmental impact. The site has good road, cycle and pedestrian access. Water and sewerage, power and communication infrastructure are also available.

An assessment of the planning proposal indicates that it is consistent with relevant SEPPs. It is consistent with most of the relevant section 9.1 Directions; and where inconsistencies occur, they can be justified.

The planning proposal is consistent with a range of strategic planning documents including the *Hunter Regional Plan 2041*; the Muswellbrook CSP; the Muswellbrook LSPS and the Upper Hunter Economic Diversification Action Plan, 2018.

It is appropriate that it be sent to the NSW DPE for a gateway determination in order that the planning proposal can proceed to public exhibition (subject to compliance with any gateway conditions).

Further information and studies are not required prior to public exhibition and agency consultation, in addition to any stipulated in the gateway determination. Further detail can be supplied when a DA is prepared in the future.





PROPOSED FACILITIES:

- 1 MAIN SHOW RING
- 2 NEW RODEO RING
- 3 STOCK YARDS AND STABLES
- 4 CARETAKER'S RESIDENCE
- 5 CAMPGROUND AREA 1
- 6 CAMPGROUND AREA 2
- 7 CAR PARKING
- 8 NEW LAUNDRY

EXISTING FACILITIES:

- A SHEEP SHED
- B ENTERTAINMENT ARENA
- C OLD STABLES
- D BENGALLA AGRICULTURAL STABLE SHED
- E R K ELLIS DAIRY CATTLE PAVILION
- F AMENITIES BLOCK 3
- G EDDERTON RURAL YOUTH PAVILION
- H EXHIBITION HALL
- I YOUTH SERVICES
- J SCOUT HALL
- K RON PASSFIELD POULTRY PAVILION
- L GREEN STORAGE SHED
- M KIOSK (FUTURE PROVODORE CENTRE)
- N JUDY SIMPSON ROOM
- O UNDERCOVER AREA
- P RON FRANKS ROOM
- Q AMENITIES BLOCK 1
- R SHOWGROUND ADMINISTRATION
- S AMENITIES BLOCK 2

100m 200m

CLIENT: MUSWELLBROOK SHOWGROUND

DATE: OCTOBER 2023

A3 SCALE 1:2000

INTEGRATED
Site Design
PLANNING • DESIGN • MARKETING • MANAGEMENT

DRG No:

MSG-01

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Mike Svikis

Date: 17 October 2023

3 Gibbingbell Close

Ocean Shores New South Wales 2483

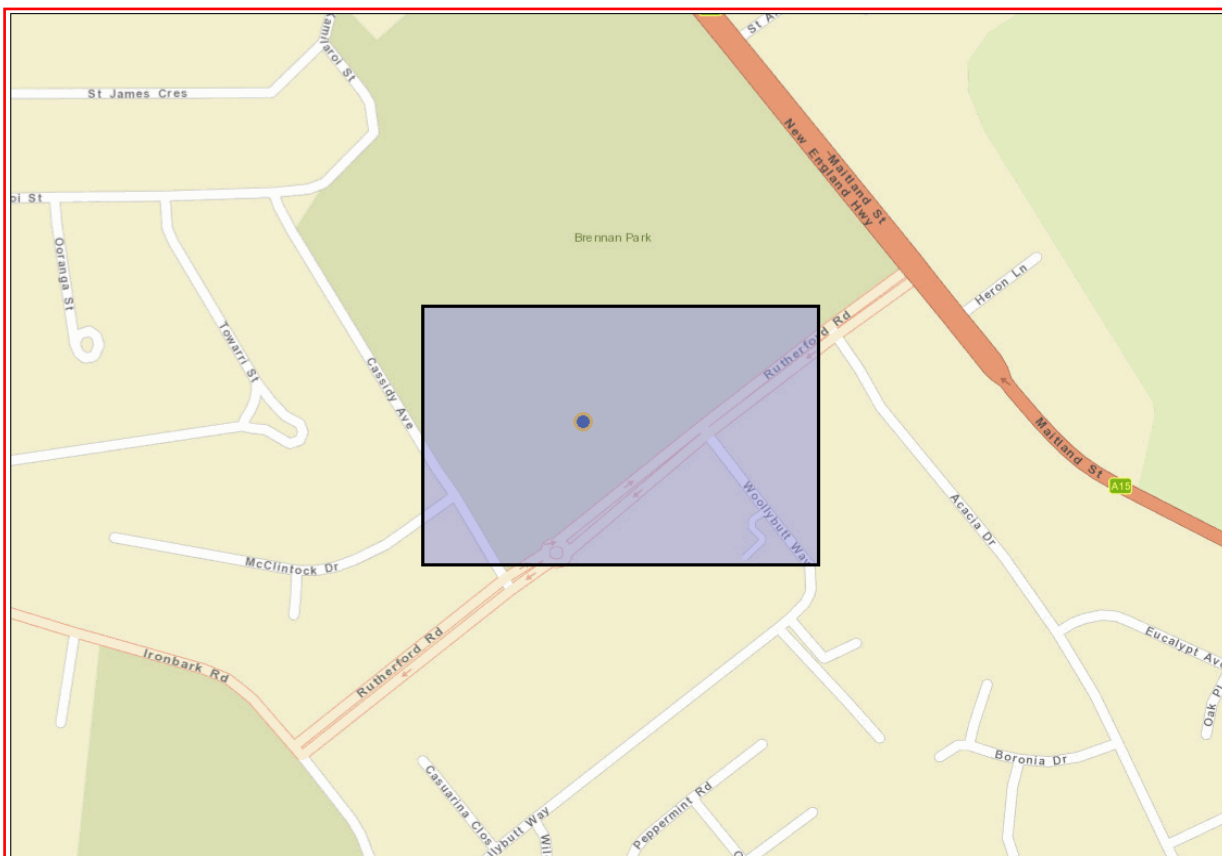
Attention: Mike Svikis

Email: mikesvikiplanning@bigpond.com

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lat, Long From : -32.2822, 150.8944 - Lat, Long To : -32.28, 150.8983, conducted by Mike Svikis on 17 October 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

1	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

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Appendix C

Extensive AHIMS search and site map



AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : Muswellbrook showground

Client Service ID : 829577

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status **</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
37-2-2033	Harvey Norman Site Muswellbrook	AGD	56	301749	6426285	Open site	Valid	Artefact : 6		
	<u>Contact</u> Searle	<u>Recorders</u>	John Mathews					<u>Permits</u>		

**** Site Status**

Valid - The site has been recorded and accepted onto the system as valid

Destroyed - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.

Partially Destroyed - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground

Not a site - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Report generated by AHIMS Web Service on 17/10/2023 for Mike Svikis for the following area at Lat, Long From : -32.2819, 150.8921 - Lat, Long To : -32.2774, 150.8998. Number of Aboriginal sites and Aboriginal objects found is 1

This information is not guaranteed to be free from error omission. Heritage NSW and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

