



IRF24/1777

Gateway determination report – PP-2023-2616

Additional permitted use to permit camping grounds at
Muswellbrook Showgrounds, Rutherford Road,
Muswellbrook

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

- 1 Planning proposal..... 1**
 - 1.1 Overview 1
 - 1.2 Objectives of planning proposal 1
 - 1.3 Explanation of provisions 1
 - 1.4 Site description and surrounding area 1
 - 1.5 Mapping..... 3
 - 1.6 Background 3
- 2 Need for the planning proposal 4**
- 3 Strategic assessment 4**
 - 3.1 Regional and Subregion Plan 4
 - 3.2 Local Plan..... 4
 - 3.3 GSection 9.1 Ministerial Directions 4
 - 3.4 State environmental planning policies (SEPPs) 4
- 4 Site-specific assessment 4**
 - 4.1 Environmental..... 4
 - 4.2 Social and economic..... 5
 - 4.3 Infrastructure 5
- 5 Consultation..... 5**
 - 5.1 Community 5
 - 5.2 Agencies..... 6
- 6 Timeframe..... 6**
- 7 Local plan-making authority 6**
- 8 Assessment summary 6**
- 9 Recommendation..... 6**

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal PP-2023-2646 Version 1 (dated 19 July 2024)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Muswellbrook
PPA	Muswellbrook City Council
NAME	Additional permitted use to permit camping grounds at Muswellbrook Showgrounds, Rutherford Road, Muswellbrook
NUMBER	PP-2023-2616
LEP TO BE AMENDED	Muswellbrook Local Environmental Plan (LEP) 2009
ADDRESS	Rutherford Road, Muswellbrook
DESCRIPTION	Lots 400 DP 578654, Lot 22 DP 616590, Lot 10 DP 843828
RECEIVED	19/07/2024
FILE NO.	IRF24/1777
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal seeks to amend the Muswellbrook LEP 2009 to permit camping grounds as an additional permitted use at Muswellbrook Showground, Rutherford Road, Muswellbrook. The objective of the planning proposal is clear and appropriate.

1.3 Explanation of provisions

The explanation of provisions confirm that the objectives of the proposal will be achieved by amending Schedule 1 Additional permitted uses of the Muswellbrook LEP 2009 to insert the subject site and list camping grounds as an additional permitted use to be permitted with consent. The planning proposal contains an explanation of provisions that adequately explain how the objectives will be achieved.

1.4 Site description and surrounding area

The site is located at Rutherford Road, Muswellbrook and consists of three individual lots (Lots 400 DP 977626, Lot 22 DP 616590 and Lot 10 DP 843828). The site is zoned E3 Productivity Support. The site is current known and used as the Muswellbrook Showgrounds. The site is irregular in shape and is bounded by Rutherford Road to the south and Maitland Street to east and is located approximately 2.5km south-east of the Muswellbrook town centre.

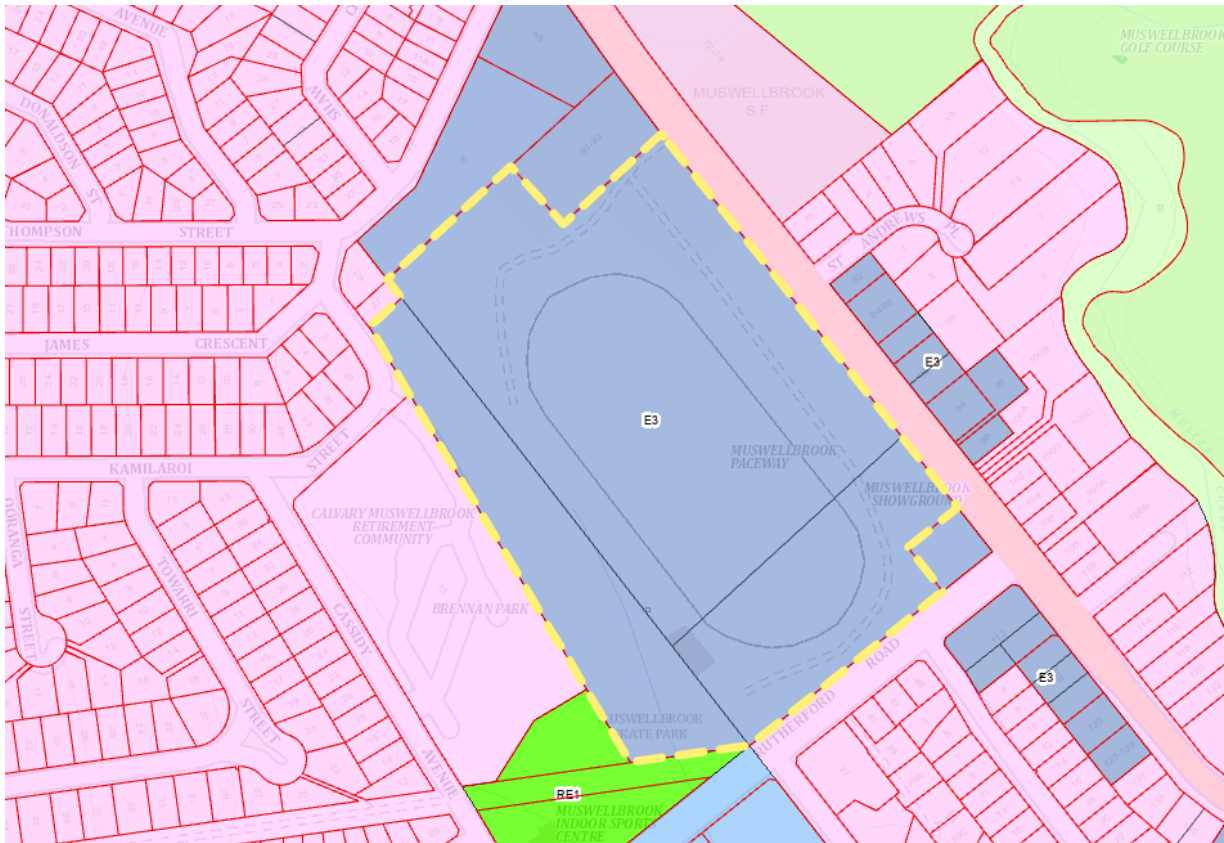


Figure 1: Site location, land zoning and surrounding area (NSW Spatial Viewer 2024)



Figure 2: Aerial imagery of the site (NSW Spatial Viewer 2024)

1.5 Mapping

The planning proposal does not propose any mapping amendments.

1.6 Background

The site has been historically, and is currently, used as the Muswellbrook Showgrounds. Parts of the site are sometimes used informally by tourists and visitors associated with activities at the showgrounds by way camping and caravans. Prior to July 2010 the site was zoned RE2 Private Recreation with caravan parks and camping grounds permitted with consent.

The Muswellbrook LEP 2009 was amended 6 July 2010 to rezone the site to B2 Local Centre and B5 Business Development to enable redevelopment of the land for a bulky goods precinct, noting that these zones prohibited caravan parks and camping grounds.

In 2022 the NSW State Government Employment Zone reforms rezoned the land to E3 Productivity Support. At the time of consultation, Council requested for the land use table to include the use of 'caravan parks' as a permitted use with consent as an acknowledgement of the ongoing use of the site as a showground with associated camping and caravan use. At the time of consultation, camping grounds were an included use with caravan parks and were defined in the Muswellbrook LEP 2009 as follows:

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.

Following the employment land use reforms, the definition in the Muswellbrook LEP 2009 (as amended 1 December 2022) was amended to separate out camping ground from caravan parks as follows:

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.

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.

As a result, caravan parks are currently permitted with consent in the zone, however, due to the definition change of caravan parks and camping grounds (which was unforeseen) it resulted in camping grounds still being a prohibited use.

In the meantime, Muswellbrook Council has become aware that the use of the site as a camping ground is not operating with the required approvals and proponents cannot submit applications to do so while the use is prohibited.

Council has indicated that the additional permitted use of camping grounds would enable an interim use of the site compatible with the showground until such time that the long-term strategic vision of the site is realised through its redevelopment as an employment lands/bulky good precinct.

2 Need for the planning proposal

The planning proposal is not the result of a strategic planning study or report. A definition change resulted in camping grounds being inadvertently prohibited, as previously outlined in this report.

A planning proposal is needed and is the only means to permit camping grounds on the site. Permitting the use through Schedule 1 is appropriate as Council still intends for the site to be developed consistent with the E3 Productivity Support zone over the longer term. Council considers camping grounds to be an interim use compatible with the showground and will not prohibit or restrict future redevelopment of the site.

3 Strategic assessment

3.1 Regional and Subregion Plan

The planning proposal to provide camping grounds at the showgrounds is consistent with the relevant goals, objectives and intent of the Hunter Regional Plan 2041. It provides short term accommodation in Muswellbrook supporting both temporary workers and visitors to the area.

Council refers the Upper Hunter Strategic Regional Land Use Plan 2012 however this repealed by the Hunter Regional Plan 2041 and references to it in the planning proposal should be removed.

3.2 Local Plan

The proposal is consistent with the relevant objectives and planning priorities of Muswellbrook's Local Strategic Planning Statement, Community Strategic Plan and the Upper Hunter Employment Lands Strategy.

The Employment Lands Strategy recognises that the zoning of the showground should be reviewed in the future should plans to relocate the showground not eventuate. Council advises that this is a larger body of work which sits outside the scope of change considered here.

3.3 Section 9.1 Ministerial Directions

The planning proposal is consistent with the relevant 9.1 Ministerial Directions and is considered satisfactory.

3.4 State environmental planning policies (SEPPs)

The proposal is in accordance with the relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

The site is located in a well-established urban zoned area and is not located on bushfire prone land. The subject site is located on flood prone land (above the 1 in 100-year event flood planning level and within the probable maximum flood (PMF) area. Camping grounds are not a sensitive or hazardous development as defined for special flood considerations and given their short term nature, occupants can readily relocate.



Figure 3: Land affected by the PMF (planning proposal)

The proposal is identified on Council's mapping system as potentially contaminated. However, no known uses as identified in Table 1 of the *Contaminated Land Management Act 1997* has occurred to Council's knowledge and the proposal is not for residential, recreation or childcare purposes or a hospital. Council is satisfied that any contamination issue can be resolved at the DA stage.

The planning proposal to permit camping grounds will not have any adverse or additional impact on traffic, transport, noise, water quality, stormwater management, contamination or soil stability. Site specific controls can be considered with any future development applications.

4.2 Social and economic

The planning proposal aims to provide a complimentary use on the site of the existing showgrounds and therefore has a positive economic and social benefit.

It is considered unlikely that permitting camping grounds will restrict future redevelopment and therefore long-term economic impact of the site.

4.3 Infrastructure

Existing infrastructure is adequate to serve and meet the needs of the proposal.

5 Consultation

5.1 Community

The planning proposal is categorised as standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

No agency consultation is recommended.

6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as standard.

An LEP completion of 9 months from the date of the Gateway determination is recommended in accordance with the Department's commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its function as a Local Plan-Making authority.

As the planning proposal is can be categorised as standard the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal is generally consistent with the State, regional and local planning frameworks.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - a) The planning proposal is categorised as standard as described in the Local Environmental Plan Making Guideline (August 2023) and must be made publicly available for a minimum of 20 working days; and
 - b) The planning proposal 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 Local Environmental Plan Making Guidelines (August 2023).
2. No consultation is required with agencies.
3. Update the planning proposal to remove any reference to the Upper Hunter Strategic Regional Land Use Plan.
4. Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 9 months from the date of the Gateway determination.



14/8/2024

Ben Holmes, Manager, Hunter and Northern NSW



20/08/24

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