



New South Wales

Muswellbrook Local Environmental Plan 2009 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

SAM HADDAD

As delegate for the Minister for Planning and Infrastructure

2012 No 316

Clause 1 Muswellbrook Local Environmental Plan 2009 (Amendment No 2)

Muswellbrook Local Environmental Plan 2009 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Muswellbrook Local Environmental Plan 2009 (Amendment No 2)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the land to which *Muswellbrook Local Environmental Plan 2009* applies and, in particular, to land at New England Highway, Muswellbrook, known as the Muswellbrook Showground, being Lot 22, DP 616590, Lot 10, DP 843828 and Lot 400, DP 578684.

4 Maps

Each map adopted by *Muswellbrook Local Environmental Plan 2009* that is specified in Column 1 of the following table is declared by this Plan to be amended or replaced, as the case requires, by the map specified opposite in Column 2 of the table as approved by the Minister on the making of this Plan:

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Muswellbrook Local Environmental Plan 2009 Floor Space Ratio Map (5650_COM_FSR_008A_020_2012 0328)	Muswellbrook Local Environmental Plan 2009 Floor Space Ratio Map (5650_COM_FSR_008A_020_2012 0412)

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Muswellbrook Local Environmental Plan 2009 Height of Buildings Map (5650_COM_HOB_008A_020_2012 0328)	Muswellbrook Local Environmental Plan 2009 Height of Buildings Map (5650_COM_HOB_008A_020_2012 0412)
Muswellbrook Local Environmental Plan 2009 Land Zoning Map (5650_COM_LZN_008A_020_2012 0328)	Muswellbrook Local Environmental Plan 2009 Land Zoning Map (5650_COM_LZN_008A_020_2012 0412)

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Muswellbrook Local Environmental Plan 2009 (Amendment No 2)

Schedule 1 Amendment of Muswellbrook Local Environmental Plan 2009

Schedule 1 Amendment of Muswellbrook Local Environmental Plan 2009

[1] Clause 2.1 Land use zones

Insert “B5 Business Development” after “B2 Local Centre” under the heading **Business Zones**.

[2] Land Use Table, Zone B5

Insert after the matter relating to Zone B2 Local Centre:

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To ensure that development is arranged and carried out in a way that does not intrude on the amenity of adjoining residential areas or detract from the function of commercial development in the town centre.
- To maintain the economic strength of centres by limiting retail activity.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Bulky goods premises; Business identification signs; Child care centres; Community facilities; Garden centres; Hardware and building supplies; Landscaping material supplies; Light industries; Passenger transport facilities; Respite day care centres; Roads; Rural supplies; Shop top housing; Storage premises; Take away food and drink premises; Vehicle sales or hire premises; Warehouse or distribution centres

4 Prohibited

Any development not specified in item 2 or 3

[3] Clause 7.7

Insert after clause 7.6:

7.7 Development at Muswellbrook Showground

- (1) The objective of this clause is to ensure that development on land to which this clause applies occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) This clause applies to land at New England Highway, Muswellbrook, known as the Muswellbrook Showground, being Lot 22, DP 616590, Lot 10, DP 843828 and Lot 400, DP 578684.
- (3) Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the matters in subclause (4) has been prepared for the land.
- (4) The development control plan must provide for all of the following:
 - (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,
 - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
 - (c) an overall landscaping strategy and detailed landscaping requirements for both the public and private domain,
 - (d) an overall plan for pedestrian areas, including linkage of such areas,
 - (e) stormwater and water quality management controls,
 - (f) amelioration of natural and environmental hazards, including flooding and site contamination,
 - (g) detailed urban design controls,
 - (h) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.