



Ms Fiona Plesman  
General Manager  
Muswellbrook Shire Council  
PO Box 122  
MUSWELLBROOK NSW 2333

Dear Ms Plesman

**Planning proposal PP\_2018\_MUSWE\_001\_00 to amend Muswellbrook Local Environmental Plan 2009**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 6 September 2018 in respect of the planning proposal to amend Muswellbrook Local Environmental Plan 2009 (MLEP 2009). The proposal aims to zone the proposed corridor for the Muswellbrook bypass as SP2 Classified Road zone and to zone land formerly identified as being in the Muswellbrook bypass corridor to match the zones of adjoining land.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.2 Rural Zones and 1.5 Rural Lands are justified in accordance with the terms of the Directions.

In relation to section 9.1 Direction 6.2 Reserving Land for Public Purposes, I have agreed to alter the reservation of land for public purposes on the basis that the changes are at the request of Roads and Maritime Services who is the relevant public authority. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of relevant section 9.1 Directions 1.3 Mining, Petroleum Production and Extractive Industries and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr James Shelton to assist you. Mr Shelton can be contacted on 4904 2713.

Yours sincerely



**5/10/2018**  
**Monica Gibson**  
**Director Regions, Hunter**  
**Planning Services**

Encl: Gateway determination  
Authorised plan-making reporting template