



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

Dear Ms Plesman

Planning proposal PP_2020_MUSWE_001_00 to amend the *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 1 October 2020 in respect of the above planning proposal.

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

The planning proposal appears consistent with a precinct of small lot equine-related residential uses adjoining the racecourse. I strongly encourage Council to consider opportunities to identify this precinct and its intended outcomes and preferred uses in any relevant future local strategic planning work.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Ministerial direction 1.2 Rural Zones is justified in accordance with the terms of the direction. No further approval is required in relation to this direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Ministerial Directions:

- 1.3 Mining, Petroleum Production and Extractive Industries;
- 2.6 Remediation of Contaminated Land; and
- 4.3 Flood Prone Land.

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 the planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

Council should commence the exhibition of the planning proposal within four months. The amending local environmental plan (LEP) is to be finalised within six months of the date of the Gateway determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

The NSW 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 enquiries about this matter, I have arranged for Mr Ben Holmes, Senior Planner, Central Coast and Hunter Region to assist you. Mr Holmes can be contacted on 4904 2709.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dan Simpkins', with a long horizontal line extending to the right.

26/10/2020

Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Assessment

Encl: Gateway determination
Authorised plan-making reporting template