



Mr Steve McDonald  
General Manager  
Muswellbrook Shire Council  
PO Box 122  
MUSWELLBROOK NSW 2333

Our ref: PP\_2014\_MUSWE\_003\_00

Att: Pathum Gunasekara

Dear Mr McDonald

**Planning proposal to amend Muswellbrook Local Environmental Plan 2009**

I am writing in response to your Council's letter dated 18 July 2014 and updated planning proposal dated 1 October 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land from E3 Environmental Management to part R1 General Residential and part R5 Large Lot Residential under the Muswellbrook Local Environmental Plan 2009.

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

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant S117 Directions, such as Direction 1.2 Rural Zones, Direction 1.3 Mining, Petroleum Production and Extractive Industries, Direction 1.5 Rural Lands, Direction 2.1 Environment Protection Zones and Direction 2.3 Heritage Conservation. Council should ensure this occurs prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

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 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Trent Wink from the Hunter office to assist you. Mr Wink can be contacted on (02) 49042716.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Rowland'.

21 October 2014  
**David Rowland**  
**General Manager**  
**Hunter and Central Coast Region**  
**Planning Services**

## Gateway Determination

**Planning proposal (Department Ref: PP\_2014\_MUSWE\_003\_00):** to rezone land at Ironbark Road, Muswellbrook.

I, the General Manager, Hunter and Central Coast Region at Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Muswellbrook Local Environmental Plan (LEP) 2009 to rezone land from E3 Environmental Management to part R1 General Residential and part R5 Large Lot Residential should proceed subject to the following conditions:

1. Prior to commencing public exhibition, Council is to update its planning proposal and provide the following supporting information:
  - Amend the Urban Release Area Map to identify the subject lands as an urban release area;
  - Contamination and Geotechnical Assessment;
  - Bushfire Assessment; and
  - Consult and take into consideration any comments made by the Office of Environment and Heritage, the NSW Rural Fire Service, Mine Subsidence Board or any other public authority consulted in accordance with the Minister's S117 Directions.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the relevant planning 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 section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Environment 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
  - NSW Rural Fire Service
  - Office of Environment and Heritage
  - NSW Aboriginal Land Council
  - NSW Department of Primary Industries – Agriculture
  - NSW Department of Primary Industries - Minerals and Petroleum
  - Mine Subsidence Board
  - Transport for NSW - Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated 21<sup>st</sup> day of October 2014.



**David Rowland**  
**General Manager**  
**Hunter and Central Coast Region**  
**Planning Services**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning**