



Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2010_MUSWE_002_00 (10/14144)
Your ref: Planning Proposal 5

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

Dear Mr McDonald,

Re: Planning Proposal to make housekeeping amendments to Muswellbrook Local Environmental Plan 2009

I am writing in response to your Council's letter dated 23 June 2010 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 amend the Muswellbrook Local Environmental Plan 2009 to make a number of minor housekeeping amendments.

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

The removal of the proposed amendment to clause 7.5 of the Muswellbrook LEP 2009 in relation to moveable dwellings has been made as it is questionable whether moveable dwellings are 'development' within the meaning of the EP&A Act. In any event, section 68 of the Local Government Act requires an approval from Council for the installation of a moveable dwelling.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 3 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (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 s54(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, please contact Trent Wink of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_MUSWE_002_00): to make a number of minor housekeeping amendments to the Muswellbrook Local Environmental Plan 2009.

I, the Deputy Director General, Plan Making & Urban Renewal 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 2009 to make the following minor housekeeping amendments:

- Amend Clause 7.5 so that it also covers the erection of a moveable dwelling.
- Amend Schedule 5 Environmental Heritage to identify the correct Lot and DP numbers for heritage item Denm/R023 .
- Amend the heritage maps to correctly identify a number of heritage items.
- Rezone a number of previous Crown roads the same as the adjoining zone.
- Correct a number of minor mapping anomalies.

should proceed subject to the following conditions:

1. The removal of the proposed amendment to clause 7.5 of Muswellbrook LEP 2009 in relation to moveable dwellings.
2. The proposed rezoning of previous Crown roads to the adjoining zone to apply to all roads in the LGA.
3. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Lands

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.

6. The timeframe for completing the LEP is to be **3 months** from the week following the date of the Gateway determination.

Dated 2nd day of August 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning