



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

Our ref: PP_2015_MUSWE_002_00 (15/14017)
Your ref: LEP Amendment No. 13

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 17 September 2015 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 approximately 40 ha of land at Muscle Creek Road, Muswellbrook from RU1 Primary Production to R5 Large Lot Residential.

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.

The proposal's inconsistencies with Section 117 Directions 1.2 Rural Zones and 1.5 Rural Lands are considered to be of minor significance. No further approval is required in relation to these Directions.

Council is required to consult with NSW Rural Fire Service to ensure the planning proposal is not inconsistent with Section 117 Direction 4.4 Planning for Bushfire Protection.

Consultation is also required with Transport for NSW – Roads and Maritime Services for comment on traffic generation and the impact on existing intersections.

Council should also ensure it has adequately considered whether the land is contaminated, consistent with clause 6 of the State Environmental Planning Policy No 55—Remediation of Land. It is recommended that Council undertake appropriate preliminary investigations, in accordance with the SEPP and Guidelines, if there is any uncertainty regarding the sites suitability for residential use.

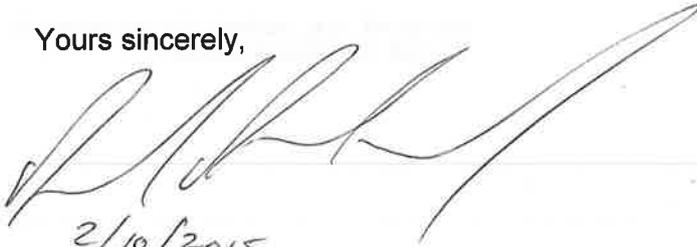
The Minister delegated plan making powers to councils in October 2012. It is noted that Council has accepted this delegation, however do not wish to use delegations to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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.

Should you have any queries in regard to this matter, I have arranged for Amy Blakely from the Hunter office to assist you. Ms Blakely can be contacted on (02) 4904 2723.

Yours sincerely,



2/10/2015.
David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Gateway Determination

Planning proposal (Department Ref: PP_2015_MUSWE_002_00): to rezone approximately 40 ha of land at Muscle Creek Road, Muswellbrook from RU1 Primary Production to R5 Large Lot Residential.

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 approximately 40 ha of land at Muscle Creek Road, Muswellbrook from RU1 Primary Production to R5 Large Lot Residential should proceed subject to the following conditions:

1. 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 **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Environment 2013)*.
2. 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 Section 117 Directions:
 - NSW Rural Fire Service
 - Transport for NSW- Roads and Maritime Services

Each agency 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.
3. 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).

4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated *2 October 2015*



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

Delegate of the Minister for Planning