

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

Dear Ms Plesman

Planning proposal PP_2018_MUSWE_002_00 to amend Muswellbrook Local Environmental Plan 2009: Lake Liddell Recreation Reserve

I refer to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act in respect of the planning proposal to amend Muswellbrook Local Environmental Plan 2009 (MLEP 2009) to rezone land within the Lake Liddell Recreation Reserve from SP2 Infrastructure to RE1 Public Recreation.

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, that no further approval is required in relation to section 9.1 Direction 6.2 Reserving Land for Public Purposes. I have formed this view as the Proposal will alter the zoning of land for public purposes on the basis that the land is reserved for recreation and intended to be used for this purpose. The Planning Proposal is inconsistent with Direction 2.4 Recreational Vehicle Areas and Direction 4.4 Planning for Bushfire Protection. Council will need to obtain the agreement of the Department's Secretary to comply with the requirements of these Directions prior to the plan being made.

I note 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. Towards 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 Ken Phelan to assist you. Mr Phelan can be contacted on 4904 2705.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, cursive script.

7/11/2018

Monica Gibson
Director Regions, Hunter
Planning Services

Encl: Gateway determination
Authorised plan-making reporting template