



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

Dear Ms Plesman

Planning proposal PP-2021-6523 to amend 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 27 October 2021 in respect of the planning proposal to rezone 72-74 Maitland Road, Muswellbrook from RU3 Forestry to R1 General Residential.

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

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands and 4.3 Flooding. 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 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 six 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 the LEP should be made to the Department at mapinstrument.drafting@dpie.nsw.gov.au and a copy of the request forwarded to the regional office.

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 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 Ms Amy Pryor to assist you. Ms Pryor can be contacted on 9274 6367.

Yours sincerely



24/11/2021

Ben Holmes
Manager, Central Coast and Hunter Region
Planning and Assessment

Encl: Gateway determination