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Our ref: PP_2013_MUSWE_001_00 (13/04700)
Your ref: LEP Amendment 10

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

Dear Mr McDonald,

Planning proposal to amend Muswellbrook Local Environmental Plan 2009

I am writing in response to your Council's letter dated 12 March 2013 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 facilitate various housekeeping amendments including correcting drafting errors in Schedule 5 Environmental Heritage and on the Heritage Map, permitting 'camping grounds' and 'caravan parks' with consent in zones RU1 Primary Production and E3 Environmental Management, amending the Land Zoning Map to remove split zones and listing 'A-frame signs, street furniture and display goods on Council's footpaths' in Schedule 2 Exempt Development.

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

I have also agreed the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones is of minor significance. No further approval is required in relation to this Direction.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan. Council should contact the regional office of the department should it require assistance in relation to the exercise of its delegation, including assistance with access to GIS support.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 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 for administrative purposes.

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 Dylan Meade of the regional office of the Department on 02 4904 2700 or if you require GIS support you can also contact Noo Porima on 02 9228 6111.

Yours sincerely,


Neil McGaffin 27.3.13
Executive Director
Rural and Regional Planning

Gateway Determination

Planning proposal (Department Ref: PP_2013_MUSWE_001_00): to facilitate various minor housekeeping amendments.

I, the Executive Director, Rural and Regional Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Muswellbrook Local Environmental Plan (LEP) 2009 to facilitate various housekeeping amendments including correcting drafting errors in Schedule 5 Environmental Heritage and on the Heritage Map, permitting 'camping grounds' and 'caravan parks' with consent in zones RU1 Primary Production and E3 Environmental Management, amending the Land Zoning Map to remove split zones and listing 'A-frame signs, street furniture and display goods on Council's footpaths' in Schedule 2 Exempt Development should proceed subject to the following conditions:

1. Council is to update the planning proposal to include a project timeline, consistent with Section 2.6 Part 6 of the *A Guide to Preparing Planning Proposals*. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.
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 is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2012) and 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 & Infrastructure 2012).
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 **9 months** from the week following the date of the Gateway determination.

Dated

27th

day of

March

2013.



Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure

Delegate of the Minister for Planning and
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

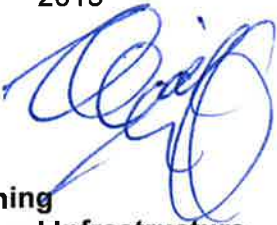
Muswellbrook Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_MUSWE_001_00	Planning proposal to facilitate various housekeeping amendments including correcting drafting errors in Schedule 5 Environmental Heritage and on the Heritage Map, permitting 'camping grounds' and 'caravan parks' with consent in zones RU1 Primary Production and E3 Environmental Management, amending the Land Zoning Map to remove split zones and listing 'A-frame signs, street furniture and display goods on Council's footpaths' in Schedule 2 Exempt Development.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated *27 March* 2013

Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure



Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_MUSWE_001_00
Date Sent to Department under s56	12/03/2013
Date considered at LEP Review Panel	21/03/2013
Gateway determination date	27/03/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: