

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

Our ref: PP_2015_MUSWE_001_00 (15/08281)
Your ref: LEP Amendment 12

Att: Pathum Gunasekara

Dear Mr McDonald,

Planning Proposal to amend Muswellbrook Local Environmental Plan 2009

I am writing in response to your Council request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to enable an administrative amendment to Muswellbrook Local Environmental Plan 2009.

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.

I have also agreed the planning proposal's inconsistency with S117 Directions 3.1 Residential Zones is of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the creation of land for public purposes on the basis the subject lands have been dedicated to Council as either public reserve or drainage reserve. No further approval is required in relation to these Directions.

Council may still need to obtain the Secretary's agreement to satisfy the requirements of any other relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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.

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 section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated.

Should you have any questions regarding this matter, I have arranged for Ms Susan Blake from the Hunter office to assist you. Ms Blake can be contacted on (02) 4904 2720.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Rowland', written in a cursive style.

29 June 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Gateway Determination

Planning Proposal (Department Ref: PP_2015_MUSWE_001_00): to enable an administrative amendment to Muswellbrook Local Environmental Plan 2009.

I, the General Manager, Hunter and Central Coast Region at the 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, including various LEP mapping amendments, introducing a new local clause to permit events without development consent, and correcting a number of drafting errors in Schedule 5 Environmental Heritage and on the heritage maps, should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to correct the Lot Size Map error relating to Lot 42, DP 748269. The Lot Size Map should identify a minimum subdivision requirement of 800,000 square metres. The planning proposal needs to explain how this mapping error was caused by Amendment No.7 to the Muswellbrook Local Environmental Plan 2009.
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 (Planning & Infrastructure 2013)* 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 (Planning & Infrastructure 2013)*.
3. Consultation is required with the Mine Subsidence Board, prior to exhibition, to comply with the requirements of the relevant S117 Direction - 4.2 Mine Subsidence and Unstable Land. The Mine Subsidence Board 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
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 29th day of June 2015.



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

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Muswellbrook Shire Council is authorised to exercise the functions of the Minister for Planning 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_2015_MUSWE_001_00	Planning proposal to enable an administrative amendment to Muswellbrook LEP 2009, including various LEP mapping amendments, introducing a new local clause to permit events without development consent, and correcting a number of drafting errors in Schedule 5 Environmental Heritage, and on the heritage maps.

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 29th June 2015



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