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Our ref: PP\_2011\_MUSWE\_002\_00 (11/06973-1)

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

Dear Mr McDonald,

**Re: Planning Proposal to make a number of amendments to Muswellbrook Local Environmental Plan 2009**

I am writing in response to your Council's letter 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 amend the Muswellbrook Local Environmental Plan 2009 to:

- include Lot 1 DP 1143545 in Schedule 4 Classification and reclassification of public land;
- amend Schedule 5 Environmental Heritage and the accompanying LEP Heritage maps to ensure compliance with the Department's standard technical requirements;
- include 'eco tourist facilities' as permissible with consent in the RU1 Primary Production zone and the E3 Environmental Management zone, to adopt Clause 5.13 Eco Tourist Facilities, and include the standard 'eco tourist facilities' definition in the Dictionary; and
- reformat all LEP maps to comply with the Department's Standard Technical Requirements for LEP Maps.

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

It is noted that Council has limited GIS resources and the Department has offered assistance to amend Council's LEP maps to comply with the standard technical requirements. Council should work closely with the Department's Regional Office regarding the preparation of the mapping amendments, which should be finalised prior to the submission of the planning proposal to the Minister under section 59 of the EP&A Act.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 Trent Wink of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Gellibrand', with a stylized flourish at the end.

21/7/11

**Tom Gellibrand**  
**Deputy Director General**  
**Plan Making & Urban Renewal**

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## Gateway Determination

**Planning Proposal (Department Ref: PP\_2011\_MUSWE\_002\_00):** to make a number of amendments to Muswellbrook Local Environmental Plan 2009

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Muswellbrook Local Environmental Plan 2009 to:

- include Lot 1 DP 1143545 in Schedule 4 Classification and reclassification of public land;
- amend Schedule 5 Environmental Heritage and the accompanying LEP Heritage maps to ensure compliance with the Department's standard technical requirements;
- include 'eco tourist facilities' as permissible with consent in the RU1 Primary Production zone and the E3 Environmental Management zone, to adopt Clause 5.13 Eco Tourist Facilities, and include the standard 'eco tourist facilities' definition in the Dictionary; and
- reformat all LEP maps to comply with the Department's Standard Technical Requirements for LEP Maps

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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 **6 months** from the week following the date of the Gateway determination.

Dated 21<sup>st</sup> day of September 2011.



**Tom Gellibrand**  
**Deputy Director General**  
**Plan Making & Urban Renewal**  
**Delegate of the Minister for Planning and Infrastructure**