



Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2010_MUSWE_003_00 (10/14297)
Your ref: DA 4/2010

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

Dear Mr McDonald,

Re: Planning Proposal to rezone land at Muscle Creek Road, Muswellbrook

I am writing in response to your Council's letter dated 29 June 2010 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 rezone land at Muscle Creek Road, Muswellbrook.

As delegate of the Minister for Planning, I have now determined that the planning proposal should not proceed for the reasons outlined in the attached Gateway Determination.

I am prepared to consider a planning proposal which rezones this land for rural residential purposes in the light of Council's completed Rural Lands Strategy and information which addresses the supply, demand and take-up rate of rural residential development in the LGA.

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,

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_MUSWE_003_00): to rezone 40ha of land (362 Muscle Ck Rd, Muswellbrook) from RU1 Primary Production to R5 Large Lot Residential under the Mus LEP 2009 to permit the subdivision of approximately 29 rural residential allotments.

I, the Deputy Director General, Plan Making & Urban Renewal 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 2009 to rezone 40ha of land (362 Muscle Ck Rd, Muswellbrook) from RU1 Primary Production to R5 Large Lot Residential under the Mus LEP 2009 to permit the subdivision of approximately 29 rural residential allotments should not proceed for the following reasons:

1. The proposal is more appropriately considered within the strategic context of Council's Rural Lands Strategy which should be finalised prior to specific rezoning being sought.
2. Proposals for additional rural residential development should be justified, in part, on the basis of supply, demand and the take-up rate for this type of development.

Dated

2nd

day of

August

2010.



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