



Planning

Office of the Director-General

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Our ref: N09/00126
Your ref: 520.005

Dear Mr McDonald,

Re: Planning Proposal to rezone and reclassify part of Brennan Park (Lots 82 & 83 DP 262393) from RE1 Public Recreation to R1 General Residential so that the land can be developed as an aged care facility

I am writing in response to your Council's letter dated 18 September 2009 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 Muswellbrook Local Environmental Plan 2009 to rezone and reclassify part of Brennan Park (Lots 82 & 83 DP 262393) from RE1 Public Recreation to R1 General Residential so that the land can be developed as an aged care facility.

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

The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act I am satisfied that the planning proposal is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

It is suggested that Council undertake an assessment of open space to determine whether this land is surplus and where existing sporting clubs displaced by the proposal will be relocated.

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.

I have formed the opinion that the inconsistency with the section 117 Direction 6.2 Reserving Land for Public Purposes is justifiable as the draft plan and its provisions are justified by a planning proposal prepared in support of the proposed land uses which gives consideration to the objective of this direction. In this regard, Council has identified a shortage in aged housing in the Muswellbrook LGA and the rezoning of part of Brennan Park is an attempt to attract a not for profit aged care provider to establish an aged care facility of up to 60 beds to accommodate an aging population.

Should you have any queries in regard to this matter, please contact the Regional Office of the Department.

Yours sincerely,


Sam Haddad
Director-General

6/10/2009

Gateway Determination

Planning Proposal (Department Ref: N09/00126): To rezone and reclassify part of Brennan Park (Lots 82 & 83 DP 262393) from RE1 Public Recreation to R1 General Residential so that the land can be developed as an aged care facility.

I, the Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment of the Muswellbrook Local Environmental Plan 2009 to rezone and reclassify part of Brennan Park (Lots 82 & 83 DP 262393) from RE1 Public Recreation to R1 General Residential so that the land can be developed as an aged care facility 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 not classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning 2009) and therefore must be made publicly available for **28 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 State or Commonwealth public authorities under section 56(2)(d) of the EP&A Act.
3. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act.
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

6th

day of

October

2009.



Sam Haddad

Delegate for the Minister for Planning