



10/02054-1

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

Dear Mr McDonald

**Gateway Determination Extension – Muswellbrook Local Environmental Plan
2009 (Amendment No.2)**

I refer to Council's request of 26 July 2011, seeking an extension of time to complete the Planning Proposal to rezone the Muswellbrook showground site from RE2 Private Recreation to part B2 Local Centre and part B5 Business Development zone under Muswellbrook Local Environmental Plan (LEP) 2009.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to amend the Gateway Determination dated 25 August 2010 for PP_2010_MUSWE_001_00.

The Gateway Determination is amended by extending the time for the completion of the Planning Proposal by an additional 9 months. The Planning Proposal is now due for completion by 1 June 2012. Council's request for the Department to draft and finalise the LEP should be made six weeks prior to the projected publication date.

It is understood that Council has experienced delays in finalising the Planning Proposal due to preparation of the masterplan and draft Development Control Plan. To address a number of planning issues, it is understood that Council is considering adopting a new B5 Business Development zone, building height map, floor space ratio map and a local clause which requires the preparation of a Development Control Plan before any development application is approved. It is noted that none of these initiatives have been publicly exhibited at this stage.

In light of the additional requirements being added to the Planning Proposal post-exhibition, it is recommended that Council update the Planning Proposal to reflect these changes. The updated Planning Proposal should be submitted to the Newcastle Regional Office for review prior to re-exhibition for a minimum 14 days. This will give the community the opportunity to comment on the additional proposed planning controls. I appreciate that this will cause some delay with the plan, however the extent of changes Council is looking to make, without re-exhibition, could unnecessarily put the plan at risk of being declared invalid.

If you have any questions in relation to this matter, please contact Mr Trent Wink of the Department's Newcastle Office on (02) 4904 2716.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Neil McGaffin', written over a horizontal line.

Neil McGaffin

6.10.11

**A/ Deputy Director General
Plan Making and Urban Renewal**