

Gateway Determination

Planning proposal (Department Ref: PP_2020_MUSWE_001_00): to permit a dwelling house at 3 Racecourse Road, Muswellbrook

I, the Director, Central Coast and Hunter Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Muswellbrook Local Environmental Plan 2009* to permit a dwelling house at 3 Racecourse Road, Muswellbrook should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to include:
 - (a) the findings of a preliminary contamination assessment undertaken for the site; and
 - (b) relevant flooding information from Council's Floodplain Risk Management Plan and any flooding advice received from the Department of Planning, Industry and Environment (Biodiversity and Conservation Division) and the NSW State Emergency Service.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **14 days**;
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018); and
 - (c) public exhibition is to commence within **4 months** following the date of the Gateway determination.
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Ministerial directions:
 - NSW Resources and Geoscience ;
 - Biodiversity and Conservation Division; and
 - NSW State Emergency Service.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Ministerial directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **6 months** following the date of the Gateway determination.

Dated 26th day of October 2020.



Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Assessment
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces