

Gateway Determination

Planning proposal (Department Ref: PP-2024-68): *Additional Permitted Uses at part of Lot 1 DP 574168, New England Highway, Bayswater Power Station, and in the SP2 Infrastructure Zone*

I, the Director Hunter and Northern at the Department of Planning, Housing and Infrastructure, 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 facilitate additional permitted uses at part of Lot 1 DP 574168, New England Highway, Bayswater Power Station and in the SP2 Infrastructure Zone should proceed subject to the following conditions.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 8 months of the Gateway determination date.

Gateway Conditions

1. Prior to agency and community consultation, the proposal is to be amended to:
 - remove Environmental protection works; Public Utility Undertaking; Public Utility Infrastructure; Roads; Sewage reticulation systems; Sewage treatment plants; Water supply systems from the proposed local provision;
 - include Environmental protection works; Roads; and Water storage facilities in the SP2 Land Use Table with consent;
 - include a Key Sites Map; and
 - include a preliminary site investigation for potential contamination to confirm the suitability of the site for its intended future use.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 days; and

- (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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
- NSW Rural Fire Service
 - NSW EPA
 - NSW Mining, Exploration and Geoscience
 - Transport for NSW
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.
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 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).

Dated 30th day of April 2024.



Jeremy Gray
Director, Hunter and Northern Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces