

Gateway Determination

Planning proposal (Department Ref: PP-2024-732): to facilitate additional permitted industrial uses on part of Lot 2 DP 1095515, part of Lot 601 DP 1019325, part of Lot 34 DP 752486 and part of Lot 145 DP 752486, New England Highway, Muswellbrook and to undertake associated land use table changes.

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 industrial uses on part of Lot 2 DP 1095515, part of Lot 601 DP 1019325, part of Lot 34 DP 752486 and part of Lot 145 DP 752486, New England Highway, Muswellbrook and to undertake associated land use table changes 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 6 months of the Gateway determination date.

Gateway Conditions

1. Prior to agency and community consultation, the proposal is to be amended to:
 - include a key-sites map; and
 - include a preliminary site investigation for potential contamination to confirm the suitability of the land 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 13 day of June 2024



Craig Diss
Acting 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