



Planning

Office of the Director-General

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Our ref: PP_2009_UPHUN_001_00

Mr Daryl Dutton
General Manager
Upper Hunter Shire Council
PO Box 208
SCONE NSW 2337

Dear Mr Dutton,

Re: Planning Proposal to rezone 65ha of land at Gundy Road, Scone from 1(i) Intensive Agricultural Zone and 1(s) Small Farms Zone to 2(a) Residential zone to permit urban development of the land

I am writing in response to your Council's letter received on 2 December 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 the Scone Local Environmental Plan 1986 to rezone 65ha of land at Gundy Road, Scone (Lot 2 DP 804243) from 1(i) Intensive Agricultural Zone and 1(s) Small Farms Zone to 2(a) Residential zone to permit urban development of the land.

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. In addition to the conditions attached to the Gateway Determination, Council should ensure that issues of flooding and salinity are adequately addressed.

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 12 months of the week following the date of the Gateway Determination.

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.

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

Yours sincerely,


Sam Haddad
Director-General

30/12/2009

Gateway Determination

Planning Proposal (Department Ref: PP_2009_UPHUN_001_00): to rezone 65ha of land at Gundy Road, Scone (Lot 2 DP 804243) from 1(i) Intensive Agricultural Zone and 1(s) Small Farms Zone to 2(a) Residential zone to permit urban development of the land.

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 Scone Local Environmental Plan 1986 to rezone 65ha of land at Gundy Road, Scone (Lot 2 DP 804243) from 1(i) Intensive Agricultural Zone and 1(s) Small Farms Zone to 2(a) Residential zone to permit urban development of the land 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 classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning 2009) and 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. Consultation is required with the following agencies under section 56(2)(d) of the EP&A Act:
 - (a) Catchment Management Authority – Hunter/Central Rivers
 - (b) Department of Environment, Climate Change and Water
 - (c) Industry and Investment NSW
 - (d) Department of Transport and Infrastructure
 - (e) Department of Education and Training
 - (f) Roads and Traffic Authority
 - (g) Aboriginal Land Council
 - (h) Department of Housing
 - (i) Department of Health
 - (j) State Emergency Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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 **12 months** from the week following the date of the Gateway determination.

Dated 30th day of December 2009.


Sam Haddad
Delegate for the Minister for Planning