



Mr Waid Crockett
General Manager
Upper Hunter Shire Council
PO Box 208
SCONE NSW 2337

Our ref: PP_2014_UPHUN_001_00 (14/06844)
Your ref: OUT – 4275/14

Att: Mathew Pringle

Dear Mr Crockett,

Planning Proposal to amend Upper Hunter Local Environmental Plan 2013

I am writing in response to your Council's letter dated 8 April 2014 and revised planning proposal dated 15 May 2014 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 rezone land from RU4 Primary Production Small Lots to R5 Large Lot Residential under the Upper Hunter Local Environmental Plan 2013.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Direction 1.2 Rural Zones and Direction 3.4 Integrated Land Use and Transport are of minor significance and justified by the endorsed Upper Hunter Land Use Strategy. No further approval is required in relation to these Directions.

Council may still need to obtain the department's approval to comply with the requirements of other relevant S117 Directions, in particular Direction 1.5 Rural Lands depending on the Department of Primary Industries advice. Council should ensure this occurs prior to the plan being made.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

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 section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated.

Should you have any questions regarding this matter, I have arranged for Trent Wink from the Hunter office to assist you. Mr Wink can be contacted on (02) 49042716.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Rowland', written in a cursive style.

22 May 2014

David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning and Delivery

Gateway Determination

Planning Proposal (Department Ref: PP_2014_UPHUN_001_00): to rezone land at Lot 52 DP 750941 Middlebrook Road, Scone

I, the General Manager, Hunter and Central Coast Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Upper Hunter Local Environmental Plan (LEP) 2013 to rezone land from RU4 Primary Production Small Lots to R5 Large Lot Residential should proceed subject to the following conditions:

1. A flora and fauna assessment should be undertaken to determine potential impacts on threatened flora and fauna. The planning proposal should be updated to include this information prior to being placed on public exhibition. A copy of the flora and fauna assessment should also be forwarded to Office of Environment and Heritage when they are consulted.
2. The planning proposal should be updated to include the amending LEP maps prior to being placed on public exhibition.
3. 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 must be made publicly available for a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Planning & Infrastructure 2013)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - NSW Department of Primary Industries - Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
 - NSW Department of Primary Industries – Agriculture (S117 Direction 1.5 Rural Lands)
 - Office of Environment and Heritage
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.
5. A public hearing is not required to be held into the matter by any person or body under section 56(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).

6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 22nd day of May 2014.

A handwritten signature in black ink, appearing to read 'D. Rowland', is positioned above the printed name and title.

**David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning and Delivery
Department of Planning and Environment**

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Upper Hunter Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_UPHUN_001_00	Planning proposal to rezone land from RU4 Primary Production Small Lots to R5 Large Lot Residential under the Upper Hunter Local Environmental Plan 2013

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 22 May 2014

A handwritten signature in black ink, appearing to read "D Rowland".

David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning and Delivery
Department of Planning and Environment