



Mr Steve McDonald
General Manager
Upper Hunter Shire Council
Po Box 208
SCONE NSW 2337

Dear Mr McDonald

Planning proposal PP_2020_UPHUN_001_00 to amend *Upper Hunter Local Environmental Plan 2013*

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 15 June 2020 in respect of the planning proposal to enable the establishment of a highway service centre and a warehouse or distribution centre at Lot 22 DP 1235763 at 2912 New England Highway, Scone.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I note Council's preference is to retain the R1 General Residential zone and add an additional permitted use for the site. The enclosed Gateway determination is issued on the basis the planning proposal is updated to rezone the land to IN2 Light Industrial, which permits highway service centres with consent.

This approach is considered more appropriate due to:

- inconsistency with section 9.1 Ministerial direction 6.3 Site Specific Provisions;
- surrounding land uses, railway line and bypass impacting the amenity of the site as a R1 General Residential zone;
- other IN2 Light Industrial uses only being permitted with consent; and
- the proposed railway overpass providing a logical and definitive boundary between residential areas to the south and industrial uses.

Due to this approach, the planning proposal will also need to include the relevant maps consistent with the development standards typically applying to IN2 Light Industrial zones.

As delegate of the Secretary I have also agreed the planning proposal's inconsistencies with section 9.1 Ministerial directions: 1.1 Business and Industrial Zones and 3.1 Residential Zones are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Ministerial Direction 3.5 Development Near Regulated Airports and Defence Airfields. Council should ensure this occurs prior to finalisation.

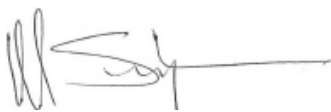
It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 18 months of 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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

The NSW 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 act under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr James Shelton, Senior Planner, Central Coast and Hunter Region to assist you. Mr Shelton can be contacted on 4904 2713.

Yours sincerely



08/09/2020

Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Assessment

Encl: Gateway determination
Authorised plan-making reporting template