

Gateway Determination

Planning proposal (Department Ref: PP_2020_UPHUN_001_00): to amend the Upper Hunter Local Environmental Plan 2013 to enable the establishment of a Highway service centre and a Warehouse or Distribution centre at Lot 22 DP 1235763 at No. 2912 New England Highway, Scone.

I, the Director at the Department of Planning, Industry and Environment, 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 *Upper Hunter Local Environmental Plan 2013* to rezone from R1 General Residential to IN2 Light Industrial, Lot 22 DP 1235763, New England Highway, Scone, should proceed subject to the following conditions:

1. The planning proposal be amended to:

- change the description of the proposal to – ‘rezone from R1 General Residential to IN2 Light Industrial, Lot 22 DP 1235763, New England Highway, Scone’; and
- include land use zone, maximum building height, minimum lot size maps (and floor space ratio maps and height of building if necessary) to ensure consistency with the development standards typically applied to the IN2 Light Industrial zone.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:

- (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **28 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of the relevant section 9.1 Ministerial directions:

- Scone Airport lessee / operator
(Direction 3.5 Development Near Regulated Airports and Defence Airfields)

Each public authority/organisation 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.

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 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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the 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 section 9.1 Ministerial directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **18 months** following the date of the Gateway determination.

Dated 8th day of September 2020.



Dan Simpkins
Director, Central Coast and Hunter
Region
Planning and Assessment
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces