

Gateway Determination

Planning proposal (Department Ref: PP_2019_UPHUN_001_00): to change the minimum lot size of part lot 17 DP 1196235, Gundy Road, Scone from four hectares to one hectare

I, the Director Regions, Hunter at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 (LEP) (2013) to change the minimum lot size of part lot 17 DP 1196235, Gundy Road, Scone from four hectares to one hectare should proceed subject to the following conditions:

1. Prior to exhibition, Council is to update the planning proposal to detail consistency with the guidance in the Upper Hunter Strategic Regional Land Use Plan regarding potential impacts on the equine critical industry cluster, including advice received from the Department of Primary Industries (Agriculture).
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 2016) and must be made publicly available for a minimum of 14 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
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 relevant section 9.1 Directions:
 - Office of Environment and Heritage
 - Department of Industry (Land and Water)
 - NSW Rural Fire Service
 - Department of Primary Industries (Agriculture)
 - Wanaruah Local Aboriginal Land Council

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 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 12 months following the date of the Gateway determination.

Dated 27th day of February 2019.



Monica Gibson
Director Regions, Hunter
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning