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Our ref: PP_2011_UPHUN_001_00 (11/13737)
Your ref: OUT-8201/11

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

Dear Mr Dutton,

Re: Planning Proposal to rezone 7.4ha of land approximately 7km from Scone from 1(i) Intensive Agriculture to 1(c) Rural Small Holdings

I am writing in response to your Council's letter dated 13 July 2011 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 7.4ha of land approximately 7km from Scone from 1(i) Intensive Agriculture to 1(c) Rural Small Holdings.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should not proceed for the reasons provided in the attached Gateway Determination.

The subject site is not identified for residential purposes in the Upper Hunter Shire Land Use Strategy which has been endorsed by the Director General. In addition, the site is classified as 'Prime Agricultural Land' and the conversion of this land to rural residential development is not supported in this instance. Council has also not adequately justified the proposal against a number of relevant Section 117 Directions.

Council is encouraged to work closely with the Department's Regional Planning Team in the future to ensure that planning proposals adequately address all relevant matters in a form consistent with the requirements of the EP&A Act. In this instance it is considered that the planning proposal that was submitted did not adequately clarify the intent and desired planning outcome being sought by Council. Council is encouraged to consider resubmitting a planning proposal for the site in the future if it believes there is adequate strategic justification for the proposal.

Should you have any queries in regard to this matter, please contact Amy Blakely of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,


29/8/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_UPHUN_001_00): to rezone 7.4ha of land approximately 7km from Scone from 1(i) Intensive Agriculture to 1(c) Rural Small Holdings.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Scone Local Environmental Plan 1986 to rezone 7.4ha of land approximately 7km from Scone from 1(i) Intensive Agriculture to 1(c) Rural Small Holdings should not proceed for the following reasons:

1. The site is not identified for residential purposes in the Upper Hunter Shire Land Use Strategy which has been endorsed by the Director General of the Department in January 2010.
2. The site is classified as 'Prime Agricultural Land' and is therefore inconsistent with the selection criteria for rural residential land within the Upper Hunter Shire Land Use Strategy.
3. The planning proposal's inconsistencies with several Section 117 Directions have not been adequately justified.
4. Council has not prepared the Land Supply Monitor which was a condition of endorsement of the Upper Hunter Shire Land Use Strategy. The Strategy identifies that there is 25 years supply of rural residential land currently zoned in the Shire. Council has therefore failed to demonstrate the need for the rezoning in this instance.

Dated 29th day of August 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure