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Our ref: PP_2012_UPHUN_004_00 (12/11148)

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

Dear Mr Dutton,

Planning proposal to amend the Scone Local Environmental Plan (LEP) 1986

I am writing in response to your Council's letter 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 (LEP) 1986 to rezone land in Mareeba Road, Scone from intensive agriculture to rural small holdings and to increase the minimum lot size requirements on the subject site.

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

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 3.4 Integrated Land Use and Transport and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

In relation to Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and amend the planning proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.

Council is required to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land and the *Contaminated Land Planning Guidelines*. Council is required to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included in the public exhibition material for the planning proposal.

Prior to placing the planning proposal on public exhibition, Council should consider the proposal against the location criteria in Table 11 of the Upper Hunter Land Use Strategy and the settlement principles of the draft Strategic Regional Land Use Plan. Council should also undertake a risk assessment of the potential conflict of the proposal on surrounding agricultural land uses and recommend possible mitigation measures. It should also consider the agricultural viability of the rural residue of 18ha. The risk assessment should be forwarded to the Department of Primary Industries (Agriculture) during State agency consultation. Council is also required to establish a land monitor as required by the Director General, when he endorsed the Upper Hunter Land Use Strategy. These documents should be included at part of the exhibition material.

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 following agency consultation. Council's request for the department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

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

Yours sincerely,


Sam Haddad
Director-General
27/7/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_UPHUN_004_00): to amend the Scone Local Environmental Plan (LEP) 1986 to rezone land in Mareeba Road, Scone from intensive agriculture to rural small holdings and to increase the minimum lot size requirements on the subject site.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to Scone Local Environmental Plan (LEP) 1986 to rezone land in Mareeba Road, Scone from intensive agriculture to rural small holdings and to increase the minimum lot size requirements on the subject site should proceed subject to the following conditions:

1. 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Department of Primary Industries (Agriculture)
 - Transport for NSW (Railcorp)
 - NSW Rural Fire Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
3. 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).
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

27th day of

July

2012.



Sam Haddad

Director-General

**Delegate of the Minister for Planning and
Infrastructure**