



IRF23/2761

# Gateway determination report – PP-2023-2169

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Reclassification of four parcels of public land in Scone

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Minutes of Council meeting – 25 <sup>th</sup> September 2023
Planning Proposal – Reclassification of Land – Hill Street and New England Highway
Planning Proposal Application Form
Planning Proposal Submission Form

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Upper Hunter</b>
<b>PPA</b>	Upper Hunter Shire Council
<b>NAME</b>	Reclassification of four parcels of public land in Scone
<b>NUMBER</b>	PP-2023-2169
<b>LEP TO BE AMENDED</b>	<i>Upper Hunter Local Environmental Plan 2013</i>
<b>ADDRESS</b>	97 Hill Street, Scone; 98 Hill Street, Scone; 2912 New England Highway, Scone
<b>7DESCRIPTION</b>	Lot 1 DP 212047 – 97 Hill Street, Scone Lot 3 DP 212047 – 97 Hill Street, Scone Lot 12 DP 227553 – 98 Hill Street, Scone Lot 21 DP 1235763 – 2912 New England Highway, Scone
<b>RECEIVED</b>	29/09/2023
<b>FILE NO.</b>	IRF23/2761
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal, which is to reclassify four sites from community land to operational land.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the *Upper Hunter Local Environmental Plan 2013* below:

**Table 3 Current and proposed controls**

<b>Control</b>	<b>Current</b>	<b>Proposed</b>
Reclassify land	Community	Operational (no interests to change)

The planning proposal states the sites are to be listed in Part 1 of Schedule 4 of the local environmental plan. However, the table and associated text state that interests are to be discharged. Council has since confirmed that interests are not to be discharged. This part of the planning proposal needs to be updated and a Gateway determination condition is proposed.

## 1.4 Site description and surrounding area

The sites subject to the reclassification are identified in **Figure 1 and 2**.

The planning proposal affects four lots over three sites, being 97 Hill Street and 98 Hill Street, Scone and 2912 New England Highway, Scone. All sites are vacant public land and are not being for a community purpose.

The sites are zoned R1 General Residential. The sites at Hill Street are adjacent to a Golf Club (zoned RE1 Public Recreation) and are surrounded by other dwellings in zoned R1 General Residential.

The New England Highway site is adjacent to the Pacific Highway (zoned SP2 Classified Road) in the west, a rail line in the east (zoned SP2 Rail Infrastructure Facilities) and residential and Industrial land (zoned E4 General Industrial and R1 General Industrial) to the north and south of the site.



**Figure 1 Subject site: Lots 1 & 3 DP 212047 - 97 Hill St, Lot 12 DP 227553 - 98 Hill St (Source: Planning Portal)**



Figure 2 Site context: Lot 21 DP 1235763 - 2912 New England Highway (source: Planning Portal)

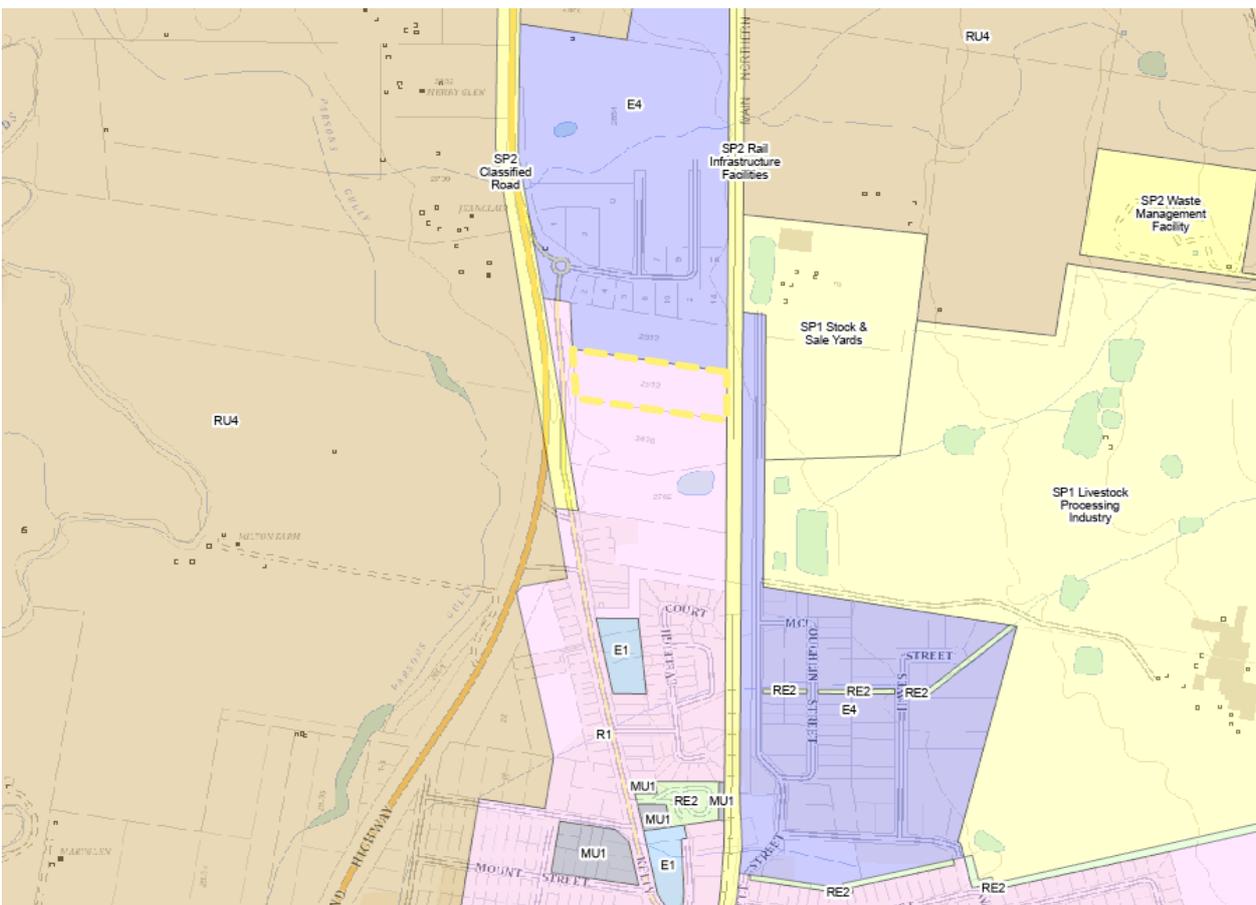
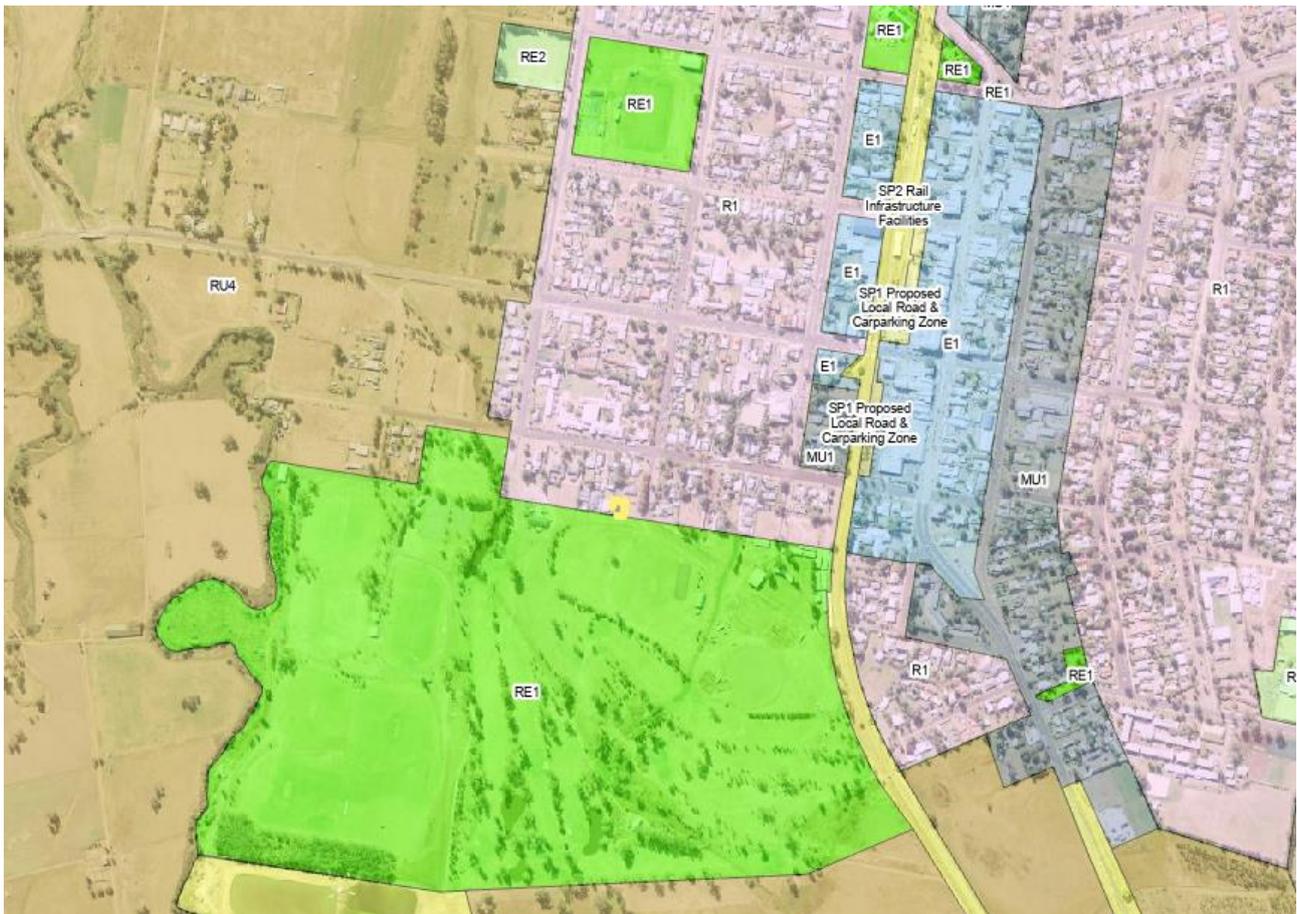


Figure 3 Current zoning map: 2912 New England Highway Score, Lot 21, DP1235763 (Source: Spatial Viewer)



**Figure 4 Current Zoning Map: Lots 1 & 3 DP 212047 - 97 Hill St, Lot 12 DP 227553 - 98 Hill St (Source: Spatial Viewer)**

## 1.5 Mapping

This planning proposal does not affect local environmental plan mapping. No reclassification map applies to the land parcels at the time of the Gateway Determination.

## 2 Need for the planning proposal

The proposal is not a result of a strategic plan, study or report.

The three sites located on Hill Street are intended to be reclassified to enable the development or future sale of those sites for housing consistent with the R1 General Residential zoning that applies to the land. If sold, council advises the funds raised will be allocated to council's reserve funds set aside for future property investments or repayment of property loans.

The site at 2912 New England Highway has been acquired by council as part of a long-term plan to improve access to the Scone Industrial areas, abattoir, and saleyards located on the eastern side of the railway (adjoining the eastern boundary of the site) by providing an overpass of the railway. Council advises that only part of the site would be required for the overpass access with the remainder able to be developed for residential purposes consistent with the R1 General Residential zone.

Reclassifying the land from community to operational is appropriate in these circumstances. Council does not intend for these lands to be used for community purposes, but instead they are to be ultimately developed for housing. The community classification is not appropriate and so the operational classification should be applied.

For the 2912 New England Highway site, council also intends to pursue development of part of the site for a road, which is permitted in the zone. As a local road, the R1 General Residential zone is a suitable zoning for the site. The alternative zoning for roads is SP2 Infrastructure. However, it typically only applies to the State-road network or land to be acquired (clause 5.1 in the local environmental plan) for a road. Neither of these circumstances apply here.

As the lands are classified as community under the *Local Government Act 1993*, a reclassification needs to occur to enable those lands to be classified as operational land. A local environmental plan amendment is the way to make that change.

## 3 Strategic assessment

### 3.1 Hunter Regional Plan 2041

The planning proposal seeks to reclassify the land, it does not seek to change the zone of the land or development standards. The planning proposal is not a result of outcomes outlined in the *Hunter Regional Plan 2041* and there are no strategies or planning priorities that are relevant.

### 3.2 Local strategic plans

#### 3.2.1 Local Strategic Planning Statement

This planning proposal is consistent with council's Local Strategic Planning Statement 2020 in respect of the land located at 2912 New England Highway Scone, Lot 21, DP1235763.

- Planning Priority 7.0.11 "Accommodate Employment Generating Activities" includes the Policy Position of:
  - Ensure infrastructure is appropriate to support commercial and industrial lands.

#### 3.2.2 Community Strategic Plan

This planning proposal is also consistent with the following objectives of the Community Strategic Plan 2032:

1. Protected Environment: Ensuring the ongoing protection of our environment and natural resources.
  - 2.4 Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Controls, which reflect the needs and expectations of the broad Community.
  - 2.6 Plan, facilitate and provide for a changing population for current and future generations.
2. Responsible Governance: Providing efficient and responsible governance in order to effectively serve the community.
  - 5.3 Effective financial and asset management to ensure Council's long-term sustainability.
  - 5.1 Effectively and efficiently management the business of Council, while encouraging an open and participatory Council with an emphasis on transparency, community engagement, action and response.

The reclassification of the sites to operational will enable provision of alternate and improved access, including a potential rail overpass to the industrial area, saleyards, and abattoir on the eastern side the rail line and development of the sites for housing.

### 3.3 LEP Practice Note PN 16-001

**Table 4 Assessment of planning proposal against LEP Practice Note PN 16-001**

Requirements	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Outline the current and proposed classification of the land	Consistent	The proposal outlines the proposed reclassification from 'community' to 'operational'.
Whether the land is public reserve	Consistent	The proposal identifies the land is not public reserve.
The strategic and site-specific merits and evidence to support the proposal	Consistent	The proposal includes evidence demonstrating the strategic and site-specific merit.
Whether the proposal is a result of a strategic study or report	Inconsistent	The proposal identifies it is not a result of a strategic study or report.  In this case, the inconsistency is considered minor given evidence demonstrating the strategic and site-specific merit of the proposals.
Whether the proposal is consistent with Council's strategic or other community plan	Consistent	The proposal provides an assessment against council's local strategic planning statement and Community Strategic Plan.
A summary of Council's interest in the land	Consistent	The purpose of reclassifying these lots is to facilitate the disposal of surplus vacant land by council and enable future residential development, consistent with the residential zoning of the land.
Whether there is an interest in the land and if it is to be discharge	Consistent	The proposal identifies four interests in the land (see table 2).  The interest is not to be discharged.
The effect of the reclassification and whether it will result in a loss of open-space	Consistent	The effect of the proposal is to facilitate and enable future residential development of the sites.  No zoned open-space will be lost given the land is zoned R1 General Residential.
Current use of the land	Consistent	The proposal identifies the sites as vacant land.

Current lease or proposed business dealings	Consistent	The proposal identifies the reclassification of the sites to operational will enable provision of alternate and improved access, including a rail overpass to the industrial area, saleyards and abattoir on the eastern side the rail line and enable potential future residential development to occur.
Any rezoning associated with the land	Consistent	The proposal is not seeking a rezoning of the land.
How council may or will benefit financially	Consistent	The proposal identifies that commercial negotiations for the sale/acquisition of the land will occur after the reclassification.
Land reclassification map	Not applicable	The proposal does not identify a re-classification map.
Any preliminary comments by a relevant government agency	Consistent	The proposal identifies no preliminary comments were provided by a relevant government agency.

**Table 5: Interests/trusts (source: Council Planning Proposal)**

Column 1 locality	Column 2 description	Column 3 Any trusts/Interests
Scone	Lot 1 DP 212047 – 97 Hill Street,	1 reservation and conditions in the Crown grant(s).
Scone	Lot 3 DP 212047 – 97 Hill Street	1 reservation and conditions in the Crown grant(s).
Scone	Lot 12 DP 227553 – 98 Hill Street	1 land excludes minerals and subject to reservations and conditions in favour of the Crown – see Crown grant(s). 2 J872722 covenant.
Scone	Lot 21 DP 1235763 – 2912 New England Highway	1 reservation and conditions in the Crown grant(s).  2 DP1041230 restrictions on the use of the land.  3 DP1041230 Easement for electricity purposes 5 meters wide affecting the part shown so burdened in the title diagram.  4 DP1041230 Easement for electricity purposes 5 meters wide appurtenant to the land

## 3.4 Section 9.1 Ministerial directions

As the planning proposal is to reclassify land from community to operational land and no changes to zone or development standards is proposed, limited Ministerial directions are relevant:

**Table 6 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Strategies	Consistent	Given the minor nature of the planning proposal, it does not conflict with outcomes or objectives outlined in the regional plan.
1.3 Approval and Referral Requirements	Consistent	The planning proposal is of minor administrative nature and does not propose an amendment referred to in this direction.
5.2 Reserving Land for Public Purposes	Consistent	<p>The land is council-owned and has previously been classified as public land.</p> <p>The planning proposal will amend the classification to operational land enabling it to be sold and / or developed as deemed appropriate for the locality.</p> <p>The proposal does not seek to change the zoning or reservations of the land.</p>

## 3.5 State environmental planning policies (SEPPs)

The planning proposal is of an administrative nature and so there are no SEPPs requiring consideration.

## 4 Site-specific assessment

### 4.1 Environmental, Social and Economic

The planning proposal is for the reclassification of land from community to operational and is administrative in nature. Therefore, the proposal is unlikely to have any impacts on the environment or create any social or economic impacts.

### 4.2 Infrastructure

The planning proposal is for the reclassification of land from community to operational and is administrative in nature. Therefore, the planning proposal does not require infrastructure to service the site.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days. The exhibition period proposed is considered appropriate and forms a condition of the Gateway determination.

In addition, a public hearing will be held to satisfy the requirements of the section 29 of the *Local Government Act 1993*.

## 5.2 Agencies

The planning proposal does not raise which agencies will be consulted.

## 6 Timeframe

Council proposes a 12 month time frame to complete the local environmental plan.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The department recommends a local environmental plan completion date of 13 December 2024 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making Authority.

Consistent with the Department's LEP Making Guideline, as the subject sites of the planning proposal are not located on significant open space the department recommends that council be authorised to be the local plan-making authority for this proposal.

## 8 Recommendation

It is recommended the delegate of the Minister determine the planning proposal should proceed subject to the following conditions which are to be included on the Gateway determination:

1. The planning proposal is to be updated prior to exhibition to update the text and table in the Explanation of Provisions to note that interests will not change.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.
3. The planning proposal must be exhibited 3 months from the date of the Gateway determination.
4. The timeframe for completing the local environmental plan is to be by 13 December 2024.
5. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the EP&A Act.
6. Council should be the local plan-making authority.



24/11/2023

Ben Holmes

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\_\_\_\_\_ (Signature)

30 November 2023 (Date)

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