

Gateway Determination

Planning proposal (Department Ref: PP-2025-1112): undertake various housekeeping amendments to the Upper Hunter LEP 2013

I, the Director, Hunter and Northern at the Department of Planning, Housing and Infrastructure, 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 undertake various housekeeping amendments should proceed subject to the following:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 9 months from the date of the Gateway determination.

Gateway Conditions

1. Prior to public exhibition, the planning proposal is to be amended to:
 - (a) address consistency with any other applicable State and regional studies or strategies;
 - (b) remove reference to the Aberdeen Heritage Conservation Area in objective 3;
 - (c) include existing and proposed LEP maps of all relevant changes;
 - (d) remove the note above the Drinking Water Catchment Map in Annexure 1;
 - (e) remove the draft wording of Clause 4.2B(3) and replace it with a plain English explanation of the intended changes to the clause;
 - (f) clarify the inconsistencies with the land uses to be prohibited in item 2;
 - (g) clarify the inconsistencies within the proposed heritage amendments and ensure any changes on the map are explained within the planning proposal;
 - (h) include labels on the heritage maps to identify the heritage items; and
 - (i) show the affected properties on the updated Obstacle Limitation Surface Map.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (j) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (k) 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- Department of Climate Change, Energy, the Environment and Water - Water
 - NSW Rural Fire Service
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working 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).

Dated 11 July 2025



Craig Diss
Director, Hunter and Northern
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces