



IRF25/1335

## Gateway determination report – PP-2025-1112

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Housekeeping amendments to Upper Hunter LEP  
2013

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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
Planning Proposal Version 3 28 April 2025
Council Resolution 26 May 2025
Draft Heritage Maps

# 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>	Housekeeping Amendments
<b>NUMBER</b>	PP-2025-1112
<b>LEP TO BE AMENDED</b>	Upper Hunter Local Environmental Plan 2013
<b>ADDRESS</b>	Various
<b>DESCRIPTION</b>	Various
<b>RECEIVED</b>	19/06/2025
<b>FILE NO.</b>	IRF25/1335
<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.

The objectives of the planning proposal are to make updates and corrections to Upper Hunter LEP 2013 Drinking Water Catchment Map, Obstacle Limitation Surface Map, land use table, heritage schedule and Heritage Maps.

Objective 3 relates to the heritage amendments and includes reinstating Aberdeen Heritage Conservation Area. Council has since confirmed that this is an error and should be removed from the proposal. The Aberdeen Conservation Area is not discussed anywhere else within the planning proposal. This objective should be updated to remove reference to the Aberdeen Conservation Area. A condition of the Gateway is recommended to this effect.

Once objective 3 has been updated, it is considered that the objectives of this planning proposal will be satisfactory.

## 1.3 Explanation of provisions

The planning proposal seeks to make five separate amendments to the Upper Hunter LEP 2013 and contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

The five amendments and changes proposed to either text or mapping of the Upper Hunter LEP 2013 are detailed below (further detail is also provided in Part 2):

**Item 1 – *Drinking Water Catchment*** – Update the drinking water catchment map to better reflect the broader catchment area.

**Item 2 – *Manufactured Homes*** - Permit the parent land use term ‘residential accommodation’ with development consent in the RU1 Primary Production, RU4 Primary Production Small Lots, RU5 Village, C3 Environmental Management and R5 Large Lot Residential zones so that manufactured homes are permitted within these zones. Child definitions that fall under the parent ‘residential accommodation’ definition, that are currently prohibited will be explicitly listed as prohibited in these zones.

**Item 3 – *Heritage*** – Correct errors and property mismatches in Schedule 5 (Part 1) Environmental Heritage and the associated Heritage Maps.

**Item 4 – *Obstacle Limitation Surface Map*** – Update the Obstacle Limitation Surface Map referenced in Clause 6.7 Airspace operations to be consistent with the requirements of the Civil Aviation Safety Authority approval.

**Item 5 – Permit ‘tourist and visitor accommodation’** with development consent in the E1 Local Centre zone – by inserting ‘*tourist and visitor accommodation*’ into the land use table for the E1 Local Centre zone as permitted with consent.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The changes apply to various properties across a range of zones. The changes to heritage items and maps are property specific and discussed further in part two of this report.

## 1.5 Mapping

The planning proposal seeks to make mapping changes to the Drinking Water Catchment Map (item 1), Heritage Map (item 3) and Obstacle Limitation Surface Map (item 4).

The planning proposal includes mapping showing the proposed changes to the LEP maps. The Drinking Water Catchment Map is suitable for community consultation, however the map title in annexure one of the planning proposal includes a note that the map is to be updated. Council has confirmed this is an error and the note should be removed. A condition of the Gateway determination is recommended to remove the note.

The spatial changes to the Obstacle Limitation Surface Map, or the properties to which they apply are not clear in the mapping provided. It is considered that these maps should be updated prior to community consultation and a condition of the Gateway determination is recommended to this effect.

The 22 Heritage Map sheets are provided in the supporting documentation to this report. The Heritage Maps should be updated prior to exhibition to ensure that the proposed changes are appropriately labelled with the relevant heritage item number to allow for identification by landowners and the community. A condition to the Gateway determination is recommended to this effect.

The current and proposed changes to the drinking water catchment map and obstacle limitation surface map are shown in Figures 3, 4, 5, 6 and 7. It is also recommended that the Gateway determination required that all the existing and proposed LEPs maps affected by the amendment are included in the proposal prior to community consultation.

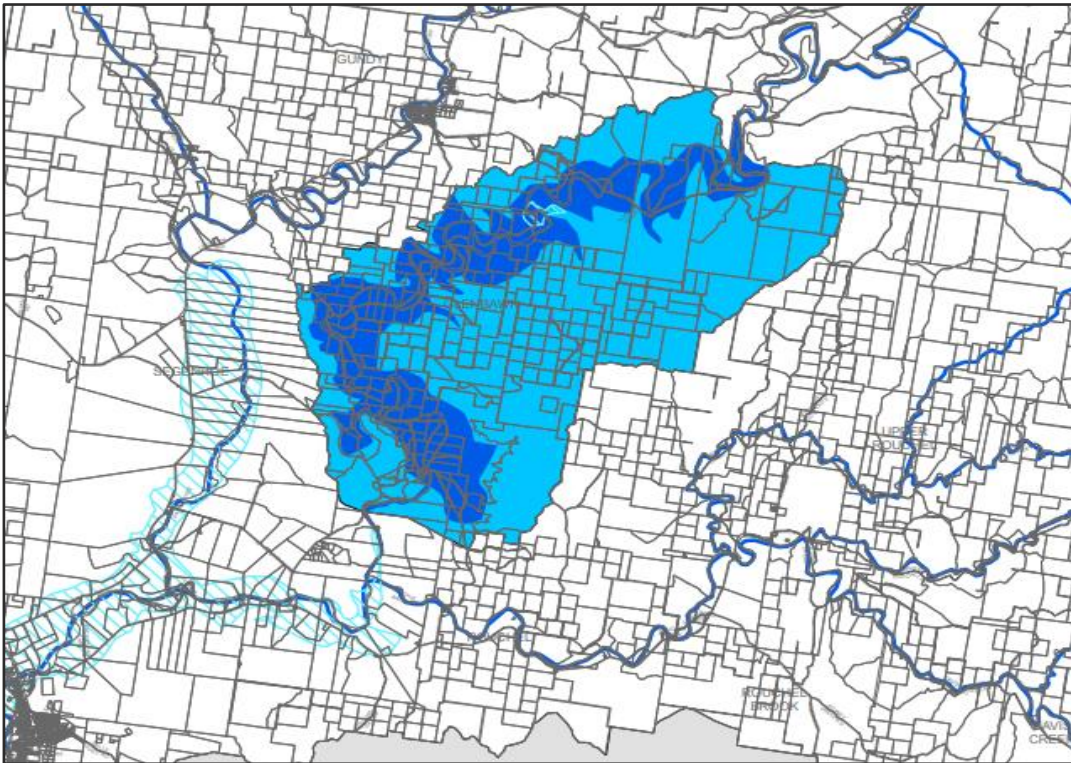


Figure 1 Current drinking water catchment map

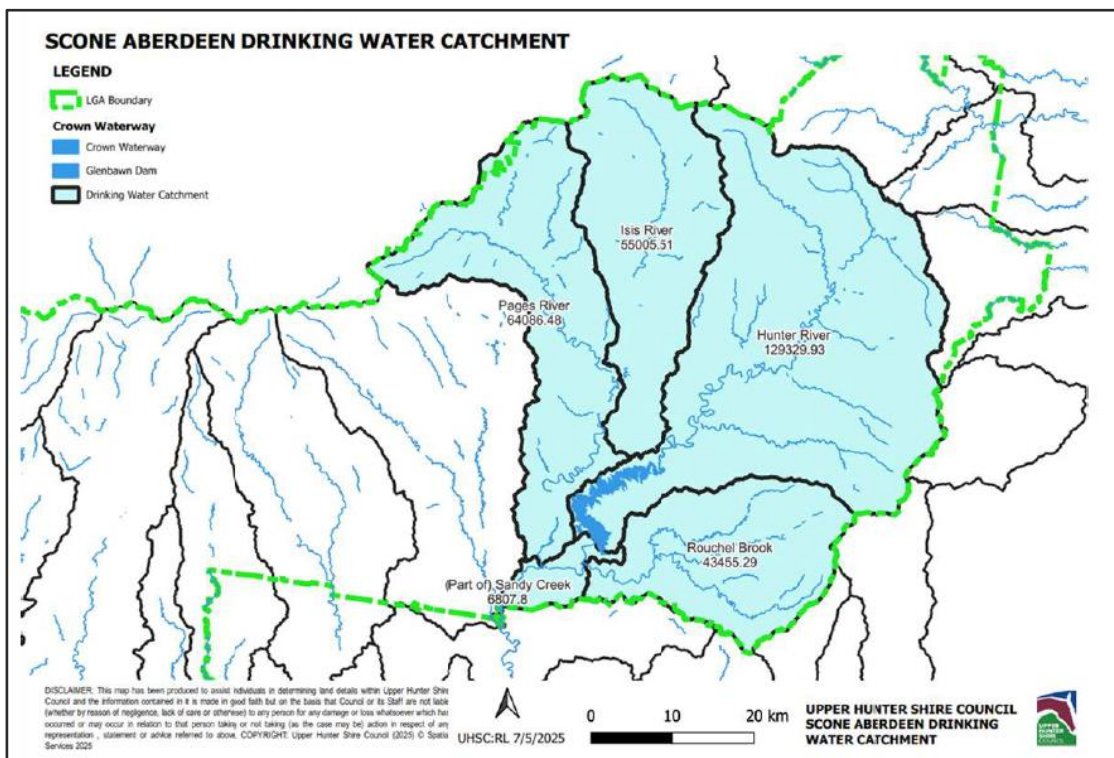


Figure 4 proposed drinking water catchment map



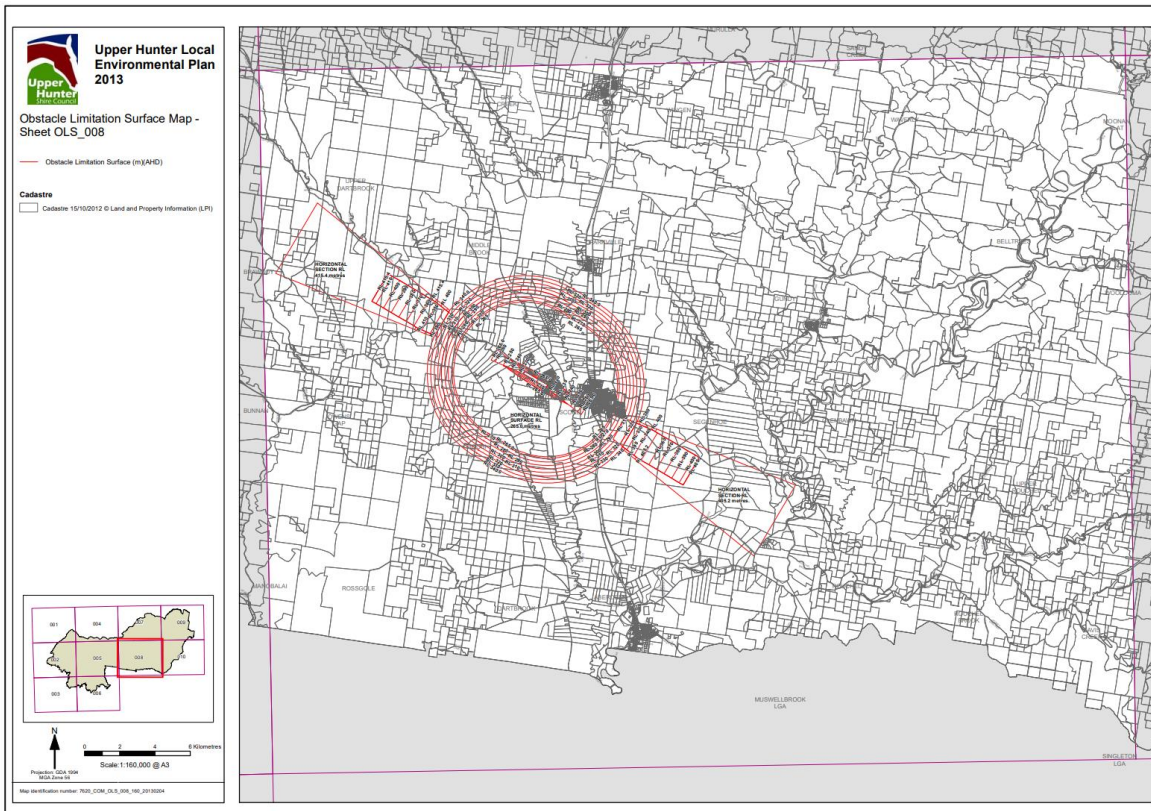


Figure 5 Current obstacle limitation surface map

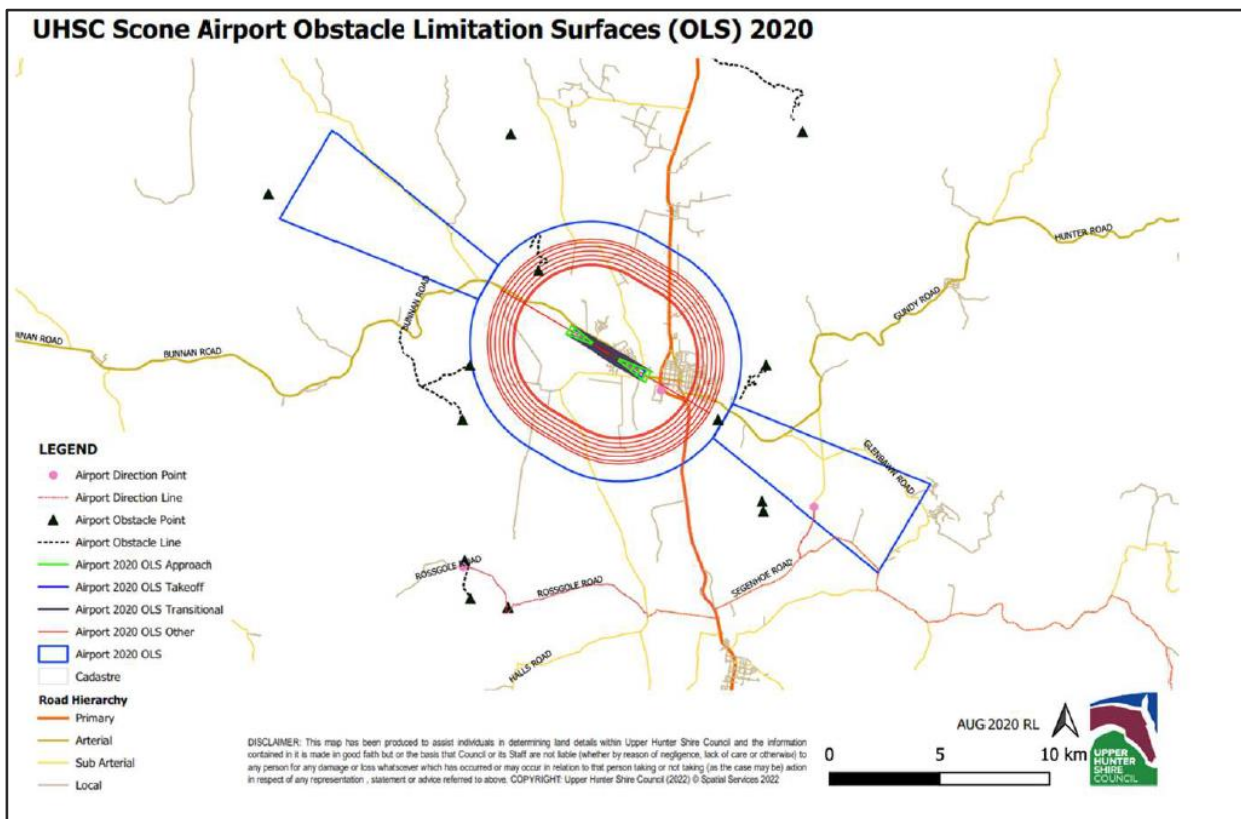


Figure 6 Proposed obstacle limitation surface map full extent

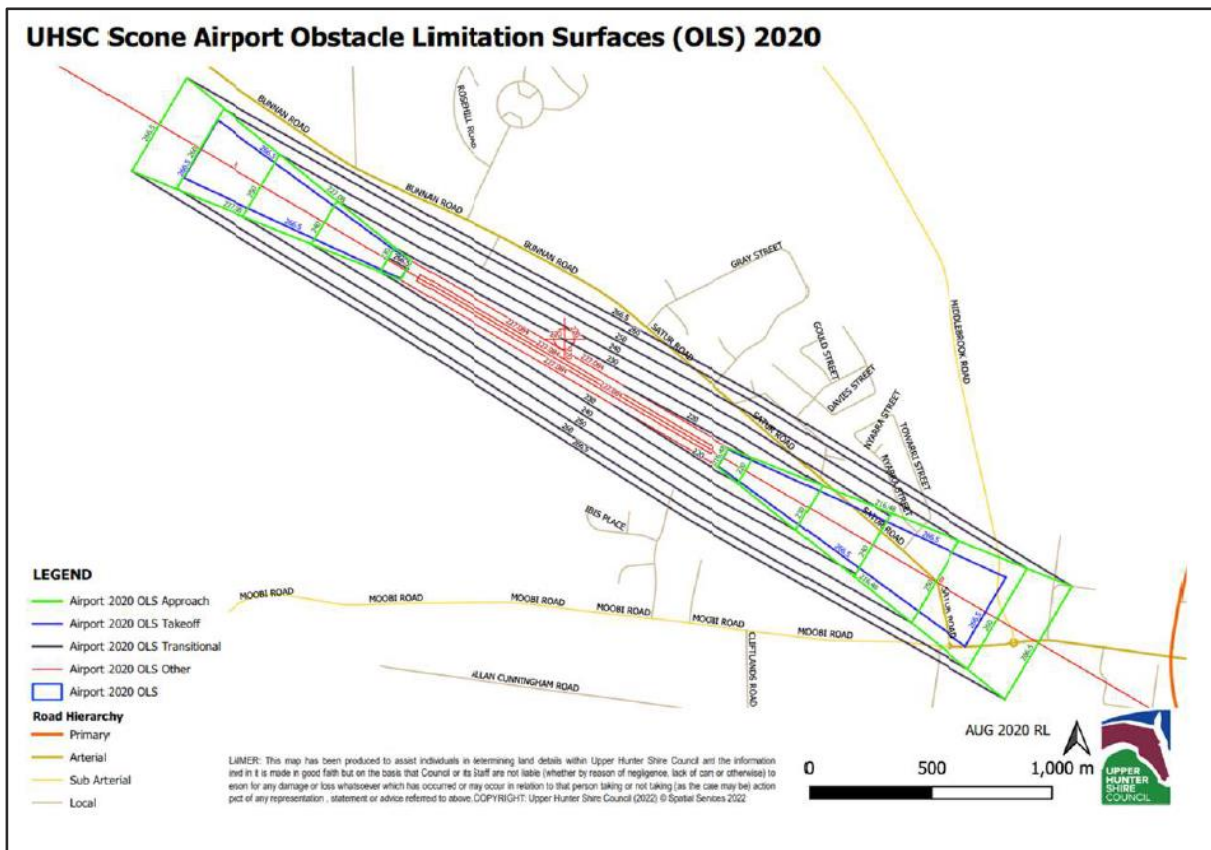


Figure 7 Proposed obstacle limitation surface map airport extent

## 2 Need for the planning proposal

The planning proposal is not a result of an endorsed strategy or study. The proposal is the result of a periodic review of Upper Hunter LEP 2013. The planning proposal has not addressed question 5 of the LEP making guidelines – ‘*Is the planning proposal consistent with any other applicable State and regional studies or strategies?*’ Given the housekeeping nature of the amendments, it is not likely that the proposal would be inconsistent with any State or regional strategies. Nevertheless, the proposal should be updated to address this question, and a condition of the Gateway determination is recommended to this effect.

The following provides a summary of the proposed amendments, the justification and planning assessment:

### Item 1 – Drinking water catchment

The Upper Hunter Shire comprises a major drinking water catchment that incorporates the Hunter River and Pages River. These rivers and their catchments are a source of drinking water for the towns of Aberdeen, Scone and Murrurundi. Extending the application area of clause 6.5 Drinking water catchments by amending the drinking water catchment map will allow for consideration of development impacts on the drinking water catchment during the development assessment process.

The current drinking water catchment map applies to only a small area of the Glenbawn Dam, which Council considered does not recognise the importance or accurately map the extent of the drinking water catchment. Council indicates that the proposed drinking water catchment area has been identified by delineating the watershed between the Pages River, Isis River, Hunter River and Rouchel Brook using topographical data.



It is noted that land mapped within the drinking water catchment does exclude some complying development types within the Exempt and Complying Codes SEPP, however accurately mapping and considering potential impacts to the drinking water catchment will provide an overall positive outcome to the community. This amendment is considered appropriate though it is suggested that DCCEEW – Water be consulted on the proposed expansion of the water catchment map.

## Item 2 – Manufactured Homes

The proposal seeks to permit manufactured homes on land to which dwelling houses are permitted with consent. This will be achieved by amending the land use tables applying to the RU1 Primary Production, RU4 Primary Production Small Lots, R5 Large Lot Residential, RU5 Village and C3 Environmental Management zones to permit ‘residential accommodation’ with development consent.

A dwelling house is defined in the Upper Hunter LEP as *a building containing only one dwelling*.

The definition of a building in the *Environmental Planning and Assessment Act 1997* (the Act) does not include a manufactured home.

A manufactured home is defined by the *Local Government Act 1993* as *a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities)*.

Council’s interpretation of the relevant legislation is that a manufactured home does not fit within any of the listed child definitions under ‘residential accommodation’ because it is not categorised as a building. Residential accommodation is defined as a *“building or **place** used predominantly as place of residence”*. Council considers that a single manufactured home on a vacant lot which is to be used as a place of residence, falls within the parent term of residential accommodation.

This change will also necessitate that child definitions within the residential accommodation definition that are to remain prohibited will need to be listed specifically as prohibited in the relevant zone land use tables. The planning proposal seeks to explicitly prohibited the following land uses in the relevant zones outlined in table 3 below.

**Table 3: Land uses to be explicitly prohibited from the nominated zones**

<p><u>RU1 Primary Production Zone</u></p> <ul style="list-style-type: none"> <li>• attached dwellings</li> <li>• boarding houses</li> <li>• dual occupancies (detached)</li> <li>• group homes</li> <li>• hostels</li> <li>• multi dwelling housing</li> <li>• residential flat buildings</li> <li>• semi-detached dwellings</li> <li>• seniors housing</li> </ul> <p><i>Department comment</i> Co-living housing and shop top housing are not listed and would therefore become permitted with consent.</p>	<p><u>RU4 Primary Production Small Lots Zone</u></p> <ul style="list-style-type: none"> <li>• attached dwellings</li> <li>• boarding houses</li> <li>• dual occupancies (detached)</li> <li>• group homes</li> <li>• hostels</li> <li>• multi dwelling housing</li> <li>• residential flat buildings</li> <li>• semi-detached dwellings</li> <li>• seniors housing</li> </ul> <p><i>Department comment</i> Co-living housing and shop top housing are not listed and would therefore become permitted with consent.</p>
<p><u>R5 Large Lot Residential Zone</u></p> <ul style="list-style-type: none"> <li>• attached dwellings</li> <li>• boarding houses</li> <li>• hostels</li> <li>• multi dwelling housing</li> <li>• residential flat buildings</li> <li>• semi-detached dwellings</li> </ul>	<p><u>RU5 Village Zone</u></p> <ul style="list-style-type: none"> <li>• attached dwellings</li> <li>• boarding houses</li> <li>• hostels</li> <li>• multi dwelling housing</li> <li>• residential flat buildings</li> </ul>

<ul style="list-style-type: none"> <li>seniors housing</li> </ul> <p><i>Department comment</i></p> <p>Co-living housing, dual occupancy (detached), group homes, rural workers dwelling and shop top housing are not listed and would therefore become permitted with consent.</p>	<ul style="list-style-type: none"> <li>semi-detached dwellings</li> <li>seniors housing</li> </ul> <p><i>Department comment</i></p> <p>Co-living housing and shop top housing are not listed and would therefore become permitted with consent. Attached dwellings are currently permitted with consent, however, would become prohibited.</p>
<p><u>C3 Environmental Management</u></p> <ul style="list-style-type: none"> <li>attached dwellings</li> <li>boarding houses</li> <li>dual occupancies (detached)</li> <li>group homes</li> <li>hostels</li> <li>multi dwelling housing</li> <li>residential flat buildings</li> <li>rural workers' dwellings</li> <li>secondary dwellings</li> <li>semi-detached dwellings</li> <li>seniors housing</li> </ul> <p><i>Department comment</i></p> <p>Co-living housing and shop top housing are not listed and would therefore become permitted with consent. Secondary dwellings are currently permitted with consent, however, would become prohibited.</p>	

Table 3 includes some land uses that are not consistent with the current permitted uses in UHLEP 2013, and some uses within the *residential accommodation* definition are not explicitly listed which would result in them becoming permitted with consent. These discrepancies were outlined to council staff who agreed they were in error and that the planning proposal will need to be updated. A condition is recommended that these inconsistencies are clarified prior to public exhibition.

As a consequence of permitting residential accommodation in these zones, it is also proposed to amend 4.2B(3) to replace 'dwelling house' with 'residential accommodation' to ensure this clause applies to manufactured homes.

The following proposed drafting is contained within the planning proposal:

*Development consent must not be granted to residential accommodation on a lot in a zone to which this clause applies, unless the lot is—*

*(a) a lot that is at least the minimum lot size specified for that lot by the Lot Size Map, or*

*(b) a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or*

*(c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or a dual occupancy would have been permissible if the*

*plan of subdivision had been registered before that commencement, or*

*(d) an existing holding.*

This differs from the existing clause 4.2B(3) however generally achieves the same intent. When asked Council raised no concerns with any potential unintended consequences from replacing the current drafting of 4.2B(3). The current drafting of clause 4.2B(3) within UHLEP 2013 is as follows.

*Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land—*

*(a) is a lot that is at least the minimum size shown on the Lot Size Map in relation to that land, or*

*(b) is a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or*

*(c) is a lot created under one of the following provisions before this Plan commenced—*

*(i) clause 12 of the Merriwa Local Environmental Plan 1992,*

*(ii) clause 12 of the Murrurundi Local Environmental Plan 1993,*

*(iii) clause 10 of the Scone Local Environmental Plan 1986, or*

*(d) is an existing holding, or*

*(e) would have been a lot or a holding referred to in paragraph (a), (b), (c) or*

*(d) had it not been affected by—*

*(i) a minor realignment of its boundaries that did not create an additional lot, or*

*(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or*

*(iii) a consolidation with an adjoining public road or public reserve or for another public purpose.*

It is considered that this amendment is generally appropriate to proceed to exhibition however it is recommended that the Gateway determination be conditioned to remove the proposed drafting and replace it with a plain English explanation of the proposed changes. The final clause can then be developed by Parliamentary Counsel at the drafting stage.

Furthermore, it is acknowledged that the Nambucca Local Environmental Plan 2010 was amended in 2022 to permit residential accommodation in various zones to achieve the same outcome intended by this proposal.

### Item 3 - Heritage

Clause 5.10 Heritage conservation establishes the heritage objectives and requirements for heritage items and conservation areas in Schedule 5 and on the Heritage map.

The proposal seeks to make several changes to Schedule 5, Part 1 Heritage Items and the associated Heritage map. The changes include updating property descriptions, correcting errors and updating the heritage map accordingly. No additional heritage items are being introduced.

The planning proposal lists the following changes to the existing heritage items in Schedule 5 and the associated mapping where relevant:

**Table 4: Heritage items to be amended**

Heritage Item Name (as per current LEP Schedule 5)	Item Number	Issue	Proposed Change
Segenhoe Mill Ruins	I90	Lot 45 DP 771145 is not supposed to be part of the heritage item. The Item should only be on Lots 88-89 DP 843531.	Delete item from this lot and from LEP Heritage Map.
Russley and Garden	I110	Lots 198-199 should not be part of the heritage item.	Delete item from this lot and from LEP Heritage Map.
Satur (rear of Sledmere Stud)	I85	Should be on Lot 103 DP 1012871 NOT Lot 91 DP 808298.	Amend Heritage Map to remove heritage classification on Lot 91 DP 808298.
Yarrandi Homestead	I72	Yarrandi Homestead (the actual dwelling) is on Lot 100 DP 809538 NOT Lot 10 DP 831346.	Amend Heritage Map to remove heritage classification on Lot 10 DP 831346.
Terragong Homestead	I130	Incorrect lots in schedule and on map. This was part of a holding comprising Portions 67, 68, 69, 70 and 138. It was first subdivided on 29.06.1979. The homestead is on Lot 1 DP 606302 which was missed when the Merriwa LEP was gazetted, this omission transferred into the Upper Hunter LEP.	The heritage schedule and map have been amended to show on Lot 1 DP 606302, Lot 3 DP 328753, Lot 4 DP 328753 and Lot 1 DP 1099173.
Former Store	I137	Incorrect lot identification, should be on Lot 1 DP 130366. Item removed from Lot 2 DP 130366.	The heritage schedule and map have been amended.
Courthouse, Police Station and Residence	I136	This item is on Lot 1 DP 198550	Amend Schedule and map to remove heritage classification of Lot 1 DP 195256 and Lot 46 DP 1044358.
Veterinary Clinic (former Campbells Chambers)	I56	Intended to be part of a heritage set comprising Lot BDP 411573 and Lot 2 DP 15163.  Lot 2 DP 15163 was omitted from Schedule and Map.	Map has been corrected to include the lot. The schedule has been amended to change the item name to "Commercial premises".
Cuan Station	I80	Need to add Lot 1 DP 106568 as this contains the main homestead.	Update heritage map and schedule.



Grampion Hills	I77	This is not supposed to include Lot 1 DP 586303 as the relevant features are not on this land.	Amend Heritage Map to remove heritage classification of Lot 1 DP 586303  Remove Lot 1 DP 586303 from heritage schedule.
Anglican Rectory	I119	The extent of the heritage item was not shown over the lot.	Extend heritage shading over all of Lot 162 DP 1256185.
St Judes Anglican Churchyard	I216	Correctly identified in the Schedule as Lot 122 DP 750957 but not shown on heritage map.	Added to heritage map.
Catholic Church – St Anthony of Padua	I149	Shown in incorrect lot (Lot 11 DP879997), should be on: Lot 12 DP 879997 Lot 7 Section 6 DP 758491 Lot 1 DP 130953	Item deleted from Lot 11. Added to Lots 12, 7 and 1.
Barsham	I205	Correct parcel (Lot 2 DP 1036029) was omitted from LEP heritage map.	
Bloomfield Homestead	I207	Correct parcel (Lot 2 DP 736183) was omitted from LEP heritage map.	
Bickham Homestead	I208	Incorrectly identified on Lot 2 DP 1042278. Should be on Lot A DP 160743 as this is where the actual homestead is.	Corrected in Heritage Schedule and heritage map.
Rose Cottage	I183	The cottage is on both Lot 13 Section 6 DP 758738 and Lot 2 DP 797956.	Lot 2 DP 797956 has now been included in the Heritage Schedule and heritage map.
Glenalvon Group	I202	The heritage items are on Lot 1 DP 1003054 and Lot 2 DP 1003054.  Lot 2 DP 1003054 was omitted. The heritage features are on both lots.	Lot 2 DP 1003054 has now been included in the Heritage Schedule and heritage map.
Belltrees Homestead and outbuildings	I60	The Belltrees Homestead and outbuildings comprises: <ul style="list-style-type: none"> <li>Lot 222 DP 1009169</li> <li>Lot 5 DP 726256</li> <li>Lot 1 DP 218717</li> </ul> Lot 1 DP 218717 contains the homestead building and was omitted.  Lot 1 and Lot 2 DP 194472 contains the school buildings and was omitted.	The heritage schedule and map have been amended to include the:  Lot 1 DP 218717 Lot 1 and Lot 2 DP 194472
Kelvinside and Outbuildings	I62	Lot 131 DP 1083917 was inadvertently included on the heritage schedule and map. It does not have any heritage features.	Remove from heritage schedule and map.
Petywn Vale Homestead	I222	The actual homestead is located on Lot 2 DP 1078545.	Added to the LEP Heritage Map.

On review of each of the heritage items listed above, clarification is required relating to the proposed changes and property details on several of the items. Furthermore, the associated heritage maps included changes to items that were not explained within the text of the planning proposal. These inconsistencies have been raised with Council staff who have agreed that they will need to be clarified prior to exhibition of the planning proposal. A condition of the Gateway determination is recommended to this effect.

As discussed in Part 1.5 of this report, the heritage maps will need to be updated prior to exhibition to clearly label the changes to the heritage items.

It is considered that this amendment is appropriate and supported to proceed once the details of the heritage items have been clarified/corrected in the planning proposal and the maps labelled.

#### **Item 4 - Obstacle Limitation Surface Map**

Upper Hunter Shire Council as the airport operator was given approval on 6 February 2018 by the Civil Aviation Authority (CASA) to operate Scone airport as a Code 2 runway, which included approval to establish the runway Obstacle Limitation Surface based on Code 2 criteria. The proposal seeks to amend the Obstacle Limitation Surface Map in accordance with the Code 2 runway requirements. The Code 2 approval by CASA is provided within the planning proposal along with the updated map. No change to Clause 6.7 – Airspace operations is proposed.

As discussed in part 1.5 of this report, the Obstacle Limitation Surface maps do not clearly articulate the changes proposed or the properties affected by the change. This will need to be updated prior to exhibition. This amendment is considered appropriate.

#### **Item 5 - Permit tourist and visitor accommodation with development consent in the E1 Local Centre zone**

The Upper Hunter LEP 2013 was amended in 2021 through the employment lands reform which among other things replaced the B2 Local Centre zone with the E1 Local Centre zone. This process replaced *tourist and visitor accommodation* with *hotel or motel accommodation* within the permitted-with-consent part of the E1 Local Centre land use table. This has prohibited other forms of *tourist and visitor accommodation* such as *backpackers' accommodation, bed and breakfast accommodation* and *serviced apartments*.

It is proposed to amend the land use table for the E1 Local Centre to reinstate the permitted land uses in place prior to the employment land reforms by deleting *hotel or motel accommodation* and inserting *tourist and visitor accommodation* as permitted with consent.

This amendment is considered appropriate.

## **3 Strategic assessment**

### **3.1 Regional Plan**

The planning proposal is considered to be generally consistent with the goals, objectives and overall intent of the Hunter Regional Plan 2041.

### **3.2 Local**

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 5: Local strategic planning assessment**

Local Strategies	Justification
Upper Hunter Local Strategic Planning Statement 2020 (LSPS)	<p>The LSPS discusses importance of the rich and diverse heritage of the local area. Item 3 of this proposal will help to better manage and reflect the heritage values within the Upper Hunter.</p> <p>Item 1 is consistent with action 1.3 of the LSPS which seeks to amend the drinking water catchment map to include the actual catchment area and not just the foreshore area for Glenbawn Dam.</p> <p>The housekeeping amendments are considered to be generally consistent with the intent of the LSPS.</p>
Upper Hunter Land Use Strategy 2024	<p>Direction 16 of the strategy includes objectives to maintain adequate water quality and availability to enable rural land use within the area and to ensure water availability, quality and protection of catchments and water resources are considered in land use decision-making.</p> <p>Direction 8 includes an action to 'retain SP1 Special Activities – Airport zoning for the Scone Memorial Airport and LEP provisions relating to development affected by aircraft noise and land within the obstacle limitation surface, so that these issues are taken into account in development proposals and complied with when determining development applications'.</p> <p>These actions relate directly to items 1 and 4 within this planning proposal. It is considered that the housekeeping amendments proposed within this planning proposal are generally consistent with the Upper Hunter Land Use Strategy.</p>

### 3.3 Section 9.1 Ministerial Directions

The planning proposal is considered to be consistent with all relevant section 9.1 Directions except as discussed below:

**Table 6: 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.1 Flooding	Justified	<p>The proposal is inconsistent with this direction as Item 5 will permit an intensification of development in the E1 Zone which includes flood prone land.</p> <p>The inconsistency is considered to be minor significance as the land is already zoned for urban purposes, the additional proposed uses are fairly minor in nature and the Upper Hunter LEP and DCP have appropriate flooding provisions that can ensure this issue is addressed appropriately at the development application stage.</p>

4.3 Planning for Bushfire Protection	Unresolved	The planning proposal is inconsistent with this direction as it applies to land mapped as bushfire prone and is unable to comply with all the requirements of the direction. Until consultation is undertaken with the NSW RFS post Gateway, compliance with the direction remains unresolved.
9.2 Rural Lands	Justified	<p>The planning proposal is inconsistent with this direction Item 1 affects rural land and does not actively implement all the requirements such as supporting the right to farm.</p> <p>The inconsistency is considered to be of minor significance as Item 1 only seeks to map the drinking water catchment which is consistent with the Upper Hunter LSPS and Council's Department approved Land Use Strategy.</p>

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is considered to be consistent with all relevant SEPPs.

## 4 Site-specific assessment

### 4.1 Environmental

The planning proposal is not expected to have any adverse environmental impacts.

### 4.2 Social and economic

The planning proposal involves housekeeping matters and is not likely to result in any significant adverse social or economic impacts.

Item 1 seeks to ensure the drinking water catchment is protected and appropriately considered during the development application processes. This is considered to generally be a net positive for the community however it is noted that the application of the drinking water catchment map does limit use of certain development pathways through the exempt and complying codes SEPP.

Item 2 will enable a pathway for manufactured homes to provide an alternative housing option within the Upper Hunter.

Permitting tourist and visitor accommodation in the E1 Local Centre is likely to have positive social and economic outcomes.

### 4.3 Infrastructure

No new or additional local or state infrastructure has been identified as being needed as a result of this planning proposal.



## 5 Consultation

### 5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

### 5.2 Agencies

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

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Department of Climate Change, Energy, the Environment and Water - Water
- NSW Rural Fire Service

## 6 Timeframe

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

An LEP completion date of 9 months from the date of the Gateway determination is recommended. This is within 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.

As the planning proposal is generally consistent, or justifiably inconsistent with State, regional and the local plan making framework, it is recommended that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the proposal contains minor housekeeping amendments to refine provisions and correct heritage anomalies;
- the proposal will assist in ensuring the ongoing effective and efficient operation of Upper Hunter LEP 2013; and
- the proposal is generally consistent, or justifiably inconsistent with the State, regional and local planning framework.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- address consistency with any other applicable State and regional studies or strategies;
- remove reference to the Aberdeen Heritage Conservation Area in objective 3;
- include existing and proposed LEP maps of all relevant changes;
- remove the note above the drinking water catchment map in Annexure 1 of the planning proposal;

- clarify the inconsistencies with the land uses to be prohibited in item 2;
- remove the draft wording of Clause 4.2B(3) and replace it with a plain English explanation of the intended changes to the clause;
- clarify the inconsistencies within the proposed heritage amendments and ensure any changes on the map are explained within the planning proposal;
- include labels on the heritage maps to identify the heritage items; and
- show the affected properties on the updated obstacle limitation surface map.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 4.1 Flooding and 9.2 Rural Lands are minor and justified and
- Note that the consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection is unresolved and will require justification once consultation with the relevant agencies has occurred.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, 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. Consultation is required with the following public authorities:
  - Department of Climate Change, Energy, the Environment and Water - Water
  - NSW Rural Fire Service
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 9 months be included on the Gateway.



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

9 July 2025 (Date)

Paul Garnett  
Manager, Hunter and Northern  
Local Planning and Council Support



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

11 July 2025

\_\_\_\_\_  
(Date)

Craig Diss  
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