IRF26/5235

Gateway determination report – PP-2026-1346

Reclassify Lot 101 DP 1319117, 97 Hill Street, Scone from community to operational

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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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1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	**Upper Hunter**
PPA	**Upper Hunter Shire Council**
NAME	**Reclassify Lot 101 DP 1319117, 97 Hill Street, Scone from community to operational**
NUMBER	**PP-2026-1346**
LEP TO BE AMENDED	**Upper Hunter Local Environmental Plan 2013**
ADDRESS	**Hill Street, Scone**
DESCRIPTION	**Lot 101 DP 1319117**
RECEIVED	**16/06/2026**
FILE NO.	**IRF26/5235**
POLITICAL DONATIONS	**There are no donations or gifts to disclose and a political donation disclosure is not required**
LOBBYIST CODE OF CONDUCT	**There have been no meetings or communications with registered lobbyists with respect to this proposal**

1.2 Objectives of planning proposal

The objective of the planning proposal is to reclassify Lot 1 DP1319117 Hill Street, Scone from community to operational under the *Local Government Act 1993* to enable Council to enter into a lease or license to formalise the existing encroachments onto the land by golf club assets (access road, carparking and golf facilities). The objective of this planning proposal is clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to reclassify Lot 1 DP1319117 from community to operational land by amending the Upper Hunter LEP 2013 to include Lot 101 DP 1319117 in Schedule 4 Part 1 Land classified, or reclassified, as operational land – no interests changed.

It is not proposed to discharge any interests in the land nor to change the zoning or any planning controls applying to the land under the Upper Hunter LEP 2013.

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 site is on the outskirts of the township of Scone (Figure1). The site is approximately 4,680m^2 with frontage to Kingdon Street. The site incorporates part of the Kingdon Ponds waterway to the west, the White Park equine facility to the east and the Scone Golf Course to the south.

Figure 1: Subject site (source: NCRP Map)

The lot surrounds Lot 201 DP 585078 which comprises the Scone Golf Club (Figure 2), owned by the Scone RSL and is currently used as part of the Golf Club car parking and associated club facilities.

Figure 2 Site context (source: NCRP Map)

The site and land to the west, south and east is zoned RE1 Public Recreation. Land to the north is zoned R1 General Residential (Figure 3).

Figure 3: Current zoning map (Source: Spatial Viewer)

The RE1 Public Recreation zoning of the lot allows for the continued use as part of the Golf Club and surrounds. The planning proposal does not propose any changes to the zone or planning controls applying to the land.

1.5 Mapping

The planning proposal includes mapping which shows the land proposed to be classified from community to operational land. These maps are suitable for community consultation.

The proposal seeks to reclassify the entire lot so no changes to the maps in the Upper Hunter LEP 2013 are required.

2 Need for the planning proposal

The planning proposal is neither the result of a strategy nor a study.

Some of the Scone Golf Club's existing assets (being the access road, carparking and some golf facilities) encroach on the subject lot. The intention of the planning proposal is not to remove these assets or change the use of the land, but to reclassify the land to operational to allow these asset encroachments to be rectified.

The reclassification will enable Council to formalise the encroachments by way of leases or licenses, in accordance with the 15 December 2025 Council resolution.

The planning proposal notes that the land was not classified by Council within three months of the land's acquisition and therefore defaults to being community land in accordance with section 31(2A) of the Local Government Act 1993. Section 46 of the Local Government Act 1993 restricts the nature of leases of community land and therefore reclassification of the land to operational is necessary.

The planning proposal to amend the Upper Hunter LEP 2013 is the only way to reclassify the land.

3 Strategic assessment

3.1 State land Use Plan

The proposal is not inconsistent with the NSW State Land Use Plan as it will not reduce or remove public spaces, it simply proposes a process to formalise the encroachment of existing golf club assets on public land.

3.2 Regional Plan

The planning proposal will not result in a reduction or a change of use of public land and is not inconsistent with the Hunter Regional Plan.

3.3 Local

The planning proposal to reclassify public land is not inconsistent with Council's Community Strategic Plan which sets the direction for management of public spaces. The proposal seeks only to enable the formalisation of existing golf club assets encroaching on public land.

3.4 LEP Practice Note PN16-001

The planning proposal has addressed the matter required by Practice Note PN16-001 Classification and reclassification of public land through a local environmental plan. The planning proposal confirms that:

- the land is not a public reserve as defined in the Local Government Act 1993.
- no interests in the land are proposed to be discharged.
- rezoning of the land is not proposed.
- The entire area of the subject lot is to be reclassified so no Land Reclassification (part Lots) Map is required.

The planning proposal notes that there will be no financial benefit to Council resulting from the reclassification however if the land the subject of the encroachments is leased then Council is likely to receive a nominal lease fee. The planning proposal should be amended to recognise this aspect and provide some general guidance on where lease fees will be used.

3.5 Section 9.1 Ministerial Directions

The planning proposal was initiated prior to 1 July 2026 and therefore the former Section 9.1 Directions apply. The planning proposal is considered to be consistent with relevant 9.1 Directions except those discussed in Table 3 below:

Table 2 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.2 Reserving land for Public Purposes	Inconsistent but justified	The planning proposal is inconsistent with this Direction as the change from community to operational land will alter existing reservations of land for public purpose and the agreement of the Secretary has not been obtained as required by the Direction. Council's agreement is implicit in its resolution to endorse the planning proposal for a Gateway determination. The proposal seeks to reclassify the site to enable Council to formalise encroachment of Golf Club assets. The current use of the land is Golf Club car parking and associated club facilities. The proposal does not seek to change the use of the land, only to formalise the encroachments. A lease or licencing arrangement will enable the land to remain in public ownership. The inconsistency is considered to be of minor significance.

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

The planning proposal does not propose to change the use of the land which is currently developed with golf club assets and for open space. There are no significant environmental impacts expected as a result of the proposal.

The site is flood prone, identified as containing biophysical strategic agricultural land (BSAL) and being affected by groundwater vulnerability. However, the proposed use of the land is not intended to change as a result of the reclassification and therefore no significant adverse impacts are expected.

4.2 Social and economic

Table 5 provides an assessment of the potential social and economic impacts associated with the proposal.

Table 3 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	No adverse social impacts from the proposal are anticipated. This proposal is of an administrative nature. Any formal lease agreement with the Golf Club is expected to maintain the current use of the land for the respective golf club assets.

Economic	No adverse economic impacts from the proposal are anticipated. Council has not indicated that it intends for the reclassification to enable the sale of the land, but to provide an opportunity for the Golf Club to formally lease land from Council, that is already utilised for carparking and associated club facilities.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days. This aligns with the Department's LEP Practice Note PN16-001 Classification and reclassification of public land through a local environmental plan.

The required exhibition period forms part of the Gateway determination.

A public hearing will also be required to be held in accordance with section 29(1) of the *Local Government Act 1993*. This must occur after the exhibition has ended and at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised. This specified in the Gateway determination.

5.2 Agencies

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

As the planning proposal seeks only to reclassify the land from community to operational, and there is no expected change in the use of the land, no agency consultation is considered to be necessary.

6 Timeframe

Council proposes a nine (9) month time frame to complete the LEP.

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

An LEP completion time of nine (9) months is recommended in line with the Department's commitment to reducing processing times and with regard to benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

As the planning proposal is a local planning matter and does not require the discharge of any interests in the land it is considered appropriate that Council be authorised to be the local plan-making authority for the proposal.

8 Assessment summary

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

- it is not inconsistent with the local and regional strategic framework;
- it will facilitate Council granting a lease or license to formalise the encroachment of Golf Club assets over the land; and
- it will apply to land suitable for operational purposes.

The planning proposal should be amended to recognise that leasing the land to the Golf Club may generate a lease fee and the planning proposal should provide some general guidance on where lease fees will be used.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 5.2 Reserving land for public purposes are justified.

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 updated to detail how any fees arising from the lease or licencing of the land to the Golf Club will be used by Council.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days;
3. A public hearing will be required to be held in accordance with section 29(1) of the Local Government Act 1993. This must occur after the exhibition has ended and at least 21 days public notice is to be given before the hearing;
4. Council must ensure that all relevant obligations in relation to the reclassification of public land through an LEP are undertaken in accordance with the LEP Making Guidelines, Practice Note PN16-001 Classification and reclassification of public land through a local environmental plan and Practice Note No 1 (revised) May 2000 – Public Land Management;
5. Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority; and
6. The timeframe for the LEP to be complete within 9 months of the date of the Gateway determination.

_____ *(Signature)* *28 September 2026 (Date)*

Paul Garnett

Manager, Hunter and Northern Region

30 September 2026

_____ *(Signature)* _____ *(Date)*

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