

# PLANNING PROPOSAL

Prepared for:

**Lawndock Pty Ltd**

Proposal:

**Amendment to Oberon Local  
Environmental Plan 2013  
Additional Permitted Use  
(Function Centre)**

Address:

**Lot 4 DP 264133, 280 Burroughs  
Crossing Road, Oberon**

Date:

**4 November 2014**



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**DESCRIPTION:** Planning Proposal – Function Centre

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This document has been prepared, checked and released in accordance with the Quality Control Standards established by Anthony Daintith Town Planning.

| Version | Date      | Description | By |
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| 1.0     | 4/11/2014 | Approved    | AD |

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This document has been authorised by

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Date: 4 November 2014



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# 1 BACKGROUND

## 1.1 INTRODUCTION

Lawndock Pty Ltd has engaged Anthony Daintith Town Planning (ADTP) to prepare a Planning Proposal that seeks to amend the *Oberon Local Environmental Plan 2013* by the inclusion of an "Additional Permitted Use" under Schedule 1 of the LEP to permit subject to a development application a "function centre" on the subject land.

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. It will be used and read by a wide audience including the general community as well as those who are responsible for deciding whether or not the proposal should proceed. As such it must be concise and accessible to its audience. It must also be technically competent - founded on an accurate assessment of the likely impacts of the proposal and supported where necessary by technical studies and investigations.

The preparation of a planning proposal is the first step in preparing a LEP. Throughout the course of preparing the proposed LEP, the planning proposal evolves. This is particularly the case for complex proposals in which the initial gateway determination will confirm the technical studies and consultation required to justify the proposal. As the studies and consultation are undertaken, relevant parts of the planning proposal will be updated, amended and embellished.

The role of a planning proposal within the overall process for preparing LEPs is explained in the publication "A guide to preparing local environmental plans" (Department of Planning, 2009)

A planning proposal is comprised of four parts:

**Part 1** - A statement of the Objectives or Intended Outcomes of the proposed LEP;

**Part 2** - An Explanation of the Provisions that are to be included in the proposed LEP;

**Part 3** - The Justification for those objectives, outcomes and provisions and the process for their implementation;

**Part 4** - Details of the Community Consultation that is to be undertaken on the planning proposal.

## 1.2 PROPONENT AND OWNER

The proponent is Lawndock Pty Ltd, C/- Anthony Daintith Town Planning. The registered owner of the subject land is Lawndock Pty Ltd.

## 2 SUBJECT LAND

### 2.1 SITE DESCRIPTION

The subject land is identified as "Waldara" 280 Burroughs Crossing Road, Oberon. Refer to **Figure 1**, which depicts the site within the locality.

**Figure 1: Locality Plan**



The area of the subject land is 210.4 ha.

The land title description is:

**Table 1: Land Title Details**

| Lot | Deposited Plan |
|-----|----------------|
| 4   | 264133         |

## 2.2 GENERAL SITE DESCRIPTION

### Topography

The subject land is relatively flat around the existing buildings (otherwise gently undulating).

### Vegetation

The site is relatively cleared around the dwelling with the exception of planted landscaping.

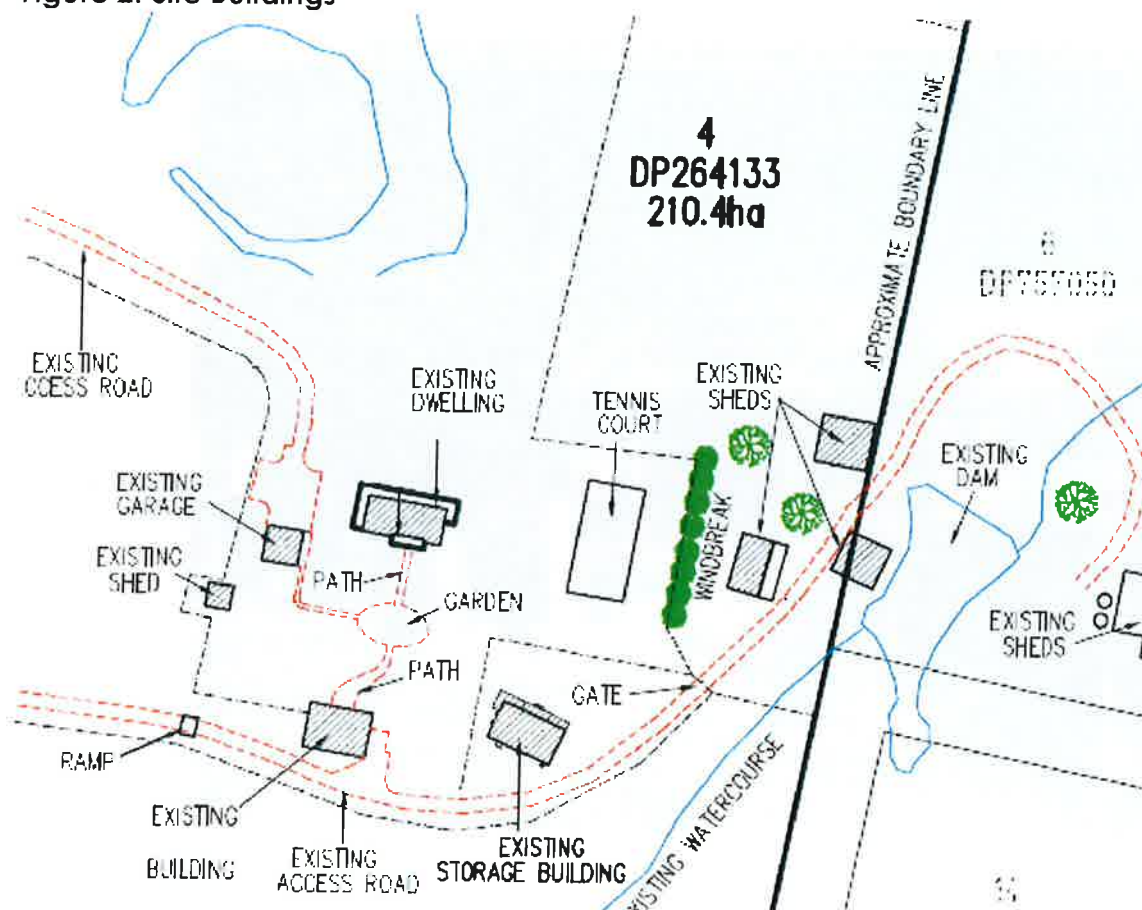
### Waterways

There is an existing watercourse to the east of the buildings and dam in front of the Waldara homestead.

### Buildings

The subject land contains a number of buildings as shown on **Figure 2** below.

**Figure 2: Site Buildings**



**Photos 1-4** provide a visual representation of the property.

Photo 1: Entrance to “Waldara”



Photo 2: Building proposed to be used as a “Function Centre”



**Photo 3: Rear of building proposed to be used as a "Function Centre"**



**Photo 4: Internal photo of building to be used as a "Function Centre"**



## 2.3 OBERON LOCAL ENVIRONMENTAL PLAN 2013

The subject land is zoned RU1 Primary Production under the LEP.

**Function Centres** are prohibited in the zone.

### Zone RU1 Primary Production

#### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To enable other forms of development associated with primary production activities, which may require an isolated location or which support tourism or recreational activities.

#### 2 Permitted without consent

Environmental protection works; Extensive agriculture; Home businesses; Home occupations; Intensive plant agriculture; Water reticulation systems

#### 3 Permitted with consent

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Freight transport facilities; Helpads; Highway service centres; Home-based child care; Home industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural industries; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems

#### 4 Prohibited

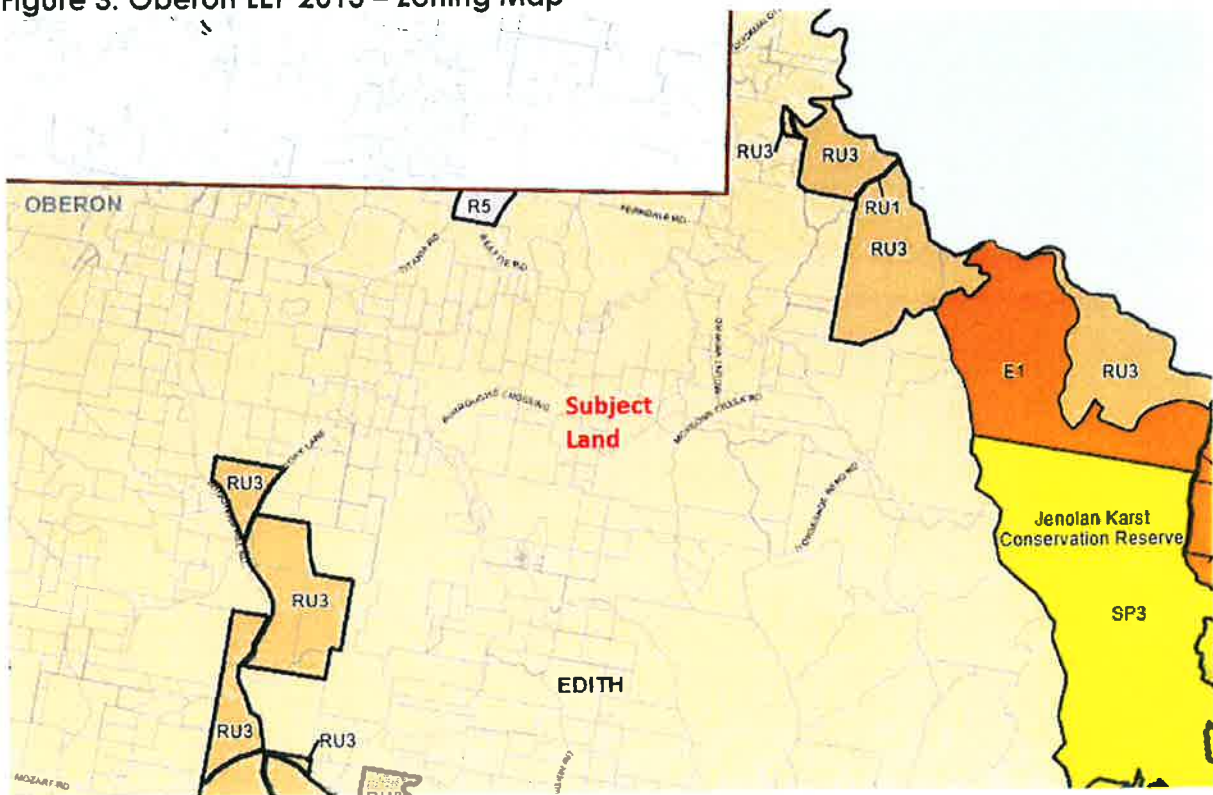
**Any development not specified in item 2 or 3**

Based upon the standard Local Environmental Plan definitions, a function centre is defined as follows:

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.



Figure 3: Oberon LEP 2013 – Zoning Map



## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

Part 1 of the planning proposal should be a concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be understood by the layperson.

The objective of this Planning Proposal is to amend the *Oberon Local Environmental Plan 2013* to permit subject to development consent, a "function centre" on the subject land.

Function centres are prohibited in the RU1 Primary Production zone.

It is noted that function centres were permitted with consent under the previous *Oberon Local Environmental Plan 1998* (now repealed).

This Planning Proposal will only require a change to the LEP document and not the LEP mapping.

## PART 2 – EXPLANATION OF PROVISIONS

The explanation of provisions is an explicit statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

It is proposed to amend the *Oberon Local Environmental Plan 2013* by the inclusion of an "additional permitted use" under Schedule 1 to enable subject to development consent a function centre on the subject land. Following is the suggested wording for the additional permitted use:

**Schedule 1 Additional permitted uses  
(Clause 2.5)**

**1 Use of certain land at 280 Burroughs Crossing Road, Oberon**

- (1) This clause applies to land at 280 Burroughs Crossing Road, Oberon, being Lot 4, DP 264133.
- (2) Development for the purposes of function centres is permitted with consent.

### 3. JUSTIFICATION

The justification sets out the case for changing the zones and/or development controls on the land affected by the proposed LEP.  
 Within the justification there are a number of specific questions that must be discussed with reasons explained.

#### Section A – Need for Planning Proposal

##### Is the planning proposal a result of any strategic study or report?

No - the Planning Proposal is not a result of any strategic study or report.

##### Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is believed that by the inclusion of an **additional permitted use** (function centres being permitted with consent on the subject land) under Schedule 1 of the LEP is the best means to achieve the objective/intended outcome of the Planning Proposal rather than by seeking to amend the land use table provisions of the RU1 Primary Production zone to permit with consent "function centres".

##### Is there a net community benefit?

Yes – there will be a net community benefit through tourism and employment opportunities in the greater Oberon area.

It is considered by function centres being **prohibited development** in the RU1 zone that this could be viewed as counter-productive to marketing Oberon Shire as a tourist destination in the greater area (including metropolitan area of Sydney). The rural areas of Oberon include some magnificent properties that are well suited to holding functions in idyllic rural gardens, landscapes and buildings (including the subject land). These may include weddings , birthdays and other celebrations that will bring large number of visitors to Oberon that will stay in Oberon and contribute to the overall Oberon economy (especially if guests stay for an extended period which create economic multipliers to other local businesses).

A number of other Councils in the surrounding areas including Blayney, Bathurst, Mid Western and Lithgow Councils view this type of development favourably in rural zones by permitting Function Centres subject to the development consent of the Council.

The proposed change to facilitate a Function Centres on the subject land via an additional permitted use would provide an opportunity for the land

owners to supplement their income – especially in tougher times and where in this instance it can be demonstrated it would be complimentary to surrounding agricultural activities.

## **Section B – Relationship to Strategic Planning Framework**

### **Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional Strategy?**

There is no Regional or Sub-Regional Strategies of relevance to the subject land and this Planning Proposal.

### **Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?**

It is considered that the Planning Proposal is consistent with Councils Strategic Plans.

### **Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The Planning Proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs) including the following:

#### State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The planning proposal has no implications in terms of the application of the provisions of SEPP 55 as the subject land is not identified as been contaminated. The land is considered suitable (subject to development consent) for future dwellings in the R5 Low Density Residential zone.

#### State Environmental Planning Policy (Infrastructure) 2007

The planning proposal has no implications in terms of the application of the Infrastructure SEPP.

#### State Environmental Planning Policy (Rural Lands) 2008

The planning proposal has no limiting implications in terms of the application of the Rural Lands SEPP. The proposal would permit with consent a function centre within an existing building on the subject land.

## Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following provides a summary of the Section 117 Directions issued on 1 July 2009 in accordance with the *Environmental Planning & Assessment Act 1979*, as relevant to the planning proposal:

**Table 2: Section 117 Directions**

| Direction No.                   | Provisions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Consideration                                                                                                                                                                                                                                                          |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.1 Business & Industrial Zones | <p>When this Direction Applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>What a relevant planning authority must do if this direction applies</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) give effect to the objectives of this direction,</li> <li>(b) retain the areas and locations of existing business and industrial zones,</li> <li>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</li> <li>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</li> <li>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.</li> </ul> | <p>Not applicable.</p> <p>The planning proposal is not considered to be inconsistent with this S117(2) Direction.</p>                                                                                                                                                  |
| 1.2 Rural Zones                 | <p>What a relevant planning authority must do if this direction applies</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</li> <li>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>The Planning Proposal does not proposed to rezone land and will not increase the permissible density of the subject land.</p> <p>The planning proposal is not considered to be inconsistent with this S117(2) Direction to R5 as a result of a mapping anomaly.</p> |
| 1.5 Rural Lands                 | <p>When this direction applies</p> <p>This direction applies when:</p> <ul style="list-style-type: none"> <li>(a) a relevant planning authority prepares a planning proposal that will</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>The Planning Proposal does not seek to change the provisions of the RU1 Primary Production zone nor change the minimum lot size of the subject land.</p>                                                                                                            |

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | <p>affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>What a relevant planning authority must do if this direction applies:</p> <p>(4) A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>(5) A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>                                                                                                                                                                                                                       | <p>The Planning Proposal only seeks to include an additional permitted use.</p> <p>The Planning Proposal is not considered to be inconsistent with this S117(2) Direction.</p> |
| 3.1 Residential Zones | <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that</p> | <p>The Planning Proposal does not affect any residential zoned land.</p> <p>The Planning Proposal is not considered to be inconsistent with this S117(2) Direction.</p>        |

|                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                       |
|----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
|                                                          | <p>residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                       |
| <p>3.2 Caravan Parks &amp; Manufactured Home Estates</p> | <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p> <p>(5) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.</p> | <p>Not applicable.</p> <p>The planning proposal is not considered to be inconsistent with this S117(2) Direction.</p> |

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.3 Flood Prone Land | <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> <li>a. permit development in floodway areas,</li> <li>b. permit development that will result in significant flood impacts to other properties,</li> <li>c. permit a significant increase in the development of that land,</li> <li>d. are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</li> <li>e. permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</li> </ul> <p>(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning</p> | <p>There is no flooding applicable to the subject land.</p> <p>The Planning Proposal does not entail the creation, removal or alteration of any zones affecting this flood prone land. No specific additional provisions relating to flood prone lands are proposed to be incorporated.</p> <p>The planning proposal is not considered to be inconsistent with this S117(2) Direction.</p> |
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|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                      | <p>authority provides adequate justification for those controls to the satisfaction of the Director- General (or an officer of the Department nominated by the Director-General).</p> <p>(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 4.4 Planning for Bushfire Protection | <p>When this direction applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>(5) A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) have regard to Planning for Bushfire Protection 2006,</li> <li>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</li> <li>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</li> </ul> <p>(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> <li>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</li> </ul> | <p>The subject is mapped as Bushfire Prone Land. A future function centre on the site would need to comply with the provisions of the Planning for Bushfire Protection 2006. It is noted that there is extensive management lands around the site that would already achieve the required Asset Protection zones and there is adequate water resources on site.</p> <p>The planning proposal is not considered to be inconsistent with this S117(2) Direction.</p> |

|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                        | <p>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p> |                                                                                                                                                                                                                                                                                                                                                                                                          |
| 6.2 Reserving Land for Public Purposes | <p>When this direction applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p> <p>(5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the <i>Land Acquisition (Just Terms Compensation)</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Not applicable to this proposal.</p> <p>None of the lands identified in the Planning Proposal have been acquired under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> nor have been identified by a public authority or the Minister as being required for future public purposes.</p> <p>The planning proposal is not considered to be inconsistent with this S117(2) Direction.</p> |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  | <p>Act 1991, the relevant planning authority must:</p> <p>(a) reserve the land in accordance with the request, and</p> <p>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and</p> <p>(c) identify the relevant acquiring authority for the land.</p> <p>(6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>(a) include the requested provisions, or</p> <p>(b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.</p> <p>(7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</p> |  |
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## Section C Environmental, Social & Economic Impact

**Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal?**

The proposal is unlikely to adversely affect critical habitat or threatened species, or ecological communities, or their habitats. The site has just been extensively modified and used for agricultural purposes and associated residential occupation.

Accordingly an "Assessment of Significance" in accordance with Section 5A of the EPA Act 1979 is not required.

## **Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The proposed planning proposal on the land is unlikely to result in adverse environmental effects.

There are no identified natural hazards, such as flooding, land slip, bushfire hazard (subject to future bushfire report) and the like that have an impact on the design of this planning proposal. It is proposed that the function centre would be within an existing building on the site.

## **How has the planning proposal adequately addressed any social and economic impacts?**

The planning proposal is considered unlikely to result in adverse social or economic impacts (and impacts are negligible).

There are no known items or places of European or Aboriginal cultural heritage located on the subject land that would be impacted upon by the Planning Proposal.

It is considered by function centres being **prohibited development** in the RU1 zone that this could be viewed as counter-productive to marketing Oberon Shire as a tourist destination in the greater area (including metropolitan area of Sydney). The rural areas of Oberon include some magnificent properties that are well suited to holding functions in idyllic rural gardens, landscapes and buildings (including the subject land). These may include weddings, birthdays and other celebrations that will bring large number of visitors to Oberon that will stay in Oberon and contribute to the overall Oberon economy (especially if guests stay for an extended period which create economic multipliers to other local businesses).

The proposed change to facilitate a Function Centres on the subject land via an additional permitted use would provide an opportunity for the land owners to supplement their income – especially in tougher times and where in this instance it can be demonstrated it would be complimentary to surrounding agricultural activities.

## **Section D – State and Commonwealth Interests**

### **Is there adequate public infrastructure for the planning proposal?**

The Planning Proposal will not create the ability for any further development potential on the land. No additional public infrastructure is required.

### **What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

It is proposed that the issues raised by State and Commonwealth public authorities will be addressed during the LEP's public exhibition phase.

Due to the relative small scale of the proposal, there are no identified issues that would affect any State or Commonwealth public authority.

If any issues are raised at the Gateway stage, they can be resolved at this stage.

## 4. COMMUNITY CONSULTATION

Pursuant to Section 57(2) of the *Environmental Planning and Assessment Act 1979*, the Director General of Planning must approve the form of the Planning Proposal under the Gateway process before community consultation is undertaken.

The Planning Proposal is considered to be Low Impact and would be publicly exhibited for a period and in a manner set out in the Gateway determination (it is understood that such a Planning Proposal will be publicly exhibited for a period of 14 days.)

The Planning Proposal is considered to be only of minor interest to the wider public due to the relatively localised nature of potential impacts. It is believed that the potential impacts would be negligible.

It is anticipated that the LEP will be finalised within a maximum period of six (6) months (it is anticipated much sooner).

### 4.1 Conclusion

The Planning Proposal to introduce an “additional permitted use” to permit a function centre on the subject land is considered consistent with the relevant statutory and policy provisions as outlined in this report.

The Planning Proposal if supported will increase tourism and employment opportunities in the Oberon Shire as well as providing a function centre in a most desirable setting.

A change to the LEP would be viewed as a positive move not only for the land owner but also the Shire’s local economy and it is respectfully requested that Council consider instigating a Planning Proposal to amend the LEP accordingly.

