



Mr Alan Cairney
General Manager
Oberon Council
PO Box 84
Oberon NSW 2787

14/15960

Attention: Gary Wallace, Planning and Development Director

Dear Mr Cairney

Planning Proposal (PP_2014_OBERO_001_00) – Amendment 1 - Clause 4.1A (3)(b) – To reduce the Minimum Lot Size for part Lot 1 DP1089826, No. 175 Titania Road Oberon (Titania Estate extension).

I am writing in response to Council's request for a Gateway determination under section 56(1) of the *Environmental Planning and Assessment Act 1979* (the Act) with respect to the planning proposal to reduce the Minimum Lot Size from 2 hectares with an average of 2 hectares at Part Lot 1 DP1089826, No. 175 Titania Road Oberon (Titania Estate extension) to 1 hectares with average of 2 hectares.

As a delegate of the Minister for Planning, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway determination Attachment 1.

The Minister delegated his plan making powers to Councils in October 2012. It is noted that Council has accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue authorisation for Council to exercise delegation and make this plan Attachment 2.

The planning proposal has been assessed as being inconsistent with clause 5(a) of Section 117 3.1 Direction Residential Zones due to concerns with satisfactory arrangements to service the land. In this regard consultation is required with the NSW Office of Water and Sydney Water Catchment Authority under section 56(2)(d) of the Act to determine a minimum lot size for this land having regard to water supply and impacts on groundwater. Please refer to condition No. 2 of the Gateway determination and this matter is to be resolved prior to exhibition of the planning proposal.

The amended Local Environmental Plan is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the Local Environmental Plan should be made directly to Parliamentary Counsel's office (parliamentary.counsel@pco.nsw.gov.au) six weeks prior to the projected publication date.

A copy of the request should be forwarded to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) for administrative purposes.

State Government is committed to reducing the time taken to complete Local Environmental Plan's by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the Act if the time frames outlined in the determination are not met.

In accordance with 'A guide for the preparation of Local Environmental Plans' attachment 5 – delegated plan making reporting template Attachment 3 is enclosed for Council's information. Table 2 of the attachment is to be completed and forwarded to westernregion@planning.nsw.gov.au when requesting the planning proposal to be finalised.

Should you have any further enquiries about this matter, I have arranged for Miss Jenna McNabb from the Western Region office to assist you. Miss McNabb can be contacted on (02) 6841 2180.

Yours sincerely


Andrew Jackson 2/12/14
Executive Director
Regions, Planning Services

Encl:

Attachment 1 – Gateway Determination
Attachment 2 – Written Authorisation to Execute Delegation
Attachment 3 – Delegated Plan Making Reporting Template

Gateway Determination

Planning Proposal (Department Ref: PP_2014_OBERO_001_00): to amend the Oberon Local Environmental Plan 2013 - Clause 4.1A (3)(b) to reduce the Minimum Lot Size for part Lot 1 DP1089826, No. 175 Titania Road Oberon (Titania Estate extension).

I, the Executive Director, Regions, Planning Services at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning & Assessment Act 1979* that an amendment to the Oberon Local Environmental Plan 2013 to amend Clause 4.1A (3)(b) to reduce the minimum lot size from 2 hectares with an average of 2 hectares at Part Lot 1 DP1089826, No. 175 Titania Road Oberon (Titania Estate extension) to 1 hectare with average of 2 hectares should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing Local Environmental Plans (Department of Planning & Infrastructure 2013)*.
2. The inconsistency with clause 5(a) of Section 117 Direction 3.1 Residential Zones is to be resolved prior to exhibition. In this regard consultation is required with the NSW Office of Water and Sydney Water Catchment Authority under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* to determine a minimum lot size for this land having regard to water supply and impacts on groundwater. NSW Office of Water and Sydney Water Catchment Authority are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. The result of this consultation may require the planning proposal to be amended.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979*. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The timeframe for completing the Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination.

Dated 2 day of December 2014.

Andrew Jackson
Executive Director
Regions, Planning Services

Delegate of the Minister for Planning

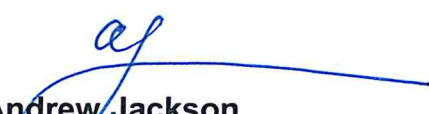
WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Oberon Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_OBERO_001_00	To amend the Oberon Local Environmental Plan 2013 - Clause 4.1A (3)(b) to reduce the Minimum Lot Size from 2 hectares with an average of hectares at Part Lot 1 DP1089826, No. 175 Titania Road Oberon (Titania Estate extension).

In exercising the Minister's functions under section 59, Council must comply with the Department's "A guideline for the preparation of Local Environmental Plans" and "A guide to preparing planning proposals".

Dated 2 December 2014



Andrew Jackson
Executive Director
Regions, Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2014_OBERO_001_00
Date Sent to Department under s56	17/10/2014
Date considered at LEP Review Panel	This matter was not considered by the LEP Review Panel
Gateway determination date	2 December 2014

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: