



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

14/18457

**Attention: Mr Gary Wallace, Planning and
Development Director**

Dear Mr Cairney,

**Planning Proposal to amend Oberon Local Environmental Plan 2013 – Minor
Errors**

I am writing in response to your Council's letter dated (31 October 2014) requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to remove 8 local heritage items from Schedule 5, re-number heritage items in Schedule 5 and correct the boundary of the Urban Conservation Area in O'Connell.

It has been determined that this is not a minor amendment under section 73A of the EP&A Act and 28 days public exhibition is required in this instance, as a number of heritage items are proposed to be removed from Schedule 5. Council must also consult with the NSW Office of Environment and Heritage.

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 application and have decided to issue authorisation for Council to exercise delegation and make this plan (**Tag 1**).

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amended Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of this letter. Council is to request Parliamentary Counsel's Office commence drafting the instrument as soon as possible. A copy of the request should be forwarded to the Agency for administrative purposes. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's office (parliamentary.counsel@pco.nsw.gov.au) 6 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.

The amended LEP maps and GIS data is to be uploaded to the Departments FTP site at ftp://lepup:lep_upload@203.3.194.247/ and the map information emailed to: pcgis@planning.nsw.gov.au and a copy to westernregion@planning.nsw.gov.au.

In accordance with 'A guide for the preparation of local environmental plans' attachment 5 – Delegated plan making reporting template (**Tag 2**) is enclosed for Council's information. Table 2 of the attachment is to be completed and forwarded to the 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 Ms Jenna McNabb from the Western Region office to assist you. Ms McNabb can be contacted on (02) 6841 2180.

Yours sincerely,

 17-12-2014

Ashley Albury
General Manager, Western Region
Planning Services

Gateway Determination

Planning proposal (PP_2014_OBERO_002_00): to (amend the Oberon Local Environmental Plan 2013 to remove 5 local heritage items from Schedule 5, update and re-number heritage items in Schedule 5 and correct the boundary of the Urban Conservation Area in O'Connell).

I, the General Manager, Western Region at Planning and Environment as delegate of the Minister for Planning and Environment, have determined under section 56(2) of the EP&A Act that an amendment to the Oberon Local Environmental Plan (LEP) 2013 to *remove 5 local heritage items from Schedule 5, update and re-number heritage items in Schedule 5 and correct the boundary of the Urban Conservation Area in O'Connell* should proceed subject to the following conditions:

1. The Planning Proposal is to be amended prior to commencing public exhibition to include the accurate property descriptions of the items on Schedule 5 being the Hogan grave at 8 Fleming Street, Oberon (I29), the XXX 111 Freight Stock - 4 wheel underframe (I20) and XXX 222 Freight Stock - 4 wheel louvre van, (I21);
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") 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 LEPs (Planning & Infrastructure 2013)*.
3. Consultation is required with the NSW Office of Environment and Heritage under section 56(2)(d) of the EP&A Act. NSW Office of Environment and Heritage is 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.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. Prior to submission of the planning proposal under section 59 of the EP&A Act the Maps are to be compliant with the Department's standard technical requirements for maps.
6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.
7. Authorise Oberon Council to exercise delegations to finalise the Planning Proposal.

Dated 17 day of December 2014.


Ashley Albury
General Manager, Western Region
Planning Services
Planning & Environment

**Delegate of the Minister for Planning &
Environment**

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Oberon Council is authorised to exercise the functions of the Minister for Planning and Environment 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_002_00	The application seeks to amend the Oberon Local Environmental Plan 2013 to remove 8 local heritage items from Schedule 5, update and re-number heritage items in Schedule 5 and correct the boundary of the Urban Conservation Area in O'Connell.

In exercising the Minister's functions under section 59, the Council must comply with Planning and Infrastructure's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 17 December 2014



Ashley Albury
General Manager, Western Region
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_002_00
Date Sent to Department under s56	15 December 2014
Date considered at LEP Review Panel	Considered by the Director Generals Delegate 15 December 2014
Gateway determination date	17 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: