

Gateway Determination

Planning proposal (Department Ref: PP_2018_OBERO_001_00): to seeking to amend Oberon LEP 2013 by rezoning land from RU1 Primary Production to R5 Large Lot Residential and changing minimum lot size to 10ha at part Lot 4 DP1023024 O'Connell Road, O'Connell

I, the Director Regions, Western at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act, 1979* that an amendment to the Oberon Local Environmental Plan (LEP) (2013) to rezoning land from RU1 Primary Production to R5 Large Lot Residential and change minimum lot size to 10 ha should proceed subject to the following conditions:

1. Prior to undertaking community consultation of the planning proposal, Council is to prepare an addendum to the Oberon Land Use Strategy 2013 (Oberon Strategy) in respect to the rural residential / large lot residential component having regard to, but not limited to, the following:
 - a. Review the existing Oberon Strategy recommendations and suitability of the supply and demand for rural residential / large lot residential in Oberon Council area and make recommendations for any changes based on the revised trends, assumptions and evidence including;
 - i. Review the Oberon settlement hierarchy classification;
 - ii. Consider each proposed change in relation to the relevant section 9.1 Ministerial Directions, State Environmental Planning Policies and Central West and Orana Regional Plan 2036;
 - iii. Consider the subject site (Part Lot 4 DP 1023024 O'Connell Road O'Connell) in relation to the above review;
 - iv. Review the scenic heritage value of the land surrounding O'Connell; and
 - v. Review the appropriateness of the zone RU1 Primary Production at O'Connell settlement.
 - b. Consider and submit to the Department of Planning and Environment results of consultation with relevant agencies in relation to the draft Addendum.

The abovementioned Addendum to the Oberon Strategy is to be submitted to the Department of Planning and Environment for approval prior to undertaking community consultation.

2. Prior to community consultation Council is to demonstrate to the Department of Planning and Environment that it is satisfied with the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land.
3. Prior to community consultation being undertaken consultation is required with the Department of Planning and Environment – Resources and Energy under section 3.34(2)(d) of the Act to address the inconsistency with section 9.1 Direction 1.3 Mining, Petroleum Production and Extractive Industries.

The Department of Planning and Environment – Resources and Energy is to be provided with a copy of the planning proposal and any supporting material, and given at least 40 days to comment on the proposal.

The result of the consultation is to be provided to the Department of Planning and Environment seeking approval to undertake community consultation.

4. Community consultation is required under sections 2.22 and 3.34(2)(c) 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 LEPs (Department of Planning & Environment August 2016)*.
5. Consultation is required with the following public authorities under section 3.34(2)(d) of the *Environmental Planning and Assessment Act, 1979*:
 - Department of Primary Industry – Agriculture
 - NSW Roads and Maritime Services
 - Department of Industry – Water
 - Office of Environment Heritage

Each public authority 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.

6. Prior to submission of the planning proposal under section 3.36 of the *Environmental Planning and Assessment Act, 1979*, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.
7. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).
8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 30th day of May 2018.



Damien Pfeiffer
Director Regions, Western
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning