



Mr Gary Wallace
Acting General Manager
Oberon Council
PO Box 84
Oberon NSW 2787

16/08634

Attention: Mr Lachlan Sims - Planner

Dear Mr Wallace

Planning Proposal (PP_2016_OBERO_001_00) to amend Oberon Local Environmental Plan 2013 (Amendment 5) to insert 'function centres' as permissible with consent in the zone RU1 Primary Production land use table

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to insert 'function centres' as a permissible use within the zone RU1 Primary Production land use table.

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

Council needs to obtain agreement of the Department's Secretary (delegate) to comply with requirements of relevant section 117 Directions as follows (refer to Condition No. 1 of the Gateway determination):

- 4.4 - Planning for Bushfire Protection; and
- 5.2 – Sydney Drinking Water Catchment.

This agreement is to occur after consultation with relevant agencies, and prior to the commencement of community consultation.

The proposal at this time, is inconsistent with section 117 Direction 1.5 – Rural Lands. Consultation with the Department of Primary Industries – Agriculture is required and this issue is to be addressed by Council prior to the plan being finalised (refer to Condition No. 3 of the Gateway determination).

The Minister delegated 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 (Attachment 2).

The amending Local Environmental Plan (LEP) 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 LEP should be made directly to Parliamentary Counsel's Office (parliamentary.counsel@pco.nsw.gov.au) 10 weeks prior to the projected publication date.

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

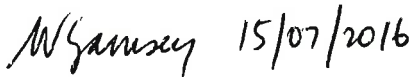
All related files for the LEP Amendment, including PDF Maps, Map Cover Sheet, Planning Proposal document, section 59 Reporting and GIS data, if available, must be submitted to the Department via the Planning Portal Website at <https://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data>. To submit the data, Council is required to create an account and log in using these details.

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 included in Council's section 59 submission and uploaded to the Planning Portal when requesting the planning proposal be finalised.

The State Government is committed to reducing the time taken to complete LEPs 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 *Environmental Planning and Assessment Act, 1979* if the timeframes outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Jenna McNabb of the Department's Western Region office to assist you. Ms McNabb can be contacted on (02) 68412180.

Yours sincerely

 15/07/2016
Wayne Garnsey
Acting Director Regions, Western
Planning Services

Encl:
Attachment 1 – Gateway determination
Attachment 2 – Written Authorisation to Exercise Delegation
Attachment 3 – Delegated Plan Making Reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2016_OBERO_001_00): to amend the Oberon Local Environmental Plan 2013 to insert 'function centres' as a permissible use within zone RU1 Primary Production.

I, the Acting Director Regions, Western at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that the amendment to the Oberon Local Environmental Plan 2013 (LEP) to insert 'function centres' as a permissible use within zone RU1 Primary Production should proceed subject to the following conditions:

1. Prior to community consultation being undertaken consultation is required with the NSW Rural Fire Service and Sydney Catchment Authority under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* to comply with the requirements of section 117 Direction 4.4 Planning for Bushfire Protection and Direction 5.2 – Sydney Drinking Water Catchment respectively. Council is to forward the NSW Rural Fire Service and Sydney Catchment Authority response to the Department and seek approval to proceed to community consultation.

The NSW Rural Fire Service and Sydney Catchment 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 planning proposal.

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 is required to be made publicly available on exhibition for 28 days as described in *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2012).
 - (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*.
3. Consultation is required with the Department of Primary Industries - Agriculture under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* and/or to comply with the requirements of section 117 Directions 1.5 Rural Lands.

The Department of Primary Industries - Agriculture 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 planning 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

5. any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 15 day of July 2016.


Wayne Garnsey
Acting Director Regions, Western
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Oberon 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_2016_OBERO_001_00	Planning proposal to insert 'function centres' as a land use permissible with consent in zone RU1 Primary Production.

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

Dated 15 July 2016


Wayne Garnsey
Acting Director Regions, Western
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_2016_OBERO_001_00
Date Sent to Department under s56	8 July 2016
Date considered at LEP Review Panel	Considered by the Ministers Delegate
Gateway determination date	15 July 2016

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: