



Your ref:
17/05476-1

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

Attention: Brendan O'Loan, Consulting Town Planner

Dear Mr Wallace

Planning Proposal (PP_2017_OBERO_001_00) to rezone open space, public reserves and public parks to RE1 Public Recreation in the Oberon Local Environmental Plan 2013.

I am writing in response to your Council's letter dated 28 March 2017 and further information forwarded on 14 August 2017 and 11 September 2017 requesting a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act, 1979* in respect of the Planning Proposal to rezone open space, public reserves and public parks to RE1 Public Recreation in the Oberon Local Environmental Plan 2013.

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

I have also agreed, as delegate of the Secretary, the Planning Proposal's inconsistencies with Section 117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones are justified in terms of the Direction. No further approval is required in relation to these Directions.

In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the rezoning of land for public purposes as it reflects the actual use of the land. No further approval is required in relation to this Direction.

I note that Council have requested that some of the subject land be reclassified from community to operational land as part of the additional information provided to the Department. This Gateway determination does not include the reclassification request as it was not part of the original planning proposal or Council resolution. Should Council wish to pursue the reclassification it is recommended that Council complete this as a separate Planning Proposal. Council need to resolve to reclassify the land and provide sufficient justification as per the Departments Practice Note 16-

001 - Classification and reclassification of public land through a local environmental plan. The Department is available to discuss this with Council.

The Minister delegated plan making powers to Councils in October 2012. I have considered the issue of delegation and determined not to issue an authorisation to exercise delegation given Council's interests in the items subject to this proposal.

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 for the Department of Planning and Environment to draft and finalise the LEP should be made 10 weeks prior to the projected publication date. Council's request to finalise the LEP should be made to the Department of Planning and Environment (westernregion@planning.nsw.gov.au).

All related files for LEP Amendment, including PDF Maps, Map Cover Sheet, Planning Proposal document 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.

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 & Assessment Act, 1979* if the time frames 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 Departments Western Region office to assist you. Ms McNabb can be contacted on (02) 6841 2180.

Yours sincerely,



13.9.17

Katrine O'Flaherty
Director Regions, Western
Planning Services

Encl: Attachment 1 – Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP_2017_OBERO_001_00): to rezone land used for open space, public reserves and public parks, to introduce zone RE1 Public Recreation and remove minimum lot size in the Oberon Local Environmental Plan 2013.

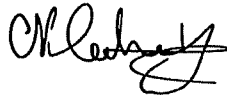
I, the Director Regions, Western at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under Section 56(2) of the *Environmental Planning and Assessment Act, 1979* to rezone land used for open space, public reserves and public parks, to introduce zone RE1 Public Recreation and remove minimum lot size in the Oberon Local Environmental Plan 2013.

1. Prior to community consultation the planning proposal is to be amended to address Section 117 Direction 5.10 - Implementation of Regional Plans. This work is to address the final Central West and Orana Regional Plan.
2. 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 proposal as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Environment 2016)*.
3. Consultation is required with the Department of Primary Industry - Lands under Section 56(2)(d) of the Act. The Department of Primary Industry - Lands 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 *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).
5. Prior to submission of the planning proposal under Section 59 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.

6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 13th day of September 2017.



Katrine O'Flaherty
Director Regions, Western
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning