



IRF 23/1704

Gateway determination report – PP-2023-1166

Additional Permitted Use – Registered Club, 31
O'Connell Road, Oberon

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal
Planning Proposal (Revised)
Council Resolution and Report dated (18 April 2023)
Determination and Statement of Reasons – Planning Panels dated (19 April 2023)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Oberon Council
PPA	Oberon Council
NAME	Additional Permitted Use – Registered Club
NUMBER	PP-2023-1166
LEP TO BE AMENDED	Oberon Local Environmental Plan 2013
ADDRESS	31 O’Connell Road, Oberon
DESCRIPTION	Lot 2 DP 1073827 Lot 5 DP 2364
RECEIVED	2/06/2023
FILE NO.	IRF23/1704
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Allow an additional permitted use for the purpose of a registered club on the subject land;
- Amend Schedule 1 of the Oberon Local Environmental Plan (LEP) 2013.

The intended outcome of the planning proposal will enable the registered club to be operating within the Oberon Sporting Complex development. A registered club is defined as a club that holds a club licence under the Liquor Act 2007.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Oberon Council LEP 2013 Schedule 1 to include ‘registered club’ as an additional permitted use for the site.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The site location of the Oberon Sporting Complex was decided based on extensive community consultation and is consistent with Council's adopted Community Strategic Plan for Oberon.

The site is located approximately 1 kilometre to the north-west of the Oberon CBD, in the transition zone between the IN1 General Industrial zone to the north, R1 General Residential to the south and a mix of commercial activities to the west and east of the site (refer to **Figures 1 and 2** below for zoning information and **Figure 3** for site aerial photo).

The site is currently zoned RU6 Transition and the proposed use of a registered club is prohibited under the Oberon Local Environmental Plan 2013.

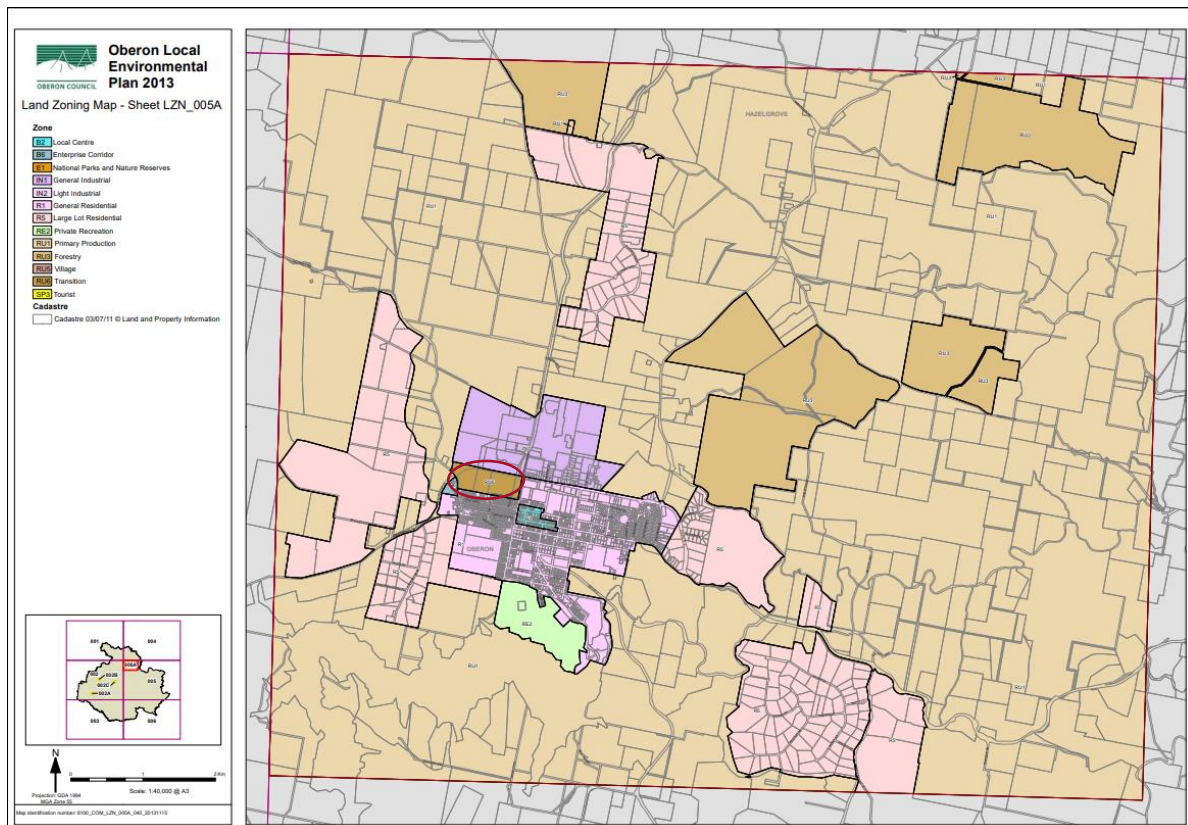


Figure 1 Site location in the context of Oberon (approximately within the highlighted circle) (source: Oberon LEP 2013 Map Sheet LZN_005A)



Figure 2 Land zoning of subject site and surrounding area (source: Planning Proposal – Additional Permitted Use – 31 O'Connell Road, Oberon)



Figure 3 Site context (source: Perception Planning SoEE)

1.5 Mapping

The planning proposal includes a map showing the site subject to the planning proposal. Prior to community consultation the planning proposal is to be updated to include appropriate mapping in accordance with ePlanning requirements during the finalisation of the proposal.

1.6 Background

Oberon Council proposes to develop a sporting complex located at the subject site, comprising of Lots 2 DP 1073827 and 5 DP 2364.

The Oberon Sporting Complex will provide essential infrastructure to support the broader Local Government Area. The proposed complex consists of:

- Recreation Facility (Outdoor) comprising:
 - o 2 full sized rugby fields
 - o 1 hockey field
 - o 3 netball courts
- Ancillary building comprising:
 - o Registered Club (upper floor), change rooms, office, storage rooms, change rooms, first aid / physio room, amenities, and tiered spectator seating.
- Walking/cycling perimeter pathway and fitness stations.
- Amenities and maintenance facilities.
- Car and bus parking facilities comprising 146 spaces (142 standard car parking spaces and 4 accessible parking spaces), and an additional area for 100 overflow car parking spaces.
- Children's playground
- Earthworks, site access, storm water drainage, landscaping, and lighting

The development is a regionally significant development under Part 2.4 and Schedule 6 of the SEPP (Planning Systems) 2021 as the applicant is Council and the capital investment value exceeds \$5 million. The proposed registered club is an integral part of Concept DA 10.2021.19.1., though is currently a prohibited land use under zone RU6 Transition.

The consent authority, being the Planning Panel issued a Determination and Statement of Reasons on 19 April 2023 with a new condition, as follows:

“3A. Pursuant to s4.22(4)(a) of the EP&A Act 1979, consent to the Stage 2 development shall not be granted until a “registered club” is permitted development on the subject land following an amendment to Oberon Local Environmental Plan 2013.”

Council considers that an additional permitted use under Schedule 1 of the LEP is the most appropriate mechanism to allow a ‘registered club’ to be a permissible use on the site.

2 Need for the planning proposal

The planning proposal is not a result of a local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report.

The requirement for the planning proposal has arisen as a result of a condition of consent following assessment of a development application by the JRPP (date of determination 19 April 2023), which

requires ‘registered club’ to be a permitted use on the subject site under the Oberon LEP 2013 prior to determination of Stage 2 of the development.

Council considers that an amendment to Schedule 1 Additional Permitted uses of the Oberon LEP is the best means of achieving the objectives and intended outcome of the planning proposal. An alternative pathway has been considered to include ‘registered club’ in the land use table under “Permitted with consent” in RU6, however, Council has concerns on how this change may impact on all other land that are zoned RU6.

Council has identified that another option of achieving the aim of the proposal is to rezone the site to a zone that permits the use of registered club. However, Council has indicated this requires additional studies and consideration, and may delay the progress of the development. Council intends developing a comprehensive Land Use Strategy and this could be considered as part of the process.

The planning proposal is considered the best means of achieving the objectives or intended outcomes in the interim period, while Council works through its strategic planning process.

3 Strategic assessment

3.1 Regional Plan

The proposal is broadly consistent with the Central West and Orana Regional Plan 2041.

The following table provides an assessment of the planning proposal against relevant aspects of the regional plan.

Table 3 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 6: Support connected and healthy communities	The planning proposal will enable the development of a sports complex that provides diverse public open spaces and accommodates a variety of activities.
Objective 12: Sustain a network of healthy and prosperous centres	Oberon Council has identified a priority for provision and development of regional and local sports, recreation, and cultural facilities (under local government priorities). The outcome of the planning proposal is consistent with this objective.
Objective 22: Support a diverse visitor economy	The planning proposal will support further investment into the local government area and provide opportunities for a diverse visitor economy.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 4 Local strategic planning assessment

Local Strategies	Justification
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Local Strategic Planning Statement	The LSPS provides strategic merit for the proposed additional permitted use. The proposal is consistent with Planning Priority 2, which is to : “ <i>Undertake analysis of sporting facilities and community facilities to ensure planned upgrades have capacity to service demands of a changing population</i> ”. The intended outcome of the planning proposal will enable the registered club to be operating within the Oberon Sporting Complex development.
Oberon 2040 Community Strategic Plan	The planning proposal is broadly consistent with the Oberon 2040 Community Strategic Plan. It will facilitate the development of a regionally significant facility which brings social and economic benefits to the local community.

3.3 Section 9.1 Ministerial Directions

The planning proposal’s consistency with relevant section 9.1 Directions is discussed below:

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	The planning proposal is broadly consistent with the objectives of the Central West and Orana Regional Plan 2041.
1.4 Site specific provisions	Yes	The planning proposal does not impose any development standards or requirements in addition to those already contained in the Oberon LEP.
3.1 Conservation Zones	Yes	The subject site is not located within an environmentally sensitive area.
3.2 Heritage conservation	Yes	<p>There are sites identified with heritage significance approximately 400m from the subject site – being the Tarana–Oberon Railway listed as a State Heritage Item.</p> <p>The planning proposal is for an additional permitted use which is unlikely to impact on the ongoing impact of the Heritage Item.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is broadly consistent with all relevant SEPPs. A few SEPPs may be required to be addressed as part of a future development application on the land and this can be appropriately undertaken at future stages of the proposal.

4 Site-specific assessment

4.1 Environmental.

The site has no critical habitat or threatened species, populations, or ecological communities present. The site is not subject to flooding or bushfire and not presently identified in Council's potentially contaminated land register.

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 6 Environmental impact assessment

Environmental Impact	Assessment
Contamination	A preliminary site investigation has indicated no gross contamination which would constrain the development of the site for its purpose.
Development within a designated buffer	Council has indicated that the site is located within the industrial buffer area. An Operational Management Plan and Sporting Club Management Plan has been considered as part of the development application relating to the site. The development consent includes conditions which intend to ensure the operation and protection of the amenity of the site.
Stormwater management	A Stormwater management plan is to be prepared at the development stage.

4.2 Social and economic

The proposal will allow for the use of the land as 'registered club' and may facilitate comprehensive use of the Oberon Sporting Complex.

The planning proposal states the use of the building which includes the 'registered club' will be for meetings, team building, presentation or social events relating to the use of the site as a recreational facility. The planning proposal states the hours of operation are intended to be between 8am-12am.

Assessment of the social and economic impact of the proposed development can be considered at the development application stage including consideration of a Crime Prevention Through Environmental Design (CPTED) report and other relevant referrals including referral to the Liquor and Gaming Authority of NSW.

Council should review the land use controls applied to this area, following additional strategic work, to determine if a more appropriate zone can be applied with regard to zone objectives.

4.3 Infrastructure

The site has access to all essential services, and it is unlikely to require significant upgrade of public infrastructure.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. Agency consultation is not required given the nature of the planning proposal.

5.3 Timeframe

Council proposes a 7 month timeframe to complete the LEP. The Department recommends a timeframe of 9 months.

It is recommended that if the Gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates. Council should also update the project timeline to reflect the changes. A condition to this effect is recommended in the Gateway determination.

6 Local plan-making authority

Council does not request delegation to be the local plan-making authority.

As the subject land is owned by Council, it is recommended that Council not be authorised to be the local plan-making authority for this proposal.

7 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal represents amendment to Schedule 1 to permit the use of 'registered club' to facilitate the development of the Oberon Sporting Complex on the subject site.
- The proposed land use will not impact on the amenity of the surrounding area as the impacts of the proposal are localised to the subject site and can be adequately managed.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Reference the correct Lot & DP of the site referenced on page 3 of the planning proposal.
- Reflect the new project timeline.
- Include a draft Additional Permitted Uses Map

8 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to:

- Reference the correct Lot & DP of the site referenced in page 3 of the Planning proposal.
 - Amend the Project Timeframe to reflect the Gateway determination and subsequent milestones for finalisation in nine (9) months.
 - Include a draft Additional Permitted Uses Map
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.
 3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the EP& A Act.
 4. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
 5. Given the nature of the proposal, Council is not authorised to be the local plan-making authority.



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11/08/2023



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17/08/2023

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