



IRF26/4192

Gateway determination report – PP-2026-609

Reclassification of three sites located in Oberon from
'Community' to 'Operational' land

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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
Attachment A - Planning Proposal PP-2026-609
Attachment A1 – Land Titles
Attachment A2 – Council reports 15 July 2025 and 15 December 2015

1 Planning proposal

1.1 Overview

Table 2 - Planning proposal details

LGA	Oberon
PPA	Oberon Council
NAME	Reclassification of three sites located in Oberon from 'Community' to 'Operational' land
NUMBER	PP-2026-609
LEP TO BE AMENDED	Oberon Local Environmental Plan (OLEP) 2013
ADDRESS	Lot 10 DP 245689, 34 Glyndwr Avenue, Oberon Lot 89 DP1238111, 52 Dickson Close, Oberon Lot 21 DP 1304306, McHattan Close, Oberon
RECEIVED	28/04/2026
FILE NO.	IRF26/4192
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 objective of the planning proposal is to reclassify land to enable council to sell Lot 10 DP 245689 and facilitate greater flexibility in leasing Lot 89 DP1238111 and Lot 21 DP 1304306. Council aims to achieve this by reclassifying the three sites from community to operational and amending the Land Title for Lot 10 DP 245689.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to reclassify the sites from community to operational by amending the Oberon LEP 2013 by inserting the sites into Part 2 of Schedule 4 and remove public reserve interests from the land title of Site 1. Removing interests from the land title will require the approval of the Governor of NSW.

Sites 2 and 3 contain 'drainage reserve' in the land title and the interests will need to be changed in future should council seek to sell the lots.

Table 3 - Current and proposed controls

Site details	Current zone	Control	Current	Proposed
Site 1 Lot 10 DP 245689	R1 General Residential	Reclassification – Schedule 4, Part 2	Community	Operational – interests changed
Site 2 Lot 89 DP1238111	R5 Large Lot Residential	Reclassification – Schedule 4, Part 1	Community	Operational – no interests change
Site 3 Lot 21 DP 1304306	R5 Large Lot Residential	Reclassification – Schedule 4, Part 1	Community	Operational – no interests change

No changes are proposed to the principal planning provisions or maps.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved and demonstrates compliance with PN 16-001.

1.4 Site description and surrounding area

The three sites are owned by council and spread across the Oberon Local Government Area, Figure 1.

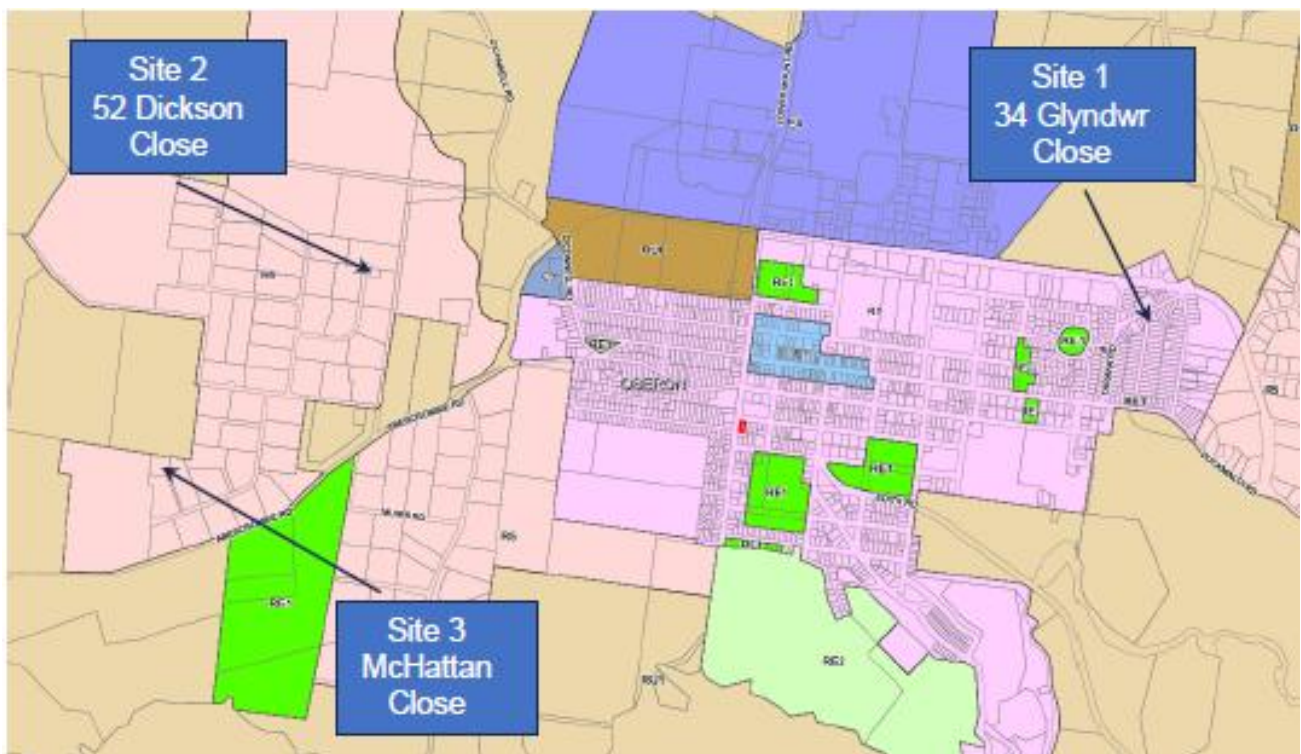


Figure 1: Map of Oberon and surrounds indicating the 3 sites to be reclassified (Source: planning proposal)

Site 1, is located at 34 Glyndwr Road Oberon with a legal description of Lot 10 DP 245689. The site is approximately 1,400m² and zoned R1 General Residential. It was until recently occupied by play equipment and matured trees.

Site 2 is located at 52 Dickson Close Oberon with a legal description of Lot 89 DP1238111. The site is approximately 500m² and zoned R5 Large Lot Residential. It is currently used as a drainage reserve.

Site 3 is located at McHattan Close with a legal description of Lot 21 DP 1304306. The site is approximately 8,200m² and zoned R5 Large Lot Residential. It is currently used as a drainage reserve.

1.5 Mapping

The planning proposal does not propose any mapping changes.

2 Need for the planning proposal

The planning proposal was not prepared directly in response to a strategic study or report, however it is in keeping with the findings of the draft Open Space Strategy 2025, which is discussed in section 3.2.

The proposal will add the sites to Schedule 4 of the Oberon LEP 2013.

The *Local Government Act 1993* stipulates that a planning proposal is the mechanism to reclassify land from ‘community’ to ‘operational’. Accordingly, an amendment to the LEP is the most suitable mechanism to achieve the objectives of the planning proposal.

On 27 May 2026 Council sent an email confirming:

- The income from the sale of Site 1, and lease of Sites 2 and 3 will go towards Council’s operating budget, specifically parks and gardens.
- As part of the Bracken Glen Estate subdivision Site 2 was dedicated to council as a drainage reserve. As part of the McHattan Close subdivision Site 3 was also dedicated as a drainage reserve. Both sites were classified as community land by default under Section 31(2A) of the *Local Government Act 1993*.
- The draft Oberon Open Space Strategy was recently exhibited and demonstrates there is sufficient open space to meet future community needs. The intent of the planning proposal is to efficiently manage and deliver open space facilities.
- Land Titles for all three sites.

It is recommended that a Gateway condition be applied requiring the Land Titles be exhibited alongside the planning proposal and the planning proposal be updated to include the information submitted on 27 May 2026.

Table 4 below contains extracts from the planning proposal which demonstrate the proposal is consistent with matters raised in LEP Practice Note PN-16-001 - *Classification and Reclassification of Public Land*.

Table 4 - Assessment against Practice Note PN 16-001

Checklist for proposals to classify or reclassify public land through an LEP	How the planning proposal addresses the checklist
Is the planning proposal the result of a strategic study or report?	Yes, the proposed reclassification of Site 1 actions the findings of the draft Oberon Open Space Strategy.

Checklist for proposals to classify or reclassify public land through an LEP	How the planning proposal addresses the checklist
Is the planning proposal consistent with the council's community plan, or other local strategic plan?	Yes, the planning proposal has addressed the consistency with local strategies.
If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided	It is proposed to remove 'the land within described is public reserve' from the Land Title of Site 1. The site has been identified through the draft Open Space Strategy as superfluous.
The effect of the reclassification, including loss of open space, any discharge of interests, and/ or removal of public reserve status	It is proposed to remove 'the land within described is public reserve' from the Land Title. This will facilitate the sale of a residential zoned lot and as a result there will be a minor reduction in low quality open space.
The strategic and site-specific merits of the reclassification and evidence to support this	The planning proposal adequately addresses both strategic and site-specific merit. There are no issues of concern with the proposal.
How will council benefit financially?	It is proposed to sell Site 1 and lease Sites 2 and 3. It is intended to lease Sites 2 and 3 to the neighbouring landowners in exchange for maintaining the sites. The income from the sale of Site 1, and lease of Sites 2 and 3 will go towards Council's operating budget specifically parks and gardens.
Classification	All sites are community land (default classification) and are proposed to be reclassified to operational land.
Current leases or business dealings	The sites are currently not leased and have no business dealings.

3 Strategic assessment

3.1 Regional Plan

The Central West and Orana Regional Plan 2041 sets the strategic framework for the region, with the aim of ensuring the region's ongoing economic prosperity.

The planning proposal states that it is consistent with the following relevant objectives of the Central West and Orana Regional Plan 2041:

- Objective 8 Secure resilient regional water resources
- Objective 9 Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage
- Objective 13 Provide well located housing options to meet demand

The planning proposal states that the reclassification of the drainage sites (Sites 2 and 3) will assist in the ongoing maintenance of stormwater infrastructure as the intent is to lease the sites to the neighbouring lots. The new lessees will be required to keep the drainage reserves clean and free of debris, and ensure waste is properly managed so it does not enter the stormwater system. Additionally, the reclassification of Site 1 will facilitate the sale of residentially zoned land that is appropriately located given it is in an existing residential area and is close to the town centre. As a result, the site is located near key infrastructure such as open space and servicing opportunities.

Given the small scale of the proposal, which seeks the reclassification of three lots, the Department finds it falls outside the scope of the Regional Plan but is not in conflict with the objectives, strategies and actions and the information provided is acceptable.

3.2 Local Strategies

The planning 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 5 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	Given the small scale of the proposal which seeks to reclassify three sites, there are no planning principles in the Oberon LSPS that are directly relevant to the proposal. The planning proposal is not inconsistent and the level of information provided is adequate.
Draft Housing Strategy	The Oberon Housing Strategy was exhibited from 12 November 2025 until 27 February 2026. Planning priority 1 – Housing diversity, includes action 1.11 investigate opportunities to divest and / or develop Council / Crown owned land for the purpose of infill housing. The proposal seeks to reclassify three council owned sites with the intent to sell Site 1 for residential development purposes. The site is zoned R1 and located in the Oberon centre. The proposal is consistent with the principles and actions of the draft Housing Strategy.
Draft Oberon Open Space Strategy	The Oberon Open Space Strategy was exhibited from 12 November 2025 until 27 February 2026. The strategy seeks to implement an open space hierarchy to more efficiently manage the costs of maintenance and capital works. The strategy identifies Site 1, stating: Glyndwr Park (north) comprises a small pocket park with no significant infrastructure. Playground equipment has been removed and the area is not being used for any useful purpose. The strategy states in 2024 Oberon Council resolved to remove and not replace non-compliant play equipment at Site 1. The strategy includes mapping that illustrates the abundance of open space in the area, per Figure 2. The strategy further highlights that council has limited funds to undertake maintenance and necessary capital works projects, including the replacement of ageing playground equipment. Whilst the strategy does not directly identify the site for reclassification, it is noted that council needs to prioritise funds and

Local Strategies	Justification
	that Site 1 is superfluous. The proposed reclassification and sale of Site 1 is in keeping with the findings of the draft Oberon Open Space Strategy. It is recommended the planning proposal is updated to include an assessment of the draft Oberon Open Space Strategy.  Figure 2: Oberon Township Open Spaces Audit Map (Source: draft Oberon Open Space Strategy 2025)

3.3 Section 9.1 Ministerial Directions

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

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.2 Implementation of Regional Plans	Consistent	The planning proposal is consistent with this Direction, as discussed in Section 3.1.
5.2 Reserving Land for Public Purposes	Consistent	The planning proposal seeks to reclassify council-owned land from 'Community' to 'Operational'. • The proposal does not seek to rezone the sites. • Sites 2 and 3 defaulted to its 'community land' classification. It was not at the request of a planning authority. • The land is under the ownership of council and the proposal has been initiated by the relevant public authority landowner. The proposal seeks to remove the reservation of land by amending the Land Title. This has been authorised by council

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		and an approval process by the Planning Secretary/Minister will be undertaken at the finalisation stage. The draft Oberon Open Space Strategy 2025 has demonstrated there is sufficient open space to meet the needs of the community. The planning proposal is consistent with this Direction.
6.1 Residential Zones	Consistent	The planning proposal applies to three sites which are zoned R1 General Residential and R5 Large Lot Residential. • There are no proposed changes to the zoning, density provisions or permissible uses at the site. • The intent of reclassifying Site 1 is to sell the land for residential development. The site is located in the Oberon centre and will use existing infrastructure and services. • Given the proposal will likely result in one additional dwelling and the site is located in the Oberon centre, there are no concerns raised regarding servicing the site. The planning proposal is consistent with this direction.

3.4 State environmental planning policies (SEPPs)

The planning proposal is not inconsistent with any SEPPs.

4 Site-specific assessment

There are no additional site-specific issues associated with the proposal.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard proposal under the LEP Making Guidelines (August 2023). The LEP Practice Note PN 16-01 applies to planning proposals involving the reclassification of public land. The PN requires at least 28 calendar days for public exhibition, and the *Local Government Act 1993* requires a public hearing to be held.

Under the LEP Plan Making Guideline a reclassification is categorised as standard, and an exhibition period of 20 working days is recommended. The planning proposal is to be exhibited for 20 working days and this forms part of the conditions to the Gateway Determination.

5.2 Agencies

Consultation with state agencies is not required for this planning proposal.

6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard proposal.

The Department recommends an LEP completion date of 5 April 2027 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the planning proposal relates to the reclassification of council land and approval from the NSW Governor is required for Site 1, the Department recommends that Council should not be authorised to be the local plan-making authority for this proposal.

8 Recommendation

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

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community the planning proposal is to be updated to include:
 - An assessment of the draft Oberon Open Space Strategy
 - Confirmation of how the funds obtained from the sale and lease of the sites will be used and how the sites came to be community land.
2. The relevant Land Titles be exhibited alongside the planning proposal.
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. Given the nature of the planning proposal, it is recommended that the Gateway does not authorise council to be the local plan-making authority and that an LEP completion date of 5 April 2027 be included on the Gateway.



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