

PLANNING PROPOSAL

To Reclassify three (3) properties in the Oberon Local Environmental Plan (OLEP) 2013 from Community to Operational Land.

Site 1 34 Glyndwr Avenue Oberon

Lot 10 DP 245689

Park

Site 2 52 Dickson Close Oberon

Lot 89 DP1238111

Drainage Reserve

Site 3 McHattan Close Oberon

Lot 21 DP 1304306

Drainage Reserve



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Version	Date	Reviewer
PreGateway V1	18 March 2026	B Kennedy

EXECUTIVE SUMMARY

Oberon Council has prepared this Planning Proposal to amend Schedule 4 of the Oberon Local Environmental Plan 2013 for the reclassification of three (3) lots from Community to Operational.

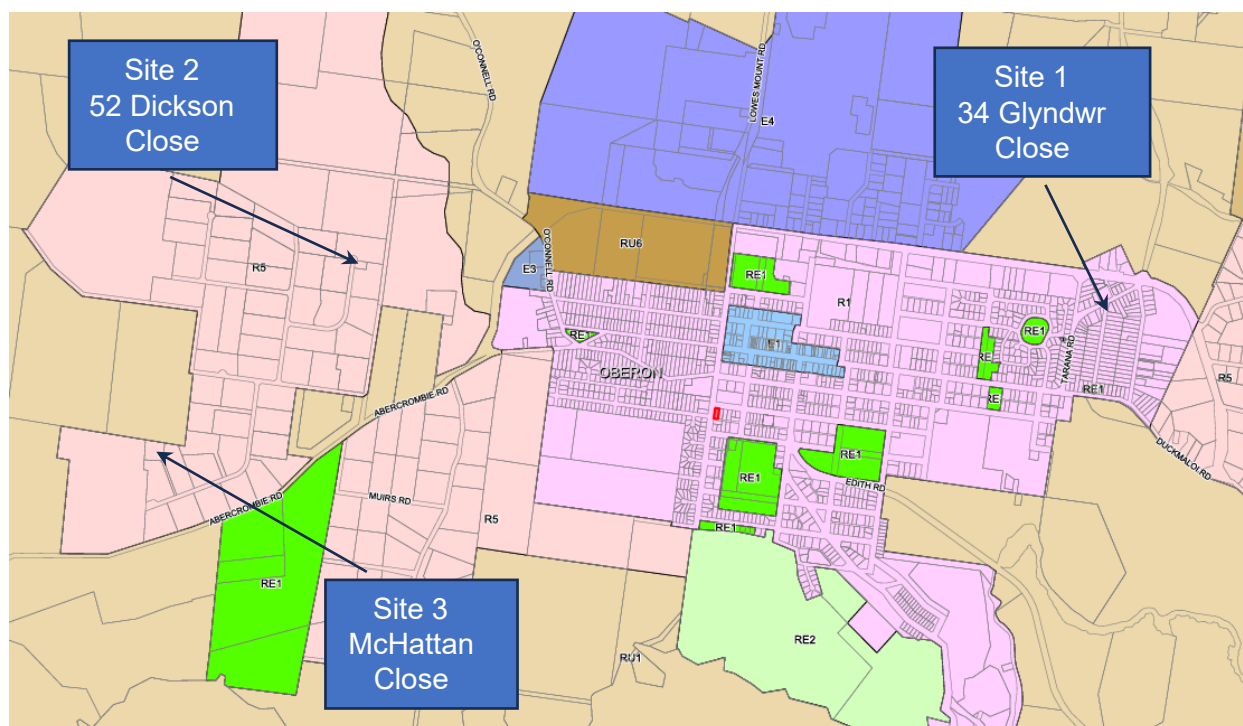
The first Lot (Site 1) is identified as Lot 10 DP 245689 located at 34 Glyndwr Road Oberon. Council resolved to reclassify this land on 15 December 2015. This lot is currently zoned R1 General Residential under Oberon LEP 2013. Reclassification of this site would allow the residential sized lot to become available to the property market.

The second Lot (Site 2) is identified as Lot 89 DP1238111 and is located within the property of 42 Dickson Close Oberon near the head of a cul-de-sac. Council resolved to reclassify this land on Tuesday 15 July 2025. This lot is zoned R5 Large Lot Residential under Oberon LEP 2013 and is currently used as a drainage reserve. The purpose of reclassifying this lot is to allow the lease of the land to the adjacent landowner and allow access for maintenance.

The third Lot (Site 3) is identified as Lot 21 DP 1304306 and is located at the northwestern corner of McHattan Close Oberon. Council resolved to reclassify this land to Operational on 15 July 2025. This lot is currently being used as a drainage reserve. The purpose of reclassifying this land is to make it available to adjoining landowners.

This Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act, 1979 and *A Guide to Preparing Planning Proposals*.

Location map of subject sites.



PART 1 OBJECTIVES OR INTENDED OUTCOMES

The objective and intended outcome of this Planning Proposal is to amend Schedule 4 of the OLEP 2013. The effect of this would be to change the classification of the 3 sites from Community to Operational.

The reclassification of Site 1 is so that it can be listed for sale as a Residential property. It is currently classified as Community Land but is zoned R1 General Residential under OLEP 2013.

The reclassification of Site 2 is so that Council is able to transfer the site to the adjoining owner via a lease arrangement. Site 2 has an area of 499 sqm and transferring management would allow the more effective management of the stormwater inflow by allowing the owner of the land that surrounds the site to manage it as part of their own property. This would also of course increase the useable area of their property.

The reclassification of Site 3 is for a similar reason as Site 2. It has an area of 8,180 sqm with an access handle to McHatten Close for maintenance work. The entry of stormwater to the subject site is via a stormwater channel that is a registered easement through Lot 8. Transferring management of this lot to an adjoining owner (possibly Lot 8) would allow for the incorporation of the drainage reserve and stormwater flows into the management of the adjoining land while protecting against flooding of the surrounding lots. It is currently being used as a drainage reserve and would be more suitable if leased to an adjoining landowner.

The proposed Amendment to Schedule 4 of the Oberon LEP 2013 would have three (3) intended outcomes:

- (a) Enable the sale of 34 Glyndwr Avenue Oberon to add to the stock of Residential building lots in Oberon;
- (b) Enable an exchange of the subject site between Council and the adjoining owner via a lease arrangement;
- (c) Enable an exchange of the subject site between Council and an adjoining owner via a lease arrangement;

PART 2 EXPLANATION OF PROVISIONS

The explanation of provisions is that the amendment would revise Schedule 4 of the Oberon Local Environmental Plan (OLEP) 2013 to include the three (3x) subject sites as being reclassified from Community to Operational. Council interest in Site 1 would change to the new owner upon sale. Council's interest in Sites 2 and 3 would continue as land owner.

There are currently no sites or properties identified in Schedule 4 of Oberon LEP 2013.

Following the amendment to Schedule 4 of the Oberon Local Environmental Plan 2013, Site 1 will be put on the property market and sold and so the interests will change following

settlement. Leading up until that time, there would be no other interest in the land except Council. Part 1 of Schedule 4 will be used in this event.

Site 2 will remain in Council's ownership because the intention is to lease this small lot (approximately 500 sqm) to the surrounding owner. In this circumstance the interest in the property will not change. The surrounding landowner's interest will be as property manager. Part 1 of Schedule 4 will be used in this circumstance.

Site 3 will be similar to the above where Council intends to lease an existing drainage reserve to an adjoining owner. Because it is intended to lease the land to an adjoining site, it is considered the interest in the property will not change. Part 2 of Schedule 4 will be used in these circumstances.

Schedule 4 will be amended as follows;

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
Lot 89 DP1238111 52 Dickson Close Oberon	Council
Lot 21 DP 1304306 McHattan Close	Council

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Lot 10 DP 245689 34 Glyndwr Road Oberon	Residential Lot	Oberon Council

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

PART 3 JUSTIFICATION

A Need for the Planning Proposal

1. Is the Planning Proposal the result of any strategic study or report?

No, the Planning Proposal is the result of Council considering its current land holdings and dedications how to best manage these. Council had previously considered the reclassification of Site 1 (34 Glyndwr) in 2015. The reclassification of Site 2 and 3 is in the interest of managing dedicated lands.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

There are no alternatives to achieving the intended outcomes with the reclassification of public land. Retaining the Community Classification of the subject sites does not allow Council to consider any other operational arrangements for the sites.

With regard to Site 1 Council is unable to release the land to the property market if it is not reclassified. With regard to Site 2 and 3 transferring the management of the small parcels of land to the adjoining (or surrounding) owner would create an opportunity for the landowner to incorporate it into their own property maintenance. This would benefit Council in ensuring minimal detritus enters the stormwater system reducing the potential for blockage.

B Relationship to Strategic Planning Framework

3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

a) Does the proposal have strategic merit?

Central West and Orana Regional Plan 2041 (CWORP 2041)

The Planning Proposal is considered to be consistent with the CWORP 2041 as follows:

OBJECTIVE 8: Secure resilient regional water resources

Strategy 8.1 Strategic water and land use planning, at the regional and local scale, must consider opportunities to:

- locate, design, construct and manage new developments to minimise impacts on water catchments, including downstream impacts and groundwater resources*

Stormwater will be better managed at Sites 2 and 3 if maintained by private landowners who will maintain area free of overgrown vegetation and invasive species

OBJECTIVE 9: Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage

Strategy 9.3 Use strategic planning and local plans to consider opportunities to apply the seven urban design strategies for regional NSW when planning for:

- *public space in centres, including main streets*
- *development in both existing and new neighbourhoods.*

The proposed amendment makes better use and better manages stormwater infrastructure by applying the urban design strategies of *Integration with the natural environment and landscape* and *balancing urban growth*.

OBJECTIVE 13: Provide well located housing options to meet demand

Strategy 13.1 To ensure an adequate and timely supply of housing, in the right locations, strategic and local planning should:

- *provide new housing capacity where it can use existing infrastructure capacity or support the timely delivery of new infrastructure.*
- *Identify a pipeline of housing supply that meets community needs and provides appropriate opportunities for growth.*

Council has identified a housing lot that is no longer essential or necessary for community use and has infrastructure already available to enable it to be released on to the housing market. This is consistent with this objective of the CWORP 2041

The Planning Proposal is considered to be consistent with the provisions of the CWORP 2041

b) Does the proposal have site-specific merit?

The proposed amendments have site specific merit demonstrated in Council's resolve to better manage and make use of its infrastructure.

4. Is the Planning Proposal consistent with a local strategy or other local strategic plan?

Oberon Local Strategic Planning Statement 2025-2045

The Local Strategic Planning Statement for the Oberon Local Government Area was adopted by Council on 19 August 2025.

Planning Priority 2 Connected and Resilient Communities

The Planning Proposal directly supports Planning Priority Two which seeks to:

“Improve awareness, preparedness and response to flood and bushfire.”

The maintenance of drainage pathways by private landowners by incorporating it into property maintenance will reduce the likelihood of flash flooding in heavy rain events.

Planning Priority 3 Town and Villages

The Planning Proposal directly resonates with Planning Priority 3 in that Council investigated the rationalisation of public open spaces and considered Site 1 on balance to be surplus to the need to increase housing supply.

For Sites 2 and 3, rationalisation of Public Open Space is also considered to include maintenance of infrastructure and keeping the entry of stormwater into the reticulated system clear and free of restrictions.

Planning Priority 4 New Infrastructure Investment

This Planning Proposal is consistent with Priority 3 *to Develop and advocate for quality, reliable, sustainable and resilient infrastructure, including State significant infrastructure to support economic development*. The subject planning proposal supports this priority by enabling Council to focus on providing new infrastructure to support housing delivery.

Planning Priority 5 Nature and Place

Site 1 is consistent with this priority in diverting housing supply towards the urban area and existing urban area. Sites 2 and 3 are consistent in strengthening resilience and adaptive capacity to natural disasters by transferring maintenance of the drainage reserves to private interests.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

In March 2022 the Department of Planning and Environment consolidated 45 SEPPs into 11 policies. For the most part, the consolidation did not introduce any amendments to the existing SEPPs other than renumbering and changes consequent on the consolidation. The new SEPPs are listed in the table below, with the previous SEPPs that have been consolidated underneath.

State Environmental Planning Policy [SEPP]	Applicable Yes/No	If Applicable – Consistency with Planning Proposal
SEPP (Housing) 2021	Yes	Site 1 is consistent in increasing housing supply.
SEPP (Primary Production) 2021	No	Not Applicable
SEPP (Resources and Energy) 2021	No	Not Applicable

SEPP (Exempt and Complying Development Codes) 2008	NA	The provisions of the SEPP do not apply to Site 1 due to the operation of Clause 1.19(1e) and the presence of the OTC buffer. A DA will be required for any dwelling.
SEPP (Resilience and Hazards) 2021	NA	The sites have been assessed as not being contaminated land.
SEPP (Industry and Employment) 2021	NA	Not applicable
SEPP (Transport and Infrastructure) 2021	Applicable	Site 1, is zoned R1 General Residential so any proposed development on this site will need to be consistent with the Residential zone objectives. With regard to Site 2 and 3, no works, apart from routine maintenance are proposed on these sites. Notwithstanding these intentions, Council will retain ownership of the two drainage reserves and therefore would withhold owners' consent to any development on these sites.
SEPP (Biodiversity and Conservation) 2021	No	Not applicable
SEPP (Planning Systems) 2021	No	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	NA	Not applicable
SEPP (Precincts - Regional) 2021	NA	Not applicable
SEPP (Sustainable Buildings) 2022	NA	Not applicable
SEPP No 65—Design Quality of Residential Apartment Development	NA	Not Applicable

6. Is the Planning Proposal consistent with any applicable Section 9.1 Directions?

The following table provides consideration of the applicable Section 9.1 Directions for consideration in the Planning Proposal:

Focus Area 1 Planning System	Requirement	Consistency
1.1 Implementation of Regional Plans	Planning Proposal must be consistent with Regional Plan	Planning Proposal is consistent
1.3 Approval and Referral Requirements	Planning Proposal must be consistent	Planning Proposal is consistent
1.4 Site Specific Provisions	Planning Proposal must be consistent	None required.
1.4A Exclusion of Development Standards Variation	Planning proposal must minimise exclusion from Development Standards	No Development standard exclusions proposed.
Focus Area 1: Planning System Place-Based	NA	
Focus Area 2: Design and Place	NA	
Focus Area 3: Biodiversity Conservation		
3.1 Conservation Zones	The Direction applies to environmentally sensitive areas.	The subject sites are not in environmentally sensitive areas
3.2 Heritage Conservation	Applies when a Planning Proposal is prepared.	(1) None of the subject sites are Heritage
3.3 Sydney Drinking Water Catchments	Planning Proposal is not located with the Sydney Drinking Water Catchment.	
3.4 Application of C2 and C3 in Far North Coast.	NA	
3.5 Recreational Vehicles	NA	
3.6 Strategic Conservation Planning	Consistent	
3.7 Public Bushland	NA	

3.10 Water Catchment Protection	Consistent	Sites 2 and 3 will improve the flow and quality of water into the reticulated stormwater system.
Focus area 4: resilience and Hazards		
4.1 Flooding	The subject land is not flood prone, but the nature of the proposal will reduce the likelihood of flash flooding	consistent
4.3 Planning for Bushfire Protection	Consistent	Site 1 is in the urban area and Sites 2 & 3 will have better vegetation management.
4.4 Remediation of Contaminated Land	The subject sites not identified as contaminated or having ever been	Consistent
4.5 Acid Sulphate Soils	NA	Not mapped as Acid Sulphate
4.6 Mine Subsidence and Unstable Lands	NA	Not Mapped as Mine Subsidence and Unstable Lands
Focus Area 5 Transport and Infrastructure		
5.2 Reserving Land for Public Purposes	When preparing a Planning Proposal	Site 1 is surplus to public purposes as there is another pocket park on the same street. The other two sites will assist in reserving the land for a public purpose as it will put the maintenance of drainage reserves feeding reticulated stormwater with private property maintenance.
5.5 High pressure dangerous goods pipeline	When preparing a planning proposal located near the gas pipeline	The subject sites are not located near the HP Gas Pipeline.

Focus Area 6 Housing		
6.1 Residential Zones	When preparing a planning proposal	The subject Planning Proposal is entirely consistent with the objective (a), (b) and (c) of this Direction.
Focus Area 7 Industry and Employment	NA	
Focus Area 8 Resources and Energy	NA	
Focus Area 9 primary Production	NA	
9.1 Rural Zones	NA	Not a subject LGA.
9.2 Rural Lands	NA	Not Rural Lands

C Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected?

It is considered that the proposed amendment to Schedule 4 of the Oberon Local Environmental Plan 2013 will not adversely affect critical habitat, threatened species, populations or ecological communities or their habitats.

8. Are there any environmental impacts and how will they be mitigated?

a) Development within a designated buffer
Site 1 is at the very edge of the Oberon Timber Complex Industrial buffer area.

b) Contamination

Local knowledge and Councils records indicate that the subject land is not contaminated and have not been used for any contaminative purpose.

c) **Stormwater**

Stormwater management from sites 2 & 3 is considered satisfactory however integration of the entry to the drainage network into the property maintenance of the adjacent property will improve the quantity and quality of water entering the network.

9. Has the Planning Proposal adequately addressed any social and economic impact?

The proposed amendment to Site 1 will have a positive impact on social and economic well-being by releasing a vacant Lot to the property market for construction of a dwelling. Site 2 and 3 will have a positive on social and economic well-being by improving water quality.

D State and Commonwealth interests

10. Is there adequate public infrastructure for the Planning Proposal?

It is considered that there is adequate infrastructure to serve site 1 as it is in the existing urban residential environment and sites 2 & 3 form part of the public infrastructure. It is therefore considered the Planning Proposal will not result in any significant impacts on public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

State and Commonwealth public authorities, will be consulted in accordance with the Gateway Determination and will be given at least 21 days to comment on the Proposal.

PART 4 MAPPING

No change or revision to the OLEP 2013 mapping is required as part of the proposed amendment.

PART 5 COMMUNITY CONSULTATION

Community Consultation will be undertaken in accordance with the Conditions of the Gateway Determination

PART 6 PROJECT TIMELINE

The following project timeline is intended to be a guide only and may be subject to changes in response to the public consultation process and/or community submissions.

Step	Task Name	Completion Date
1	Preparation of the draft Planning Proposal	18 March 2026
2	Consideration by Council at its Ordinary meeting.	March 2026
3	Request for Gateway Determination sent to DPIE	18 April 2026
4	Receive Gateway Approval	18 May 2026
5	Public Exhibition 28 days	18 June 2026
6	Considered of submissions by Council at its Ordinary meeting	18 August 2026
7	Preparation of correspondence to the Department of Planning and Environment and/or the Office of Parliamentary Counsel in relation to legal drafting of the Planning Proposal.	18 September 2026
8	Gazettal	18 October 2026

Appendix 1 – Cadastral and aerial notations for the three (3) sites.

Site 1 Glyndwr Avenue Oberon



Subject Site Lot 10 DP 245689
34 Glyndwr Avenue Oberon.
Currently zoned R1 General
residential under Oberon LEP
2013. To be classified as
Operational for release to the
property market.

The northwestern corner of the
site falls within the Oberon
Timber Complex (OTC)
Environmental buffer
(notation). This excludes part
of the site from a Complying
Development Certificate

Site 2
52 Dickson Close Oberon



52 Dickson
Close Oberon

Site 3 McHattan Close Oberon



McHattan
Close Oberon

Appendix 2 – Council Resolution 15 July 2025

13.7	Re-Classification of land - 52 Dickson Close & Lot 21 DP1304306 McHattan Close, Oberon
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File No:	Council Properties
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Author:	Damian O'Shannassy (Planning and Development Director)
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Oberon Council - Minutes - Ordinary Meeting - 15 July 2025

Summary

Council on 18/03/2025 resolved to contact the owner of Lot 90, DP123811 and offer a lease of the Lot 89 DP1238111 - 52 Dickson Close Oberon in accordance with the Mayoral memo.

Legal advice has been received advising that the land must be re classified to Operation Land from Community land prior to being able to lease the land.

Moved: Clr Tucker

Second: Clr Trembath

That:

1. Council re-classify Lot 89, DP1238111 known as 52 Dickson Close, Oberon and Lot 21, DP 1304306 McHattan Close, Oberon from Community land to Operational Land.
2. That a division be called in accordance with Section 375A of the Local Government Act 1993.

Carried - Resolution No: 18 - 15/07/2025

Division

Votes for: Clr McKibbin, Clr Graham, Clr Alevras, Clr Hayden, Clr Lee, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

Appendix 3 – Council Resolution 15 December 2015

Oberon Council - Agenda and Business Papers – Ordinary Meeting – 15 December 2015

10.04 NOTICE OF MOTION – PARK LAND IN GLYNDWR AVENUE

File No: Parks and Reserves

Author: Cllr Clive McCarthy

Summary

That park land in Glyndwr Avenue be changed to operational land and be sold.

Motion

That Oberon Council change community land (park) in Glyndwr Avenue to operational land as a park has been provided at the south end of Glyndwr Avenue and that Council sell the lot fully serviced (water and sewer).

10.04 NOTICE OF MOTION – PARK LAND IN GLYNDWR AVENUE

File No: Parks and Reserves

Author: Cllr Clive McCarthy

Summary

That park land in Glyndwr Avenue be changed to operational land and be sold.

Moved: McCarthy
Second: Lord

That Oberon Council change community land (park) in Glyndwr Avenue to operational land as a park has been provided at the south end of Glyndwr Avenue and that Council sell the lot fully serviced (water and sewer).

Carried 06 151215