

Our ref: HMS ID 11356

Your ref: Ref-3847

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Heritage NSW Advice

Planning Proposal – Local Heritage Listing – ‘Avenue of Trees’, O’Connell Road, O’Connell

Dear Bennett

Thank you for the opportunity to provide advice on the Planning Proposal to list the ‘Avenue of Trees’ located in the road reserve of O’Connell Road, O’Connell as a Local heritage item under Schedule 5 of *Oberon Local Environmental Plan 2013* (LEP).

Local heritage considerations under the *Environmental Planning and Assessment Act 1979*

We note that the Planning Proposal was informed by a Heritage Assessment prepared in accordance with Heritage NSW’s guidelines *Assessing Heritage Significance*, and that it was found to meet the criteria for heritage listing at a ‘Local’ level.

While Heritage NSW encourages the identification and listing of new Local heritage items to LEPs, we note that the Heritage Council of NSW, and Heritage NSW as its Delegate, do not have a role in the approval of Local heritage listings.

As Local heritage is protected under the *Environmental Planning and Assessment Act 1979* and under your LEP, Council is the Local Plan-Making Authority, and the decision on whether to list the item under Schedule 5 Environmental Heritage rests with Council.

State heritage considerations under the *Heritage Act 1977*

Only State Heritage Register can be identified as ‘State’ significant under a Local Environmental Plan

We note that the Heritage Assessment prepared to inform the Planning Proposal found that the proposed item also met the criteria for heritage listing at a ‘State’ level.

Please note that heritage items can only be identified as having ‘State’ significance in the significance column in Schedule 5 of an LEP if they have been listed on the State Heritage Register (SHR).

Further information is available on page 13 of the Department of Planning, Housing and Infrastructure’s [LEP Practice Note PN 11-001 – Preparing LEPs using the Standard Instrument: Standard Clauses](#).

We note that the Gateway determination for this Planning Proposal identified consultation with Heritage NSW on requirements for a Conservation Management Plan (CMP). We advise Council that [guidance on the preparation of CMPs](#) is available on Heritage NSW's website.

Council may prepare a CMP for the proposed heritage item if it considers that this will aid in the conservation of the proposed item. However, we note that neither the Heritage Council of NSW, nor Heritage NSW as its delegate, has a role in the review or endorsement of CMPs.

Potential State Heritage Register listing

As per the above LEP Practice Note, a heritage item may be listed under Schedule 5 as a 'nominated item of State significance' if the item has been identified as an item of potential 'State' significance in a publicly exhibited heritage study and the Council has nominated the item in writing to the Heritage Council.

If Council wishes to nominate the proposed heritage item for listing on the SHR, please note that this is a separate process from LEP heritage listing, and is administered under the Heritage Act. Further information on how to [Nominate an item for listing on the State Heritage Register](#) can be found on Heritage NSW's website.

If you have any questions about the above, please contact James Sellwood, Senior Planning Officer at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au.

Yours sincerely

Michael Ellis.

Michael Ellis

Strategic Manager, Planning Referrals and Advice

Heritage NSW

As Delegate of the Heritage Council of NSW

25 August 2025