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11 July 2018

Western Region Office  
Department of Planning and Environment  
PO Box 58  
Dubbo NSW 2800  
By email: [westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)

**Attention: Damien Pfeiffer**

Dear Mr Pfeiffer

**PLANNING PROPOSAL PP\_2018\_OBERON\_001\_00 – AMENDMENT TO THE OBERON LOCAL ENVIRONMENTAL PLAN 2013 – REQUEST FOR POST GATEWAY REVIEW**

Belvoir Hill Pastoral Company Pty Ltd formally requested via email of correspondence of 12 June 2018 that a post-Gateway review be undertaken for the above planning proposal after it was determined that it should proceed subject to specific conditions. The review seeks deletion, or amendment, of condition 1 of the Gateway approval.

The planning proposal seeks to amend the *Oberon Local Environmental Plan 2013* (LEP) to enable the rezoning of land at Box Flat Road, Oberon (Part Lot 4 DP1023024) from RU1 – Primary Production to R5 – Large Lot Residential, including necessary changes to the minimum lot size to facilitate rural residential subdivision.

This correspondence provides justification for the requested post-Gateway review. Supporting documentation, including the planning proposal and supporting reports, together with the Oberon Council report and resolution, is provided with this correspondence.

**1. BACKGROUND SUMMARY**

Belvoir Hill Pastoral Company Pty Ltd engaged Geolyse to prepare a planning proposal seeking to amend the LEP to rezone approximately 200 hectares of land adjacent to the O'Connell village from RU1 – Primary Production to R5 – Large Lot Residential.

The planning proposal was provided to Oberon Council in May 2017. Additional information was requested by Council and provided in October 2017. The matter was considered at Council's December meeting where it was resolved to defer the report pending a site visit. A site visit was completed with Council staff and Councillors in January 2018. The matter was considered again at Council's February Council meeting and Council resolved to endorse the planning proposal and forward it to the Department of Planning and Environment (DPE) to seek a Gateway decision.

Council confirmed that the endorsed planning proposal, together with the requested additional information, was forwarded to DPE on 22 February 2018. Council's Director Planning & Development

confirmed by email on 27 February that the documentation had been received by DPE Western Region office on the 23 February.

The DPE reviewed the planning proposal and determined that the planning proposal could proceed subject to certain conditions being satisfied. The Gateway approval was dated 30 May, received by Oberon Council on the 4 June and viewed by the proponent via the DPE LEP tracking website on the same day. Notification of the proponent's intention to seek a review of the Gateway approval was provided to DPE on 12 June (ie, within 14 days of receiving the Gateway decision).

## **2. RESPONSE TO ISSUES RAISED AT GATEWAY**

Internal review of the planning proposal by DPE officers initially resulted in a recommendation that the planning proposal not be supported and should not proceed for the following reasons:

- 1. The planning proposal to rezone land RU1 Primary Production to R5 Large Lot Residential is not strategically considered and is inconsistent with the endorsed Oberon Land Use Strategy.*
- 2. The planning proposal will create a disproportionate demand on services and infrastructure in O'Connell which is zoned RU1 Primary Production and therefore prohibitive to developing services and facilities that would be required to support additional rural residential development.*
- 3. The planning proposal does not adequately address inconsistencies with Section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands, 5.10 Implementation of regional plans as well as State Environmental Planning Policy (Rural Lands) 2008 as it will result in the loss of 200ha of agricultural land and potential land use conflicts by expanding the residential area into the rural area.*

In the context of the above recommendation, the draft decision was reviewed by the DPE Western Region Director who noted the following options in determining the matter:

- 1. Issue a Gateway determination that refuses the proposal for reasons as outlined in the Gateway Determination Report.*
- 2. Issue a conditional Gateway determination that requires a strategic planning review of large lot residential land in the Oberon local government area.*
- 3. Request Council to withdraw the proposal until the strategic work has been undertaken.*

The Director further noted:

*I am of the view that Option 2 is preferred in that the proposal be conditionally approved subject to conditions. I am recommending this option for the following reasons:*

- The time that has passed since the Oberon Strategy was prepared and endorsed. It is timely that Council review the Oberon Strategy.*
- The proposal has merit for further strategic investigation having regard to the planning proposal information notwithstanding it is inconsistent with the Oberon Strategy and CWORP.*
- To allow Council to strategically justify the proposal in relation to the large lot residential land supply at O'Connell and in the Oberon Council local government area.*
- To allow the strategic review of the large lots residential land in consultation with agencies and the community.*



Option 2 as listed was adopted and a Gateway approval subsequently issued. The Gateway approval contains eight conditions that must be satisfied prior to the planning proposal being finalised and the new LEP being gazetted. Of specific relevance to this review request is condition 1, which states:

*1. Prior to undertaking community consultation of the planning proposal, Council is to prepare an addendum to the Oberon Land Use Strategy 2013 (Oberon Strategy) in respect to the rural residential / large lot residential component having regard to, but not limited to, the following:*

*a. Review the existing Oberon Strategy recommendations and suitability of the supply and demand for rural residential / large lot residential in Oberon Council area and make recommendations for any changes based on the revised trends, assumptions and evidence including;*

*i. Review the Oberon settlement hierarchy classification;*

*ii. Consider each proposed change in relation to the relevant section 9.1 Ministerial Directions, State Environmental Planning Policies and Central West and Orana Regional Plan 2036;*

*iii. Consider the subject site (Part Lot 4 DP 1023024 O'Connell Road O'Connell) in relation to the above review;*

*iv. Review the scenic heritage value of the land surrounding O'Connell; and*

*v. Review the appropriateness of the zone RU1 Primary Production at O'Connell settlement.*

*b. Consider and submit to the Department of Planning and Environment results of consultation with relevant agencies in relation to the draft Addendum.*

This review seeks the deletion of (or amendment to simplify) condition 1 to enable the planning proposal to proceed without the need for an update/addendum to the LUS.

The primary objections to the requirement of condition 1 are summarised as follows:

- There is no legislative requirement for the strategy to be amended prior to the planning proposal proceeding;
- The planning proposal has sufficient strategic merit in its own right to proceed without the need to update the strategy;
- There is a legitimate legislative pathway that exists to enable the planning proposal to proceed without the need to update the strategy;
- The requirement to amend the strategy is excessive for the above reasons and not adequately justified by the DPE report;
- As with all obligations arising from a Gateway determination, it is likely the requirement to prepare a strategy addendum is likely to be referred by Council to the proponent for completion. Any addendum prepared on behalf of the proponent is unlikely to be perceived as impartial by DPE, Council staff or the general public (validly or otherwise) given the core objective of this project is to facilitate the rezoning of the subject land.

The decision taken by the Director Regions in endorsing the planning proposal is heavily influenced by the recommendations of staff in reviewing the planning proposal and summarised by DPE staff as the recommended reasons that the planning proposal should not proceed. In our view, the assessment report is deficient in a number of critical ways. These deficiencies are discussed in the context of DPE staffs recommended reasons for not endorsing the planning proposal.

The three summarised reasons for the recommendation not to endorse are addressed as follows:

***Reason 1 - The planning proposal to rezone land RU1 Primary Production to R5 Large Lot Residential is not strategically considered and is inconsistent with the endorsed Oberon Land Use Strategy.***

The proponent does not dispute that the planning proposal is inconsistent with the endorsed Oberon Land Use Strategy (LUS) but does disagree that it is not strategically considered. DPE fail to acknowledge that a planning proposal relating to rural land may be inconsistent with an endorsed LUS (by reference to Section 9.1 Direction 1.2(5)(b)) where it is supported by a local study that gives consideration to the objectives of the Direction and (by reference to Section 9.1 Direction 1.5) where it is in accordance with the planning principles provided in the *State Environmental Planning Policy (Rural Lands) 2008* (Rural Lands SEPP).

The subject planning proposal is supported by a Local Environmental Study that gives consideration to the objectives of Direction 1.2 and is therefore legitimately capable of proceeding notwithstanding the inconsistency with the endorsed LUS.

The requirements of Directions 1.2 and 1.5 (and the rural planning principles of the Rural Lands SEPP) are discussed later in this response.

The planning proposal has strategic merit to proceed as confirmed by the assessment comments of the Director Regions DPE. These comments also correctly identify that the LUS is aging and, it can be inferred, is not reflective of current levels of development and demand.

Section 2.3.1 of the *DPE Guide to Preparing Planning Proposals* (2016) identifies that there are a number of strategic assessment criteria that are relevant both to the assessment of planning proposals and the reviews of planning proposals.

Critically, the strategic assessment criteria seeks to confirm a planning proposal has strategic merit. The potential means by which strategic merit may be demonstrated are:

- *Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *Consistent with a relevant local council strategy that has been endorsed by the Department; or*
- ***Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.***

The LES provided to support the planning proposal, together with the additional information provided to Council on 5 October 2017, provided clear and quantifiable information to Council and DPE to confirm that the locality of O'Connell is growing at a significantly faster rate than the rest of the LGA. Review of ABS data demonstrates population growth in O'Connell of 6% per year for the period 2006-2016, compared to growth across the overall Council of 0.54% per year over the same period. It is acknowledged that growth across the LGA improved during the census periods of 2011 – 2016 to 1.04%/year.

These statistics are, in our view, reflective of the highly desirable nature of the locality, including its desirable position between Oberon and Bathurst.



The supply figure quoted by DPE in their assessment is linked to the figure provided in the Geolyse additional information of 5 October 2017. These figures predicted that, if O'Connell grew at a rate consistent with the remainder of the Council area, that around 13 years supply existed in the locality. However DPE failed to acknowledge that growth at a rate consistent with, or even slightly less than, current growth rates (as reflected by recent ABS data) would result in only three-four years of land supply available. Given the consistent high levels of growth in this locality, this is extremely relevant to the planning proposal.

It is therefore argued that the planning proposal responds to the changing circumstances in O'Connell, as reflected by the very high rates of growth in this area by comparison to the remainder of the LGA. There can be no dispute that these changing demographic trends are not recognised by existing planning controls given that current land availability in the area provides less than four years supply at current growth rates.

The current level of supply (be it 3-4 or 13 years, or somewhere in between) is also predicated on existing zoned land being developed in the short term. However if, as is understood to be the case from discussions with affected landowners, this existing zoned land is not brought forward, supply would be further diminished.

It is acknowledged by the proponent that other rural residential zoned land is available in the Oberon LGA that has not yet been developed (including land at Black Springs and Burruga).

Review of available ABS data for these areas indicates some growth in population in Black Springs and population decline in Burruga. However despite the quantifiable growth in Black Springs over the last 10 years, this growth has not translated to further subdivision. Land zoned for rural residential purposes in Black Springs via the 2013 LEP remains undeveloped and there is no information from Councils records to suggest that an application has been lodged in the intervening five years to enable the subdivision of the land. Conversely, land at O'Connell is in high demand, as reflected via the WRI report supporting the local environmental study (WRI, 2016, page 31) and by the growth analysis supplied by Geolyse in the additional information of 5 October 2017.

By comparison to the areas of Black Springs and Burruga, the area surrounding O'Connell is attractive to those who may wish commute to Bathurst or Oberon (or both, such as for a dual income family, or a family where the breadwinner works in Bathurst but children may go to school in Oberon). Additionally, the form of lifestyle allotments offered around the O'Connell village are very specific in terms of size and provision of on-site services. Other lifestyle allotment opportunities within the Oberon LGA are smaller, with minimum lot sizes on offer of 2 hectares and 5 hectares. The larger lot sizes offered around O'Connell are not offered elsewhere in the LGA and it is understood that it is this form of uniqueness, together with the character of the locality that contributes to their appeal.

It is entirely conceivable that a comprehensive review of the LUS with relation to rural residential land may recommend the backzoning of existing R5 land in locations where development is not coming forward. Such a recommendation, while backed by sound land use planning principles, is unlikely to be well received by land owners or Councillors and could derail, or significantly delay, the finalisation of the addendum and this planning proposal. Such an outcome, as previously discussed, is unnecessary given there exists a legitimate pathway, and legitimate strategic justification, to enable the planning proposal to proceed without the need to update the strategy.

This scenario occurred in relation to the Blayney Cabonne Orange Industrial and Rural Residential Sub Regional Strategy, which recommended back zoning land at Browns Creek, due to its inappropriateness

for rural residential use. This recommendation was impartially presented by the planning consultant preparing the report and was supported by Councils of the sub-region and DPE as being a sound land use planning recommendation. Notwithstanding, it was resisted by landowners and Councillors and was ultimately deferred from the Blayney LEP 2012. In 2017 it was quietly zoned for R5 purposes via a Council led planning proposal, with minimal consideration of the well-structured and logical land use planning recommendations of that strategy. This highlights the difficulties of such an approach, despite the application of clear land use planning logic.

The demand for developable land in O'Connell and the irrationality of excluding the subject site from the original LUS was clearly understood and articulated by Councillors in their consideration of the matter, who resolved *inter alia*:

1. Council support the Planning Proposal and request for gateway determination due to the following reasons:

- This area should have been included in the 2013 LEP.
- The land release is of low agricultural value.
- Services and infrastructure are currently available in the area.
- Community interest in the adoption of the 2013 LEP.

For all of the above reasons, the proposed development is considered to have strategic merit. An update to the LUS is not required to reflect this. The information supplied in relation to the planning proposal is sufficient to reflect the need for additional supply of developable land around the O'Connell area. The consistency with the Ministerial Directive 1.2 enables the matter to proceed without the need for LUS consistency.

It is unreasonable to impose a requirement to update Council's LUS for the whole of the Council area, when common practise indicates this is likely to be referred to the proponent to complete, when the strategic merit of this proposal is clear and demonstrable.

The realities of updating the LUS go to much broader issues across the LGA than are raised by the planning proposal and the update requires a degree of impartiality that the proponent cannot possibly provide.

***Reason 2 - The planning proposal will create a disproportionate demand on services and infrastructure in O'Connell which is zoned RU1 Primary Production and therefore prohibitive to developing services and facilities that would be required to support additional rural residential development.***

As outlined in the Geolyse correspondence to Council of 5 October 2017, land was rezoned with Council and DPE support at O'Connell via the 2013 LEP, which provides for approximately 65 rural residential lots (taking account of land availability and minimum lot sizes). Whilst only a small portion of this land has come online in the intervening period (due to landowner inactivity), the potential for further development exists now. In other words, an absence of services or facilities is an issue that exists now by virtue of existing planning decisions, and has existed for the past five years. There has been no positive action by Council in the intervening period to address this and it is unreasonable to use this as a reason for restricting further development. Any action is long overdue and, as reflected below, is not significantly affected by the subject development.





The current population of O'Connell is 569 persons (as at the 2016 ABS census). Existing zoned developable land available for development now would provide for another approximately 182 persons (65 lots x 2.8 persons, being 2016 ABS average occupancy rate for O'Connell). This equates to a resulting local population of 751 persons. The planning proposal, if realised as outlined via the concept, would add a further 48 persons (17 lots x 2.8 person) to the locality population (or 6%). This is a proportionally small increase that does not significantly affect demands on servicing. Servicing as an issue exists now and inactivity by Council in failing to address this is not a valid reason for opposing this planning proposal. The implication of rezoning land at O'Connell, as recommended by the LUS, and facilitated by the 2013 LEP, should have highlighted the need for future services and Council action in that regard is overdue.

In fact, section 3:3 of the LUS identified necessary strategic actions with respect to servicing and infrastructure, including:

- a) Council finalise and implement a waste management plan.
- b) Council continue to implement a financial plan that aims to adequately maintain its assets (roads, bridges...). The financial plan should be strengthened with detailed asset management plans.
- c) Future settlement developments should focus on the principles of cluster planning and the creation of critical mass with a focus on the township of Oberon and the Village areas of Burruga, Black Springs and O'Connell.
- d) Continue to review the adequacy of existing community services and infrastructure as a means to plan for the future.
- e) Make provision within the LEP for recreation zonings.
- f) The establishment of a clear tourism strategy to provide a sound basis for strategic tourist related business planning.

Despite these strategic actions, no demonstrable action has been taken by Council to address servicing in O'Connell. The absence of action by Council should not prejudice the proponent, especially considering the negligible population increase that would be realised should the planning proposal proceed.

**Reason 3 - The planning proposal does not adequately address inconsistencies with Section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands, 5.10 Implementation of regional plans as well as State Environmental Planning Policy (Rural Lands) 2008 as it will result in the loss of 200ha of agricultural land and potential land use conflicts by expanding the residential area into the rural area.**

Local Planning Direction 1.2 states at Section (5):

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

...

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or

The planning proposal is supported by a local environmental study, which gives consideration to the objectives of the direction. The planning proposal may, by virtue of (5)(b) be inconsistent with Direction 1.2. The DPE recommendation is therefore incorrect with relation to Direction 1.2.

A planning proposal to which Direction 1.5 applies must be consistent with the rural planning principles outlined in SEPP (Rural Lands) 2008. Relevant principles are:

*(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*

*(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*

The subject site is highly constrained by the surrounding R5 zoned land and the conflicts that currently exist will only worsen over time as more zoned land is brought to the market. The planning proposal enables the conflict to be resolved by responding to strong demand in the immediate locality for rural residential housing. This is directly consistent with principle (f) above.

A comprehensive review of the Rural Lands SEPP planning principles was provided in Section 2.2.5 of the LES supplied to support the planning proposal. There is adequate justification in that document to enable the matter to proceed.

It is noted that principle (h) seeks to ensure consistency with endorsed regional or local strategies. Whilst this proposal is not strictly consistent, it has been shown by the planning proposal and local environmental study, and by this correspondence, as having strategic merit, due to responding to emerging demographic trends not addressed by the strategy. DPE Director Western Region acknowledges the strategy is dated in his review of the DPE officer's recommendations. It is also reflected in the DPE Guide to Preparing Local Environmental Plans, which clearly contemplates a review determining the strategic merit as being demonstrated via a method as other than consistency with a local or regional strategy, as is the case in this instance. In this scenario, a planning proposal may be found to have strategic merit despite inconsistency with either the local direction or, as in the case, the Rural Lands SEPP.

It is evident, and clearly articulated by the planning proposal and supporting documents, that the subject site faces land use planning conflicts from three directions, due to the zoning and use of the adjacent land to the north, east and west. Zoned primary production land to the south is somewhat fragmented and not in use for broad-scale agricultural purposes. The notion that the proposal increases the potential for land use planning conflicts is misguided. The proposal would resolve the conflicts that currently exist between the R5 use of adjacent land (both current and future) and the subject site, caused by the rezoning of adjacent land via the 2013 LEP.

Direction 5.10 seeks to ensure consistency with the adopted regional plan. A planning proposal may only be inconsistent with the direction where it is shown to be of both minor significance and achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions. Direction 28 of the Regional Plan seeks to manage rural residential development. The specific relevant actions listed at 28.1-28.3 are:

*28.1 Locate new rural residential areas:*

- close to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewer and waste services, and social and community infrastructure;*



- to avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and

- to avoid areas of high environmental, cultural or heritage significance, regionally important agricultural land or areas affected by natural hazards.

28.2 Enable new rural residential development only where it has been identified in a local housing strategy prepared by Council and approved by the Department of Planning and Environment.

28.3 Manage land use conflict that can result from cumulative impacts of successive development decisions.

The subject site is close to urban settlements and adequate services are available or would be provided by the proponent (roads, on site sewer, water capture). Waste would be responsibility of future landowners (as is the case for all rural residential allotments in the locality and broader LGA). The village has a hotel, café, school, church and recently erected RFS shed. There are sufficient services to serve the development. Provision of additional services to serve the growing community is an existing issue to be addressed by Council and the very minor growth that would be realised via this proposal is not sufficient to justify servicing as a reasonable reason for refusal.

The proposal resolves existing land use planning conflicts caused by zoning land on three sides of the subject site; this proposal resolves this conflict.

The land is not highly environmentally constrained, as acknowledged by Council and DPE.

There is sufficient justification within the planning proposal, local environmental study and this document to demonstrate the strategic merit of the proposal.

The planning proposal has strategic merit and is not antipathetic to the objectives of the relevant local directions and the Rural Lands SEPP.

### **3. JUSTIFICATION FOR REVIEW**

The planning proposal as lodged was conceived to facilitate the future rural residential development of the land, consistent with zoning of the land to the north, east and west. A key goal of this was removing the existing conflicts associated with the re-zoning and development of the land surrounding the subject site, which impacts on the proponent's capacity to farm the site without conflict.

The Gateway as issued seeks to amend the currently endorsed strategy ostensibly on the basis that this would resolve a conflict between the planning proposal and the strategy. As outlined via this correspondence, there is no requirement or need to update the strategy. The proposal has strategic merit in its own right. The rationale of DPE is that as the planning proposal is inconsistent with a local planning direction, or local strategy, the strategy must be updated. This is flawed logic and not reflective of the status quo with respect to other minor planning proposals. The key question is the strategic merit of the proposal, which is reflected by the documentation supplied to support the proposal.

The key reasons supporting the requested post-Gateway review are re-stated as follows:

- There is no legislative requirement for the strategy to be amended prior to the planning proposal proceeding;
- The planning proposal has sufficient strategic merit in its own right to proceed without the need to update the strategy;

- There is a legitimate legislative pathway that exists to enable the planning proposal to proceed without the need to update the strategy;
- The requirement to amend the strategy is excessive for the above reasons and not adequately justified by the DPE report;
- The obligation to prepare a strategy addendum is likely to be referred to the proponent to complete. Any addendum prepared on behalf of the proponent is unlikely to be perceived as impartial by DPE, Council staff or the general public (validly or otherwise) given the core objective of this project is to facilitate the rezoning of the subject land.

As previously reflected, the strategic merit of the project is summarised as follows:

- The planning proposal addresses a conflict that current exists between the subject site and the adjacent zoned and partly developed R5 land to the east and west, and the village use of the core area of O'Connell. This zoning and proximity limits the right to farm the subject site;
- The proximity of the land to zoned R5 land and the village of O'Connell makes the site far better suited for rural residential land use than primary production, with existing emerging conflicts including odour, noise and encroachment by domestic animals, between R5 and RU1 land;
- The area within which the subject site is located has demonstrated consistent 6% growth for the 10 years 2006 to 2016, more than 12 times the average for LGA average. This is reflective that, despite supply elsewhere in the LGA, the demand is very localised. As acknowledged by the Councillors, this cannot be ignored.
- The planning proposal satisfactorily addresses the requirements of Ministerial S.9.1 Local Direction 1.2 in that it provides a Local Environmental Study that considers the objectives of the direction in proposing an inconsistency with the LUS;
- The development has strategic merit because it responds to an emerging demographic trend not addressed within the current endorsed strategy, due to its age;

For all of these reasons, review of the Gateway determination is requested to enable the planning proposal to proceed as lodged and supported by Oberon Council without the need for unnecessary delays to update the LUS.

#### **4. CONCLUSION**

The planning proposal as lodged was the result of a carefully considered project seeking to provide appropriately located, large lot rural residential land in an area of high growth and strong demand. It is acknowledged that the proposal is not consistent with the current endorsed local strategy, however, as demonstrated by the planning proposal, local environmental study and this correspondence, the current strategy does not adequately address the changing demographic trends in the locality. The planning proposal is supported by a local environmental study that takes account of the objectives of the Clause 9.1 Direction 1.2.

The planning proposal is considered to have strategic merit by providing a development that responds to emerging demographic trends in the immediate locality.

The planning proposal received the support of Oberon Council in their consideration of the document. We note the following specific comments of the Council in their consideration of the planning proposal:

*To a certain extent there is some planning merit to the Planning Proposal as the subject site is located between two areas of R5 zoned land and in the future there may be some land use conflict between the R5*





*and the subject sites RU1 zoning. The land also has manageable constraints, is close to the centre of O'Connell and is potentially the most suitable RU1 land in the O'Connell surrounds suited for large lot living.*

While staff ultimately recommend that the planning proposal not be supported, the key reason for this is the identified servicing issues in the locality. As outlined via this correspondence, these are pre-existing issues that are not markedly impacted by this planning proposal. The future subdivision of the subject site for rural residential purposes, by reference to the proposed minimum lot size, would result in approximately 6% growth in the local population. Servicing remains an issue in this locality whether this proposal proceeds or not and is not sufficient justification in its own right for not endorsing the proposal.

This review seeks the deletion of condition 1, to enable the matter to proceed through the Gateway process and for community consultation to commence.

In the event a decision to delete the condition is not supported, the condition should be significantly simplified to make clear that the LUS addendum need only provide a consolidated summary of the findings of the planning proposal and local environmental study, rather than needing a comprehensive review across the entire LGA.

Please contact the undersigned to discuss any matters raised in the above submission.

Yours faithfully  
**Geolyse Pty Ltd**



**DAVID WALKER**  
**Senior Town Planner**

No. of Attachments – 2:

1. Completed and signed application form
2. Compiled planning proposal documentation including:
  - a. Planning proposal report
  - b. Local environmental study
  - c. Additional information provided to Council dated 5 October 2017
  - d. Minutes of Council meeting February 2018



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

Attention: Shane Wilson, Planning and Development Director

Dear Mr Wallace

**Notification to Council of request for Gateway Review – Gateway determination dated 30 May 2018 at 2519 O'Connell Road, O'Connell, Part Lot 4 DP 1023024 (PP\_2018\_OBERO\_001\_00).**

I am writing to notify Council that a Gateway review request dated 11 July 2018 was received by the Department on 11 July 2018 for the planning proposal listed below. The proponent is seeking a review of the Gateway determination condition 1, relating to undertaking strategic planning work to review the rural residential land / large lot residential land component of the Oberon Land Use Strategy.

|                          |                                                                         |
|--------------------------|-------------------------------------------------------------------------|
| Department Reference No. | PP_2018_OBERO_001_00                                                    |
| LGA:                     | Oberon                                                                  |
| LEP to be amended:       | Oberon LEP 2013                                                         |
| Address:                 | 2519 O'Connell Road, O'Connell                                          |
| Proposal:                | The planning proposal seeks to rezone land and change minimum lot size. |

Council is invited to provide its views about the planning proposal. Any views must be submitted to the Western Region Office of the Department of Planning and Environment at [westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au) no later than 3 August 2018 being 21 days from the date of this letter.

The views of Council will be taken into consideration by the Department and the Independent Planning Commission when considering this matter.

The Proponent's request (enclosed) and the Department's briefing report will then be submitted to the Commission for consideration and determination.

The Department's "A guide to preparing local environmental plans" dated August 2016 provides advice on procedures for the various stages in the independent review process. This guide is available on-line at

[https://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/~/\\_media/FC9BDEEC8CFA4BCD85FFDAAF7BFCBE63.ashx](https://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/~/_media/FC9BDEEC8CFA4BCD85FFDAAF7BFCBE63.ashx)



The progress of this request for review can be followed on the LEP Tracking System at <http://leptracking.planning.nsw.gov.au/>

Should you have any further enquiries about this matter, I have arranged for Mr Tim Collins at the Departments Western Region Office to assist you. Mr Collins can be contacted on 6841 2180.

Yours sincerely

*Wayne Garnsey 13/7/18*  
**Wayne Garnsey**  
**Acting Director Regions, Western**  
**Planning Services**

Encl: Proponent Gateway review package including Appendices (attachments via link in email due to size)