



Office of the Director General

Mr Garry Styles
General Manager
Orange City Council
PO Box 35
ORANGE NSW 2800

Contact: Nita Lennon
Phone: (02) 6841 2180
Fax: (02) 6884 8483
Email: Nita.Lennon@planning.nsw.gov.au
Postal: PO Box 58, Dubbo NSW 2830

Our ref: PP_2013_ORANG_003_00 (13/03118)
Your ref: D13/3165
133/552/255/6/2

Dear Mr Styles,

Planning proposal to amend Orange Local Environmental Plan 2011 (Amendment 1)

I am writing in response to Council's letter dated 12 February 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to facilitate various amendments including:

- rezoning of various sites in Orange from RU1 Primary Production, R5 Large Lot Residential and RE2 Private Recreation to R2 Low Density Residential,
- amending the minimum lot size for certain land in Orange,
- permitting the subdivision of dual occupancies in residential zones and the subdivision of land for intensive plant agriculture,
- including a provision for essential services,
- amending a provision for the erection of dwelling houses,
- facilitating the expansion of the Orange Airport, and
- including new heritage items.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Planning for housing delivery is an important initiative for State government and I commend Council on the work done so far to accommodate for housing growth in Orange. I note that rezoning of the area known as Candidate Area 9 is not consistent with Councils Sustainability Settlement Strategy even though it is likely to be developed in the longer term. Accordingly Council is requested to ensure that any short term subdivision of the land does not undermine its ability to be efficiently developed for urban purposes in the long term.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

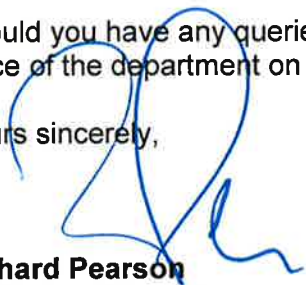
The amending LEP is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The NSW State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these

commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Nita Lennon of the regional office of the department on 02 6841 2180.

Yours sincerely,



Richard Pearson
A/Director General

8/3/13

Gateway Determination

Planning proposal (Department Ref: PP_2013_ORANG_003_00): to make various amendments to Orange Local Environmental Plan 2011.

I, the Acting Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Orange Local Environmental Plan (LEP) 2011 to rezone various sites in Orange from RU1 Primary Production, R5 Large Lot Residential and RE2 Private Recreation to R2 Low Density Residential, amend the minimum lot size for certain land in Orange, permit the subdivision of dual occupancies in residential zones and the subdivision of land for intensive plant agriculture, include a provision for essential services, amend a provision for the erection of dwelling houses, facilitate the expansion of the Orange Airport and include new heritage items should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to include a project timeline, consistent with Section 2.6 Part 6 of the *A Guide to Preparing Planning Proposals*. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.
2. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be placed on public exhibition with the planning proposal.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2012).
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Essential Energy
 - Ambulance Service of NSW
 - Central West Catchment Management Authority
 - Office of Environment and Heritage
 - NSW National Parks and Wildlife Services
 - Department of Family and Community Services
 - Department of Education and Communities
 - Family and Community Services – Housing NSW
 - Department of Trade and Investment
 - NSW Department of Primary Industries – Agriculture
 - NSW Department of Primary Industries – Minerals and Petroleum
 - Fire and Rescue NSW
 - NSW Rural Fire Service
 - NSW Police Force
 - NSW Office of Water

- Transport for NSW
- Railcorp
- Roads and Maritime Services
- State Emergency Services
- Telstra
- Adjoining LGAs

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

8

day of

March

2013.



Richard Pearson
A/Director General
Delegate of the Minister for Planning and
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Orange City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_ORANG_003_00	Planning proposal to rezone various sites in Orange from RU1 Primary Production, R5 Large Lot Residential and RE2 Private Recreation to R2 Low Density Residential, amend the minimum lot size for certain land in Orange, permit the subdivision of dual occupancies in residential zones and the subdivision of land for intensive plant agriculture, include a provision for essential services, amend a provision for the erection of dwelling houses, facilitate the expansion of the Orange Airport and include new heritage item.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 8 March 2013

Richard Pearson
A/DIRECTOR GENERAL
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_ORANG_003_00
Date Sent to Department under s56	12/02/2013
Date considered at LEP Review Panel	21/02/2013
Gateway determination date	08/03/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: