



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

Attention: David Waddell, Director Development Services

Dear Mr Styles

Planning proposal (PP_2018_ORANG_001_00) to amend Orange Local Environmental Plan 2011- Towac Park Precinct.

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 13 December 2018 in respect of the planning proposal to rezone land zoned RU1 Primary Production near Towac Park to R5 Large Lot Residential and reduce the minimum lot size to 2ha.

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

The planning proposal is considered, at this time, to be inconsistent with section 9.1 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 3.1 Residential Zones, and 5.10 Implementation of Regional Plans and State Environmental Planning Policies (Rural Lands 2008 and No 55 Remediation of Land). Further work and consultation with agencies is required to address these matters prior to community consultation. (Refer to conditions 1 and 2). Council is required to seek the Departments approval prior to progressing to community consultation (Refer to condition 3).

I have considered the nature of Council's planning proposal and have not authorised Council to be the local plan-making authority at this time. This will be reconsidered once conditions 1 and 2 are satisfied.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made to the planning portal website and a copy to westernregion@planning.nsw.gov.au 10 weeks prior to the projected publication date.


All files related for LEP Amendment, including PDF Maps, Map Cover Sheet, planning proposal documents and GIS Data, if available, must be submitted to the Department via the Planning Portal Website at www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data

To submit data, Council is required to create an account and log in using these details.

The 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 section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Nita Scott to assist you. Ms Scott can be contacted on 5852 6800.

Yours sincerely



21-12-18

Damien Pfeiffer
Director Regions, Western
Planning Services

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2018_ORANG_001_00): to rezone land zoned RU1 Primary Production near Towac Park Precinct to R5 Large Lot Residential and reduce minimum lot size to 2ha.

I, the Director Regions, Western at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Orange Local Environmental Plan (LEP) 2011 to rezone the land set out in the attached table should proceed subject to the following conditions:

1. Prior to community consultation, consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 3.1 Residential Zones, and 5.10 Implementation of Regional Plans and State Environmental Planning Policies (Rural Lands 2008 and No 55 Remediation of Land):
 - NSW Office of Environment and Heritage
 - NSW Roads and Maritime Services
 - NSW Environment Protection Authority
 - NSW Rural Fire Service
 - Department of Primary Industries – Agriculture
 - Department of Industry - Water
 - NSW Department of Planning and Environment – Resources and Geoscience

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 28 days to comment on the proposal.

2. Council is to provide the Department of Planning and Environment with a copy of each submission from government agencies/organisation listed in condition 1 and advise the Department of how Council is addressing any issue raised in relation to the following:
 - a. The spatial extent of the proposal after considering the impact on commercial agriculture, physical constraints and heritage in the locality.
 - b. Any servicing considerations (water, sewer).
 - c. Contamination assessment to address SEPP 55.
3. Council is to amend to planning proposal to reflect the extent of land to which the Gateway determination relates, the proposed zone being R5 Large lot residential and any changes as result of conditions 1 and 2 above and seek the

approval from the Department of Planning and Environment prior to proceeding to community consultation.

4. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 local environmental plans* (Department of Planning and Environment 2016).
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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. Prior to submission of the planning proposal under section 3.36 of the *Environmental Planning and Assessment Act 1979*, the final LEP maps including an "additional permitted use" map, must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 21 day of December 2018.



Damien Pfeiffer
Director Regions, Western
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

ATTACHMENT: Land the subject of this planning proposal:

Address	Real property address
113 Canobolas Road	Lot 11 DP 700977
24 Canobolas Road	Part Lot 2 DP 615542
77 James Road	Lot 14 DP 785177
5 Ploughmans Lane	Part Lot 15 DP 785177
16 James Road	Lot 16 DP 846647
1 Ploughmans Lane	Lot 17 DP 846647
35 Pinnacle Road	Lot 1 DP 310521
136 Pinnacle Road	Lot 192 & Lot 144 DP 750401
57 Ploughmans Lane	Lot 10 DP 700977
53 Ploughmans Lane	Lot 9 DP 700977
45 Ploughmans Lane	Lot 8 DP 700977
39 Ploughmans Lane	Lot 7 DP 700977
35 Ploughmans Lane	Lot 6 DP 700977
27 Ploughmans Lane	Lot 5 DP 700977
17 Ploughmans Lane	Lot 4 DP 700977

