



Planning

Office of the Director-General

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Our ref: D09/00035

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

Dear Mr Styles,

Re: Planning Proposal to enable the development of 9 Telopea Way, North Orange for the purposes of a neighbourhood shopping centre, including a supermarket

I am writing in response to your Council's letter dated 23 September 2009 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 amend Orange Local Environmental Plan 2000 to enable the development of 9 Telopea Way, North Orange for the purposes of a neighbourhood shopping centre, including a supermarket.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination. Council is encouraged to rezone the land to an appropriate Business Zone rather than to use an enabling clause to facilitate this redevelopment, if this is practicable.

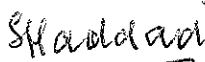
The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act I am satisfied that the planning proposal is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

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 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 Mr Wade Morris in the Regional Office of the Department.

Yours sincerely,


Sam Haddad
Director-General

28/10/2009

Gateway Determination

Planning Proposal (Department Ref: D09/00035): To enable the development of 9 Telopea Way, North Orange for the purposes of a neighbourhood shopping centre, including a supermarket.

I, the Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment of the Orange Local Environmental Plan 2000 to enable the development of 9 Telopea Way, North Orange for the purposes of a neighbourhood shopping centre, including a supermarket, should proceed subject to the following conditions:

1. 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 is not classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning 2009) and therefore 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 4.5 of *A Guide to Preparing LEPs* (Department of Planning 2009).
2. Consultation is required with the Roads and Traffic Authority, NSW Transport and Infrastructure and Country Energy under section 56(2)(d) of the EP&A Act.

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.

3. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act.
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 28th day of October 2009.


Sam Haddad
Delegate for the Minister for Planning