



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

14/15327

Attention: Mr David Waddell, Director Development Services

Dear Mr Styles

Planning Proposal (PP_2014_ORANG_002_00) – Orange LEP 2011 Amendment 4 – various amendments on land known as “Shiralee” South Orange.

I refer to your letter of 3 September 2014 requesting a Gateway Determination under section 56(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) with respect to the planning proposal for various amendments including:

- the rezoning of proposed public open space from zone R2 Low Density Residential to zone RE1 Public Recreation
- the rezoning of a proposed village centre and community facility from zone R2 Low Density Residential to B1 Neighbourhood Centre
- the rezoning some zone R2 Low Density Residential land to zone R1 General Residential to reflect the intended densities
- changes to the Minimum Lot Size Map to reflect the intended densities
- a change to the Land Reservation Acquisition Map to ensure that the proposed community centre site can be secured
- an amendment to Clause 4.1B to exclude the subject land from the provisions of that clause.

As a delegate of the Minister for Planning, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway Determination (**Tag 1**).

Given the nature of this planning proposal, it should be noted that the proposal will evolve as information obtained through consultation and technical studies becomes available. Of particular interest to the Department, is the proposed settlement pattern on the southern boundary of the site and the interaction this will have with adjoining rural zoned land and natural assets. Further consultation with the Department's Western Office is required in this regard (refer to Condition No. 3 of the Gateway Determination).

The Minister delegated his plan making powers to Councils in October 2012. It is noted that Council has accepted this delegation. I have considered the nature of Council's Planning Proposal and have decided to issue authorisation for Council to exercise delegation and make this plan (**Tag 2**).

The amended Local Environmental Plan (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 (parliamentary.counsel@pco.nsw.gov.au) 6 weeks prior to the projected publication date.

A copy of the request should be forwarded to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) for administrative purposes.

The amended LEP maps and GIS data is to be uploaded to the Departments FTP site at ftp://lepup:lep_upload@203.3.194.247/ and the map information emailed to: pcgis@planning.nsw.gov.au and a copy to westernregion@planning.nsw.gov.au.

State Government is committed to reducing the time taken to complete LEP's 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 54(2)(d) of the EP&A Act if the time frames outlined in the determination are not met.

In accordance with 'A guide for the preparation of local environmental plans' attachment 5 – Delegated plan making reporting template (**Tag 3**) is enclosed for Council's information. Table 2 of the attachment is to be completed and forwarded to the westernregion@planning.nsw.gov.au when requesting the planning proposal to be finalised.

Should you have any further enquiries about this matter, I have arranged for Nita Scott from the Western Region office to assist you. Ms Scott can be contacted on 02 6841 2180.

Yours sincerely

 15-10-2014

Ashley Albury
General Manager, Western Region
Planning Services

Enclosed:

- Tag 1 – Gateway Determination
- Tag 2 – Written Authorisation to Execute Delegation
- Tag 3 – Delegated Plan Making Reporting Template

Gateway Determination

Planning Proposal (Department Ref:PP_2014_ORANG_002_00): various amendments on land known as 'Shiralee' South Orange.

I, the General Manager, Western Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act) that an amendment to the Orange Local Environmental Plan 2011 (LEP) to make various amendments including: proposed rezoning of existing zone R2 Low Density Residential land, changes to the Minimum Lot Size Map, changes to the Land Reservation Acquisition Map and an amendment to Clause 4.1B should proceed subject to the following conditions:

The Planning Proposal should proceed with 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 & Infrastructure 2012) and must be made publicly available for a minimum of 28 days;
 - 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 and Infrastructure 2013).
2. Consultation is required with the following agencies under section 56(2)(d) of the EP&A Act:
 - a. NSW Education and Communities in respect to the proposed school site
 - b. Office of Environment and Heritage
 - c. Roads and Maritime Services

Each agency is to be provided with a copy of the planning proposal and any relevant supporting information, and given at least 21 days to comment on the proposal.

3. Prior to exhibition, Council is to revise the minimum lot sizes along the southern boundary (Hawke Lane) to ensure compatibility and graduation with adjoining rural minimum lot sizes and land uses. Further consultation with the Department of Planning and Environment's Western Region office is required in regard to this matter.
4. 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).

5. Prior to submission of the planning proposal under section 59 of the EP&A Act the LEP Maps are to be compliant with the Department's standard technical requirements for maps;
6. The timeframe for completing the LEP is to be 12 months from the week following the date of the gateway determination.

Dated 15 day of October 2014.

Ashley Albury
General Manager, Western Region
Planning Services

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Orange City Council is authorised to exercise the functions of the Minister for Planning 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_2014_ORANG_002_00	To make various amendments including: proposed rezoning of existing zone R2 Low Density Residential land, changes to the Minimum Lot Size Map, changes to the Land Reservation Acquisition Map, and an amendment to Clause 4.1B on land known as 'Shiralee' South Orange

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

Dated 15 October 2014



Ashley Albury
General Manager, Western Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment 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 publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2014_ORANG_002_00
Date Sent to DP&E under s56	3 September 2014
Date considered at LEP Review Panel (if applicable)	Not referred to LEP Panel as considered by the General Manager Western Region as the delegate of the Minister for Planning
Gateway determination date	15 October 2014

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 DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: