



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

15/16202

Attention: Mr David Waddell, Director Development Services

Dear Mr Styles

Planning proposal (PP_2015_ORANG_004) to amend Orange Local Environmental Plan 2011 – Amendment 12 – Suma Park Sportsfield Complex

I am writing in response to your Council's letter received 3 November 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act, 1979 in respect of the planning proposal to rezone part Lot 33 DP 1012682, Priests Lane, Orange from zone E3 Environmental Management to zone RE1 Public Recreation to facilitate a subdivision and the subsequent development of Suma Park Sports Complex.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination. **(Attachment 1)**. Please note that the proposal has been modified in accordance with the agreement reached with Council dated 5 November 2015. Therefore Condition 1 states that proposed Lot 100 is to remain zone E3 Environmental Management with a minimum lot size of 7 hectares rather than listing the proposal in Schedule 1 as an additional permitted use as requested in the planning proposal.

I am satisfied that the planning proposal is consistent with the relevant section 117 Directions. In relation to section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the creation of land for public purposes on the basis that the subject site is the most suitable for the development of the Suma Park Sports Complex. No further approval is required in relation to this Direction.

The Minister delegated 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. **(Attachment 2)**

The amending 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, taking into account the end of year close-down period. Council's request to draft and finalise the

LEP should be made directly to Parliamentary Counsel's Office (parliamentary.counsel@pco.nsw.gov.au) 10 weeks prior to the projected publication date.

Mapping 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

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

In accordance with "A guide for the preparation of local environmental plans" attachment 5 – Delegated plan making reporting template (**Attachment 3**) is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 59 submission and forwarded to the westernregion@planning.nsw.gov.au when requesting the planning proposal be finalised.

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 54(2)(d) of the Environmental Planning & Assessment Act, 1979 if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Jenna McNabb of the Departments Western Region office to assist you. Ms McNabb can be contacted on (02) 6841 2180.

Yours sincerely,



Azaria Dobson
Acting General Manager
Western Region

24.11.15

Encl:
Attachment 1 – Gateway determination
Attachment 2 – Written Authorisation to Exercise Delegation
Attachment 3 – Delegated Plan Making Reporting template



Gateway Determination

Planning Proposal (Department Ref: PP_2015_ORANG_004_00): to amend the Orange Local Environmental Plan 2011 to rezone land at part Lot 33 DP 1012682, Priests Lane, Orange from E3 - Environmental Management to RE1 - Public Recreation to facilitate the development of Suma Park Sports Complex.

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 EP&A Act that an amendment to the Orange Local Environmental Plan 2011 (LEP) to rezone land at part Lot 33 DP 1012682, Priests Lane, Orange from zone E3 - Environmental Management to zone RE1 - Public Recreation to facilitate the development of Suma Park Sports Complex should proceed subject to the following conditions:

1. Proposed Lot 100 (containing the existing dwelling) is to remain zone E3 Environmental Management. The planning proposal is to be amended and submitted to the Department of Planning and Environment for approval prior to the commencement of public exhibition to show the minimum lot size of proposed Lot 100 as 7 hectares and not listed in Schedule 1 as proposed in the planning proposal. The minimum lot size for proposed Lot 101 is to be removed from the proposed mapping.
2. 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 required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
 - (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.
3. Consultation is required with the following State Agencies under Section 56 (2)(d) of the EP&A Act and/or to comply with the requirements of relevant section 117 Directions:
 - (a) Office of Environment and Heritage
 - (b) Department of Primary Industries - NSW Office of Water
 - (c) Central Tablelands Local Land Services
 - (d) Transport NSW – Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the planning proposal prior to community consultation.

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 must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps'.
6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 24th day of November 2015.



Azaria Dobson
Acting General Manager, Western Region
Planning Services

Delegate of the Minister for Planning



Planning & Environment

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_2015_ORANG_004_00	Planning proposal to rezone land at part Lot 33 DP 1012682, Priests Lane, Orange from E3 - Environmental Management to RE1 - Public Recreation to facilitate the development of Suma Park Sports Complex.

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 24.11 2015

Azaria Dobson
Acting General Manager
Western Region
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 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	2015_ORANG_004_00
Date Sent to Department under s56	3 November 2015
Date considered at LEP Review Panel	Considered by the Ministers Delegate and not referred to Panel
Gateway determination date	24 November 2015

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: