

Gateway Determination

Planning proposal (Department Ref: PP_2013_ORANG_002_00 and 2014WES005): to rezone land for the purposes of service stations and take away food and drink premises

I, the Acting Deputy Secretary, Planning Services 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* (the Act) that an amendment to the Orange Local Environmental Plan (LEP) 2011 to rezone land known as Lots 40 and 41 DP 1165298, corner of Farrell Road and Telopea Way, Orange should proceed subject to the following conditions:

1. The relevant planning authority will prepare a draft Local Environmental Plan that:
 - a. Amends Orange Local Environmental Plan 2011 map LZN_007D by rezoning the subject land from R1 General Residential to B2 Local Centres, and
 - b. Amends Orange Local Environmental Plan 2011 map FSR_007D to restrict the floor space ratio to 0.2:1 and
 - c. Amends Orange Local Environmental Plan 2011 map HOB_007D over the subject land to restrict building height to 9m.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **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 2013).
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Roads and Maritime Services
 - Orange City Council

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 proposal.
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 Act. This does not discharge the relevant planning authority from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



5. The timeframe for completing the Local Environmental Plan is to be **9 months** from the week following the date of the Gateway determination.

Dated *22nd* day of *October* 2014.

Marcus Ray
Acting Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



Planning & Environment

Contact: Nita Scott
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Postal:

Mr Gordon Kirkby
Chair
Western Joint Regional Planning Panel
GPO Box 39
Sydney NSW 2001

Our ref: PGR_2013_ORANG_002_00
(14/08042)
Your ref: 2014WES005

Dear Mr Kirkby,

Planning proposal to amend Orange Local Environmental Plan 2011 (Pre-Gateway Review)

I am writing further to the Minister's appointment of the Western Joint Regional Planning Panel as relevant planning authority on 27 June 2014 and the subsequent request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land known as Lots 40-41 DP 1165298, Farrell Road and Telopea Way, Orange.

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.

I have agreed the planning proposal's inconsistency with S117 Direction 3.1 Residential Zones is of minor significance. In relation to S117 Direction 6.3 Site Specific Provisions I have determined that there are options available to achieve the desired outcome instead of addition to Schedule 1, as reflected in the following Gateway determination. This will remove the need to use site specific provisions, bringing the planning proposal into consistency with S117 Direction 6.3. No further approval is required in relation to these Directions.

The amending Local Environmental Plan is to be finalised within 9 months of the week following the date of the Gateway determination. The relevant planning authority should aim to commence the exhibition of the planning proposal as soon as possible. The relevant planning authority's request to draft and finalise the Local Environmental Plan should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date.

Should you have any queries in regard to this matter, please contact Nita Scott of the Department's Western Region Office on 02 6841 2180.

Yours sincerely,

Marcus Ray
Acting Deputy Secretary
Planning Services

22/10/14



Planning & Environment

Ms Marian Higgins
The Planning Group
PO Box 1612
NORTH SYDNEY NSW 2059

14/15099

Dear Ms Higgins,

I refer to your letter of 18 August 2014 concerning the matter of the pre-Gateway review by the Western Joint Regional Planning Panel - Lots 40 and 41 DP1165298, corner Farrell Road and Telopea Way, Orange.

I wish to advise that the Gateway has determined that the planning proposal should proceed. The Western Joint Regional Planning Panel will act as the Relevant Planning Authority in this matter. A copy of the Gateway determination is attached for your reference.

Should you have any further enquiries about this matter, I have arranged for Nita Scott, of the Department of Planning and Environment's Western Region Office to assist you. Ms Scott can be contacted on telephone number 02 6841 2180.

Yours sincerely

Marcus Ray
Acting Deputy Secretary
Planning Services
22/10/14

Encl: Gateway Determination



Planning & Environment

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

14/15099

Dear Mr Styles,

I refer to the matter of the pre-Gateway review by the Western Joint Regional Planning Panel - Lots 40 and 41 DP1165298, corner Farrell Road and Telopea Way, Orange.

I wish to advise that the Gateway has determined that the planning proposal should proceed. The Western Joint Regional Planning Panel will act as the Relevant Planning Authority in this matter. A copy of the Gateway Determination is attached for your reference.

Should you have any further enquiries about this matter, I have arranged for Nita Scott of the Department of Planning and Environment's Western Region Office to assist you. Ms Scott can be contacted on telephone number 02 6841 2180.

Yours sincerely

Marcus Ray
Acting Deputy Secretary
Planning Services

22/10/14

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