



Planning

Office of the Director-General

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Our ref: D09/00039

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

Dear Mr Styles,

Re: Planning Proposal to rezone the Prime Television site and adjoining land (Lots 102 and 103 DP 842161) from 2(a) Urban Residential and 3(b) Business Services to 3(c) Bulk Retail to enable the development of bulk retail and offices

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 rezone the Prime Television site and adjoining land (Lots 102 and 103 DP 842161) from 2(a) Urban Residential and 3(b) Business Services to 3(c) Bulk Retail to enable the development of bulk retail and offices.

As delegate of the Minister for Planning, I have now issued a Gateway Determination, which is attached. The Determination is that the matter should not proceed for the reasons listed in the attached Determination schedule.

It is noted that Council has presented a number of similar Planning Proposals for Gateway Determination which all have the objective of making bulky goods retailing a permissible use on specific sites in Orange. In relation to the Prime Television site the provision of office development is also proposed. The strategic assessment which is outlined in the Gateway determination should address all of these sites and in addition should canvass the potential impact that allowing office accommodation could have on the viability of the Central Business District.

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

29/10/2009

Gateway Determination

Planning Proposal (Department Ref: D09/00039): To rezone the Prime Television site and adjoining land (Lots 102 and 103 DP 842161) from 2(a) Urban Residential and 3(b) Business Services to 3(c) Bulk Retail to enable the development of bulk retail and offices.

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 rezone the Prime Television Site and adjoining land (Lots 102 and 103 DP 842161) from 2(a) Urban Residential and 3(b) Business Services to 3(c) Bulk Retail to enable the development of bulk retail and offices **should not proceed** for the following reason(s):

1. There is no strategic justification for this planning proposal for additional bulk goods development in Orange. In this regard, the "*Business Centre Strategy Review Study*" prepared for Orange City Council by Leyshon Consulting Pty Ltd in November 2005 is not a strategic land use plan or strategy. The land supply and demand analysis for bulk retail, set out in the "*Business Centre Strategy Review Study*" is limited to expenditure growth and therefore lacks key strategic information and analysis.
2. Bulk retail and office land supply and demand analysis that includes essential strategic data such as total area of zoned land for bulk retail and office, vacant area and total potential area under existing zoning has not been provided. It is understood that the primary bulk retail area in Orange City, the Homemaker Centre, has at least 40,000m² of vacant land.
3. The role, function and location of bulk retail and its impact on the broader retail sector of Orange City requires detailed strategic analysis. This analysis should take place as part of completing the Orange City Council's Principal LEP.
4. The change of zoning for Lot 103 from Urban Residential zone to Bulk Retail zone, that prohibits dwelling houses, is inconsistent with the Orange Sustainable Settlement Strategy (2004), which identifies the subject site as suitable for future residential development.
5. There is no strategic justification provided for the "office" component of planning proposal.

Dated 29th day of October 2009.


Sam Haddad
Delegate for the Minister for Planning