



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

15/11704

Attention: Mr David Waddell – Director Development Services

Dear Mr Styles

Planning Proposal (PP_2015_ORANG_002) to amend Orange Local Environmental Plan 2011 – Lot 24 DP 1035913 No 230 Phillip Street, Orange.

I am writing in response to Council letters dated 14 July 2015 and 21 October 2015 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 reclassify and extinguish the public reserve interest at Lot 24 DP 1035913 No 230 Phillip Street, 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.

In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public reserve purposes is a minor inconsistency as the land is currently zone IN1 General Industrial and Council's justification that a public reserve in this area is not required. No further approval is required in relation to this Direction.

Council is reminded of its obligations in relation to the proposed reclassification of land in accordance with Planning Practice Note *PN09-003, Classification and reclassification of public land through a local environmental plan*.

Council cannot be authorised to exercise delegation to complete the amending Local Environmental Plan (LEP) as the approval of the Governor of NSW is required to extinguish the Public Reserve interest.

The amending LEP is to be finalised 9 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 for Planning and Environment to draft and finalise the LEP should be made 10 weeks prior to the projected publication date. This request is to be made to the Department of Planning and Environment, Western Region office at westernregion@planning.nsw.gov.au.

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 EP&A Act 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 Wayne Garnsey from the Western Region office to assist you. Mr Garnsey can be contacted on (02) 6841 2180.

Yours sincerely,

a.w. albury 22-10-2015

Ashley Albury
General Manager, Western Region
Planning Services

Encl. Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP_2015_ORANG_002_00): to seek approval to reclassify and extinguish the Public Reserve interest at Lot 24 DP 1035913 No 230 Phillip Street, Orange.

I, the General Manager, Western Region at 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 (LEP) 2011 to seek approval to reclassify the land from 'community' to 'operational' and extinguish the Public Reserve interest at Lot 24 DP 1045913 230 Phillip Street, Orange should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A 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 (Planning & Infrastructure 2013).
2. Orange City Council is to include and clearly explain in the community consultation package its intention to reclassify the land from 'community' to 'operational' and seek the Governors approval to extinguish the public reserve interest in the land. Council is also to advise the community that the reclassification process under the Local Government Act, 1993 and EP&A Act is being followed.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. Orange City Council is to conduct a public hearing in accordance with the requirements of section 29 of the Local Government Act, 1993 and section 57 of the EP&A Act.
5. 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.
6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Dated 22 day of October 2015.


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

Delegate of the Minister for Planning