



Planning

Office of the Director-General

Mr Garry Styles
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Our ref: D09/00036

Dear Mr Styles,

Re: Planning Proposal to rezone No. 2-6 Dalton Street ('The Anita Motel Site') from 2(a) Urban Residential to 3(b) Business Services

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 No. 2-6 Dalton Street ('The Anita Motel Site') from 2(a) Urban Residential to 3(b) Business Services to allow the establishment of a fast food outlet.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act I am satisfied that the planning proposal is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Whilst I have granted Gateway approval for this planning proposal, Council is encouraged to determine the appropriate zone for the adjacent land to the south on which shops are located in its strategic investigations for its Principal LEP.

I have formed the opinion that any inconsistencies with the section 117 Directions are minor and justifiable in this instance.

Should you have any queries in regard to this matter, please contact Ms Nita Lennon in the Regional Office of the Department.

Yours sincerely,


Sam Haddad
Director-General

28/10/2009.

Gateway Determination

Planning Proposal (Department Ref: D09/00036): To rezone No. 2-6 Dalton Street ('The Anita Motel Site') from 2(a) Urban Residential to 3(b) Business Services to allow the establishment of a fast food outlet.

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 No. 2-6 Dalton Street ('The Anita Motel Site') from 2(a) Urban Residential to 3(b) Business Services to allow the establishment of a fast food outlet should proceed subject to 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 2009) and therefore must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs* (Department of Planning 2009).
2. Consultation is required with the Roads and Traffic Authority and NSW Transport and Infrastructure under section 56(2)(d) of the EP&A Act.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
3. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act.
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

28th

day of

October

2009.


Sam Haddad
Delegate for the Minister for Planning