



Planning & Environment

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

Our Ref: 17/09583

Dear Mr Styles,

Planning Proposal (PP_2017_ORANG_004_00) to amend Orange Local Environmental Plan 2011 – Amendment 22 – Former Orange Base Hospital.

I am writing in response to Council's information received 10 July 2017 requesting a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act, 1979* in respect of the Planning Proposal to rezone land being the former Orange Base Hospital Lot 2 Section 4 DP 758817, from Zone R3 Medium Density Residential to a combination of Zones R3 Medium Density Residential, B4 Mixed Use and RE1 Public Open Space, and adjust the Height of Buildings and Floor Space Ratio maps to facilitate increased building heights and density.

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).**

I am satisfied that the Planning Proposal is consistent with Council's Orange Business Centres Strategy and Section 117 Directions 2.3 Heritage Conservation, 3.1 Residential Zones and 3.4 Integrating Land Use and Transport. It will be necessary to consult with the Office of Environment and Heritage concerning potential impacts on local heritage. Council is reminded of its responsibilities under SEPP 55 – Remediation of Land in this instance.

The Minister delegated plan making powers to Councils in October 2012. I have considered the nature of Council's Planning Proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan. This decision is due to the Council being the landowner and a potential conflict of interest in the progression of this Planning Proposal.

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. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made to the Department's Western Region office

(westernregion@planning.nsw.gov.au). Council's request to finalise the LEP should be made 10 weeks prior to the projected publication date.

Prior to submission of the Planning Proposal under Section 59 of the *Environmental Planning and Assessment Act 1979*, the final LEP maps must be prepared and be compliant with the Department's '*Standard Technical Requirements for Spatial Datasets and Maps*' 2015. The draft LEP and GIS data are 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

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 Nita Scott of the Departments Western Region office to assist you. Ms Scott can be contacted on 02 6841 2180.

Yours sincerely,



1.8.17

Katrine O'Flaherty
Director Regions, Western
Planning Services

Encl:
Attachment 1 – Gateway determination

Gateway Determination

Planning Proposal (Department Ref: PP_2017_ORANG_004_00): Planning Proposal to rezone land being Lot 2 Section 4 DP 758817, bounded by Sale, Anson, Dalton and Prince Streets, from Zone R3 Medium Density Residential to a combination of R3 Medium Density Residential, B4 Mixed Use and RE1 Public Recreation and adjust the Floor Space Ratio and Height of Buildings maps to facilitate increased building height and density over part of the site.

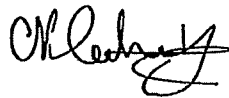
I, the Director Regions, Western at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under Section 56(2) of the *Environmental Planning and Assessment Act, 1979* that an amendment to the Orange Local Environmental Plan (LEP) 2011 to rezone land from Zone R3 Medium Density Residential to a combination of Zones R3 Medium Density Residential, RE1 Public Recreation and B4 Mixed Use and amend the relevant Height of Building and Floor Space Ratio Maps to facilitate increased building heights and densities on parts of the site should proceed subject to the following conditions:

1. Prior to community consultation the Planning Proposal is to be amended to address Section 117 Direction 5.10 - Implementation of Regional Plans. This work is to address the final Central West and Orana Regional Plan.
2. Community consultation is required under Sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:
 - (a) the Planning Proposal must be made publicly available for a minimum of **28 days**;
 - (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 & Environment 2016)*.
3. Consultation is required with the following public authority under Section 56(2)(d) of the *Environmental Planning and Assessment Act, 1979*:
 - Office of Environment and Heritage (OEH)

The 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 *Environmental Planning and Assessment Act, 1979*. 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 *Environmental Planning and Assessment Act 1979*, the final LEP maps must be prepared and be compliant with the Department's *'Standard Technical Requirements for Spatial Datasets and Maps' 2015*.

6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 1st day of August 2017.



Katrine O'Flaherty
Director Regions, Western
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning