



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

16/14182

Dear Mr Styles

Planning Proposal (PP_2016_ORANG_005_00) to amend Orange LEP 2011 to rezone land from zone R1 General Residential to zone B2 Local Centre at Lot 700 DP 1171441, Telopea Way Lane, Orange, and concurrent amendment of the Height of Buildings and Floor Space Ratio maps

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to amend the Orange LEP 2011 to rezone land from zone R1 General Residential to zone B2 Local Centre at Lot 700 DP 1171441, Telopea Way Lane, Orange and concurrently amend the Height of Buildings Map HOB_007D to 9m and the Floor Space Ratio Map FSR_007D to 0.2:1 across the entire lot.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed, subject to conditions in the attached Gateway determination (Attachment 1). I have made this decision with the condition No. 1 that Council consults with the Roads and Maritime Service (RMS) on the local traffic flow, intersection and infrastructure implications of the proposal and seeks Departmental endorsement prior to community consultation.

The Department notes that Councils supporting information includes advice on the potential demand for future retail floor space in Orange. The Department's principal concern with this proposal is the preservation of the integrity of the Orange CBD as the primary business centre.

The Department notes that both Council and RMS have previously expressed concerns relating to ancillary impacts on local traffic flow in relation to a proposed take away food and drink premises and service station on Telopea Way earlier this year. Therefore the Department will be requiring that Council consult with RMS and the community and demonstrate how the necessary road and intersection infrastructure will be provided to accommodate increased traffic flows on Telopea Way and Farrell Drive.

The Minister delegated plan making powers to Councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan (Attachment 2).

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of 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 10 weeks prior to the projected publication date. This request is to be forwarded to the Department of Planning and Environment's Western Region office (westernregion@planning.nsw.gov.au).

All related files for the LEP Amendment, including Maps, Map Cover Sheet, Planning Proposal document, section 59 Reporting, Delegated Plan Making Reporting Template (Attachment 3) and GIS data, if available, must be submitted to the Department via the Planning Portal Website at <https://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data>. To submit the data, Council is required to create an account and log in using these details.

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 and Assessment Act, 1979* if the timeframes 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 Department's Western Region office to assist you. Ms Scott can be contacted on (02) 68412180.

Yours sincerely



7.11.16

Azaria Dobson
Acting Director Regions, Western
Planning Services

Encl:

Attachment 1 -Gateway Determination
Attachment 2 -Written Authorisation to Exercise Delegation
Attachment 3 - Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2016_ORANG_004_00): to amend the Orange Local Environmental Plan 2011 to rezone land from zone R1 Residential to zone B2 Local Centre at Lot 700 DP 1171441, Telopea Way Lane, Orange; and amend the Height of Buildings and Floor Space Ratio map sheets 007D to 9m and 0.2:1 respectively.

I, the Acting 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 the amendment to the Orange Local Environmental Plan 2011 (LEP) to rezone land from zone R1 General Residential to zone B2 Local Centre at Lot 700 DP 1171441, Telopea Way Lane, Orange, should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is to consult with Transport for NSW – Roads and Maritime Services (RMS) under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*. Council is to provide the RMS with a copy of the planning proposal and any relevant supporting material, and given at last 21 days to comment on the proposal. Council is to forward the response to the Department and seek approval to proceed to community consultation.
2. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. An initial site contamination report is to be prepared to demonstrate that the land is suitable for rezoning to the proposed zone. The preliminary review of the subject land, which has been undertaken by Council, and initial site contamination investigation report is to be included as part of the community consultation package.
3. 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 is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2011).
 - (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.

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 7 day of November 2016.



Azaria Dobson
Acting Director Regions, Western
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Orange City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_ORANG_005_00	Planning proposal to rezone Lot 700 DP 1171441, Telopea Way Lane, Orange to zone B2 Local Centre and amend Height of Buildings and Floor Space Ratio Map.

In exercising the Minister's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 7th November 2016

Azaria Dobson
Acting Director Regions, Western
Planning Services
Department of Planning and Environment

Attachment 3 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2016_ORANG_005_00
Date Sent to DP&E under s56	27 October 2016
Date considered at LEP Review Panel (if applicable)	Considered by Ministers Delegate and not by Panel
Gateway determination date	7 November 2016

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: