



14 JUN 2016

CONTAINER No.

FL40

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

16/05773

Dear Mr Styles

Planning Proposal (PP_2016_ORANG_002_00) to amend Orange Local Environmental Plan 2011 – Proposed rezoning of land at Clergate Road and Leeds Parade, known as ‘Clergate Hills’

I am writing in response to Council's letter dated 4 April 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to rezone land at Clergate Road and Leeds Parade being Lots 14, 15 and 25 DP 6694, and Lots 2 and 3 DP 255983 to zones R5 Large Lot Residential, E4 Environmental Living and RE1 Public Recreation.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the planning proposal being amended and conditions in the attached Gateway determination.

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 not to issue an authorisation for Council to exercise delegation to make this plan. This decision is due to inconsistency with the *Blayney Cabonne Orange Rural and Industrial Land Strategy 2008* (BCO) for land zoned IN1 General Industrial and that identified for future Industrial use as 'Strategic Area SAB', and also planning proposal PP_2015_ORANG_001 concerning the Orange Airport.

In order to allow the planning proposal to proceed, an amendment to the planning proposal to remove the industrial zoned and future identified land component pending the completion of a review of the BCO as required in PP_2015_ORANG_001. As such the land with known contamination and biodiversity values will be removed from the planning proposal.

As requested in the letter to Council of 18 December 2015, Council is to continue to consult with Cabonne Council and Blayney Shire Council in the preparation of review of the BCO regarding sub-regional industrial land requirements. I would expect that if agreement and endorsement is reached, a wider suite of amendments may be made to

planning instruments concerning each of the three sub-regional Councils. Council should also give consideration to a comprehensive review of the BCO.

The inclusion of an Urban Release Area Map under Part 6 of *Orange Local Environmental Plan 2011* to ensure arrangements are made for the provision of designated State public infrastructure is to be included. The Urban Release Area Map is to be amended prior to community consultation to include the revised map and update the explanation of intended effects.

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.

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 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 Department's Western Region office to assist you. Ms Scott can be contacted on the (02) 68412180.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

Encl: Gateway determination

10/06/16

Gateway Determination

Planning Proposal (Department Ref: PP_2016_ORANG_002_00): to amend Orange City Council Local Environmental Plan 2011 – ‘Clergate Hills’.

I, the Deputy Secretary, Planning Services 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 in North Orange known as ‘Clergate Hills’ should proceed subject to the following conditions:

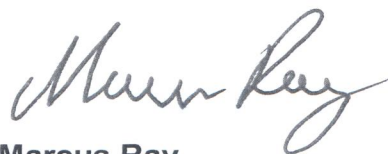
1. Prior to community consultation, the planning proposal is to be amended to remove land known as 390 Clergate Road, Lot 15 DP6694 (former Orange Abattoirs, zoned IN1 General Industrial) and 440 Clergate Road, Lots 2 and 3 DP 6694 (zone RU1 Primary Production). This land is to be the subject of a review of the Blayney Cabonne Orange Rural and Industrial Lands Strategy 2008.
2. The planning proposal is to be amended to include:
 - (a) the allocation of land use zones over the subject site being proposed zone R5 Large Lot Residential, RE1 Public Recreation and E4 Environmental Living clearly identified.
 - (b) an Urban Release Area Map to ensure that the provisions can be made for designated State public infrastructure when the land is developed.
 - (c) amended lot size map(s) to reflect recommended buffer distances to facilitate separation distances from identified contaminated land and zone RU1 Primary Production land.
 - (d) maps prepared in accordance with the Department’s *Standard Technical Requirements for Spatial Datasets and Maps* and included with the planning proposal along with an explanation for the inclusion for the purposes of community consultation.
3. The amended planning proposal is to be submitted to the Department of Planning and Environment for approval prior to the commencement of community consultation.
4. 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; 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 (Department of Planning & Infrastructure 2013)*.

5. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* and to comply with the requirements of the relevant section 117 Directions:
- (a) NSW Rural Fire Service
 - (b) Department of Primary Industries – Water
 - (c) Office of Environment and Heritage
 - (d) Transport for NSW and Roads and Maritime Services
 - (e) NSW Fire and Rescue
 - (f) Local Land Services Central West
 - (g) Department of Primary Industries – Agriculture
 - (h) Essential Energy/ Transgrid
 - (i) ARTC – John Holland

Each public authority is to be provided with a copy of the planning proposal and any supporting material, and given at least 21 days to comment on the planning proposal prior to community consultation.

6. 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).
7. Prior to submission of the planning proposal under section 59 of the *Environmental Planning and Assessment Act 1979*, the LEP maps must be prepared and be compliant with the Department's *Standard Technical Requirements for Spatial Datasets and Maps*.
8. The timeframe for completing the LEP is to be **12** months from the week following the date of the Gateway determination.

Dated 10th day of June 2016.



Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning