



Planning & Environment

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

17/08670

Dear Mr Styles,

Planning proposal (PP_2017_ORANG_002_00) to amend Orange Local Environmental Plan 2011 – Amendment 21 - 386 Molong Road, North Orange.

I am writing in relation to the Gateway Determination issued for the above site on 26 June 2017 and both the applicant and Council's request to reconsider the matter.

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. (**Attachment 1**). This Gateway determination supersedes that previously issued and is supportive of Council's Planning Proposal without modification.

I am satisfied that the planning proposal is consistent with Council's Orange Sustainable Settlement Strategy and Section 117 Directions 2.1 Environment and Heritage, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 4.3 Flood Prone Land. However, it will be necessary to consult with several agencies concerning potential impacts on local traffic, cultural heritage, watercourses and utilities. I note that site contamination has been assessed through a previous development application for the site and remind Council of its responsibilities under SEPP 55 in this instance.

The Minister delegated plan making powers to Councils in October 2012. It is noted that Council has accepted this delegation. (**Attachment 2**) 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.

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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office (parliamentary.council@pco.nsw.gov.au) 10 weeks prior to the projected publication date.

All related files for LEP Amendment, including PDF Maps, Map Cover Sheet, Planning Proposal document 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.

A copy of the request should be forwarded to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) for administrative purposes.

In accordance with "A guide for the preparation of local environmental plans" attachment 5 – Delegated plan making reporting template (**Attachment 3**) is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 59 submission and forwarded to the westernregion@planning.nsw.gov.au when requesting the planning proposal be finalised.

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. Nita can be contacted on 02 6841 2180.

Yours sincerely,



Katrine O'Flaherty
Director Regions, Western
Planning Services

07/09/2017

Encl:

Attachment 1 – Gateway determination

Attachment 2 – Written Authorisation to Exercise Delegation

Attachment 3 – Delegated Plan Making Reporting template



Planning & Environment

Gateway Determination

Planning proposal (Department Ref: PP_2017_ORANG_2017_002): Planning proposal to rezone land being Lot 81 DP 1202584 and Lot 6 DP 1065578, 386 Molong Road from Zone R2 Low Density Residential to R1 General Residential, reduce the minimum lot size to facilitate increased residential densities.

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 R2 Low Density Residential to R1 General Residential and reduce minimum lot size to facilitate increased residential density 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* 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)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act, 1979* and/or to comply with the requirements of relevant section 117 Directions:
 - Transport for NSW – Roads and Maritime Services (RMS)
 - The Office of Environment and Heritage
 - NSW Department of Industry – NSW Office of Water

Each 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.

3. 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).
4. 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.

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

Dated

7th day of September 2017.



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

Delegate of the Minister for Planning



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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_2017_ORANG_002_00	Planning proposal to rezone land being Lot 81 DP 1202584 and Lot 6 DP 1065578, 386 Molong Road from Zone R2 Low Density Residential to R1 General Residential, reduce the minimum lot size to facilitate increased residential densities.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 7th September 2017

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

Delegate of the Minister for Planning



Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department 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 department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2017_ORANG_002_00
Date sent to Department under s56	15 June 2017
Date considered at LEP review Panel	Considered by Minister's Delegate
Gateway determination date	26 June 2017

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		
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and Details	

Additional relevant information: