



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

16/08642

Attention: Craig Mortell – Senior Planner, Development Services

Dear Mr Styles,

Planning Proposal (PP_2016_ORANG_004_00) to amend Schedule 1 of *Orange Local Environmental Plan 2011* to identify ‘retail premises’ (liquor outlet / bottle shop) as an Additional Permitted Use on Lot 87 DP 1167633, 2 Hanrahan Place, Orange NSW.

I am writing in response to Council’s request for a Gateway determination in respect of the planning proposal to amend Schedule 1 of *Orange Local Environmental Plan 2011* to identify ‘retail premises’ as an Additional Permitted Use on Lot 87 DP 1167633, 2 Hanrahan Place, Orange NSW.

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**).

Council may wish to reconsider the Hanrahan Place Precinct SP3 Tourist zoning in a strategic context, having regard to the area emerging as a convenience and services cluster.

I have also agreed that the planning proposal is consistent with relevant section 117 Directions and no further work or approval is required.

The Minister has 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 the 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 9 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. The request to draft and finalise the LEP should be made directly to Parliamentary Counsel’s Office (parliamentary.counsel@pco.nsw.gov.au) 10 weeks prior to the projected publication date.

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

The amended LEP maps and GIS data is to be uploaded to the Department's Planning Portal at <https://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data>.

State Government is committed to reducing the time taken to complete the 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 the determination are not met.

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 westernregion@planning.nsw.gov.au when requesting the planning proposal to be finalised.

Should you have any further enquiries, please contact Nita Scott, Planning Services, at the Department on (02) 6841 2180.

Yours sincerely,

 1-8-2016

Ashley Albury
Director Regions, Western
Planning Services

Enclosed:

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 Schedule 1 of the Orange Local Environmental Plan 2011 to include 'retail premises' (liquor outlet/bottle shop) limited to 600m² as an Additional Permitted Use on Lot 87 DP 1167633, 2 Hanrahan Place, Orange NSW.

I, the Director Regions, Western at 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 (EP&A Act) to amend Schedule 1 of the Orange Local Environmental Plan (OLEP) 2011 to include 'retail premises (liquor outlet/bottle shop)' limited to 600m² as an Additional Permitted Use on Lot 87 DP 1167633, 2 Hanrahan Place, Orange NSW, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 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 2013).
 - (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*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Roads and Maritime Services
 - Department of Justice – Liquor and Gaming NSWEach 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 EP&A Act. 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 EP&A Act, 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 **9 months** from the week following the date of the Gateway determination.

Dated 1st day of August 2016.

Ashley Albury
Director Regions, Western
Planning Services
Department of Planning & Environment



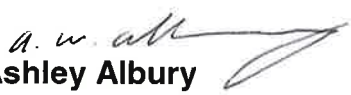
WRITTEN AUTHORISATION TO EXERCISE DELEGATION

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_004_00	To amend Schedule 1 of the <i>Orange Local Environmental Plan 2011</i> to include 'retail premises (liquor outlet/bottle shop)' limited to 600m ² as an Additional Permitted Use on Lot 87 DP 1167633, 2 Hanrahan Place, Orange NSW.

In exercising the Minister's functions under section 59, the Council must comply with Planning and Infrastructure's '*A guide to preparing local environmental plans*' and '*A guide to preparing planning proposals*'.

Dated 1st day of August 2016


Ashley Albury
Director Regions, Western
Planning Services
Department of Planning & Environment

Delegate of the Minister for Planning