



Mr David Waddell
Acting General Manager
Orange City Council
PO Box 35
ORANGE NSW 2800

Dear Mr Waddell

Planning proposal [PP_2018_ORANG_004_00] to amend Orange Local Environmental Plan 2011 – Administrative amendment No.24

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 4 March 2019, 24 May 2019 and 29 May 2019 in respect of the planning proposal to amend multiple planning controls of the Orange Local Environmental Plan (LEP) 2011.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions (1.1 Business and Industrial Zones, 1.3 Mining, Petroleum Production and Extractive Industries and 6.3 Site Specific Provisions) are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions (4.3 Flood Prone Land). Council should ensure this occurs prior to the plan being made.

Due to the complex nature of the planning proposal, please refer to the Gateway determination condition 2. This requires an amended planning proposal which reflects the final approved planning proposal be prepared before community consultation.

The Department would like to congratulate Council on their local strategic work completed so far. It is recommended for the Calton Road area to be considered in future strategic work.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority given Council's interest in some of the land affected by the proposal.

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.

To ensure the status of this planning proposal remains accurate on the LEPs Online System, please inform the Department of the dates of community consultation before it occurs. You can contact the Department at westernregion@planning.nsw.gov.au.

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 data.planningportal.nsw.gov.au. 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Nikki Pridgeon from the Department of Planning, Industry and Environment, Western Region office, to assist you. Ms Pridgeon can be contacted on 5852 6800.

Yours sincerely



19.6.19

Damien Pfeiffer
Director Regions, Western
Planning Services

Encl:
Gateway determination
Attachment 1

Gateway Determination

Planning proposal (Department Ref: PP_2018_ORANG_004_00): Administrative amendment (No. 24) of the Orange Local Environmental Plan 2011

I, the Director Region, Western at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Orange Local Environmental Plan (LEP) 2011 to amend multiple planning controls should proceed subject to the following conditions:

1. Prior to community consultation, Council is to undertake a preliminary review of the 1 Barrett Street land. Council is to prepare an initial site contamination investigation report that satisfies the requirements of State Environmental Planning Policy (SEPP) 55—Remediation of Land to demonstrate that the land is suitable for rezoning to the proposed R1 General Residential zone. The preliminary review and initial site contamination report are to be placed on public exhibition with the planning proposal.
2. Prior to community consultation the planning proposal is to be updated to include amendments listed in **Attachment 1**. Council is to provide the Department with a copy of the amended planning proposal for approval to proceed to community consultation.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2018).
4. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act and to comply with the requirements of section 9.1 Direction 4.3 Flood Prone Land:
 - State Emergency Services.
 - Office of Environment and Heritage.

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.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
6. Prior to submission of the planning proposal under section 3.36 of the Act, the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps 2018'. An additional permitted use map must be prepared for the 120 Calton Road land.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 19th day of June 2019.



Damien Pfeiffer
Director Regions, Western
Planning Services
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

Attachment 1 – Requested amendments to planning proposal (PP_2018_ORANG_004_00) – Orange administrative amendment No.24

Refer to condition 2 of the Gateway determination for PP_2018_ORANG_004_00.

The planning proposal is to be submitted to the Department with the updates listed below, prior to proceeding to community consultation:

- Information provided in the Planning and Development Committee Meeting (4 December 2018) related to land use table updates is to be included in the planning proposal.
- Information provided in the Planning and Development Committee Meeting (4 December 2018) related to boundary adjustments in certain rural zones and drafting recommendation is to be included in the planning proposal.
- Information provided in the request for additional information email (4 March 2019) response to extensive grazing as a land use permitted with consent in the R5 zone is to be included in the planning proposal.
- Attachment 3 – Local exempt development provisions, is to be removed from the planning proposal.

