



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

17/09579

Attention: Mr David Waddell

Dear Mr Styles

Planning Proposal (PP_2017_ORANG_004_00) to amend Orange Local Environmental Plan 2011 – Schedule 1 Additional Permitted Use for 426 Mitchell Highway

I am writing in response to your Council's request (7 July 2017) and additional information (7 August 2017) for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act, 1979* in respect of the Planning Proposal to include an Additional Permitted Use in Schedule 1 of the Orange LEP 2011 to permit with consent various land uses, including subdivision to the minimum lot size of 3500m², at 426 Mitchell Highway, Orange.

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)

I am satisfied, as delegate of the Secretary, that the Planning Proposal is consistent with the relevant Section 117 Directions and SEPPs, except for Section 117 Direction 2.3 Heritage Conservation.

Council needs to obtain the agreement of the Department's Secretary to comply with the requirements of Section 117 Direction 2.3 Heritage Conservation. Council should ensure this occurs after consultation with Office of Environment and Heritage and prior to the plan being made.

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 that the final details of the Additional Permitted Use are uncertain I have decided not to issue an authorisation for Council to exercise delegation to make this plan in this case.

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 to the Departments Western Region Office (westernregion@planning.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.

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. Ms Scott can be contacted on (02) 6841 2180.

Yours sincerely,



Katrine O'Flaherty
Director Regions, Western
Planning Services

Encl:
Attachment 1 – Gateway determination

15/08/2017



Gateway Determination

Planning Proposal (Department Ref: PP_2017_ORANG_004_00): to include an Additional Permitted Use in Schedule 1 of the Orange LEP 2011 to permit with consent various land uses, including 4 lot subdivision with a minimum lot size of 3500m², at 426 Mitchell Highway, Orange.

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 include an Additional Permitted Use in Schedule 1 should proceed subject to the following conditions:

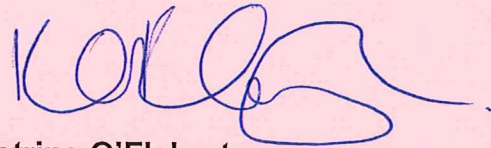
1. Prior to community consultation the Planning Proposal is to be amended to address Section 117 Direction 5.10 - Implementation of Regional Plans. This work is to address the final Central West and Orana Regional Plan.
2. Prior to community consultation the Planning Proposal is to be amended to reflect the proposed minimum lot size for the site of 3500m².
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 must be made publicly available for a minimum of 28 days;
 - (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 & Environment 2016)*.
4. Consultation is required with the following public authorities under Section 56(2)(d) of the *Environmental Planning and Assessment Act, 1979*:
 - NSW Office of Environment and Heritage, and
 - NSW Roads and Maritime Services.

Each public authority/organisation 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 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).

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

Dated 15th day of August 2017



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

Delegate of the Minister for Planning