

## Gateway Determination

***Planning proposal (Department Ref: PP-2021-2977): amend height of building and permit additional uses for the Eastside Precinct renewal, Orange.***

I, the Director, Western Region at the Department of Planning, Industry 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 2011 to height of building and permit additional uses for the Eastside Precinct renewal, Orange should proceed subject to the following conditions:

1. Prior to community consultation a revised planning proposal is to be amended addressing the following:
  - a. Prepare draft LEP maps to reflect the proposed amendment. In this regard, ensure all maps that form part of the planning proposal must clearly identify the subject land and remove elements of the maps that are not relevant to this proposal;
  - b. Update planning proposal to identify all sites correctly and as required;
  - c. Remove references to multi dwelling housing as a proposed additional permitted use; and
  - d. Include information about Council owned land, land classification and Council's intended future use of this land.
2. The planning proposal is to be publicly exhibited within **two (2) months** from the date of the Gateway determination. 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).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and allow appropriate impact consideration of the proposed amendment:
  - Transport for NSW as part of the land has frontage to the Mitchell Highway
  - John Holland Rail – as some of the land adjoins rail infrastructure

- Heritage NSW for the proposed additional height of buildings in relation to the Heritage items and Heritage conservation area.

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.

4. 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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination; and
  - (b) the planning proposal is consistent with section 9.1 Directions; and
  - (c) there are no outstanding written objections from public authorities.
6. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps (including and Additional Permitted Uses map) must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
7. The time frame for completing the LEP is to be **nine (9) months** following the date of the Gateway determination.

Dated 19<sup>th</sup> day of May 2021.



**Garry Hopkins**  
**Director, Western Region**  
**Local and Regional Planning**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**