

Gateway Determination

Planning proposal (Department Ref: PP-2021-5680): Rosedale Gardens

I, the Director, Western Region at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 facilitate up to 700 residential lots at 440 Clergate Road and 463 Leeds Parade, Orange should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to agency consultation to:
 - (a) Address steep terrain through appropriate local development controls.
 - (b) Provide additional justification for the proposed removal of the SP2 Infrastructure, RE1 Public Recreation and C4 Environmental Living zones, and to demonstrate consistency with:
 - i. Section 9.1 Directions 2.1 Environmental Protection Zones and 6.2 Reserving Land for Public Purposes.
 - ii. Directions 13, 14 and 15 of the Central West Orana Regional Plan 2036.
 - (c) Include discussion of section 9.1 Direction 2.6 Remediation of Contaminated Land to demonstrate the Planning Proposal Authority is satisfied the land can be adequately remediated and be made suitable for all future land uses; and
 - (d) Update discussion on the proposed lot averaging clause to include Council's overall objectives for the site and to support their consideration at the development assessment stage.
2. Before community consultation, consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Transport for NSW.
 - John Holland Rail.
 - TransGrid.
 - DPIE Water.
 - Natural Resources Access Regulator.
 - DPIE Biodiversity and Conservation Division.
 - Heritage NSW.
 - Environment Protection Authority.
 - Rural Fire Services.
 - Cabonne Shire Council.
 - Charles Sturt University

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.

3. The planning proposal is to be revised to address agency feedback and forwarded to the Department for review and approval to progress to community consultation.
4. 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).
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. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 23rd day of December 2021.



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

Delegate of the Minister for Planning
and Homes