

Gateway Determination

Planning proposal (Department Ref: PP-2022-4088): to rezone land from R2 Low Density Residential and RE1 Public Recreation to R1 General Residential and amend minimum lot size at 12-20 Shiralee Road, Orange .

I, the Director, Western Region 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 2011 to amend zones and minimum lot sizes for 12-20 Shiralee Road, Orange should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 23 July 2024.

Gateway Conditions

1. Prior to public exhibition, the planning proposal is to be amended as follows and forwarded to the Minister under s. 3.34(6) of the Act.:
 - (a) exclude high flood hazard land in the northwest and update relevant discussion within the planning proposal relating to this excluded area;
 - (b) include the intent to exclude the application of the Exempt and Complying Codes SEPP for portions of the subject land; and
 - (c) update the timeline for the proposal.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2023) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2023).

3. Consultation is required with Biodiversity, Conservation and Science (BCS) under with the following public authorities and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act. BCS is to be provided with an updated copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working 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).

Dated 27th day of September 2023.

A handwritten signature in black ink, appearing to read 'G. Hopkins', with a stylized, cursive script.

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

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