

## Gateway Determination

**Planning proposal (Department Ref: PP-2023-45):** Sweetheart Drive rezoning, 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 Lot 90 DP1284877 Hawke Lane from RE1 Public Recreation to R1 General Residential and insert a 700m<sup>2</sup> minimum lot size 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 15 July 2024.

### Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to address the following matters and forwarded to the Minister under s 3.34(6) of the Act:
  - (a) Incorporate all the maps for the site as part of the proposed amendment including current and proposed land zoning maps and current and proposed minimum lot size maps,
  - (b) Address flooding issues under Direction 4.1 Flooding of Section 9.1 Ministerial Direction.
  - (c) Address Direction 4.4 Remediation of Contaminated Land, in particular the part of the Direction requiring the planning proposal authority to be satisfied the land is suitable for the permitted uses under the new zone.
  - (d) Provide a Project Timeframe to reflect the Gateway determination of the proposal and subsequent milestones for finalisation by 15 July 2024.
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 Guideline (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days.
  - (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 proposal as identified in Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023).

3. Consultation is required with the Department of Planning and Environment – Biodiversity Conservation and Science Division under section 3.34(2)(d) of the Act. The Department of Planning and Environment – Biodiversity Conservation and Science Division 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).

Dated 27<sup>th</sup> day of September 2023



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

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