



IRF25/1650

## Gateway determination report – PP-2025-1137

Reclassify land at 49-51 Molong Road, Orange from  
community land to operational land

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 - Reports and plans supporting the proposal**

Relevant reports and plans
Attachment A – Planning Proposal May 2025
Attachment B – Reclassification Overview, incl. land title
Attachments B1-B3 – Land title attachments relating to reservation status
Attachment C – Orange City Council Minutes 3 June 2025
Attachment D – Orange City Council Agenda 3 June 2025

# 1 Planning proposal

## 1.1 Overview

**Table 2 - Planning proposal details**

<b>LGA</b>	Orange
<b>PPA</b>	Orange City Council
<b>NAME</b>	Reclassify land at 49-51 Molong Road, Orange from community land to operational land
<b>NUMBER</b>	PP-2025-1137
<b>LEP TO BE AMENDED</b>	Orange Local Environmental Plan 2011
<b>ADDRESS</b>	49-51 Molong Road, Orange
<b>DESCRIPTION</b>	Lot 4 DP 790829, Lot 5 DP 790829
<b>RECEIVED</b>	18/07/2025
<b>FILE NO.</b>	IRF25/1650
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The objective of the planning proposal is to reclassify land at 49-51 Molong Road from community land to operational land, enabling residential development.

The objective of this planning proposal is clear and adequate.

## 1.3 Explanation of provisions

The proposal seeks to amend the Orange Local Environmental Plan 2012 (OLEP) by inserting the subject land into Part 2 of Schedule 4 and remove public reserve interests from the land titles. Removing interests from the land titles will require the approval of the Governor of NSW.

No changes are proposed to the principal planning provisions or maps.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The site is located at 49 and 51 Molong Street, Orange (Figure 1) with each lot having an area of approximately 800m<sup>2</sup>. They are zoned R2 Low Density Residential, in keeping with the surrounding

sites (Figure 2). The site is undeveloped, mostly cleared of vegetation and fully serviced with water and sewer.



Figure 1 Subject site (source: Planning proposal 2025)

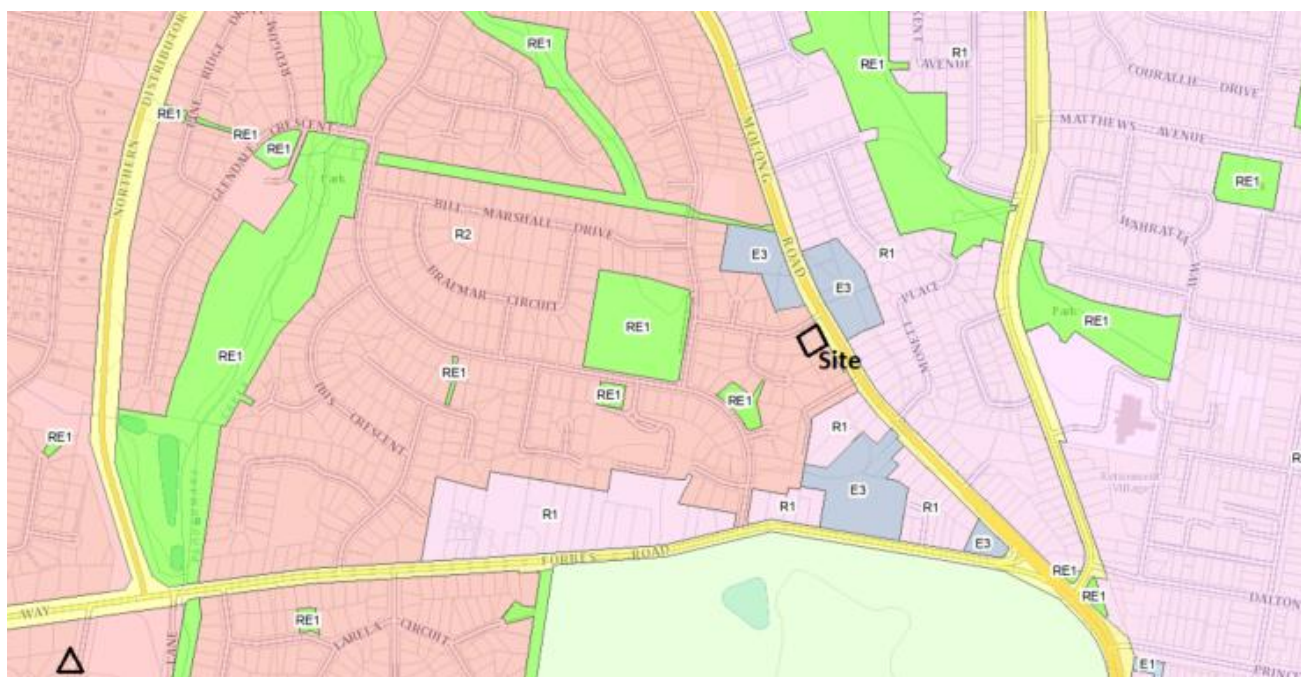


Figure 2 Site context (source: Spatial Viewer 2025)

The lots were created from a subdivision approved in October 1988 (see **Attachment B and B1-B3** for the land title and associated attachments). The planning proposal states the lots were not purposely acquired with the intention to satisfy public open space requirements. Council assumes the land classification arose by the default position of the *Local Government Act*, which automatically classifies Council land as 'community land' unless Council specifically resolves to hold the land as 'operational land'.



Given the public reserve status on the land title of these lots, it is more likely that these parcels were identified as 'community land' when the land classification process commenced in 1993 to reflect their reservation status.

## 2 Need for the planning proposal

The planning proposal indirectly actions Council's *Orange Recreation Needs Study* which found open space meets the existing and future requirements of the community. The reclassification of the site will allow for the development of two residential lots which aligns with council's strategic framework.

The *Local Government Act 1993* stipulates that a planning proposal is the mechanism to reclassify land from 'operational' to 'community'. Accordingly, an amendment to the LEP is the most suitable mechanism to achieve the objectives of the planning proposal.

The planning proposal has been assessed against the provisions of *Practice Note, PN 16-001 - Classification and reclassification of public land through a local environmental plan* which are also outlined in the *Local Environmental Plan Making Guideline* (August 2023)

The site is currently unoccupied and zoned for residential use and has never been used for as a public reserve. The site is not subject to any leases or agreements for its use, nor are there any proposed dealings. Council advises the proceeds of any sale will be returned to Council and held in a property fund to be used in one of Council's projects. The proposal is consistent with the practice note, as explained in Table 3.

**Table 3 - Assessment against Practice Note PN 16-001**

Checklist for proposals to classify or reclassify public land through an LEP	How the planning proposal addresses the checklist
Is the planning proposal the result of a strategic study or report?	Yes, it implements the findings of Council's review of its Recreation Needs Study that found the site was superfluous to Council's needs.
Is the planning proposal consistent with the council's community plan, or other local strategic plan?	Yes, the planning proposal has addressed the consistency with local strategies.
If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided	Council has analysed the provision of open space in the wider area and has concluded that the subject land is superfluous to Council needs. This detail is provided in the planning proposal.
The concurrence of the landowner must be obtained, where the land is not owned by the PPA	N/A
The effect of the reclassification, including loss of open space, any discharge of interests, and/ or removal of public reserve status	See comments above. This is addressed in the planning proposal.
The strategic and site-specific merits of the reclassification and evidence to support this	The planning proposal adequately addresses both strategic and site-specific merit. There are no issues of concern with the proposal.
Does the planning proposal deliver a public benefit?	Yes, it will provide opportunity for additional housing in an existing residential area and utilise existing infrastructure.
Have the implications for open space in the LGA in relation to current and future open space needs been considered and will there be a net gain to open space?	Yes, see discussion above. Open space analysis has concluded the subject land is not required to meet Council's open space requirements for the community.

Checklist for proposals to classify or reclassify public land through an LEP	How the planning proposal addresses the checklist
How funds obtained from any future sale of the land will be used	The report to Council states the proceeds of any sale will be returned to Council and the funds would be held in the property fund for future Council developments and projects.
How council will ensure funds remain available to fund proposed open space sites or improvement referred to in justifying the reclassification, if relevant	Council has not committed to spending the sale funds on directly supporting other open space areas. However, it will be in the property fund that could potentially contribute to open space maintenance or provision.

## 3 Strategic assessment

### 3.1 Regional Plan

The planning proposal is consistent with to the *Central West and Orana Regional Plan 2041* objective 13 to provide well located housing options to meet demand. The proposal will deliver two serviced residential lots in an existing residential area, utilising existing infrastructure.

### 3.2 Local

The proposal states it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in Table 4.

**Table 4 - Local strategy planning assessment**

Local Strategies	Justification
Orange Local Strategic Planning Statement (LSPS) 2020 Orange Local Housing Strategy (LHS) 2022	Council's LSPS and LHS don't specifically reference the site, but the proposal is in keeping with the general goals of the strategies. The proposal will deliver two residential lots which are currently zoned for residential purposes, serviced and located in an area with existing infrastructure. The proposal is generally consistent with the LSPS and LHS.
Recreation Needs Study 2011 Review	<p>A <i>Recreation Needs Study</i> was initially undertaken by Council in 2008, aiming to review access to public recreation spaces and optimise existing facilities. In 2011, Council undertook a review focused on implementing the findings of the 2008 study and additional analyses.</p> <p>The relevant findings of the review are:</p> <ul style="list-style-type: none"> <li>• Orange has an extremely high level of premier parkland in comparison with other LGAs.</li> <li>• There is limited demand for the expansion of Council's open space network.</li> <li>• There is adequate capacity in existing sporting and parkland facilities to meet expected population increases into the future.</li> <li>• Matters for council to consider in future include a reclassification of public land policy to identify that all profits from the sale of excess open space are directed towards the upgrading of recreational facilities.</li> </ul> <p>The planning proposal actions the findings of the <i>Recreation Needs Study</i>. As outlined in the study there is an excess amount of recreation space and the proposal demonstrates the sites are superfluous reserves. The proposal seeks to reclassify the land to be used for residential purposes in keeping with the existing zoning and any future funds will be available for council use.</p>

### 3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed in Table 5.

**Table 5 - Section 9.1 ministerial direction assessment**

Directions	Consistent	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	The objective of this direction is to give effect to the vision, objectives and strategies Regional Plans. The proposal is consistent with the Regional Plan as is discussed in section 3.1.
5.2 Reserving land for public purposes	Yes	The proposal seeks to reclassify the land from community to operational: <ul style="list-style-type: none"> <li>The proposal has been initiated by the relevant public authority land owner (council).</li> <li>The site was not reserved for public purposes by the request of a government authority and is excess open space.</li> </ul> The proposal is consistent with this Direction.
6.1 Residential zones	Yes	This direction applies because the site is zoned residential. The proposal will facilitate the development of two serviced residential lots located in an appropriate location. The proposal will not impact the zoning or density provisions that apply to the site. The proposal is consistent with this Direction.

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is not inconsistent with any SEPPs.

## 4 Site-specific assessment

There are no additional site-specific issues associated with the proposal.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms a condition of the Gateway determination.

### 5.2 Agencies

The proposal does not specifically raise which agencies will be consulted and consultation with agencies is not recommended.

## 6 Timeframe

Council proposes a 6 month time frame to complete the LEP however, the *LEP Plan Making Guidelines* (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.



The Department recommends a LEP completion date of **28 May 2026** in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

As the planning proposal relates to the reclassification of Council land requiring approval from the Governor, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

## 8 Assessment Summary

The planning proposal is supported as it has demonstrated strategic merit and there are no other issues of concern to be addressed.

## 9 Recommendation

It is recommended the delegate of the Minister determine the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal should be made available for community consultation for a minimum of 28 working days.
2. A public hearing is required to be held in accordance with Section 29 of the *Local Government Act 1993* and the Department's Practice Note PN 16-001.
3. The timeframe for the LEP to be completed is on or before 28 May 2025.

Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.

The timeframe for the LEP to be completed is on or before **28 May 2025**



11/08/2025

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