



Mr Garry Fielding
Chair, Western Regional Planning Panel
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Parramatta NSW 2124

enquiry@planningpanels.nsw.gov.au

Dear Mr Fielding

Thank you for your correspondence to the Minister for Planning and Public Spaces about the referral of the Crown Development Application (DA234/208(1) at 129-133 Sale St Orange from the Western Regional Planning Panel (the Panel) under s4.33 of the *Environmental Planning and Assessment Act* 1979. The Minister has asked me to respond on his behalf.

I understand that on the 16 February 2021 the Panel met to consider the above Development Application (Panel ref: PPSWES-40) and were unable to reach agreement with the Crown Applicant (Health Infrastructure NSW) on draft conditions relating to the demolition of one of the buildings on the site (Caldwell House).

In reviewing the referral, the Department of Planning, Industry and Environment have prepared an independent planning assessment report (attached). This report notes that the provisions of clause 12 of *State Environmental Planning Policy – Remediation of Land* (SEPP 55), relating to risks to human health associated with the retention of Caldwell House when compared to its demolition, had not been considered by the Panel during their deliberations.

As a result, I would request the Panel reconsider the application having regard to Clause 12 of SEPP 55, and the independent assessment report.

Please note that the applicant, Health Infrastructure NSW, have also indicated agreement to revised draft conditions having regard to the independent assessment report (attached). These are also attached for the Panel's consideration.

I have asked the Panel secretariat to assist with scheduling a further meeting of the Western Regional Planning Panel to allow for a reconsideration of this matter. As any final Notice of Determination will need to be issued by Orange City Council, it is recommended that both the Council and Health Infrastructure be invited to attend a future Panel meeting. Given the previous determination meeting was a public determination meeting, it is a matter for you as Chair to decide whether to invite and hear from members of the public again.

If you have any questions, please contact Amanda Moylan, Senior Case Manager, Regionally Significant Development, at the Department of Planning, Industry and Environment on 02 9995 5539 or amanda.moylan@planning.nsw.gov.au.

Yours sincerely



15/9/2021

Monica Gibson
Executive Director
Local and Regional Planning

Enc:

1. Independent Assessment Report (Feb 2021)
2. Agreed Draft Conditions of Consent