



Mr David Waddell  
Acting General Manager  
Orange City Council  
PO Box 35  
ORANGE NSW 2800

Dear Mr Waddell

**Planning proposal [PP\_2018\_ORANG\_004\_00] to amend Orange Local Environmental Plan 2011 – Administrative amendment No.24**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 4 March 2019, 24 May 2019 and 29 May 2019 in respect of the planning proposal to amend multiple planning controls of the Orange Local Environmental Plan (LEP) 2011.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions (1.1 Business and Industrial Zones, 1.3 Mining, Petroleum Production and Extractive Industries and 6.3 Site Specific Provisions) are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions (4.3 Flood Prone Land). Council should ensure this occurs prior to the plan being made.

Due to the complex nature of the planning proposal, please refer to the Gateway determination condition 2. This requires an amended planning proposal which reflects the final approved planning proposal be prepared before community consultation.

The Department would like to congratulate Council on their local strategic work completed so far. It is recommended for the Calton Road area to be considered in future strategic work.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority given Council's interest in some of the land affected by the proposal.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 10 weeks prior to the projected publication date.

To ensure the status of this planning proposal remains accurate on the LEPs Online System, please inform the Department of the dates of community consultation before it occurs. You can contact the Department at [westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au).

All related files for LEP Amendment, including PDF Maps, Map Cover Sheet, planning proposal document and GIS Data, if available, must be submitted to the Department via the Planning Portal website at [data.planningportal.nsw.gov.au](http://data.planningportal.nsw.gov.au). To submit the data, Council is required to create an account and log in using these details.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Nikki Pridgeon from the Department of Planning, Industry and Environment, Western Region office, to assist you. Ms Pridgeon can be contacted on 5852 6800.

Yours sincerely



19.6.19

**Damien Pfeiffer**  
**Director Regions, Western**  
**Planning Services**

Encl:  
Gateway determination  
Attachment 1