

## Gateway Determination

*Planning proposal (Department Ref: PP\_2018\_ORANG\_004\_00): Administrative amendment (No. 24) of the Orange Local Environmental Plan 2011*

I, the Director Region, Western 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 (LEP) 2011 to amend multiple planning controls should proceed subject to the following conditions:

1. Prior to community consultation, Council is to undertake a preliminary review of the 1 Barrett Street land. Council is to prepare an initial site contamination investigation report that satisfies the requirements of State Environmental Planning Policy (SEPP) 55—Remediation of Land to demonstrate that the land is suitable for rezoning to the proposed R1 General Residential zone. The preliminary review and initial site contamination report are to be placed on public exhibition with the planning proposal.
2. Prior to community consultation the planning proposal is to be updated to include amendments listed in **Attachment 1**. Council is to provide the Department with a copy of the amended planning proposal for approval to proceed to community consultation.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2018).
4. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act and to comply with the requirements of section 9.1 Direction 4.3 Flood Prone Land:
  - State Emergency Services.
  - Office of Environment and Heritage.

Each public authority 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.

5. 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).
6. Prior to submission of the planning proposal under section 3.36 of the Act, the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps 2018'. An additional permitted use map must be prepared for the 120 Calton Road land.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 19<sup>th</sup> day of June 2019.



**Damien Pfeiffer**  
**Director Regions, Western**  
**Planning Services**  
**Department of Planning, Industry and**  
**Environment**

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