



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

Attention: Paul Johnston, Manager Development Services

Dear Mr Waddell

Planning proposal (PP_2019_ORANG_001_00) to amend Orange Local Environmental Plan 2011 – Amendment 26 – 1517 Forest Road, Orange – Retail development.

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 28 April 2020 in respect of the planning proposal to facilitate retail development at 1517 Forest Road, Orange.

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 and 3.1 Residential Zones) 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 (6.3 Site Specific Provisions). Council should ensure this occurs prior to the plan being made.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office (parliamentary.counsel@pco.nsw.gov.au) 10 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment, Western Region office (westernregion@planning.nsw.gov.au) for administrative purposes.

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 www.planningportal.nsw.gov.au. To submit the data, Council is required to create an account and log in using these details.

In accordance with “A guide for the preparation of local environmental plans”, Authorised plan making reporting template is enclosed for Council’s information. Table 2 of the attachment is to be completed and included in Council’s section 3.36 submission when requesting the planning proposal be finalised.

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, Planning Officer, from the Department of Planning, Industry and Environment, Western Region office, to assist you. Ms Pridgeon can be contacted on 5852 6800.

Yours sincerely

5.5.20

Damien Pfeiffer
Director, Western Region
Local and Regional Planning

Encl: Gateway determination
Authorised plan-making reporting template