



Mr David Waddell
Chief Executive Officer
Orange City Council
PO Box 35
Orange NSW 2800

Attention: Paul Johnston, Manager Development Assessments

Dear Mr McMahon

Planning proposal (PP_2020_ORANG_001_00) – Additional Permitted Uses at Lot 100 and DP739023, 1 Leewood Drive, Orange.

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* in respect of the planning proposal to allow additional permitted uses on Lot 100 and DP739023, 1 Leewood Drive, 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.

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) 6 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 <https://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data>. 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 further enquiries about this matter, I have arranged for 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



26.5.20

Damien Pfeiffer
Director Western Regions
Local & Regional Plan

Encl: Gateway determination
Authorised plan-making reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2020_ORANG_001_00): to allow additional permitted uses on Lot 100 DP 739023, 1 Leewood Drive, Orange.

I, the Director, Western Region Western at the Department of Planning, Industry 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* that an amendment to the Orange Local Environmental Plan (LEP) 2011 to allow additional permitted uses on Lot 100 DP 739023, 1 Leewood Drive, Orange should proceed subject to the following conditions:

1. Prior to public exhibition, a revised and consolidated planning proposal is to be prepared which addresses the following:
 - a. revise the proposal documents to clearly identify the intent and details of the planning proposal is to use an “Additional Permitted Use” mechanism and the specified proposed uses;
2. 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, Industry and Environment, 2018).
3. 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).
4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.

5. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps, must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017. An "Additional Permitted Use" map is required.
6. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination.

Dated 26th day of May 2020.



Damien Pfeiffer
Director, Western Regions
Local & Regional Planning
Department of Planning and
Environment

Delegate of the Minister for Planning

Attachment 5 – Authorised plan-making reporting template

Reporting template for authorised LEP amendments

Notes:

- The planning proposal number will be provided by the Department of Planning, Industry and Environment following receipt of the planning proposal.
- The Department will fill in the details of Tables 1 and 3.
- The local plan-making authority is to fill in the details of Table 2.
- If the planning proposal is exhibited more than once, the local plan-making authority should add rows to **Table 2** to include this information.
- The local plan-making authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date.
- The plan should be signed using the following format:
 [Name]
 [Title]
 [Council name]
 Delegate of [Council name], the local plan-making authority [date]
- A copy of this completed report must be provided to the Department with the local plan-making authority's request to have the LEP notified.

Table 1: To be completed by the Department

Stage	Date/Details
Planning proposal number	PP_2020_BATHU_001_00
Date sent to DPIE under section 3.34(1)	28 April 2020
Gateway determination date	26 May 2020

Table 2: To be completed by the local plan-making authority

Stage	Date/Details	Notified regional office
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date draft LEP requested from PCO		
Date draft LEP received from PCO		
Date PCO Opinion requested		
Date PCO Opinion received		
Date GIS data or maps provided/requested		
Date ePlanning confirmed mapping is suitable and sent to PCO		
Date LEP finalised		
Date sent to DPIE requesting notification		

Table 3: To be completed by the Department

Stage	Date/Details
Notification date and details	

Additional relevant information: