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Our ref: PP_2010_FORBE_001_00 (10/02403-1)
Your ref: PRB/BW H15/008

Mrs Carissa Bywater
General Manager
Forbes Shire Council
PO Box 333
FORBES NSW 2871

Dear Ms Bywater,

Re: Planning Proposal in relation to River Road Precinct, Forbes

I am writing in response to your Council's letter dated 25 January 2010 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend Forbes Local Environmental Plan 1986 to vary the minimum allotment size for dwellings from 10 hectares to 2 hectares in relation to land in the River Road Precinct.

As delegate of the Minister for Planning, I have now determined that the planning proposal should not proceed for the reasons outlined in the attached Gateway Determination.

Although I am not in a position to deliver a positive Gateway Determination at this stage, I would be prepared to consider a revised proposal based on the results of detailed environmental studies, which address flooding and groundwater issues. If Council decides to pursue this approach, it should liaise closely with the Department of Environment and Climate Change and the State Emergency Service during the preparation of the studies and advise the Department of the outcome of these discussions.

Should you have any queries in regard to this matter, please contact Robert Bisley of the Regional Office of the Department.

Yours sincerely,

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_FORBE_001_00): to vary the minimum allotment size for dwellings from 10ha to 2ha in relation to the River Road Precinct, Forbes.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act in respect of the planning proposal to amend Forbes Local Environmental Plan 1986 to vary the minimum allotment size for dwellings from 10 hectares to 2 hectares in relation to land in the River Road Precinct should not proceed for the following reasons:

1. The area covered by the Planning Proposal is constrained in relation to more intensive residential development as it is entirely subject to 1:100 year flooding and parts of the site are located in the high hazard floodway.
2. Inadequate justification has been provided in relation to the inconsistency of the Planning Proposal with s117 Direction 4.3 – Flood Prone Land.
3. Significant expectation of increased development potential would be established for the land subject to this Planning Proposal which would be unlikely to eventuate.

Dated 23rd day of February 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate for the Minister for Planning