



Planning & Environment

Mr Brian Steffen
General Manager
Forbes Shire Council
PO Box 333
Forbes NSW 2871

COPY

14/20967

Dear Mr Steffen

Planning proposal to amend Forbes Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) for a planning proposal to amend the minimum lot size controls for land on the southern fringe of Forbes.

As delegate of the Minister for Planning, I have determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I note that the subject land is identified as 'low hazard flood fringe' and 'low hazard flood storage' under the *Forbes Development Control Plan 2013*. A flood study for land in this area, undertaken in 2013, did not include the subject site and therefore insufficient justification is provided for the intensification of residential development without understanding the impact of stormwater flows and storage and appropriate measures to minimise these risks.

Council is therefore requested to undertake a Flood Study and Floodplain Management Plan in consultation with the Office of Environment and Heritage and the Office of Water prior to the commencement of public exhibition.

Having considered the nature of Council's planning proposal, I have also decided to issue an authorisation for Council to exercise delegation to make this plan. Council is reminded however, that it cannot exercise this delegation should there be an unresolved agency objection. Council is to address the inconsistencies with s117 Direction 4.3 Flood Prone Land and satisfy the Department that inconsistencies are of minor significance prior to the finalisation of the plan.

The amending Local Environmental Plan is to be finalised within **12 months** of the week following 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 Local Environmental Plan should be made directly to Parliamentary Counsel's Office **6 weeks** prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment's regional team for administrative purposes.

Should you have any queries in regard to this matter, please contact Mr Ashley Albury of the Department's Western Region team, on (02) 6841 2186.

Yours sincerely

Marcus Ray
Deputy Secretary
Planning Services
16/02/2015
Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2015_FORBE_001_00): to amend the minimum lot size for 23 allotments located on the southern fringe of the Forbes Town Centre.

I, the Deputy Secretary, Planning Services, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that a proposal to reduce the minimum lot size for land at Raymond Street, Forbes from 4,000m² to 1,500m² should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to prepare a Flood Study and Floodplain Management Plan that seeks to determine the extent and risks of potential flooding on the site and measures necessary to mitigate these risks.
2. Prior to undertaking public exhibition, Council is to seek advice from the NSW Office of Water and NSW Office of Environment and Heritage following the preparation of the Flood Study and Floodplain Management Plan and address any concerns and comments provided by the public agencies.
3. Council is to address inconsistencies with s117 Direction 4.3 Flood Prone Land prior to the commencement of public exhibition and satisfy the Department of these inconsistencies prior to the finalisation of the plan.
4. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning 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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Environment 2013).
5. A public hearing is not required to be held into the matter by any person or body under section 56(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. The timeframe for completing the Local Environmental Plan is to be **12 months** from the week following the date of the Gateway determination.

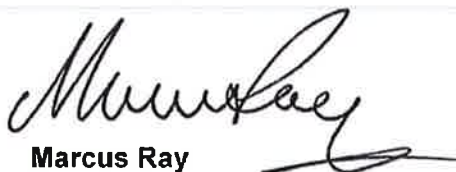
Dated

16th

day of

April

2015.



Marcus Ray
Deputy Secretary
Planning Services

Delegate of the Minister for Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Forbes Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_FORBE__001_00	Planning proposal to reduce the minimum lot size for land located on the southern fringe of the Forbes Town Centre from 4000m ² to 1500m ² .

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

Dated 16 April 2015


Marcus Ray
Deputy Secretary
Planning Services

COPY

Attachment 5 – Delegated plan making reporting template
Reporting template for delegated Local Environmental Plan
amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- The Relevant Planning Authority is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the Relevant Planning Authority should add additional rows to **Table 2** to include this information
- The Relevant Planning Authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible Plan Making Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the Relevant Planning Authority's request to have the Local Environmental Plan (the Plan) notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2015_FORBE_001_00
Date Sent to Department under s56	16 march 2015
Date considered at LEP Review Panel	26 March 2015
Gateway determination date	16 April 2015

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft Plan exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt Plan		
Date Plan made by GM (or other) under delegation		
Date sent to the Department requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: