



qB166708

11/06678

Department Generated Correspondence (Y)

Contact: Megan Jones
Phone: (02) 6841 2180
Fax: (02) 6884 8483
Email: Megan.Jones@planning.nsw.gov.au
Postal: PO Box 58, Dubbo NSW 2830

Our ref: PP_2011_FORBE_001_00 (10/21182)

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

Dear Mrs Bywater,

Re: Planning Proposal to rezone the former Forbes saleyards site at 22-40 Newell Highway, Forbes from 4(a) Industrial to a "Business Support" zone modelled on the B5 Business Development zone in the Standard Instrument

I am writing in response to your Council's letter 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 the Forbes Local Environmental Plan 1986 to rezone the former Forbes saleyards site at 22-40 Newell Highway, Forbes from 4(a) Industrial to a "Business Support" zone modelled on the B5 Business Development zone in the Standard Instrument, to permit development of the site for bulky goods retail, and a truck stop with restaurant, truck wash/service facilities and accommodation.

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

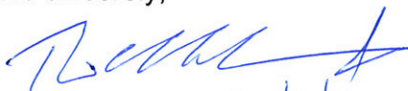
The Department supports the intent of the planning proposal and the desired land use outcomes for the site. However, the proposed mechanism to achieve the outcome is not supported. The Gateway has determined to progress the planning proposal through the inclusion of the Standard Instrument definition for 'bulky goods premises' in Clause 5(1) of the LEP, and to remove 'restaurants' as a prohibited use from the 4(a) Industrial zone land use table.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council is encouraged to commence the exhibition and finalise the Planning Proposal within a shorter timeframe following receipt of this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Megan Jones of the Regional Office of the Department on 02 6841 2180.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

27/4/11

Gateway Determination

Planning Proposal (Department Ref: PP_2011_FORBE_001_00): to rezone the former Forbes saleyards site at 22-40 Newell Highway, Forbes from 4(a) Industrial to a "Business Support" zone modelled on the B5 Business Development zone in the Standard Instrument

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Forbes Local Environmental Plan 1986 to rezone the former Forbes saleyards site at 22-40 Newell Highway, Forbes from 4(a) Industrial to a "Business Support" zone modelled on the B5 Business Development zone in the Standard Instrument, to permit development of the site for bulky goods retail, and a truck stop with restaurant, truck wash/service facilities and accommodation should proceed subject to the following conditions:

1. The Standard Instrument definition for 'bulky goods premises' is to be inserted into Clause 5(1) of Forbes LEP 1986.
2. The planning proposal is to remove 'restaurants' from the list of prohibited land uses in the 4(a) Industrial zone.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Roads and Traffic Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
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 EP&A 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 LEP is to be **9 months** from the week following the date of the Gateway determination.



Planning & Infrastructure

Dated 27th day of April 2011.

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