



Mr Danny Green  
General Manager  
Forbes Shire Council  
PO Box 333  
FORBES NSW 2871

17/08935

**Attention: Mr Paul Bennett, Director Environmental Services and Planning**

Dear Mr Green,

**Planning Proposal to amend the Forbes Local Environmental Plan 2013 to reclassify four public reserves (5 Lots) and extinguish Council's interest in the land.**

I am writing in response to your Council's letter dated 20 June 2017 and subsequent additional information provided on 19 July 2017 requesting a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act, 1979* (the Act) in respect of the planning proposal to amend the Forbes LEP 2013 to reclassify Clematis Street Park, Sister Gardenia Park, Carrington Gardens and Reymond Street Park from Community Land to Operational Land and extinguish Council's interest in the land with the intention to sell the subject lots.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.  
**(Attachment 1)**

I am satisfied that the planning proposal's inconsistency with Section 117 Direction 6.2 Reserving Land for Public Purposes is of minor significance. In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public reserve purposes on the basis that Council has demonstrated it has sufficient public reserves and open space. No further approval is required in relation to this Direction.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the Department of Planning and Environment's LEP practice note *PN16-001, Classification and reclassification of public land thorough a local environmental plan*.

Council is also reminded of its obligation under the *Local Government Act, 1993* when undertaking a reclassification of land.

Should the reclassification proceed for the land known as Reymond Street Park Council is reminded of the flood affectation of the land.

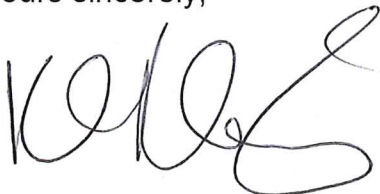
The Minister delegated plan making powers to Councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan due to Council's interest in the subject land and that the Governors approval is required to extinguish interests in the land.

The amending Local Environmental Plan (LEP) 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 for the Department of Planning and Environment to draft and finalise the LEP should be made 10 weeks prior to the projected publication date. Council's request to finalise the LEP should be made to the Department of Planning and Environment ([westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)).

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 54(2)(d) of the *Environmental Planning & Assessment Act, 1979* if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Deniz Kilic of the Departments Western Region office to assist you. Mr Kilic can be contacted on (02) 6841 2180.

Yours sincerely,



**Katrine O'Flaherty**  
**Director Regions, Western**  
**Planning Services**

27/07/2012

Encl:  
Attachment 1 – Gateway determination





## Gateway Determination

**Planning Proposal (Department Ref: PP\_2017\_FORBE\_002\_00):** to reclassify four public reserves (5 lots) and extinguish Council's interest in the land.

I, the Director Regions, Western 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* that an amendment to the Forbes Local Environmental Plan (LEP) 2013 to reclassify four public reserves and extinguish Council's interest in the land. should proceed subject to the following conditions:

1. Amend the Planning Proposal to include additional information provided and amend Part 2 Explanation of Provisions, to note that the proposal will amend the Forbes Local Environmental Plan 2013 by including the subject lots as operational land in Schedule 4 Classification and reclassification of public land Part 2 Land classified, or reclassified, as operational land – interests changed, prior to community consultation.
2. Prior to community consultation the planning proposal is to be amended to address Section 117 Direction 5.10 - Implementation of Regional Plans. This work is to address the final Central West and Orana Regional Plan.
3. Community consultation is required under Sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **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 Proposal as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.

No consultation is required with public authorities under Section 56(2)(d) of the *Environmental Planning and Assessment Act, 1979*.

4. Forbes Shire Council is to conduct a public hearing in accordance with the requirements of Section 57 of the *Environmental Planning and Assessment Act 1979*, and Section 29 of the *Local Government Act 1993*, as the Planning Proposal involves reclassification of land from Community Land to Operational Land.
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

27<sup>th</sup> day of July

2017.

**Katrine O'Flaherty**  
Director Regions, Western  
Planning Services  
Department of Planning and Environment  
Delegate of the Minister for Planning