

Gateway Determination

Planning proposal (Department Ref: PP_2019_FORBE_002_00): to amend Schedule 1, Additional Permitted Uses of the Forbes Local Environmental Plan 2013 for Lot 6 DP 619205 and Lot 1 DP 242593, River Road, Forbes

I, the Director, Western Region 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* (the Act) that an amendment to the Forbes Local Environmental Plan (LEP) 2013 to permit with consent, subdivision into five (5) lots with each lot being for the purpose of a dwelling house at Lot 6 DP 619205 and Lot 1 DP 242593, River Road, Forbes should proceed subject to the following conditions:

1. The planning proposal should be revised before public exhibition to;
 - (a) Explain the intent of the Additional Permitted Use clause rather than recommend specific clause wording.
 - (b) Address the section 9.1 Ministerial Direction 5.10 Implementation of Regional Plans, and 6.3 Site Specific Provisions.
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 is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2018) and must be made publicly available for a minimum of **14 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. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - NSW State Emergency Service.
 - Department of Planning, Industry and Environment – Biodiversity and Conservation Division (regarding flooding).

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. 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).
5. 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.
6. Prior to the submission of the planning proposal under section 3.36 of the Act, an Additional Permitted Use map must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
7. The time frame for completing the LEP is to be **six (6) months** following the date of the Gateway determination.

Dated 10 day of October 2019.



Damien Pfeiffer
Director, Western Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces