

- 2 JAN 2019

PP\_2018\_FORBE\_002\_00 / IRF18/6803

Mr Steve Loane  
General Manager  
Forbes Shire Council  
PO Box 333  
FORBES NSW 2871

Dear Mr Loane

**Planning proposal [PP\_2018\_FORBE\_002\_00] to amend Forbes Local Environmental Plan 2013 – SP3 Tourist zone.**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 7 December 2018 in respect of the planning proposal to include 'highway service centre' and 'service centre' as permissible with consent in SP3 Tourist zone.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction (3.4 Integrating Land Use and Transport) is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions (2.1 Environment Protection Zones and 4.3 Flood Prone Land). Council should ensure this occurs prior to public exhibition.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway determination for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of 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 LEP should be made directly to Parliamentary Counsel's Office ([parliamentary.counsel@pco.nsw.gov.au](mailto:parliamentary.counsel@pco.nsw.gov.au)) 10 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment ([westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)) for administrative purposes.

All related files for LEP amendment, including PDF maps, Map Cover Sheet, planning proposal document and GIS data, if available, must be submitted to the Department via the Planning Portal Website at [www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data](http://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data). To submit the data, Council is required to create an account and log in using these details.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Nikki Allen to assist you. Ms Allen can be contacted on 5852 6800.

Yours sincerely



18.12.18

**Damien Pfeiffer**  
**Director Regions, Western**  
**Planning Services**

Encl: Gateway determination  
Authorised plan-making reporting template

## Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_FORBE\_002\_00):** to include 'Highway Service Centre' and 'Service Station' as permissible with consent in SP3 Tourist zone.

I, the Director Regions, Western at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 include 'Highway Service Centre' and 'Service Station' as permissible with consent in SP3 Tourist zones should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
2. 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 section 9.1 Directions 2.1 Environmental Protection Zones and 4.3 Flood Prone Land:
  - Roads and Maritime Services
  - State Emergency Services
  - Office of Environment and Heritage
  - Environmental Protection Authority
  - Department of Industry – Water

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.

3. 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).

4. 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.
5. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 18<sup>th</sup> day of December 2018.



**Damien Pfeiffer**  
**Director Regions, Western**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**



## Attachment 5 – Authorised plan-making reporting template

### Reporting template for authorised LEP amendments

#### Notes:

- The planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal.
- The Department will fill in the details of Tables 1 and 3.
- The local plan-making authority is to fill in the details of Table 2.
- If the planning proposal is exhibited more than once, the local plan-making authority should add rows to **Table 2** to include this information.
- The local plan-making authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date.
- The plan should be signed using the following format:  
[Name]  
[Title]  
[Council name]  
Delegate of [Council name], the local plan-making authority [date]
- A copy of this completed report must be provided to the Department with the local plan-making authority's request to have the LEP notified.

**Table 1: To be completed by the Department of Planning and Environment**

Stage	Date/Details
Planning proposal number	PP_2018_FORBE_002_00
Date sent to DPE under section 3.34(1)	03.12.18
Gateway determination date	18.12.18

**Table 2: To be completed by the local plan-making authority**

Stage	Date/Details	Notified regional office
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date draft LEP requested from PCO		
Date draft LEP received from PCO		
Date PCO Opinion requested		
Date PCO Opinion received		
Date GIS data or maps provided/requested		
Date ePlanning confirmed mapping is suitable and sent to PCO		
Date LEP finalised		
Date sent to DPE requesting notification		



**Table 3: To be completed by the Department of Planning and Environment**

Stage	Date/Details
Notification date and details	

**Additional relevant information:**