



PP_2018_Forbes__001_00

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

Dear Mr Loane

Planning Proposal PP_2018_Forbes__001_00 to amend Forbes Local Environmental Plan 2013 – model boundary adjustment clause.

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) respect of the planning proposal to insert a model clause into the Forbes Local Environmental Plan 2013. The proposal will allow minor boundary adjustments between lots in the RU1 Primary Production and RU4 Primary Production Small Lots zones, that are below the minimum lot size and/or where there may be an existing dwelling.

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

Plan making powers were delegated to Councils by the Minister 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 to issue an authorisation for Council to exercise delegation to make this plan (Attachment 2).

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) 10 weeks prior to the projected publication date.

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 <https://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.

A copy of the request should be forwarded to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) for administrative purposes.

In accordance with "A guide for the preparation of local environmental plans" attachment 5 – Delegated plan making reporting template is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 59 submission and forwarded to the westernregion@planning.nsw.gov.au when requesting the planning proposal be finalised.

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 for Planning may take action under section 54(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 Mr Haydon Murdoch to assist you. Mr Murdoch can be contacted on (02) 6841 2180.

Yours sincerely



Damien Pfeiffer
Director Regions, Western
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template

Gateway Determination

Planning Proposal (Department Ref: PP_2018_Forbes_001_00): to Insert a model clause into the Forbes Local Environmental Plan 2013, to allow minor boundary adjustments between lots in the RU1 Primary Production and RU4 Primary Production Small Lots zones, that are below the minimum lot size and/or where there may be an existing dwelling.

I, the Director Regions, Western, at the Department of Planning and Environment as delegate of the Minister, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Forbes Local Environmental Plan (LEP) 2013 to insert a model clause to allow minor boundary adjustments between lots in the RU1 Primary Production and RU4 Primary Production Small Lots zones that are below the minimum lot size and/or where there may be an existing dwelling should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the planning proposal is to be revised as follows:
 - a. Amend the planning proposal to address the relevant directions in the Central West and Orana Regional Plan 2036.
 - b. Amend the planning proposal to address section 117 Direction 5.10 Implementation of Regional Plans and remove reference to 5.1 Implementation of Regional Strategies.
2. Prior to community consultation, consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the Act. NSW Rural Fire Service 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. 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 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 proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Environment 2016).
4. 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).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 23 day of January 2018.

A handwritten signature in black ink, appearing to read 'D. Pfeiffer', written over a horizontal line.

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

Delegate of the Minister of Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

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

Number	Name
PP_2018_Forbes__001_00	Planning proposal to insert a model clause into the Forbes Local Environmental Plan 2013, to allow minor boundary adjustments between lots in the RU1 Primary Production and RU4 Primary Production Small Lots zones, that are below the minimum lot size and/or where there may be an existing dwelling.

In exercising the Minister's functions under section 59 of the Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 23-1 2018



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

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP 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
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA 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
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

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

Stage	Date/Details
Planning Proposal Number	PP_2018_Forbes_001_00
Date Sent to DP&E under s56	20 December 2017
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	23 January 2018

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

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

Stage	Date/Details
Notification Date and details	