



# PLANNING PROPOSAL

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## Insertion of the Boundary Adjustment Model Clause into the Forbes Local Environmental Plan 2013

*November 2017*

**Prepared by:**  
Forbes Shire Council  
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The proposed boundary adjustment model clause will not create the opportunity for further dwellings and therefore will not require public infrastructure. However given the proposed boundary adjustment clause will apply to all RU1 Primary Production and RU4 Primary Production small lots the public infrastructure requirements cannot be assessed at this level and would need to be assessed at the individual development application level. ....**Error! Bookmark not defined.**

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## **SUMMARY**

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This planning proposal seeks to insert the boundary adjustment model clause into the Forbes Local Environmental Plan 2013, to address boundary adjustments on land within rural zones where the lot is below the minimum lot size.

## INTRODUCTION

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The Forbes Local Environmental Plan (LEP) 2013 was implemented on the 9 August 2013. As a result of the operation of the plan it has been identified that the boundary adjustment model clause would need to be inserted into the Forbes Local Environmental Plan 2013 to facilitate boundary adjustments upon rural and environmental zoned land where the lot is below the minimum lot size.

The planning proposal proposes the following change to the Forbes Local Environmental Plan 2013:

1. To amend the Forbes Local Environmental Plan 2013 to insert an additional clause- being the model boundary adjustment clause, to provide clarity for rationalisation of allotment boundaries for rural zoned land for agricultural purposes, particularly where existing dwellings are situated upon rural lots below the minimum lot size.

The Planning Proposal addresses each of the items under the various parts in the following report.

## **SCOPE OF REPORT**

This Planning Proposal has been prepared in accordance with the NSW Department of Planning's (DoP) advisory documents 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'. The latter document requires the Planning Proposal to be provided in five (5) parts, these being;

- Part 1 – A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 – An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 – The justification for those objectives, outcomes, and provisions and the process for their implementation;
- Part 4 – Mapping (no mapping changes form a part of this planning proposal); and
- Part 5 – Details of the community consultation that is to be undertaken with the Planning proposal. Part 5 would be confirmed following a Gateway Determination of this Planning Proposal by the Department of Planning.

## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

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The intent of this clause is to allow logical variation to rural lot boundaries to allow them to adjust to changing demands and meet agricultural needs. For example, two adjacent farmers could swap some land to achieve better boundaries (e.g. aligned to a watercourse or unbroken by local roads) or one farmer can buy additional land from a neighbour to increase their production. The current controls would not cater for many circumstances where this is required below the minimum lot size where there are existing dwellings.

The introduction of this clause would enable Council to adjust lots that are already below the minimum lot size and possibly more than a 'minor' amount (or 10%) where there may be an existing dwelling BUT they would not create a new dwelling entitlement and would not allow the creation of de-facto concessional lot and would be subject to a range of appropriate assessment tools to prevent environmental or neighbour impacts.

## PART 2 – EXPLANATION OF PROVISIONS

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Since the implementation of the Forbes Local Environmental Plan 2013 Council has received an increasing number of enquires seeking to amend rural allotment boundaries generally between two existing allotment thereby increasing the area of the agricultural allotment while decreasing the area of land surrounding an existing dwelling- such that the dwelling lot by default equates to a lifestyle allotment. In other instances, proposals to adjust farm allotments as part of farm adjustment and transfer of agricultural land between adjoining land owners have agricultural merit, however where allotments are below the 200ha, 40ha and 100ha minimum lot size and contain an existing dwelling the LEP, Rural SEPP and Exempt Development SEPP do not align to enable clear planning principles for considering such requests.

Conflict arising from inappropriate land use, including friction arising from land use conflict between rural farm activity and lifestyle/ concessional allotment land holders, is likely to increase within the Forbes area hence the perceived need for a specific LEP clause to address boundary adjustments.

Council staff has reviewed the model clause of the Department and also similar clauses that have been inserted into Cabonne and Blayney Shire Council's LEPs.

It is proposed that Forbes Shire Council adopt and LEP amendment provisions similar to that currently proposed by the other CENTROC Council's. This clause would apply to rural zones (RU1 Primary Production and RU2 Rural Landscape). The following wording is indicative (subject to legal review):

### *4.2E Boundary changes between lots in certain rural zones*

- (1) The objective of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land but the objectives of the relevant zone can be achieved.*
- (2) This clause applies to land in any of the following zones:
  - (a) Zone RU1 Primary Production,*
  - (b) Zone RU4 Rural Small Holdings,**
- (3) Despite clause 4.1, development consent may be granted to subdivide land by way of boundary adjustment between adjoining lots where 1 or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land if the consent authority is satisfied that:
  - (a) the subdivision will not create additional lots or the opportunity for additional dwellings (beyond that already permitted on the lot prior to the boundary adjustment), and*
  - (b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and*
  - (c) the potential for land use conflict will not be increased as a result of the subdivision, and*
  - (d) the agricultural viability of the land will not be adversely affected as a result of the subdivision.**

## OBJECTIVE OF THE PROPOSED CLAUSE

In the standard clauses adopted by other councils there are a number of different versions of the objective of this clause but they all seek to achieve the same thing with Cabonne's objective (most recent) shown below:

*The objective of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land but the objectives of the relevant zone can be achieved.*

The objective of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land but the objectives of the relevant zone can be achieved.

The Applicant seeking to use this clause should demonstrate how the boundary adjustment will facilitate or enhance the primary purposes / objectives of the relevant zone(s) i.e. the rural zone objectives.

There is potential to add the words to the end of the above objective as follows: '...and do not create any additional dwelling entitlement above that permissible on the lot without any boundary adjustment'. However, this is relatively clear in the rest of the clause so it may not be required.

## PART 3 – JUSTIFICATION

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### Section A – Need For The Planning Proposal

#### 1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of a specific study or report. The issues that the Planning Proposal addresses have been identified through operational experience with the new LEP and community feedback.

#### 2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the appropriate means of achieving the intended outcomes identified in Part 2.

1. The Planning Proposal seeks to provide guidance to allow consolidation and rationalisation of rural land lot boundaries.

### Section B – Relationship to the strategic planning framework

#### 3. Is the planning proposal consistent with the objectives and actions of the applicable regional or subregional strategy?

The planning proposal is consistent with the Central West and Orana Regional Plan 2036 and the Forbes Growth Management Plan 2009.



#### 4. Is the Planning proposal consistent with Council's local strategy or other local strategic plan?

##### Forbes Shire Growth Management Strategy 2009

The planning proposal is consistent with the Forbes Shire Growth Management Strategy 2009, as there will not be further opportunities for additional dwellings and will not result in the fragmentation of RU1 Primary Production and RU4 Primary Production Small Lot zoned land. This will be managed within future boundary adjustment subdivision applications through assessing the compliance of the proposed boundary adjustment against the proposed clause. If the subdivision does not comply with the clause the subdivision could not proceed.

#### 5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

##### SEPP (Rural Lands) 2008

The insertion of the boundary adjustment model clause for RU1 Primary Production and RU4 Primary Production Small Lots is consistent with the Rural Subdivision Principles as the proposed clause will:

- Not allow subdivisions that create the opportunity for additional dwellings,
- The number of dwellings permissible on each lot will remain the same as before the subdivision, and
- The potential land use conflict will not be increased.

The requirement for a boundary adjustment to meet this criterion will ensure that there are no opportunity for further rural land fragmentation of rural land and will not increase the potential for land use conflicts between rural and residential properties.

No.	SEPP Title	Applicable to Planning Proposal	Consistency
1	Development Standards	No – does not apply to land in Forbes Local Government Area (LGA) since implementation of Forbes Local Environmental Plan (LEP) 2013. It only applies to land that is situated within the deferred matter that is still subject to the Forbes LEP 1986.	N/A
14	Coastal wetlands	Not applicable	N/A

19	Bushland in urban areas	Not applicable	N/A
21	Caravan Parks	Not applicable	N/A
22	Shops and commercial premises	Not applicable	N/A
26	Littoral rainforests	Not applicable	N/A
29	Western Sydney Recreation Area	Not applicable	N/A
30	Intensive agriculture	Not inconsistent with SEPP	Yes
32	Urban Consolidation (Redevelopment of urban land)	Not applicable	N/A
33	Hazardous and Offensive industry	Not applicable	N/A
36	Manufactured home estate	Not applicable	N/A
44	Koala Habitat Protection	Consistent with the objective to conserve land forming part of a national park.	Yes
47	Moore Park Showground	Not applicable	N/A
50	Canal Estate Development	Not applicable	N/A
52	Farm dams and other works in land and	Not applicable	N/A

	waste management plan areas		
55	Remediation of land	Not applicable to the planning proposal. SEPP 55 will form a part of the assessment of future development applications for subdivision.	Yes
62	Sustainable aquiculture	Not applicable	N/A
64	Advertising and signage	Not applicable	N/A
65	Design Quality of residential flat development	Not applicable	N/A
70	Affordable housing	Not applicable	N/A
71	Coastal protection	Not applicable	N/A
	Affordable renting housing	Not applicable	N/A
	Building Sustainability Index: BASIX 2004	Not applicable	N/A
	Exempt and Complying Development Codes 2008	Applicable to the Forbes LGA, however there is nothing in this policy that is applicable to this planning proposal.	N/A
	Housing for seniors and people with a disability 2004	Applicable	Yes

	Infrastructure 2007	Applicable	Yes
	Kosciuszko National Park Alpine Resorts 2007	Not Applicable	N/A
	Major Developments 2005	Not applicable	N/A
	Mining, Petroleum Production and Extractive Industries	Applicable	Yes
	Rural lands 2008	Applicable	Yes
	State & regional development 2011	Not applicable	N/A
	Sydney Drinking Water Catchment 2011	Not applicable	N/A
	Sydney Region Growth Centres 2006	Not applicable	N/A
	Urban Renewal 2010	Not applicable	N/A
	Western Sydney Employment Area 2009	Not applicable	N/A
	Western Sydney Parklands 2009	Not applicable	N/A
	State Environmental Planning Policy (Vegetation in Non-	Not applicable to this planning proposal.	N/A

	Rural Areas) 2017		
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**6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?**

<b>1. Employment and resources</b>			
No.	Direction Title	Compliance	Comment
1.1	Business and industrial zones	Yes	No impact as a result of this planning proposal.
1.2	Rural zones	Yes	No change of rural zoning or additional development is proposed by this plan upon rural land
1.3	Mining, petroleum production and extractive industries	N/A	No changes to these industries are proposed
1.4	Oyster aquaculture	N/A	Does not apply to the land within the proposal
1.5	Rural lands	Yes	<p>The boundary adjustment model clause will allow for boundary adjustment subdivision to occur below the minimum lot size:</p> <ul style="list-style-type: none"> <li>• Where the subdivision will not create additional lots or opportunity for</li> </ul>

			<p> dwellings, and</p> <ul style="list-style-type: none"> <li>• The opportunity for dwellings remains the same as before the subdivision and</li> <li>• Land use conflict will not be increased, and</li> <li>• The agricultural viability of the land remains unaltered.</li> </ul> <p>Compliance with the requirements of this clause will ensure that that any resulting subdivision/boundary adjustment will be consistent with the rural subdivision planning principles specified within SEPP (Rural Lands) 2008.</p>
<b>2. Environment and heritage</b>			
2.1	Environmental Protection zones	Yes	No change to environmental protection zones currently in place.
2.2	Coastal protection	N/A	Land is not within a coastal zone
2.3	Heritage conservation	Yes	Proposal does not alter existing provisions

			related to the conservation of heritage items.
2.4	Recreation vehicle area	N/A	Proposal does not affect existing restrictions upon development of land for RVs
<b>3. Housing and infrastructure</b>			
3.1	Residential zones	N/A	No impact on residential zones. This planning proposal relates to Rural zoned land and not residential zoned land.
3.2	Caravan parks and manufactured home estates	N/A	Proposal does not affect existing provisions
3.3	Home occupations	N/A	Proposal does not affect existing provisions
3.4	Integrated land use and transport	N/A	Provisions relating to integrated land use and transport would not be affected
3.5	Development near licensed aerodromes	N/A	Proposal does not affect existing provisions
3.6	Shooting ranges	N/A	Proposal does not affect existing provisions.
<b>4. Hazard and risk</b>			
4.1	Acid sulphate soils	N/A	Proposal does not affect existing provisions

4.2	Mine subsidence and unstable land	N/A	Land is not affected by mine subsidence
4.3	Flood prone land	Yes	Relevant provisions are included in the FLEP 2013.
4.4	Planning for bushfire protection	Yes	Requirements of Planning for Bushfire Protection would apply and be addressed for rural lands during assessment of a development application
<b>5. Regional Planning</b>			
5.1	Implication of regional strategies	Yes	The planning proposal is consistent with the Central West and Orana Regional Plan.
5.2	Sydney Drinking Water Catchments	N/A	Land not within water catchment
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N/A	Land is not on Far North Coast
5.4	Commercial and retail development along the Pacific Highway, North Coast	N/A	Land is not on Far North Coast
5.8	Second Sydney Airport: Badgerys Creek	N/A	Land is not within the relevant area
5.9	North west rail corridor strategy		Land is not within the



			relevant area
<b>6. Local Plan Making</b>			
6.1	Approvals and referrals required	Yes	No additional concurrence, consultation or referral procedures are included
6.2	Reserving land for public purposes	N/A	The planning proposal will not affect existing reserves or land reserved for public purposes.
6.3	Site specific provisions	Yes	The proposal does not contain restrictive site specific planning controls
<b>7. Metropolitan Planning</b>			
7.1	Implementation of the Metropolitan Strategy	N/A	Land is not within the metropolitan area

## Section C – Environmental, Social and Economic Impact

### Is there likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposed boundary adjustment model clause will not impact any areas of environmental significance. The planning proposal applies to all land within the Forbes LGA that is zoned RU1 Primary Production and RU4 Primary Production Small Lots and an assessment on the impact on critical habitat, threatened species, populations, or ecological communities or habitats cannot be determined at this scale. The impact on critical habitat, threatened species, populations, or ecological communities or habitats will occur at the individual development application level for boundary adjustments.

### Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposed boundary adjustment model clause will be applicable to all land within the Forbes LGA that is zoned RU1 Primary Production and RU4 Primary Production Small Lots and an assessment of the likely environmental effects will occur at a development application level for boundary adjustments.

### **Has the Planning proposal adequately addressed any social and economic effects?**

The proposed insertion of the boundary adjustment model clause into the Forbes LEP 2013 will have a positive social and economic effect as it will allow the rationalisation of rural land while not creating further land use conflict or fragmentation of rural land.

## **Section D – State and Commonwealth interests**

### **Is there adequate public infrastructure for the planning proposal?**

The proposed boundary adjustment model clause will not create the opportunity for further dwellings and therefore will not require public infrastructure. However given the proposed boundary adjustment clause will apply to all RU1 Primary Production and RU4 Primary Production small lots the public infrastructure requirements cannot be assessed at this level and would need to be assessed at the individual development application level.

### **What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

The views of state and commonwealth public authorities would be ascertained in accordance with the comments contained in the Gateway Determination.

## **PART 4 MAPPING**

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No maps require amending as a part of this planning proposal.

## PART 5 – COMMUNITY CONSULTATION

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The planning proposal will be exhibited for 28 days in accordance with the legislation. The public exhibition period will include consultation with all stakeholders and any relevant agencies.

The community consultation will involve:

- Notice in the local media/newspapers at the start of the exhibition period,
- Notice on council's website for the duration of the exhibition period, and
- Exhibition at Council's Administration offices.

During the public exhibition period the following documents will be placed upon public exhibition:

- The planning proposal,
- The Gateway Determination,
- Relevant council reports, and
- Relevant council resolutions.

## PART 6- PROJECT TIMELINE

No	Task	COMMENCEMENT	COMPLETION
1	Obtain Gateway determination	14 December 2017	January 2018
2	Public exhibition-agency and community consultation to be undertaken as part of the planning proposal in accordance with the Gateway Determination	January 2018	February 2018
3	Consider submissions and document finalisation  Council staff to consider, respond and report to council on any submissions received and issues	February 2018	March 2018

	raised, and make any relevant changes to the planning proposal.		
4	Submission to Department of Planning and/or Parliamentary Counsel	March 2018	April 2018
5	Notification of LEP being made	April 2018	May 2018

## APPENDIX 1 – REPORT TO COUNCIL

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### REPORT TO COUNCIL

#### **REPORT TITLE: PLANNING PROPOSAL FOR THE INSERTION OF THE BOUNDARY ADJUSTMENT CLAUSE INTO THE FORBES LOCAL ENVIRONMENTAL PLAN 2013**

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**Report Author:** Town Planner

**Responsible Officer:** Director of Environmental Services and Planning

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#### ***Executive Summary***

Council sent the request for gateway determination for Planning Proposal for the rezoning of Lower Bathurst Street and the insertion of the standard boundary adjustment clause to the Department of Planning and Environment on the 26 April 2017. A response from Council addressing the additional information was sent to the Department of Planning and Environment on the 18 July 2017. The Department of Planning and Environment provided their response to the latest additional information on the 16 August 2017. The following matters still remain outstanding:

- The inconsistency with the Section 117 Direction 4.3 Flood Prone Land Remains unresolved at this time.

A report in response to the above and the process forward for the Planning Proposal for Lower Bathurst Street and the insertion of the boundary adjustment clause was reported to the September meeting.

The Council resolved to:

1. *Continue with the Lower Bathurst Street as a deferred matter but undertake appropriate representations to the Minister for Planning;*
2. *Authorise staff to continue with the necessary boundary adjustments but be cognizant of other planning regimes currently underway that will assist in promoting Council's position on this matter. (Cr P Miller/Cr J Webb).*

*Representations to the Chief Planner for NSW have been made in regards to Lower Bathurst Street.*

This report recommends that the planning proposal for the insertion of the boundary adjustment model clause into the *Forbes Local Environmental Plan 2013* be forwarded to the Department of Planning and Environment for Gateway Determination.

This report therefore actions item 2 of the previous resolution.

## ***Detailed Report***

### ***Background***

The insertion of the boundary adjustment model clause and the Lower Bathurst Street rezoning planning proposal was originally prepared as one planning proposal and sent to the Department of Planning and Environment on the 22 May 2017.

The Department of Planning and Environment raised the following issues:

- Request for justification as to why the boundary for the Lower Bathurst Street planning proposal was not contiguous, this was in reference to Lot 789 and 975 DP 750158 and Lot 7 DP 113923.
- That the subject land has not been identified in the endorsed strategy “The Forbes Growth Management Strategy 2009”,
- Request for justification supporting the use of the land for large lot living purposes,
- Request for justification for the immediate demand for additional large lot residential land in the Lower Bathurst Street area,
- Address the potential land use conflict between the proposed E3 Environmental Management Zone and the RU1 Primary Production zone,
- Justify the minimum lot size for the proposed large lot living area in consideration of groundwater vulnerability issues and servicing of reticulated sewerage services.
- Information on the status of an updated flood risk management plan (supported by OEH), that supports the development on the subject land, will need to be provided to the Department, and
- Address the inconsistencies with section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 4.3 Flood Prone Land and Rural Planning Principles and Rural Subdivision Principles of SEPP (Rural Lands) 2008.

A response from Council addressing the matters above was sent to the Department of Planning and Environment on the 18 July 2017.

The Department of Planning and Environment provided their response to the latest additional information on the 16 August 2017. The following matters still remain outstanding:

- The inconsistency with the Section 117 Direction 4.3 Flood Prone Land remains unresolved at this time.

Due to the issues with the Lower Bathurst Street aspect of the planning proposal it was resolved at the September Council Meeting to prepare a separate planning proposal for the insertion of the boundary adjustment model clause into the Forbes Local Environmental Plan 2013.

The planning proposal for the insertion of the boundary adjustment model clause into the Forbes Local Environmental Plan 2013 has subsequently been prepared and forms an attachment to this report.

### **The intent of the boundary adjustment model clause**

The intent of this clause is to allow logical variation to rural lot boundaries to allow them to adjust to changing demands and meet agricultural needs. For example, two adjacent farmers could swap some land to achieve better boundaries (e.g. aligned to a watercourse or unbroken by local roads) or one farmer can buy additional land from a neighbour to increase their production. The current controls would not cater for many circumstances where this is required below the minimum lot size where there are existing dwellings.

The introduction of this clause would enable Council to adjust lots that are already below the minimum lot size and possibly more than a 'minor' amount (or 10%) where there may be an existing dwelling BUT they would not create a new dwelling entitlement and would not allow the creation of de-facto concessional lot and would be subject to a range of appropriate assessment tools to prevent environmental or neighbour impacts.

The Planning Proposal is consistent with the *Guide to Preparing Planning Proposals, the Forbes Growth Management Study 2008, the Central West and Orana Regional Plan 2036, the Forbes Local Environmental Plan 2013 and other relevant planning policies.*

Discussions with the Department of Planning (the Department) branch in Dubbo have provided advice that all proposals to amend the LEP (except for changes of a minor nature such as a to correct a spelling mistake) will require a planning proposal to be submitted to The Department for Gateway Determination.

### **Where will the model clause for boundary adjustments apply?**

The model clause for boundary adjustments will apply to land within an RU1 Primary Production and land within RU4 Primary Production Small Lots zone.

The proposed boundary adjustment model clause is provided below:

#### *4.2E Boundary changes between lots in certain rural zones*

*(1) The objective of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land but the objectives of the relevant zone can be achieved.*

*(2) This clause applies to land in any of the following zones:*

*(a) Zone RU1 Primary Production,*

*(b) Zone RU4 Rural Small Holdings,*

*(3) Despite clause 4.1, development consent may be granted to subdivide land by way of boundary adjustment between adjoining lots where 1 or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land if the consent authority is satisfied that:*

*(a) the subdivision will not create additional lots or the opportunity for additional dwellings (beyond that already permitted on the lot prior to the boundary adjustment), and*

*(b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and*

*(c) the potential for land use conflict will not be increased as a result of the subdivision, and*

*(d) the agricultural viability of the land will not be adversely affected as a result of the subdivision.*

## **PLANNING PROPOSAL TIMELINE**

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No	Task	COMMENCEMENT	COMPLETION
1	Obtain Gateway determination	14 December 2017	January 2018
2	Public exhibition-agency and community consultation to be undertaken as part of the planning proposal in accordance with the Gateway Determination	January 2018	February 2018
3	Consider submissions and document finalisation  Council staff to consider, respond and report to council on any submissions received and issues raised, and make any relevant changes to the planning proposal.	February 2018	March 2018



4	Submission to Department of Planning and/or Parliamentary Counsel	March 2018	April 2018
5	Notification of LEP being made	April 2018	May 2018

## **RECOMMENDATION**

### **That Council**

1. **Adopt the Planning Proposal for the insertion of the model boundary adjustment clause into the Forbes Local Environmental Plan 2013 and direct the General Manager to send the Planning Proposal to the Department of Planning for Gateway Determination,**
2. **Grant delegation to the General Manager to negotiate with the Department of Planning any amendments that are broadly consistent with the Planning Proposal, and**
3. **Post public exhibition that Council recommend sending the submissions received to the Department of Planning.**

### ***Alignment with Strategic Plan***

*14.2 Ensure best practice planning controls and building compliance.*

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### ***Financial and Resource Implications***

*Nil*

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### ***Policy Implications***

*The implication is that the Forbes Local Environmental Plan 2013 will be amended to include the boundary adjustment model clause which will allow boundary adjustments subdivisions to occur below the minimum lot size.*

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### ***Risk Considerations***

*No perceived risks.*

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### ***Statutory/Regulatory Implications***

*Yes- it conforms to the Environmental Planning and Assessment Act 1979.*

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### ***Consultation conducted***

*Consultation has been conducted between Council's Environmental Services and Planning Department and the Department of Planning and Environment.*

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**Attachments**

*Attached to this report is the planning proposal for the boundary adjustment model clause.*

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## APPENDIX 2 – COUNCIL RESOLUTION 14 DECEMBER 2017

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### **5.6 PLANNING PROPOSAL FOR THE INSERTION OF THE BOUNDARY ADJUSTMENT CLAUSE INTO THE FORBES LOCAL ENVIRONMENTAL PLAN 2013**

452 *RESOLVED*

That Council:

1. adopt the Planning Proposal for the insertion of the model boundary adjustment clause into the Forbes Local Environmental Plan 2013 and direct the General Manager to send the Planning Proposal to the Department of Planning for Gateway Determination,
2. grant delegation to the General Manager to negotiate with the Department of Planning any amendments that are broadly consistent with the Planning Proposal, and
3. post public exhibition that Council send the submissions received to the Department of Planning. *(Cr J Webb/G Clifton)*



