

SECTION 3.36 PLANNING REPORT

Planning proposal details:

PP_2018_FORBE_001_00 to amend Forbes Local Environmental Plan 2013 insert to the Model Boundary Adjustment Clause.

Planning proposal summary:

Insert the Model Boundary Adjustment Clause into the Forbes Local Environmental Plan 2013

Date of Gateway determination:

The Gateway determination was issued on 23 January 2018

1.0 SUMMARY

The intent of this Planning Proposal is to insert the NSW Government approved standard 'boundary adjustment' clause as a 'house-keeping' matter to enable boundary adjustments between lots and rural zones that are below the minimum lot size and/or where they may be existing dwellings.

The boundary adjustment model 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 proposed provisions in the Planning Proposal will achieve the intended outcomes by inserting the following clause into the Forbes Local Environmental Plan 2013:

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.

2.0 GATEWAY DETERMINATION

Date Gateway Determination was issued: 23 January 2018

Timeframe for completion of proposal: 12 months (23 January 2019)

Review Request: No

Compliance with conditions of Gateway determination: Yes, all conditions have been complied with

3.0 COMMUNITY CONSULTATION

Dates of exhibition: 2 March 2018 to 30 March 2018

Number of submissions received: No submissions were received

Issues raised during exhibition: No issues raised during the exhibition period

Responses to Issues: No issues received

4.0 VIEWS OF PUBLIC AUTHORITIES

Consultation with the Department of Planning required the following minor changes to the Planning Proposal:

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.

The Planning Proposal has since been revised. There are no longer any outstanding issues associated with this planning proposal.

5.0 CONSISTENCY WITH S9.1 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS

The planning proposal accompanying this report addresses the consistency and inconsistencies with the S9.1 directions

6.0 PARLIAMENTARY COUNSEL OPINION

An opinion is yet to be sought from Parliamentary Council. An opinion will be sought on Monday 23rd of April

7.0 OTHER RELEVANT MATTERS

No other relevant matters have been raised or arose subsequent to the Gateway determination or public exhibition period.

8.0 MAPPING

The Planning Proposal is of a general nature and as such no mapping is required.

9.0 RECOMMENDATION

Council recommends that the plan is to be made as per the planning proposal submitted for the Gateway determination.

No amendments are proposed or required.