

CLAUSE 4 – PLANNING PROPOSAL TO AMEND CLAUSE 4.1 OF THE FORBES LEP TO FACILITATE COMMUNITY TITLE AND STRATA TITLE SUBDIVISIONS

Purpose of the report

This report provides Council with the details of a Planning Proposal for gateway determination to amendment to Clause 4.1 of the Forbes LEP.

The assessment report recommends adopt the Planning Proposal and direct the General Manager to send the Planning Proposal to the Department of Planning for Gateway Determination because:

1. Council resolved at the December 2015 general meeting that '*Council prepare a planning proposal to facilitate the introduction of a clause allowing the creation of Community Title and Strata Title lots below the minimum lot size as illustrated on the Minimum Lot Size map*'.
2. The Planning proposal is supported by the relevant planning studies and planning policies, and is consistent Council's Local Environmental Plan.

Integrated Planning and Reporting		
Strategy	Activity	Outcome from this report
L2.2 Comply with statutory obligations for development control, environmental health and animal control. .	L2.2.3 Review Local Environmental Plan and Development Control Plan.	Works towards this strategy by providing an amendment to the Forbes LEP to facilitate Community Title and Strata Title subdivision.

Summary

Council resolved at the December 2015 general meeting that '*Council prepare a planning proposal to facilitate the introduction of a clause allowing the creation of Community Title and Strata Title lots below the minimum lot size as illustrated on the Minimum Lot Size map*'.

In response to the resolution a planning proposal has been prepared to facilitate the application for a Gateway Approval for the amendment to Clause 4.1 in the Forbes Local Environmental Plan. The Planning proposal is supported by the relevant planning studies and planning policies, and is consistent Council's Local Environmental Plan.

SERVICES/WORKS/COMMUNITY COMMITTEE REPORT TO COUNCIL – PART I
cont'd

In response to the resolution a planning proposal has been prepared to facilitate the application for a Gateway Approval for the amendment to Clause 4.1 in the Forbes Local Environmental Plan. The Planning proposal is supported by the relevant planning studies and planning policies, and is consistent Council's Local Environmental Plan.

Background

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 to correct a spelling mistake) will require a planning proposal to be submitted to The Department for Gateway Determination.

The process for Amendment to the Local Environmental Plan (LEP) is as follows:

- a). Council resolve to undertake a change to the LEP – finalised December 2015.
- b). Council adopt Planning Proposal for Gateway Determination with the
- c). Department Of Planning – March 2016.
- d). Planning Proposal assessed for Gateway Determination by the Department
- e). under Delegation in the Dubbo branch. – Expected late April 2016
- f). Proposal will be required to be publically exhibited for 14 days – May 2016
- g). Submissions received on the proposal must be presented to Council for consideration –May/ June 2016
- h). Proposal to go to Parliamentary Counsel for review.

Council to adopt the final plan and direct General Manager to make the plan in accordance with the Section 59 Report.

Amendment is gazetted and adopted into the LEP.

(A copy of the Planning Proposal enclosed under separate cover for information).

190 RESOLVED

That Council adopt the Planning Proposal and direct the General Manager to send the Planning Proposal to the Department of Planning for Gateway Determination. (Cr C Roylance/Cr B Mattiske)