

Gateway Determination

Planning proposal (Department Ref: PP-2022-4142): to amend planning controls in the Forbes LEP 2013 to rezone land to facilitate a mixed-use precinct at 1 Lachley Street, Forbes.

I, the Director, Western Region at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, 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 2013 to facilitate a mixed use precinct of part zone R5 Large Lot Residential, part zone C3 Environmental Management, part zone E3 Productivity Support and part zone SP2 Infrastructure at 1 Lachley Street, Forbes should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended to address the following matters:

- a. incorporate an assessment of, and demonstrate consistency with, the Central West and Orana Regional Plan 2041 including an updated assessment of the Ministerial Direction 1.1 Implementation of Regional Plans.
- b. include amended objectives and provisions that aid in mitigating noise and vibration impacts from the adjoining Inland Rail on any future residential uses within proximity of the corridor.

Council is to submit a revised planning proposal and seek approval from the Department of Planning and Environment – Western Region office prior to community and agency consultation.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

- (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 30 working 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022).

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9.1 of the Act:

- Department of Planning and Environment – Environment Protection Authority
- Australian Rail Track Corporation
- Transgrid

- Department of Regional NSW – Mining, Energy and Geoscience
- Department of Planning and Environment – Biodiversity, Conservation and Science
- Transport for NSW
- APA Group
- Department of Planning and Environment – Crown Lands
- Department of Planning and Environment – Water.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 40 days to comment on the proposal.

4. 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).
5. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed on or before 12 months from the date of this Gateway determination.

Dated 18th day of April 2023.



Garry Hopkins
Director, Western Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning and Public Spaces