

Gateway Determination

Planning proposal (Department Ref: PP-2023-868): Deferred Matter – Lower Bathurst 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 resolve the deferred matter and repeal the Forbes LEP 1986 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 all maps applying to the deferred area including: current and proposed land zoning maps, current and proposed minimum lot size maps, current and proposed height of building maps, current and proposed land application map and current and proposed flood planning map.
 - b. Amend the Project Timeframe to reflect the Gateway determination of the proposal and subsequent milestones for finalisation in six (6) months
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 standard 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 20 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).
 - (c) Council is to ensure that all affected landowners are notified of the planning proposal.
3. Consultation is required with the Department of Planning and Environment – Biodiversity Conservation and Science Division under section 3.34(2)(d) of the Act. The Department of Planning and Environment – Biodiversity Conservation and Science Division is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 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 six (6) months from the date of the gateway determination.

Dated 6th day of July 2023.



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

Delegate of the Minister for Planning and
Public Spaces