

REASON: Because these utilities are necessary to serve the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- ix). All works requiring full or partial road or footpath closure shall be:
- a) subject to an application for the occupation of public roadway or footway (*Section 138, Roads Act 1993*).
 - b). Covered by \$20M public liability insurance, with the policy noting Council as an interested party.
 - c). Covered by a Council approved '*Pedestrian Movement Plan*' and/or '*Traffic Control Plan (TCP)*' which has been prepared by an authorised person. Traffic shall be controlled by an authorised Traffic Controller, in accordance with the Traffic Control Plan.
 - d). At no cost to Council.

REASON: To ensure public safety & Council indemnity. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

CLAUSE 4 – CHANGE TO THE MINIMUM LOT SIZE R5 LARGE LOT RESIDENTIAL REYMOND STREET, STOKES STREET, YOUNG STREET, WAMBAT STREET, CHURCH STREET, AND COLLEGE ROAD.

885 RESOLVED

That Council submit to Parliamentary Counsel for the drafting and making of the Planning Proposal for the change to the minimum lot size in Raymond, Stokes, Young, Wambat, and Church Streets, and College Road.
(Cr G Miller/C G Clifton)

CLAUSE 5 – PARKING RESTRICTIONS IN RANKIN STREET, OUTSIDE THE FORBES INN AND COMMERCIAL HOTEL

Cr. G Clifton declared an interest in this matter and left the meeting at 1:40 pm

RECOMMENDATION

That Council:

- i). consult with Forbes Chamber of Commerce in regard to the removal of the 2 Hour parking restriction outside the Forbes Inn and Commercial Hotel; and
- ii). on receipt of a reply from the Forbes Chamber of Commerce, refer the matter to the Forbes Traffic Advisory Committee.

886 RESOLVED

That Council:

FORBES SHIRE COUNCIL
ORDINARY BUSINESS PAPER – 15 OCTOBER 2015

Page 147

DIRECTOR ENVIRONMENTAL SERVICES AND PLANNING REPORT TO COUNCIL – PART I
cont'd

ix). **All works requiring full or partial road or footpath closure shall be:**

- a) **subject to an application for the occupation of public roadway or footway (Section 138, Roads Act 1993).**
- b). **Covered by \$20M public liability insurance, with the policy noting Council as an interested party.**
- c). **Covered by a Council approved 'Pedestrian Movement Plan' and/or 'Traffic Control Plan (TCP)' which has been prepared by an authorised person. Traffic shall be controlled by an authorised Traffic Controller, in accordance with the Traffic Control Plan.**
- d). **At no cost to Council.**

REASON: To ensure public safety & Council indemnity. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

CLAUSE 2 – CHANGE TO THE MINIMUM LOT SIZE R5 LARGE LOT RESIDENTIAL REYMOND STREET, STOKES STREET, YOUNG STREET, WAMBAT STREET, CHURCH STREET, AND COLLEGE ROAD.

The Planning Proposal to change the minimum lot size in R5 Large Lot Residential zone in College Road, Reymond, Stokes, Young, Wambat, and Church Streets, received Gateway Determination from Planning and Environment on the 16th April 2015. The Gateway Determination stated that Council must undertake the following activities prior to commencing public exhibition of the proposal.

1. *Prior to undertaking Public Exhibition, Council is to prepare a Flood Study and Floodplain Management Plan that seeks to determine the extent and risks of potential flooding on the site and measures necessary to mitigate these risks.*
2. *Prior to undertaking public exhibition, Council is to seek advice from the NSW Office of Water, and NSW Office of Environment and Heritage following the preparation of the Flood Study and Flood Plain Management Plan and address any concerns and comments provided by the public agencies.*
3. *Council is to address inconsistencies with s117 Direction 4.3 Flood Prone Land prior to the commencement of public exhibition and satisfy the Department of these inconsistencies prior to the finalisation of the plan.*
4. *Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:*
 - a) *The planning proposal must be made publicly available for 28 days; and*
 - b) *The relevant planning 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 section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).*

Council have now satisfied the above points through the following actions:

DIRECTOR ENVIRONMENTAL SERVICES AND PLANNING REPORT TO COUNCIL – PART I
cont'd

1. Flood Assessment for Reducing Minimum Lot Size

Jacobs (previously known as Sinclair Knights Mertz) were commissioned to undertake a Flood Impact Assessment of the study area. The assessment indicated the following:

"Hydraulic impacts due to the proposed reduction of the minimum lot size for the construction of a dwelling for the area are considered negligible and are within the confidence limit (ie. +/-0.01m) of the computer model (SKM 2001)".

2. Correspondence to the NSW Office of Water and NSW Office of Environment and Heritage.

The NSW Office of Water has raised an issue regarding the impacts of fencing, sheds, and other infrastructure on the flow and divergence of flood waters. Council's flood consultant has provided advice on these scenarios, maintaining that there will be negligible impact on flood waters from fences and sheds within the study area.

The NSW Office of Water suggested that a rezoning of the study area to R2 – Rural Landscape Zone would be appropriate given the proposed lot size. Council does not currently have R2 zoned land within the shire and does not seek to change the zone of the land. Additionally, the proposed change to the minimum lot size will create a consistent lot size for R5 zoned land in the Raymond Street area, as currently a portion of the street has a minimum lot size of 1500m².

3. Address the inconsistencies with the s117 Direction.

An updated Planning Proposal has been provided to the Department that addresses the inconsistencies with the Section 117 Direction. The Department has acknowledged that the Section 117 Directions have been addressed to their satisfaction.

4. Public Exhibition

Public exhibition of the Planning Proposal, and all associated documentation, and correspondence has been undertaken in accordance with the point 4 of the Gateway Determination, and section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Environment 2013). Public Exhibition commenced on the 3rd of September and concluded on the 5th of October. Council has received one (1) submission in regards to the proposal.

These submissions raised the following points:

1. Population Density

- a. *Increased noise by more households occupying the subject area.*
- b. *Higher demand on Council Services.*

Comment: The Planning Proposal Assessment Report has identified the constraints of the proposed change to the minimum lot size. There is the potential for increased residential vehicle movements, however the increase in vehicle movements is not considered to impose a level of noise that would be inconsistent with the standard residential level. Council's engineering department have reviewed the Planning Proposal and have deemed that the change to the minimum lot size, and potential lots that may be created, would be able to be accommodated in council's current infrastructure.

DIRECTOR ENVIRONMENTAL SERVICES AND PLANNING REPORT TO COUNCIL – PART I
cont'd

2. The Orientation of the proposed blocks

- a. *The geographical orientation of the lots involved would require any future subdivisions would involve creating two blocks on one current sized lot one in front of another given that the majority of the lots are long not wide. This would mean those newly developed lots would have to create a shared driveway and likely to run along neighbouring fence lines creating increased traffic noise and dust if the driveways are not required to be sealed. Also a vast majority of these lots have chain lock fencing and is not suitable for privacy once more populated and not suitable to contain domestic pets.*

Comment: Council discourage the development of 'battle axe' blocks, however these are assessed on an individual merit based assessment. At the time of assessment Council will consider the dust and noise that is generated by each development. All developments are notified to adjacent neighbours and therefore concerns of individual developments can be addressed at that time.

3. Aesthetic nature of our town

- a. *As council members are most likely aware there are an abundance of vacant and dilapidated blocks and houses within our town especially at the more densely populated mid and north end of Forbes. We feel that there are no incentives for developers to use these vacant areas for their future developments and make our town a much prettier atmosphere for all residents.*

Comment: Council acknowledges this comment, however redevelopment of brownfield sites within the Forbes R1 zoned land is not the subject of the Planning Proposal.

4. Traffic

- a. *An increase of traffic is inevitable if this proposal is to proceed as more families move into a more densely populated area. This will negatively subtract from the quiet nature of the streetscapes.*

Comment: As discussed in point 1 above, the Planning Proposal identified potential constraints of the Proposal. The area is currently zoned R5 – Large Lot Residential, therefore the projected increase in traffic is considered negligible and it is not anticipated that it will increase above what is consistent with normal residential levels.

5. Flood Zone flow disruption

- a. *The zone in question both have low and high hazard flood fringe zoning our concern with floodway areas being further development and a significant increase of roof space will impact upon:*
 - i. *Diversion of water to other existing flow paths.*
 - ii. *Have significant impact upon upstream flood levels in the planning level flood.*
 - iii. *Divert significant amounts of water away from existing flow paths resulting the development of new paths and associated adverse impacts*

Comment: As identified in Council's Flood Assessment report, the potential for negative effects to occur due to an increase in dwellings is negligible.

DIRECTOR ENVIRONMENTAL SERVICES AND PLANNING REPORT TO COUNCIL – PART I
cont'd

The concerns raised in the submissions have been addressed and it is not considered that there are any outstanding matters that have not been resolved.

It is therefore appropriate for Council to submit the Planning Proposal to Parliamentary Council for drafting and making of the change to the minimum lot size in Reymond, Stokes, Young, Wambat, and Church Streets, and College Road.

Final comment from Parliamentary Counsel is anticipated to take 3 weeks. While this is being undertaken the Minimum Lot Size Maps are being physically created by the Departments GIS team. The final opinion from the Parliamentary Council must be approved by the Department. Once this is undertaken the change to the LEP will be processed and notified on the NSW Government Legislation Website.

RECOMMENDATION

That Council submit to Parliamentary Counsel for the drafting and making of the Planning Proposal for the change to the minimum lot size in Reymond, Stokes, Young, Wambat, and Church Streets, and College Road.

CLAUSE 3 – PARKING RESTRICTIONS IN RANKIN STREET, OUTSIDE THE FORBES INN AND COMMERCIAL HOTEL

Council has received a request to remove the 2 Hour parking restrictions from the area of Rankin Street surrounding the Forbes Inn and Commercial Hotel.

The owner has advised that the parking restrictions has had a huge impact on their business, advising that many residents in Forbes park on the street to do their shopping, and then stop into the hotels for lunch, and have difficulty complying with the two hour restrictions.

The owner has indicated that, should their trade be further reduced due to the two hour parking restrictions that they would have to make staff cutbacks, which would have a flow-on effect to the rest of the community.

The owner has indicated that the Forbes Services Memorial Club, Sport & Recreation Club, and the Vandenberg Hotel, have no such restrictions on their customer parking, and it is unreasonable to place these restrictions on his hotels, when others remain unaffected.

At the request of the Forbes Chamber of Commerce, Council has been enforcing the parking restrictions in the Forbes CBD area. Following an initial education period, fines are now being issued where people park for longer than the time signposted.

Forbes Services Memorial Club, Sport and Recreation Club and the Vandenberg Hotel, are located on the periphery of the CBD boundaries and not in close proximity to retail outlets, therefore there is less of a demand for the parking spaces in the vicinity of these establishments.

The Forbes Services Memorial Club also provides on-site carparking across the road from the Club for the use of its patrons.

The variation of parking restrictions requires the approval of the Forbes Traffic Advisory Committee. It would also be advisable to consult with the Forbes Chamber of Commerce regarding any variation to restricted parking in the CBD area.