

# **PLANNING PROPOSAL**

## **FORMER FORBES MID-STATE SALEYARDS SITE**

**22 – 40 NEWELL HIGHWAY, FORBES**



**Prepared By:  
Forbes Shire Council  
30 March 2011**

# CONTENTS

|                                                                     |           |
|---------------------------------------------------------------------|-----------|
| <b>Executive Summary.....</b>                                       | <b>3</b>  |
| <b>Introduction.....</b>                                            | <b>3</b>  |
| <b>Background.....</b>                                              | <b>4</b>  |
| <b>Part 1 – Objectives or Intended Outcomes.....</b>                | <b>9</b>  |
| <b>Part 2 – Explanation of Provisions.....</b>                      | <b>9</b>  |
| <b>Part 3 – Justification.....</b>                                  | <b>12</b> |
| <b>Section A – Need for the Panning Proposal.....</b>               | <b>12</b> |
| <b>Section B – Relationship to Strategic planning Framework....</b> | <b>13</b> |
| <b>Section C – Environmental, Social and Economic Impact.....</b>   | <b>19</b> |
| <b>Section D – State and Commonwealth Interests.....</b>            | <b>21</b> |
| <b>Part 4 – Community Consultation.....</b>                         | <b>21</b> |

## **Executive Summary**

|                        |                                                                                                                     |
|------------------------|---------------------------------------------------------------------------------------------------------------------|
| <b>Proponent:</b>      | Projects & Infrastructure Pty Ltd on Behalf of Forbes Shire Council                                                 |
| <b>Owner:</b>          | Forbes Shire Council                                                                                                |
| <b>Site:</b>           | Lots 1535, 1536, 1624, 1665 & 1674 DP750158 and Lots 2 & 3 DP823430, No's 22 – 40 Newell Highway, Forbes.           |
| <b>Current Zoning:</b> | 4(a) – Industrial Zone                                                                                              |
| <b>Proposal:</b>       | To rezone the land to B5 – Business Development to permit the land to be developed for a bulky goods retail centre. |

## **Introduction**

The Forbes Mid-State Saleyards is in the final stages of relocation from the traditional Newell Highway site on the northern fringe of the Forbes Urban Area to a new green-fields site located at Back Yamma Road Daroobalgie. The cattle yards and associated facilities were completed in December, 2005 with cattle sales commencing on 9 January, 2006. The sheep yards were delivered via a public/private partnership with Projects and Infrastructure Pty Ltd, completed in October, 2010. The pig facility, the third and final stage of Councils Saleyard Operations is currently out for tender and will accommodate fortnightly pig sales.

The relocation of the Forbes Mid-State Saleyards has created a large vacant site strategically located close to Forbes on the Newell Highway. A significant development opportunity has arisen for the site. However a major component is not permissible under the existing zoning of Forbes Local Environmental Plan 1986. The development opportunity is however consistent with the Forbes Growth Management Strategy (adopted by Council and endorsed by the Director General of the Department of Planning, April 2009). The timing to secure a major retail name is of critical importance and to rely upon the Draft LEP may result in losing this significant development opportunity.

Whilst Council is working through a comprehensive LEP review process the time frame for this process is stifling negotiations for the future use of the land, hence this Planning Proposal has been prepared and submitted for gateway determination. The immediate realisation of the sites potential is important to the negotiations and not possible without rezoning the land.

## Background

Council has adopted the Forbes Growth Management Strategy, prepared by Edge Land Planning, February, 2009. This document frames the comprehensive review of the Forbes Local Environmental Plan and was endorsed by the Director-General of the Department of Planning on 19 April, 2009.

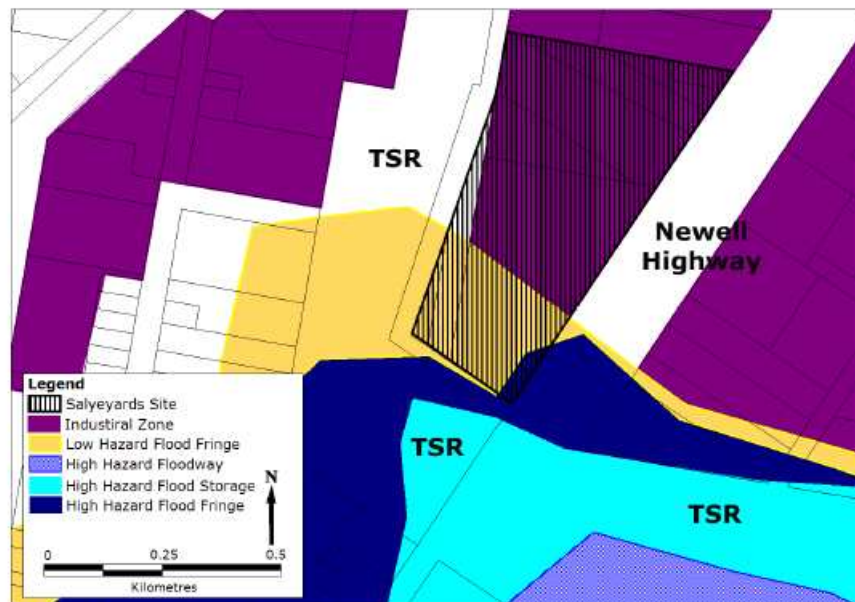
Specifically the Growth Management Strategy identified the unique development opportunities afforded by the relocation of the sale yards as detailed below:

### **Forbes Shire Growth Management Strategy**

#### **Forbes Saleyards**

The current saleyards, or Central West Livestock Exchange is in the process of being relocated to a new site on the Back Yama Road at Darroobalgie, with the cattle facility already built and the sheep saleyards to be built within the next 5 years. This leaves the current site vacant and in need of redevelopment. It has an area of approximately 8 ha, and as can be seen from map 4.13 and photo 4.16, it is located on the Newell Highway and in the industrial area. It is some distance from the residential area of Forbes but approximately 400 m from the existing Special Home Activities zone. The southern part is flood affected – Low Hazard Flood fringe.

Future use opportunities should utilise the Newell highway. Options could include a truck stop with accommodation units for truck drivers, further industrial uses or a future area for Bulky Goods Retail after the current proposed area reaches capacity. This issue needs more investigation and discussion with the Council and community. As has already been discussed, bulky goods retail is the favoured use for the site after the sheep saleyards have been moved to the new facility on Back Yama Road. There may also be the potential to raise the site above the 1% AEP flood height to facilitate the development of the entire site. This would have to be the subject of a flood study to ascertain the impact on other areas. It would be permitted by DCP No. 6 – Managing Flood Risks, provided that existing drainage lines are maintained.



**Map 4.13: Forbes Saleyards Site**

Council has been progressively working through this process with the most recent report considered at Councils meeting of 18 March, 2011. The following was subsequently resolved:

**That Council:**

- i) defer exhibition of the Draft LEP until after the meeting with the Department of Planning in relation to the Lachlan Vintage Village site;**
- ii) prepare a planning proposal for the Mid State Saleyards site where the exhibition of the Draft LEP is deferred to rezone the land to the equivalent of a B5 Business Development zone;**
- iii) request the Department of Planning complete the gateway process for the Midstate Saleyards site within 3 months.**

Council has obtained legal advice which indicates that given the existing zoning prohibits the vast majority of alternate land uses; any new amending LEP must be signed by the Minister and Gazetted prior to Council being in a position to approve development on the site for alternative purposes.

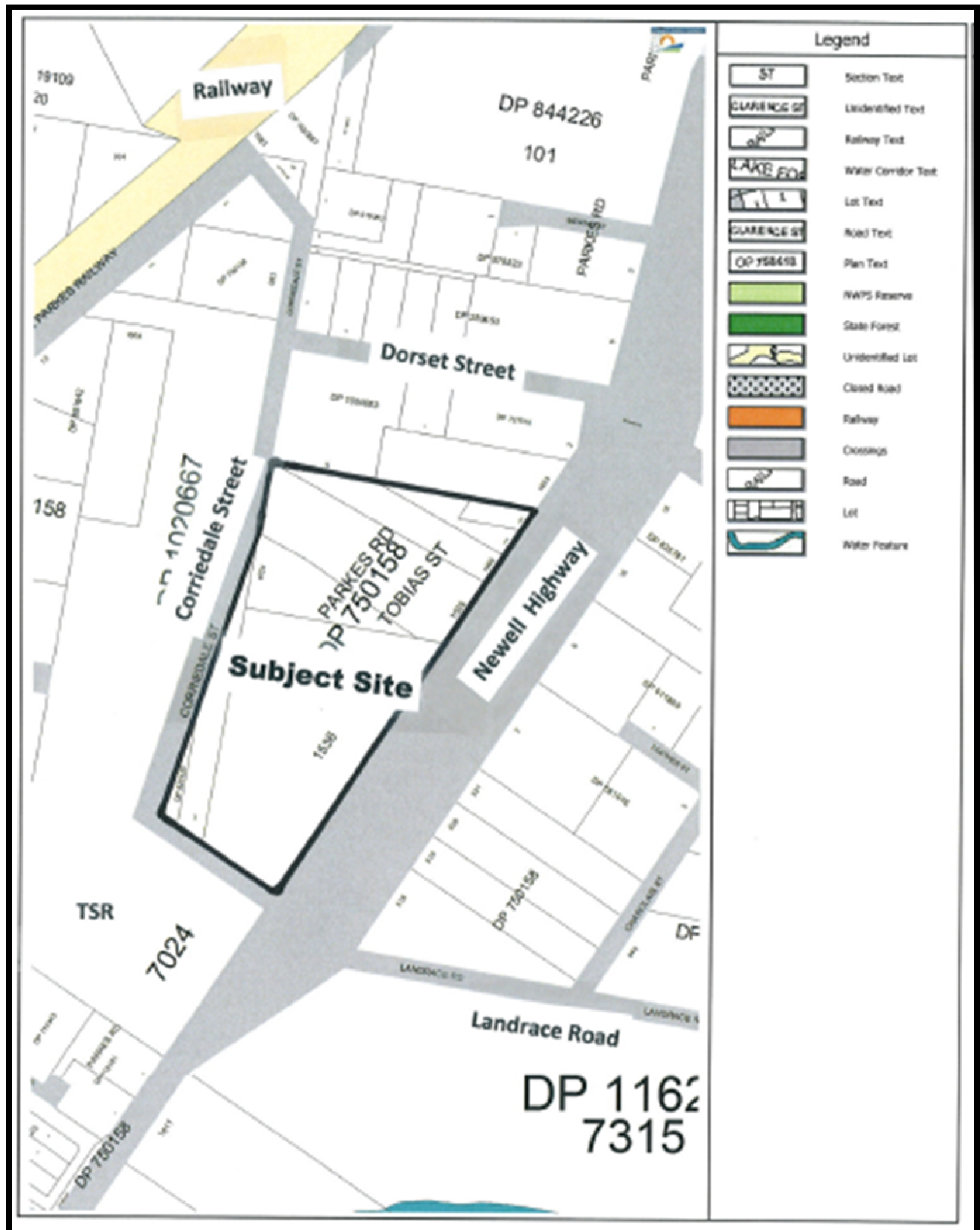
The development proposed for the land comprises a bulky goods retail development in the form of a “home-makers style centre” comprising a major anchor tenant and several smaller tenancies as well as a higher order truck stop including service station, restaurant and accommodation. The former Mid-State Saleyards site is identified below by cadastre, satellite image and existing zoning.



## SATELLITE IMAGE OF SITE

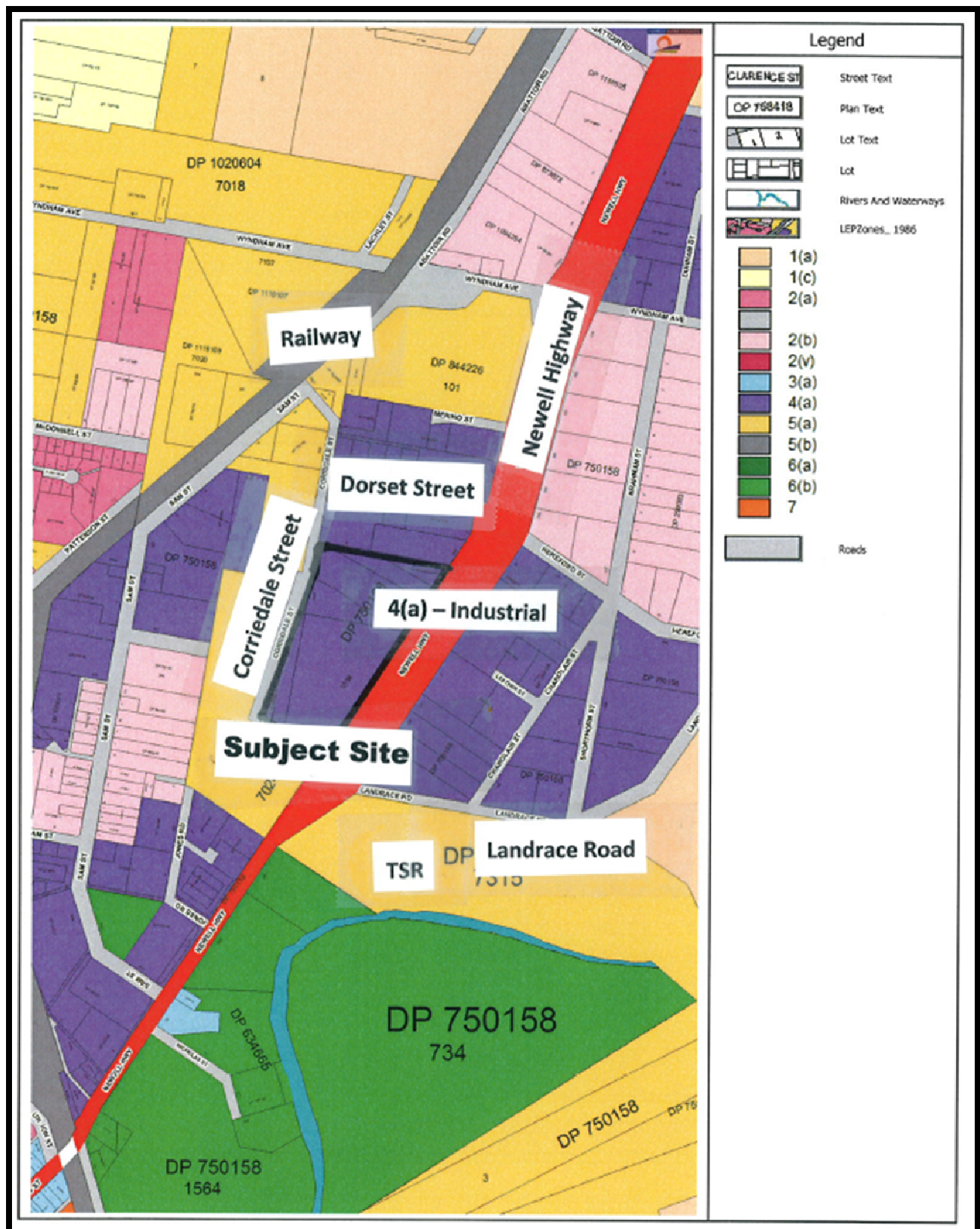


## CADASTRAL PLAN





## EXISTING ZONING PLAN





## **Part 1 – Objectives or Intended Outcomes**

The **objective** of the proposed LEP amendment is to introduce a “B5 - Business Support” zone (modelled on the Standard Instrument B5 zone) into the Forbes LEP1986 with an appropriate land use table.

The **intended outcome** is to allow for the redevelopment of the site for bulky goods retail development and similarly placed development.

The preferred outcome would be for the use of the southern half of the site for a “Home-makers Centre” bulky goods retail complex comprising 6 separate allotments of land and for a large “Truck Stop” upon the northern half comprising fuel and convenience store, truck wash, repair and maintenance workshop and accommodation.

The B5 zone and appropriate land use table need to be introduced into the Forbes LEP 1986 including the definition of Bulky Goods Retail development in order to establish the permissibility of this use.

## **Part 2 – Explanation of Provisions**

The Site is currently zoned 4(a) Industrial under the provisions of Forbes Local Environmental Plan 1986.

The zoning table prescribed for the 4(a) Industrial zone is as follows:

### **Zone No. 4 (a) (Industrial Zone)**

#### **1 Objectives of zone**

The Objectives of this zone are -

- (a) to encourage the establishment of industries outside areas used or zoned for residential or business purposes by setting aside an area of land to be used for a broad range of industrial purposes;
- (b) to encourage detailed provision to be made, by means of development control plan, for setting aside different areas within the zone for offensive or hazardous industries, general industries and light industries; and
- (c) to allow commercial or retail development only where it relates to the use of land within the zone for industrial purposes.

#### **2 Without Development Consent**

Nil.

### 3 Only with development consent

Any purpose other than a purpose included in item 4 of the matter relating to this zone.

### 4 Prohibited

Boarding houses; bowling greens; caravan parks; dwelling houses (other than those used in conjunction with an industry); hospitals; hotels; institutions; feedlots; poultry farms or pig keeping establishments; professional and commercial chambers; racecourses; residential flat buildings; restaurants; roadside stalls; shops (including shops listed in schedule 2); special home activities; taverns; travelling stock reserves.

Bulky goods retail development is not specifically defined in the Forbes LEP and hence would be defined as a “Shop” and prohibited development in the 4(a) – Industrial zone.

Development envisaged for the former Saleyards site comprises:

1. “Bulky Goods Retail Development” in the form of a “Home-makers Centre” to comprise approximately 6 separate allotments; and
2. A “Service Station” including ancillary uses such as sales of spare parts; repairs and maintenance workshop; restaurant; convenience store; truck wash and accommodation.

A new zone is proposed to be introduced into the Forbes LEP1986 modelled on the B5 - Business Support zone of the Standard Instrument (LEP’s).

A “bulky goods premises” has been defined in the Standard Instrument (LEP’s) as follows:

*“means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) bulky goods, being goods that are of such size or weight as to require:*

- (a) a large area for handling, display or storage, or*
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,*

*but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.*

An indicative zone and corresponding land use table have been identified below:

## **Zone No. B5 - (Business Development)**

### **1 Objectives of zone**

The Objectives of this zone are -

- (a) to enable a mix of business and warehouse uses, and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres.
- (b) to encourage the establishment of bulky goods retail development which support the retail core of Forbes;
- (c) to allow commercial or retail development only where it cannot be suitably located in the Forbes commercial core and does not undermine its operation and function;
- (d) to maximize exposure of business related developments on the Newell Highway.

### **2 Without Development Consent**

Nil.

### **3 Only with development consent**

Any purpose other than a purpose included in item 4 of the matter relating to this zone.

### **4 Prohibited**

Agriculture; Airline terminals; Animal boarding establishments; Boarding houses; Caravan parks; Childcare centres; Churches; Cluster development; Commercial premises; Community centres; Dwelling houses; Educational establishments; Extractive industries; General stores; health care professionals; Home industries; Home occupations; Hospitals; Industries; Offensive or hazardous industries; Places of public worship; Professional and commercial chambers; Public buildings; Recreation establishments; Recreation facilities; Refreshment rooms; Residential flat buildings; Roadside stalls; Rural workers dwellings; Shops; Special home activities; Stock homes; Tourist facilities; Units for aged persons; Utility installations.

## **Part 3 – Justification**

### **Section A – Need for the Planning Proposal**

**1. Is the planning proposal a result of any strategic study or report?**

No.

The planning proposal is however consistent with the endorsed Forbes Growth Management Strategy, February, 2009 which identifies the strategic opportunity made available by the relocation of the saleyards and proposes to zone the land B5 – Business Development. The sensitive nature of securing commercial interests has dictated the need to pursue rezoning through the Planning Proposal and Gateway process.

**2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes.

The Planning Proposal will facilitate the rezoning of the land the fastest and simplest way possible to enable further commercial negotiations; minimising the time the site is vacant and alleviating the financial burden associated with potentially losing this opportunity as well as the holding costs. Timing is of critical importance to secure the anchor tenant. The planning proposal will enable the rezoning of the land to proceed as a separate matter without being delayed by the preparation of the revised Forbes Comprehensive Local Environmental Plan.

**3. Is there a net community benefit?**

Yes.

There is no question that the proposed development will provide a net community benefit. The new saleyards facility provides a state of the art selling centre servicing a large catchment and equating to millions of dollars to the local economy.

The strategic redevelopment of the former site will provide a large economic boost to the local economy both through the development process and ultimately providing approximately 40 full time jobs and increased services available locally rather than needing to travel to larger centres.

The only costs associated with the proposed development the subject of this planning proposal would be through any delay in utilising the former site.



## **Section B – Relationship to Strategic Planning Framework**

4. **Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

No applicable regional or subregional strategies apply to the area the subject of this planning proposal or the Forbes Shire Local Government Area.

5. **Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

Forbes Shire is moving to the new reporting system outlined in the amendments to the Local Government Act however at the time of submitting this planning proposal the applicable Community Strategic Plan is encompassed within the Forbes Shire Strategic Plan, updated 11 November, 2009.

The Strategic Plan for the Forbes Shire identifies a series of goals and relevant strategies and action plans for achieving these goals.

*What Does Council want for our community?*

- A pleasant and safe environment in which the community can live;
- A sound level of services and infrastructure to meet the communities needs;
- An active and growing rural and commercial sector
- Good access to educational opportunities
- Appropriate employment for the community, including the youth component
- Financial stability of its Council

*Core Values of Forbes Shire Council*

To provide direction and leadership in the community

To maximise the value received to the community of Forbes

To meet the needs of the community

To ensure the welfare of the community is considered at all times in government decision making

To provide solutions to the problems of the community

To achieve these concepts Council has identified seven (7) strategic goals of Council's Strategic Plan as follows:

Sustained economic development in Forbes Shire

Well planned, developed and maintained transport facilities that meet the needs of the community

Sound environmental management practices and improved community amenity

Forbes is a desirable place to live

Services and infrastructure provided in the most efficient and economical manner

A Council responsive to community needs in the provision of services

An organisation characterised by high quality performing staff, good morale and job satisfaction

The planning proposal is considered to be consistent with a large number of these values and strategies of Councils Strategic Plan. Fostering development of the vacant site, increasing service provision, employment and economic development will produce local benefits to the community.

**6. Is the planning proposal consistent with applicable state environmental planning policies?**

There are no State Environmental Planning Policies (SEPP's) or draft SEPP's that would restrict the Planning Proposal considered as follows:

- A. **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008** would permit the range of developments identified as exempt and complying development upon the land. Exempt and complying development would become applicable upon the subject land in the same manner as currently applied to all land.
- B. **State Environmental Planning Policy (Rural Lands) 2008** aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes. The SEPP establishes a number of principles required to be considered for the development of rural land. The subject site does not comprise rural land.
- C. **State Environmental Planning Policy (Infrastructure) 2007** permits a range of infrastructure related developments upon the land and will apply to the area the subject of this Planning Proposal in the same manner as it currently applies.
- D. **State Environmental Planning Policy (Temporary Structures) 2007** will permit the erection of temporary structures in the same manner as it currently applies to the land.
- E. **State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007** establishes a consistent approach to the development of mineral, petroleum and extractive material resources and will apply to the land in the same manner as it currently exists.
- F. **State Environmental Planning Policy SEPP (Major Development) 2005** identifies developments that are major projects determined by the Minister for Planning. It also provides planning provisions for State significant sites and identifies the functions that may be carried out by joint regional planning panels (JRPPs) and classes of regional

development to be determined by JRPPs. The application of this SEPP will remain unaltered should the land be rezoned as proposed.

- G. **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004** provides a consistent approach to the application of energy efficiency by the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans. BASIX will apply to any new dwelling the result of the proposed rezoning in the same manner as it currently applies to the land.
- H. **State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004** seeks to encourage the development of high quality accommodation for our ageing population and for people who have disabilities. The application of this SEPP will remain unaltered should the land be rezoned as proposed.
- I. **State Environmental Planning Policy No.64 - Advertising and Signage** aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area including outdoor advertising in transport corridors in suitable locations and is of high quality design and finish. The application of SEPP No.64 will not be altered as a result of this planning proposal.
- J. **State Environmental Planning Policy No.55 - Remediation of Land** provides state-wide planning controls for the remediation of contaminated land, including if the land is unsuitable, remediation must take place before the land is developed. A preliminary hazard analysis including site specific sampling will be required prior to the redevelopment of the site. The application of SEPP No.55 will remain unaltered as a result of this planning proposal.
- K. **State Environmental Planning Policy No.52 - Farm Dams and Other Works in Land and Water Management Plan Areas** applies to the Jemalong, Wyldes Plains Irrigation District within the Forbes Shire however does not apply to the land the subject of this planning proposal.
- L. **State Environmental Planning Policy No.44 - Koala Habitat Protection** encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. The policy applies to the Forbes local government area. The site does not contain any extensive vegetation areas or any supporting habitat corridors likely to accommodate koala habitat.
- M. **State Environmental Planning Policy No.36 - Manufactured Home Estates** seeks to establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. The policy allows MHEs to be located on certain land where caravan parks are

permitted subject to criteria that a proposal must satisfy. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. Manufactured home estates will remain as not being permissible as caravan parks are prohibited development in the B5 Business Development zone.

N. **State Environmental Planning Policy No.1 - Development Standards** allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary in the circumstances of the case. The application of SEPP No.1 will remain unaltered as a result of development envisaged by the rezoning proposed in this planning proposal. The use of SEPP 1 is not available to the proposed development by virtue of the prohibition in the land use table applicable to the existing 4(a) Industrial zone.

## 7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

S.117 Ministerial Directions have been considered in the preparation of this Planning Proposal. Relevant consideration in relation to the Planning Proposal is provided below:

| <b>S117 Ministerial Direction</b>                      | <b>Application/Requirement</b>                                                                                                                                                                                                            | <b>Consideration of Planning Proposal</b>                                                                                                                                                                                                                           |
|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Employment and Resources</b>                     |                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                     |
| <b>1.1 Business and Industrial Zones</b>               | Applies to a Planning Proposal that affects land within an existing or proposed business or industrial zone. The proposal must not reduce existing business or industrial zones nor reduce the potential floor space for employment uses. | The planning proposal seeks to alter an existing industrial zone to a business zone to encourage employment generating uses and will not reduce the potential floor space developable upon the land. Hence the Planning Proposal is consistent with this Direction. |
| <b>1.2 Rural Zones</b>                                 | This Direction does not apply within the Forbes Shire Local Government Area.                                                                                                                                                              |                                                                                                                                                                                                                                                                     |
| <b>1.3 Mining, Petroleum and Extractive Industries</b> | Applies to a Planning Proposal that would have the effect of prohibiting mining or restricting access to resources.                                                                                                                       | This Direction is not applicable to the Planning Proposal                                                                                                                                                                                                           |
| <b>1.4 Oyster Aquaculture</b>                          | Applies to a Planning Proposal that affects oyster aquaculture.                                                                                                                                                                           | This Direction is not applicable to the Planning Proposal                                                                                                                                                                                                           |
| <b>1.5 Rural Lands</b>                                 | Applies to a Planning Proposal that affects land within an existing or proposed rural or environment protection zone.                                                                                                                     | This Direction is not applicable to the Planning Proposal                                                                                                                                                                                                           |
| <b>2. Environment and Heritage</b>                     |                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                     |
| <b>2.1 Environment Protection Zones</b>                | Applies to a Planning Proposal that affects land within an Environment Protection Zone.                                                                                                                                                   | This Direction is not applicable to the Planning Proposal                                                                                                                                                                                                           |
| <b>2.2 Coastal Protection</b>                          | Applies to a Planning Proposal that affects land within a coastal                                                                                                                                                                         | This Direction is not applicable to the Planning Proposal                                                                                                                                                                                                           |

|                                                         |                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                         | zone.                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                           |
| <b>2.3 Heritage Conservation</b>                        | A Planning Proposal must facilitate the conservation of items of Aboriginal or European heritage.                                                                                                                                                                                                                                                   | There are no items of Aboriginal or European cultural heritage upon the site applicable to the Planning Proposal                                                                                                                                                          |
| <b>2.4 Recreation Vehicle Areas</b>                     | A Planning Proposal must not provide for a recreation vehicle area.                                                                                                                                                                                                                                                                                 | This Direction is not applicable to the Planning Proposal                                                                                                                                                                                                                 |
| <b>3. Housing, Infrastructure and Urban Development</b> |                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                           |
| <b>3.1 Residential Zones</b>                            | Applies to a Planning Proposal that will affect land within an existing or proposed residential zone. A Planning Proposal must include provisions for increased housing choice that will broaden choice in the housing market and make more efficient use of existing infrastructure.                                                               | This Direction is not applicable to the Planning Proposal                                                                                                                                                                                                                 |
| <b>3.2 Caravan Parks and Manufactured Home Estates</b>  | A Planning Proposal must retain provisions that permit caravan parks and take into account provisions for Manufactured Home Estates.                                                                                                                                                                                                                | This Direction is not applicable to the Planning Proposal                                                                                                                                                                                                                 |
| <b>3.3 Home Occupations</b>                             | A Planning Proposal must home occupations to be carried out in dwelling houses without consent.                                                                                                                                                                                                                                                     | This Direction is not applicable to the Planning Proposal                                                                                                                                                                                                                 |
| <b>3.4 Integrating and Use and Transport</b>            | Applies to a Planning Proposal that will create, alter or remove a zone or provision relating to urban land. A Planning Proposal must locate zones that are consistent with:<br>(a) Improving Transport Choice – Guidelines for planning and Development, DUAP 2001;<br>(b) The Right Place for Business and Services – Planning Policy, DUAP 2001. | The Planning Proposal will encourage the urban use of a former Industrial site which is well located in relation to access to local transport services and other urban development. The Planning Proposal is considered to be consistent with the aims of this Direction. |
| <b>3.5 Development Near Licensed Aerodromes</b>         | Applies to a Planning Proposal that affects land in the vicinity of a licensed aerodrome.                                                                                                                                                                                                                                                           | This Direction is not applicable to the Planning Proposal                                                                                                                                                                                                                 |
| <b>4. Hazard and Risk</b>                               |                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                           |
| <b>4.1 Acid Sulfate Soils</b>                           | Applies to a Planning Proposal that affects Acid Sulfate Soils.                                                                                                                                                                                                                                                                                     | This Direction is not applicable to the Planning Proposal                                                                                                                                                                                                                 |
| <b>4.2 Mine Subsidence and Unstable Land</b>            | Applies to a Planning Proposal upon land likely to be unstable.                                                                                                                                                                                                                                                                                     | The subject land is not considered likely to be unstable. This Direction is not applicable to the Planning Proposal                                                                                                                                                       |
| <b>4.3 Flood Prone Land</b>                             | Applies to a Planning Proposal that affects flood prone land to ensure consistency with the NSW Floodplain Development Manual. A planning proposal must not rezone flood affected land from special use,                                                                                                                                            | A small portion of the southern end of the site is identified as being within the low hazard flood affected area. The planning proposal does not increase the development potential of this flood affected                                                                |



|                                                                                         |                                                                                                                                                                                                     |                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                         | recreation, rural or environmental protection zones to residential, business, industrial or special purpose zone nor permit development which is inconsistent with the flood hazard identification. | land in a manner inconsistent with the NSW Floodplain Development Manual.                                                                                               |
| <b>4.4 Planning For Bush Fire Protection</b>                                            | Applies to a Planning Proposal that will affect or is in proximity to land mapped as bush fire prone land.                                                                                          | The land is not identified or in close proximity to land identified as being bush fire prone land. This Direction is not applicable to the Planning Proposal            |
| <b>5. Regional Planning</b>                                                             |                                                                                                                                                                                                     |                                                                                                                                                                         |
| <b>5.1 Implementation of Regional Strategies</b>                                        | No regional strategies apply within the Forbes Shire.                                                                                                                                               | This Direction is not applicable to the Planning Proposal                                                                                                               |
| <b>5.2 Sydney Drinking Water Catchments</b>                                             | Applies to a Planning Proposal within the Sydney drinking water catchment.                                                                                                                          | This Direction is not applicable to the Planning Proposal                                                                                                               |
| <b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>       | Applies to a Planning Proposal upon farmland on the NSW Far North Coast.                                                                                                                            | This Direction is not applicable to the Planning Proposal                                                                                                               |
| <b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>     | Applies to a Planning Proposal upon land along the Pacific Highway, North Coast.                                                                                                                    | This Direction is not applicable to the Planning Proposal                                                                                                               |
| <b>5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</b> | Revoked                                                                                                                                                                                             |                                                                                                                                                                         |
| <b>5.6 Sydney to Canberra Corridor</b>                                                  | Revoked                                                                                                                                                                                             |                                                                                                                                                                         |
| <b>5.7 Central Coast</b>                                                                | Revoked                                                                                                                                                                                             |                                                                                                                                                                         |
| <b>5.8 Second Sydney Airport: Badgerys Creek</b>                                        | A planning proposal must not hinder development potential for a Second Sydney Airport at Badgerys Creek                                                                                             | This Direction is not applicable to the Planning Proposal                                                                                                               |
| <b>6. Local Plan Making</b>                                                             |                                                                                                                                                                                                     |                                                                                                                                                                         |
| <b>6.1 Approval and Referral Requirements</b>                                           | A Planning Proposal must minimise concurrence, consultation or referral requirements of Development Applications to a Minister.                                                                     | No concurrence, consultation or referral requirements are proposed as a result of this Planning Proposal.                                                               |
| <b>6.2 Reserving Land for Public Purposes</b>                                           | A Planning Proposal must not create, alter or reduce land reserved for public purposes without approval of the relevant public authority.                                                           | This Direction is not applicable to the Planning Proposal                                                                                                               |
| <b>6.3 Site Specific Provisions</b>                                                     | A Planning Proposal must allow a land use to be carried out in an the zone the land is situated on or rezone the site to an existing zone that allow the land use to be carried out                 | The Planning Proposal does not propose to introduce any site specific provisions. The Planning Proposal is considered to be consistent with the aims of this Direction. |
| <b>7. Metropolitan Planning</b>                                                         |                                                                                                                                                                                                     |                                                                                                                                                                         |
| <b>7.1 Implementation of the Metropolitan Strategy</b>                                  | This Direction does not apply within the Forbes Shire Local Government Area.                                                                                                                        |                                                                                                                                                                         |

## **Section C – Environmental, Social and Economic Impact**

- 8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No,

Given the sites location within the established Forbes urban area and long history as the Forbes Mid-State Sale Yards the proposal will not affect critical habitat or threatened species, populations or ecological communities, or their habitats.

- 9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

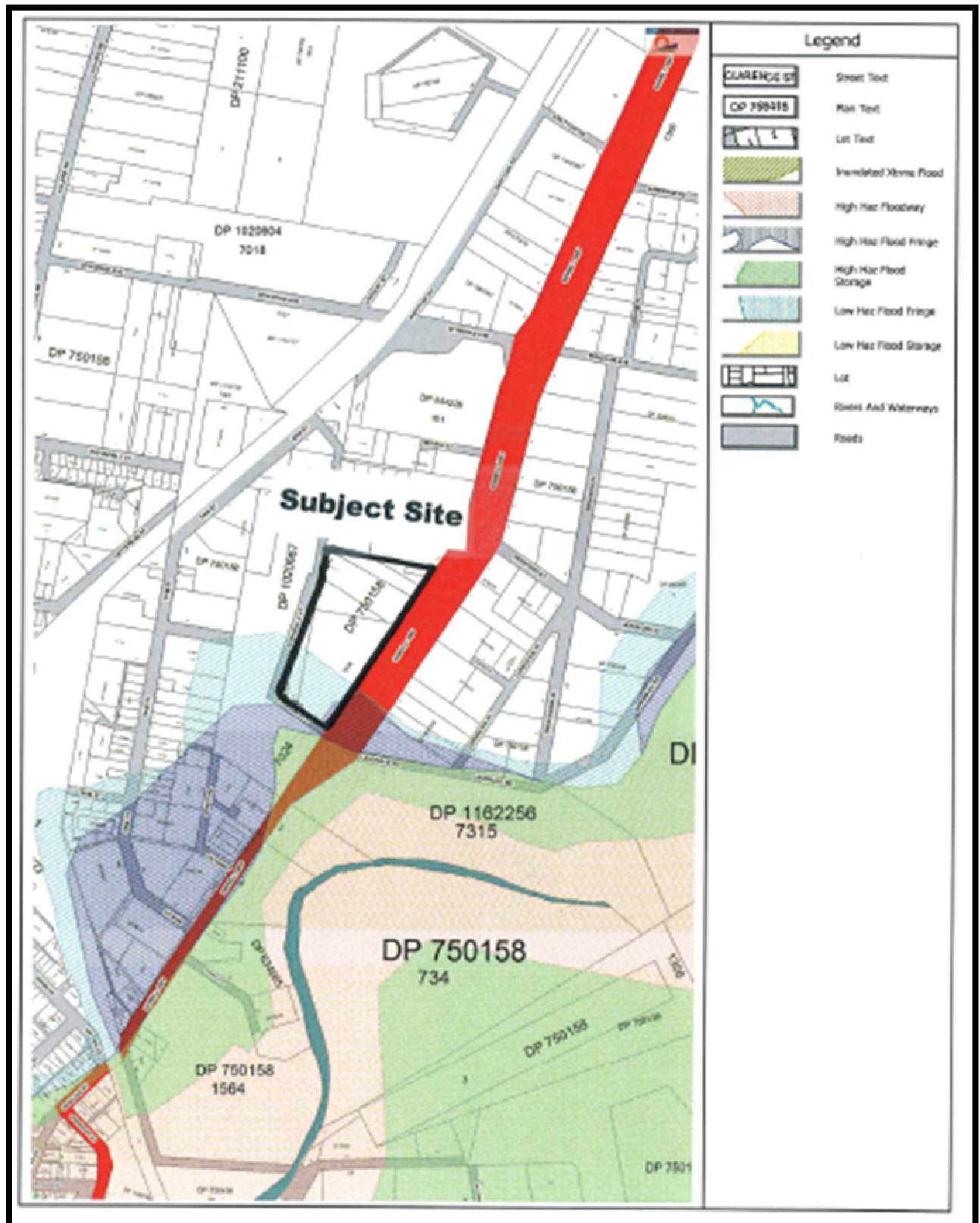
Yes,

A small portion of the southern end of the site is affected by flooding which is shown on the flood hazard plan below. The southern end of the site is identified as being within the low hazard flood fringe area. This small portion could either be filled to a height above the flood level or incorporated into the design as an open area for car parking, loading/unloading etc. and remain free for the passage of waters. Either option would be compatible with the Forbes Floodplain Management Plan.

The site also has the potential for isolated contamination due to its historical use. A Preliminary Contamination Investigation of the site has been conducted by Envirowest Consulting Pty Ltd, the final report dated 2 December, 2003. It is acknowledged that this investigation was prepared at the outset of plans to relocate the Forbes Saleyards and is now somewhat dated. Nothing would have changed in the use and operation of the site which would alter the report findings. The proposed demolition is the first step toward the redevelopment of the site. The testing recommended after the removal of concrete can be conducted at the completion of the demolition process and nitrogen and phosphorus management plan prepared in conjunction with the Storm water management plan.

The potential for contamination can be managed in accordance with the requirements of SEPP No.55.

The site is not considered to be affected by bushfire, subsidence or any other major environmental constraint. The planning proposal will not result in any adverse environmental effects. Appropriate site management measures should be implemented during any construction works in order to manage any minor local potential environmental concerns.



**10. How has the planning proposal addressed any social and economic effects?**

Obvious positive social and economic benefits exist in the provision of a large new commercial/retail development but also in supporting and contributing to the local social and economic network, cultural benefits, education and access to services.

Any foreseeable negative social or economic effects may result from localised impacts upon immediately adjoining owners. Any such concerns will be required to be managed throughout the DA process.

## **Section D – State and Commonwealth Interests**

**11. Is there adequate public infrastructure for the planning proposal?**

Local infrastructure such as water, power and sewer are all present and available to the site. The proposed development will not impact upon State and Commonwealth infrastructure including health, education, emergency services, public transport etc. Positive localised economic and social impacts will be positive in their contribution to supporting existing services and ensuring their retention in Forbes.

**12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Any consultation with Government Authorities will be undertaken in accordance with the gateway determination.

Preliminary consultations with the RTA would indicate that similar to the existing saleyards operation controlled access points to an internal road system would be appropriate to manage the sites proximity to the Newell Highway.

## **Part 4 – Community Consultation**

The proposed development the subject of this Planning Proposal is considered to be 'low impact' in accordance with Section 4.5 of the Guide to Preparing Local Environmental Plans, Department of Planning, July, 2009 Council intends to publically exhibit the draft LEP for 14 days. Council is bound to consider submissions lodged during the consultation process and will endeavour to resolve any matters raised.