

SECTION 59 PLANNING REPORT

Planning proposal details:

PP_2017_FORBE_001_00 to amend Forbes Local Environmental Plan 2013 to rezone land from IN1 General Industrial to R1 General Residential at 1A Brooke Street, Forbes.

Planning proposal summary:

Planning proposal to amend the Forbes Local Environmental Plan 2013 to rezone land from IN1 General Industrial to R1 General Residential at 1A Brooke Street, Forbes.

Date of Gateway determination:

The Gateway determination was issued on the 13 July 2017.

1.0 SUMMARY

The Planning Proposal is not the result of a specific study or report. The owner of land approached Council and preliminary discussions with staff and the Department of Planning and Environment were undertaken. At an Ordinary Council Meeting on the 17 November 2016, Council resolved to support the preparation of a Planning Proposal to amend the *Forbes Local Environmental Plan 2013*. Refer to Attachment A for a copy of the Council Report.

The proposed provisions in the Planning Proposal will achieve the intended outcomes by:

- Amending the Land Zoning Map LZN_005AB in the *Forbes Local Environmental Plan 2013* to show the subject land zoned as R1 General Residential;
- Amending the Minimum Lot Size Map LSZ_005AB in the *Forbes Local Environmental Plan 2013* to show the subject land having a minimum lot size for subdivision of 550m²; and
- Amending the Height of Buildings Map – Sheet HOB_005AB in the *Forbes Local Environmental Plan 2013* to show the subject land having a maximum building height of 8.5metres.

The key issues raised from the consultation with ARTC and the Department of Planning and Environment, related to the noise and vibration impacts on future development given the proximity of the subject site proposed to be rezoned to the railway line.

The noise and vibration impacts on future development on the subject site will be mitigated through a clause, required by the Department of Planning and Environment to be inserted into the Forbes Development Control Plan 2013 and through the site specific noise and vibration assessment prepared for the site.

The Department of Planning and Environment and ARTC are satisfied that these measures will adequately address the noise and vibration impacts associated with the site being in close proximity to the railway line.

2.0 GATEWAY DETERMINATION

Date gateway determination issued: 13/07/2017

Timeframe for completion of proposal: 12 months (13/07/2018)

Review request: No

Compliance with conditions of Gateway determination: Yes the conditions have been complied with.

3.0 COMMUNITY CONSULTATION

*dates of exhibition: 15 of September to the 13 of October 2017,
number of submissions received: No submissions were received,
issues raised during exhibition: No issues raised during the exhibition period,
and
responses to issues: no issues received.*

4.0 VIEWS OF PUBLIC AUTHORITIES

Consultation with Australian Rail Track Corporation under section 56(2)(d) of the Environmental Planning and Assessment Act 1979 for a period of 21 days was required as a condition of the Gateway Determination for the planning proposal for 1A Brooke Street.

A letter with the planning proposal for 1A Brooke Street was sent to ARTC on the 15 of September 2017, with a response provided to Council on the 16 October 2017. The response forms an attachment to this report. As a part of their response ARTC requested that a site specific noise and vibration assessment be undertaken.

The applicant was requested to prepare a site specific noise and vibration assessment which was received and sent to ARTC on the 23 January 2018. ARTC raised no issues to the site specific noise and vibration assessment within their response on the 2 March 2018.

There are no longer any outstanding issues associated with this planning proposal.

5.0 CONSISTENCY WITH S.117 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS

The planning proposal accompanying this report addresses the consistency and inconsistencies with the s117 Directions.

6.0 PARLIAMENTARY COUNSEL OPINION

An opinion is yet to be sought from Parliamentary Counsel. An opinion will be sought on 16 of March 2018.

7.0 OTHER RELEVANT MATTERS

No other relevant matters have been raised or arose subsequent to the Gateway Determination, public exhibition period and the consultation with ARTC.

8.0 MAPPING

Council does not have the technical capability to prepare the updates to the LEP mapping. The mapping that will be required to be updated will be:

- Amending the Land Zoning Map LZN_005AB in the *Forbes Local Environmental Plan 2013* to show the subject land zoned as R1 General Residential;
- Amending the Minimum Lot Size Map LSZ_005AB in the *Forbes Local Environmental Plan 2013* to show the subject land having a minimum lot size for subdivision of 550m²; and
- Amending the Height of Buildings Map – Sheet HOB_005AB in the *Forbes Local Environmental Plan 2013* to show the subject land having a maximum building height of 8.5metres.

A request will be made for mapping to be prepared on Council's behalf.

9.0 RECOMMENDATION

Council recommends that the plan is to be made as per the planning proposal submitted for the gateway determination.

No amendments are proposed or required.