

**Forbes LEP 2013 - Rezone land from IN1 General Industrial to R1 General Residential at 1A  
Brooke Street, Forbes**

Proposal Title : Forbes LEP 2013 - Rezone land from IN1 General Industrial to R1 General Residential at 1A  
Brooke Street, Forbes

Proposal Summary : Rezone land from IN1 General Industrial to R1 General Residential at 1A Brooke Street,  
Forbes.

PP Number : PP\_2017\_FORBE\_001\_00      Dop File No : 17/06464

**Proposal Details**

Date Planning Proposal Received :	28-Jun-2017	LGA covered :	Forbes
Region :	Western	RPA :	Forbes Shire Council
State Electorate :	ORANGE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

**Location Details**

Street :	Brooke Street		
Suburb :	Forbes	City :	Forbes
		Postcode :	2871
Land Parcel :	Lot 10 DP 833686		

**DoP Planning Officer Contact Details**

Contact Name : Jessica Holland  
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**RPA Contact Details**

Contact Name : Alexandra Power  
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**DoP Project Manager Contact Details**

Contact Name : Wayne Garnsey  
Contact Number : 0268412180  
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**Land Release Data**

Growth Centre :	Release Area Name :
Regional / Sub	Consistent with Strategy :
Regional Strategy :	

**Forbes LEP 2013 - Rezone land from IN1 General Industrial to R1 General Residential at 1A Brooke Street, Forbes**

MDP Number :		Date of Release :	
Area of Release (Ha) : 0.20		Type of Release (eg Residential / Employment land) :	<b>Residential</b>
No. of Lots : 0		No. of Dwellings (where relevant) :	<b>3</b>
Gross Floor Area : 0		No of Jobs Created :	<b>0</b>
The NSW Government Lobbyists Code of Conduct has been complied with : <b>Yes</b>			
If No, comment :			

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

**Supporting notes**

Internal Supporting Notes :

External Supporting Notes :

**Adequacy Assessment**

**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? **Yes**

Comment : **The planning proposal clearly states the objective is to rezone land from IN1 General Industrial to R1 General Residential and impose a minimum lot size of 550sqm on land at Lot 10 DP 833686, 10A Brooke Street, Forbes.**

**The building height provision is proposed to be reduced from 17 metres to allow a building height of 8.5 metres.**

**Explanation of provisions provided - s55(2)(b)**

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions clearly states that the objectives of the planning proposal will be achieved by amending Land Zoning Map Sheet LZN\_005AB and Lot Size Map Sheet LSZ\_005AB.**

**Height of Buildings Map Sheet HOB\_005AB is proposed to be amended to show a building height of (l), being 8.5 metres.**

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

**1.1 Business and Industrial Zones**

\* May need the Director General's agreement

**1.3 Mining, Petroleum Production and Extractive Industries  
3.3 Home Occupations**

**Forbes LEP 2013 - Rezone land from IN1 General Industrial to R1 General Residential at 1A  
Brooke Street, Forbes**

**6.1 Approval and Referral Requirements**

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 21—Caravan Parks**  
**SEPP No 55—Remediation of Land**  
**SEPP No 64—Advertising and Signage**  
**SEPP No 65—Design Quality of Residential Flat Development**  
**SEPP (Building Sustainability Index: BASIX) 2004**  
**SEPP (Exempt and Complying Development Codes) 2008**  
**SEPP (Housing for Seniors or People with a Disability) 2004**  
**SEPP (Infrastructure) 2007**  
**SEPP (Mining, Petroleum Production and Extractive Industries) 2007**  
**SEPP (Affordable Rental Housing) 2009**

e) List any other matters that need to be considered :

**1.1 Business and Industrial Zones:** The Ministerial Direction is relevant as the planning proposal affects land in an existing industrial zone. The proposal seeks to rezone land from zone IN1 General Industrial to zone R1 General Residential. The planning proposal is inconsistent with this Direction as it reduces the area of the subject industrial zone and will result in a reduction in the total potential floor space area for industrial uses.

The Director Regions, Western can be satisfied that the inconsistency is of minor significance in this case as the land affected is limited to 2048 square metres, and there is adequate industrial zoned land to meet future demand.

**3.1 Residential Zones:** The Ministerial Direction is relevant as the planning proposal affects land within a proposed residential zone; the subject site is proposed to be zone R1 General Residential. The proposal seeks to broaden the choice of housing types available in Forbes and to make efficient use of the infrastructure and services in the locality. The planning proposal is consistent with this Direction.

**3.4 Integrating Land Use and Transport:** The Ministerial Direction is relevant as the planning proposal alters the a zone relating to urban land, being land zoned for industrial purposes and proposed to be zoned for residential purposes. The planning proposal is consistent with this Direction.

**SEPP 55 Remediation of Land:** The planning proposal has considered past land uses including use of the site by Telstra Corporation Limited as a Line Depot and the storage of motor vehicles on behalf of Forbes Toyota. An Environmental Site Assessment Report prepared on 13 January 2000 has been provided which concludes that the site is suitable for residential use. No known potential contaminants have been identified as a result of the use of the land since this report was prepared. There is no further work required for this matter as part of the planning proposal.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

**Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment :

**Adequate locality maps are included in the planning proposal to identify the subject land.**

**A condition will be imposed on the Gateway determination requiring the preparation of amending Land Zoning Map Sheet LZN\_005AB, Lot Size Map Sheet LSZ\_005AB and Height of Buildings Map Sheet HOB\_005AB in accordance with the Departments Standard Technical Requirements for LEP Maps.**

**Forbes LEP 2013 - Rezone land from IN1 General Industrial to R1 General Residential at 1A Brooke Street, Forbes**

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment :                      **The planning proposal shall be publicly exhibited for a period of 28 days.**

**Additional Director General's requirements**

Are there any additional Director General's requirements? **No**

If Yes, reasons :

**Overall adequacy of the proposal**

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :                      **The planning proposal is adequate in the information provided.**

**Proposal Assessment**

**Principal LEP:**

Due Date : **August 2013**

Comments in relation to Principal LEP :                      **The Forbes Local Environmental Plan 2013 was notified 9 August 2013.**

**Assessment Criteria**

Need for planning proposal :                      **The planning proposal is required to permit residential development on the site.**

Consistency with strategic planning framework :                      **The Forbes Growth Management Strategy identifies areas of industrial land for future release in the short term and recommends implementation of rezoning to align with the industrial designations on map 4.11 (see policy action 6.2). The Forbes Growth Management Strategy identifies the subject land as part of the urban area, the land is not identified as industrial land.**

**Forbes LEP 1986:** The Forbes LEP 1986 zoned the land Zone No. 5(a) (Special Uses (Schools, etc) Zone) and identified the use as TELECOM. Amendment 8 of the Forbes LEP 1986 amended the zone to Zone No. 4(a) Industrial as an extension of the existing industrial land south of the site and to reflect the existing nature of development on the land. Subsequently the land was zoned for industrial purposes in the Forbes LEP 2013 (zone IN1 General Industrial).

**Forbes LEP 2013:** Land identified in the Forbes Growth Management Strategy as industrial land for future release was zoned in the Forbes LEP 2013. No further land supply issues have been identified and the minor reduction in industrial zoned land as a result of this planning proposal is considered to be of minor significance in terms of land supply.

**Central West & Orana Regional Plan 2036:** This proposal is inconsistent with Direction 18 of the Central West and Orana Regional Plan. Direction 18 aims to improve the freight connections to markets and global gateways. A key action of the Direction is to enhance the operation of freight and logistics facilities by limiting the encroachment of incompatible and sensitive land uses in local environmental plans. The adjacent railway corridor is part of a key inland rail transport route. This proposal would allow encroachment of incompatible residential land uses that could limit the capacity of the rail corridor in the future. Note this planning proposal was received prior to the release of the Central West & Orana Regional Plan and accordingly section 117 Direction 5.10 Implementation of Regional Plan is not applicable to this assessment.

**Forbes LEP 2013 - Rezone land from IN1 General Industrial to R1 General Residential at 1A  
Brooke Street, Forbes**

Environmental social  
economic impacts :

The assessment identifies potential land use compatibility issues with the adjoining rail corridor and adjoining industrial land. It is noted that consideration must be given to ensure that the proposed residential (medium density) use of the land does not limit the potential for growth and diversification of industrial uses on the adjoining land or on nearby rail infrastructure, as activities carried out on this land may have implications for residential amenity.

The following information has been provided by Council regarding the current use of the rail corridor:

- The subject land adjoins SP1 Rail Infrastructure Facilities zone to the east. The line is known as the Stockinbingal – Parkes railway line and is the main route for goods train travelling between Sydney and the west of NSW and beyond. Adjoining the Rail Infrastructure Facilities zone to the north is the R1 General Residential zone. The frequency of the line is 10 trains within a 24 hour period, as provided by the Australian Rail Track Corporation.

It is noted that Section 87 of SEPP (Infrastructure) 2007 requires that a consent authority cannot grant consent to residential development adjacent to a rail corridor, that the consent authority considers is likely to be adversely affected by rail noise or vibration unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- a) in any bedroom in the building - 35dB(A) at any time between 10:00pm and 7:00am,
- b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.

It is noted that the subject allotment is approximately 230 metres from the existing railway line, though the site is adjacent to the rail corridor. It is noted that no noise impact assessment has been undertaken in respect of this planning proposal at this time.

The rail corridor is part of the corridor referenced by the Australian Rail Track Corporation (ARTC) as the Stockinbingal to Parkes rail corridor. The Stockinbingal to Parkes corridor (S2P) is one of 13 projects that complete the proposed Inland Rail. This section of Inland Rail includes 173km of existing rail corridor. ARTC has undertaken improvement works along Section S2P which will benefit Inland Rail. Additional works will be undertaken to enable double-stack trains of 3,600m in length to be run on the track. As part of the project two million tonnes of agricultural freight will switch from road to rail, with a total of 8.9 million tonnes of agricultural freight more efficiently diverted to Inland Rail. This will significantly increase the frequency of freight along the corridor. It should also be recognised that the Inland Rail will be a catalyst for complementary private sector investments, such as fleet upgrades, new metropolitan and regional terminals and integrated freight precincts.

In the assessment of residential development on the land under section 79C of the Environmental Planning and Assessment Act 1979, Council will need to carefully consider the potential land use impacts between residential development and the adjoining and adjacent uses on industrial land and the rail corridor.

The existing pattern of residential development in the adjoining industrial zone limits the potential for intensification of the industrial land uses in the locality. This assessment concludes that the proposed rezoning of land will have a minor impact on further limiting intensification of industrial development in the zone. It is recommended that the proposal proceed to Gateway with conditions requiring consultation with ATRC, a 28 day community consultation period and a requirement for Council to draft suitable development controls for inclusion in the Forbes Development Control Plan (DCP) to address potential land use conflict, particularly regarding noise and vibration from the adjoining rail corridor. The draft DCP content is to be publicly exhibited with the planning proposal, Council should seek to amend the DCP prior to finalisation of the Plan. A timeframe of 12 months has been provided for finalisation of the Plan.

**Forbes LEP 2013 - Rezone land from IN1 General Industrial to R1 General Residential at 1A Brooke Street, Forbes**

**Assessment Process**

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

**Documents**

Document File Name	DocumentType Name	Is Public
Council Resolution 20 April Amendment No 5 Rezoning of 1A Brooke Street .pdf	Proposal	Yes
Cover letter for 1A Brooke Street.pdf	Proposal Covering Letter	Yes
Planning Proposal - 1A Brook Street Forbes - Amended 22 March 2017 (3).pdf	Proposal	Yes
Additional Information.docx	Proposal	Yes

**Planning Team Recommendation**

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**  
**1.3 Mining, Petroleum Production and Extractive Industries**  
**3.3 Home Occupations**  
**6.1 Approval and Referral Requirements**

Additional Information : **1. Prior to community consultation, draft Development Control Plan (DCP) content is to be prepared and submitted the Department of Planning and Environment for approval to provide suitable development controls for development near rail corridors, particularly in relation to noise and vibration. A copy of the draft content is to be publicly exhibited with**

**Forbes LEP 2013 - Rezone land from IN1 General Industrial to R1 General Residential at 1A  
Brooke Street, Forbes**

the planning proposal. Council should seek to amend the Forbes DCP to include the content prior to the Plan being made.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:

- (a) the planning proposal must be made publicly available for a minimum of 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 & Infrastructure 2013).

3. Consultation is required with the Australian Rail Track Corporation under section 56(2)(d) of the Environmental Planning & Assessment Act 1979. Australian Rail Track Corporation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 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 56(2)(e) of the Environmental Planning and Assessment Act, 1979. 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. Prior to submission of the planning proposal under section 59 of the Environmental Planning and Assessment Act, 1979, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The proposal is not strategically justified by the Forbes Growth Management Strategy, however given the existing pattern of residential development within the adjoining industrial zone and the associated limited potential for intensification of the existing industrial land uses in the locality it is determined that the proposal can be supported.

Signature:

*Amanda Carnegie*

Printed Name:

*Amanda Carnegie*

Date:

*12-7-17*

*Endorsed  
W. Gannsey 12/7/17  
TLWR*