

PLANNING PROPOSAL

**Proposed Rezoning of IN1 General Industrial to R1 General Residential
at 1A Brook Street, Forbes**

Amendment to the Forbes Local Environmental Plan 2013

Prepared for
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Submitted to
Forbes Shire Council

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INTRODUCTION

This is a Planning Proposal seeking an amendment to the *Forbes Local Environmental Plan 2013*, to rezone land from IN1 General Industrial to R1 General Residential. The land is described as Lot 10 DP833686, 1A Brook Street, Forbes, and has an approximate area of 2408 square metres.

The Planning Proposal has been prepared in accordance with Section 55 (3) of the *Environmental Planning and Assessment Act 1979* and guidelines *A Guide to Preparing Planning Proposals* prepared by the NSW Department of Planning and Environment.

DESCRIPTION OF THE SITE

The land is legally described as Lot 10 DP 833686, 1A Brook Street, Forbes, and has an approximate area of 2408 square metres. Refer to Figure 1 of an aerial view of the land.

The land is approximately 5 kilometres north of the town centre of Forbes and is surrounded by a mixture of land uses. Residential development bounds the site to the north and west and commercial and light industry development bounds the site to the east and south. Refer to Figure 2 for the existing zoning of 1A Brook Street, Forbes and surrounding land.

The land contains two (2) building structures, a storage container and a transportable building. The land is predominately bitumen sealed, with minimal vegetation and landscaping. Vehicle access is obtained via two (2) existing access locations off Brook Street.



Figure 1: Aerial view of 1A Brook Street, Forbes (Source: <https://six.nsw.gov.au/>)

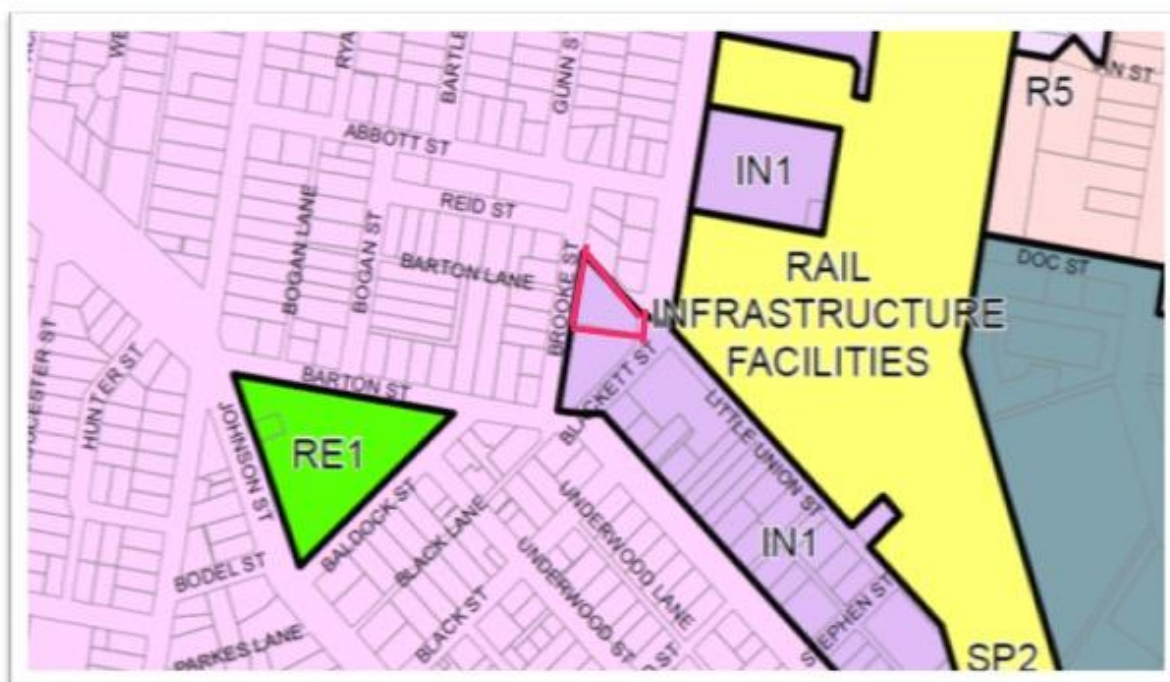


Figure 2: Zoning Map of 1A Brook Street, Forbes (Source: <http://www.legislation.nsw.gov.au>)



Photograph 1: 1A Brook Street, Forbes

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The intended outcome of this Planning Proposal is to allow the land to be developed for residential purposes at a density appropriate for the location.

PART 2 – EXPLANATION OF PROVISIONS

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.

PART 3 – JUSTIFICATION

This section of the Planning Proposal sets out the justification for the intended outcomes and provisions, and the process for their implementation. The questions to which responses have been provided are taken from the Department of Planning and Environment's *A Guide to Preparing Planning Proposals*.

3.1 Need for the Planning Proposal

Is the Planning Proposal a result of any strategic study or report?

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.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The land is currently within the IN1 General Industrial zone and residential accommodation is prohibited under the provisions of the *Forbes Local Environmental Plan 2013*. Consequently, the objective of residential development on the subject land can only be achieved through an amendment to the *Forbes Local Environmental Plan 2013* via a Planning Proposal.

3.2 Relationship to Strategic Planning Framework

Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

There is no adopted Regional Strategy applicable to the Planning Proposal. However, the *draft Central West and Orana Regional Plan* prepared by the Department of Planning and Environment was placed on public exhibition in May 2016. Despite it not having been finalised, it is considered that due to the minor nature of the Planning Proposal it is consistent with the overall objectives of the *draft Central West and Orana Regional Plan*.

Is the Planning Proposal consistent with a Council's local strategy or other local strategic plan?

Growth Management Plan 2009

The *Growth Management Plan 2009* provides a future direction for the settlements and land within the Forbes Shire. The subject land is not specifically identified within the Plan, however, it is considered to be consistent with the overall recommended strategies for future development and growth within Forbes. This is due to the land being surrounded by an existing R1 General Residential zone and no environmental, social and economic constraints affecting the land.

Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The following discussion demonstrates the Planning Proposals consistency with the relevant State Environmental Planning Policies:

State Environmental Planning Policy No.21 – Caravan Parks

The Planning Proposal does not contradict or hinder from the aims, development consent requirements for caravan parks relating to, the development consent requirements, the number of sites being used for long term or short term residents, the permissibility of moveable dwellings where caravan parks or camping grounds are also permitted, and subdivision of caravan parks for lease purposes as provided in this SEPP.

State Environmental Planning Policy No.55 - Remediation of Land

Clause 6 of the *State Environmental Planning Policy No. 55 - Remediation of Land* requires the issue of contamination and remediation to be considered in zoning or rezoning proposals.

An Environmental Site Assessment Report was prepared in 2000 by Australian Site Assessment on behalf of Telstra Corporation (previous owners). The land was used as a Telstra Line Depot; therefore, the objective of the report was to establish the presence of soil contamination. The Report concluded that no analytical concentrations exceeded the relevant standards and guidelines, concluding that the site is suitable for residential use. Refer to Attachment B for a copy of the Environmental Site Assessment Report.

The current owner purchased the land in 2000 and has used the site for storage purposes in connection with Forbes Toyota. The land stored motor vehicles, spare parts and accessories, new and used tyres and paper records and personal items (stored in the buildings). Accordingly, since 2000, the land has only been used for storage purposes, therefore, it is considered that no further contamination would have occurred onsite during this time.

State Environmental Planning Policy No.64 - Advertising and Signage

The change in zoning would enable limited business uses subject to development consent from Council. If signage were to form part of a future development application the provisions of this Policy would apply and the development would need to ensure the relevant provisions of the policy are achieved. The Planning Proposal does not include provisions that contradict or hinder the application of this Policy.

State Environmental Planning Policy No.65 - Design Quality of Residential Flat Buildings

The Planning Proposal does not contradict or hinder from the aims, development consent, assessment, information and notification requirements as provided in this Policy.

State Environmental Planning Policy (Building Sustainability Index) 2004

The provisions of this Policy would apply to residential development and this Planning Proposal does not include provisions that contradict or hinder the application of this Policy.

State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004

The Planning Proposal does not contradict or hinder from the aims, development consent, location, design, development standards, and service, assessment, and information requirements as provided in this Policy.

State Environmental Planning Policy (Infrastructure) 2007

The Planning Proposal does not contradict or hinder from the aims, permissibility, development consent, assessment and consultation requirements, capacity to undertake additional uses, adjacent, exempt and complying development provisions as provided in this Policy

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

The Planning Proposal does not contradict or hinder from the aims, permissibility and development assessment requirements relation to temporary structures as provided in this Policy.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2008

The Planning Proposal does not contradict or hinder from the aims, permissibility, development assessment requirements relating to mining, petroleum production and extractive industries as provided in this Policy. The site is not located within any identified resource areas, potential resource areas or transitional areas. There are no known existing mines, petroleum production operations or extractive industries on the land within its vicinity.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The Planning Proposal does not contradict or hinder from the aims and functions of this Policy with respect to exempt and complying development provisions.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The Planning Proposal does not contradict or hinder from the aims and functions of this Policy as changes do not discriminate against the provision of affordable housing (and consequently affordable rental housing).

Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Minister of Planning and Environment, under Section 117(2) of the *Environmental Planning & Assessment Act 1979* issues directions that local Councils must follow when preparing Planning Proposals for new Local Environmental Plans. The following discussion demonstrates the Planning Proposals consistency with the relevant Section 117 directions:

Direction 1.1 Business and Industrial Zones

Direction 1.1 - Business and Industrial Zones is applicable as the Planning Proposal proposes to rezone land from industrial to residential. The Planning Proposal is not consistent with the objectives of this direction, however is considered to be of minor significance, due to the subject land being one parcel of land that is surrounded by a R1 General Residential zone and existing residential development.

Direction 3.1 Residential Zones

Direction 3.1 - Residential Zones is applicable as the Planning Proposal proposes to rezone industrial to residential land. The Planning Proposal is consistent with the objectives of this direction as the rezoned area and amended minimum lot sizes:

- Would encourage a choice of housing types to provide for the existing housing needs, and;
- Would make efficient use of existing infrastructure and services.

Direction 3.3 Home Occupations

Direction 3.3 - Home Occupations is applicable as the proposed R1 General Residential zone permits dwelling houses. The objective of this direction is to encourage the carrying out of low- impact small business in dwelling houses. The Planning Proposal maintains existing provisions that enable home occupations to be carried out without the need of development consent.

Direction 6.1 Approvals and Referral Requirements

Direction 6.1 — Approval and Referral Requirements applies to all Planning Proposals forwarded for Gateway Determination by a local authority. The proposed rezoning does not include provisions that would trigger a need for concurrence, consultation, or referral to the State Government.

3.3 Environmental, Social and Economic Impact

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?

The Planning Proposal does not apply to land that has been identified as containing critical habitats or threatened species, populations or ecological communities, or their habitats.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Contamination

An Environmental Site Assessment Report was prepared by Australian Site Assessment on the 13 January 2000 on behalf of Telstra Corporation Limited (previous owners). The land was used as a Telstra Line Depot; therefore, the objective of the Report was to establish the presence of soil contamination. The Report concluded that no analytical concentrations exceeded the relevant standards and guidelines, concluding that the site is suitable for residential use. Refer to Attachment B for a copy of the Environmental Site Assessment Report.

The current owner purchased the land in 2000 and has used the site for storage purposes in connection with Forbes Toyota. The land stored motor vehicles, spare parts and accessories, new and used tyres and paper records and personal items (stored in the buildings). Accordingly, since 2000, the land has only been used for storage purposes, therefore, it is considered that no further contamination would have occurred onsite during this time.

Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal is considered to be of minor nature and will provide positive social and economic benefits to the Forbes community. The Planning Proposal is not considered to have any significant social or economic effects.

3.4 State and Commonwealth Interests

Is there adequate public infrastructure for the Planning Proposal?

The land has frontage to Brook Street, within which all urban infrastructure is provided including reticulated water, sewer, electricity and telecommunications. The Planning Proposal is unlikely to create any significant additional demands on public infrastructure.

What are the view of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Having regard for the nature of the Planning Proposal, it is anticipated no public authority consultation at this level will be required. It is acknowledged that the Gateway determination may specify Council undertake consultation with public authorities.

PART 4 - MAPS

Refer to maps throughout this report.

PART 5 – COMMUNITY CONSULTATION

Section 5.5.2 of *A Guide to Preparing Local Environmental Plans*, prepared by the Department of Planning and Environment identifies that the Planning Proposal is considered to be low impact. Accordingly, it is requested that a community consultation period of 14 days be applied to the exhibition of this Planning Proposal.

This Planning Proposal will be exhibited for a period of 14 days in accordance with the requirements of section 57 of the *Environmental Planning & Assessment Act 1979* and the Department of Planning and Environment, *A Guide to Preparing Local Environmental Plans*. At a minimum, the future consultation process is expected to include:

- Written notification to landowners adjoining the subject land;
- Consultation with relevant Government Departments and agencies, service providers and other key stakeholders, as determined in the Gateway Determination;
- Public notices to be provided in local media, including in a local newspaper and on Councils' website;
- Static displays of the Planning Proposal and supporting material in Council public buildings; and
- Electronic copies of all documentation being made available to the community free of charge (preferably via downloads from Council's website).

It is considered unlikely that a Public Hearing will be required for the proposal although this can't be confirmed until after the exhibition/notification process has been completed.

PART 6 – PROJECT TIMEFRAME

The proposed timeline for the completion of the planning proposal is as follows:

Plan Making Steps	Estimated Completion
Prepare Council Report to support the Planning Proposal	23/03/2017 - 11/04/2017
Submit to the Department of Planning and Environment for Gateway Determination	12/04/2017 - 20/04/2017
Determination of Gateway Determination by the Department of Planning and Environment.	21/05/2017 - 1 Month
Public Exhibition	22/05/2017 - 22/06/2017
Review of submissions and report back to Council	11/07/2017
Send public consultation outcome to the Department of Planning and Environment.	12/07/2017
Seek gazetting by the Department of Planning and Environment.	13/07/2017 - 13/09/2017

ATTACHMENT A - COUNCIL REPORT

ATTACHMENT B - PHASE ONE & TWO ENVIRONMENTAL SITE ASSESSMENT