

**5.3 PLANNING PROPOSAL TO AMEND THE FORBES SHIRE LOCAL
ENVIRONMENTAL PLAN 2013 TO REZONE 1A BROOKE STREET**

Report Author: Town Planner
Responsible Officer: Director, Environmental Services and Planning

Executive Summary

Council resolved on the 17th November 2016 to support the preparation of a planning proposal for the rezoning of 1A Brooke Street, Forbes (Lot 10 DP 833686) from IN1-General Industrial to R1-General Residential.

In response to this resolution a planning proposal was prepared on behalf of the applicant by Claire Johnston. The planning proposal is attached for Councillors information.

It is recommended that Council adopt the Planning Proposal and direct the General Manager to send the Planning Proposal to the Department of Planning for Gateway Determination.

Detailed Report

Council received a request from the owner of 1A Brooke Street, Forbes (Lot 10 DP 833686) to amend the Forbes Local Environmental Plan 2013 (FLEP2013) to rezone the subject site from IN1 Light Industrial to R1 General Residential.

The previous uses of the land were for a line depot for Telstra and also used by the Toyota Agency for the storage of motor vehicles and accessories since 2001.

The purpose of the rezoning of the subject site was to facilitate the future development of the site for multi-unit development.

The subject site is on the periphery of an area zoned IN1 General Industrial to the south east and to the north and west zoned R1 General residential. The subject site is closest to the residential area and is more appropriate with this context.

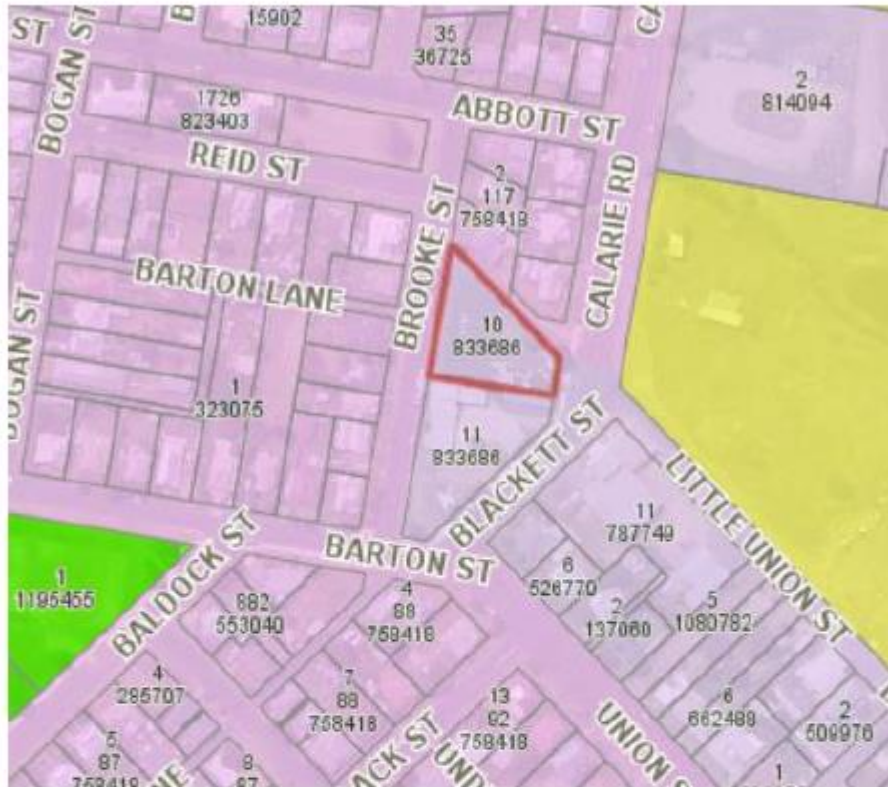
A report was sent to Council on the 17 November 2016 to support the preparation of a planning proposal by a Planning Consultant. Council supported this recommendation and resolved that Council support the preparation of a planning proposal for the rezoning of 1A Brooke Street, Forbes (Lot 10 DP 833686).

FORBES SHIRE COUNCIL
ORDINARY BUSINESS PAPER – 20 APRIL 2017

Page 170

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

Figure: 1A Brooke Street, Forbes area (outlined in red)



The Planning Proposal has since been finalised by a Planning Consultant (Claire Johnston). The planning proposal recommended the following amendment to the Forbes LEP 2013 by:

1. Amending the Land Zoning Map LZN_005AB in the *Forbes Local Environmental Plan 2013* to show the subject land zoned as R1 General Residential
2. Amending the Height of Building Map HBM_005AB in the *Forbes Local Environmental Plan 2013* to show the height of 8.5m as per the remainder of the R1 General Residential

This amendment is consistent with the original report to Council on the 17 November 2016, which will facilitate the desired outcome for the applicant.

The Planning Proposal is consistent with the *Guide to Preparing Planning Proposals*, the *Forbes Growth Management Study 2008*, the *Draft Central West and Orana Regional Plan*, the *Forbes Local Environmental Plan 2013* and other relevant planning policies. The Planning Proposal is also supported by relevant planning studies.

Discussions with the Department of Planning (the Department) branch in Dubbo have provided advice that all proposals to amend the LEP (except for changes of a minor nature such as a to correct a spelling mistake) will require a planning proposal to be submitted to The Department for Gateway Determination.

FORBES SHIRE COUNCIL
ORDINARY BUSINESS PAPER – 20 APRIL 2017

Page 171

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

The process for Amendment to the Local Environmental Plan (LEP) is as follows:

- i). Council resolve to undertake a change to the LEP- finalised 17 of November 2016.
- ii). Council adopt the Planning Proposal for Gateway Determination with the Department of Planning- 20 April 2017.
- iii). Planning Proposal assessed for Gateway Determination by the Department under Delegation at the Dubbo branch- 21 May 2017 (generally one month from the date of submission)
- iv). Proposal will be required to be publically exhibited for 14 days (dependent on Gateway Determination).
- v). Submissions received on the planning proposal must be to Council for consideration.
- vi). The submissions are then reported to the Department of Planning.
- vii). Proposal to go to Parliamentary Council for review.
- viii). Plan making undertaken by the Department.
- ix). Council to adopt the final plan and direct General Manager to make the plan in accordance with the Section 59 Report.
- x). Amendment is gazetted and adopted into the LEP.

(A copy of the Planning Proposal enclosed under separate cover for information).

RECOMMENDATION

That Council adopt the Planning Proposal and direct the General Manager to send the Planning Proposal to the Department of Planning for Gateway Determination.

Alignment with Strategic Plan

L2.2: Comply with statutory obligations for development control, environmental health and animal control. L2.2.3: Review Local Environmental Plan and Development Control Plan – Works towards this strategy by providing an amendment to the Forbes LEP to finalise the deferred matter in the Bathurst Street area.

Financial and Resource Implications

Nil.

Policy Implications

Planning proposal supports the intent of the Local Environmental Plan 2013.

Risk Considerations

Nil.

Statutory/Regulatory Implications

The planning proposal requires an amendment to the FLEP2013 to rezone the subject site from IN1 General Industrial to R1 General Residential.

Consultation conducted

The Gateway Determination will detail the public consultation that is required as part of the planning proposal process.

Attachments

Planning proposal for 1A Brooke Street prepared by Claire Johnston.