**SECTION 59 PLANNING REPORT**

**Planning proposal details**:

PP\_2018\_FORBE\_002\_00 to amend Forbes Local Environmental Plan 2013 to include “Highway Service Centre” and “Service Station” as permissible with consent in SP3 Tourist zone.

**Planning proposal summary:**

To amend Forbes Local Environmental Plan 2013 to include “Highway Service Centre” and “Service Station” as permissible with consent in SP3 Tourist zone.

**Date of Gateway determination:**

The Gateway determination was issued on the 18 December 2018

* 1. **SUMMARY**

The planning proposal relates to all land within the Forbes Shire Council government area and SP3 Tourist zones under the Forbes Local Environmental Plan 2013 (FLEP).

The proposal seeks to allow development for the purposes of “Service Station” and “Highway Service Centre” as permissible with consent within the SP3 Tourist zone.

The amendment to SP3 will support the LEP to meet the demand of Service Stations and Highway Service Centre’s in tourist areas, taking advantage of Forbes position on the Newell Highway and the vast majority of tourists arriving to Forbes by car.

The objectives of this planning proposal are to:

* Enable development for the purposes of Service Station and Highway Service Centre as permissible land use in the SP3 Tourist Zone.
* Facilitate growth of tourism in Forbes by accommodating the main form of travel for tourists.
* Facilitate diverse but compatible land use outcomes in the SP3 zone that are consistent with the zone objectives.

# GATEWAY DETERMINATION

# Date gateway determination issued: 18/12/2018

# Timeframe for completion of proposal: 12 months (18/12/2019)

# Review request: No

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

# COMMUNITY CONSULTATION

Dates of exhibition: 10 May 2019 until the 7 June 2019,

Number of submissions received: No submissions were received,

Issued raised during exhibition: No issues raised during the exhibition period

Responses to issues: no issues received.

# VIEWS OF PUBLIC AUTHORITIES

# Consultation was required with Roads and Maritime Services, State Emergency Service, Office of Environment and Heritage, Environmental Protection Authority, Department of Industry – Water was required as a condition of the Gateway Determination for a period of 21 days. Council allowed 28 days for submissions from these agencies.

# A submission was received from SES, OEH and RMS. No agency objected to the proposal.

# OEH clarified that any development application occurring as a result of the planning proposal is subject to the Forbes DCP to manage floodwater flows.

# RMS provided comments regarding referral of future developments to RMS in accordance with Clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007.*

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# SES did not object to the proposal, and provided comments recommending the DCP be amended to prohibit Highway Service Centres and Service Stations in High Hazard Flood Storage Areas. Council responded to these recommendations various suggested changes to the DCP, in the letter attached to this document. SES did not respond to Councils request for comment regarding the proposed changes.

**Minor changes to Planning Proposal**

The following has been inserted into the Planning Proposal to accommodate the comments from SES:

Following consultation with State Emergency Service regarding Highway Service Centres and Service Stations in flood prone land, it is recommended that the following be inserted into Chapter 4 of the Forbes DCP:

*“For developments involving bulk storage of fuel, and where storage is below flood height, a certification that tanks are able to withstand impacts from flood waters, buoyancy forces and that the tank maintains the integrity of the stored material is required”.*

# 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

Parliamentary Counsel opinion has been received that the plan should be made.

# 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

# No mapping requires updating as a result of this planning proposal.

# RECOMMENDATION

# Council recommends that the plan is to be made as per the attached planning proposal, noting the amendment to Section B.