

DIRECTOR PLANNING AND GROWTH REPORT TO COUNCIL cont'd

**5.4 SP3 TOURIST ZONE**

**Report Author:** Town Planner

**Responsible Officer:** Director, Planning & Growth

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***Executive Summary***

In November 2018, Council resolved to submit a Planning Proposal to Department of Planning to allow Highway Service Centres and Service Stations as permissible with consent in SP3 – Tourist Zone. Gateway Determination was achieved in December 2018. Following consultation with government agencies and public exhibition, this report recommends endorsement of the Section 59 Report and delegation of the General Manager to seek Parliamentary Counsel Opinion on the Planning Proposal.

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***Detailed Report***

At the November 2018 meeting, Council considered a report recommending the preparation of a Planning Proposal to allow Highway Service Centres and Service Stations as permissible with consent in SP3 – Tourist Zone where they are currently prohibited. 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 amendment to SP3 will support the FLEP 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 Tourist Zone that are consistent with the zone's objectives.

No comments were received during the Public Exhibition period. The proposal was referred to relevant government agencies for comments, of which Council received a response from State Emergency Services (SES), Office of Environment and Heritage (OEH) and Roads and Maritime Services (RMS). OEH clarified that any development application occurring as a result of the planning proposal is subject to the Forbes Development Control Plan (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.

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.

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**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".*

**RECOMMENDATION**

**That Council:**

- 1. Endorse the attached Section 59 Report;**
- 2. Recommend that the plan is to be made as per the amended planning proposal; and**
- 3. Seek the opinion of the Parliamentary Counsel Office.**

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***Alignment with Strategic Plan***

RU4 Ensure that issues of amenity and access are addressed and accounted for in local urban design and planning.

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***Financial and Resource Implications***

Nil

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***Policy Implications***

Nil

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***Risk Considerations***

Nil.

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***Statutory/Regulatory Implications***

Nil.

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***Consultation conducted***

Nil

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***Attachments***

Appendix 1                      Section 59 Planning Report

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