

Introduction

Summary of Planning Proposal

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 centres in tourist areas, taking advantage of Forbes position on the Newell Highway and the vast majority of tourists arriving to Forbes by car.

As with any development permissible with consent, a development application is required to demonstrate consistency with the zone objectives, and address any environmental impacts in accordance with the *Environmental Planning and Assessment Act 1979*.

Part 1 – Objectives and Intended Outcomes

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.

The intended outcome of this planning proposal is to add “Service Station” and “Highway Service Centre” as land uses permissible with consent in SP3 Tourist Zone.

Council seeks to gain delegation to make the Local Environmental Plan via a Gateway Determination.

Part 2 – Explanation of the Proposal

The proposed outcome will be achieved by amending the land use table in the *Forbes Local Environmental Plan 2013* as it applies to the SP3 Tourist zone.

The relevant section of the zoning table is provided below. It is proposed to amend the list of land uses permitted with consent (section 3) by adding “Service Station” and “Highway Service Centre” as shown in red.

Zone SP3 Tourist

1 Objectives of zone

- *To provide for a variety of tourist-oriented development and related uses.*
- *To facilitate Forbes as a tourist destination.*

2 Permitted without consent

Environmental protection works; Roads; Water reticulation systems

3 Permitted with consent

*Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Charter and tourism boating facilities; Community facilities; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Food and drink premises; Flood mitigation works; Function centres; Helipads; **Highway Service Centre**; Information and education facilities; Jetties; Kiosks; Marinas; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roadside stalls; **Service Station**; Shop top housing; Signage; Tourist and visitor accommodation; Viticulture; Water recreation structures; Water recycling facilities; Water storage facilities*

4 Prohibited

Any other development not specified in item 2 or 3

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the direct result of a strategic study or report. The proposal seeks to increase the options for development permissible with consent in the SP3 Tourist zone consistent with the zone objectives. The proposal to add Service Station and Highway Service Centre as development permissible with consent in SP3 is in response to an internal review of Councils LEP and predicted growth in the future.

Informing the view of Council is The Newell Highway Corridor Strategy prepared by RMS which shows that light vehicle movements on the Newell at Forbes is predicted to increase by 0.4% per annum for the next 20 years. Furthermore, heavy vehicle movements between West Wyalong and Forbes and Parkes and Forbes is predicted to increase by 79% and 77% respectively between 2011 and 2031.

Section 6 of the Newell Highway Corridor Strategy lists “Appropriate Infrastructure and Services to help manage driver fatigue” as a key challenge for the future of the Newell Highway.

This shows a clear need for an increase in Highway Service Centres and Service Stations.

2. Is the planning proposal the best means of achieving the objectives or the intended outcomes, or is there a better way?

Adding Service Station and Highway Service Centre as a land use permissible with consent in the SP3 zone is considered the best way to achieve the objectives and intended outcomes of the proposal. The only other option available to Council to facilitate this use would be a **Schedule 1 Additional permitted use** planning proposal on an adhoc basis as the need and means arise for any future developments. By changing the land use table, Council is future proofing the tourism zone for changing economic needs in Councils along the Newell Highway.

The permissibility of Service Stations as a land use in SP3 Tourist zone is consistent with other gazette LEPs in the Central West of NSW. A review of the Central West LGAs reveal that Bathurst, Orange, Cowra and Dubbo all allow Highway Service Centres and Service Stations in their SP3 Tourism Zone. Parkes, Lachlan, Upper Lachlan and Yass do not have a

SP3 zone. This leaves only Mid-Western and Forbes Councils as not permitting the subject uses.

Department of Planning and Environments Practice Note 09-006 *Providing Tourism in Standard Instrument local environmental plans* outlines uses associated with tourism, of which Highway Service Centre is one of them. Council also believes that Service Stations are associated with tourism and are in line with the objectives of the zone.

Section B – Relationship to the Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Central West and Orana Regional Plan 2017 state various Directions and Actions that support this planning proposal. Of relevance to this proposal is GOAL 1: A growing and diverse regional economy

The intent of Goal 1 is to enhance and strengthen the region's economic diversity. This proposal, by allowing Highway Service Centres and Service Stations as a land use permissible with consent in the SP3 zone will support tourism development. As Practice Note 09-006 states that Highway Service Centres are development associated with tourism, Council is of the view that this addition will help support tourism development in the shire. This is further supported knowing that the vast majority of tourist transport in the shire is achieved by car or bus.

Direction 4 under Goal 1 is to *Promote and diversify regional tourism markets*. Which recognises the importance of tourism for the Central West and Orana regions. Action 4.2 states *“work with Councils to improve tourism-related transport services”*. As road transport is the main form of tourism related transport in Forbes and the broader Central West, this planning proposal is in line with the Regional Plan. Further, Action 4.4 states *“Enable opportunities appropriate for tourism development and associated land uses in local environmental plans”*. As already stated, Highway Service Centres and Service Stations are considered associated land uses to Tourism.

Central West Regional Transport Plan again outlines several actions that support this proposal including improve tourism related transport services and improve road safety.

4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plans?

At the time of writing this report, Council had released a draft Community Strategic Plan onto Public Exhibition. Several strategies outlined in the draft Community Strategic Plan support this proposal including:

- *“LE2: Support economic growth and expansion across the Shire through improvement of local public and private infrastructure and the allocation of land for commercial and industrial uses.”*
- *“LE9: Identify and promote local tourism opportunities and related services.”*

5. Is the planning proposal consistent with applicable State Environmental Planning Policies

The proposal is generally consistent with applicable State Environmental Planning Policies (SEPPs). Further information is provided in Appendix B.

6. Is the planning proposal consistent with the applicable Ministerial Directions (s177 directions)?

The proposal is generally consistent with the applicable Ministerial Directions issued under Section 9.7 of the *Environmental Planning and Assessment Act 1979*. Further information is provided in Appendix C.

Section C – Environmental, social and economic impact

7. 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?

No direct impacts on critical habitats or threatened species, populations or ecological communities, or their habitats are expected as a result of this proposal. The proposal will enable Service Stations and Highway Service Centres as permissible development in the SP3 Zone with consent. Any specific development proposals that arise as a result of the proposal will be required to be assessed on their merits having regard for the constraints of the site in accordance with standard development assessment practice and the requirements of the *Environmental Planning and Assessment Act 1979*.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they likely to be managed?

There are no expected other likely environmental effects resulting from this planning proposal. As above, any development will be subject to the development assessment process with regard to requirements under the *Environmental Planning and Assessment Act 1979*.

9. Has the planning proposal adequately addressed any social and economic effects?

The proposal will enable development for the purposes of service stations and highway service centres as permissible development in the SP3 Tourist zone. Any future proposals for these developments will be subject to the development assessment process and requirements of the *Environmental Planning and Assessment Act 1979*. Generally, it is considered that the enabling of Service Station and Highway Service Centre would have a net positive social and economic benefit to the community due to the expected growth in tourism and economy as a result.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal will allow Service Stations and Highway Service Centres as permissible development in the SP3 Tourist zone. Any future proposals for these developments will be

subject to the development assessment process and requirements of the *Environmental Planning and Assessment Act 1979* including infrastructure.

All existing lots zoned as SP3 are adjacent to the Newell Highway and have access to town water, sewer and grid electricity.

11. What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway determination?

No consultation has been undertaken in relation to this proposal to date. Future government agency consultation in accordance with directions in the gateway determination will be complied with.

Part 4 – Mapping

No mapping changes are needed to facilitate the elements of the planning proposal.

Part 5 – Community Consultation

No community consultation has been undertaken in relation to this planning proposal to date. As the Planning Proposal is considered low impact, it is proposed that this planning proposal will be exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979* for a minimum period of 28 days.

Part 6 – Timeline

Plan making step	Estimated completion
Gateway Determination	February 2019
Government Agency Consultation	April 2019
Public Exhibition Period	June 2019
Public hearing	N/A
Submissions Assessment	July 2019
RPA Assessment of Planning Proposal and Exhibition Outcomes	July 2019
Submission of Endorsed LEP to DP&E for Finalisation	August 2019
RPA Decision to make the LEP amendment (delegated)	August 2019
Forwarding LEP Amendment to DP&E for Notification (delegated)	August 2019

Appendices

Appendix A – Council Report & Minutes

Appendix B – State Environmental Planning Policy Checklist

State Environmental Planning Policy (SEPP) Checklist			
Planning Proposal – Service Stations and Highway Service Centres in the SP3 Tourism zone; Forbes Local Environmental Plan 2013			
SEPP	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
SEPP 1 – Development Standards	Y	Y	The planning proposal will not affect the implementation of this SEPP
SEPP 19 – Bushland in Urban Areas	Y	Y	The planning proposal will not affect the implementation of this SEPP
SEPP 21 – Caravan Parks	Y	Y	The planning proposal will not affect the implementation of this SEPP
SEPP 30 – Intensive Agriculture	Y	Y	The planning proposal will not affect the implementation of this SEPP
SEPP 33 – Hazardous and Offensive Development	Y	Y	The planning proposal will not affect the implementation of this SEPP
SEPP 36 – Manufactured Home Estates	Y	Y	The planning proposal will not affect the implementation of this SEPP
SEPP 44 – Koala Habitat Protection	Y	Y	The planning proposal will not affect the implementation of this SEPP
SEPP 47 – Moore Park Showground	N		Not applicable to Forbes LGA
SEPP 50 – Canal Estate Development	Y	Y	The planning proposal will not affect the implementation of this SEPP
SEPP 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Y	Y	The planning proposal will not affect the implementation of this SEPP
SEPP 55 – Remediation of land	Y	Y	The planning proposal will not affect the implementation of this SEPP
SEPP 62 – Sustainable Aquaculture	N		The planning proposal will not affect the

			implementation of this SEPP
SEPP 64 – Advertising and Signage	Y	Y	The planning proposal will not affect the implementation of this SEPP
SEPP 65 – Design Quality of Residential Apartment Development	Y	Y	The planning proposal will not affect the implementation of this SEPP
SEPP 70 – Affordable Housing (Revised Schemes)	N		Not applicable to Forbes LGA
SEPP (Affordable Rental Housing) 2009	Y		The planning proposal will not affect the implementation of this SEPP
SEPP (Building Sustainability Index: BASIX) 2004	Y	Y	The planning proposal will not affect the implementation of this SEPP
SEPP (Coastal Management) 2018	N		Not applicable to Forbes LGA
SEPP (Education Establishments and Child Care Facilities) 2008	Y	Y	The planning proposal will not affect the implementation of this SEPP
SEPP (Gosford City Centre) 2018	N		Not applicable to Forbes LGA
SEPP (Housing for Seniors or People with Disability) 2004	Y	Y	The planning proposal will not affect the implementation of this SEPP
SEPP (Infrastructure) 2007	Y	Y	The planning proposal will not affect the implementation of this SEPP
SEPP (Kosciuzko National Park – Alpine Resorts) 2007	N		Not applicable to Forbes LGA
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N		Not applicable to Forbes LGA
State Environmental Planning Policy (Rural Lands) 2008	Y	Y	The planning proposal will not affect the implementation of this SEPP
State Environmental Planning Policy (State and Regional Development) 2011	Y	Y	The planning proposal will not affect the implementation of this SEPP

State Environmental Planning Policy (State Significant Precincts) 2005	N		Not applicable to Forbes LGA
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N		Not applicable to Forbes LGA
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	N		Not applicable to Forbes LGA
State Environmental Planning Policy (Three ports) 2013	N		Not applicable to Forbes LGA
State Environmental Planning Policy (Urban Renewal) 2010	N		Not applicable to Forbes LGA
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Y	Y	The planning proposal will not affect the implementation of this SEPP
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N		Not applicable to Forbes LGA
State Environmental Planning Policy (Western Sydney Parklands) 2009	N		Not applicable to Forbes LGA

Appendix C – Section 9.1 Direction Checklist

State Environmental Planning Policy (SEPP) Checklist	
Planning Proposal – Service Stations and Highway Service Centres in the SP3 Tourism zone; Forbes Local Environmental Plan 2013	
Direction	Planning Proposal Compliance
1. Employment and Resources	
1.1 Business and Industrial Zones	Does not apply to this planning proposal
1.2 Rural Zones	Does not apply to this planning proposal
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply to this planning proposal
1.4 Oyster Aquaculture	Does not apply to this planning proposal
1.5 Rural Land	Does not apply to this planning proposal
2. Environment and Heritage	
2.1 Environmental Protection Zones	Consistent. The planning proposal is not expected to affect or alter existing environmentally sensitive areas.
2.2 Coastal Protection	Does not apply to this planning proposal
2.3 Heritage Conservation	Consistent. The effects of this planning proposal will not directly affect or change the existing requirements for heritage management and conservation in the LEP.
2.4 Recreation Vehicle Areas	Consistent. The proposed amendment will not affect development for the purpose of a recreational vehicle area.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Does not apply to this planning proposal
3.2 Caravan Parks and Manufactured Home Estates	Consistent. The planning proposal will not affect development potential for caravan parks.
3.3 Home Occupations	Does not apply to this planning proposal
3.4 Integrating Land Use and Transport	Consistent. The proposal does not include the addition of any developments the relevant policies apply to (see <i>The Right Place for Business and Services – Planning Policy</i>).
3.5 Development Near Licensed Aerodromes	Does not apply to this planning proposal
3.6 Shooting Ranges	Does not apply to this planning proposal
4. Hazard and Risk	
4.1 Acid Sulphate Soils	Does not apply to this planning proposal
4.2 Mine Subsidence and Unstable Land	Consistent. This planning proposal will not affect land within a mine subsidence district or that has been identified as unstable.
4.3 Flood Prone Land	Consistent. The planning proposal will have the effect of enabling Highway Service Centres and Service Stations in SP3 Tourist Zone, some of which may be flood prone. Any development enabled by the proposal will still require a merit assessment and consideration of the constraints on the subject site.
4.4 Planning for Bushfire Protection	Consistent. The planning proposal will have the effect of enabling Highway Service Centres and Service

	Stations in SP3 Tourist Zone, some of which may be bushfire prone. Any development enabled by the proposal will still require a merit assessment and consideration of the constraints on the subject site.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Planning policy complies with the relevant regional strategy as discussed in Section B.
5.2 Sydney Drinking Water Catchment	Does not apply to this planning proposal
5.3 Farmland of State and Regional Significance on NSW Far North Coast	Does not apply to this planning proposal
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to this planning proposal
5.5 Development in the vicinity of Ellalong, Paxton and Millfield	Revoked 18 June 2010
5.6 Sydney to Canberra Corridor	Revoked 10 July 2008, see amended direction 5.1
5.7 Central Coast	Revoked 10 July 2000, see amended direction 5.1
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to this planning proposal
5.9 North West Rail Link Corridor Strategy	Does not apply to this planning proposal
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. This proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.
6.2 Reserving Land for Public Purposes	Consistent. This planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes nor does it propose to reserve land for a public purpose.
6.3 Site Specific Provisions	Consistent. This planning proposal will allow for a new land use that will be permissible in SP3 Zone.
7. Metropolitan Planning	
7.1 Implementation of Metropolitan Strategy	Does not apply to this planning proposal
7.2 Implementation of Greater Macarthur Land Release Investigation	Does not apply to this planning proposal