

20 DIRECTOR PLANNING AND GROWTH REPORT**20.2 PLANNING PROPOSAL - LACHLEY ESTATE****REPORT AUTHOR:** Manager Development and Planning**RESPONSIBLE OFFICER:** Director Planning and Growth

EXECUTIVE SUMMARY

Council is in receipt of a development application to rezone “Lachley Estate”, 1 Lachley Street, Forbes. This site was previously an abattoir until 2003 and has since been vacant. It is currently zoned RU1 Primary Production, a zone which has the primary purpose of agricultural uses. The proposal proposes to rezone the site to a mix of *E3 Productivity Support*, *C3 Environmental Management* and *R5 Large Lot Residential*.

DETAILED REPORT

Council is in receipt of a development application to rezone “Lachley Estate”, 1 Lachley Street, Forbes. There are a number of lots associated with this site, being; Lot 1544 Lot 1545 Lot 1551 Lot 1559 Lot 1621 Lot 1622 Lot 1649 Lot 1545 Lot 1649 in DP 750158, Lot 1 in DP 113924, Lot 22 in DP 1002358, Lot 7322 in DP 1166481, Lot 8 DP 211100 and Lot 4 DP 210102.

The site is a large tract of land 5 minutes north of the Forbes CBD equating some 155 hectares and presently zoned RU1 Primary Production (refer Figure 1 for locality map). The objectives of the planning proposal are:

- *Rezone the site to part R5 Large Lot Residential, part E3 Productivity Support, part C3 Environmental Management and part SP2 Special Infrastructure;*
- *To facilitate the delivery of a mixed-use precinct which will provide new homes, employment opportunities, and other essential community facilities at an accessible and convenient location;*
- *To encourage a broader range of land uses that can support a wider range of activities on the site to meet the needs of the community; and*
- *To amend the building height limits and minimum lot sizes on the site to be consistent with the new land zones.*

The Planning Proposal proposes to rezone the site to *E3 Productivity Zone*; *C3 Environmental Management* and *R5 Large Lot Residential* to allow for a number of functions and “precincts” within the site. Refer Figure 2 for a proposed zoning plan.

The applicant has also requested an additional small zone of SP2 Special Infrastructure to support infrastructure associated with the Gas Transformer adjacent to the property’s western boundary.

Southern Precinct - E3 Productivity Support

The Planning Proposal proposes that the southern portion of the site will be zoned Productivity Support to host the following industries:

- A “College Estate”, tied to a university or other educational institution, plus ancillary uses such as student accommodation and conferencing facilities;
- A veterinary hospital and similar animal industries;

- An indoor recycling facility and transfer station where recyclable materials are brought in, sorted and distributed to processing facilities; and
- A Light Industrial estate to contribute to industrial land and services.

E3 Productivity Support is a new zone proposed as part of the Employment Zone Reform which the NSW Government are currently in the process of finalising. The objectives of the zone describe areas which provide “a range of facilities and services, light industries, warehouses and offices” and is comparable to the old Light Industrial zone.

The full objectives of the new zone are as follows:

- *To provide a range of facilities and services, light industries, warehouses and offices;*
- *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres;*
- *To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity;*
- *To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones;*
- *To provide opportunities for new and emerging light industries;*
- *To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site; and*
- *To maximise the exposure of business-related developments on the Newell Highway.*

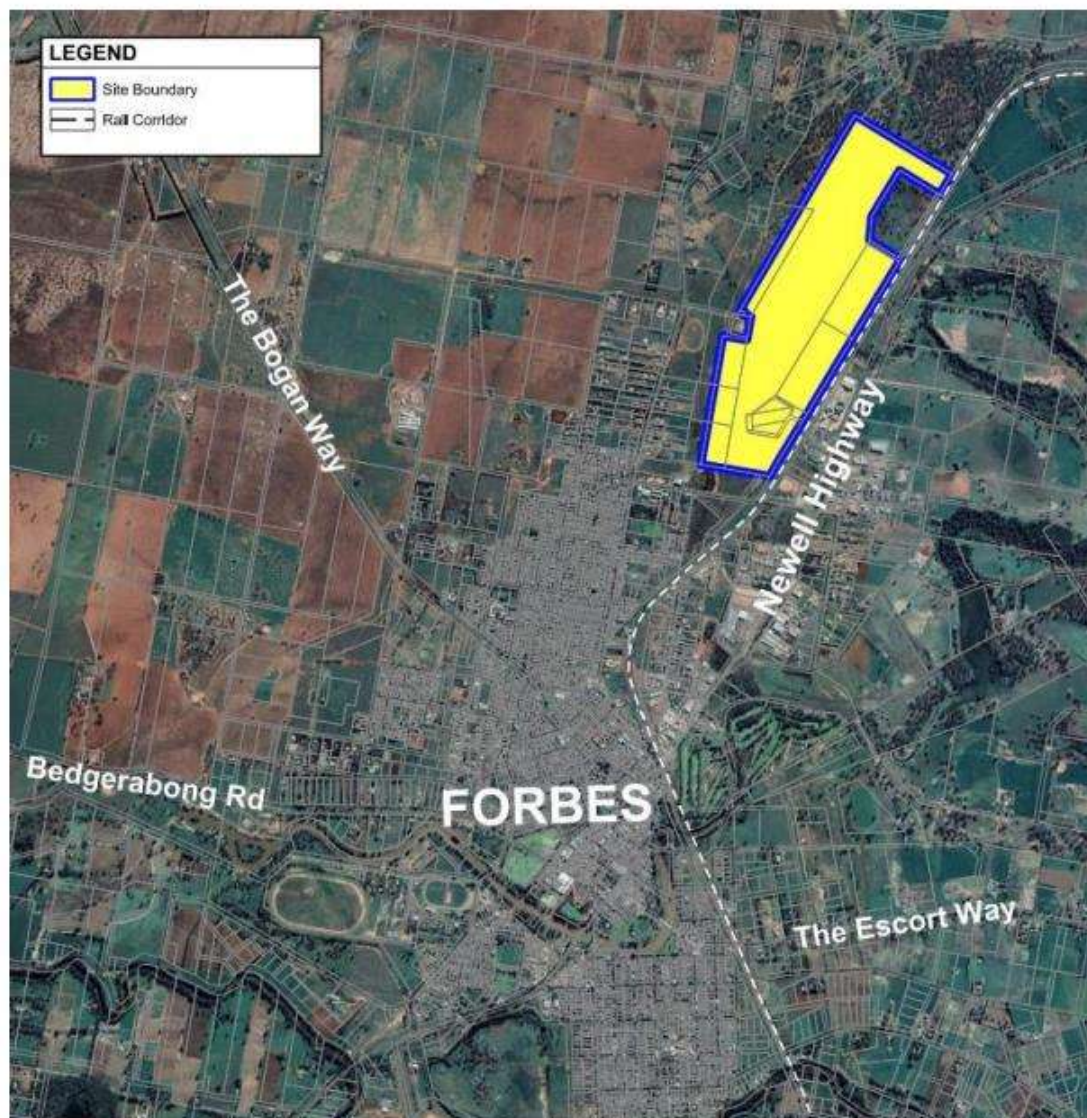
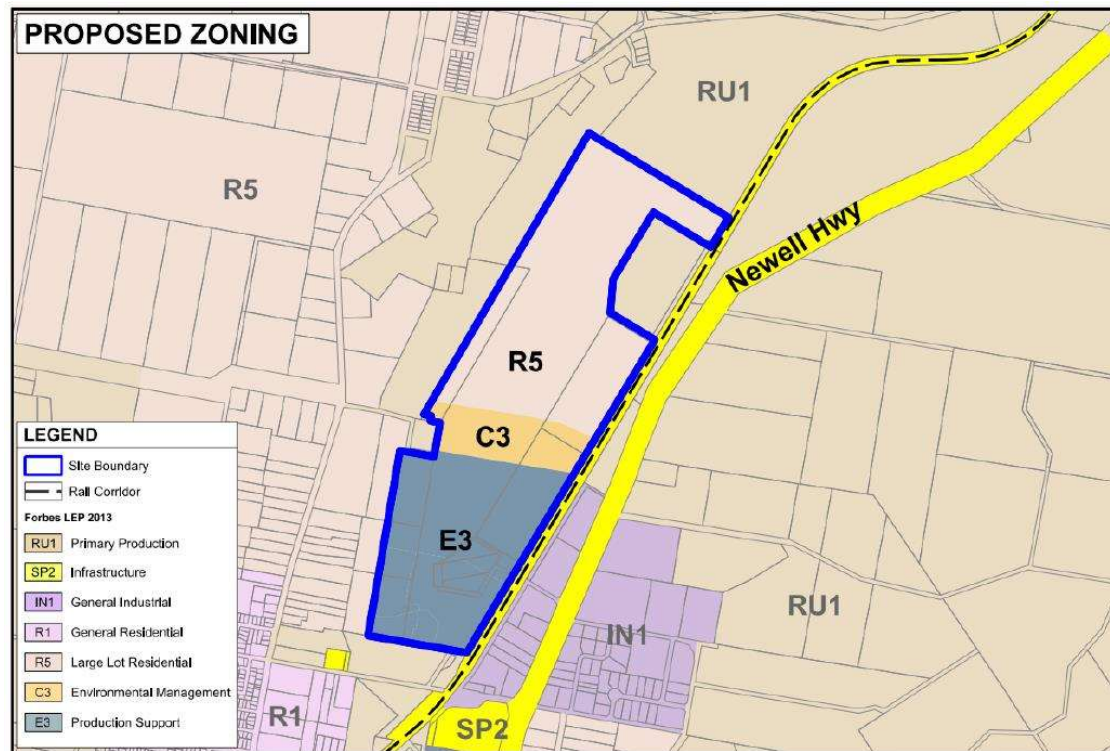
Central Precinct - C3 Environmental Management

The C3 Environmental Management zone is an existing zone that aims to protect land that is environmentally sensitive. In this instance, this is being used to preserve an existing vegetation strip that runs through the centre of the site. It is likely that this vegetation will be used for open space for the estate.

This will also act as a buffer between the Productivity Support zone and the Northern Precinct and may be used as a biodiversity offset. This land will be owned by the developer and it is not proposed that it be dedicated to Council.

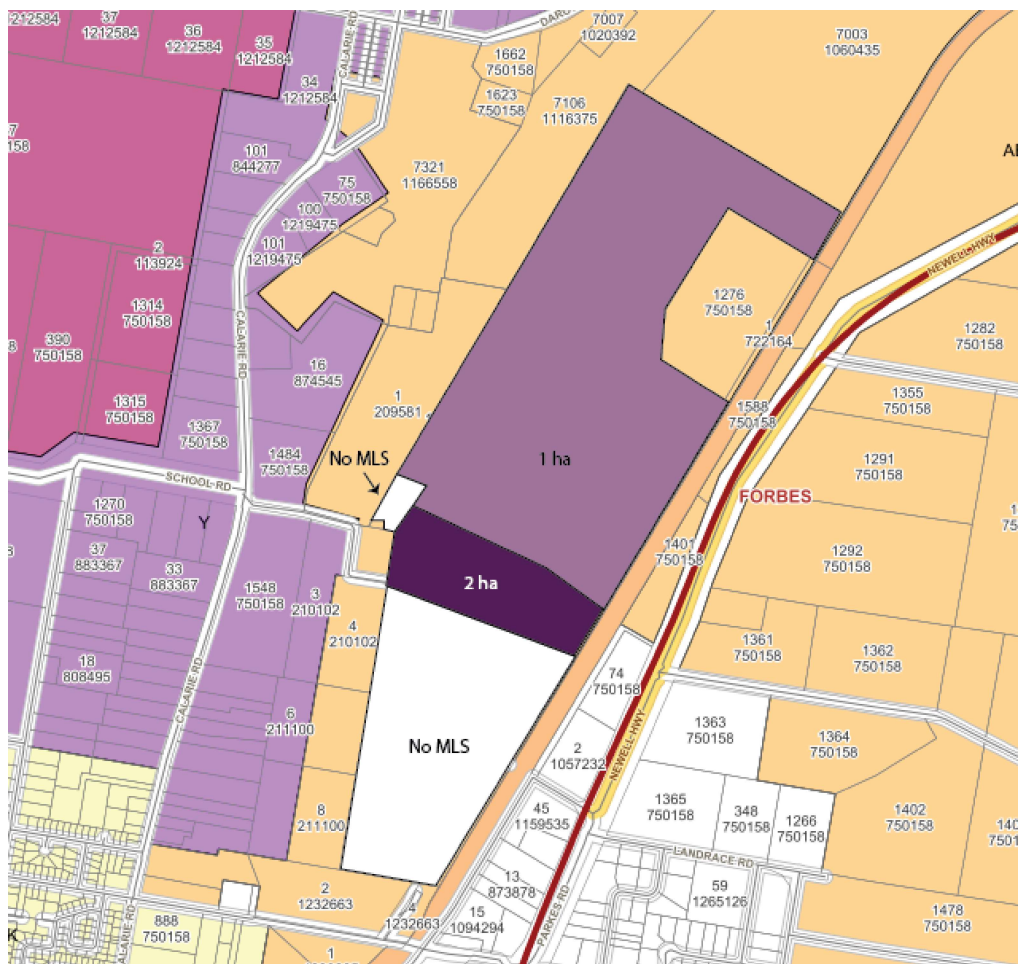
Northern Precinct - R5 Large Lot Residential

The remainder of the land is proposed to be a Large Lot Residential estate. The land will have a minimum lot size of 1 hectare. The site will be connected to town water and onsite disposal of septic is proposed.



Forbes also has a height of building limit of 17 metres in all industrial and business areas in the Shire, including the *Central West Industrial Park* and *Landrace Estate*. It is recommended that this is maintained in the proposed *E3 Productivity Support* zone to ensure the development is in keeping with the Shire and minimise its impact on the adjoining Large Lot Residential land.





Proposed Minimum Lot Size



Proposed Maximum Height of Buildings

Strategic Assessment

Council generally supports and agrees with the detailed strategic justification provided in the Planning Proposal. Further commentary is provided below.

Draft Central West and Orana Regional Plan 2041***Part 1 – Region Shaping Investment***

This proposal is an example of leveraging the Parkes Special Activation Precinct (SAP) to deliver benefits in other parts of the region. The proposal leans on investment brought to the region by the SAP to support a tertiary education facility and other industries in Forbes, all being important to value add from the SAP.

Forbes' two smaller industrial land releases – Sam Street and Landrace Industrial Park – are both approaching capacity. This has largely been due to value-adding opportunities and investor confidence associated with the Parkes Special Activation Precinct. The proposal seeks to help resolve this shortage by providing an Industrial Estate. The Industrial Estate will see more land for value adding associated with the SAP and new investors to the region.

Part 2 – A sustainable and resilient place

The proposal does propose to rezone existing RU1 Primary Production land. However, the site has not been used for agricultural purposes since its use as an Abattoir ceased in 2003. The site is within 5 minutes of the Forbes CBD and is surrounded by Industrial and Large Lot Residential land. It is therefore ideally positioned for the purposes of industrial and some residential land uses where strategically planned and with appropriate studies, as has occurred in this instance.

Forbes' industrial land specialises in agribusiness. However, existing industrial land is currently at capacity with very little vacant industrial land available. As this proposal proposes to increase the amount of industrial land via the use of the *E3 Productivity Support* zone, it will increase the ability for agribusinesses to establish themselves in Forbes.

In terms of protecting supply chain, the proposal does not propose an access to the Newell Highway. It does directly adjoin the north-south rail link, but as the majority of the adjoining land is *E3 Productivity Support* zone, this is unlikely to cause land use conflict and indeed may increase supply chain via the use of sidings.

The land is not flood liable or bushfire prone, and will be connected to Council's reticulated water network.

Part 3 – People, Centres, Housing and Communities

The proposal will significantly increase the liveability of Forbes by providing tertiary education services. By providing a tertiary education hub, adults of all ages will be able to train, specialise and re-train all in Forbes. With Forbes' growing population of 30% over the next 19 years, and a unique growth in younger adults, a tertiary education hub will be able to support this growing population into the future.

The R5 – Large Lot Residential subdivision proposed will be a resilient community as it is not flood liable or bushfire prone. It will be connected to Council's reticulated water system, and use on-site septic disposal. It will be close to public open space with the commitment to public open space being provided through the C3 Environmental Management zone. This has the dual effect of protecting high quality biodiversity land while supporting a new liveability large lot residential community. A diversity of housing is needed to support Forbes' growing population and currently there is limited subdivisions in R5 Large Lot Residential land available for take up.

Part 4 – Prosperity, productivity and innovation

This proposal supports new industries by proposing a new industrial estate. It also supports education opportunities through the provision of a tertiary education precinct that will link directly to surrounding land uses, directly meeting Objective 21 *Implement a precinct-based approach to planning for higher education and health facilities*. The proposal fulfils the objectives of Part 4 of the Regional Plan.

Local Land Use Strategies

The proposal is well supported by the *Forbes Local Strategic Planning Statement* (LSPS) and the *Draft Forbes Housing Strategy* (FHS) respectively.

The LSPS recommends the site be a future industrial site, which the proposal meets by delivering approximately 50% of the site being *E3 Productivity Zone*.

The draft FHS explores the site being a potential residential estate. The document states this would only be possible with appropriate investigation into previous uses and impact of potential contamination. This work has been completed and submitted as part of the Planning Proposal as discussed in more detail below. The contamination report states the site can be made suitable, following remediation and excavation works as required. This is likely to be Category 2 remediation work and therefore not require development consent.

Environmental Matters*Contamination*

The Draft Contaminated Land Planning Guidelines (2018) provides a process for considering contamination issues in the Planning Proposal process. The process indicates that in this instance a detailed site investigation is required, which has been provided by the applicant. The report provides the following statement:

“EnviroScience solutions believes that the site can be made suitable following remediation of the above outlined areas by means of excavation of contaminated materials and removal offsite to landfill.”

The report goes on to recommend a Remedial Action Plan is prepared by a suitably qualified and experienced land consultant prior to the commencement of earthworks and site development. This will be dealt with either as part of the Development Application process or prior in accordance with the *State Environmental Planning Policy (Resilience and Hazards) 2021*, which details the process for Category 2 remediation work. In accordance with Section 4.8 of the SEPP it is likely the remediation work will be classed as Category 2 and therefore not require development consent.

Council considers the contamination report acceptable so long as the recommendations are complied with.

Biodiversity

The Planning Proposal site includes a section of land in the north that is identified as having “high biodiversity” under the Forbes LEP 2013. The initial biodiversity assessment of the site (Appendix 4) indicates that much of the vegetation on the site is in a poor to moderate condition.

The Proposal intends to retain a large green corridor between the R5 and E3 zones. This retention and enhancement of this corridor is intended to offset the vegetation lost elsewhere in the Lachley Estate.

Efforts to minimise biodiversity loss will be considered throughout the detailed design and planning stage, which will be guided by a Biodiversity Development Assessment Report (BDAR) that will need to be prepared to support the eventual Development Application.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

State Environmental Planning Policy	Consistency	Comment
Primary Production 2021	Yes, with comments	The proposal does propose to rezone existing RU1 Primary Production land. However, the site has not been used for agricultural purposes since its use as an Abattoir ceased in 2003. The site is within 5 minutes of the Forbes CBD and is surrounded by Industrial and Large Lot Residential land. It is therefore ideally positioned for the purposes of industrial and some residential land uses where strategically planned and with appropriate studies, as has occurred in this instance.
Resources and Energy 2021	NA	The proposal does not propose any developments listed in this SEPP.
Resilience and Hazards 2021	Yes	The land is subject to historic contamination. A contamination report has been prepared which states the land can be remediated for the proposed uses via the preparation of a Remediation Action Plan. This is likely permissible without development consent as Category 2 remediation works.
Industry and Employment 2021	NA	The proposal does not impact any lands listed in this SEPP.
Transport and Infrastructure 2021	Yes	The SEPP provides a number of land uses which are permitted with and/or without consent in various industrial lands. The proposal is consistent with the operation and objectives of this SEPP. It is likely the industrial estate will be <i>traffic generating development</i> at DA stage and constitute referral to Transport NSW. Future development applications for residential land in proximity to the railway line may require additional conditions to address potential noise concerns in accordance with the SEPP.
Biodiversity and Conservation 2021	Yes	The land does not constitute Koala Habitat, or any of the relevant areas subject to the SEPP. However, at Development Application stage the Koala SEPP may apply. A BDAR report will be required as per the Biodiversity Report provided as part of the proposal.
Planning Systems 2021	Yes	Some of the proposed work may require referral to the JRPP should it meet the thresholds listed in this SEPP.
Housing 2021	Yes	The proposal proposes a new large lot residential land release in land that is not flood liable nor bushfire prone. The proposal will comply with the provisions of this SEPP.
Exempt and Complying Development Codes 2008	Yes	This SEPP provides circumstances in which development may be exempt or complying development in industrial and residential land. This SEPP will apply to future development as part of the Local Development (Part 4) process.

Is the planning proposal consistent with applicable Ministerial Directions?

Ministerial Direction	Consistency	Comment
Implementation of Regional Plans	Yes	The proposal is consistent with the Regional Plan as discussed above
Development of Aboriginal Land Council Land	NA	
Approval and Referral Requirements	Yes	Nothing in the proposal requires the concurrence of a public authority, nor does it identify designated development.

Site specific provisions	Yes	The planning proposal does not constitute a spot rezoning for a specific development.
Focus area 1 – Planning Systems – Place-based	NA	The planning proposal is not relevant to any of the areas subject to these directions.
Conservation Zones	NA	The proposal proposes a new conservation zone which meets the direction that it must “include provisions that facilitate the protection and conservation of environmentally sensitive areas”.
Heritage Conservation	NA	There are no heritage items on the land subject to this proposal.
Sydney Drinking Water Catchment	NA	
Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	NA	
Recreation Vehicle Areas	NA	
Strategic Conservation Planning	Yes	The land does not constitute Koala Habitat, or any of the relevant areas subject to the SEPP. However, at Development Application stage the Koala SEPP may apply. A BDAR report will be required as per the Biodiversity Report provided as part of the proposal.
Flooding	NA	The land is not flood liable.
Coastal management	NA	
Planning for bushfire protection	NA	
Remediation of Contaminated Land	Yes	Council has considered the Contamination Report provided as part of the application. The report states “ <i>EnviroScience solutions believes that the site can be made suitable following remediation of the above outlined areas by means of excavation of contaminated materials and removal offsite to landfill.</i> ” Therefore, a Remediation Action Plan will be required prior to commencement of works of any development application. Remediation is likely to be able to be permissible without development consent as Category 2 remediation works.
Acid sulfate soils	NA	
Mine Subsidence and Unstable Land	NA	
Integrated Land Use and Transport	Yes	The proposal is an integrated precinct with residential and industrial land in close proximity. The development is within a 5 minute drive of the Forbes CBD and it is likely that public transport routes will be extended to the education precinct upon development. This will be considered in more detail as part of the Development Application process.
Reserving Land for Public Purposes	NA	The C3 Conservation Land, while being public open space, is not being proposed for ownership by Council or other public authority. It is likely this will be factored into the required offsets for the development and be owned by the landowner in perpetuity.
Development Near Regulated Airports and Defence Fields	NA	
Shooting Ranges	NA	
Residential Zones	Yes	The residential land release will be a carefully designed large lot residential community in close proximity to the CBD of Forbes. It will allow larger lots and rural-style living while still being closely aligned to the CBD, schools, health services and other community services making it the ideal location for such a community. The proposal does not limit the SEPP or propose development not in keeping with the SEPP.

Caravan Parks and Manufactured Home Estates	NA	
Focus Area 7: Industry and Employment	Yes	The proposal increases industrial and employment zones in the Shire and therefore complies with this provision.
Focus Area 8: Resources and Energy	NA	
Focus Area 9: Primary Production Direction 9.2 – Rural Lands	Yes	The Planning Proposal does propose to rezone RU1 Primary Production land, though this is considered more than acceptable in this circumstance. A discussion against the direction in more detail is provided below.

Direction 9.2 – Rural Lands detailed assessment

This Ministerial Direction provides multiple directions for consideration by the Planning Authority when rural land is being proposed to be rezoned. A detailed assessment is provided below.

Be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement

The proposal clarifies two competing proposals between the LSPS and the Draft Forbes Housing Strategy (FHS). The LSPS recommends the site be a future industrial site, which the proposal meets by approximately 50% of the site proposed to be *E3 Productivity Zone*.

The draft FHS explores the site being a potential residential estate. The document states this would only be possible with appropriate investigation into previous uses and impact of potential contamination. This work has been completed and submitted as part of the Planning Proposal. The contamination report states the site can be made suitable following remediation and excavation works as required. This is likely to be Category 2 remediation work and therefore not require development consent. Therefore, the proposal is consistent with strategic policies and procedures.

Consider the significance of agriculture and primary production to the State and rural communities

The site has been an abandoned abattoir for many years. It is within close proximity to the town centre and has not been used for agricultural activities since prior to the closure of the abattoir. It is not prime agricultural land. It is in a very suitable position to support the growth of Council's Employment and Residential zone.

Identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources

The applicant has submitted a biodiversity report as part of this planning proposal, which recommends a BDAR as part of a future Development Application. The proposed development can generally be managed through the *Biodiversity Conservation Act 2019* to ensure that environmental values are protected. There is no known cultural heritage on the site. Standard archaeological and Aboriginal find processes will be conducted.

Consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions

The site has a history of contamination which can be remediated to a level suitable for the proposed development. It is generally sloping towards the centre of the site, with the southern portion falling north and the northern portion falling south. It is in close proximity to residential land, the railway line and the corridor. Town water is available but there is not a natural watercourse through the site.

Promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities

Forbes' industrial land specialises in agribusiness. However, it is currently at capacity with very little vacant industrial land available. As this proposal proposes to increase the amount of industrial land via the use of the *E3 Productivity Support* zone, it will increase the ability for agribusinesses to establish themselves in Forbes.

Support farmers in exercising their right to farm

The proposal does not impact any farmers right to farm as there is no active farm within proximity of the site. The surrounding land is Residential Land or Crown Land either under the care of Council or ARTC.

Prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use

The proposal does not fragment rural land or increase land use conflict as it does not adjoin any farmland. The surrounding land is Residential Land or Crown Land either under the care of Council or ARTC.

Consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land

The site is not identified as being significant agricultural land.

Consider the social, economic and environmental interests of the community.

The overall social, economic and environmental benefit that the proposal brings to the community significantly outweighs the loss of this isolated and contaminated agricultural land. The tertiary education hub will provide education opportunities for the community, new industrial land will support the growth of our agricultural-centric industrial developments and new large lot residential land will meet design guidelines to be of high quality. Environmental interests are preserved via the BDAR process. The land will be de-contaminated and once again become an active landholding for the community.

A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:

Is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses

The proposal does not increase land use conflict as there is no active farm within proximity of the site. The surrounding land is Residential Land, Crown Land either under the care of Council or ARTC.

Will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains

It will not adversely impact these industries, as it will more likely support them by providing new industrial land with direct connection to a major rail route, increasing connectivity to broader Australia and ports.

Where it is for rural residential purposes:

Is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres

The site is in close proximity of the CBD, schools and medical services, being 5 minutes from the Forbes CBD and on the same street as Forbes High School. It is therefore ideally located as a rural-residential development as it provides the benefits of rural-res land while being in close proximity of the township.

Is necessary taking account of existing and future demand and supply of rural residential land.

Forbes is growing at a rapid rate, with 1800 new dwellings needed over the next 20 years. This is proposed to come from a mix of urban land releases, infill and large lot residential land. There is only one other active subdivision for Large Lot Residential land in the Shire, which sold 100% of blocks completely off the plan. This proposal therefore fulfils a direct need for well designed, high quality rural residential land.

Next Steps

After consideration of the Planning Proposal by Council, the proposal will be referred to the Department of Planning and Environment for the issuance of a Gateway Determination prior to public exhibition. If approved, the Gateway Determination will allow Council to be the determining authority for the proposal. A proposed timeline is shown below:

Consideration by Council and Council Decision	December 2022
Gateway Determination	February 2023
Public Exhibition	March – April 2023
Public Hearing	NA
Consideration of submissions	May 2023
Post-exhibition review by Council	June 2023
Finalisation	June 2023
Gazettal of LEP amendment	June 2023

RECOMMENDATION

That Council:

1. **Amend the Planning Proposal:**
 - (a) **To have no minimum lot size in the “Southern Precinct” zoned *E3 Productivity Support*;**
 - (b) **To have a height of building limit of 17 metres in the “Southern Precinct” zoned *E3 Productivity Support* and 8.5 metres in the *C3 Environmental Management* zone**
 - (c) **To have a *SP2 Special Infrastructure* zone in adjacent to the existing Gas Hub on the western boundary.**
2. **Endorse the draft Planning Proposal for submission to the Department of Planning and Environment for Gateway Determination;**
3. **Endorse the General Manager to make changes to the Planning Proposal if required by the Department of Planning and Environment so long as the objectives of the proposal are achieved;**

- 4. Delegate the General Manager to commence public exhibition of the Planning Proposal if required by the Department of Planning and Environment;**
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ATTACHMENTS

- 1. Lachley Estate Planning Proposal (under separate cover)**

KEY IMPLICATIONS AND CONSIDERATIONS**Financial Implications**

Nil

Political and Governance Implications (including risk, policy and legislation)

Nil.

Link to Community Strategic Plan

RU6 Ensure that there is adequate land supply and subdivisions to accommodate future population growth and facilitate commercial and industrial expansion