



IRF23/2480

# Gateway determination report – PP-2023-1897

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Reymond Street Forestry Area land rezoning

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning proposal (Revised)
Council resolution and report (dated 20 April 2023)

# 1 Planning proposal

## 1.1 Overview

Table 2 Planning proposal details

LGA	LGA name
PPA	Forbes Shire Council
NAME	Reymond Street Forestry land rezoning
NUMBER	PP-2023-1897
LEP TO BE AMENDED	Forbes Local Environmental Plan 2013
ADDRESS	Reymond Street, Forbes
DESCRIPTION	Lot 1618 DP 750158
RECEIVED	31/08/2023
FILE NO.	IRF23/2480
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to:

- Rezone land from RU3 Forestry to RE1 Public Recreation and R1 General Residential to reflect the current and ongoing use of the subject land.
- reduce the minimum lot size for the portion of land on which there is an existing dwelling to allow for a single lot subdivision

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Forbes Local Environmental Plan (LEP) 2013 per the changes below:

**Table 3 Current and proposed controls**

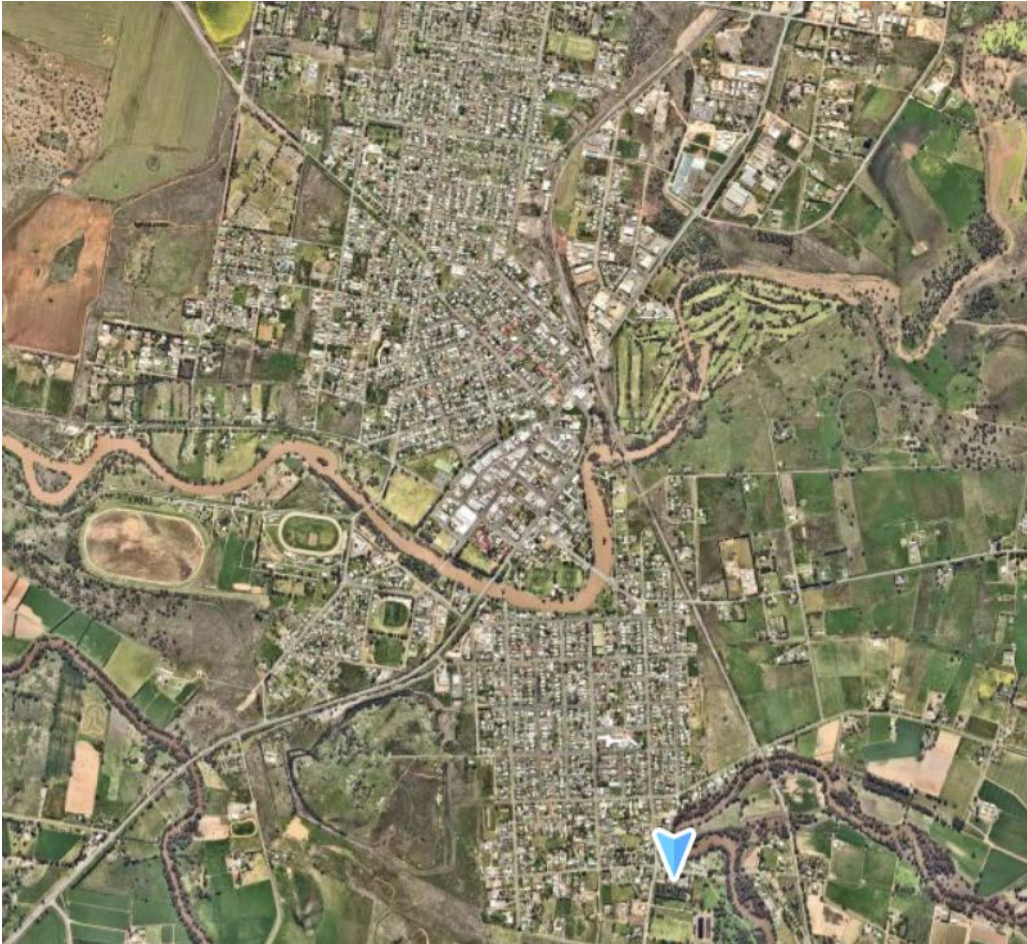
Control	Current	Proposed 1	Proposed 2
Zone	RU3 Forestry	RE1 Public Recreation	R1 General Residential to apply to 1,500m <sup>2</sup> part of the site
Maximum height of the building	Nil	10m	8.5m
Minimum lot size	Nil	Nil	550m <sup>2</sup>
Number of dwellings	1	0	1

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved however, it does not contain maps showing the proposed zone or development standards.

The planning proposal will need to be updated to accurately reflect the development potential on the site. The proposal indicates that no further dwellings would be achieved on the site, but the proposal is to rezone 1,500m<sup>2</sup> of land to R1 General Residential to support an existing dwelling. Given the proposed minimum lot size for this portion of land is 550m<sup>2</sup> it could result in a subdivision for an additional 1-2 dwellings. This should be clarified in the proposal and if unintended, apply a lot size that would permit a single dwelling outcome for this portion of the site. Condition 1 of the Gateway determination requires the planning proposal to be amended prior to exhibition to clarify the intent for number of dwellings to be permitted on the site and the appropriate minimum lot size that should apply.

## 1.4 Site description and surrounding area

The site is located on the south-eastern fringe of the Forbes township, approximately 2.5 kilometres south of the town centre (refer to Figure 1 below). The site is currently owned by Council and classified as operational land in accordance with the *Local Government Act 1993*.



**Figure 1 Subject site in context to Forbes township (source: NSW Planning Portal Spatial Viewer)**

The site was historically owned by Forbes State Forest (now Forestry Corporation of NSW) but sold to Council in 2018. An Amenity Nursery, which includes an arboretum, was built in 1952. A shed was constructed later to be used as a maintenance depot as well as a manager's residence on the eastern portion of the site.

The site currently has a few separate uses (refer to Figure 2 below):

- the north portion is used as a community garden, operated by the Forbes Community Garden Committee
- the dwelling on the eastern corner is rented privately by Council
- the southern portion remains as an urban forest, and
- the south-eastern corner continues to be used by Forestry Corporation of NSW as a depot under State Environmental Planning Policy (Transport and Infrastructure) 2021.

The current uses are consistent with the proposed rezoning.



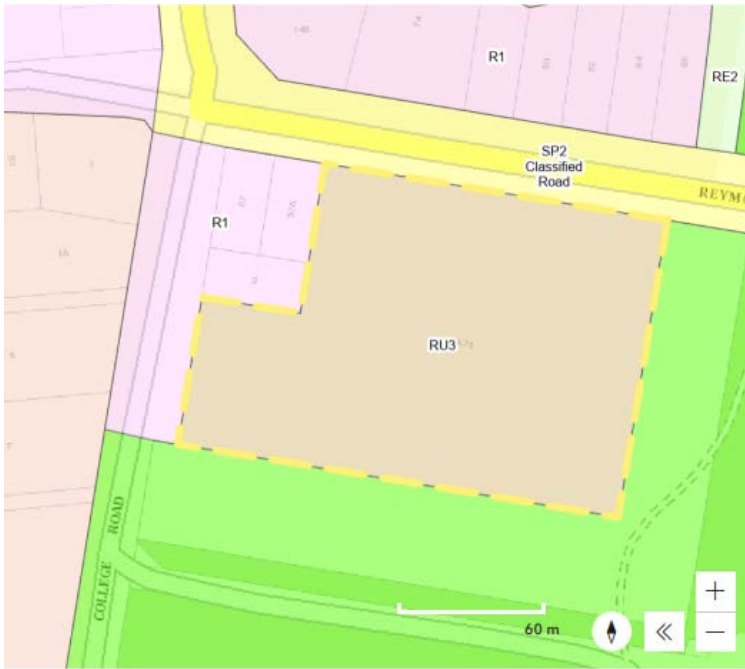


**Figure 2 Site context and layout (source: Planning proposal – Reymond Street Forestry Area)**

To the north and west of the subject land are residential uses and to the east and south of the site are public recreation uses adjoining the Lachlan River, including sporting grounds and public open space.

## 1.5 Mapping

The planning proposal includes maps that show the subject site, but it does not include maps showing the proposed amendments to the Forbes LEP 2013 maps. To address this, prior to community consultation, the planning proposal is to be updated to include additional mapping that clearly shows the proposed changes to the land zoning, lot size and height of building maps. The existing land zoning map is provided in Figure 3.



**Figure 3 Existing Land Zoning Map (Source: Planning Portal Spatial Viewer)**



**Figure 4 Existing Lot Size Map (Source: Planning Portal Spatial Viewer)**

## 1.6 Background

The site is currently zoned RU3 Forestry under the Forbes LEP 2013. The land was sold to Council in 2018 and it does not consider this zone to be the best fit for the current and ongoing use of the land. The proposal will allow for the land to be rezoned to mostly RE1 Public Recreation Zone with the lot containing the existing dwelling to be zoned R1 General Residential to preserve the existing community uses, maintain the urban forest and formalise permissibility of the existing dwelling.



## 2 Need for the planning proposal

The planning proposal is not the result of a strategy, study or plan. It is supported by Council to address the change of ownership from Forestry Corporation of NSW to Council and reflect the current and ongoing uses of the land. Council has considered that the rezoning of the land to RE1 and R1 zones is the most suitable option to achieve the intended outcome.

The planning proposal considered rezoning the land to a C3 Environmental Management Zone however, is was not considered the best outcome for the site as it permits land uses such as dwelling houses, animal boarding establishments and bed and breakfast accommodation which are incompatible with the existing and ongoing use of the site. The proposed RE1 Public Recreation Zone is considered the most suitable zone to preserve the existing community facility and public open space, and the portion to be zoned R1 General Residential reflects the ongoing residential use of that part of the site.

## 3 Strategic assessment

### 3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Central West and Orana Regional Plan 2041. The planning proposal did not identify consistency or otherwise with the regional plan.

**Table 4 Regional Plan assessment**

Regional Plan Objectives	Justification
Objective 5 Identify, protect and connect important environment assets	The planning proposal will help preserve the existing urban forest and the other uses of the site. Although the site is not identified as High Environmental Value land, it contains areas of biodiversity value which link to the broader surrounding environment. It also adjoins existing open space and land fronting the Lachlan River. The planning proposal is consistent with this objective.

### 3.2 Local

The proposal states that it is consistent with the following local plans and strategies as stated in the table below:

**Table 5 Local strategic planning assessment**

Local Strategies	Justification
Forbes Local Strategic Planning Statement 2040 (LSPS)	The proposal is broadly consistent with the LSPS as it “improves community facilities to support a diverse lifestyle”.

Forbes Local  
Housing Strategy  
(LHS) 2021-2041

The subject site is not specifically identified in the LHS for future housing development. It is shown as Terrestrial Biodiversity on the Forbes LHS 2021-2041 Biodiversity map (p.57) and as Flood Fringe in the Flood Details Map (p.62). The planning proposal is consistent with the strategy as it is not proposed to change the existing use of the land.

### 3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 6 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	The planning proposal has demonstrated consistency with the Central West and Orana Regional Plan 2041 (refer to section 3.1 above).
4.1 Flooding	Inconsistent	The site has been identified as low hazard flood fringe in the Forbes Flood Study 2020. The planning proposal does not seek to change or intensify the use of the land. There is no change to the flood control provisions. The inconsistency can be justified as being of minor significance.
9.1 Rural Zones	Consistent	The planning proposal proposes to rezone a portion of rural land to R1 General Residential, which has potential to increase the permissible density of the land. However, this is unlikely as the site is constrained due to its limitation to achieve access from a Classified Road.
9.2 Rural Lands	Consistent	The planning proposal does not propose to change the existing use of the land and the proposed zoning reflects its existing use.

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 7 Assessment of planning proposal against relevant SEPP**

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Biodiversity and Conservation 2021	Yes	The site contains significant planted vegetation, and it is proposed to be preserved as a public recreation space.

## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 8 Environmental impact assessment**

Environmental Impact	Assessment
Flood prone land	The site is mapped as low hazard flood fringe on Council's flood study mapping. It is recommended that the planning proposal be referred the department's Biodiversity, Conservation Science Division (BCD) in relation to flooding.
Biodiversity	There is no change proposed to the existing land uses on the site or any existing development controls relating to the land.

### 4.2 Social and economic

There is community benefit to the proposal as it will apply more appropriate zones that will enable preservation of the existing community facility, the existing urban forest and an existing dwelling.

### 4.3 Infrastructure

The land is currently connected to water, sewer and electricity. There will be no changes to the existing infrastructure.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days. The exhibition period proposed is considered appropriate and forms a condition of the Gateway determination.

### 5.2 Agencies

It is recommended the DPE Biodiversity, Conservation Science Division (BCD) be consulted on the planning proposal in relation to flooding and given 30 working days to comment.

## 6 Timeframe

Council proposes a 4 month timeframe to complete the LEP.

The Department recommends that the planning proposal is to be completed by 1 August 2024 to be in line with its commitment to reduce processing times. A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council has not requested to be the local plan-making authority for this proposal. As the planning proposal is minor and reflects existing land use outcomes, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended to:
  - Incorporate all the maps for the site as part of the proposed amendment including:
    - current and proposed land zoning maps, current and proposed minimum lot size maps,
    - current and proposed height of building maps.
  - Amend the Project Timeframe to reflect the Gateway determination of the proposal and subsequent milestones for finalisation in 225 days.
  - Amend the lot size applicable to the proposed R1 General Residential zone and reflect the intended control to not providing further subdivision opportunity.
2. Consultation is required with the Department of Planning and Environment (Biodiversity, Conservation and Science Division).
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. The planning proposal is to be completed by 1 August 2024.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



22/8/2023

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27/9/2023

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