CLAUSE 1 – PLANNING PROPOSAL – FORMER FORBES SALEYARDS SITE – 22-40 NEWELL HIGHWAY, FORBES

Introduction

In July, 2009 the Department of Planning introduced a new process to streamline the consideration of Draft LEP’s known as the “Gateway Process”. A “Planning proposal must be prepared by the Relevant Planning Authority for consideration of the Gateway Panel as appointed by the Minister for Planning. The Gateway on behalf of the Minister then determined whether the planning proposal can proceed.

Council resolved at its meeting of 18 March, 2011 to submit a Planning Proposal for the rezoning of the former Forbes Saleyards site as follows:

That Council:

1. defer exhibition of the Draft LEP until after the meeting with the Department of Planning in relation to the Lachlan Vintage Village site;
2. prepare a planning proposal for the Mid State Saleyards site where the exhibition of the Draft LEP is deferred to rezone the land to the equivalent of a B5 Business Development zone;
3. request the Department of Planning complete the gateway process for the Midstate Saleyards site within 3 months.

Gateway Determination

The planning proposal has been considered by the Gateway Panel and Council was advised of the subsequent gateway determination in correspondence received on 6 May, 2011 as follows:

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

Gateway Determination

Planning Proposal (Department Ref: PP_2011_--001_00): to rezone the former Forbes Saleyards site at 22-40 Newell Highway, Forbes from 4(a) industrial to a “Business Support” zone modelled on the B5 Business Development zone in the Standard Instrument.

I, the Deputy Director General, Plan Making and Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act in respect of the planning proposal to amend Forbes Local Environmental
Plan 1986 to rezone the Former Forbes Saleyards site from 4(a) – Industrial to a “Business Support” zone modelled on the B5 Business Development zone in the standard instrument to permit development of the site for bulky goods retail, and a truck stop with restaurant, truck wash/service facilities and accommodation should proceed for the following reasons:


2. The planning proposal is to remove ‘restaurants’ from the list of prohibited land uses in the 4(a) Industrial Zone.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (“EP&A Act) as follows:

   (a) The planning proposal must be made publicly available for 28 days; and
   (b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEP’s (Department of Planning 2009).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
   - Office of Environment and Heritage
   - Roads and Traffic Authority

   Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56 (2)(e) of the EP & A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land.)

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Conclusion

The relocation of the Forbes Mid-State Saleyards has created a large vacant site strategically located close to Forbes on the Newell Highway. A significant development opportunity has arisen for the site. However a major component is not permissible under the existing zoning of Forbes Local Environmental Plan 1986. The gateway determination enables Council to proceed with the rezoning of the land to facilitate this development. Public exhibition of the Planning proposal and Gateway determination is prescribed in section 4.5 of A Guide to Preparing LEP’s (Department of Planning 2009). Timing is of critical importance to securing this development opportunity, accordingly the following recommendation is made:
RESOLVED

That Council:

i). Publicly exhibit the Planning Proposal for the former Forbes Mid State Saleyards site and subsequent gateway determination;

ii). receive a further report upon completion of the public exhibition.

(Cr G Falconer/Cr A Lockhart)

Paul Bennett
DIRECTOR ENVIRONMENTAL SERVICES