

REVIEW OF ENVIRONMENTAL FACTORS

Staged 100 lot residential subdivision with associated works,
vegetation removal, landscaping including construction of a
stormwater detention basin within Lot 1 DP1077961

at

Farnell Street, Belah Street and Dawson Street, Forbes
Lot 7317 DP 1166614, Lot 7205 DP102063, Lot 7332 DP1166365 and
works within Lot 1 DP1077961

June 2025





Acknowledgement of Country

Homes NSW acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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REVIEW OF ENVIRONMENTAL FACTORS

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1 Executive Summary

The subject site is located at Farnell Street, Belah Street and Dawson Street, Forbes NSW 2871, and comprises four lots that are legally described as Lot 7332 in Deposited Plan (DP) 1166365, Lot 7025 in DP1020631, Lot 7317 in DP1166614 and part Lot 1 in DP 1077961. The proposal is described as follows:

Development of 100 lot residential subdivision in 3 stages, associated works, vegetation removal, landscaping including the construction of a stormwater detention basin on Lot 1 DP1077961

Specifically, the proposal seeks to subdivide the subject site comprising of Lot 7332 in DP1166365, Lot 7025 in DP1020631, Lot 7317 in DP1166614 into 100 lots in 3 stages. Lot 7332, Lot 7025, and Lot 7317 were previously Crown land but were formally acquired by NSW LAHC in March 2025.

Proposed works will also include vegetation removal, landscaping, roadworks, drainage, services and earthworks. The proposed stormwater detention basin associated with the development will be located on part of Lot 1 in DP 1077961 which is in Forbes Shire Council's ownership. The proposal is for residential subdivision to be delivered in three stages as an extension of the existing urban footprint of Forbes incorporating stormwater detention. The aim of the project is to develop the site from currently undeveloped and vacant land, into a principally low-density residential development to provide a mix of private, social, and affordable housing.

The proposed activity can be carried out by LAHC as development permitted without consent under the provisions of Chapter 2, Part 2, Division 6 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP).

Chapter 2 of the Housing SEPP applies to affordable housing. Division 6, Section 42 (2)(b) applies to the "subdivision of land and subdivision works" where the development is permitted on the land under another environmental planning instrument. Subdivision is permissible with consent under Clause 2.6 of *Forbes Local Environmental Plan 2013* (FLEP 2013). Therefore, Division 6 applies.

Section 43 (2) 'Development permitted without consent' of the *State Environmental Planning Policy (Housing) 2021* states that:

(2) Development specified in section 42(2) may be carried out without consent if the development is carried out by or on behalf of a relevant authority other than Landcom.

The proposed subdivision is therefore able to be undertaken by LAHC as residential development, permitted without consent, in accordance with Section 42 (2)(b) and Section 43(2) of the Housing SEPP, as LAHC is both the proponent and public authority for the proposed activity and is responsible for the environmental assessment.

Section 2.109 (1), (3)(a), (c) and (d) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* permits development for the purpose of a road or road infrastructure facilities to be carried out by or on behalf of a public authority without consent on any land.

Section 2.137 (1), (2) (a) and (c) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* permits development for the purpose of a stormwater management systems.

The proposed stormwater detention basin to be located on part of Lot 1 in Deposited Plan 1077961 is a type of stormwater management system and may be carried out by or on behalf of a public authority without consent on any land.

The activity is 'development permitted without consent' and LAHC is required to assess the likely environmental impact of the proposed works under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This REF has been prepared in accordance with Division 5.1 of the EP&A Act which requires LAHC, as a self-determining authority, to fully consider the potential impacts of any proposed activities. The REF has also been prepared in accordance with Section 171 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and the Guidelines approved under Section 170 of the EP&A Regulation which details environmental factors to be considered when assessing the potential impact of an activity on the environment.

This Review of Environmental Factors (REF) demonstrates the following:

- From an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required.
- Based on a review of the potential environmental impacts resulting from the proposed activity, it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity is unlikely to have any significant adverse impact on the environment.
- The proposed activity will not have an adverse effect on matters of national significance and its approval under the Commonwealth Environment Protection and *Biodiversity Conservation Act 1999* is not required.
- The proposed activity is a development which responds to a clear community need and is the product of a carefully considered design phase.
- The site planning and design of the proposed activity adequately address the applicable regional and local environmental planning and development controls of Forbes Shire Council.
- The requirement for separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts have been identified through the REF.
- Forbes Shire Council as well as owners and occupiers of adjoining land were notified of the proposed activity under the provisions of the Housing SEPP on 1 February 2024. An information session was held by LAHC on 14 and 15 February 2024 for community members to attend. A response was received from Council dated 5 April 2024. Comments on the response are provided in Section 7.1 of this REF. A total of 20 submissions were received with a mix of concerns and general support for the proposal. Comments on the submissions are provided in Section 7.2 of this REF. Written notices were also provided to Jemena, Essential Energy and Minister of Agriculture.

The proposed activity is compliant with relevant State and local legislation and policy, and the proposed subdivision aligns with the overall objectives of the land use zoning. The development will have an overall positive socio-economic impact for the region, achieved through job creation during construction of the subdivision and the provision of future dwellings including diverse and affordable housing types. The subdivision will also play an important role in meeting the housing needs of the region as identified by the Central West and Orana Regional Plan (published by Department of Planning and Environment (DPE), 2022).

The entire site is mapped as an Urban Release Area and part of Lot 7332 in DP 1166365 is mapped within the Terrestrial Biodiversity Map of the FLEP 2013. Part of Lot 1 in DP 1077961 is mapped on the Land Reservation Acquisition Map for the purpose of Regional Open Space (RE1); however, the stormwater detention basin to be located on Lot 1 is not affected by the Land Reservation Acquisition overlay for the lot.

A Biodiversity Assessment Report (BAR) was prepared by OzArk for the site (**Appendix H**) to consider the impacts of the proposed activity. The Report found that the site contains occurrences of *Myall Woodland*, identified as being part of an ecologically endangered plant community. This part of the land has been excluded from the subdivision works to ensure retention and protection of this vegetation. The land will be dedicated to Council. Based on the Report, the proposal development will have no significant impact on biodiversity. Mitigation measures are recommended to ensure the protection of the environment, including the ecologically endangered plant community during pre-construction, construction, and post-construction stages of the proposed development. Entry into the Biodiversity Offsets Scheme is not required for Part 5 activities. The proposed activity, when carried out in accordance with the environmental mitigation measures outlined in the REF, will not result in any significant and long-term negative impacts on the environment and can proceed subject to implementation of the Identified Requirements within the **Activity Determination**.

2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving a 100-lot subdivision to be delivered in three stages and includes the construction of a stormwater detention basin, vegetation removal and the construction of associated roads, footpaths, drainage, and landscaping.

The activity¹ will be carried out by, or on behalf of, NSW Land and Housing Corporation (LAHC) and is 'development permitted without consent' under *State Environmental Planning Policy (Housing) 2021* and *State Environmental Planning Policy (Transport and Infrastructure) 2021 SEPP (Transport and Infrastructure)*.

The proposed development is a 100 lot residential subdivision to facilitate a mix of private, social, and affordable housing within Forbes.

This REF has been prepared on behalf of LAHC in satisfaction of the provisions of Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 8 of the *Environmental Planning & Assessment Regulation 2021* (EP&A Regulations).

A Statement of Compliance accompanying this REF certifies that in accordance with the requirements of the EP&A Act, all matters affecting or likely to affect the environment by reason of the proposed activity have been taken into account to the fullest extent possible and the activity will not have a significant impact on the environment.

2.1 Purpose of this Review of Environmental Factors (REF)

The purpose of this REF is to assist LAHC to fulfil its obligations as a determining authority for the proposed activity in accordance with Part 5 of the EP&A Act and Section 171 of the EP&A Regulation by:

- describing the existing environment;
- describing the proposed activity;
- analysing the potential impacts of the activity on the environment;
- identifying measures to mitigate those impacts;
- analysing whether the activity, with the mitigating measures in place, will have a significant impact on the environment;
- recommending identified requirements to ensure the mitigating measures are implemented if the activity were to proceed; and
- outlining the notification and consultation process that was undertaken prior to the preparation of the REF.

2.2 Assessment Methodology

The following methodology was applied in undertaking this REF for the proposed development activity under Part 5 of the EP&A Act:

¹ Note: The proposed development is permitted without consent and is therefore subject to environmental impact assessment as an 'activity' under Part 5 of the *Environmental Planning and Assessment Act 1979*.

- Section 10.7 Planning Certificates (**Appendix C**) were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the *Forbes Local Environmental Plan 2013* (FLEP 2013).
- A desktop analysis and investigation of the site and surrounds was undertaken based on site clearance information provided by LAHC to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context.
- A site inspection was undertaken.
- Relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity.
- An environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required.
- Potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the Review of Environmental Factors.
- Identified Requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

3 Existing Site & Locality

3.1 Existing Site and Immediately Adjoining Development

The site is located in the Forbes local government area (LGA) and comprises 4 residential allotments legally described as Lot 7332 in DP1166365, Lot 7025 in DP1020631, Lot 7317 in DP1166614 and part Lot 1 in DP1077961 (refer to Title Search in **Appendix P**). A location plan is provided at **Figures 1 and 2**.



Figure 1: Location Plan with the subject site highlighted in red (Source: SIX Maps accessed 21 May 2025)



Figure 2: Location Plan with the subject site highlighted in red (Source: NearMaps accessed 21 May 2025)

The site is currently vacant and not occupied by any dwellings (refer to **Figures 3 and 4**). The properties immediately to the east contains a number of existing established residential lots in Belah Street, Cedar Crescent and Farnell Street, and comprise predominantly single storey dwellings. The properties adjoining the site to the north-west and west directions are large rural style properties (7-15 Cypress Lane and 2-6 Lower Morton Street). Watson Close adjoins the northern boundary and Dawson Street adjoins the southern boundary of the subject site, with both streets also containing existing residential lots comprising predominantly single storey dwellings.



Figure 3: View of the subject site from Dawson Street and York Street intersection looking towards the eastern side of the site (Source- Google Maps: image capture April 2024)



Figure 4: View of the subject site from Watson Close looking towards the south-east (Source- Google Maps: image capture April 2024)

3.2 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates are provided in **Appendix C**.

The subject site is approximately 12.3ha in size, comprising Lot 7332 in DP 1166365, Lot 7025 in DP 1020631, Lot 7317 in DP 1166614, and part Lot 1 in DP 1077961. The site occupies land located at the north-western perimeter of the urban area of Forbes, generally flanked by existing established residential properties to the north-east, east and south, and with rural properties to the north-west and west.

The site currently comprises vacant land, which based on the review of historical information (refer to Preliminary Site Investigation Report in **Appendix G**) was formally used for travelling stock, a gravel pit/gravel hardstand, an easement for a transmission line and a vacant reserve.

The site is generally located in the north-western urban footprint area of Forbes. The topography of the land is relatively level, though consists of rising slopes to the north.

The site benefits from multiple road access points, being from Watson Close at the northern end of the site, Farnell Street to the east and Belah Street, Dawson Street and York Street to the south.

The Arboricultural Impact Assessment Report (refer to **Appendix N**) considers a total of 123 trees in and around the site including a mixture of tree species along with hedge plants, weeds and shrubs. 30 trees on site are proposed for removal to facilitate the subdivision works and future residential development. 90 trees were identified as being located close to the site boundary within adjacent properties or are street trees and will be retained. The Biodiversity Report (refer to **Appendix H**) recommends retention of 3 trees being Tree 72, 73 and 74 as they form part of the ecologically endangered plant community *Myall Woodland*. Trees 72 & 73 are within the subject site and Tree 74 is located within the Morton Street road reserve in proximity to the subject site.

Existing site topography is gentle with grades up to 5 percent.

Site drainage consists of surface runoff traversing across the site following an existing ridgeline running north/south which directs the majority of the catchment to the south-west and a small catchment to the south-east. Under existing conditions, the western catchment drains to an existing drainage swale located at the southern end of the site which itself flows south towards Lake Forbes. In this regard the existing feature functions as a drainage line and not a watercourse.

All essential services are available to the site, with existing gas, telecommunications and water located through the site, and within the surrounding street network including Belah Street, Farnell Street, York Street, Dawson Street. Existing sewer lines are also available to the site with lines currently servicing the existing residential lots along Belah and Farnell Streets. The proposed subdivision is to connect into existing reticulated water and sewer infrastructure services. Council have not identified any required upgrades. Electricity overhead power passes through the site generally from east to west.

The site is not within a flood planning area and is not subject to flood related development controls.

The site is not identified as being heritage listed nor affected by bushfire.

There are no encumbrances on title, Section 10.7 certificates or indicated on the Detail and Level Survey Plan that would prohibit the proposed development from being undertaken.

Lot 1 in DP1077961 is impacted by a right of way which provides access to a number of sites to the west. The proposed stormwater detention basin works are proposed on this site and rights of way will be maintained.

Lot 1 in DP1077961, Lot 7025 in DP 1020631 and Lot 7332 in DP1166365 contain various infrastructure easements for electricity and sewer. These easements shall be realigned or extinguished as required, with new easements created to accommodate proposed new infrastructure requirements.



Figure 5: View of York Street from Subject Site (Source- ADWJ: image capture April 2023)



Figure 6: View of Corner of Farnell and Wyndham Avenue form subject site (Source- ADWJ: image capture April 2023)

3.3 Neighbouring Development and Locality

The surrounding area of the site is characterised by established low-density residential to the north, east and south of the site. To the west is large-lot rural-residential development and primary production rural land. This land is known as the Goldridge Estate, which is identified as an emerging master planned community which is anticipated to accommodate further urban residential land for Forbes into the future.

Forbes is a regional New South Wales town, providing business, retail and entertainment uses. The town centre is located approximately 2km south-east of the subject site which provides most day-to-day needs including a medical centre, shops, banks and other supporting services. Surrounding nearby amenities and facilities include Forbes North Public School (400m to the south) and Forbes High School (500m to the east). There are also a number of community-based land uses including childcare centres, parks and a church in close proximity.

Public transportation is available to the site and future residents with several existing bus routes, including town and school services that operate throughout adjoining streets. The Forbes Train station is nearby, located 1,700m to the southeast of the site.



Figure 7: Forbes Township Key Sites

4 Project Description

The proposed activity comprises of the following.

4.1 Subdivision

LAHC is proposing a Torrens Title subdivision to be undertaken in three stages, with 3 existing lots to be subdivided into 100 residential lots ranging in size from 596m² – 1,832m². A stormwater detention basin is proposed to be constructed on Council land, being part Lot 1 in DP 1077961, to facilitate the proposed subdivision. It is intended to allocate lots for private residential dwellings, social housing development and for diverse and affordable housing.

The social and affordable housing intended to be provided as part of the 100 residential lots are not identified on the plans. The social and affordable housing are intended to be co-located with other dwellings and be indistinguishable from market housing. No construction of dwellings is proposed under this REF and any new dwellings will be subject to future relevant approvals.

The proposed subdivision will be undertaken in 3 stages as follows:

- Stage 1 will involve the delivery of 31 residential lots and associated civil works. The lots range from proposed Lot 101 to Lot 131. The proposed stormwater detention basin is included in Stage 1.
- Stage 2 will involve the delivery of the 33 residential lots along with associated civil works. These lots range from proposed Lot 201 to Lot 233.
- Stage 3 will involve the delivery of the remainder of the residential lots along with associated civil works. These lots range from Lot 301 to Lot 336.

The subdivision layout is pictured in **Figure 8** as well as **Appendix A**.

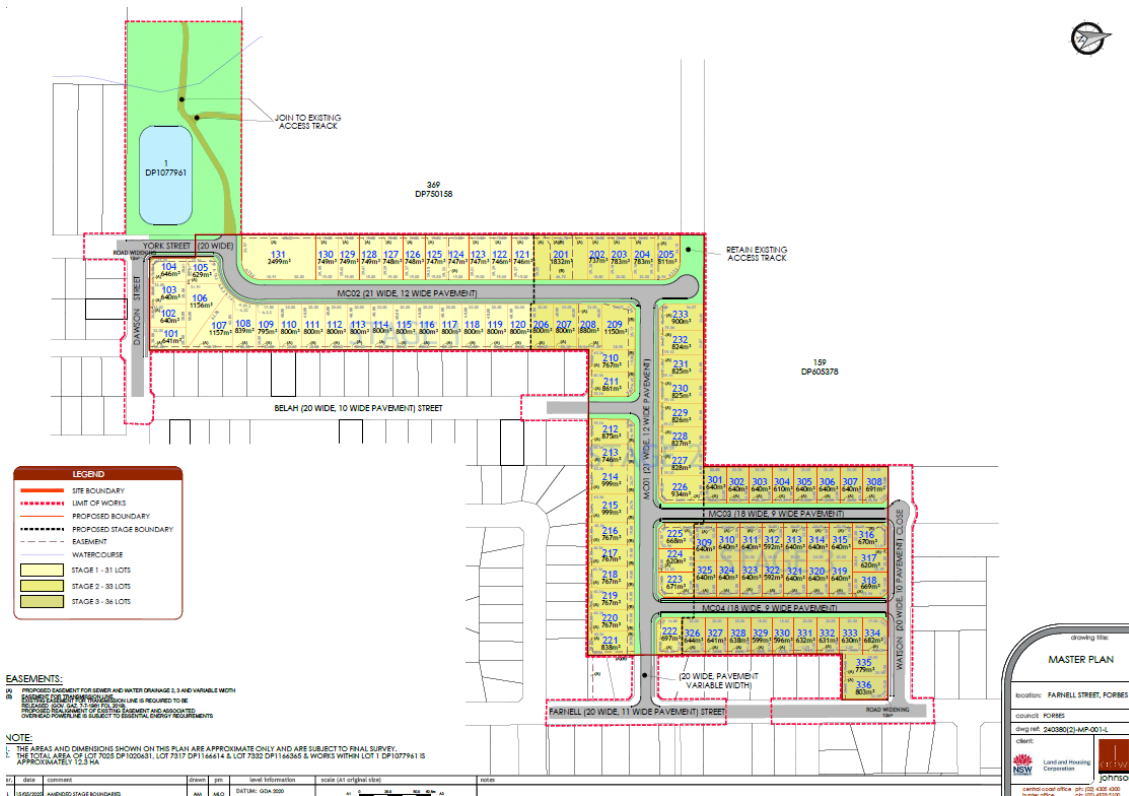


Figure 8: Subdivision Layout (Source: ADW Johnson)

4.2 Tree Removal

An Arboricultural Impact Assessment Report dated 14 December 2023 undertaken by Douglas Arbor was submitted in support of the proposal (**Appendix N**).

The Report considers a total of 123 trees in and around the site including a mixture of tree species along with hedge plants, weeds and shrubs. 30 trees on site are proposed for removal to facilitate the subdivision works. 90 trees were identified as being located close to the site boundary within adjacent properties or are street trees and are proposed to be protected and retained. The Biodiversity Report, prepared by OzArk (refer to **Appendix H**) identifies 3 trees being Tree No.s 72, 73 and 74 as being part of an ecologically endangered plant community *Myall Woodland* and these trees are recommended to be protected and retained. Trees 72 & 73 are located within the subject site and Tree 74 is located within the Morton Street road reserve.

More appropriate tree plantings, including trees capable of reaching mature heights of 5m, will be provided as part of the proposed landscaping plan to compensate for the loss of these trees (refer to submitted Landscape Plan in **Appendix B**). The Cut and Fill Plan for the proposed development can be seen in the Civil Plans (**Appendix I**). Further assessment of the proposed tree removal is contained in Section 8.3 of this Report.

4.3 Roads and Access

Road Layout and Description

The site will be connected to the existing road network at multiple points including Watson Close, Farnell Street, Belah Street and Dawson Street/York Street. The subdivision will comprise four new internal local roads. Roads MC01 and MC02 will be constructed as minor collector roads and roads MC03 and MC04 will be constructed as local roads. Minor collector roads will have a vehicle pavement width of 12m and local roads will have vehicle pavement width of 9m.

As detailed in the Traffic Impact Assessment prepared by SCT Consulting dated 16 January 2024, together with a further addendum letter prepared by SCT Consulting dated 25 November 2024 (**Appendix L** and **Appendix M**), The minor collector roads fall below the 80-150 lots for a minor collector road, as trips in a wider area are expected to be distributed between them; however, given the expectation of future housing developments with the western adjacent sites, larger road reserves are prudent for ensuring adequate road infrastructure for future growth in vehicle traffic. Neither MC03 nor MC04 are a cul-de-sac. Hence, these roads fall below the 30-80 lots threshold for a local road.

Design of the road layout has been supported by the Traffic Impact Assessment and further details in regard to the road layout and design can be found in the Civil Plans (**Appendix I**).

Pedestrian Access

The proposed subdivision will accommodate 1.5m wide footpaths on one side of all internal roads. The footpaths are contained within 4.5m wide nature strips.

4.4 Retaining Walls

Retaining walls are required to manage the topography of the site where residential lots and infrastructure are proposed. Retaining walls are implemented into subdivision works (as opposed to by future individual landowners' post-subdivision) for the following reasons:

- to ensure appropriate structural qualities can be achieved;
- to allow greater amenity to residents through more level lots;
- to allow consistency of retaining wall design throughout the residential footprint; and
- to minimise cost to future residents and assessment requirements for Council.

As shown on the Civil Plans (**Appendix I**), there is limited benching of lots involving the installation of retaining structures. In this instance, the only retaining wall proposed is along the eastern boundary of Lot 221. The retaining wall is noted as 1.5m in height.

4.5 Stormwater

The proposed stormwater detention basin associated with the development will be located within Lot 1 in DP077961 which is in Council ownership. Forbes Shire Council has provided owner's consent for the construction of stormwater detention basin on Council's land in the letter dated 27 October 2023 (refer to **Appendix R**). Further correspondence from Council on 5 April 2024, confirmed that once developed, this infrastructure will be handed over to Council to maintain.

The site is generally crested by an existing ridgeline running north/south along MC04. The majority of the site (southern catchment) drains southwest and will be serviced by a conventional pit and pipe drainage network, gross pollutant trap and a proposed stormwater detention basin to be constructed on Council land, being part of Lot 1 DP1077961. The detention basin location and layout are shown in **Figure 9** below (refer to **Appendix I** for detailed Civil Plans).

The detention basin will discharge into an existing stormwater swale located at the southeast corner of Lot 1 DP1077961 which will be formalised as part of the development. This swale currently discharges into a first order watercourse, which is a tributary of Lake Forbes. A smaller catchment at the site's southwest boundary drains directly to this formalised swale.

The remaining (northern) catchment in the site's northeast drains to its southeast and will discharge into the existing drainage network located within Farnell Street.

The developed peak flows of the southern catchment far exceeded the predeveloped peak flows, warranting a stormwater detention basin. Peak flows for the northern catchment were compared at the location where the catchment discharges from the site into the existing drainage network in Farnell Street.

The proposed development is to include water quality treatment devices within the site to reduce pollutant loads prior to discharging downstream. The quality of the stormwater discharging from the development was determined using the Model for Urban Stormwater Improvement Conceptualisation (MUSIC). The MUSIC model was used to simulate pollutant source elements for the proposed development and the treatment of the pollutant loading using treatment devices. As outlined in the Stormwater Management Plan, the treatment train successfully reduces the pollutant loadings from the development in accordance with industry standard reduction targets.

For further details, see the stormwater concept plan within the Civil Plans (**Appendix I**) and Stormwater Management Plan (**Appendix J**).

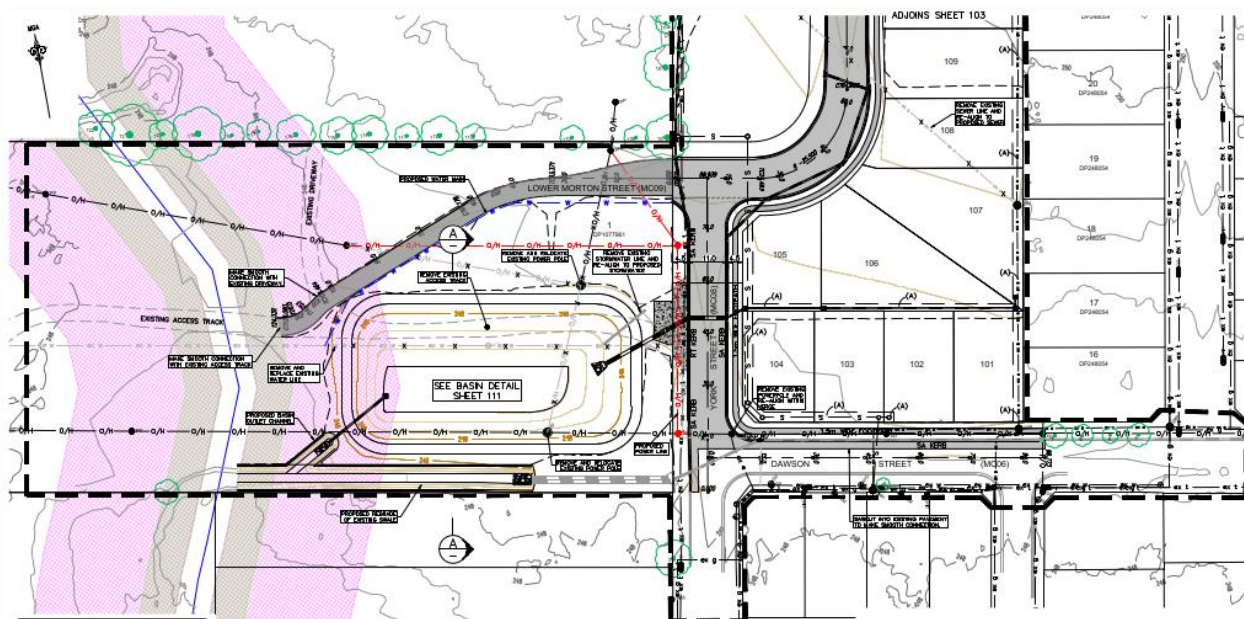


Figure 9: Civil Plan showing the layout of the proposed detention basin (Source: ADW Johnson)

4.6 Utilities

The site will be fully serviced with water, electricity, sewer, and telecommunications. The existing 66 kV HV power cable is to be relocated as specified. For further details refer to the relevant sections within the Civil Plans (**Appendix I**).

4.7 Landscaping and Public Amenity

A detailed Landscape Plan has been undertaken by ADW Johnson's Landscape Architects (refer to **Appendix B**) in support of the proposed development. The Landscape Plan identifies the landscape treatment for the subject site.

Due to the proposed subdivision and associated works, a total of 30 existing trees will be removed from the subject site. A variety of new landscape planting is to be incorporated within the development to offset the tree removal and enhance the appearance of the proposal. These trees will be planted throughout the subdivision along the street and surrounding the stormwater detention basin, in accordance with Forbes Shire Council requirements. The proposed tree planting is considered to sufficiently complement the development and promote biodiversity.

4.8 Land Titling

The proposal is for a Torrens title subdivision of three lots into 100 lots. All resultant lots will be created under Torrens Title.

4.9 Land Dedication

All roads, sewer, stormwater, and electrical services are proposed to be dedicated to Forbes Shire Council. In addition, part of land in between Lot No. 205 and 233 in the Subdivision Plan (marked as PCT 26 in Biodiversity Assessment Report) will also be dedicated to Forbes Shire Council.

4.10 Supporting information

The proposal is detailed in the following plans, drawings and specialist reports and supporting information:

Table 1: Supporting Information

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Appendix A – Subdivision Plan	240380(2)-MP-001-L	L	15/5/2025	ADWJohnson
Appendix B – Landscape Plans				
Cover Sheet	240380(2) - DA - LA 001	-	-	ADWJohnson
Project Overview	240380(2) - DA - LA 002	-	-	ADWJohnson
General Arrangement Plan	240380(2) - DA - LA100	-	-	ADWJohnson
Basin Layout Plan	240380(2) - DA - LA101	-	-	ADWJohnson
Typical Street Sections	240380(2)- DA - LA200	-	-	ADWJohnson
Typical Details	240380(2) - DA - LA300	-	-	ADWJohnson
Street Tree Imagery & Schedule	240380(2)- DA - LA400	-	-	ADWJohnson
Basin Tree Imagery & Schedule	240380(2)- DA - LA401	-	-	ADWJohnson
Specification	240380(2)- DA - LA500	-	-	ADWJohnson
Appendix D – Site Survey	240380(2)-DET-001-B	B	17/08/2023	ADWJohnson
Appendix E – Aboriginal Due Diligence Assessment Report	3864	V3.2	16/01/2024	OzArk Environment & Heritage
Appendix F – Bushfire Statement	230989	-	08/05/2023	Bushfire Hazard Solutions
Appendix G – Preliminary Site Investigation Report	EP3269.004	V2	16/05/2025	EP RISK
Appendix H – Biodiversity Assessment Report	3864	V3.4	23/01/2024	OzArk Environment & Heritage
Appendix I – Civil Plans				
Title Sheet, Drawing Index & Locality Plan	240380(2)-CENG-001	J	16/05/2025	ADWJohnson
General Arrangement Plan	240380(2)-CENG-002	J	16/05/2025	ADWJohnson
Servicing Plan	240380(2)-CENG-003	J	16/05/2025	ADWJohnson
Detail Plan – Sheet 1	240380(2)-CENG-101	J	16/05/2025	ADWJohnson
Detail Plan – Sheet 2	240380(2)-CENG-102	J	16/05/2025	ADWJohnson

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Detail Plan – Sheet 3	240380(2)-CENG-103	J	16/05/2025	ADWJohnson
Detail Plan – Sheet 4	240380(2)-CENG-104	J	16/05/2025	ADWJohnson
Basin Detail Plan	240380(2)-CENG-111	J	16/05/2025	ADWJohnson
Road Longitudinal Section: Road MC01	240380(2)-CENG-201	J	16/05/2025	ADWJohnson
Road Longitudinal Section: Road MC02	240380(2)-CENG-202	J	16/05/2025	ADWJohnson
Road Longitudinal Section: Road MC03	240380(2)-CENG-203	J	16/05/2025	ADWJohnson
Road Longitudinal Section: Road MC04	240380(2)-CENG-204	J	16/05/2025	ADWJohnson
Road Longitudinal Section: Road MC05 & MC07	240380(2)-CENG-205	J	16/05/2025	ADWJohnson
Road Longitudinal Section: Road MC08 & MC09	240380(2)-CENG-206	J	16/05/2025	ADWJohnson
Road Typical Cross Section	240380(2)-CENG-211	J	16/05/2025	ADWJohnson
Site Regrade Plan: Sheet 1	240380(2)-CENG-501	J	16/05/2025	ADWJohnson
Site Regrade Plan: Sheet 2	240380(2)-CENG-502	J	16/05/2025	ADWJohnson
Site Regrade Plan: Sheet 3	240380(2)-CENG-503	J	16/05/2025	ADWJohnson
Site Regrade Plan: Sheet 4	240380(2)-CENG-504	J	16/05/2025	ADWJohnson
Erosion & Sediment Control Plan: Sheet 1	240380(2)-CENG-801	J	16/05/2025	ADWJohnson
Erosion & Sediment Control Plan: Sheet 2	240380(2)-CENG-802	J	16/05/2025	ADWJohnson
Erosion & Sediment Control Plan: Sheet 3	240380(2)-CENG-803	J	16/05/2025	ADWJohnson
Erosion & Sediment Control Plan: Sheet 4	240380(2)-CENG-804	J	16/05/2025	ADWJohnson
Erosion & Sediment Control Details	240380(2)-CENG-805	J	16/05/2025	ADWJohnson
Appendix J – Stormwater Management Plan	240380(2)	-	29/04/2025	ADWJohnson
Appendix K – Geotechnical Investigation Report	EP3269.003	V01	15/05/2025	EP RISK
Appendix L – Traffic Impact Assessment	SCT_00425	3.0	16/01/2024	SCT Consulting
Appendix M – Traffic Impact Addendum Letter	-	-	25/11/2024	SCT Consulting
Appendix N – Arboricultural Impact Assessment Report	-	3	14/12/2023	Douglas Arbor

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Appendix T – Design Certificate for New Stormwater Detention Basin	-	-	15/05/2024	ADWJohnson

Appendix C – 10.7 Planning Certificates

- Lot 7332 DP 1166365, Certificate No. 11707, dated 28/05/2025 - Forbes Shire Council
- Lot 7025 DP 1020631, Certificate No. 11715, dated 29/05/2025 - Forbes Shire Council
- Lot 7317 DP 1166614, Certificate No. 11785, dated 18/06/2025 - Forbes Shire Council
- Lot 1 DP 1077961, Certificate No. 11711, dated 28/05/2025 - Forbes Shire Council

Appendix O – Statutory Notification to Council and Response

Appendix P – Title Search and Deposited Plans

- Title Search, Folio: 7332/1166365, Search date 15.05.2025, First Schedule: New South Wales Land and Housing Corporation
- Title Search, Folio: 7317/1166614, Search date 15.05.2025, First Schedule: New South Wales Land and Housing Corporation
- Title Search, Folio: 7025/1020631, Search date 15.05/2025, First Schedule: New South Wales Land and Housing Corporation
- Title Search, Folio: 1/1077961, Search date 19.08.2022, First Schedule: New South Wales Land and Housing Corporation

Appendix Q – Satisfactory arrangements - Secretary Place and Infrastructure Greater Sydney – dated 22/08/2019

Appendix R – Council Owners consent letter - dated 27/10/2023

Appendix S – Statutory Notification Letters to other authorities

- Essential Energy Notification Letter
- Essential Energy Response
- Jemena Notification Letter
- Minister of Agriculture Letter
- Email response from DPI - Fisheries

5 Permissibility and Zoning

Chapter 2 of the Housing SEPP applies to affordable housing. Division 6, Section 42 (2)(b) applies to the “subdivision of land and subdivision works” where the development is permitted on the land under another environmental planning instrument.

Subdivision is permissible with consent under Clause 2.6 of *Forbes Local Environmental Plan 2013* (FLEP 2013). Therefore, Division 6 is considered to apply.

Section 43(2) of the *State Environmental Planning Policy (Housing) 2021* states that:

Development specified in section 42(2) may be carried out without consent if the development is carried out by or on behalf of a relevant authority other than Landcom.

The proposed subdivision is therefore able to be undertaken by LAHC as residential development, permitted without consent, in accordance with Section 42 (2)(b) and Section 43(2) of the Housing SEPP, as LAHC is both the proponent and public authority for the proposed activity and is responsible for the environmental assessment.

Section 2.109 (1), (3) (a), (c) and (d) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* permits development for the purpose of a road or road infrastructure facilities to be carried out by or on behalf of a public authority without consent on any land.

Section 2.137 (1), (2) (a) and (c) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* permits development for the purpose of a stormwater management systems. The proposed stormwater detention basin to be located on part of Lot 1 in Deposited Plan 1077961 is a type of stormwater management system and may be carried out by or on behalf of a public authority without consent on any land.

5.1 Local Planning Controls

5.1.1 Forbes Local Environmental Plan 2013

The subject site is zoned R1 General Residential and a portion of the site to the south-west is zoned RE1 Public Recreation under the *Forbes Local Environmental Plan 2013* (FLEP 2013). The proposed subdivision and associated works are permissible within the R1 zone. No works are proposed to be undertaken within the RE1 zone. The zoning is shown in **Figure 10** below:

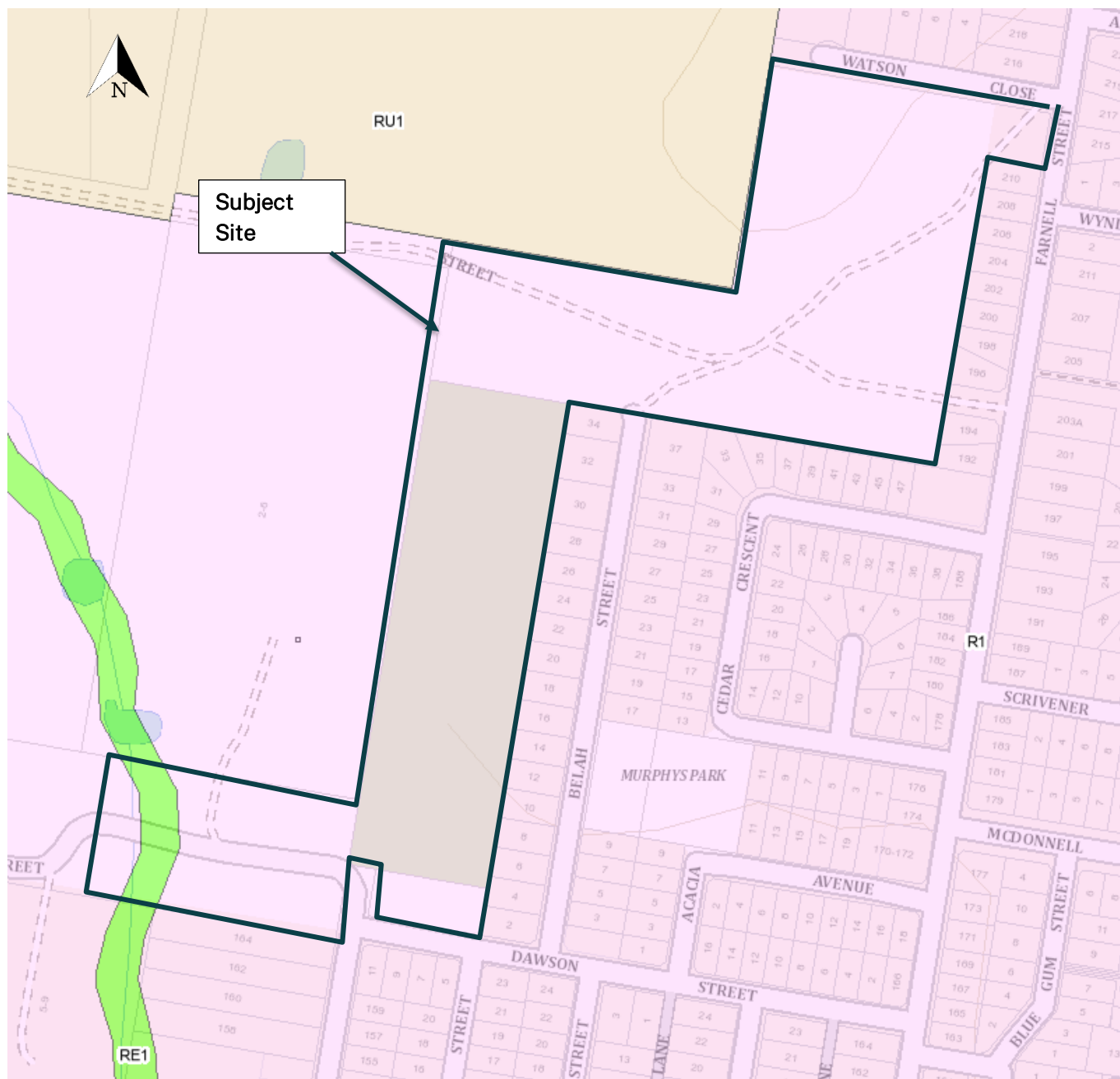


Figure 10: Zoning Map (Source: NSW Planning Portal)

The relevant objectives of the R1 zone, as set out in FLEP 2013 are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage all forms of residential accommodation in appropriate locations.

The subdivision will deliver 100 residential lots with lot sizes ranging between from 596m² – 1,832m². The site is identified with a mapped minimum lot size of 550m² in accordance the Clause 4.1 of FLEP 2013. As such, all of the proposed lots will comply with the 550m² minimum lot size requirement. The proposed lots sizes and permitted uses in the zone achieve the zone objective to provide for the housing needs of the community through a variety of housing types and densities.

The subdivision does not preclude the development of other land uses that provide facilities or services to meet the day to day needs of residents.

The subdivision layout responds to the opportunities for vehicular connections with surrounding roads and is generally in accordance with the desired subdivision layout for Precinct No. 2 – Moreton Street Release Area of the Forbes Housing Strategy 2021-2041.

Overall, the proposal is consistent with the objectives of the R1 General Residential zone.

The activity is being undertaken by a public authority under the provisions of the Housing SEPP and Transport and Infrastructure SEPP as development permitted without consent. Development consent under Part 4 of the EP&A Act is not required.

Section 5.12 of the FLEP is applicable and states:

5.12 Infrastructure development and use of existing buildings of the Crown

(1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2.

The works are being undertaken by a public authority under the provisions of the Transport and Infrastructure SEPP as development permitted without consent.

6 Planning and Design Framework

6.1 Environmental Planning and Assessment Act 1979

6.1.1 Duty to consider Environmental Impact [Section 5.5]

Section 5.5(1) states that, for the purpose of attaining the objects of the EP&A Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of the Act or the provisions of any other Act or of any instrument made under the EP&A Act 1979 or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

Table 2 below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 2: Compliance with subsection 3 of Section 5.5 of the EP&A Act 1979

Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act	
Matter for consideration	Effect of Activity
<i>Sub-section 3</i> Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the <i>Wilderness Act 1987</i>) in the locality in which the activity is intended to be carried on.	No effect, as the site and surrounding areas are not within a wilderness area (within the meaning of the <i>Wilderness Act 1987</i>).

6.2 Environment Protection & Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the national Commonwealth environment and heritage legislation. The EPBC Act identifies Matters of National Environmental Significance (MNES) that trigger a referral to the Commonwealth Government. The EPBC Act requires approval from the Department of the Environment and Energy (DEE) for any action that has, will have or is likely to have a significant impact on the listed matters of MNES, which are:

- World Heritage properties;
- National Heritage places;
- Wetlands of international importance (listed under the Ramsar Convention);
- Great Barrier Reef Marine Park;
- Commonwealth Marine Park;
- Listed threatened species and ecological communities;
- Migratory species protected under international agreements;
- Nuclear actions (including uranium mining);
- A water resource, in relation to coal seam gas development and large coal mining development.

The accompanying Biodiversity Assessment Report prepared by OzArk (**Appendix H**) included an EPBC Protected Matters Search which identified one Wetland of International Importance, four Threatened Ecological Communities (TECs), 37 threatened, and 12 migratory species, that may occur within the search area. However, no significant impact to any entity listed under the EPBC Act is expected, provided adequate mitigation measures are followed.

The report also found no threatened species within the study area, although it is noted that an Endangered Ecological Community (EEC) Myall Woodland, was noted within aerial mapping. However, most of this community occurs on adjoining private land and its total extent could not be ground-truthed during the survey. Therefore, as this EEC is restricted to the edge of the subject site, the Biodiversity Assessment Report has recommended that this EEC is excluded from the development footprint.

Given the locality and nature of the proposal, it is considered unlikely that the proposed activity will have any impact on MNES and no regulatory approval is therefore required. The part of the land containing the endangered ecological community has been excluded from the development area and **Identified Requirement No. 44** is recommended to ensure this area is fenced and protected prior to construction works.

6.2 Biodiversity Conservation Act 2016 (BC Act)

Part 7 of the BC Act sets out the test for determining whether a proposed development or activity is likely to significantly affect threatened species, ecological communities or their habitats. For the purposes of Part 5 of the EP&A Act, an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species.

The Biodiversity Assessment Report (BAR) prepared by OzArk Environment & Heritage (refer to **Appendix H**), found that there are no significant impacts that would come about due to the proposed development, and that entry in the NSW Biodiversity Offsets Scheme would not be required. Therefore, the proposed activity is unlikely to significantly affect threatened species or ecological communities, therefore no further assessment is necessary.

6.3 Fisheries Management Act 1994

The *Fisheries Management Act 1994* (FM Act) provides for the protection of threatened aquatic and marine vegetation and for the management of associated threatening processes. Part 7A Division 4 of the FM Act prohibits, without a licence or permit, activities that damage habitats or harm threatened species, populations or ecological communities.

A Biodiversity Assessment Report has been prepared by OzArk Environment & Heritage and is provided within **Appendix H**, which has identified that there is one minor, non-perennial Strahler 1st order stream crosses the southwestern edge of the subject site. This watercourse is not identified as Protected Riparian Land (PRL) or Key Fish Habitat (KFH) by the Department of Primary Industries – Fisheries (DPI – Fisheries).

There is no PRL or KFH within the 1.5 km study area, however PRL and KFH are mapped as occurring within 10km of the subject site. No threatened fish species or threatened populations are predicted to occur within the subject site or study area. Considering the ephemeral nature of the watercourse, the absence of KFH, and the lack of predicted habitat for threatened aquatic fauna, the proposal is not expected to impact any threatened fish species or populations; therefore, no tests of significance were considered necessary under the *Fisheries Management Act 1994* (FM Act). While there are likely to be minor impacts on the watercourse, as a result of this proposal, the mitigation measures and recommendations stated in this report will reduce the environmental impact on the watercourse.

Some of the identified work areas are located in areas which are considered to meet the definition of “water land” as defined within Section 198A, Division 3 of the FM Act 1994. As such, consultation has occurred with The Minister for Agriculture on the 1 February 2024, with no response received. Therefore, the project has been referred to the Regional Manager Aquatic Ecosystems from the NSW Department of Primary Industries – Fisheries on 4 December 2024. A copy of this referral is provided within **Appendix S**. DoPI Fisheries provided their comments via email on the 5 December 2024, a copy of which is also provided within **Appendix S**. DoPI Fisheries have confirmed that no permits or approvals are required from *NSW Department of Primary Industries – Fisheries* for the proposed works, as there is no Key Fish Habitat (Third order streams or larger) within the site.

6.4 Other Acts

6.3.2 Native Title Act 1993

The *Native Title Act 1993*, as amended, provides protection and recognition for native title. Native title recognises the traditional rights of Aboriginal and Torres Strait Islanders to land and waters. The National Native Title Tribunal (NNTT) was established to mediate native title claims made under this Act. Three registers are maintained by the NNTT, as follows:

- National Native Title Register;
- Register of Native Title Claims; and
- Register of Indigenous Land Use Agreements.

A search of the Native Title Tribunal Native Title Vision website was undertaken, with no Native Title holders/claimants. As LAHC now owns the land, native title has been extinguished.

6.3.3 National Parks & Wildlife Act 1974

The National Parks & Wildlife Act 1974 (NP&W Act) manages:

- conservation of nature;
- conservation of objects, places and features of cultural value;
- public appreciation, understanding and enjoyment of nature and cultural heritage; and
- land reserved under this Act.

The ecological related aspects of the NP&W Act are not applicable to the proposed subdivision as the land is not within a Park, Reserve or Area designated under Part 4 of the Act. Further, a Biodiversity Assessment Report has been carried out by OzArk (**Appendix H**) and supports this REF.

The *National Parks and Wildlife Act 1974* (NPW Act) provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an AHIP.

An Aboriginal Due Diligence (ADD) Assessment Report was prepared by OzArk (**Appendix E**). A search of the Aboriginal Heritage Information Management System (AHIMS) shows there are no previously recorded Aboriginal sites within or near the study area. The visual inspection of the study area was undertaken which no Aboriginal sites or potential archaeological deposits were recorded during the visual inspection of the study area.

The ADD has recommended the proposed activity proceed, subject to the recommendations provided in the Report.

6.3.4 Roads Act 1993

The *Roads Act 1993* (Roads Act) provides the regulatory framework for the use, operation, opening and closing of roads in New South Wales, the functions of Government Road authorities such as Transport for NSW (TfNSW) and to regulate activities on public roads. Public roads can be opened by the following entities and methods:

- Any person, by registration of a plan of subdivision or other plan that bears a statement of intention to dedicate specified land as a public road.
- TfNSW or Councils, by notice published in the Gazette dedicating land as a public road.
- The Minister, by notice published in the Gazette dedicating land by them as a public road.
- The Governor, by proclamation dedicating any land held by a public authority as a public road.
- Land acquired for the purposes of widening an existing road under Division 3 of Part 12 of the Act.

The subdivision will result in the extension of several existing roads and construction of 4 new local roads and will open a network of local access roads connecting with the existing street network.

Section 138 of the *Roads Act 1993* (Roads Act) requires consent from the relevant road authority for the carrying out of work in, on or over a public road. However, Section 5(1), Schedule 2 of the Roads Act states that Section 138 does not require a public authority to obtain a roads authority approval to the exercise of the public authority's functions in, on or over an unclassified road. The proposed road network will be local roads under the care and control of Forbes Shire Council, as such, a Section 138 Road Opening Permit is not required and LAHC will ensure that all proposed works within the public road and footway shall be designed and constructed to Council's standards and specifications.

6.3.4 Contaminated Lands Management Act 1997

The *Contaminated Land Management Act 1997* establishes a process for the Environmental Protection Agency (EPA) to identify, investigate, and remediate land that is contaminated significantly enough to require regulation. The EPA holds a register of known contaminated sites throughout NSW. A search of this list conducted on 30 May 2025 has confirmed the site is not included on the list as containing significant contaminants.

The Section 10.7 Planning Certificates have not identified the sites as being potentially contaminated. Early studies carried out on the site highlighted the potential for contamination given the historical land use, with the site historically utilised for travelling stock during 1890, and gravel pit from 1899 to 1972. Further investigation works were commissioned by LAHC as described below.

- A Preliminary Site Investigation (PSI) across the site was prepared by EP Risk dated 16 May 2025 (**Appendix G**). The report undertook a site analysis which included soil sampling with 12 test pits being advanced. Based on the results of the investigation, the following was concluded:
 - No exceedances to the adopted ecological or human health assessment criteria were observed for soil tested at the site.

While contamination at a level warranting management or remediation was not identified, the following is recommended to meet industry best practice during development activities:

- Anthropogenic material from the suspected fly tipping should be removed from the Site prior to any vegetation clearance or earthworks activities.
- If these electrical power pole butts are to be removed offsite, the material should be assessed in accordance with Part 10 and Clause 101 of the Protection of the Environment Operations (Waste) Regulation 2014, where the NSW EPA has issued general immobilisation approvals by notice in the Gazette for treated timber power poles including Tanalith E, Copper-Chrome Arsenate (CCA) and Creosote treated timber waste.

In addition to the above recommendations, an unexpected finds protocol should be implemented during redevelopment to address any unidentified contamination that may be encountered during the proposed

redevelopment works. **Identified Requirements No.s 1, 23 and 49** are imposed to implement these recommendations.

The provisions of the *Contaminated Land Management Act 1997* are further addressed in Section 6.6 with *State Environmental Planning Policy (Resilience and Hazards) 2021*.

6.3.5 Water Management Act 2000

The *Water Management Act 2000* (WM Act) is intended to ensure that water resources are conserved and properly managed for sustainable use benefitting both present and future generations.

It is also intended to provide formal means for the protection and enhancement of the environmental qualities of waterways and their in-stream uses as well as to provide for protection of catchment conditions.

Water Access Licences (WALs) entitles license holders to specified shares in the available water within a particular water management area and to take water at specified times, rates or circumstances from specified areas or locations.

WALs may be granted to access the available water governed by a water sharing plan under the *Water Management Act 2000*.

The subject site is affected by the Lachlan Region Water Sharing Plan.

If construction activities require dewatering of greater than 3ML/year, a Water Access License will be required pursuant to Clause 7, Part 1 within Schedule 4 of the *Water Management (General) Regulation 2018*.

WM Act outlines the following three kinds of approvals:

- water use approvals;
- water management work approvals; and
- activity approvals.

Water Use Approvals

Section 89 of the WM Act establishes access licenses for the taking of water within a water management area. In accordance with Section 21 (1)(a) of the *Water Management (General) Regulation 2018*, a specified provision of Part 1 of Schedule 4 is exempt from the requirements for an access licence. A public authority (such as LAHC), is exempt from the need to obtain an access licence in relation to water required for road construction in accordance with Schedule 4, Part 1, Section 2.

Water Management Work Approvals

Water management work approvals are required for water supply works, drainage works and flood works. The proposed activity does not constitute water supply works.

Activity Approvals

Activity approvals are required when a certain activity is likely to affect waterfront land (controlled activity approval) or interfere with an aquifer (aquifer interference approval).

Section 41 of the *Water Management (General) Regulation 2018* provides that a public authority, is exempt from requiring controlled activity approval for all controlled activities that it carries out in, on or under waterfront land.

An aquifer interference approval is required if construction requires intersection of a groundwater source. As groundwater is considered unlikely to be intercepted, an aquifer interference approval is unlikely to be required for the proposed activity.

6.5 Environmental Planning and Assessment Regulation 2021

6.5.1 Factors that must be taken into Account concerning the Impact of an Activity on the Environment [Section 171]

For the purposes of Part 5 of the EP&A Act, the factors in **Table 3** and **Table 4** below have been taken into account in considering the likely impact of the proposed activity on the environment. The table and comments made in this section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

Table 3: Environmental Planning and Assessment Regulation 2021 [Section 171]

Factors to be taken into account concerning the impact of an activity on the environment.	Comment
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines.	No specific guidelines. This means guidelines in force under Section 171, not guidelines such as the Seniors Housing Design Guide that are in force under other legislation or instruments.
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines.	Yes - Department of Planning, Housing and Infrastructure issued "Guidelines for Division 5.1 assessments" made under Section 170 of the EPA Regulation 2021.

Table 4: Factors to be taken into account concerning the impact of an activity on the environment

Factors to be taken into account concerning the impact of an activity on the environment.	Relevant?	Impact		
	Yes/NA	Temporary	Minor	Significant
(a) environmental impact on the community	Y		X	
(b) transformation of a locality;	Y		X	
(c) environmental impact on the ecosystems of the locality;	Y		X	
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Y		X	
(e) effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	Y		X	
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	Y	X		
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	Y	X		
(h) long-term effects on the environment;	Y		X	
(i) degradation of the quality of the environment;	Y		X	
(j) risk to the safety of the environment;	Y	X		
(k) reduction in the range of beneficial uses of the environment;	Y	X		
(l) pollution of the environment;	Y	X		
(m) environmental problems associated with the disposal of waste;	Y		X	
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Y	X		

(o) cumulative environmental effect with other existing or likely future activities.	Y		X	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	N/A			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Y discussed below in Section 6.4.2		X	
(r) other relevant environmental factors.	Y discussed in Section 8.		X	

Note 1: A 'significant' impact triggers the preparation of an Environmental Impact Statement.

Note 2: The *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* provides guidance on considering projected climate change conditions such as sea level rise.

The proposed subdivision and associated works are not expected to generate any significant or long-term impacts on the environment. The short-term impacts during works associated with the subdivision, will be offset by positive social outcomes in the long-term social benefits of providing affordable housing that meets the needs of the community. The applicable Local Strategic Planning Statement (LSPS) and Community Strategic Plan are considered below at Section 6.4.2.

As in accordance with Section 4((b)(i) to (iv), some of the identified work areas are located in areas which are considered to meet the definition of "water land" as defined within Section 198A, Division 3 of the FM Act 1994. As such, consultation has occurred with The Minister for Agriculture on the 1 February 2024, with no response received. Therefore, the project was referred to the Regional Manager Aquatic Ecosystems from the NSW Department of Primary Industries – Fisheries on 4 December 2024. A copy of this referral is provided within **Appendix S**. DoPI Fisheries provided their comments via email on the 5 December 2024, a copy of which is also provided within **Appendix S**. DoPI Fisheries have confirmed that no permits or approvals are required from *NSW Department of Primary Industries – Fisheries* for the proposed works, as there is no Key Fish Habitat (Third order streams or larger) within the site.

6.4.2 Strategic Planning Framework

Local and Regional Housing Context

The *State Environmental Planning Policy (Housing) 2021* identifies there is a need for affordable housing within each area of New South Wales (NSW). Per the NSW Government's Enterprise Resource Planning projections, Forbes is expected to experience strong population growth over the next 20-year period. Such growth is expected to strengthen the local economy and create positive spin-off effects on local businesses and jobs growth.

Across the Central West and Orana Region, it is emerging that towns and villages are becoming less affordable and this is putting housing stress on people on low-medium incomes. The definition of 'housing stress' used by a number of State Governments across Australia is households in the prescribed income brackets of spending more than 30% of their gross household income on either rent or mortgage repayments.

With regard to rentals, as at 2021, Forbes had a rental vacancy rate of 14% (*Forbes Housing Strategy 2021-2041*) and a rental stress rate of 26.4% (Australian Bureau of Statistics, 2021). The region also has a higher percentage of people on lower incomes experiencing housing stress compared to the rest of NSW.

The *Forbes Housing Strategy 2021-2041* outlines that with consideration on the current occupancy rate and total dwelling stock, there is a deficiency in the current housing supply for the existing population. Based on future population projections there continues to be strong demand for accommodation and the current rate of housing approvals is not keeping up with housing demand.

The subject site and the proposed activity will promote development and construction, providing suitable future residential lots to support the provision of housing to benefit the Forbes community and wider region.

Central West and Orana Regional Plan 2041

The *Central West and Orana Regional Plan 2041* was first published in 2022 and sets the strategic framework for the region for the next 20 years.

Specific to Forbes, the Regional Plan identifies Forbes as an emerging hub of rural tourism with a predicted 1.4% annual population growth which is well positioned to take advantage of its position on the Newell Highway and proximity to the Parkes Special Activation Precinct. Forbes Shire Council's priorities for the LGA include, to:

- Develop rural tourism throughout the Shire in a multi-faceted approach to events, venues and interactive art installations.
- Grow the Central West Industrial Park and other industrial land to leverage its location on the Newell Highway and proximity to the Parkes SAP.
- Ensure suitable housing supply by supporting a diversity in housing supply and clearly planned land releases.
- Develop and enhance the health services within the community, including the Forbes District Hospital and our education facilities.
- Leverage the opportunities of the Forbes Aerodrome, Newell Highway and the Inland Rail upgrades to improve transport links across Australia for freight and our community.
- Identify opportunities for the LGA, as the region's economy diversifies, and from its proximity to Parkes, the Parkes SAP and the Inland Rail.

The Regional Plan includes several objectives related to housing, including:

- support connected and healthy communities;
- sustaining a network of healthy and prosperous centres;
- providing well located housing options to meet demand; and
- planning for diverse and affordable, resilient and inclusive housing

An overview of the development's compliance with the regional plan objectives is outlined at **Table 5**.

Table 5: Compliance with relevant Objectives of the Central West and Orana Plan 2041

Regional Plan Objective	Response
Objective 5: Identify, protect and connect important environmental assets	A small part of site, located to the north-west direction abutting Morton Road, is identified of high biodiversity values and conservation potential, and therefore will be protected and retained by not locating any development within this area.
Objective 6: Support connected and healthy communities	The location of stormwater detention for the proposal will be landscaped and incorporated into the drainage corridor and recreation area. The development incorporates a sufficient extension into the pedestrian and cycle network through the proposed footpaths.
Objective 12: Sustain a network of healthy and prosperous centres	The proposal will contribute and meets the community needs through providing an appropriate response to the projected growth of the region. The proposal will establish and improve connectivity through the proposed walking and cycling networks that are integrated within the design.
Objective 13: Provide well located housing options to meet demand	The proposal is located immediately adjacent to existing urban land which is well located to nearby services, facilities and the Forbes town centre.
Objective 14: Plan for diverse, affordable, resilient and inclusive housing	The REF being only for subdivision does not include residential accommodation; however, future development may include social and affordable housing. A total of 55% of lots are in excess of 740sqm which is the minimum lot size in the FLEP for dual occupancy, multi dwelling housing and residential flat building developments

Regional Plan Objective	Response
	and so future diverse, social and affordable housing will be able to be sufficiently accommodated throughout the development.

The proposed development is wholly consistent with the objectives of the Regional Plan as the development will contribute to providing well located housing in Forbes and will include diverse housing types.

Forbes Community Strategic Plan 2018 – 2028

The Community Strategic Plan has an outlook of 10 years and sets out a collective vision, long-term goals and community priorities for the future of Forbes Shire and is centred around four key directions, being: Social Equity; Economic Prosperity; Environmental Health; and Good Governance.

The proposal will deliver 100 additional residential lots in Forbes to meet the projected growth of the region. The key directions within the community strategic plan have been reviewed with consistency cited with the following strategies under these key directions:

- LE6 – Ensure that public and private sector entities and business work co-operatively to strengthen and expand the Shire's economic base;
- RU6 – Ensure that there is adequate land supply and subdivisions to accommodate future population growth and facilitate commercial and industrial expansion;
- RU8 – Facilitate the development of subdivisions to support ageing-in-place for elderly people;
- IS3 – Ensure that planning by levels of government for the provision of public infrastructure and services reflects the needs of our growing and changing population;
- GR1 – Ensure open, accountable and inclusive decision-making processes in government and private sector entities at all levels where decisions have potential to impact local communities;
- GR2 – Conduct broad and effective communication and engagement with local communities and other stakeholders across the Shire;
- GR7 Adopt a regional outlook and seek opportunities for co-operation and shared initiatives with other government entities, the private sector, neighbouring councils, the Joint Organisation and other entities.

Forbes Local Strategic Planning Statement 2040

The *Forbes Local Strategic Planning Statement (LSPS) 2040* sets out the 20-year land use vision and planning priorities for Forbes to manage future growth, conserve heritage, support and diversify the economy and link the community's strategic vision to the region and the state to achieve the best economic and social outcomes for Forbes. The site is located within a Residential Investigation Area, largely comprising the area north-west of the town centre.

The themes and planning priorities the LSPS centres around are Lifestyle and Community; Local Economy; Infrastructure and Growth; and, Environment and Heritage. Out of 12 planning priorities, the principal objective within the LSPS which relate to the proposal is:

- Deliver healthy, diverse and liveable neighbourhoods.

As per this objective, the proposal will contribute to this objective by providing 100 additional residential lots in Forbes adjacent to and well connective with the existing urban footprint which will be developed at a later date for various residential accommodation types to contribute to diverse housing types.

Forbes Housing Strategy 2021-2041

The *Forbes Housing Strategy (FHS) 2021-2041* was adopted in April 2023 and sets the framework for Council's strategic land use decision-making across the LGA. The Forbes Housing Strategy sets a 20-year vision for housing in the Shire, in line with the NSW Government's Local Housing Strategy Guideline and the Forbes LSPS to ensure housing supply caters for the changing needs of our growing community. The Forbes Housing Strategy will inform Council's review of the Forbes Local Environmental Plan 2013 and the Forbes Shire Council Development Control Plan 2013.

The Strategy includes profiles of the Forbes community and housing situation and a Housing Framework Plan which includes preliminary master planning for urban release areas including detail on indicative road layouts, lot sizes, green space and community facilities.

Precinct No. 2 – Moreton Street Release Area

The site is located within Precinct No. 2 being the Moreton Street Release Area. The FHS includes an indicative road layout and lot sizes which will ensure that road layouts for precincts will align, that the central public recreation and stormwater channel will be delivered, and that lot size diversity is identified at a master planning stage. The remainder of the subject site is outside a master planned precinct.

The proposed road layout is generally in accordance with indicative layout in the FHS and a diversity of lot sizes is provided in accordance with the master plan.

6.4.2 Activities in catchments [Section 171A]

The site is not located within a regulated catchment.

6.6 State Environmental Planning Policy (Housing) 2021

6.6.1 Development without Consent

Section 42 and Section 43 of the Housing SEPP 2021 establish development to which the division applies and identifies certain development to be carried out by LAHC as ‘development without consent’ subject to the provisions set out under that section. **Table 6** below demonstrates compliance with the relevant provisions of Sections 42 and 43 of the Housing SEPP 2021.

Table 6: Compliance with relevant Provisions under Sections Chapter 2, Part 2, Division 6 of the HSEPP for ‘Residential Development without Consent’ carried out by LAHC

Provision	Compliance
42 Development to which division applies	
(1) – This Division applies to residential development if -	
(a) the development is permitted with development consent on the land under Chapter 5, Chapter 6 or another environmental planning instrument, and	N/A – The proposal is for subdivision only and does not include construction of any buildings and therefore none of requirements under Clause 42(1) applies. While buildings are not proposed as part of the REF, it is envisaged that future development will be able to comply with building height and car parking requirements.
(b) all buildings will have a height not exceeding the greater of- (i) 11m, or (ii) the maximum permissible building height for the development on the land, and	
(c) all buildings will have a floor space ratio not exceeding the greater of- (i) 0.65:1, or (ii) the maximum permissible floor space ratio for the development on the land, and	
(d) the development will not result in more than 75 dwellings on a single site, and	
(e) for development on land in an accessible area – the development will result in the following number of parking spaces – (i) for each dwelling containing 1 bedroom – at least 0.4 parking spaces	

Provision	Compliance
<p>(ii) for each dwelling containing 2 bedrooms – at least 0.5 parking spaces</p> <p>(iii) for each dwelling containing at least 3 bedrooms – at least 1 parking space, and</p>	
<p>(f) for development on land that is not in an accessible area – the development will result in the following parking spaces –</p> <p>(i) for each dwelling containing 1 bedroom – at least 0.5 parking spaces</p> <p>(ii) for each dwelling containing 2 bedrooms – at least 1 parking space</p> <p>(iii) for each dwelling containing at least 3 bedrooms – at least 1.5 parking spaces</p>	
<p>(2) This division also applies to the following development if the development is permitted on the land under another environmental planning instrument –</p> <p>(a) the demolition of buildings and associated structures if the building or structure is on land that –</p> <p>(i) is non-heritage land, and</p> <p>(ii) is not identified in an environmental planning instrument as being in a heritage conservation area,</p>	<p>Yes – The subject site is vacant land and therefore demolition is not required. The site is not identified as a heritage item and is not located within a heritage conservation area.</p> <p>Yes – The proposed development is the subdivision of land and associated works, which are permissible under Clause 2.6 of the FLEP 2013.</p>
<p>(b) the subdivision of land and subdivision works.</p>	
<p>(3) This division does not apply to –</p> <p>(a) development to which Chapter 2, Part 2, Division 5 applies, or</p> <p>(b) development that is part of a project, or part of a stage of a project, that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4.</p>	<p>N/A – None of these exclusions apply to the proposed subdivision.</p>
<p>(4) <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>, sections 2.15 and 2.17 apply to the development and, in the application of the sections –</p> <p>(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and</p> <p>(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.</p>	<p>N/A – Consultation with other authorities other than Forbes Shire Council was not required for this activity. However, a notification letter was sent out to Essential Energy, Jemena, and the Minister of Agricultural. Refer to Section 7 for details.</p>
<p>(5) In this section-</p> <p>Former section 75P means the Act, section 75P, as in force immediately before its repeal by the <i>Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011</i>.</p> <p>non-heritage land means land that –</p> <p>(a) does not contain a heritage item, and</p> <p>(b) is not the subject of an interim heritage order under the <i>Heritage Act 1977</i>, and</p> <p>(c) is not listed on the State Heritage Register under the <i>Heritage Act 1977</i>.</p>	<p>Noted</p>
43 Requirements for carrying out residential development without consent-	
<p>(1) Development specified in section 42(1) may be carried out without consent if the development is carried out by or on behalf of –</p> <p>(a) Landcom, if all dwellings resulting from the residential development are used for affordable housing, or</p> <p>(b) another relevant authority.</p>	<p>Clause 43(1) is not applicable.</p> <p>Clause 43(2) is applicable this REF involves the subdivision of land and subdivision works.</p>

Provision	Compliance
(2) Development specified in section 42(2) may be carried out without consent if the development is carried out by or on behalf of a relevant authority other than Landcom.	The relevant authority is nominated as LAHC.
43A Notification before carrying out development	
(1) Before carrying out development to which this division applies, the relevant authority must do the following –	Yes – Forbes Shire Council advised of those persons to be notified.
(a) request the council nominate persons who must, in the council's opinion, be notified of the development,	Yes – Letter notifying Forbes Shire Council of the proposed development activity was sent by LAHC on 1 February 2024. Letters notifying owners as nominated by Council, and occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date. Letters notifying Essential Energy, Jemena and Minister of Agricultural were also sent on the same date. Refer to Appendix S .
(b) give written notice of the intention to carry out the development to –	
(i) the council, and	
(ii) the persons nominated by the council under paragraph (a), and	
(iii) the occupiers of adjoining land,	
(c) take into account the responses to the notice that are received within 21 days after the notice is given.	
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be carried out.	
44 Consideration before carrying out development	
(1) Before carrying out development to which this division applies, the Aboriginal Housing Office must consider the <i>AHO Design Guidelines NSW</i> , published by the Aboriginal Housing Office in January 2020.	Not Applicable to LAHC.
(2) Before carrying out development to which this division applies, the Land and Housing Corporation must consider –	Good Design for Social Housing has been considered at Table 6 .
(a) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation, in partnership with the Government Architect NSW, in September 2020, and	LAHC's Design Requirements relates to the provision of dwellings and will be considered when dwellings are provided. The LAHC Design Requirement will be applied to any LAHC developments.
(b) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023.	
(3) Before carrying out development to which this division applies, Landcom must consider the <i>Landcom Affordable Housing Design Guideline</i> , published by Landcom, in partnership with the Government Architect NSW, in November 2023.	Not Applicable to LAHC.

6.6.3 Good Design for Social Housing

Good Design for Social Housing establishes 4 key goals and their underpinning principles to delivering better social housing outcomes for NSW.

Clause 44(2)(a) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Good Design for Social Housing policy* (September 2020) when assessing a proposed development.

The following assessment against the *Good Design for Social Housing* demonstrates that the proposed development has adequately considered the goals and principles outlined.

Wellbeing

The street layout integrates with the existing surrounding street network and includes footpaths to promote walking and healthy lifestyles.

No dwellings are being provided under this assessment. The design of the dwellings will be assessed during the approval process for the dwellings.

Belonging

Social housing has been integrated through the subdivision. For discretion, the siting of future public housing is not identified on plans.

No dwellings are being provided under this assessment. The design of the dwellings will be determined and assessed during the approval process for the dwellings.

Value

No dwellings are being provided under this assessment. The design of the dwellings will be assessed during the approval process for the dwellings.

Collaboration

The project involved a rigorous design process in collaboration with design professionals and engineers to ensure that the development incorporates the current best practice in subdivision design. The development is in keeping with current government initiatives to deliver quality housing stock. The project demonstrates cooperation with Forbes Shire Council to provide a quality subdivision that will assist in the future provision of housing in this regional context currently experiencing an undersupply of both public and private housing.

The design and assessment process involved close collaboration with a number of stakeholders, including input from adjoining landowners.

6.6.4 Land and Housing Corporation Design Requirements

The *Land and Housing Corporation Design Requirements* (February 2023) are used to inform the design and development of the LAHC social housing portfolio. These requirements apply to all new LAHC developments and are driven by tenant wellbeing, design quality, environmental performance and operational effectiveness within cost parameters. Clause 44(2)(b) requires the relevant authority to consider the relevant provisions of the Design Requirements.

The proposed activity involves the subdivision of land only and no dwellings are proposed to be constructed under this activity. Future developments which are proposed to be provided on the lots will require appropriate approvals. Any social housing developments to be undertaken by LAHC as development without consent, will be required to consider the *Land and Housing Corporation Design Requirements* (February 2023).

6.7 Other State Environmental Planning Policies

Table 7 below outlines applicability of, and compliance with, other State and Environmental Planning Policies (SEPPs).

Table 7: Compliance with other applicable State and Environmental Planning Policies

SEPP (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP provides planning controls relating to development for the purposes of essential services infrastructure (hospitals, roads, water supply, telecommunications and electrical networks), educational establishments and childcare facilities and major infrastructure corridors.

Chapter 2 Infrastructure

Division 1 Consultation

The authority consultation requirements of Sections 2.10-2.16 of the Transport and Infrastructure SEPP are addressed in **Section 7.3**.

Division 17 Roads and Traffic

Chapter 2 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (TI SEPP) outlines the planning approval pathways and controls for the delivery of infrastructure.

Clause 2.109 (1), (3) (a), (c) and (d) permits development for the purpose of a road or road infrastructure facilities to be carried out by or on behalf of a public authority without consent on any land. LAHC is a public authority therefore this Clause applies.

Division 20 Stormwater Management Systems

Clause 2.137 (1), (2) (a) and (c) permits development for the purpose of stormwater management systems to be carried out by or on behalf of a public authority without consent on any land. LAHC is a public authority therefore this Clause applies.

Schedule 3 Traffic-generating Development

Clause 2.122 applies to development specified in Schedule 3. Subdivision to create “200 or more allotments where the subdivision includes the opening of a public road” requires a referral. As the development will comprise 100 residential lots, it is not defined as ‘traffic generating development’ under Schedule 3 and will not require referral to TfNSW. Furthermore, access to the site will not be within 90m of a classified road.

It is to be noted that this REF assessment is supported by a Transport Impact Assessment (TIA) that has been undertaken to consider the impacts from the proposal.

The TIA concludes that the subdivision would perform satisfactorily with the additional traffic generated from the development as well as with the expected housing growth from the Forbes Housing Strategy. No further infrastructure upgrade would be required as a result of this proposal.

SEPP (Biodiversity and Conservation) 2021

This Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.

Chapter 2

Chapter 2 of SEPP BC applies to the clearing of vegetation in non-rural areas and applies to land zoned R1 General Residential. Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy. However, Clause 6 of Housing SEPP specifies that development permitted without consent may be carried out without another consent or a licence, permission, approval or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of vegetation within the site can be included within the REF scope and does not require a permit from Council.

Chapter 4 Koala habitat protection 2021

Chapter 4 aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Chapter 4 of SEPP BC applies to local government areas listed under Schedule 2. However, whilst Forbes Shire Council is listed under Schedule 2, the SEPP only applies to developments under Part 4 of the EP&A Act, specifically excluding Part 5 activities, therefore the proposal is exempt.

Although, exempt from requirement, a site investigation was carried out to assess the impacts and detailed in the Biodiversity Assessment Report (refer to **Appendix H**). In accordance with the Biodiversity Assessment Report, it is confirmed that no koala records occur within 10km of the subject site. Furthermore, whilst the proposal will remove up to 8.90ha of potential habitat for the species, this habitat is not ideal for Koalas, considering that trees are relatively sparse and no primary feed tree species occur. Considering the lack of records and the relatively small amount of vegetation impacted, with only one species of secondary feed tree (*Eucalyptus polyanthemos*), it is unlikely the proposal will lead to a long-term decrease in the size of any population.

SEPP (Resilience and Hazards) 2021

The Resilience and Hazard SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land.

Chapter 4 Remediation of Land

Chapter 4 of *State Environmental Planning Policy - (Resilience and Hazards) 2021* aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The Section 10.7(2) & (5) Planning Certificates do not identify the site as potentially contaminated (refer to **Appendix C**)

Section 4.16(3) of Chapter 4 confirms that a provision of another State Environmental Planning Policy permitting work without consent prevails over requirement for consent in this chapter. In this case, SEPP Transport and Infrastructure outlines that environmental management works may be carried out in connection with the proposed activity.

Notwithstanding, early studies carried out with regards to the site highlighted the potential for contamination given the historical land use, with the site historically utilised for travelling stock during 1890, and gravel pit from 1899 to 1972. LAHC commissioned a Preliminary Site Investigation (PSI) to undertaken further site investigations (refer to **Appendix G**). The Report considers the results of soil sampling, with 12 test pits being advanced. Based on the results of the investigation, the following was concluded:

- No exceedances to the adopted ecological or human health assessment criteria were observed for soil tested at the site.
- While contamination at a level warranting management or remediation was not identified, the following is recommended to meet industry best practice during development activities:
 - Anthropogenic material from the suspected fly tipping should be removed from the Site prior to any vegetation clearance or earthworks activities.
 - If these electrical power pole butts are to be removed offsite, the material should be assessed in accordance with Part 10 and Clause 101 of the Protection of the Environment Operations (Waste) Regulation 2014, where the NSW EPA has issued general immobilisation approvals by notice in the Gazette for treated timber power poles including Tanalith E, Copper-Chrome Arsenate (CCA) and Creosote treated timber waste.

The assessment finds that the site is currently suitable for the land uses permitted under the R1 General Residential zoning from a contamination perspective, including the proposed residential development.

An unexpected finds protocol should be implemented during redevelopment to address any unidentified contamination that may be encountered during the proposed redevelopment works. Refer to **Identified Requirements No.s 1, 23 & 49**.

6.8 Forbes Local Environmental Plan 2013

Compliance with the relevant provisions/development standards set out in the Forbes LEP 2013 is demonstrated in **Table 8** below:

Table 8: Forbes Local Environmental Plan 2013

Relevant Provisions / Development Standards			
Clause	Provision/ Development Standard	Required	Provided
2.6	Subdivision – consent requirements	(1) Land to which this Plan applies may be subdivided but only with development consent	Noted.
4.1	Minimum Subdivision Lot Size	(3) <i>The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</i> The subject site has a minimum lot size control of 550m ² .	Complies The proposed subdivision provides a range of lot sizes, with all lots being greater than 550m ² .
4.1A	Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	(2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table- - Dual Occupancy (Zone R1 General Residential) – 740m ² - Dual occupancy attached (Zone R1 General Residential) – 740m ² - Multi dwelling housing (Zone R1 General Residential) – 740m ² - Residential flat building (Zone R1 General Residential) – 740m ²	Noted. More than 50% of the proposed lots are greater than 740m ² and will be capable of accommodating a variety of housing forms.
5.1A	Development on land intended to be acquired for public purposes	(3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of that Table: Zone RE1 Public Recreation and marked 'Regional open space' – Recreation areas	A corridor running north-south across the subject site (Part of Lot 1 in DP1077961) is shown as Regional open space on the Land Reservation Acquisition Map. It is understood this corridor is intended to form part of a future active transport network. The stormwater detention basin will be located within this lot, but outside of this corridor. New landscaping on this lot will enhance the amenity and visual qualities of the site, to complement the future active transport corridor.

Relevant Provisions / Development Standards			
6.1	Arrangements for Designated State Public Infrastructure	The objective of the clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purpose.	Written confirmation was received from the Department of Planning, Housing and Infrastructure that Satisfactory Arrangements are in place (Appendix Q).
6.2	Public Utility Infrastructure	The clause requires that public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.	The proposal will ensure that public utility infrastructure that is essential for the proposal is in place.
6.3	Development Control Plan	The clause requires that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.	The proposed subdivision layout has considered the subdivision requirements in the <i>Forbes Development Control Plan 2013</i> and the Local Housing Strategy. A Development Control Plan is not considered to be warranted for the proposed development.
7.1	Earthworks	<p>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters-</p> <p>(a) the likely disruption of, or any detrimental affect on, drainage patters and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water</p>	<p>(a) The stormwater drainage plan set out in Appendix I confirms that the proposed stormwater arrangement will meet all relevant controls.</p> <p>(b) The proposed earthworks will facilitate future redevelopment of the sites</p> <p>(c) Identified Requirement No. 37 is applied which requires any fill to achieve minimum compaction requirements in accordance with the approved civil engineering plans.</p> <p>(d) The earthworks are not considered likely to result in any detrimental impacts on any adjoining property.</p> <p>(e) Identified Requirement No. 38 is applied which requires that the fill will be virgin excavated material (VENM) and meet all EPA requirements.</p>

Relevant Provisions / Development Standards			
		<p>catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development</p> <p>(i) proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.</p>	<p>(f) The Aboriginal Due Diligence Assessment Report (refer to Appendix E) confirms that a visual inspection of the site was undertaken and that no archaeological deposits were recorded. The Report concludes that the works should go ahead, subject to mitigation measures ensuring protocols are in place for unexpected finds. (refer to Identified Requirement No. 23).</p> <p>(g) the Biodiversity Assessment Report (refer to Appendix H) confirms that the proposed earthworks will not adversely impact any waterway, catchment or environmentally sensitive area.</p> <p>(h) Mitigation measures have been considered, including those outlined above, and as discussed in Section 8 of this report.</p> <p>(i) There are no heritage items or conservation areas within the vicinity of the site. Refer to discussion to part (f) above regarding Aboriginal Due Diligence Assessment Report outcomes.</p>
7.3	Terrestrial Biodiversity	<p>The clause requires consideration of the following:</p> <p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that-</p> <p>(a) the development is designed, sited and will be managed to avoid</p>	<p>Part of Lot 7332 in DP1166365 falls within an area mapped as having terrestrial biodiversity values in the LEP.</p> <p>The Biodiversity Assessment Report prepared by OzArk (Appendix H) includes relevant considerations that would address 7.3(3). The Report found that no threatened and/or migratory species listed under the <i>Biodiversity Conservation Act 2016</i> and/or <i>Environment Protection and Biodiversity Conservation Act 1999</i> are likely to be significantly impacted by the proposal.</p> <p>Part of this lot was identified as containing ecologically endangered plant community. Accordingly, the portion of the land containing these endangered species has been excluded from the subdivision works and these species will be retained and protected.</p> <p>On this basis, the relevant clauses of Clause 7.3 are considered to be satisfied. The proposed development has been designed to manage and avoid any significant adverse environmental impact.</p> <p>Mitigation measures have been imposed including Identified Requirement No.44 to exclude PCT26 including Tree No.s 72, 73 & 74 from the subdivision works, and Identified Requirement No.s. 45 & 61 to require that all mitigation measures and avoidance recommendations contained in the Biodiversity Assessment Report are complied.</p>

Relevant Provisions / Development Standards			
		<p>any significant adverse environmental impact, or</p> <p>(b) if the impact cannot be reasonably avoided by adopting feasible alternatives – the development is designed, sited and will be managed to minimised that impact or</p> <p>(c) if that impact cannot be minimised – the development will be managed to mitigate that impact.</p>	
7.8	Essential services	<p>Development consent must note be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water (b) the supply of electricity (c) the disposal and management of sewage (d) stormwater drainage or on-site conservation (e) suitable vehicle access</p>	All services are planned to be appropriately provided to the site.

6.9 Forbes Shire Development Control Plan 2013

The provision of the Housing SEPP prevails over the DCP, however the controls for development set out in *Forbes Development Control Plan (DCP) 2013* have generally been addressed in the various sections of this REF and the below summary table has been provided to demonstrate how the proposed subdivision remains generally consistent with the Forbes Shire Council DCP controls, which have been used to help inform the overall subdivision design and layout **Table 9** below.

Table 9: Forbes Shire DCP 2013

Compliance with relevant DCP subdivision controls		
Clause	Comment	Compliance
Chapter 3 - Subdivision		
3.6 Size of Allotments		
3.6.1 Residential Residential lot size is to be not less than 550 m ² . As far as possible new lots should have at least a frontage of 16.8 m and a depth of 30 m. Irregular lots such as truncated or wedge-shaped lots at the end of cul-de-sacs must have a mean width of at least 15 m and a width of 14 m at a distance of 6 m from the street alignment. Exceptional circumstances will be dealt with on their merits.	All lots are greater than 550m ² with a frontage of at least 16.8m and have a depth of at least 30m. Two lots are irregular, wedge-shaped lots but are not located at the end of a cul-de-sac.	Complies
Corner lots are to be provided with 4 m cut off for splay purposes. When the corner angle is less than a right angle a deeper cut off may be required by the Council.	All corner lots are provided with splays of at least 4m.	Complies
Council does not consider the creation of battle-axe allotments from undeveloped land as an acceptable form of subdivision. A battle-axe subdivision will only be considered in isolation and will be determined on its merits having regard for the size, shape, location and amenity of the surrounding area. A battle-axe allotment shall have an access way of not less than 6 m in width and shall have a minimum area exclusive of the access way of 650m ² .	The subdivision does not include any battle-axe allotments.	Complies
3.7 Roads		
The road network within the Forbes Shire is comprised of six (6) distinct classes of roads as follows (from lowest to highest).	Noted.	Noted
3.8 Provision of Utility Services within the Subdivision		
(a) R1 – Residential The following facilities/services shall be provided at no cost to the Forbes Shire Council:- <ul style="list-style-type: none"> Sealed Road Kerb & Gutter Footpath Electricity Telephones Water & Sewerage Gas Street Lights New Street Identification Signs 	The developments include all facilities and services required with the exception of gas. Whilst gas is available to the locality, LAHC does not prefer to include this service within the proposed subdivision and for future developments.	Acceptable
3.9 Storm Water Drainage		

Compliance with relevant DCP subdivision controls		
<p><u>A. Surface Drainage</u></p> <p>Subdividers are required to show the means by which both natural and increased run-off shall be disposed of and the location of any necessary easements.</p> <p><u>B. Internal Stormwater Drainage</u></p> <p>This work shall be paid for by the subdivider as part of the road works and drainage requirements. Where several adjacent subdividers wish to proceed at the same time and use the same system of internal pipelines arrangements should be made to share the cost on an area drained basis.</p> <p><u>C. External Stormwater Drainage</u></p> <p>External Storm water drainage facilities must be adequate before Council will approve the subdivision.</p>	<p>See accompanying stormwater plans showing proposed location and basic design of the system (Appendix I & J).</p> <p>The conceptual engineering plans include indicative layout details for the provision of services within the development.</p>	Complies
3.10 Trees		
<p>Existing trees both street trees and within the site are to be preserved as far as practicable. Trees proposed to be removed are to be identified and submitted for Council's consideration.</p> <p>Where a prevailing street tree pattern (in terms of species and location) exist, the theme shall be maintained within all new development.</p>	<p>An indicative planting schedule has been provided within the landscaping plans.</p> <p>Consideration has been given to choosing species which are integrates with the local area.</p> <p>Street trees have been provided within the development in excess of 1 tree per lot. Refer to Landscape Plan (Appendix B).</p>	Complies
3.11 Land for Public Recreation		
<p>In the case of subdivision of land for new urban residential development, Council will require the subdivider to provide land to cater for the public recreation needs of future residents or alternatively, to make an equivalent financial contribution for the provision of such services elsewhere. This contribution will be levied in accordance with the Forbes Contribution Plan.</p>	<p>The proposal is located adjacent to the north-south Green Spaces / Links identified in the Local Housing Strategy. This proposal will benefit from close proximity to this passive open space area.</p>	Complies
Chapter 7 – Forbes Urban Residential Expansion Area		
7.4 Allotment Layout		
<p>1. The basic road pattern and drainage corridor shall conform to the Forbes Urban Release masterplan. Lot layout is shown conceptually to guide perspective developers to consider the relationship with adjoining land.</p> <p>2. Where a proposal seeks to depart from the Forbes Urban Release Area Masterplan the applicant shall demonstrate that the revised design can be accommodated within the</p>	<p>The Forbes Urban Release Master Plan is a conceptual strategy designed to assist and guide development within the Forbes urban release area. Whilst the proposal does not strictly conform with the masterplan concept, as per 7.4(2), the designed layout can be considered on its merits. The proposal is strategical appropriate and will deliver necessary housing for the Forbes locality. The layout positively adapts to the lot</p>	Acceptable on merit.

Compliance with relevant DCP subdivision controls		
<p>masterplan concept and will not adversely affect the development potential of surrounding properties.</p> <p>3. Land identified as flood prone and/or likely to be inundated due to surface water drainage shall be dedicated to Council in order to perform the drainage functions for the developed area. The required drainage corridor has been zoned for infrastructure purposes in accordance with Forbes Local Environmental Plan 2013 as identified below.</p>	<p>configuration and contains necessary associated infrastructure within the lot boundaries. The proposal will not adversely encumber or impact upon the development potential of the adjoining land. The proposal has been presented to the Forbes Shire Council which has not resulted in any concern or negative feedback in relation to the proposed layout or any potential inconsistency with the Forbes Urban Release Master Plan. The proposal is therefore considered acceptable.</p>	
7.1 Road Design, Access, Pedestrian & Bicycle Ways		
1. All lots shall have direct access to a public road.	All lots will have direct access to a public road.	Complies
2. The road layout comprises a modified grid layout for convenient access generally in accordance with the development masterplan for the release area	The road layout comprises a modified grid layout without cul-de-sacs. The proposal is considered acceptable on its merits as per 7.4(2).	Complies
3. Provision shall be made in all subdivisions for the road, footpath and cycleway network should facilitate connectivity to local facilities such as schools, community facilities and Lake Forbes.	The proposal includes footpaths which facilitate connectivity to the surrounding urban area where possible.	Complies
4. Traffic control devices shall be implemented where appropriate to manage vehicle speeds, such as bollards, and paving as a passive method of controlling vehicular behaviour.	Additional traffic control methods such as bollards or paving were not necessary in this instance.	N/A
5. The main open space/pedestrian and cycle corridor shall be located along the drainage corridor by the promotion of dual use of appropriate lands.	Noted.	N/A
6. Links to pedestrian and cycleway paths are to be provided in the locations shown upon the masterplan.	The proposal incorporates appropriate pedestrian and cycle paths with sufficient links to the surrounding locality.	Complies
7. Where variation is sought to the adopted masterplan the developer shall demonstrate that the proposed variation sought can be accommodated within the overall masterplan without adversely affecting adjoining properties.	As described in this REF, the proposal responds to the surrounding area and the master plan for the area considering site constraints and environmental considerations.	Complies

7 Notification, Consultation and Consideration of Responses

7.1 Council Notification

In accordance with Section 43A of the Housing SEPP, Forbes Shire Council was notified of the development by correspondence dated 1 February 2024 (refer to **Appendix O**).

The notification response period formally closed on 26 February 2024 and Council responded to the notification by letter dated 5 April 2024, which has been extracted in **Table 10** below. A response to key issues raised in their submission is provided in Table 10. Where appropriate, these matters have been addressed by way of identified requirements in the **Activity Determination**.

It is noted that the key issues raised by Council have been summarised in **Table 10** below and have not been included verbatim. A fully copy of Council's submission is provided in **Appendix O**:

Table 10: Summary of key issues raised in Council's submission

Issues Raised	Response
Council agrees to accept dedication of the road reserves at completion of the subdivision.	Noted.
The proposed subdivision works (including stormwater) should be consistent with the approved concept civil plans with the detailed design adopting Auspec as a guide for civil design requirements or an alternate specification as mutually agreed with Council. The nominated specifications should not limit the application of higher standards or industry best practice to allow for the delivery of high-quality infrastructure.	Satisfied. Identified Requirement No. 7 requires the subdivision to be in accordance with the approved civil and landscape plans with the detailed design addressing specific codes in consultation with the Forbes Shire Council. Identified Requirement No. 8 will ensure that the stormwater works designed in accordance the Stormwater Management Plan report, civil plans and in consultation with the Forbes Shire Council.
The water and sewer reticulation should be designed in accordance with Auspec/ Water Services Association Australia Codes or an alternative specification as mutually agreed with Council.	Satisfied. Identified Requirement No. 14 will require the water and sewer reticulation to be designed appropriately to address the specified codes or in consultation with Council.
Landscaping shall be carried out substantially in accordance with the approved landscape plan(s) and maintained for a period of 12 months by the contractor.	Satisfied. Identified Requirement No. 10 will require landscaping to be carried out in accordance with the approved landscape plan(s) and maintained for a period of 12 months by the contractor.
Council does not require the construction of vehicular crossovers at construction of the subdivision.	Noted.
Council requests consultation in relation to the planting of any street trees.	Satisfied. Identified Requirement No. 10 will also require consultation with Council in relation to the planting of any street trees.
Council acknowledges and agrees to the construction of the proposed detention basin and ancillary works on Council land. Further, designs should be developed to confirm access arrangements to the Lower Morton Street properties who currently access this area.	Satisfied. Identified Requirement No. 15 will require designs and access arrangement to the Lower Morton Street properties from the new location of the access road to be developed in consultation with the Council.
Details should be provided of any drainage structure to be placed in the road reserve to convey the stormwater to the	Satisfied. Identified Requirement No. 16 will require the drainage structure details that will be placed in the road

Issues Raised	Response
basin. It is envisaged that once developed this infrastructure will be handed over to Council to maintain. Further detailed landscaping designs are requested for the theme of the detention basin area as it will likely inform the style and theme adopted for the remainder of the drainage corridor to Lake Forbes.	<p>reserve to convey the stormwater to the detention basin to be provided to Council.</p> <p>Satisfied. Identified Requirement No. 19 requires that the stormwater detention basin is handed over to Council to maintain upon construction.</p> <p>Satisfied. Identified Requirement No. 17 will require landscape design for the detention basin area are developed in consultation with the Council.</p>
Residential lots on the northern fringe being made available for owner/occupier sale to best integrate into the existing urban environment.	Noted. The location of future social housing/private market housing is yet to be determined.
Request further discussions with Council on the preferred interface with Morton Street (current east west track in use on the midway point of the western side of your site)	Satisfied. To ensure that Council will have the discretion on the preferred interface with Morton Street, an Identified Requirement No. 84 requires dedication of part of the land in between Lot No. 205 and 233 in the Subdivision Plan (marked as PCT 26 in Biodiversity Assessment Report) to Council for future maintenance.
Due to the narrow nature of some of the proposed streets: 1. place covenants on the titles to promote stack parking onsite, i.e. garage doors minimum of 6 metres from the lot boundary to the street. 2. Location of street lighting may need to be considered in a smart fashion if there will be a desire to share the verge for parking;	<p>Satisfied. Identified Requirement No. 90 requires a restrictive covenant to be placed on all lots to have an equal to or greater than 6m garage setback from any front boundary.</p> <p>Satisfied. Identified Requirement No. 13 requires all street lighting to be designed to maximise the provision of street parking.</p>
Council would appreciate being party to any proposed easements/covenants/restrictions on the use of land that Homes NSW are proposing.	Satisfied. Identified Requirement No. 85 will ensure that Council will be listed as a party to all affecting interests that are of interest to Council.
Similarly, Council requests to be consulted on any proposed planning controls being developed for the estate to ensure consistence with Council's existing controls.	Noted. Any design guidelines for the future subdivision will be developed in consultation with the Council.
Homes NSW is requested to invite Council to nominate and attend agreed critical inspections / construction stages to ensure that all works that will form part of the land/asset dedication to Council are constructed in accordance with Auspec or an alternate specification as mutually agreed with Council.	Satisfied. Identified Requirement No. 21 will ensure Council to nominate and attend the agreed critical inspections / construction stages (as required by Identified Requirement No. 48) to ensure that all works that will form part of the land dedication to Council are constructed in accordance with the Forbes Shire Council standards and specifications.
Council requests 5 days' notice prior to commencement of any works on the site.	Satisfied. Identified Requirement No. 33 will ensure that Council is given 5 days' notice prior to commencement of any works on the site.
<p>Prior to the commencement of the approved civil works the Land and Housing Corporation's nominated Registered Engineer / Certifier / Council shall nominate a schedule of critical stage inspections for construction. The inspection schedule may include the following critical stages:</p> <ul style="list-style-type: none"> Stormwater pipes – laid, jointed and prior to backfill, subsoil drainage lines. 	Satisfied. Identified Requirement No. 48 will ensure Council will nominate and attend the agreed critical inspections / construction stages identified in the IR.

Issues Raised	Response
<ul style="list-style-type: none"> Road pavements – proof rolling, profile checking, steel inspection. Pedestrian footpaths – prior to pouring concrete, profile checking, Pit and pipes – inspection prior to backfill of pipes, steel inspection of pits, final inspections of pits. Final inspection – all outstanding work. 	
Council requests the opportunity to be invited to a final inspection of the subdivision works to assist in the identification of any defects and rectification works to confirm suitability of works for handover.	Satisfied. Identified Requirements No. 48 (e) will be included in the approval to ensure that Council has the opportunity to do the final inspection.
<p>Council acknowledges the project will require approvals and concurrences from Council during the subdivision process including:</p> <ul style="list-style-type: none"> Roads Act consents/permits. Local Government Act approvals - s.68. Street Addressing Endorsement of any easements benefitting Council. 	<p>Not applicable. A S.138 permit for the work in the road reserve is not required.</p> <p>Satisfied. Identified Requirement No. 16 will be applied to ensure that LAHC will obtain any relevant Section 68 approvals.</p> <p>Satisfied. Identified Requirement No. 89 will be applied to obtain approval for street names.</p> <p>Satisfied. Identified Requirement No. 88 will be applied for endorsement of any easements benefitting Council.</p>

7.2 Notification of Occupiers of Adjoining Land and Other Persons

Under section 43A(1)(a) of the Housing SEPP, Forbes Shire Council was requested to nominate any other persons who should, in the Council's opinion, be notified of the development.

On 19 January 2024 advice was sought from Council regarding additional persons or property that should be notified of the development. Council responded on 23 January 2024, and confirmed the notification map was acceptable to Council. **Figure 11** illustrates the properties in which the occupiers and landowners were notified of the development.

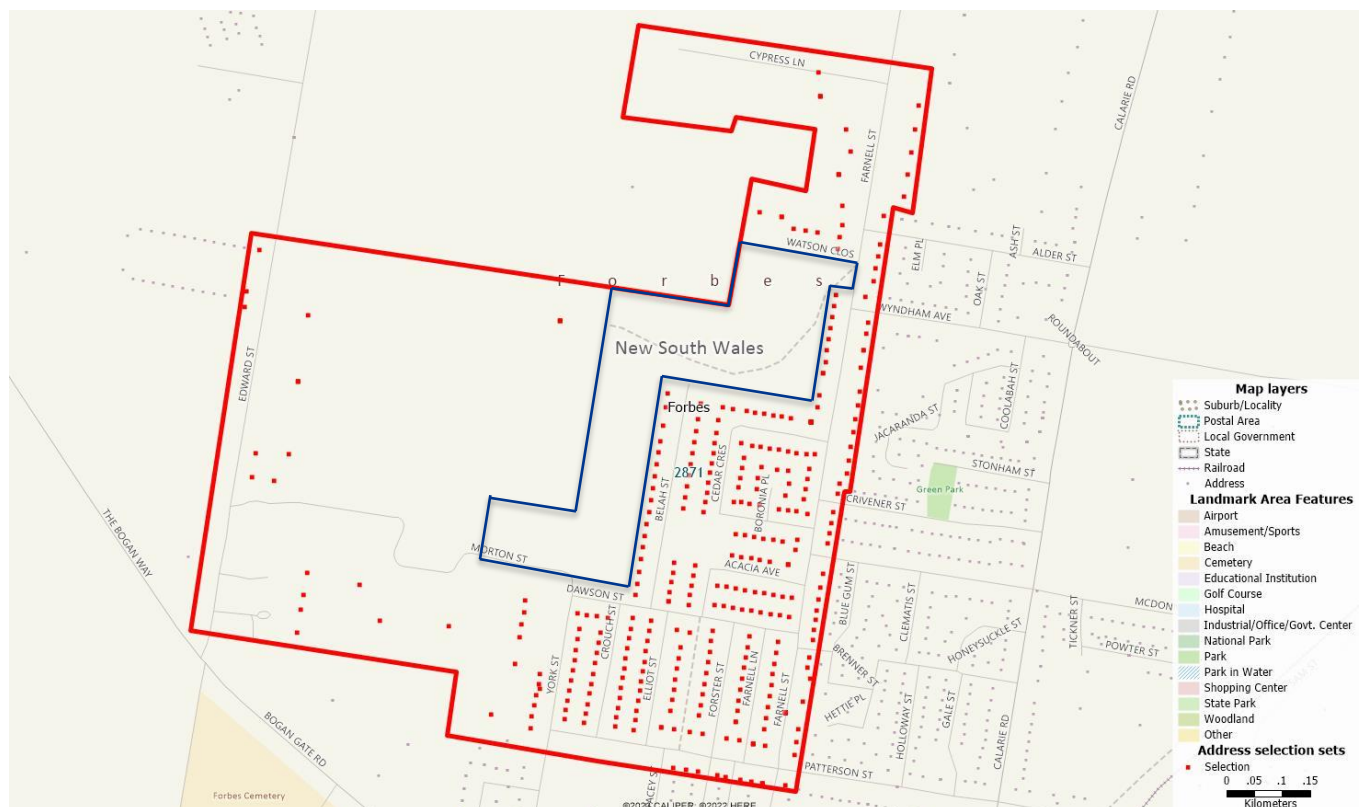


Figure 11: Subject site (in blue) and extent of adjoining landowners notified (in red) (Source: LAHC)

Under Section 43A(1)(b) of the Housing SEPP, owners and occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated February 2024 and by a newsletter. A copy of the notification proforma and newsletter are provided at **Appendix O**.

The notification response period formally closed on 26 February 2024 and a total of 20 submissions were received. They key issues raised are discussed in **Table 11**.

Table 11: Issues raised by adjoining owners / neighbours

Issues raised	LAHC response
Submission 1	
Mix of affordable / social housing to best meet the needs of the community	1. Noted.
Concerns on lack of supporting infrastructure, i.e. active transport options, to support the new development, and provide safe links to CBD, primary schools, and high school.	2. Noted. All proposed streets have been designed to accommodate any future bus routes. The site is located close to the two bus stops (No. 586 and 587) that provides connectivity to the town centre. For the new lots close to Farnell Street, the closet bus route 587 stop is located on Farnell Street to the south-east of the site approximately 275m. For lots closer to Dawson Street, the existing 586 bus route stop is located adjacent to the southern end of the site at the corner of Dawson Street and Crouch Street, less than 100m from the southern edge of York Street extension into the subject site.
Footpath to be continued to the north along Farnell Street to Wyndham Avenue.	3. Noted. The proposed subdivision will accommodate 1.5m wide footpaths on one side of all internal roads. A connection along Farnell Street to Wyndham Avenue is outside the scope of the works. The proposed internal streets and pedestrian accessways within the subdivision will be able to connect to any future pedestrian accessways on Farnell Street. Council's Pedestrian and

	Cycling Strategy dated June 2017 has identified new footpath connections within Forbes area and will be undertaken by Council.
Consider any intersection improvements at Farnell Street/Wyndham Avenue intersection to support the anticipated cumulative growth.	<p>4. Noted. The proposed subdivision will only include works to connect the new roads in the subdivision to existing streets. However, it should be noted that the Traffic Impact Assessment Report including the Addendum (refer to Appendix L and Appendix M) concludes that the intersections of Dawson Street / York Street / Lower Morton Street and Farnell Street / the proposed MC01 road performed satisfactorily with minor delays of under 10 seconds during the AM and PM peak hours with the subdivision traffic and background housing growth. The intersections have significant spare capacity and would not require any infrastructure upgrade work.</p> <p>Any requests for works carried out on the corner of Farnell Street and Wyndham Avenue would be a matter for Council as the responsible owner.</p>
Submission 2	
Concerns regarding loss of rear access for properties along Belah Street.	<p>5. Noted. Forbes Shire Council and Crown Lands have confirmed that no owner of Belah Street has been granted legal access to their properties over the subject site, which was formally Crown Land. Council have advised any development applications retaining to access to the rear properties on the west of Belah Street have conditions in place that stipulate Crown Land could be developed in the future and no access is guaranteed.</p>
Confirm if the basin will adequately handle the runoff and stormwater issue the area currently experiences.	<p>6. Satisfied. The proposed Stormwater Management Plan (refer to Appendix J) confirms that the proposed stormwater system has been designed to ensure it is suitable for the proposed development. The stormwater detention basin has been proposed to capture the run-off from the development site. The basin will detain water and allowing its gradual release into the existing drainage swale located to the south of the basin which will also be formalised as part of the development. This swale will then discharge into the waterway located to the west of the detention basin. A smaller catchment at the site's southwest boundary drains directly to this formalised swale. A catchment in the site's northeast drains to the southeast and will discharge into the existing drainage network located within Farnell Street. The overall proposal to drain stormwater from the site adequately resolve the overall runoff issues from the overland flow.</p>
Concerns on sewer main capacity as the pipe is cacked, blocked and overflowing.	<p>7. Noted. Forbes Shire Council have reviewed a Servicing Plan for the subject site showing the location of the sewer, stormwater and water line and have confirmed on 6 October 2023 that this was generally acceptable subject to some recommendations. Any issues relating to cracked, blocked and overflowing pipes outside of the subject site will need to be raised with Council.</p>
Concerns on the ability to build on the land due to the soil type.	<p>8. Satisfied. A Geotechnical Report (refer to Appendix K) has identified varied soil type within the subject site and includes recommendations to ensure the subdivision works and future residential building can be designed in accordance with the soil type and building classification (refer to Identified Requirement No.1).</p> <p>For each lot, Identified Requirement No. 78 will be included to require that soil testing be carried out and confirmed for each lot classification, prior to the issue of the issue of a subdivision certificate.</p>

Submission 3	
Support for land to be used for more houses.	9. Noted.
Submission 4	
Concerns regarding loss of rear access for properties along Belah Street.	10. Noted. Refer to response No. 5 for details.
Submission 5	
Support for provision of more dwellings.	11. Noted.
Submission 6	
Concern regarding the loss of connection to Morton Street and the southern boundary of 7-15 Cypress Lane to be able to connect to the new street when 7-15 Cypress Lane is developed.	12. Satisfied. There is no legal access over the site at present. Road access to the adjoining properties from the internal street is not proposed as part of this subdivision. Following the subdivision, the road will be under Council's control. The proposed internal street will connect to the existing access track proposed to be retained which further connects to Morton Street.
Seeking clarification regarding the responsibility and associated costs for the construction of rear fences.	13. Satisfied. Identified Requirement No. 86 will ensure that no fence will be erected on any lot burdened unless it is erected without expense to LAHC or any adjoining owner not within this plan. In addition, for consistency, the fences will be required to be constructed of Gramline profile and of metal construction and "Woodland Grey" or "Grey Ridge" or "Slate Grey" or similar in colour or a type of masonry, all to be a height of not greater than 1.8m.
Submission 7	
Footpaths to be designed for mobility scooters/wheelchairs access.	14. Noted. Footpath width is proposed to be 1.5m wide which exceeds the minimum requirement under AS 1428.2.
Submission 8	
Seeking clarification regarding the responsibility and associated costs for the construction of rear fences.	15. Satisfied. Refer to response No. 13 for details.
Concerns on safety around detention basin and suggest providing fencing around the basin.	16. Satisfied. All sides of the detention basin have been graded at less than 1:4 to permit safe egress in an emergency, in accordance with the Australian Rainfall and Runoff (ARR) 2019 guideline. The design has been certified to be compliant with the safety and access design considerations by ADW Johnson Engineering (Refer to Appendix T). In any case, all new building work will be required to comply with the NCC and relevant Australian Standards (Refer to Identified Requirement No.3).
Concerns that the proposed lot sizes for private sale are small, considering the demand will be for a four-bedroom family dwelling, with big backyard and country style living.	17. Noted. The development of this land is in accordance with the Council adopted Forbes housing strategy and the minimum lot size requirement under the current zoning. The subdivision has a proposed an average block size of approximately 757m ² , which will allow for a family home to be built.
Concerns regarding loss of rear access for properties along Belah Street.	18. Noted. Refer to response No. 5 for details.
Confirm if the basin will adequately handle the runoff and stormwater issue the area currently experiences.	19. Satisfied. Refer to response No. 6.
Need new parks/playground areas	20. Noted. The development provides much-needed housing, including providing for future social housing. The works include embellishment of Lot 1 in DP1077961, which will contribute to the

	visual setting of this block which is intended to provide for a future active transport corridor traversing the site. Forbes is well provided with quality open space areas that can meet for the needs of the future residents.
Submission 9	
Concern regarding the water pressure to accommodate the new housing estate, as the existing water pressure is of a poor level	21. Noted. The existing water line has the capacity to accommodate the new subdivision demand and will have suitable pressure. Works done to the water line as part of the associated works will either improve the water pressure in some areas or it will be unaffected. The improvement in the water pressure is due to a change from small to big pipes. Therefore, no decrease in water pressure will occur.
Clarify if the power line that runs through the estate will have an easement (currently the easement is 50 feet either side).	22. Satisfied. The existing overhead power line will be slightly relocated to realign with the proposed lots and internal street and is subject to Essential Energy requirements. A new easement will be created for the realigned transmission line. Identified Requirement No. 18 will be placed to realign the overhead power line and create an easement subject to essential energy requirements. Refer to Appendix S for consultation response from Essential Energy wherein advice was provided to be incorporated into the design.
Previous trespassing issue along the side of the closed laneway abutting 205 Farnell Street property and concerns if the proposal will increase the trespassing issue.	23. Noted. The landowner/occupier of this submission is located to the east of Farnell Street and does not adjoin the subject site. Any issues of trespassing should be referred to the police and or Council.
Seeking clarification if the social housing will be provided for Forbes residents only in need of housing.	24. Satisfied. The social housing will be provided as per the waiting list from the Forbes Allocation Zone.
Concerns on the proposal's impact on the quiet lifestyle of the residents in upper Farnell Street.	25. Noted. The development of this land is in accordance with the Council adopted Forbes Housing Strategy and is permissible under the current zoning. The proposed development is anticipated to create a modern and diverse community that is close to key amenities and that deliver positive social and economic outcomes for the Forbes community.
Suggests conditioning all the properties to be owner occupied and not rented.	26. Noted. The future housing is intended to provide a mix of market housing and social housing. No restriction on renting can be imposed.
Submission 10	
Provision of solar on social housing and the homes will be sustainable standard.	27. Noted. Any future dwellings built on each lot will need to meet the current BCA requirements and other planning requirements as relevant at the time of approval. Social housing will be required to meet the LAHC Design Requirements and the LAHC AC and PV policy. This includes the provision of solar panels.
Submission 11	
Concerns on the ability to build on the land due to the poor soil type.	28. Satisfied. Refer to response No.8.
Submission 12	
Concerns regarding loss of rear access for properties along Belah Street.	29. Satisfied. Refer to response No. 5 for details.
Seeking clarification on access to sewer asset located on the subject site, adjacent to the	30. Noted. The sewer line and the easement (3m wide) are contained within the subject site and not within properties located on Belah

rear boundary of the properties at Belah Street.	Street. Council will be the beneficiary of this easement and they will be responsible for future maintenance. Any future connection of the proposed residential lots will have no cost to residents of Belah Street and adjoining owners will have the right to tap into the sewer line. In terms of access to the sewer line, it will be at Council's discretion.
Seeking clarification regarding the responsibility and associated costs for the construction of rear fences.	31. Satisfied. Refer to No. 13 for details
Submission 13	
Loss of rear access to properties on Farnell Street	32. Noted. The subject site was previously Crown Land. Advice received from Crown Lands on 6 February 2024 has confirmed that no adjoining properties have been granted legal access to their properties over Crown Land.
Submission 14	
Lack of community parks and infrastructure Concerns re lack of community land (parks and open space) community infrastructure (childcare centre, police stations etc)	33. Noted. The proposed subdivision is consistent with planned to growth as evidenced in Forbes Housing Strategy 2021-2041. The development provides much-needed housing, including providing for future social housing. The works include embellishment of Lot 1 in DP 1077961, which will contribute to the visual setting for the future active transport corridor proposed to traverse the site which will contribute to the existing enhanced open space network. Future lots are well-served by community facilities in nearby Forbes Town Centre including community infrastructure, childcare centres and a police station that are considered to adequately provide for the needs of the existing and proposed community. Importantly, it is noted that this subdivision is part of a wider planned future community, wherein additional services and infrastructure will be able to be provided for over time to cater for the future increased population.
Concerns on the decrease in water pressure.	34. Satisfied. Refer to response No. 21 for details.
Seeking clarification regarding the responsibility, associated costs and material for the construction of rear fences.	35. Satisfied. Refer to No. 13 for details
Seeking clarification if the area around the detention basin will be an open space.	36. Noted. The detention basin is located within the Council land and as part of this subdivision part of the land to the east of the waterway will be embellished as per the Landscape Plan (refer to Appendix B). Council will be responsible for its maintenance after 12 months following the completion of works and certification. Any future recreational use of Council's land is not part of this approval and should be referred to Council. It is noted that the proposed development does not impact upon the corridor of land zoned public recreation that traverses the site and is intended to provide for a future active transport corridor joining to Forbes Town Centre.
Submission 15	
Concerns regarding loss of rear access for properties along Belah Street.	37. Noted. Refer to response No. 5 for details.
Seeking clarification regarding the responsibility and associated costs for the	38. Satisfied. Refer to response No. 13 for details.

construction of rear fences of properties at Belah Street.	
Seeking clarification on access to sewer asset located on the subject site, adjacent to the rear boundary of the properties at Belah Street.	39. Satisfied. Refer to No. 30 for details.
Confirm if the basin will adequately handle the runoff and stormwater issue the area currently experiences.	40. Satisfied. Refer to response No. 6.
Concern if the new homes will fit in with the local area and block size, considering the demand will be for a large blocks, big backyard and country style living.	41. Satisfied. As this is a subdivision only project, the design of the new homes has not been considered. However, social housing are well designed and modern with landscaped gardens that make a positive contribution to the existing streetscape and blend into the community. The development of this land is in accordance with the Council adopted Forbes housing strategy and the minimum lot size requirement under the current zoning. The subdivision has a proposed an average lot size of approximately 757m ² , which will allow for a family home to be built.
Lack of police station, school and childcare.	42. Noted. Refer to response No. 33 for details.
Submission 16	
Concerns with the building standards to avoid any "ghetto development".	43. Noted. As this is a subdivision project, the design of the social housing development has not been considered. However, social housing is well designed and modern with landscaped gardens that make a positive contribution to the existing streetscape. Therefore, the social housing developments are considered to blend into the community and in turn help reduce the stigma of living in social housing and make a positive contribution to the area. In addition, the Forbes subdivision will be a 'mixed tenure' development of which 30% will be social, affordable, and key worker housing and the remaining will be sold to private landowners. The 30:70 split ensure there is a reduced concentration of social housing in one area.
Submission 17	
Positive feedback on providing social housing in Forbes and some recommendations on allocations of properties.	44. Noted.
Submission 18	
Concerns regarding the absence of consultation with Forbes local Aboriginal people to discuss the suitability of the land, the suitability of block sizes and house design, the lack of useable green spaces, social and affordable homes, consultation with Peakhill Local Aboriginal Land Council, the history and heritage of the land as it relates to Forbes local Aboriginal people and use of Dubbo sacred sites due diligence studies.	Noted. The Aboriginal Due Diligence Assessment report is prepared in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (refer to Appendix E). The role of Peak Hill Local Aboriginal Land Council (Peak Hill LALC) in the assessment was to provide the site officer with assistance with the potential identification and management of Aboriginal sites within the project area. As Forbes is in the Peak Hill LALC area, they were deemed an appropriate organisation to provide this service under the relevant legislation. References to previous archaeological studies and Aboriginal sites in the Dubbo area are made in the report to establish the regional context relevant to the project area. Refer to response No. 41 regarding suitability of land, block size and house design concerns.

	Refer to response No. 20 for concern regarding lack of green spaces.
Submission 19	
Concerns that Farnell Street is unable to handle additional traffic.	45. Noted. A Traffic Impact Assessment Report and Addendum Report (refer to Appendix L and M) assessed the impacts of this development on current traffic conditions as well as the impacts of future housing growth in the area at the intersections of Dawson and York, Lower Morton and Farnell Street and the future proposed MC01 road. The traffic modelling indicates all intersections performed satisfactorily with minor delays of under 10 seconds during the AM and PM peak hours. Therefore, it is concluded that Farnell Street will adequately handle additional traffic.
Confirm if the development will have gas connections.	46. Satisfied. At this stage it is not intended to provide gas connection. Appropriate approvals will be obtained if a decision is made to connect to the gas in the future.
Growth projections have these been substantiated? – what infrastructure/new industries does this involve? As report just states Forbes has adequate infrastructure to handle growth – reasons behind this comment?	47. Department of Planning, Housing and Infrastructure stipulates population projections for Forbes. As the population increases infrastructure will develop in line with the Central West and Orana Regional Plan 2041.
Drainage issues on development site.	48. Satisfied. Refer to response No. 5 for details.
Concerns regarding provision of car parking spaces within each lot to avoid cars being parked on street.	49. Noted. As this is a subdivision project, the number of car parking spaces will be considered in detail as part of future residential approvals. Notwithstanding, car parking spaces for social housing development will be provided as per Housing SEPP 2021 requirements, whereas car parking spaces for private dwellings will need to meet Forbes LEP or DCP, assessed under the relevant approval process. However, to assist with reducing on-street carparking, Identified Requirement No. 90 will be imposed to require a restriction be placed on all lots to have an equal or greater than 6m garage setback from any front boundary, to allow for the parking of a car in front of the garage.
Concerns on the building standards to avoid any “ghetto development”.	50. Noted. Refer to response No. 43 for details.
Concern regarding the water pressure to accommodate the new housing estate.	51. Satisfied. Refer to response No. 21 for details.
Information on location of social housing	52. Noted. The location of which blocks will be dedicated to social housing is yet to be finalised.
Will blocks be sold first to fund social housing?	53. Noted. LAHC will not have to rely on the sale of blocks to build future houses in the subdivision.
Concerns on building costs associated with poor soil conditions.	54. Noted. The subdivision and infrastructure works will be designed and built in accordance with recommendations from the geotechnical investigation and the prevailing soil conditions (refer to Appendix K). Further, Identified Requirement No.78 will be imposed to require a geotechnical consultant confirm the soil type and lot classification for each lot, prior to the issue of a subdivision certificate.
Who maintains the social housing?	55. Noted. The future social housing will be managed either by Homes NSW, or a Community Housing Provider and has yet to be determined.

Want to apply to be on advisory committee for this project.	56. Noted. There has been no advisory committee established for this project.
Submission 20	
Support as the subdivision will provide more houses.	57. Noted.

Community Consultation

Two community engagement sessions were held in Forbes Town Hall on 14 and 15 February 2024. Approximately 44 individuals attended across both the sessions. The general community along with a number of elected Councillors and Council staff attended the sessions. Based upon the received feedback, Forbes Shire Council and the general community confirm its support for the proposal. The feedback from the community during the consultation ranged from works regarding the proposal (provision of infrastructure, stormwater detention basin, lot size, access, and parking) to matters regarding the wider community (provision of supporting community infrastructure. As per Council's correspondence dated 5 April 2024, Council has acknowledged these concerns, however, based on the feedback, Forbes Shire Council has not found any grounds for opposing the project as planned. It is agreed that received feedback is capable of being addressed through mitigation measures as set out in the Activity Determination and discussed in detail under Section 7.1.

Local Aboriginal Communities

An Aboriginal Due Diligence (ADD) Assessment Report was prepared by OzArk (**Appendix E**). A search of the Aboriginal Heritage Information Management System (AHIMS) shows there are no previously recorded Aboriginal sites within or near the study area. The visual inspection of the study area was undertaken which no Aboriginal sites or potential archaeological deposits were recorded during the visual inspection of the study area.

As such, consultation with Local Aboriginal Communities was not considered necessary in this instance.

7.3 Notification of Specified Public Authorities

As required by Section 42(4) of the Housing SEPP, consideration has been given to the need to notify the "specified authorities" identified in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Division 1, Sections 2.10 to 2.15.

The development is not located in an area that triggers the requirement to notify public authorities other than Council.

The development involves connection to public roads and services and contains existing services and easements that are likely to be impacted by the proposed development. Relevant bodies are to be contacted as detailed in **Table 12**.

Table 12: Notification of Specified Public Authorities

Is Consultation required under Clauses 2.10 – 2.15 of the Infrastructure SEPP?		Comment
Are the works likely to have a substantial impact on the stormwater management services which are provided by Council?	Yes	Council must be notified.
Are the works likely to generate traffic to an extent that will strain the existing road system in a Local Government Area?	No	The proposal is not considered Traffic Generating Development, as per Schedule 3, Clause 2.122 under SEPP (Transport and Infrastructure) 2021. A Transport Impact Assessment (TIA) that has been undertaken to consider the impacts from the proposal. The TIA concludes that the subdivision would perform satisfactorily with the additional traffic generated from the development that will not strain the existing road system.
Will the works involve connection to a council owned sewerage system? If so, will this connection have a substantial impact on the capacity of the system?	Yes	Council must be notified.
Will the works involve connection to a Council owned water supply system? If so, will this require the use of a substantial volume of water?	Yes	Requires consultation with Council.
Will the works involve the installation of a temporary structure on, or the enclosing of, a public place which is under local council management or control? If so, will this cause more than a minor or inconsequential disruption to pedestrian or vehicular flow?	No	
Will the works involve more than a minor or inconsequential excavation of a road or adjacent footpath for which council is the roads authority and responsible for maintenance?	No	
Are the works located on flood liable land? If so, will the works change flooding patterns to more than a minor extent?	No N/A	The site is not mapped as flood affected.
Is there a local heritage item (that is not also a state heritage item) or a heritage conservation area in the study area for the works? If yes, does a heritage assessment indicate that the potential impacts to the item/area are more than minor or inconsequential?	No	
Is consultation with other agencies required under clause 2.15 of the Transport and Infrastructure SEPP?		
Are the works adjacent to a national park, nature reserve or other area reserved under the <i>National Parks and Wildlife Act 1974</i> ?	No	

Is Consultation required under Clauses 2.10 – 2.15 of the Infrastructure SEPP?	Comment
Are the works adjacent to a declared aquatic reserve under the <i>Fisheries Management Act 1994</i> ?	<p>There is no aquatic reserve in proximity of the site.</p> <p>However, there is a minor non-perennial watercourse that traverses the Council's land where the detention basin and associated works are proposed.</p> <p>The Biodiversity Assessment Report identified that there are no Key Fish Habitat and Protected Riparian Land within the search area. The report stated that considering the ephemeral nature of the watercourse, the absence of KFH, and the lack of predicted habitat for threatened aquatic fauna, the proposal is not expected to impact any threatened fish species or populations; therefore, no tests of significance were considered necessary under the Fisheries Management Act 1994 (FM Act).</p> <p>No</p> <p>Some of the identified work areas are located in areas which are considered to meet the definition of "water land" as defined within Section 198A, Division 3 of the FM Act 1994. As such, consultation has occurred with the Regional Manager Aquatic Ecosystems from the NSW Department of Primary Industries – Fisheries on 4 December 2024. A copy of this referral is provided within Appendix S. DoPI Fisheries provided their comments via email on the 5 December 2024, a copy of which is also provided within Appendix S. DoPI Fisheries have confirmed that no permits or approvals are required from <i>NSW Department of Primary Industries – Fisheries</i> for the proposed works, as there is no Key Fish Habitat (Third order streams or larger) within the site.</p>
Are the works in the Sydney Harbour Foreshore Area as defined by the <i>Sydney Harbour Foreshore Authority Act 1998</i> ?	No
Do the works involve the installation of a fixed or floating structure in or over navigable waters?	No
Are the works for the purpose of residential accommodation, an educational establishment, a health services facility, a correctional facility or group home in bush fire prone land?	<p>No</p> <p>The site is not identified as bushfire prone land and confirmation of this was sought by way of a Bushfire Prone Land Statement (Appendix F).</p>

As detailed above, whilst Council is the only public authority required to be notified for the proposed Part 5 activity, other public authorities were also notified to ensure a high level of collaboration, and any responses received are detailed below in **Table 13**. Refer to **Appendix S** for details of the notification and their responses.

Table 13: Response from Authorities

Public authority referral and response	Comment
Essential Energy <ul style="list-style-type: none"> Essential Energy (EE) was contacted by email dated 1 February. A response was received 4 March 2024 in regard to the relocation of the existing 66kV transmission overhead. Requirements for the electrical design were provided. (refer to Appendix S) 	Noted.
Jemema <ul style="list-style-type: none"> Jemina was contacted by email on 1 February 2024 in regard to the proposed activity. No response from Jemena was received 	Noted.
Minister for Agriculture <ul style="list-style-type: none"> Minister for Agriculture was required to be notified under Section 199 of the Fisheries Management Act for dredging and reclamation works, and LAHC is required to consider any matters concerning the proposed work that are raised by the Minister. The Minister for Agriculture was contacted on 1 February 2024. No response has been received within the 21 days statutory period. 	Noted.
Department of Primary Industries – Fisheries <ul style="list-style-type: none"> Some of the identified works are located in areas which are considered to meet the definition of ‘water land’ as defined within Section 198A, Division 3 of the FM Act 1994. As such, consultation has occurred with the Regional Manager Aquatic Ecosystems from the NSW Department of Primary Industries – Fisheries on 4 December 2024. The Department provided their comments via email on 5 December 2024, a copy of which is provided within Appendix S. The Department confirmed that no permits or approvals are required from NSW Department of Primary Industries – Fisheries for the proposed works, as there are no key fish habitat (Third order streams or larger) within the site. 	Noted.

8 Review of Environmental Factors

Environmental factors associated with the proposed activity have been considered in accordance with the provisions of the Housing SEPP and discussed in **Section 6.5** of this REF. A review of other environmental factors associated with the proposed activity, and the measures required to mitigate any adverse impacts to the environment, are provided below. The proposed activity being assessed under this REF extends only as far as the subdivision works and does not include the provision of any dwellings.

8.1 Visual Impact

Existing Environment

Figure 12 shows the site looking south-east within the existing environment.



Figure 12: Aerial of Site as existing looking southeast

The existing visual character surrounding the site reflects that it is an area in transition. The site is currently vacant land comprising predominately of grassland with some remnant vegetation, particularly at the northern end of the site. The transition of the area is captured through the Forbes Urban Residential Expansion Area, which identifies the need for development without adversely affecting the development potential of surrounding properties. The site has multiple vehicular connection points to the surrounding urban area which is comprised of low-density residential development.

The proposal is for subdivision only; however, future development will be of a similar scale as surrounding development comprising detached dwelling houses and other diverse housing types. The proposed future development for the site is in keeping with the existing and desired future character of the residential area. The zoning of the subject site being R1 General Residential is the same zoning as the existing adjacent residential zoning, ensuring compatibility with the future built form. The development is intended to appropriately integrate with the adjacent development and minimise visual risk.

Potential Impacts

During Construction - During demolition/construction typical visual impacts associated with earthworks are expected, including stockpiling of materials, erection of construction fencing / hoarding and storage of

machinery. All of these impacts are 'temporary' in nature and storage locations will be selected to minimise security and vandalism risk.

During Operation - Following the completion of subdivision works, it is expected that the visual impacts that will occur is change in the existing visual character of the site from a vacant to a developed land and from the future provision of housing (it is noted that future residential development will be completed subject to separate approval processes). Surrounding residents and passersby will be the most effected, however landscaping accommodated by street tree planting, embellishment of Lot 1 in DP1077961 around the proposed detention basin with new plantings will all contribute to the amelioration of adverse visual impacts.

Mitigation Measures

Design principles of the subdivision layout were created to respond to the topography of the land. The subdivision and road layout have been designed to provide an appropriate interface with the surrounding locality. The lot sizes provided across the site are of sufficient size that provision for parking can be accommodated within each property. Detailed landscaping and street tree planting are intended to soften the visual impact of the proposed development. The detention basin that has been provided on Lot 1 in DP1077961 has been landscaped to enhance the visual appearance of the Council land.

The future residential area that will be facilitated by this subdivision will differ visually from the current landscape. However, it is in keeping with the statutory intent for the site and is in compliance with the site-specific policy controls. Landscaping and orientation have been incorporated to address the visual impact.

No mitigation measures are required.

8.2 Traffic, Parking and Transport

Existing Environment

Several local roads bound and provide access to the site. Farnell Street and York Street run in a north-south direction and intersect with The Bogan Way to the south, which is a regional road that extends to Forbes town centre. Both local roads have a sign posted speed limit of 50km/h and are two-lane roads with one lane in each direction of travel with carriageway widths of approximately 10-11m.

Cycling facilities are generally limited within Forbes, with no continuous cycle links from the site or surrounding residential areas to the Forbes town centre. Footpaths and pedestrian infrastructure are limited to segments of local streets in the vicinity of the site. Footpaths do not currently provide any direct connectivity to the Forbes Town Centre or any local amenities.

Potential Impacts

Traffic modelling using SIDRA 9 software was used to assess the impacts of the proposal on current traffic conditions as well as the impacts as a result of future housing growth in the area predicted by Forbes Shire Council. The intersections of Dawson Street / York Street / Lower Morton Street and Farnell Street / the proposed MC01 road into the development were assessed.

Operation - Parking and traffic impacts have been considered in the design of the road and lot layout. The Traffic Impact Assessment and Traffic Impact Addendum Letter (**Appendix L & Appendix M**) have determined that the estimated traffic volumes are not expected to adversely affect the existing road network. The intersections that will be used primarily for site ingress and egress, Dawson Street / York Street / Lower Morton Street and Farnell Street / MC01 road would perform satisfactorily with the additional traffic generated from the development as well as with the expected housing growth from the Forbes Housing Strategy. Accordingly, no further infrastructure upgrades would be required as a result of this proposal.

With regards to car parking, each lot has been sized so as to be able to accommodate on-site parking. To minimise on-street car parking, a restriction will be placed on all lots to require a minimum 6m setback from the garage to the front boundary, to enable the car parking for a vehicle forward of the garage.

Mitigation Measures

An Identified Requirement No. 23 has been applied to prepare a Construction Environmental Management Plan (CEMP) that includes mitigation measures and controls to manage any environmental impact associated with the project including any adverse impacts to the existing road network during construction. As part of the CEMP:

- Road users and local communities will be provided with timely, accurate and relevant information about changed traffic arrangements and delays owing to construction activities.
- Requirements for any changes to local access arrangements will be undertaken in consultation with council and any affected landowners (where required).
- Appropriate safety barriers and signs will be erected prior to the commencement of works to prevent any conflict with construction vehicle traffic and pedestrian traffic. Pedestrian access should be maintained during the works. Existing disability access where provided, will be retained.
- During construction works, appropriate traffic management measures should be implemented, including temporary speed restrictions, precautionary signage, and traffic control.

Identified Requirement No. 90 has been applied to require a restriction be placed on all lots that a 6m setback be provided between the garage and front boundary, to accommodate the parking of an additional vehicle on site.

8.3 Servicing and Infrastructure

The *Forbes Housing Strategy 2021-2041* estimates the total population of Forbes to be 10,023 and the number of people living in the town of Forbes to be 8,157 people.

The Strategy suggests there is capacity in the existing reticulated sewerage system at Forbes to cater for a population of 10,000 people and there is also capacity in the existing reticulated water supply system at Forbes to cater for a population of 16,000 people. Further detailed design will be undertaken in consultation with Council as the relevant water authority, to ensure all Council requirements are incorporated. Council have raised no concerns with sewer or water servicing for the proposed subdivision and have not identified any required upgrades.

Essential Energy has been consulted and their electrical reticulation requirements will be incorporated into the detailed design. Essential Energy have raised no concerns with energy servicing capacity being able to be provided for the proposed subdivision.

Identified Requirements are recommended to ensure appropriate telecommunication services will be in place.

Mitigation Measures

Identified Requirement No.28 requires a Compliance Certificate, or other evidence, to be obtained from the relevant water utility provider (Forbes Shire Council), confirming service availability prior to work commencing.

Identified Requirement No.29 requires a written clearance from an electricity supply to be obtained authority stating that electrical services are available to the site, or that arrangements have been entered into for the provision of services to the subdivision site, prior to work commencing.

Identified Requirement No.30 requires a certificate from an approved telecommunications carrier to be obtained certifying that satisfactory arrangements have been made for the provision of underground telephone services to the subdivision site, prior to work commencing.

8.4 Social Infrastructure

As outlined in the *Forbes Housing Strategy 2021-2041*, Forbes offers a wide range of employment and lifestyle opportunities, education and health facilities, and a vibrant town centre. The Forbes Town Centre is the main shopping centre precinct for the Forbes Shire. The Town Centre supports a healthy mix of business activity. Commercial development stretches north along the Newell Highway.

Forbes Shire benefits from 14 schools and early childhood centres. A TAFE and a hospital are also located in Forbes to support the population.

East of the Town Centre, Forbes is endowed with a beautiful Lake Foreshore which provides open space, green relief and opportunities for exercise and socialising. A total of 13 sport grounds are identified in Forbes, together with 51 parks and playgrounds.

The additional population resulting from the proposed subdivision will further contribute to the vibrancy of the Forbes Town Centre. It is noted that the site is zoned for residential development, and the capacity of the Town's social infrastructure has been considered satisfactory at the time of rezoning.

Mitigation Measures

No mitigation measures are required.

8.5 Biodiversity

A Biodiversity Assessment Report (BAR) was prepared by OzArk (dated January 2024) (**Appendix H**) to report on the ecological values present within the study area and potential constraints for future development.

Given the quantity of native vegetation present within the subject site, this proposal would usually trigger entry into the NSW Biodiversity Offsets Scheme (BOS) and require preparation of a Biodiversity Development Assessment Report (BDAR). However, given the proposal is being considered under Part 5 of the *Environmental Planning and Assessment Act*, a Biodiversity Assessment Report can instead be prepared. Entry into the Biodiversity Offsets Scheme is optional for Part 5 activities.

This Biodiversity Assessment Report has considered threatened species, populations, migratory species, and threatened ecological communities listed under *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *NSW Biodiversity Conservation Act 2016* (BC Act).

Impact on Threatened Plant Community Types (PCT)

The subject site falls within the Calarie Plains landscape, while the Bimbi Plains, Lachlan - Bland Channels and Floodplains and Eugowra Plains landscape also occurs in the wider study area. Approximately 9.71ha of native vegetation occurs within the subject site. This vegetation was identified as belonging to 4 Plant Community Types (PCTs), being:

- PCT 26 Weeping Myall open woodland of the Riverina Bioregion and NSW Southwestern Slopes Bioregion (0.05ha).
- PCT 45 Plains Grass grassland on alluvial mainly clay soils in the Riverina Bioregion and NSW Southwestern Slopes Bioregion (0.81ha).
- PCT 52 Queensland Bluegrass +/- Mitchell Grass grassland on cracking clay floodplains and alluvial plains mainly the northern-eastern Darling Riverine Plains Bioregion (8.1ha).
- PCT 70 White Cypress Pine woodland on sandy loams in central NSW wheatbelt (0.75ha).

Of the above 4 Plant Community Types, only PCT26 was found to be of an occurrence considered to constitute an Endangered Ecologically Community (EEC). The Biodiversity Assessment Report considers the occurrence and significance of these PCTs and a summary of PCT26 is provided in the **Table 14** below:

Table 14 Occurrence and significance of endangered ecological community PCT26

Vegetation Plant Groups identified	Recorded associated PCTs with Threatened Ecological Communities (TECs)	Occurrence constitutes Endangered Ecological Community (EEC)	Endangered Ecological Community (EEC) on site
PCT 26 Weeping Myall open woodland of the Riverina Bioregion and NSW Southwestern Slopes Bioregion (0.05ha).	BC Act, Endangered Ecological Community (EEC): <i>Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Peneplain, Murray-Darling Depression, Riverina and NSW South Western Slopes bioregions.</i> EPBC Act, EEC: <i>Weeping Myall Woodlands.</i>	The occurrence of PCT 26 constitutes an example of the BC Act-listed EEC Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Peneplain, Murray-Darling Depression, Riverina and NSW South Western Slopes bioregions, as this listing applies to all woodlands in which Weeping Myall is the dominant canopy species. Based on aerial mapping, it is likely to also constitute an example of the EPBC Act-listed EEC, which applies to Weeping Myall communities over 0.50 ha in patch size which satisfy certain composition and condition requirements. In the present case, the community appears to occupy 0.54 ha (of total patch between subject site and neighboring property), to meet the 5% canopy cover threshold, and to contain more than two layers of <i>Acacia pendula</i> . It should be noted, however, that most of this community occurs on private land and its total extent could not be ground-truthed during the survey.	Yes

Consequently, the proposed activity will result in impacts of up to 0.05 ha of the Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Peneplain, Murray-Darling Depression, Riverina and NSW Southwestern Slopes bioregions Ecologically Endangered Community. As the clearing of native vegetation is recognised as a Key Threatening Process under the BC Act, the Biodiversity Assessment Report recommends efforts should be made to reduce the removal of native vegetation where possible. Accordingly, that part of the land containing *Myall Woodland* has been excluded from the proposed subdivision and will be retained, protected and dedicated to Council.

The impacts of the proposed development on the Ecologically Endangered Community have been suitably mitigated and are not considered to be significant. Identified Requirements have been imposed to enforce protection of PCT26. **Figure 13** details the Plant Community Types identified on the site, with PCT26 in light blue. **Figure 14** details the extent of PCT26 with the study area.

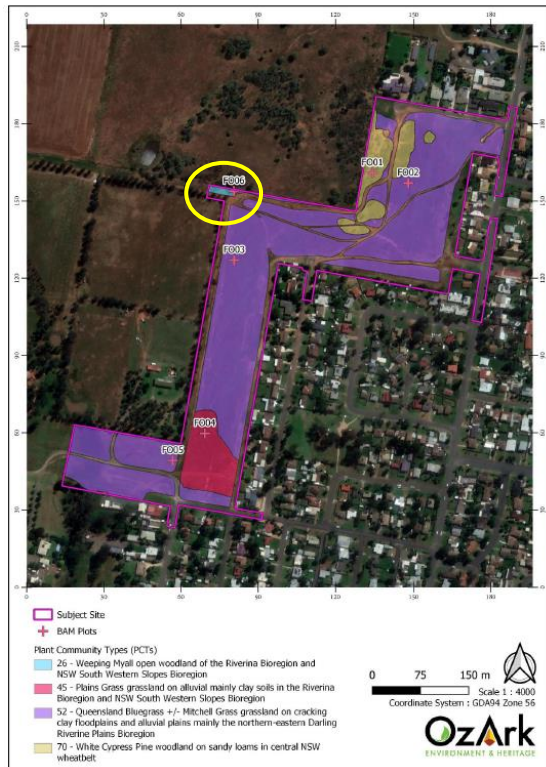


Figure 13: Map showing Plant Community Types (PCTs) recorded within the subject site (Source: Biodiversity Assessment Report prepared by OzArk Environmental & Heritage dated January 2024)



Figure 14: Extent of Weeping Myall Endangered Ecological Communities (EECs) within and immediately adjacent to the subject site

Figure 15 details Tree T72, T73 and T74 that form part of the PCT26 and identified as ecologically endangered community. **Figure 16** demonstrates that the land containing PCT26, including Trees T72, T73 and T74 have been excluded from the proposed subdivision works. **Figure 17** demonstrates the surveyed location of these trees. It is noted that T72 and T73 are located on the subject site and T74 is located within the Morton Street road reserve.

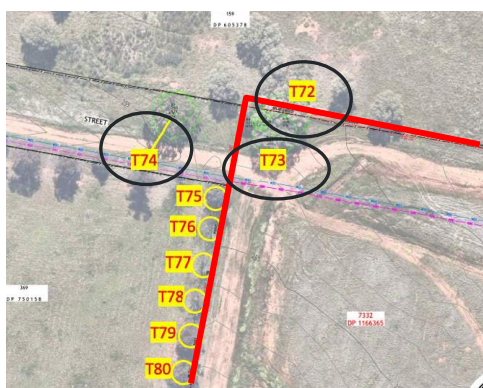


Figure 15 Plan from Arborist Report detailing Trees T72, T73 and T74 as tree species form part of PCT26, with the site boundary outlined in red



Figure 16 Plan of subdivision demonstrating that the area containing PCT26 has been excluded from the proposed subdivision works (shown as green)

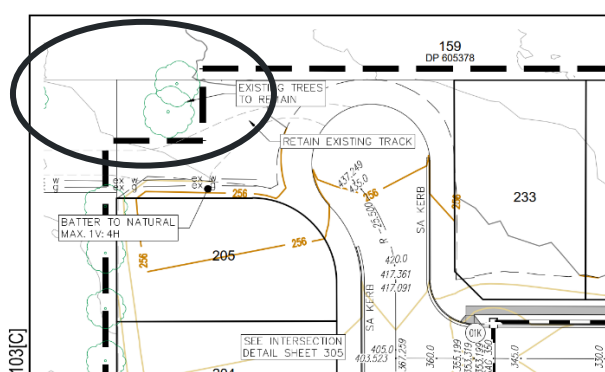


Figure 17 Draft detailed subdivision plan demonstrating surveyed tree locations and indicative proposed exclusion area from Tree No.s 72, 73 and 74

Threatened Species and Populations

A review of the Threatened Species Profiles database has found that 88 threatened or migratory flora and fauna species or populations listed under the BC and/or EPBC Act are predicted or known to occur in the Lower Slopes Subregion of the NSW Southwestern Slopes Bioregion. Based on proximity of past records, habitat requirements and the results of the field survey, 60 species were assessed as having a moderate-high likelihood of occurring within the subject site.

The field survey did not detect any of the predicted threatened species. However, due to the timing of the survey i.e. one day during autumn, when many of the flora species were not in flower, and lack of targeted fauna surveys, the report recognised that non-detection cannot be considered as confirmation of their absence.

Impact to Threatened Flora

11 threatened plant species or populations were assessed as having a moderate or greater potential of occurring at the subject site, although none were detected during the field survey. The report recognised that non-detection is not confirmation of absence, particularly given the short duration of the survey. The BC and EPBC Act tests of significance were applied, and the results concluded that the proposal would not constitute a significant impact on these species.

Impact to Threatened Fauna and Associated Habitat

Although 49 threatened or migratory fauna species or populations were assessed as having a moderate or greater potential of occurring within the subject site, none were detected during the field survey. There were no significant habitat features seen within the subject site. The 5-part test of significance and EPBC test of

significance (if applicable) was applied to all species. The results concluded that the proposal would not constitute a significant impact on these species.

Impact on Watercourses

As the proposal seeks to install a stormwater detention basin and associated works within 40m of a watercourse located with Lot 1 in DP1077961 of the subject site, the following works were identified to have minor impact.

- The water main re-alignment will have minor impacts to the watercourse during construction. These impacts can be reduced with the mitigation measures identified within Section 7 of the Biodiversity Assessment Report. The existing water main is already present within the general location that the new water main is proposed. Therefore, the impact of the new water main will be negligible.
- The access track will have minor impacts to the watercourse during construction. These impacts can be reduced with the mitigation measures identified within Section 7 of the Biodiversity Assessment Report. The existing access track at present is of degraded quality due to a lack of adequate maintenance and causing some level of impact to the environment. Therefore, the upgraded access track is unlikely to be more impactful on the watercourse than the existing access track.
- The existing site includes a number of unsealed tracks and unlined swale drains potentially washing sediments and pollutants into the watercourse and downstream. The proposed design includes removal or sealing of access tracks to ameliorate these potential sources of sediments and pollutants.
- The Stormwater Management plan details no increase in volume runoff from the natural state or increase beyond the accepted standards by Australian Runoff Quality Guide. The basin and associated stormwater infrastructure including outlets will have impacts to the watercourse during construction and operation. These impacts can be reduced with the mitigation measures identified within Section 7 of the Biodiversity Assessment Report.

Mitigation measures included within Section 7 of the Biodiversity Assessment Report will reduce impacts and therefore is acceptable.

Removal of Trees

An Arboricultural Impact Assessment Report has been prepared by Douglas Arbor (refer to **Appendix N**) to consider the impact of the removal of trees on the site and to consider any impacts of the proposed development on trees located on adjoining sites.

The report considers 123 trees or tree groups. 30 on site trees are proposed to be removed to accommodate the proposed subdivision works. The trees proposed for removal are Trees 1, 9, 19 - 23, 31 - 43 and 62-71. The Arboricultural Impact Assessment Report identifies removal of Tree 72, 73 and 74, however as outlined above the trees have since been identified as being part of an Ecological Endangered Plant Community Type (PCT) *Myall Woodland* and will be retained, with this area being excluded from the subdivision works and the land being dedicated to Council as required by an identified requirement. Trees T72 & T73 are located within the site and Tree 74 is located within the Morton Street road reserve in proximity to the subdivision works.

With regards to the 90 trees on adjoining sites, proposed stormwater and sewer lines are proposed across the subdivision, with the proposed trenching within 1.7m from property boundaries. The Arboricultural Impact Assessment Report considers the impacts on the trees as followings:

- Trees 7, 12, 26, 75, 79, 82-90, 94-97, 100-104 will have a TPZ encroachment of under 10%, which is deemed a 'minor encroachment'.
- Trees 24, 92, 98 and 105 will have a TPZ encroachment of 10%, considered to be a 'major encroachment'. However, the trenching works are not expected to significantly impact the trees' health, and a detailed root investigation is not deemed necessary for these 4 trees.
- Trees 25, 107 and 108 will have a TPZ encroachment of over 10%, considered to be a 'major encroachment'. Tree 25 is located within 49 Cedar Crescent and Trees 107 and 108 are located within 2-6 Lower Morton Street, Forbes. The level of root loss caused by the excavation of the trench is potentially significant, with a possible and unacceptable moderate to high level of impact on the trees.

The report recommends that root mapping is required to identify the location, distribution, and size of the roots that would need to be removed for the proposed trench. This will determine if the trees remain viable post root severance and/or to implement measures to ensure that the trees remain healthy and viable. Alternatively, the directional drilling method could be used beneath the root zones of these trees to install the pipes.

The following tree protection measures are recommended by the Arboricultural Impact Assessment Report:

- For Trees 75 – 108 located along the western boundary, tree protection fencing shall be installed 1.7m from the boundary of Lot 369, running the entirety of the western fence line. No works are to be undertaken within the TPZ without the approval of the Project Arborist.
- For Trees 10, 11 and 48, tree protection zone fencing is to be installed at the extent of their TPZ area within the site.
- For Trees 24 and 25, tree protection zone fencing is to be installed at the extent of their TPZ area within the site and immediately adjacent to the proposed stormwater trench at 1.7m from the boundary.

Tree protection measures together with the requirement for root mapping contained in the Arboricultural Impact Assessment Report will be required to be implemented and these mitigation measures are applied as Identified Requirements.

Mitigation Measures

Based on the assessment above, the proposal will not have a significant impact on biodiversity, including predicted populations of threatened species and threatened ecological communities. However, mitigation measures are to be undertaken during the construction and operational phases, including managing the vegetation clearing process, weed management, and installation of erosion and sediment controls as appropriate. The BAR contains detailed environmental safeguards that are recommended for implementation (refer Table 7-1 within the BAR). Consequently, the following Identified Requirements will be placed in the approval.

- **Identified Requirement No. 11** has been applied to require the removal of trees is carried out within the boundaries of the site. Tree No.s 72, 73 and 74 are required to be retained and protected.
- **Identified Requirement No. 43** has been applied to ensure that the retained trees and other vegetation are protected in accordance with the recommendations contained within the Arboricultural Impact Assessment Report and Biodiversity Assessment Report.
- **Identified Requirement No. 44** has been applied to ensure that prior to any construction works on the land, a fenced exclusion zone area to be designed and erected around the area identified to include ecologically endangered vegetation PCT 26 in accordance with the Biodiversity Assessment Report, which includes Tree No.s 72, 73 and 74 as identified in the Arboricultural Assessment Report.
- **Identified Requirements (No.45 and 61)** have been applied to ensure mitigation measures and avoidance recommendations within the Biodiversity Assessment Report are complied with, prior and during any construction works on the land.
- **Identified Requirement No.84** has been applied to require that part of the land in between Lot 205 and 233 in the Subdivision Plan (marked as PCT 26 in the Biodiversity Report) to be dedicated to Forbes Shire Council.

8.6 Heritage (European / Indigenous)

Existing Environment

Searches were undertaken of Local, State and National Heritage registers. These show that no item of European heritage is located on or in close proximity to the site.

Aboriginal Heritage

An Aboriginal Due Diligence (ADD) Assessment was prepared by Ozark (dated January 2024) (**Appendix E**). The assessment found that the proposed works will have an impact on the ground surface; however, no Aboriginal objects or intact archaeological deposits will be harmed by the proposal and as such an Aboriginal Heritage Impact Permit is not necessary.

Management recommendations are included as mitigation measures.

To ensure the greatest possible protection to the area's Aboriginal cultural heritage values, the following recommendations are made in the Aboriginal Due Diligence (ADD) Assessment (**Appendix E**):

1. *The proposed work may proceed at the study area without further archaeological investigation under the following conditions:*
 - a. *All land and ground disturbance activities must be confined to within the study area. Should the parameters of the proposal extend beyond the assessed areas, then further archaeological assessment may be required.*
 - b. *All staff and contractors involved in the proposed work should be made aware of the legislative protection requirements for all Aboriginal sites and objects.*
2. *This assessment has concluded that there is a low likelihood that the proposed work will adversely harm Aboriginal cultural heritage items or sites. If during works, however, Aboriginal artefacts or skeletal material are noted, all work should cease and the procedures in the Unanticipated Finds Protocol (Appendix 3) should be followed.*
3. *Inductions for work crews should include a cultural heritage awareness procedure to ensure they recognise Aboriginal artefacts and are aware of the legislative protection of Aboriginal objects under the National Parks & Wildlife Act 1974 and the contents of the Unanticipated Finds Protocol.*
4. *The information presented here meets the requirements of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. It should be retained as shelf documentation for five years as it may be used to support a defence against prosecution in the event of unanticipated harm to Aboriginal objects.*

Mitigation Measures

Standard **Identified Requirements Nos. 56 & 57** have been applied should any cultural heritage relics be discovered on the site during excavation / construction.

Identified Requirement No. 62 has been applied in the approval to keep a copy of the Aboriginal Due Diligence report listed in Identified Requirement No.1, and any subsequent due diligence investigations on site, and if requested, supplied to the relevant government agency as proof of compliance with the Due Diligence Code of Practice.

8.7 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

A Preliminary Geotechnical Investigation Report, prepared by EP Risk dated 15 May 2025 (**Appendix K**) indicates the following:

- Based on the lithology of the site, soil with various components of silt sand and clay would be expected to predominate. Colluvial soils will likely be siltier and sandier in nature and the residual soils having higher clay contents. Shallow rock can be expected across the site.

Mitigation Measures

An **Identified Requirement No.78** will be included require a geotechnical investigation be carried out to confirm the soil type for each lot, prior to the issue of the subdivision certificate.

Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, the site does not refer to the presence of Acid Sulfate Soil on this land identified under FLEP 2013. In addition, the Geotechnical Investigation Report (**Appendix K**) has confirmed that site is not located within an area mapped as an Acid Sulfate soil risk area. A search of the Atlas of Australian ASS database completed by Lotsearch (2023) identifies the Site to be within a Class C category for Acid Sulfate soils. The Class C category is considered to have an extremely low probability of ASS occurrence (1-5% chance) of occurrence.

Mitigation Measures

No mitigation measures are required.

Salinity / Asbestos

As outlined within the Preliminary Site Investigation report undertaken by EP Risk dated 16 May 2025 (**Appendix G**), Dryland Salinity Data was sourced from Lotsearch (2023) which indicated that the site is not located within an area of Dryland Salinity. Further, no reported naturally occurring asbestos potential has been identified within 1km of the site.

Mitigation Measures

No mitigation measures are required.

Contamination

The site had been identified through early studies as having highlights the potential for contamination given historical land uses, with the site historically utilised for travelling stock during 1890, and gravel pit from 1899 to 1972. A Preliminary Site Investigation report was prepared by EP Risk dated 16 May 2025 (**Appendix G**) which considers the results of soil sampling with 12 test pits being advanced. Based on the results of the investigation, the following was concluded:

- No exceedances to the adopted ecological or human health assessment criteria were observed for soil tested at the site.

While contamination at a level warranting management or remediation was not identified, mitigation measures are recommended to meet industry best practice during development activities including the following:

- Anthropogenic material from the suspected fly tipping should be removed from the site prior to any vegetation clearance or earthworks activities.
- If these electrical power pole butts are to be removed offsite, the material should be assessed in accordance with Part 10 and Clause 101 of the Protection of the Environment Operations (Waste) Regulation 2014, where the NSW EPA has issued general immobilisation approvals by notice in the Gazette for treated timber power poles including Tanalith E, Copper-Chrome Arsenate (CCA) and Creosote treated timber waste.

An unexpected finds protocol is also recommended to be implemented during redevelopment to address any unidentified contamination that may be encountered during the proposed redevelopment works.

Mitigation Measures

Based upon the findings of the Preliminary Site Investigation report and assessment against the *draft Contaminated Land Planning Guidelines*, the following Identified Requirements will be placed in the approval.

Identified Requirement No.1 includes the Preliminary Geotechnical Report and all recommendations are required to be adhered to.

Identified Requirement No. 49 has been applied in the approval to remove any anthropogenic material from historical use of the site and fly tipping, prior to any commencement of works.

Identified Requirement No. 55 has been recommended to cover the possibility of discovering site contamination during demolition/ construction works.

8.8 Drainage / Flood Prone Land / Hydrology / Water Quality

The results of this report confirm that the stormwater management objectives in relation to stormwater detention and water quality can be upheld. Peak stormwater discharges will be managed by a proposed detention basin located on adjoining land owned by Council (part of Lot 1 in DP1077961), in addition to 'leaky' rainwater tanks provided on each lot, thereby generally limiting peak development flow rates to below pre-developed flow rates. It's considered that this system mitigates impacts on the environment associated with peak flow rates of stormwater runoff from the proposed development.

A stormwater quality model, comprising of rainwater tanks, gross pollutant traps, a sediment basin and a drainage swale was developed and assessed through nutrient control modelling. The proposed treatment train approach achieved satisfactory reductions in pollutant loads, thereby mitigating impacts on the downstream environment associated with the quality of stormwater runoff from the proposed development.

To ensure downstream waters and adjacent properties are protected, appropriate erosion and sediment controls are to be undertaken during construction. Controls are to be implemented and monitored in accordance with Landcom's 'Blue Book' and Council's Manual of Engineering Standards.

Council's ownership and ongoing maintenance obligations for the stormwater network within the proposed public roads, along with the proposed SMF, ensures that long-term impacts on the environment as a result of stormwater runoff from the development can be mitigated.

As part of the proposal, a license agreement will be prepared between LAHC and Council confirming that the detention basin will be maintained by LAHC for a period of 12 months upon construction and handed over to Council for future management and maintenance.

The site is not listed on the Section 10.7 Certificates as being flood affected.

Mitigation Measures

Identified requirements No. 8, 16, 19, 25, 48 and 83 have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

Identified Requirement No. 19 has been included to prepare a license agreement between LAHC and Council confirming that the detention basin will be constructed and maintained for a period of 12 months upon construction by LAHC and handed over to Council for future maintenance.

8.9 Bushfire Prone Land

The site is not mapped as bushfire prone land. However, due to the location and characteristics of the site being vacant grassland, confirmation was sought from a Bushfire Planning and Design (BPAD) accredited practitioner by way of a Bushfire Prone Land Map Statement who confirmed that:

- The site is not mapped as being bushfire prone land on Forbes Shire Council Bushfire Prone Land Map;
- A residential subdivision application would not be captured under section 100b of the Rural Fires Act 1997 and subsequently the NSW Rural Fire Service would not be a consent authority.

A copy of the Bushfire Prone Land Statement is at **Appendix F**.

Mitigation Measures

No mitigation measures are required.

8.10 Noise and Vibration

Existing Environment

The site is located on the periphery of an established low density residential area within Forbes. The area is identified as the Moreton Street Release growth area and will be in transition over the next 20 years for development purposes and expansion of the town of Forbes.

The acoustic environment at this location would be subjected by traffic within the established residential area with the most sensitive receivers located to the north (residential properties along Watson Close), east and south of the site.

During Construction - During demolition/construction typical noise levels associated with demolition/ building works will be generated within the hours of 7am to 5pm Monday to Saturday, consistent with the requirements of Complying Development across NSW.

During Occupation - Noise generated when the proposed development is completed and occupied will be entirely in keeping with their residential surroundings. No major plant or equipment, which would generate unacceptable noise during occupation, will be installed in the proposed development.

It is expected that future dwellings will be constructed to comply with the deemed-to-comply provisions of the Building Code of Australia with respect to noise transmission.

Mitigation Measures

Demolition/construction noise will be controlled to within acceptable limits by sound attenuation measures and undertaking construction activities within EPA/local council requirements.

Identified Requirement No. 67 have been applied to ensure compliance with the above mitigation measures.

8.11 Air Quality

Temporary and localised air quality impacts including dust, smoke, grit, odours, and fumes might be generated during the excavation of the site and, proposed subdivision and earthworks as well as future construction of dwellings.

Mitigation Measures

Standard Identified Requirements No. 71 and 72 have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

8.12 Waste Minimisation

The following waste minimisation and management measures have been identified and are to be considered in conjunction with the specific details, including the estimated quantities of waste, provided in the final waste management plan to be prepared by the demolition/building contractor.

During Construction - Construction materials must be stored wholly within the site prior to removal for recycling or disposal. Construction materials waste must be removed from the site to an approved waste management facility or shall be recycled as follows:

- bricks and concrete to be transported to building recycling facility;
- timber shall be sent to second hand suppliers;
- timber scrap shall be reused for chip for landscaping;
- metal offcuts shall be recycled wherever possible; and

- packaging shall be recycled wherever possible.

During Occupation - This assessment is for the subdivision works only. There will be no foreseeable ongoing waste management requirements following the completion of this scope of the works. The road layout has been designed and sized appropriately to accommodate access by waste collection vehicles. Future residential waste management will be considered during the design process for the residential dwellings.

Mitigation Measures

Identified Requirements No. 46, 60 & 73 are recommended to ensure construction waste is appropriately managed and disposed of and the preparation of a final waste management plan for construction.

8.13 Resource Use & Availability

The proposed activity is not likely to result in any discernible depletion or degradation of natural resources. The likely materials and resources for road surfacing and concrete associated with the proposed works are expected to involve:

- Asphalt (New roads and road widening) – approximately 16,875m² (assumed 25mm thick) / approximately 421m³.
- Concrete (Footpaths –2146m² (assumed 120mm avg thickness) / approximately 257m³.

Mitigation Measures

No additional mitigation measures are required.

8.14 Community / Social Effects

The proposed subdivision to provide future residential dwellings will generate a number of positive community and social effects, including:

- Provide LAHC with allotments which will assist in meeting its significant, long standing and continually growing demand for social housing in the Forbes local government and surrounding area;
- contribute to the supply of residential allotments facilitating subsequent housing in Forbes of which there is an identified need for 1,819 dwellings by 2041; and

Mitigation Measures

No mitigation measures are required.

8.15 Economic Impact

The proposed subdivision will contribute to a range of economic benefits in the Forbes local government and surrounding areas through:

- more efficient use of land resources, existing infrastructure and existing services;
- local sourcing of construction materials, where possible; and
- the local sourcing of tradespeople and other construction-related professionals, where possible.

Mitigation Measures

No mitigation measures are required.

8.16 Cumulative Impact Assessment

There is potential for cumulative impacts to occur in the event of concurrent development. This would largely be limited to construction traffic on the local road network and may result in an increase of noise emissions and air quality impacts, particularly during the specific construction phases of each project. However, the severity of these cumulative impacts will be dependent on the number of works that are undertaken at one time and their proximity to the subject site. Cumulative effects in construction are not expected to be significant and will be negligible once construction works have been completed.

The future provision of housing is likely to have a cumulative impact on local traffic. This has been addressed in **Section 8.2**.

Mitigation Measures

No mitigation measures are required.

9 Conclusion

9.1 Summary of Key Issues Raised in Assessment

The proposed activity has been demonstrated to be compatible within its surrounding residential environment. Following a review of the site constraints, it has been determined that the subject land does contain significant environmental features, the impact upon which can be appropriately mitigated, and that there are no key issues that have been identified that require further assessment.

A key environmental constraint that arose during the assessment of the activity was the mapped threatened species that is located at the end of Morton Street within the site. These trees have been excluded from the development site in order to ensure their protection.

One minor, non-perennial Strahler first order stream crosses the southwestern edge of the site. The Biodiversity Report confirmed that there is no threatened fish species or threatened populations are predicted to occur within the subject site. Mitigation measures and recommendations stated in the report will ensure that any impacts on the watercourse are minor. The Minister of Agriculture was notified under Section 199 of the Fisheries Management Act for dredging and reclamation works and no matters were raised that were required to be addressed.

A site investigation was undertaken to investigate any contamination issues which concluded that there are no exceedances to the adopted ecological or human health assessment criteria were observed for soil tested at the site. Recommendation and mitigation measures have been included to address any unidentified contamination that may be encountered.

Stormwater infrastructure including a detention basin has been proposed to satisfactorily address the impacts from the proposal.

The proposed subdivision is consistent with the desired future expansion of Forbes as addressed in Forbes Housing Strategy 2021-2041. The development will have an overall positive socio-economic impact for the region, achieved through job creation during construction of the subdivision and the provision of future dwellings including diverse and affordable housing types. The proposed subdivision will also play a crucial role in meeting the housing needs of the region as identified by the Central West and Orana Regional Plan (published by Department of Planning and Environment (DPE), 2022).

The proposed activity has been considered in terms of the provisions of Section 5.5 of the EP&A Act and Section 171 of the EP&A Regulation. Following an analysis of the potential impacts associated with the proposed activity it was determined that an environmental impact statement is not required.

As demonstrated in this REF, the proposed activity is considered to be consistent with the relevant objectives and standards set out in the Housing SEPP, Transport and Infrastructure SEPP and Forbes LEP 2013.

In addition, and as demonstrated by the assessment undertaken in this REF, the proposed activity will have minor environmental impacts that can be mitigated to an acceptable level in accordance with current applicable standards, and importantly, will have a number of positive environmental, economic and social effects as the development will provide new housing supply and opportunity to the area, introduce new landscaping and trees and add construction stimulus to the area.

The proposed subdivision will provide residential allotments providing opportunities for LAHC to meet the increasing demand for social and affordable dwellings in the local area. The subdivision will also provide additional residential allotments to the private market. Therefore, the proposed development is in the public interest.

9.2 Recommendations

Given the above Review of Environmental Factors, it is recommended that LAHC proceed with the proposed activity subject to the implementation of the Identified Requirements listed in the ***Activity Determination*** accompanying this REF.

10. Appendices

10.1.1 APPENDIX A – SUBDIVISION PLAN

10.1.2 APPENDIX B – LANDSCAPE PLANS

10.1.3 APPENDIX C – SECTION 10.7 PLANNING CERTIFICATES

10.1.4 APPENDIX D – SITE SURVEY

10.1.5 APPENDIX E – ABORIGINAL DUE DILIGENCE ASSESSMENT

10.1.6 APPENDIX F – BUSHFIRE STATEMENT

10.1.7 APPENDIX G – PRELIMINARY SITE INVESTIGATION
(CONTAMINATION) REPORT

10.1.8 APPENDIX H – BIODIVERSITY ASSESSMENT REPORT

10.1.9 APPENDIX I – CIVIL PLANS

10.1.10 APPENDIX J – STORMWATER MANAGEMENT PLAN

10.1.11 APPENDIX K – PRELIMINARY SITE INVESTIGATION (GEOTECHNICAL)
REPORT

10.1.12 APPENDIX L – TRAFFIC IMPACT ASSESSMENT

10.1.13 APPENDIX M – TRAFFIC IMPACT ADDENDUM LETTER

10.1.14 APPENDIX N – ARBORICULTURAL IMPACT ASSESSMENT

10.1.15 APPENDIX O – STATUTORY NOTIFICATION TO COUNCIL AND
RESPONSE

10.1.16 APPENDIX P – TITLE SEARCH AND DEPOSITED PLANS

10.1.17 APPENDIX Q – SATISFACTORY ARRANGEMENT FOR STATE PUBLIC
INFRASTRUCTURE PROVISION

10.1.18 APPENDIX R – OWNERS CONSENT - COUNCIL

10.1.19 APPENDIX S – STATUTORY NOTIFICATIONS TO OTHER AUTHORITIES

10.1.20 APPENDIX T – DESIGN CERTIFICATE FOR NEW STORMWATER
DETENTION BASIN