

Supplementary Information

The purpose of this report is to complement the Planning Proposal prepared by Geolyse on behalf of the proponents of the proposal.

Introduction

Summary of Planning Proposal

The planning proposal relates to the minimum lot size of 23 and 25 Lower Wambat Street, Lots 4 and 3 DP 618865. Currently, the lots have a split Minimum Lot Size of both 10 hectares and 2 hectares. The Planning Proposal seeks to have a single minimum lot size of 2 hectares.

Part 1 – Objectives and Intended Outcomes

The objective and intended outcome of this planning proposal is to allow the potential for the subdivision of the subject land.

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

Part 2 – Explanation of the Proposal

The proposed outcome will be achieved by amending the map LSZ_005AB in the *Forbes Local Environmental Plan 2013* as it applies to the subject land.

Part 3 – Justification

Section A – Need for the Planning Proposal

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

Please refer to Section 4.1.1 of the Planning Proposal.

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

Please refer to Section 4.1.2 of the Planning Proposal.

Section B – Relationship to the Strategic Planning Framework

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

Please refer to Section 4.2.1 of the Planning Proposal.

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

The proposal is consistent with the following clauses of Councils Community Strategic Plan 2018 – 2028:

- RU2 Develop appropriate landuse planning measures that facilitate diversity and choice in housing and in rural and urban living
- 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

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

The proposal is generally consistent with applicable State Environmental Planning Policies (SEPPs). Please refer to Section 4.2.3 of the Planning Proposal. Further information is provided in Appendix A of this report.

6. Is the planning proposal consistent with the applicable Ministerial Directions (s9.1 directions)?

The proposal is generally consistent with the applicable Ministerial Directions issued under Section 9.1 of the *Environmental Planning and Assessment Act 1979*. Further information is provided in Appendix B.

The proposal seeks two exemptions to Ministerial Directions as follows.

4.3 Flood Prone Land

The Planning Proposal recommends a change in minimum lot size to 2ha in land that is flood liable. The southern portion of the block is zoned High Hazard Floodway, while the northern portion of the block is zoned Low Hazard Flood Storage. As the objectives of the proposal is to allow for subdivision for the purpose of dwelling houses Chapter 3 of the Forbes Development Control Plan 2013 applies.

The Schedule 3 of Chapter 4 of the Forbes DCP prohibits the building of new homes in High Hazard Flood Storage or High Hazard Floodway flood zones. In practice, this means that if a subdivision were to occur on the subject land, a dwelling would only be able to be built in the Low Hazard Flood Storage portion of the land.

The controls for dwellings in Low Hazard Flood Storage are enshrined in Chapter 4 of the Forbes DCP which states:

- “Habitable floor levels to be equal to or greater than the Adopted Flood Level plus 0.5m freeboard.”
- “All structures to have flood compatible building and components below the Adopted Flood Level.”
- “Applicant to demonstrate that any structure can withstand the forces of floodwater, debris and buoyancy up to and including the Adopted flood.”
- “The development is to be consistent with any relevant flood evacuation strategy.”
- “Development shall not block the conveyance of floodwaters across the floodplain.”
- “Filling of a maximum of a 1/3 of allotment up to 0.5m above the adopted flood level permitted provided this does not result in any significant effect on the conveyance of flood waters or flood levels.”
- “No external storage of materials below the design floor level which may cause pollution or be potentially hazardous during any flood.”

It is believed that the controls within the Forbes Shire Council DCP are adequate to manage any issues relating to development in flood prone land.

Section C – Environmental, social and economic impact

- 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?**

Please refer to section 4.3.1 of the Planning Proposal.

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

Please refer to Section 4.3.2 of the Planning Proposal.

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

Please refer to Section 4.3.3 of the Planning Proposal.

Section D – State and Commonwealth Interests

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

The existing lot is serviced by vehicular access off Lower Wambat Street and electricity. The site is serviced by reticulated water and the applicant has committed to extended the reticulated sewer line at full cost.

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

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

Part 4 – Mapping

Lot size map LSZ_005AB will need to be amended as a result of this proposal. Council requests the assistance of Department of Planning and Environment in making these maps.

Part 5 – Community Consultation

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

Part 6 – Timeline

Plan making step	Estimated completion
Gateway Determination	May 2019
Government Agency Consultation	July 2019
Public Exhibition Period	September 2019

Public hearing	N/A
Submissions Assessment	September 2019
RPA Assessment of Planning Proposal and Exhibition Outcomes	September 2019
Submission of Endorsed LEP to DP&E for Finalisation	October 2019
RPA Decision to make the LEP amendment (delegated)	November 2019
Forwarding LEP Amendment to DP&E for Notification (delegated)	November 2019

Appendix A – State Environmental Planning Policy Checklist

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

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

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

Appendix C – Section 9.1 Direction Checklist

State Environmental Planning Policy (SEPP) Checklist Planning Proposal – Service Stations and Highway Service Centres in the SP3 Tourism zone; Forbes Local Environmental Plan 2013	
Direction	Planning Proposal Compliance
1. Employment and Resources	
1.1 Business and Industrial Zones	Does not apply to this planning proposal
1.2 Rural Zones	Does not apply to this planning proposal
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply to this planning proposal
1.4 Oyster Aquaculture	Does not apply to this planning proposal
1.5 Rural Land	Does not apply to this planning proposal
2. Environment and Heritage	
2.1 Environmental Protection Zones	Consistent. The planning proposal is not expected to affect or alter existing environmentally sensitive areas as discussed above.
2.2 Coastal Protection	Does not apply to this planning proposal
2.3 Heritage Conservation	Consistent. The effects of this planning proposal will not directly affect or change the existing requirements for heritage management and conservation in the LEP.
2.4 Recreation Vehicle Areas	Consistent. The proposed amendment will not affect development for the purpose of a recreational vehicle area.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. Development will not occur until land is adequately serviced.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. The planning proposal will not affect development potential for caravan parks.
3.3 Home Occupations	Consistent. The planning proposal will not impact the permissibility of home occupations.
3.4 Integrating Land Use and Transport	Consistent.
3.5 Development Near Licensed Aerodromes	Does not apply to this planning proposal
3.6 Shooting Ranges	Does not apply to this planning proposal
4. Hazard and Risk	
4.1 Acid Sulphate Soils	Does not apply to this planning proposal
4.2 Mine Subsidence and Unstable Land	Consistent. This planning proposal will not affect land within a mine subsidence district or that has been identified as unstable.
4.3 Flood Prone Land	Inconsistent, however, sufficient justification included within the Planning Proposal.
4.4 Planning for Bushfire Protection	Consistent. The subject land is not bushfire prone.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Planning policy complies with the relevant regional strategy as discussed in Section B.

5.2 Sydney Drinking Water Catchment	Does not apply to this planning proposal
5.3 Farmland of State and Regional Significance on NSW Far North Coast	Does not apply to this planning proposal
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to this planning proposal
5.5 Development in the vicinity of Ellalong, Paxton and Millfield	Revoked 18 June 2010
5.6 Sydney to Canberra Corridor	Revoked 10 July 2008, see amended direction 5.1
5.7 Central Coast	Revoked 10 July 2000, see amended direction 5.1
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to this planning proposal
5.9 North West Rail Link Corridor Strategy	Does not apply to this planning proposal
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. This proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.
6.2 Reserving Land for Public Purposes	Consistent. This planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes nor does it propose to reserve land for a public purpose.
6.3 Site Specific Provisions	Consistent.
7. Metropolitan Planning	
7.1 Implementation of Metropolitan Strategy	Does not apply to this planning proposal
7.2 Implementation of Greater Macarthur Land Release Investigation	Does not apply to this planning proposal