

FORBES SHIRE COUNCIL 2021 HOUSEKEEPING PROPOSAL

PLANNING PROPOSAL – FORBES LOCAL ENVIRONMENTAL PLAN 2013



Introduction

This Planning Proposal proposes two minor amendments to the Forbes Local Environmental Plan 2013 (FLEP 2013) that are designed to:

1. Reflect changes in circumstances within the Forbes Shire that require a Planning Proposal to be rectified;
2. Rectify unintended consequences of the operation of FLEP 2013; and
3. Implement actions contained within endorsed strategies of Council, particularly the Forbes Local Strategic Planning Statement 2040.

The matters involved in this proposal are:

1. An amendment to Clause 4.2E Boundary readjustments in certain rural zones to include the zone R5 Large Lot Residential;
2. A new clause to allow subdivision in land with split minimum lot sizes in certain areas.

These matters have been raised following a review of the *Forbes Local Environmental Plan 2013* resulting from the preparation of the *Forbes Local Strategic Planning Statement*.

Part 1 – Objectives and Intended Outcomes

This Planning Proposal proposes two amendments to the Forbes Local Environmental Plan 2013 (FLEP 2013). The overarching objectives are as follows:

4. Reflect changes in circumstances within the Forbes Shire that require a Planning Proposal to be rectified;
5. Rectify unintended consequences of the operation of FLEP 2013; and
6. Implement actions contained within endorsed strategies of Council, particularly the Forbes Local Strategic Planning Statement 2040.

Clause 4.2E Amendment

The objective of this proposal is to accommodate boundary readjustments for lots less than the minimum lot size in the R5 Large Lot Residential Zone in certain areas. Clause 4.2E of the *Forbes Local Environmental Plan* currently allows boundary adjustments in zones RU1 Primary Production and RU4 Small Lot Primary Production so long as Council is satisfied that:

- a) the subdivision will not create additional lots or the opportunity for additional dwellings, and
- b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and
- c) the potential for land use conflict will not be increased as a result of the subdivision, and
- d) the agricultural viability of the land will not be adversely affected as a result of the subdivision.

The proposed amendment seeks to include the zone R5 Large Lot Residential to this clause, or alternatively create a new clause that achieves the same outcome.

Council's interpretation of the legislation is that if a lot in R5 Large Lot Residential is less than the minimum lot size there is no provision for a boundary adjustment to occur. Rural zones may make use of Clause 4.2E for this scenario, while R1 General Residential may make use of *Clause 4.6 Variations to development standards*. A mechanism needs to be provided for the R5 zone as it is an outlier in this situation, and its inclusion within Clause 4.2E is seen as the natural way forward.

Split minimum lot sizes

The objective of this proposal is:

- a) To allow the subdivision of lots with split minimum lot sizes, so long as a dwelling may only be located on the smaller of the minimum lot sizes and outside of High Hazard land;
- b) To minimise staff time of both Council and Department of Planning, Infrastructure and Environment in assessing spot rezoning in these circumstances

In the last two years, Council has assessed and completed two Planning Proposals to allow the subdivision of lots that have split minimum lot sizes (PP-2020-2431 and PP-2020-3289). In these instances, the lots had minimum lot sizes with an area of 2 hectares and 10 hectares respectively. The intent of these planning proposals was to allow the subdivision of the land to comply with the 2 hectare minimum lot size, so long as the dwelling shall only be placed on the land that is 2 hectares. These two planning proposals resulted in Clause 7.9 Subdivision of certain land in Forbes of the *FLEP 2013*.

The intent of this proposal is to introduce a new clause that prevents further "spot rezonings" of properties in similar circumstances.

As an example, Lot 14 DP 811626, College Road, Forbes, has two minimum lot sizes. The westerly portion of the lot has a minimum lot size of 2 hectares, and the easterly portion has a minimum lot

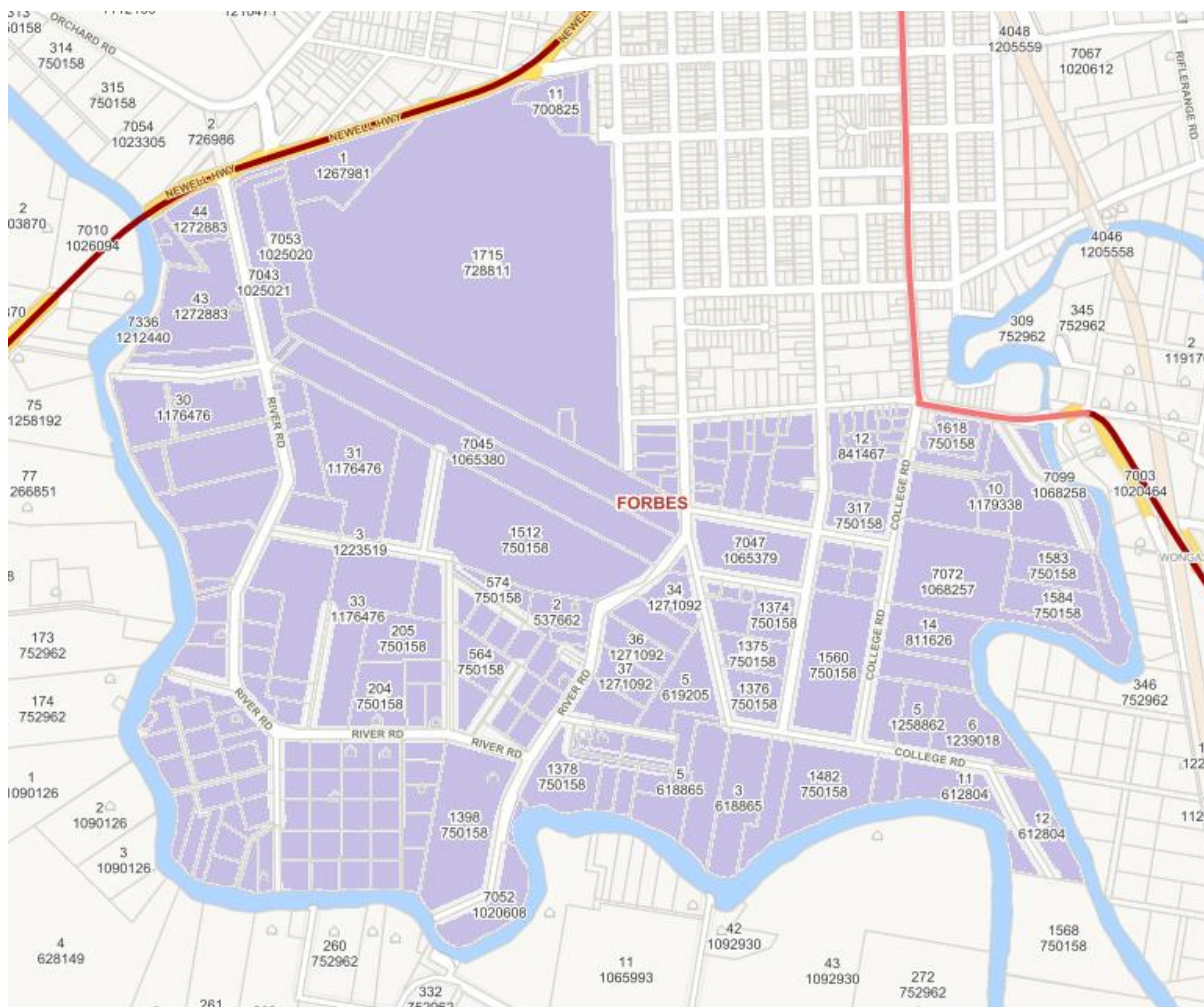
size of 10 hectares. The lot is 4.1 hectares in size. This would be an appropriate scenario to create two 2ha lots of land, and prevent a dwelling going into the portion of land designated 10 hectares. It is expected that similar standards to Clause 7.9 would apply.



As part of discussions with Department of Planning, Industry and Environment through the Gateway Process, it has been determined as best practice to apply this clause only to areas supported by a Strategic Study. This has been narrowed down to the “River Road Area”, mapped below.

The purpose of this is to minimise any unintended consequences from having the clause apply as a blanket clause across the Shire. River Road has been chosen as it is the only area in Forbes, at this stage, that has multiple lots subject to split minimum lot size due to varying flood risks. The proposal will allow the rational use of the land in the River Road area while preventing any residential development in the High Hazard portion of the land.

It is intended that the area may be expanded as part of future Strategies and Planning Proposals



Part 2 – Explanation of Provisions

Clause 4.2E Amendment

This planning proposal seeks to include R5 Large Lot Residential in Clause 4.2E.

Split minimum lot sizes

This proposal seeks to create a new clause which allows the subdivision of certain land with split minimum lot sizes to comply with the smaller of the two minimum lot sizes, so long as a dwelling can only be placed on the smaller of the two minimum lot sizes and outside of high hazard flood liable land.

The clause should include the following provisions:

- a) Applies to areas within Forbes Local Environmental Plan 2013 that has more than one Minimum Lot Size;
- b) All resulting lots should not be less than the smallest of the minimum lot sizes;
- c) On any lot resulting from the use of this clause, a dwelling may not be approved in the portion of land with a higher minimum lot size; and
- d) A dwelling on any resulting lot may not be approved in land designated as *High Hazard* flooding in accordance with the relevant flood study for the land.

It was considered as to whether this clause should apply to all areas of the LGA to completely minimise spot-rezoning of this clause. However, it has been determined that “River Road Area” is the only large block of R5 Large Residential lots in the Forbes area that will be suitable for this proposal. This will also manage any potential negative impacts of having this clause used on an

unsuitable site that is not within the “River Road Area”. It can be observed that there are very few R5 Large Residential lots outside of the intended area that could require this clause when subdividing. Thus, this planning proposal will only apply in one certain area of the LGA.

Part 3 – Justification

Section A – Need for the Planning Proposal

Is the Planning Proposal a result of any strategic study or report?

Clause 4.2E Amendment

No. This is a minor amendment resulting from a scenario in our LEP where all land zones may be subject to boundary readjustments if they are less than the minimum lot size, except R5 Large Lot Residential.

Split minimum lot sizes

No. However, the Forbes LSPS states that:

“Forbes acknowledges that identifying future land release areas is a complex process with many varying factors. The Shire’s most valuable environmental asset, the Lachlan River, is what makes Forbes a great place to live and Council acknowledges that residential land within proximity to the Lachlan River is highly desirable. This land however is often constrained by flood liability, reactive soils and groundwater vulnerability. The Shire will work with the community and stakeholder to ensure residential growth occurs in desirable areas while balancing environmental constraints.”

Council is aware there is a problem with managing split minimum lot sizes, due to the number of enquiries and the spot rezonings we have experienced in the recent past. As the two previous spot rezonings of this nature were in close proximity to the Lachlan River, this section of the LSPS speaks to the ongoing problem of complex land use controls around the area resulting from flooding.

This Clause is a sound solution to the problem of split minimum lot sizes in certain areas, as the proposed requirement that any dwelling be placed in the smaller of the two minimum lot sizes and outside of High Hazard flood liable land will prevent any environmental impact. As an example, Lot 14 DP 811626, College Road, Forbes has a split minimum lot size as the 10 hectare portion of land was designated as *High Hazard Floodway* in the now superseded flood study. The 2 hectare MLS portion of land was designated as *Low Hazard Flood Storage*. The 2020 Flood Study amended the vast majority of the block to *Low Hazard Flood Fringe*, a lower category, and only a small portion as *High Hazard Floodway*. The proposed clause would allow suitable development on this block while preventing development in the Floodway as it would prevent a dwelling being placed on the 10ha portion of land.

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

The planning proposal is the best means of achieving the intended outcome.

Not proceeding with each planning proposal within the “River Road Area” would continue to create conflict and errors in our LEP and cause delays in the planning system for the community. Each change requires an amendment to the land use table or LEP clause, and is either supported by the Local Strategic Planning Statement, and/or amending an error or ongoing concern. It is understood that if there are any planning proposals that relate to outside of the “River Road Area” it would cause the issues just stated. There are unsuitable lots in Forbes Shire outside the intended area that would have negative implications to rural areas, concerning noise and air pollution if they were

included within this planning proposal. Thus, proceeding with a planning proposal for only the “River Road Area” is the best means of achieving the intended outcome.

Section B – Relationship to the strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy.

Clause 4.2E Amendment

This proposal is not inconsistent with the Central West and Orana Regional Plan, and is mostly rectifying an omission of the zone in this Clause.

Council’s opinion of the legislation that if a lot in R5 Large Lot Residential is less than the minimum lot size, there is no provision for a boundary adjustment to occur. Rural zones may make use of Clause 4.2E for this scenario, while R1 General Residential may make use of Clause 4.6. A mechanism needs to be provided for the R5 zone, and its inclusion within Clause 4.2E is seen as the natural way forward.

Split minimum lot sizes

The proposal is not inconsistent with the Central West and Orana Regional Plan. It aims to provide a solution for Split Minimum Lot Sizes that have resulted in two “spot” Planning Proposals in previous years.

Is the planning proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?

Clause 4.2E Amendment

The proposal is not inconsistent with the Forbes Local Strategic Planning Statement and seeks to resolve an omission to this Clause.

Split minimum lot sizes

This proposal seeks to resolve the limitations presented by having split minimum lot sizes. Historically, this has come to head around the Lachlan River by way of two previous Planning Proposals to allow the subdivision of land near River Road. The Forbes Local Strategic Planning Statement seeks to acknowledge this complexity by stating:

“Forbes acknowledges that identifying future land release areas is a complex process with many varying factors. The Shire’s most valuable environmental asset, the Lachlan River, is what makes Forbes a great place to live and Council acknowledges that residential land within proximity to the Lachlan River is highly desirable. This land however is often constrained by flood liability, reactive soils and groundwater vulnerability. The Shire will work with the community and stakeholders to ensure residential growth occurs in desirable areas while balancing environmental constraints.

This proposal looks to resolve the tensions of split minimum lot sizes in certain areas while still managing the key environmental constraint of Flood Liability by ensuring any dwelling is only placed in the lower of the two minimum lot sizes.

Is the planning proposal consistent with applicable state environmental planning policies?

The proposals are generally consistent with applicable State Environmental Planning Policies (SEPPs). Further information is provided in Appendix B1-B4.

Is the planning proposal consistent with the applicable Ministerial Directions (9.7 Directions)?

Clause 4.2E Amendment

The proposal is generally consistent with all Ministerial Directions.

Split minimum lot sizes

The proposal is generally consistent with all Ministerial Directions. The key relevant Ministerial Direction (MD) is 4.3 Flooding.

MD4.3 Flooding applies when a planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood liable land. The proposal allows for subdivision of land that has split minimum lot sizes in certain areas, which primarily occurs in flood liable land in the Forbes Shire. Importantly, the provisions of the planning proposal require that dwellings not be approved in any land with a flooding category of High Hazard. Councils Flood Risk Management Plan allows dwelling houses in Low Hazard Flood Fringe and Low Hazard Flood Storage and the proposal is therefore consistent with MD4.3 Flooding.

Clause 4 of MD4.3 requires that the Planning Proposal include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy, the principles of the Floodplain Development Manual 2004, the Considering flooding in land use planning guidelines 2021 and any adopted flood study and/or floodplain risk management plan that applies to the land. This has been provided below.

PS21-006 *Considering flooding in land use planning: guidance and statutory requirements* states that the NSW Flood Prone Land Policy is set out in the Floodplain Development Manual 2005.

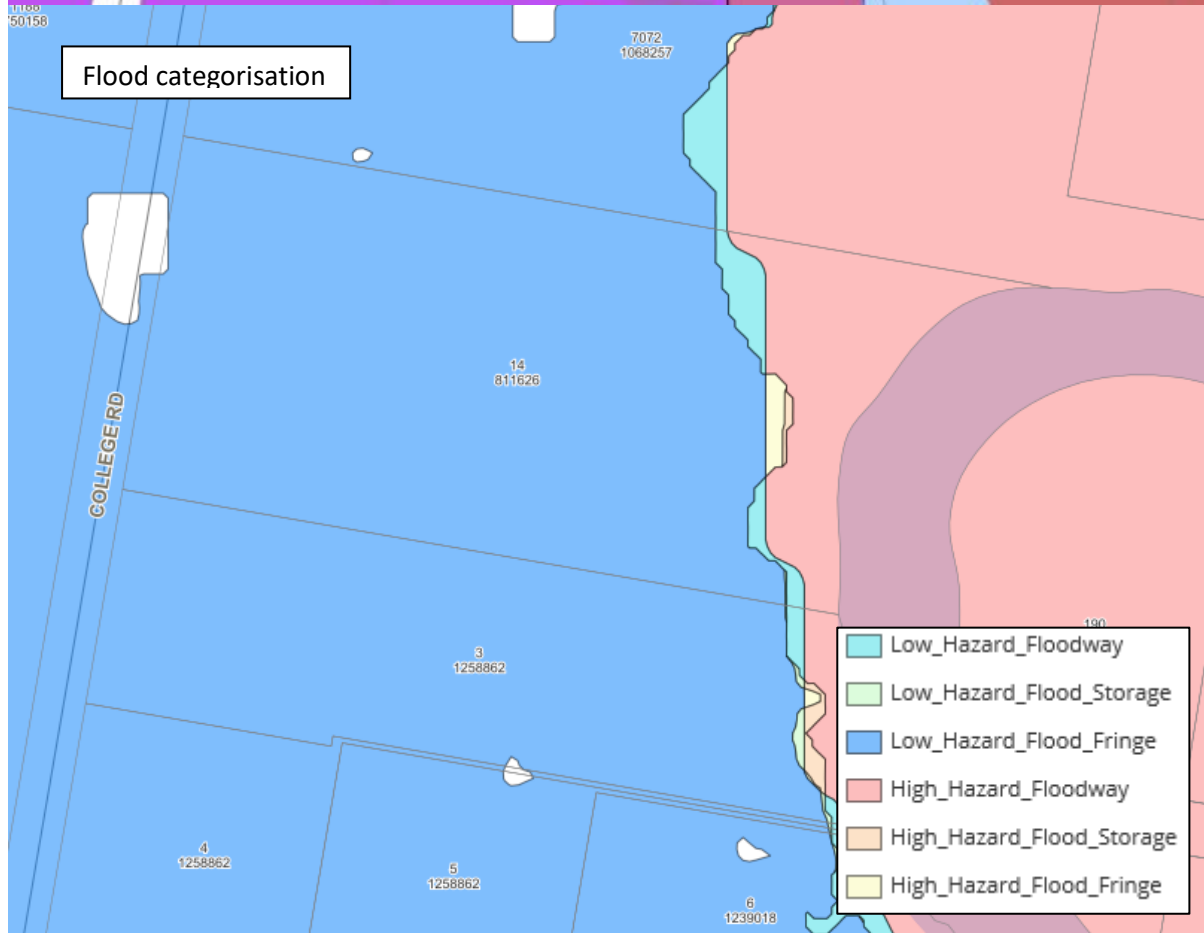
Appendix J of the Floodplain Development Manual states:

“The NSW Government Flood Prone Land policy does not support the use of zoning to unjustifiably restrict development simply because land is flood prone. Zoning of flood prone land should be based on an objective assessment of land suitability and capability, flood risk, environmental and other factors.

In many cases it is possible to develop flood prone land sympathetically to the natural characteristics of the land without resulting in undue risk to life and property.”

The planning proposal seeks to allow development of land that is flood prone in a way that takes into account the natural characteristics of the land by preventing development in the land that is High Hazard. Councils 2020 Flood Study is very detailed and identifies exactly on the property the location of High Hazard land. This clause supports development in Low Hazard land, in accordance with Councils Development Control Plan, and prevents development in high hazard land.

As an example, Lot 14 DP 811626, College Road, Forbes, has two minimum lot sizes. The westerly portion of the lot has a minimum lot size of 2 hectares, and the easterly portion has a minimum lot size of 10 hectares. The lot is 4.1 hectares in size. The below maps show the Minimum Lot Size compared to the flood categorisation and demonstrates that the proposed clause will allow some development in Low Hazard land while preventing development in High Hazard land. This is an appropriate use of land taking into account the natural characteristics of the land. Therefore, the proposal is consistent with the Floodplain Development Manual 2005.



Clause 5 states that “A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Environmental Protection Zones to a Residential, Business, Industrial or Special Purpose Zone”. The planning proposal does not propose this, and therefore the proposal complies.

Clause 6 states the following:

A planning proposal must not contain provisions which:	
Permit development in floodway areas	Not proposed
Permit development that will result in significant flood impacts to other properties	Not proposed.
Permit development for the purposes of residential accommodation in high hazard areas	Not proposed
Permit a significant increase in the development and/or dwelling density of that land	Complies. The proposal does not propose an increase in density or change in minimum lot size to flood liable land, but allows for land with split minimum lot sizes to achieve the intent of the smaller portion of land.
Permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where occupants of the development cannot effectively evacuate	Not proposed
Permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees still require development consent.	Not proposed
Are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities	Complies. The proposed subdivision does not increase density or change the minimum lot size and therefore no increase on spending is likely.
Permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.	Not proposed.

Section 7 does not apply to the proposal as Council has not adopted the Special Flood Consideration clause.

The proposal is generally consistent with the applicable Ministerial Directions issued under Section 9.7 of the *Environmental Planning and Assessment Act 1979*. Further information is provided in Appendix C1-C4.

Section C – Environmental, social and economic impact

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?

It is extremely unlikely that critical habitat or threatened species, populations or ecological communities will be adversely affected as a result of the proposal. Expanding residential permissibility in rural areas may create an impact to some habitat. However, this would be managed at Development Application stage through provisions in the Biodiversity Conservation Act, Environmental Planning and Assessment Act and Forbes Local Environmental Plan 2013.

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

There is unlikely to be any other environmental effects as a result of the planning proposal.

Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is likely to have beneficial effects on society and the economy by way of resolving a conflict created by split minimum lot sizes preventing subdivision of land and allowing Large Lot Residential land less than the minimum lot size to undertake boundary readjustments. This will support subdivisions and land releases and fulfill the intent of the Forbes Local Environmental Plan 2013.

Section D – State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

No additional public infrastructure is needed to support the planning proposal.

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

No amendments to mapping is required.

Part 5 – Community Consultation

No consultation has been undertaken in relation to this proposal to date. Public Consultation was undertaken as part of the Local Strategic Planning Statement, which is in keeping with these proposals. Future public consultation in accordance with directions in the gateway determination will be complied with.

Part 6 – Timeline

Plan making step	Estimated completion
Gateway Determination	Early November
Government Agency Consultation	November/December
Public Exhibition Period	November/December
Public hearing	NA
Submissions Assessment	January
RPA Assessment of Planning Proposal and Exhibition Outcomes	February
Submission of Endorsed LEP to DP&E for Finalisation	Late February
RPA Decision to make the LEP amendment (delegated)	March
Forwarding LEP Amendment to DP&E for Notification (delegated)	March

Appendix B – State Environmental Planning Policy Checklist

State Environmental Planning Policy (SEPP) Checklist			
Planning Proposal			
SEPP	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
SEPP 1 – Development Standards	N	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. Any impact on bushland in urban areas would be assessed during DA stage.
SEPP 21 – Caravan Parks	Y	Y	The planning proposal will not affect the implementation of this SEPP. Compliance with this SEPP would be assessed during DA stage.
SEPP 30 – Intensive Agriculture	Y	Y	The planning proposal will not affect the implementation of this SEPP. Compliance with this SEPP would be assessed during DA stage.
SEPP 33 – Hazardous and Offensive Development	Y	Y	The planning proposal will not affect the implementation of this SEPP. Compliance with this SEPP would be assessed during DA stage.
SEPP 36 – Manufactured Home Estates	Y	Y	The planning proposal will not affect the implementation of this SEPP. Compliance with this SEPP would be assessed during DA stage.
SEPP 47 – Moore Park Showground	N		Not applicable to Forbes LGA
SEPP 50 – Canal Estate Development	N		SEPP does not apply to Forbes LGA
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. Compliance with this SEPP would be assessed during DA stage.
SEPP 55 – Remediation of land	Y	Y	The planning proposal will not affect the implementation of this SEPP. Compliance with this SEPP would be assessed during DA stage.
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. Compliance with this SEPP would be assessed during DA stage.
SEPP 65 – Design Quality of Residential Apartment Development	Y	Y	The planning proposal will not affect the implementation of this SEPP. Compliance with this SEPP would be assessed during DA stage.
State Environmental Planning Policy (Aboriginal Land) 2019	N		Not applicable to Forbes LGA

State Environmental Planning Policy (Activation Precincts) 2020	N		Not applicable to Forbes LGA
SEPP 70 – Affordable Housing (Revised Schemes) 2009	N		Not applicable to Forbes LGA
SEPP (Affordable Rental Housing) 2009	Y		The planning proposal will not affect the implementation of this SEPP. Compliance with this SEPP would be assessed during DA stage.
SEPP (Building Sustainability Index: BASIX) 2004	Y	Y	The planning proposal will not affect the implementation of this SEPP. Compliance with this SEPP would be assessed during DA stage.
SEPP (Coastal Management) 2018	N		Not applicable to Forbes LGA
SEPP (Concurrences and Consents) 2018	Y	Y	The planning proposal will not affect the implementation of this SEPP. Compliance with this SEPP would be assessed during DA stage.
SEPP (Education Establishments and Child Care Facilities) 2008	Y	Y	The planning proposal will not affect the implementation of this SEPP. Compliance with this SEPP would be assessed during DA stage.
SEPP (Exempt and Complying Development Codes) 2008	Y	Y	The planning proposal will not affect the implementation of this SEPP. Compliance with this SEPP would be assessed during DA stage.
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. Compliance with this SEPP would be assessed during DA stage.
SEPP (Infrastructure) 2007	Y	Y	The planning proposal will not affect the implementation of this SEPP. Compliance with this SEPP would be assessed during DA stage.
State Environmental Planning Policy (Koala Habitat Protection) 2020	Y	Y	The planning proposal will not affect the implementation of this SEPP. Compliance with this SEPP would be assessed during DA stage.
State Environmental Planning Policy (Koala Habitat Protection) 2021	Y	Y	The planning proposal will not affect the implementation of this SEPP. Compliance with this SEPP would be assessed during DA stage.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	N		Not applicable to Forbes LGA
State Environmental Planning Policy (Kurnell Pensinsula) 1989	N		Not applicable to Forbes LGA

State Environmental Planning Policy (Major Infrastructure Corridors) 2020	N		Not applicable to the proposed areas as none of the proposed areas are future infrastructure corridors
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Y	N	The planning proposal will not affect the implementation of this SEPP. Compliance with this SEPP would be assessed during DA stage.
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N		Not applicable to Forbes LGA
State Environmental Planning Policy (Primary Production and Rural Development) 2019	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. Compliance with this SEPP would be assessed during DA stage.
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. Compliance with this SEPP would be assessed during DA stage.
State Environmental Planning Policy (Western Sydney Aerotropolis) 2020	N		Not applicable to Forbes LGA
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	
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	Consistent. The proposal does not rezone rural land. Boundary Readjustments The proposal will not increase density within a rural zone as all dwellings must be placed on the portion of land with which meets the Minimum Lot Size.
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply to this planning proposal does not propose to prohibit or restrict the potential development of coal, minerals, petroleum or extractive materials.
1.4 Oyster Aquaculture	Does not apply to this planning proposal as the proposal does not impact any Priority Oyster Aquaculture Areas.
1.5 Rural Land	Consistent. The proposal does not change the minimum lot size on rural or environmental protection land. It will not increase density of rural land as all dwellings must be placed on the portion of land with which meets the Minimum Lot Size.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Consistent. The planning proposal is not expected to affect or alter existing environmentally sensitive areas.
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	Does not apply to this planning proposal as the proposal does not propose a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Does not apply to this planning proposal as the proposal is not within the relevant LEPs.
2.6 Remediation of Contaminated Land	Does not apply to this planning proposal as no contaminated lands are being impacted.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	The proposal is consistent as it will broaden the choice of building types and locations available in the housing market in Forbes.
3.2 Caravan Parkes and Manufactured Home Estates	Does not apply to this planning proposal as the proposal does not impact the ability of caravan parks to be carried out on any land.
3.3 Home Occupations	Revoked
3.4 Integrating Land Use and Transport	This proposal is consistent as it does not change a zone in a way that would be inconsistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and The Right Place for Businesses and Services (DUAP 2001).

3.5 Development Near Regulated Airports and Defense Airfields	Does not apply to this planning proposal as it does not propose to change or alter land on or adjacent to an airport or defense airfield.
3.6 Shooting Ranges	Does not apply to this planning proposal as it does not propose to change or alter land on or adjacent to a shooting range.
3.7 Reduction in non-hosted short term rental accommodation period	Not applicable as it does not apply to Byron Shire Council.
4. Hazard and Risk	
4.1 Acid Sulphate Soils	Does not apply to this planning proposal
4.2 Mine Subsidence and Unstable Land	Does not apply to this planning proposal
4.3 Flood Prone Land	Consistent. Please refer to Section B for further commentary.
4.4 Planning for Bushfire Protection	Does not apply to this planning proposal
5. Regional Planning	
5.1 Implementation of Regional Strategies	Revoked
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
5.6 Sydney to Canberra Corridor	Revoked
5.7 Central Coast	Revoked
5.8 Second Sydney Airport: Badgerys Creek	Revoked
5.9 North West Rail Link Corridor Strategy	Does not apply to this planning proposal
5.10 Implementation of Regional Plans	The proposal is not inconsistent with the Regional Plan as they are housekeeping proposals designed to allow the smooth operation of the LEP.
5.11 Development of Aboriginal Land Council land	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	Does not apply to the planning proposal as it does not intent to allow a particular development be carried out.
7. Metropolitan Planning	

7.1 Implementation of Metropolitan Strategy	Revoked
7.2 Implementation of Greater Macarthur Land Release Investigation	Revoked
7.3 Parramatta Road Corridor Urban Transformation Strategy	Does not apply to the planning proposal
7.4 Implementation of North West Priority Growth Area Land Use Infrastructure Implementation Plan	Does not apply to the planning proposal
7.5 Implementation of Greater Parramatta Priority Growth Area Interim land Use and Infrastructure Implementation plan	Does not apply to the planning proposal
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply to the planning proposal
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Does not apply to the planning proposal
7.8 Implementation of the Western Sydney Aerotropolis Plan	Does not apply to the planning proposal
7.9 Implementation of Bayside West Precincts 2036 Plan	Does not apply to the planning proposal
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Does not apply to the planning proposal
7.11 Implementation of St Leonards and Crows Nest 2036 Plan	Does not apply to the planning proposal
7.12 Implementation of Greater Macarthur 2040	Does not apply to the planning proposal
7.13 Implementation of the Pyrmont Peninsula Place Strategy	Does not apply to the planning proposal