

20 DIRECTOR PLANNING AND GROWTH REPORT**20.3 NORTH FORBES "FORBES VIEW" PLANNING PROPOSAL****REPORT AUTHOR:** Manager Development and Planning**RESPONSIBLE OFFICER:** Director Planning and Growth

EXECUTIVE SUMMARY

Council is in receipt of a planning proposal to rezone a large portion of land in North Forbes to facilitate the development of a new residential estate known as "Forbes View". The Planning Proposal proposes to rezone the site to *R1 General Residential; C3 Environmental Conservation; E1 Local Centre and RE1 Public Recreation* to allow for a number of functions and "precincts" within the site.

This report recommends endorsement for referral to Department of Planning and Environment for Gateway Determination.

DETAILED REPORT

Council is in receipt of a development application to rezone several lots in North Forbes to facilitate a proposed residential land release named "Forbes View".

There are a number of lots associated with this site, being; Lots 830; 831; 386; 376; 1272; 387; 388; 375 and 1273 of DP 750158.

The site is a large tract of land 5 minutes north-west of the Forbes CBD equating some 95 hectares and presently zoned a mixture of RU1 Primary Production; R5 Large Lot Residential and RE1 Public Recreation (refer Figures 1 and 2 for locality map and current zoning map respectively). The objectives of the planning proposal are:

- *Plan a site that can provide for high quality residential development to meet the demand for new housing in the Forbes LGA.*
- *Respond to the current and projected growth of Forbes and the Central West region with the delivery of a diverse range of lot sizes and dwelling sizes creating diversity and choice in the housing market.*
- *Enable other land uses that provide facilities or services to meet the day to day needs of residents without detracting from major centres.*
- *Provide a high-quality urban design outcome that contributes positively to the Forbes LGA.*
- *Ensure minimal environmental impact.*
- *Ensure development is compatible with surrounding development.*

The Planning Proposal proposes to rezone the site to *R1 General Residential; C3 Environmental Conservation; E1 Local Centre and RE1 Public Recreation* to allow for a number of functions and "precincts" within the site. Refer Figure 2 for a proposed zoning plan.



Figure 1 – Locality Map



Figure 2 – Current Zone Map

Residential land – R1 General Residential

The vast majority of the land is proposed to be rezoned R1 General Residential with a staged residential land release over 10-15 years, delivering approximately 745 dwellings to Forbes. Staging will be responsive to housing and market demands of Forbes so as not to “flood” the market.

The applicant has proposed a mixture of standard and smaller minimum lot sizes than the general minimum lot size (550m²) for residential zoned land in Forbes, with a predominate mixture of 400m² and 250m² whilst maintaining some 550m² minimum lot sizes. This is to support a diversity of housing as recommended by the Forbes Housing Strategy.

Forbes has experienced considerable market growth in the last couple of years with the median sales price of a four-bedroom home climbing from \$360,000 in 2021 to \$538,000 in 2023. There is therefore a significant increased demand in the supply of housing for Forbes. There is also a further increased demand in affordable housing options, and a diversity of housing supply is key to delivering this.

The lower density housing is centred around the Neighbourhood Centre, which will ensure that the smaller lots of access to ample public outdoor space and community services.

The 400m² blocks are then staged from there. The very north of the site has a minimum lot size of 550m², in line with the majority of Forbes’ residential land, to maintain a consistent urban edge of Forbes.

Neighbourhood Centre – E1 Local Centre

The Planning Proposal proposes that a small portion of the site for the purposes of a neighbourhood centre which would provide community essentials and enhance walkability of the precinct. This has been designed to maintain the Forbes Town Centre as the commercial core of Forbes and to not compete with the Town Centre. It is proposed that the neighbourhood centre comprise of:

- A total floor space of between 2000m² and 4000m²
- Encompass a supermarket, specialised retailers, child care centre, a medical centre, and food and drink premises and a gym and/or other similar consistent uses.

Environmental Precinct - C3 Environmental Management

The C3 Environmental Management zone is an existing zone within the Forbes LEP that aims to protect land that is environmentally sensitive. In this instance, this is being used to preserve an area of high value biodiversity in the northern portion of the site. It is likely that this vegetation will be used for open space for the estate as well as to potentially host a water reservoir needed to service this development site and surrounding North Forbes land.

Recreation Precinct – RE1 Public Recreation

5.63 hectares of land has been designated for open spaces and recreational amenities, following the pathway of the “Cypress Lane Drainage Corridor”. This crucial segment of the development features a distinctive chain of ponds parkland, interwoven with shared pathways and picnic areas, all acting as the cohesive communal focal point within the masterplan and mirrors Forbes’ link to waterways and the Lake system. These integrative features aim to substantiate the development as a lifestyle-centric hub for the evolving Forbes community.



Figure 3 – Proposed Zoning



Figure 4 – Proposed Minimum Lot Size

Strategic Assessment

Council generally supports and agrees with the detailed strategic justification provided in the Planning Proposal. Further commentary is provided below.

Draft Central West and Orana Regional Plan 2041

Part 2 – A sustainable and resilient place

The proposal does propose to rezone existing RU1 Primary Production land. However, the Forbes Housing Strategy specifically identified the site as appropriate for rezoning to R1 General Residential due to its proximity to existing residential land. The site is also within 5 minutes of the Forbes CBD. It is therefore ideally positioned for the purposes of residential land uses where strategically planned and with appropriate studies, as has occurred in this instance.

The land is not flood liable or bushfire prone, and will be connected to Council's reticulated water and sewer network.

Part 3 – People, Centres, Housing and Communities

The proposal will significantly underly the delivery of housing in Forbes by guaranteeing a housing supply to meet the future population projections and the predicted 30% increase by 2041. It has also been designed with liveability in mind with the following urban design considerations:

- Provision of a local centre which will provide amenity within walking distance to the entire precinct;
- Active transport connectivity internally and externally to surrounding schools, childcares, the Town Centre and Lake Forbes; and
- Walkability being fundamental to the design of the precinct.
- Links to open space and central landscaped water course

The proposed subdivision will be a resilient community as it is not flood liable or bushfire prone. It will be connected to Council's reticulated water and sewer system. It will be close to public open space with the commitment to public open space being provided through the C3 Environmental Management zone and RE1 Public Recreation. This has the dual effect of protecting high quality biodiversity land while supporting a new liveability and active residential community.

Local Land Use Strategies

The proposal is well supported by the *Community Strategic Plan (CSP)*, *Forbes Local Strategic Planning Statement 2040 (LSPS)* and the *Forbes Housing Strategy 2041 (FHS)* respectively.

The proposal meets the following actions in the Forbes CSP:

- RU2 Develop appropriate landuse planning measures that facilitate diversity and choice in housing and in rural and urban living
- RU4 Ensure that issues of amenity and access are addressed and accounted for in local urban design and planning
- 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

The LSPS marked the subject site as a residential investigation area. The Forbes Housing Strategy masterplanned the subject site at a high concept level. This has been responded to and modified as part of the work undertaken as part of the Planning Proposal, and the major objectives of the FHS have been met.

Importantly, the proposal responds to the FHS recommendation to provide a diversity of housing by having smaller minimum lot sizes and a commitment of terrace-style housing.

Environmental Matters

Biodiversity

The Planning Proposal site includes a section of land in the north that is identified as having “high biodiversity” under the Forbes LEP 2013. The Proposal intends to retain this vegetation as a Conservation zone within the LEP. This will double as a passive outdoor recreation space for the neighbourhood.

Efforts to minimise biodiversity loss will be considered throughout the detailed design and planning stage, which will be guided by a Biodiversity Development Assessment Report (BDAR) that will need to be prepared to support the eventual Development Application.

Contamination

The Draft Contaminated Land Planning Guidelines (2019) provides a process for considering contamination issues in the Planning Proposal process. The process indicates that in this instance a detailed site investigation is required, which has been provided by the applicant. The report provides resolves that the site is suitable to progress with the Planning Proposal, with some small detailed site investigations for potentially localised contamination considered at Development Application Stage.

Council considers the contamination report acceptable so long as the recommendations are complied with.

Stormwater Flooding

A small portion of the site is impacted by low levels of stormwater flooding in major (1 in 100 ARI/1% AEP) events. This is because water can spill out of the Cypress Lane Drainage Corridor. This has been modelled extensively by the applicants who have provided indicative flood heights. The vast majority of the flood liable sites have been designed as recreational areas and therefore will not cause an impact.

Any development that may be subject to flooding will need to comply with Councils existing flood controls. In particular, any houses will need to be built 500mm above the flood height. The flooding outside of the drainage corridor is approximately 0.05-0.15 metres in depth, and would therefore see houses an additional 550 – 650mm above ground level.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

State Environmental Planning Policy	Consistency	Comment
Primary Production 2021	Yes, with comments	The proposal does propose to rezone existing RU1 Primary Production land. However, the Forbes Housing Strategy specifically identified the site as appropriate for rezoning to R1 General Residential due to its proximity to existing residential land. The site is also within 5 minutes of the Forbes CBD. It is therefore ideally positioned for the purposes of residential land uses where strategically planned and with appropriate studies, as has occurred in this instance.
Resources and Energy 2021	NA	The proposal does not propose any developments listed in this SEPP.
Resilience and Hazards 2021	Yes	The land has some localised contamination. A contamination report has been prepared which states the land can be

		remediated for the proposed uses and is acceptable to progress through the Planning Proposal.
Industry and Employment 2021	NA	The proposal does not impact any lands listed in this SEPP.
Transport and Infrastructure 2021	Yes	The SEPP provides a number of land uses which are permitted with and/or without consent in various zones. The proposal is consistent with the operation and objectives of this SEPP. It is likely the development will be <i>traffic generating development</i> at DA stage and constitute referral to Transport NSW. There is an APA Gas Pipeline that runs on the Western and Northern Boundaries of the site. It is recommended that the proposal is referred to APA at Planning Proposal stage.
Biodiversity and Conservation 2021	Yes	The land does not constitute Koala Habitat, or any of the relevant areas subject to the SEPP. However, at Development Application stage the Koala SEPP may apply. A BDAR report will be required as per the Biodiversity Report provided as part of the proposal.
Planning Systems 2021	Yes	The subdivision will likely require referral to the JRPP at DA stage as the cost of works is likely to be over \$20 million.
Housing 2021	Yes	The proposal proposes a new residential land release in land that is not flood liable nor bushfire prone. The proposal will comply with the provisions of this SEPP.
Exempt and Complying Development Codes 2008	Yes	This SEPP provides circumstances in which development may be exempt or complying development in residential land. This SEPP will apply to future development as part of the Local Development (Part 4) process.

Is the planning proposal consistent with applicable Ministerial Directions?

Ministerial Direction	Consistency	Comment
Implementation of Regional Plans	Yes	The proposal is consistent with the Regional Plan as discussed above
Development of Aboriginal Land Council Land	NA	
Approval and Referral Requirements	Yes	Nothing in the proposal requires the concurrence of a public authority, nor does it identify designated development.
Site specific provisions	Yes	The planning proposal does not constitute a spot rezoning for a specific development.
Focus area 1 – Planning Systems – Place-based	NA	The planning proposal is not relevant to any of the areas subject to these directions.
Conservation Zones	NA	The proposal proposes a new conservation zone which meets the direction that it must “include provisions that facilitate the protection and conservation of environmentally sensitive areas”.
Heritage Conservation	NA	There are no heritage items on the land subject to this proposal.
Sydney Drinking Water Catchment	NA	
Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	NA	
Recreation Vehicle Areas	NA	
Strategic Conservation Planning	Yes	The land does not constitute Koala Habitat, or any of the relevant areas subject to the SEPP. However, at Development Application stage the Koala SEPP may apply. A BDAR report will be required as per the Biodiversity Report provided as part of the proposal.
Flooding	NA	The land is not flood liable.
Coastal management	NA	

Planning for bushfire protection	NA	
Remediation of Contaminated Land	Yes	Council has considered the Preliminary Site Investigation (contamination report) provided as part of the application that recommends the proposal progress through the Planning Proposal process, with some small localised Detailed Site Investigations provided at DA stage
Acid sulphate soils	NA	
Mine Subsidence and Unstable Land	NA	
Integrated Land Use and Transport	Yes	The development is within a 5 minute drive of the Forbes CBD and it is likely that active transport routes will be extended to the subdivision to support active transport. This will be considered in more detail as part of the Development Application process.
Reserving Land for Public Purposes	NA	The C3 Conservation Land and RE1 Public Recreation Land is proposed for ownership by Council. Council consents to this.
Development Near Regulated Airports and Defence Fields	NA	
Shooting Ranges	NA	
Residential Zones	Yes	The residential land release will be a carefully designed residential community in close proximity to the CBD of Forbes. It will support a diversity of housing while still being closely aligned to the CBD, schools, health services and other community services making it the ideal location for such a community.
Caravan Parks and Manufactured Home Estates	NA	
Focus Area 7: Industry and Employment	NA	NA
Focus Area 8: Resources and Energy	NA	
Focus Area 9: Primary Production Direction 9.1 – Rural Zones	Yes – with discussion	The Planning Proposal does propose to rezone RU1 Primary Production land, though this is considered more than acceptable in this circumstance due to the justification and master planning provided in the Forbes Housing Strategy. A discussion against the direction in more detail is provided below.
Direction 9.2 – Rural Lands	Yes – with discussion	The Planning Proposal does propose to rezone RU1 Primary Production land, though this is considered more than acceptable in this circumstance due to the justification and master planning provided in the Forbes Housing Strategy. A discussion against the direction in more detail is provided below.

Direction 9.1 – Rural Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

This ministerial direction states that a planning proposal must not rezone land from a rural zone to a residential zone. However, the ministerial direction provides scenarios in which a proposal may be inconsistent with this direction, which is discussed below.

Justified by a strategy approved by the Planning Secretary which gives consideration to this objection and identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites)

The Forbes Housing Strategy is a recommendation of the *Central West and Orana Regional Plan (CWORP)*. The Forbes Housing Strategy explores the site being the future major residential estate

for Forbes. The document states that rezoning this rural land is acceptable due to the proximity of the land to existing residential land making meaningful agricultural uses difficult to execute without Land Use Conflict.

Direction 9.2 – Rural Lands detailed assessment

This Ministerial Direction provides multiple directions for consideration by the Planning Authority when rural land is being proposed to be rezoned. A detailed assessment is provided below.

Be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement

The Forbes Housing Strategy is a recommendation of the *Central West and Orana Regional Plan (CWORP)*.

The Forbes Housing Strategy explores the site being a potential residential estate against the provisions of the CWORP. The document states that rezoning this residential land is acceptable due to the proximity of the land to existing residential land making meaningful agricultural uses difficult to execute without Land Use Conflict.

Consider the significance of agriculture and primary production to the State and rural communities

The rural zoned land is not designated as prime agricultural land, and its proximity to surrounding residential land uses makes substantial agricultural use difficult to operate without causing land use conflict. Forbes is growing, and the Department of Planning and Environment has predicted that an additional 1800 dwellings are required by 2041 to support this growth. Due to its proximity to the CBD of Forbes and existing agricultural land uses, North Forbes is the logical location to support this residential growth.

Identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources

The applicant has submitted a biodiversity report as part of this planning proposal, which recommends a BDAR as part of a future Development Application. The proposed development can generally be managed through the *Biodiversity Conservation Act 2019* to ensure that environmental values are protected. There is no known cultural heritage on the site. Standard archaeological and Aboriginal find processes will be conducted.

Consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions

There are no site constraints which prevent the land being rezoned residential. It is generally sloping towards the south of the site. It is in close proximity to residential land. Town water and sewer is available with augmentation.

Promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities

The proposal provides a productive local centre to support the development.

Support farmers in exercising their right to farm

The proposal does not impact any farmers right to farm as there is no active farm within proximity of the site. The surrounding land is Residential Land or inactive rural land that is proposed to be rezoned to residential under the Housing Strategy.

Prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use

The proposal does not fragment rural land or increase land use conflict as it does not adjoin any farmland. The surrounding land is Residential Land or inactive rural land that is proposed to be rezoned to residential under the Housing Strategy.

Consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land

The site is not identified as being significant agricultural land.

Consider the social, economic and environmental interests of the community.

The overall social, economic and environmental benefit that the proposal brings to the community significantly outweighs the loss of this isolated and contaminated agricultural land. Forbes is growing due to a number of significant projects in the region including the Parkes SAP, Central West Industrial Park, and inland rail upgrades. As a result, the Department of Planning and Environment has predicted that an additional 1800 dwellings are required by 2041 to support this growth. Due to its proximity to the CBD of Forbes and existing agricultural land uses, North Forbes is the logical location to support this residential growth.

A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:

Is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses

The proposal does not fragment rural land or increase land use conflict as it does not adjoin any farmland. The surrounding land is Residential Land or inactive rural land that is proposed to be rezoned to residential under the Housing Strategy.

Will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains

The proposal does not affect the operation of these land uses as it does not adjoin any farmland. The surrounding land is Residential Land or inactive rural land that is proposed to be rezoned to residential under the Housing Strategy.

Next Steps

After consideration of the Planning Proposal by Council, the proposal will be referred to the Department of Planning and Environment for the issuance of a Gateway Determination prior to public exhibition. If approved, the Gateway Determination will allow Council to be the determining authority for the proposal. A proposed timeline is shown below:

Consideration by Council and Council Decision	October 2023
Gateway Determination	November 2023
Public Exhibition	February 2024
Public Hearing	NA
Consideration of submissions	April 2024
Post-exhibition review by Council	May 2024
Finalisation	June 2024
Gazettal of LEP amendment	August 2024

RECOMMENDATION

That Council:

1. Endorse the draft Planning Proposal for submission to the Department of Planning and Environment for Gateway Determination;
 2. Delegate the General Manager to make changes to the Planning Proposal if required by the Department of Planning and Environment so long as the objectives of the proposal are achieved; and
 3. Delegate the General Manager to commence public exhibition of the Planning Proposal if required by the Department of Planning and Environment;
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ATTACHMENTS

Nil

KEY IMPLICATIONS AND CONSIDERATIONS**Financial Implications**

Nil

Political and Governance Implications (including risk, policy and legislation)

Nil

Link to Community Strategic Plan

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