



IRF23/3084

## Gateway determination report – PP-2023-2164

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Forbesview Pty Ltd, School Road, Forbes

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans		
Forbes Housing Strategy 2021-2041	Forbes Local Strategic Planning Statement 2040	Forbesview Council Report Oct 2023
Forbesview Council Resolution Oct 2023	Planning Proposal (prepared by Allera Planning)	1 Survey Plan
2 Urban Design Report	3 Preliminary Site Investigations	4 Geotech Report
5 Preliminary BDAR	6 Flooding and Drainage Report	7 Servicing and Infrastructure Review
8 Transport Impact Assessment	9 Aboriginal Heritage Assessment	10 Social and Economic Impact Assessment

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details.**

LGA	Forbes
PPA	Forbes Shire Council
NAME	Forbesview Planning Proposal
NUMBER	PP-2023-2164
LEP TO BE AMENDED	Forbes Local Environmental Plan 2013
ADDRESS	School Road, Forbes
DESCRIPTION	Lots 830, 831, 386-389, 375, 376, 1272 & 1273, DP 750158
RECEIVED	19/01/2024
FILE NO.	IRF23/3084
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal
MAP ONLY/PCO ONLY/PCO & MAPS	MAP ONLY

## 1.2 Objectives of planning proposal

The planning proposal seeks to enable residential development and the implementation of a master plan that includes providing for a small commercial centre, open space and conservation of biodiversity values.

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

### 1.2.1 Potential Urban Release Area

The planning proposal does not include applying the urban release area provisions to the site. This will be discussed further in Section 4.3; however it is recommended that Council consider whether the subject land should be identified as an Urban Release Area (URA) to apply the provisions of Part 6 of the Forbes LEP, similar to other residential areas in Forbes. A condition of gateway has been included to this effect.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Forbes LEP 2013 per the changes below:

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	The subject land contains a mix of RU1 Primary Production, R5 Large Lot Residential and RE1 Public recreation zoned land	The subject land is proposed to include approximately <ul style="list-style-type: none"> <li>80.78 ha of R1 General Residential,</li> <li>1.56 ha of E1 Local Centre, and</li> <li>4.41 ha of C3 Conservation Management zoned land.</li> </ul>
Minimum lot size	<ul style="list-style-type: none"> <li>RU1 = 200 ha</li> <li>R5 = 1 ha and identified as 'Area A'</li> <li>RE1 = no MLS</li> </ul>	<ul style="list-style-type: none"> <li>R1 = mix of 250 and 400 sqm</li> <li>E1 = no MLS</li> <li>C3 = no MLS</li> <li>Removal of 'Area A' within the subject land</li> </ul>
Maximum height of the building	The subject land currently includes 10 m for RU1 zoned land and 8.5 m for R5 zoned land	<ul style="list-style-type: none"> <li>R1 = 8.5 m</li> <li>E1 = 12 m</li> <li>C3 = 10 m</li> </ul>
Number of dwellings	1	745
Land Reserved for Acquisition	'Regional Open Space'	Increases the area identified for 'Regional Open Space'

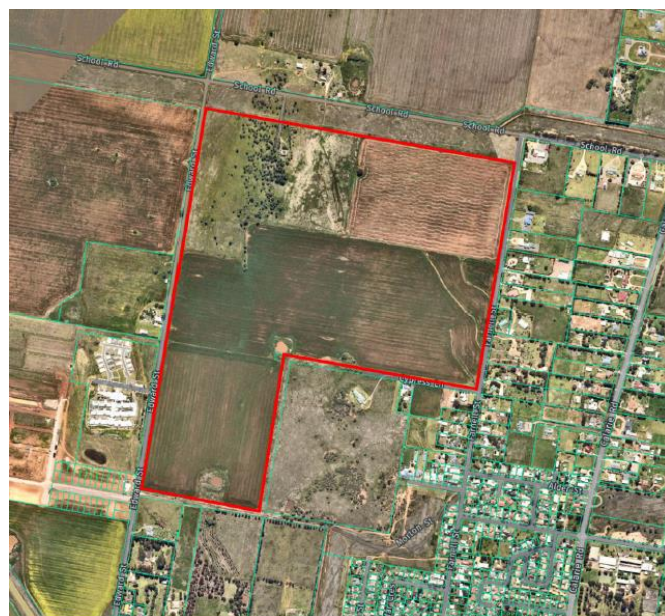
It is noted that no MLS is proposed for the C3 Environmental Management zoned land. This is not considered appropriate due to the risk of potential development. It is recommended Council consider applying an appropriate MLS or maintain the existing 200 ha MLS.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The subject land is close to a recently approved residential subdivision that is currently under construction. Rural residential zoned land exists to the north and west, with a small portion of rural zoned land to the east (Figures 1 & 2). It is noted that the subject land contains vegetation and has a history of agricultural use.

The subject land is approximately 3.6 kilometres north-west of the Forbes central business district. The site is approximately 93 hectares and zoned a mixture of RU1 Primary Production, R5 Large Lot Residential and RE1 Public Recreation (Figure 3).



**Figure 1 Subject site (source: planning proposal)**



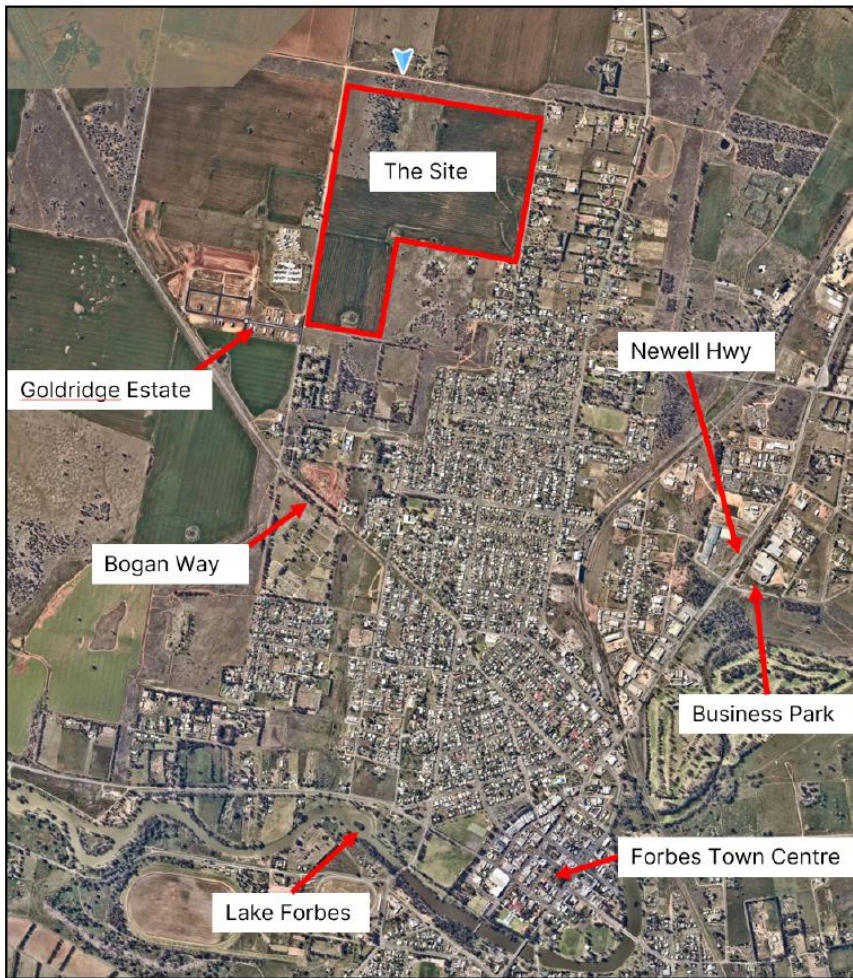


Figure 2 Site context (source: planning proposal)

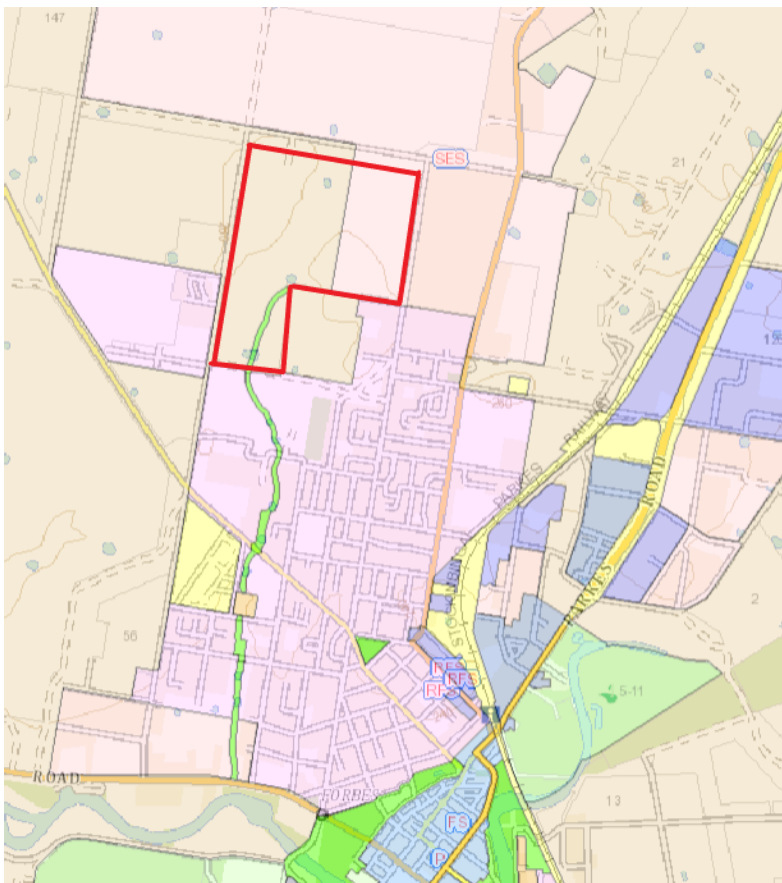


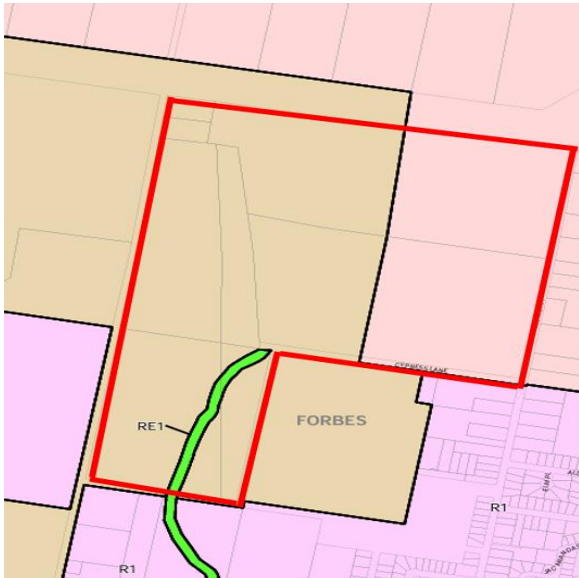
Figure 3 Zoning site context (source: planning proposal)

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the land zoning (digital map), lot size (LSZ\_005AA), height of buildings (HOB\_005AA) and land reservation acquisition (LRA\_005AA) maps.

The zoning map in the proposal is not considered appropriate for community consultation and should be updated to reflect the proposed zones used in the proposal. Additionally, as the subject land is recommended to be a URA, the proposal will need to be updated to include appropriate mapping amendments to map sheet URA\_005A.

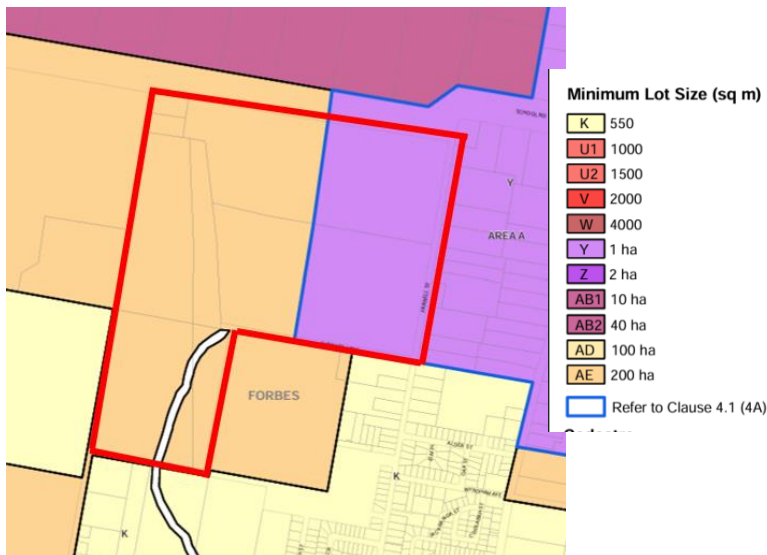
All other mapping is considered appropriate.



**Figure 4 Current zoning of the subject land (source: digital mapping)**



**Figure 5 Proposed zoning of the subject land (source: planning proposal)**

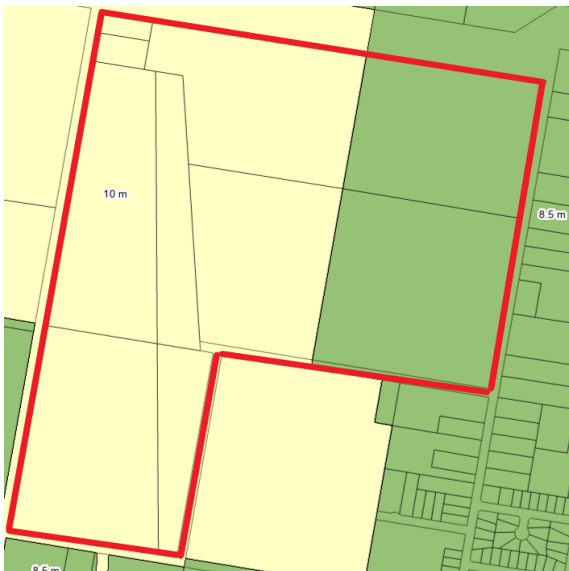


**Figure 6 Current minimum lot size provisions (source:LSZ\_004A)**



**Figure 7 Proposed minimum lot size provisions (source: planning proposal)**

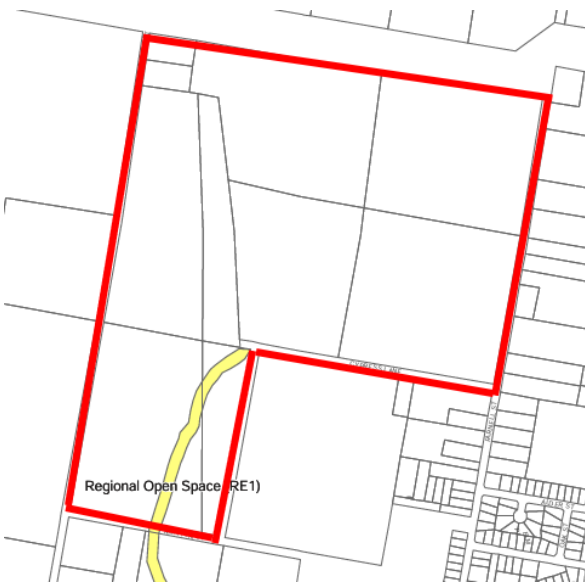




**Figure 8 Current height of building provisions**  
(source: HOB\_005AA)



**Figure 9 Proposed height of building provisions**  
(source: planning proposal)



**Figure 10 Current land reserved for acquisition provision**  
(source: LRA\_005AA)



**Figure 11 Proposed land reserved for acquisition provision**  
(source: planning proposal)

## 2 Need for the planning proposal

The subject site is situated within the area of North Forbes and Council's LSPS outlines it as anticipated to cater for the majority of the growing housing needs for the town. The Forbes Housing Strategy 2021-2041 (adopted in 2023) identifies the current rate of housing approvals is not keeping up with housing demands. It identifies the need to provide a "robust reserve of serviced residential zoned land to help alleviate pressure".

The Strategy identifies that approximately 90 dwellings per year will be required. The subject land, therefore would provide approximately 8 years of residential land supply.

The Strategy identifies the subject land as suitable for future residential rezoning (see Figure 12). The proposal is identified in the Strategy's staging plan (Figure 13) with the subject land identified for stage 4 (release at 2036).

While the proposed amendment does bring this area forward for residential development, it is consistent with the Strategy's desire to provide more residential zoned land in unconstrained

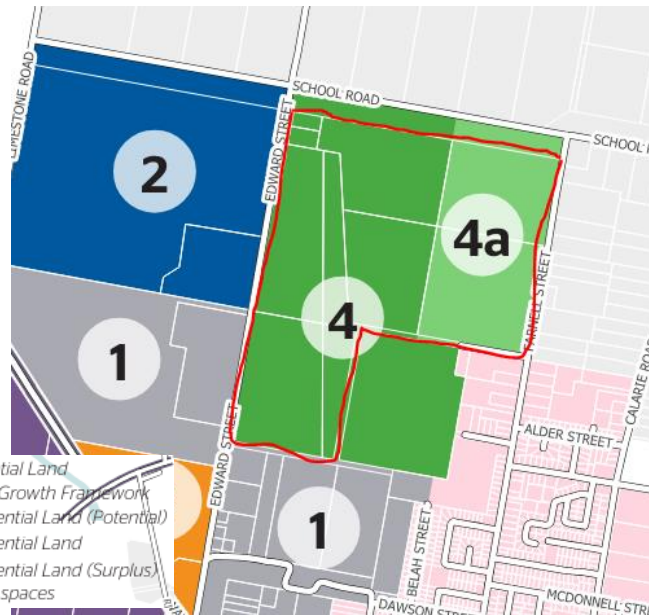


locations. The site has been master planned and given Council's current undersupply of suitably zoned residential land, it is considered appropriate.

The planning proposal is the most effective means for achieving the objectives of the amendment in facilitating the concept masterplan for the subject land.



**Figure 12 Forbes Urban Framework Plan**  
(source: Forbes Local Housing Strategy)



**Figure 13 Forbes staging plan**  
(source: Forbes Local Housing Strategy)

## 3 Strategic assessment

### 3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Central West and Orana Regional Plan 2041.

**Table 4 Regional Plan assessment**

Regional Plan Objectives	Justification
<p>Objective 5 Identify, protect, and connect important environmental assets</p> <p>Object 6 Support connected and healthy communities</p>	<p>The preliminary Biodiversity Assessment and Report (BDAR) identifies areas of biodiversity value within the subject land. The proposal includes these areas with significant biodiversity to be zoned for environmental management and public recreation. This approach is intended to avoid and minimise any adverse effects on these areas while also ensuring the provision of accessible open spaces. The proposal is consistent with these objectives.</p>
<p>Objective 12 Sustain a network of healthy and prosperous centres</p>	<p>The proposal is consistent with this objective as it is consistent with council's local strategic planning to reinforce the beneficial housing and employment relationships between the regional cities and strategic centres and their surrounding centres.</p>

Objective 13 Provide well located housing options to meet demand

Objective 14 Plan for diverse, affordable resilient and inclusive housing

The land specified in the Forbes Housing Strategy is deemed suitable because of its close proximity to existing residential areas and its potential connection to council's water and sewer infrastructure. The smaller lot sizes are to provide flexibility and offer a range of housing types for changing housing needs. The proposal is consistent with these objectives.

## 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives as outlined in Section 2 of this report.

## 3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 6 9.1 Ministerial Direction assessment**

Directions	Consistent/ Inconsistent	Reasons
1.1 Implementation of Regional Plans	Consistent	As discussed in Section 3.1 of this report, the proposal is consistent with the objectives of the relevant regional plan.
3.1 Conservation Zones	Consistent, consultation recommended	A preliminary BDAR has been undertaken and the proposal includes a conservation zoning to protect the significant vegetation located on the subject site. Department of Climate Change, Energy, the Environment and Water (DCCEEW) should be consulted in relation to the proposed conservation zone and indicated potential development within the site. Consultation should also include the recommended MLS to be applied to the proposed C3 site as identified in Section 1.3. A Gateway condition will be included to this effect.
3.2 Heritage Conservation	Consistent	An Aboriginal Heritage Constraints Assessment and Archaeological Investigation indicated minimal archaeological value due to historical agricultural interference. No new Aboriginal sites or objects were found in the recent investigation.
4.1 Flooding	Consistent	The subject land is not located within the flood planning area. While there is some potential for minor flooding from the creek located on the subject land, the proposed planning response to zone these areas as public recreation is considered acceptable. No further investigation is required at this stage.
4.4 Remediation of Contaminated Land	Consistent	Council has considered and agreed to the Preliminary Site Investigation provided that recommends the proposal progress through the planning proposal process, with some small localised Detailed Site Investigations to be provided at DA stage. No further work is required at this stage.

5.1 Integrated Land Use and Transport	Consistent, consultation recommended	This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.
5.2 Reserving Land for Public Purposes	Consistent	The proposed RE1 Public Recreation and C3 Environmental Management zoned land is proposed to be land for public purposes. Clause (1) of the direction requires the relevant public authority and the Planning Secretary to approve the creation of land for public purposes. Council has indicated it supports the proposal for Council to acquire both areas of land. It is recommended the Secretary approve the proposed Council acquisition of the proposed RE1 and C3 zoned land.
6.1 Residential Zones	Consistent	The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs. The proposal is consistent with this as it comprises the rezoning of the subject land for significant residential development.
7.1 Employment Zones	Consistent	The proposal aims to enhance the local economy in Forbes LGA by introducing a new E1 Local Centre Zone, leading to an increase in commercial floor space. This expansion is expected to generate ongoing employment opportunities and service the new local community without undermining the primacy of the Forbes main street.
9.1 Rural Zones 9.2 Rural Lands	Inconsistent, Justified	While these Directions do not permit rezoning from rural to residential, exceptions are allowed when supported by an approved strategy. The subject and is identified in the Forbes Housing Strategy. The inconsistency with these Directions is therefore justified.

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with relevant SEPPs and other matters will be considered at the development application stage.

A Traffic Impact Assessment (TIA) has been prepared to support the planning proposal. Transport for NSW should be consulted to ensure any potential impact from 745 additional residential lots on State transport infrastructure and services has been adequately addressed at this stage. This consultation is recommended as a condition of Gateway determination.

As discussed in Section 3.3 a preliminary contamination report has also been undertaken and identifies that the subject land can be remediated for the proposed uses. Further consideration of this report and any additional investigation will be undertaken during development assessment stage.

## 4 Site-specific assessment

### 4.1 Environmental

Assessments have been undertaken relating to contamination, geotechnical, flooding and drainage, servicing and infrastructure, transport, heritage, and social and economic impacts.

The subject land is impacted by low levels of stormwater flooding in major events. The majority of the areas impacted by flooding have been designed as recreational areas to mitigate impacts. Council has noted that any development that may be subject to flooding will need to comply with Council's flood controls.

As outlined in Section 3.3, due to biodiversity values present on site, and a recommendation for Council to apply a MLS for the proposed C3 zoned land, consultation with DCCEEW is included as a condition of gateway.

## 4.2 Social and economic

The proposal is expected to have positive social and economic effects on the surrounding area. Council, as part of its Housing Strategy, has indicated the subject land is suitable for rezoning for residential purposes and has addressed potential land use conflicts with neighbouring rural zoned land. The proposal aims to utilise existing infrastructure and incorporate recreational spaces for both current and future residents. Additionally, the proposal is anticipated to help meet Forbes' demand for diverse housing options.

The proposed height of building provisions for the proposed local centre are noted to be less than the provisions for the existing Forbes town centre (12 metres instead of 17 metres). The proposed heights are intended to protect the primacy of the existing Forbes town centre and complement it, rather than compete with it. This proposal is supported.

## 4.3 Infrastructure

As discussed in Section 1.2, the planning proposal does not identify the need to apply the URA provisions of the LEP to the subject land. It is noted that the Forbes Housing Strategy 2021-2041 recommends Council "remove 'urban release' areas from the [LEP] to concentrate resources on inner-urban land releases". Council has not yet submitted a planning proposal to remove URAs from other parts of Forbes. Therefore, it would be beneficial for the planning proposal to discuss whether the URA provisions should be applied to the subject land, particularly in relation to the equity of planning requirements but also whether there is a potential for the need for state infrastructure contributions for this proposal.

If Council maintains that the URA provisions are not required, it should consult with potential relevant infrastructure agencies during the community consultation for this planning proposal and request they consider whether state infrastructure may be required. Given the likely number of additional dwellings, agencies such as health, education and transport should be consulted in this regard.

As identified in Section 3.3, consultation with Transport for NSW is to be included as a condition of gateway.

Council has advised the subject land can be connected to council's reticulated water and sewer network south of Cypress Lane, with expansion plans for the entire subdivision area by 2025-2026.

# 5 Consultation

## 5.1 Community

The planning proposal proposes a community consultation period of 20 working days. The exhibition period proposed is considered appropriate, and has been conditioned on the Gateway determination.

## 5.2 Agencies

The planning proposal nominates some public agencies to be consulted about the planning proposal. It is recommended that the following agencies be consulted on the planning proposal and given 30 working days to comment:



- Transport for NSW
- Department of Climate Change, Energy, the Environment and Water

## 6 Timeframe

Council proposes a 10 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposals by category. This planning proposal is categorised as standard.

The Department recommends an LEP completion date of 5 December 2024 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority. The Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with Section 9.1 Directions 9.1 Rural Zones and 9.2 Rural Lands are justified as being of minor significance.
- Approve the creation of land for public purposes as required by Section 9.1 Direction 5.2 Reserving Land for Public Purposes.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

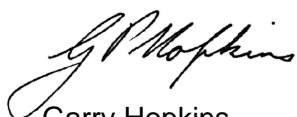
1. Prior to community consultation, the planning proposal is to be updated to:
  - identify whether the Urban Release Area provisions in the LEP will apply to the subject land and why,
  - amend the mapping of the proposed lot size changes to include an appropriate lot size for the proposed C3 Environmental Management Zoned area,
  - amend the mapping of the proposed zone changes to include zone labels, and
  - reflect a new project timeline consistent with the Gateway determination.
2. Consultation is required with the following public authorities:
  - Transport for NSW
  - Department of Climate Change, Energy, the Environment and Water
3. The planning proposal should be made available for community consultation for a minimum of 20 working days

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 5 December 2024 be included on the Gateway.



26/03/2024

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